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# One Piece of the Collection Development Puzzle: Issues in Drafting Format Selection Guidelines

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### One Piece of the Collection Development Puzzle: Issues in Drafting Format Selection Guidelines\*

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*New electronic formats have made collection development decisions more complex. Mr. Franklin discusses how to incorporate a library's primary goals and resource limitations into library-specific format selection guidelines, and proposes criteria to help selectors choose the appropriate format for specific resources. A format selection checklist is appended.*

#### I. Introduction

This article is intended to help collection development policy drafters and selectors understand the importance of format selection guidelines in meeting the library's general goals. It discusses the issues that should be considered when drafting format selection guidelines to justify previous selections and facilitate consistent and efficient future format selection decisions.

In recent years, law librarians have been confronted with several alternatives in collection development format selection. Depending on the library's goals, budget, and available space, a law library could stop collecting altogether, decide to specialize in narrow practice areas, share resources with other law libraries, buy CD-ROMs while canceling print subscriptions, or eliminate both books and CD-ROMs and rely solely on online information providers.<sup>1</sup>

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1. See generally Peter W. Martin, *The Future of Law Librarians in Changing Institutions, or the Hazards and Opportunities of New Information Technology*, 83 LAW LIBR. J. 419 (1991) (describing several ways technological advances will affect law libraries, including collection development); Steven E. Mitchel, *In Print vs. Online: The Paperless Law Library*, LEGAL INFO. ALERT, Nov.-Dec. 1988, at 1, 1-3 (refuting the assertion that libraries will become paperless in the near future).

In collection development, the decision to purchase an admiralty treatise rather than an aviation reporter cannot be made solely by comparing the two volumes. Similarly, in format selection, the decision whether to buy the print or CD-ROM version of a citator cannot be made without knowing about the library, its users, the resource type, and its implementation.

Libraries should design basic format selection guidelines to incorporate the goals stated in the library's mission statement and collection development policy and in consideration of the library's financial and space limitations. Yet, some decisions cannot be made on the basis of such general factors. Much of this article discusses how format selection guidelines can help selectors make format decisions on a resource-by-resource basis.

Section II summarizes the attributes of print, microform, online databases, and CD-ROMs as background for the issues discussed later. The third section discusses how format selection guidelines should be shaped by the library's mission and collection development goals. Section IV suggests how each library's specific budget and space considerations affect the process of format selection.

Section V argues that each type of research tool has a particularly appropriate format, depending on how the tool is used and how often it is expected to be used. Section VI suggests how specific products can be assessed on the basis of their appropriateness for the research tool type, the format, and the library. The conclusion proposes a set of format selection guidelines.

## **II. The Primary Formats of Textual Legal Information**

Format selection issues are central to creating an effective collection for the library's intended patrons. Each library has distinct service and collection goals, along with budgetary and space limitations, so each will have different format needs. A law firm library requires the most up-to-date material regardless of cost or format, but an academic library may be more concerned that its resources can serve current users while having a long enough lifetime to serve an archival purpose for future researchers. These are precisely the issues that a well-drafted set of format selection guidelines can address.

A law firm library cannot rely solely on print citators any more than an academic library can rely solely on online sources. To understand this, the drafters of the format selection guidelines must understand the benefits and drawbacks inherent in each format before being able to translate that library's goals and limitations into a set of format selection guidelines.

The issue of format selection is not a new one.<sup>2</sup> Each format offers advantages and disadvantages, depending on the circumstances of the institution. The recent availability of the materials in both print and electronic formats offers novel format selection issues. The following sections summarize the benefits and drawbacks of print, microform, online databases, and CD-ROMs and other fixed databases (see table 1).

**Table 1**  
**A Comparison of Format Attributes**

Format Types				
Attributes	Print	Microform	CD-ROM	Online
Organization	Linear	Linear	Searched	Searched
Readability	Easy	Variable	Difficult	Difficult
Currency	Fixed	Fixed	Fixed	Changing
Space Needs	Variable	Variable	Fixed	Fixed
Lifetime	Variable	Long	Unknown	Variable

### *A. Print*

Paper is still the predominant information storage method for law libraries. The benefits of paper are both significant and underestimated when compared with newer formats. Many legal resources were originally designed to be used in a paper format and may not necessarily translate well into a miniaturized or electronic form.<sup>3</sup> Furthermore, almost all patrons can use print sources, and they are easier on the eyes than alternative formats.<sup>4</sup> Recent advances in printing, including acid-free paper and improved binding processes, prolong the life of paper products.

The drawbacks of printed materials are also substantial. Since print materials must be published and distributed, they are out of date by the time they arrive at the library. Print versions of large sets, such as case reporters, also take up a great deal of space compared to microform versions of the same sets.<sup>5</sup> Print copies are also susceptible to deterioration if low-quality materials are used in the printing process. Finally, due to their ease of use, print resources may be the most likely format to be stolen.

2. Stone, clay tablets, vellum, and paper all have certain benefits that suit particular uses.

3. PENNY A. HAZELTON, *COMPUTER ASSISTED LEGAL RESEARCH: THE BASICS* 47 (1993).

4. Raymond Kurzweil, *The Future of Libraries Part 1: The Technology of the Book*, *LIBR. J.*, Jan. 1992, at 80, 82.

5. See generally Scott Finet, *The Impact of Technology on Law Library Collection Growth and*

### B. Microform

Microform, including microfiche, microfilm, and ultrafiche,<sup>6</sup> was the first technology that permitted libraries to condense shelves full of books into shoebox-sized containers of miniaturized text. This was the first hint that the future of libraries might not be in book-lined shelves.<sup>7</sup> Historically, microform was first used as an expensive way to duplicate existing works before the acid-based paper of older printed publications decomposed,<sup>8</sup> but more recently it has become useful for storing available, but voluminous, works more efficiently.

Microform is an ideal medium for archival materials, due to its small size and durability. It facilitates compact storage, inexpensive distribution, and easy replacement. Furthermore, because archival documents, such as early cases, briefs, and hearings, are shorter in length than their more recent counterparts,<sup>9</sup> the user does not need to spend extended time reading pages of text on the screen. Because archival materials do not require interfiling updates, microform sets can be added to without reorganizing the entire set. Finally, for research libraries, microforms help ensure that the collection will remain accessible for future generations.<sup>10</sup>

On the down side, microform is expensive and time-consuming to produce initially, because each text page must be photographed and miniaturized.<sup>11</sup> Although costs have dropped,<sup>12</sup> the quality of microform varies greatly, depending in part on the quality of the original text at the time the microform copy is made. Furthermore, microforms are equipment-intensive, difficult to reproduce, and easily misfiled after use. Microform readers and printers vary in quality and can greatly affect the legibility of both the screen image and the copy.<sup>13</sup> Although microform

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*Space Requirements*, LEGAL REFERENCE SERVICES Q., Vol. 12, No. 1, 1992, at 73 (discussing the general effect of technological advances on the space required for academic law libraries).

6. For a general discussion of the microform format, see Edwin M. Schroeder & Randall T. Peterson, *Microforms and Audiovisuals*, in 2 LAW LIBRARIANSHIP: A HANDBOOK 499, 499-529 (Heinz P. Mueller & Patrick E. Kehoe eds., 1983).

7. Margaret A. Leary, *Law Books Are Slowly 'Burning' on Your Shelves*, MICH. LAW. WKLY., Nov. 23, 1992, at 25, 25.

8. Nancy C. Carter & Jerry Dupont, *Microforms: Still a Future in Law Libraries*, in THE SPIRIT OF LAW LIBRARIANSHIP 219, 219-20 (Roy M. Mersky & Richard A. Leiter eds., 1991).

9. George S. Grossman, Report to the Invitational Conference of Law School Deans and University Administrators 3-4 (Mar. 1993) (on file with the author) (drafted during Grossman's tenure as Chair of the Committee on Libraries, American Bar Association, Section of Legal Education and Admission to the Bar).

10. Unlike newer electronic formats, the purely optical storage method of microform may be readable and duplicable long after technological changes and copyright or licensing issues complicate the continuing use of the equivalent electronic version. Mary B. Jensen, *Copying for the Future: Electronic Preservation*, DOCUMENT DELIVERY WORLD, June 1993, at 29, 29-31.

11. DEBORAH S. PANELLA, BASICS OF LAW LIBRARIANSHIP 43 (1991).

12. Costs are now as low as three dollars per volume. Carter & Dupont, *supra* note 8, at 220.

13. Kay Todd, *'Low-Growth' Collections Pay Off*, NAT'L L.J., July 12, 1993, at S4, S4.

now has a low direct cost, the format has higher indirect costs because of the need for specialized reading and printing equipment, added staff support, and expensive reinforced storage units.<sup>14</sup>

Microform also has many of the drawbacks of print, including the same time lag between initial publication and receipt that makes it outdated upon arrival. If available for archival documents, CD-ROMs and online versions permit full-text searches that cannot be performed in print and microform formats because they are inherently linear formats. Even with these problems, however, the production of microform versions of print documents will probably increase as shelf space becomes more limited and concerns about print deterioration increase.<sup>15</sup>

### C. Online Systems

The first alternative to print-based legal documents arrived in the 1960s<sup>16</sup> with the advent of online services.<sup>17</sup> These services offer users electronic access to legal texts stored on a distant mainframe computer system.<sup>18</sup> Online systems allow users to search the full text of cases, going beyond the linear model exemplified by paper and microform formats.<sup>19</sup>

A primary advantage of online systems is that they permit users to search for relevant documents without having to rely on the publisher's indexing. Also, online systems can be more up-to-date than any printed source because they are generally constantly updated by the database creator without requiring any publishing or distribution time. Finally, online systems require space only for a computer terminal; no additional

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14. PANELLA, *supra* note 11, at 43.

15. Leary, *supra* note 7, at 26.

16. William G. Harrington, *A Brief History of Computer-Assisted Legal Research*, 77 LAW. LIBR. J. 543, 545 (1985).

17. *Id.* at 544. For the purposes of this discussion, online services include dedicated or network access to a constantly changing or changeable information source that does not have a parallel physical entity controlled by a library or network administrator. In contrast, fixed databases are owned or controlled by the library, law firm, or university. A fixed database format includes magnetic or optical media, such as CD-ROMs or magnetic tapes.

As new formats arrive, the concern about resource access vs. ownership is likely to continue. The distinction between online and fixed databases is already being blurred by licensed, rather than purchased, CD-ROMs and downloadable public access databases.

One cannot assume that CD-ROMs guarantee ownership or that online services are limited to access. These issues will remain important. For example, in choosing between a long-term flat-rate subscription to an archival online database and an equivalent CD-ROM product, the selectors will have to consider the library's reliance on the database provider for future access.

18. Allan Sloan, *Mead Is Taking the Right Route in Deciding to Get Off the Information Highway*, WASH. POST, June 14, 1994, at D3.

19. HAZELTON, *supra* note 3, at 1.

space is needed as the online service provider expands by offering more databases.

To make use of improved access to the data, however, online systems require more user training and mediated searches than print versions of the same materials. A physical drawback of online systems is that reading text on a computer screen may cause eyestrain and fatigue more quickly than reading print or microform.<sup>20</sup> Users who connect printers to the online terminal incur additional costs and may use reams of paper, when the same money spent on printing could be used to buy the books themselves.<sup>21</sup> Furthermore, current legal online systems are primarily text-based, so they cannot display the graphs, charts, and pictures available in the print and microform versions of the same source.

The final important drawback of online systems is that, unlike with books or microform, the library does not have ownership of the information, merely access. The library and its patrons must rely on the providers for the information and have no recourse if the provider decides to remove or stop updating a particular database.<sup>22</sup>

Within the world of online services, there are several types of information providers, each with individual benefits and drawbacks. The two basic types of online systems are commercial information providers and the government-sponsored networks.

### 1. Commercial Information Providers

Commercial providers were the first major entrants into the electronic legal information market. They were able to make the investment in both labor and technology to provide the most desired information. For libraries, the primary advantage of commercial services over subsidized systems is that they must maintain a level of quality that will encourage consumers to pay for electronically delivered information.<sup>23</sup> Commercial providers also cater to users by improving and simplifying the process of searching their databases by creating natural language searching systems.<sup>24</sup>

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20. Kurzweil, *supra* note 4, at 82.

21. Although law firms can more easily bill clients for online printing than for books in the library, this approach can increase the overall cost of legal services in a competitive environment.

22. In some ways, online information providers are more like an instant interlibrary loan service or a licensed, rather than purchased, CD-ROM, because of the absence of control over the future of the embodiment of the information.

23. Cary Griffith, *Five Good Reasons Why On-Line Services Will Not Vanish*, MICH. LAW. WKLY., May 10, 1993, at 25, 25.

24. These new search systems attempt to simplify end user searching by converting the user's plain language query into a Boolean search, but it is unclear whether new searching technologies will improve the ease or cost of using commercial online systems efficiently. See generally, e.g., Sheilla E. Désert, *WESTLAW Is Natural v. Boolean Searching: A Performance Study*, 85 LAW LIBR. J. 713 (1993).

Although commercial online services were originally extremely expensive to use,<sup>25</sup> more recent pricing schemes allow users limited access for as little as \$45 per month, permitting more users to rely on online services.<sup>26</sup> The cost issue is further complicated by the range of pricing options, which include purchase or lease of specific databases, educational contracts,<sup>27</sup> confidential firm contracts, and limited flat-rate pricing.

In response to the high price of commercial online system access, local bar associations and entrepreneurs have started smaller databases of state and local federal materials with low or no access fees.<sup>28</sup> Although these systems may not offer the quality control or natural language searching of the larger commercial providers, they often provide inexpensive fixed-cost access to primary legal materials with keyword and Boolean searching.

## 2. Government-Sponsored Networks

The Internet, the world's largest network,<sup>29</sup> and its potential successor, the National Research and Education Network (NREN), may become the major legal information providers of the future. The Internet is funded by government agencies, grants, and member institutions;<sup>30</sup> currently, end users do not pay for access except through inexpensive commercial access providers.

This low-cost alternative faces significant hurdles before it can compete against the commercial legal information providers like LEXIS and WESTLAW. Without centralized and reliable resource management, it is difficult to ensure that the available information will be as complete or accurate as information available through commercial information providers. A large number of interested parties provide the legal resources on the Internet, making it an excellent information source. Unfortunately, users cannot be sure that the information they seek has been posted, let alone maintained or updated. Given these problems, it is more likely that the Internet will become a central repository for federal and state executive orders and statutes as a way for those bodies to provide broader public access.

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25. As recently as 1991, original searches used to cost up to \$25 to find a case. PANELLA, *supra* note 11, at 44.

26. Barry D. Bayer & Benjamin H. Cohen, *MVP Makes Life Easier for LEXIS Subscribers*, TEX. LAW., Jan. 6, 1992, at 26, 26.

27. Grossman, *supra* note 9, at 5-9.

28. Nancy E. Roman, *Legal Publications Seek Common Catalog System*, WASH. TIMES, Oct. 20, 1994, at A4. These systems will probably grow as more state and federal agencies publish statutes and decisions in electronic format.

29. ED KROL, *THE WHOLE INTERNET: USER'S GUIDE AND CATALOG* xix (1992).

30. *Id.* at 15.



These networks could also serve as a conduit for commercial information providers. Given the high cost of assembling and packaging legal information, however, it is unlikely that commercial information providers would be willing to make their databases available without a mechanism for billing users.<sup>31</sup>

#### D. CD-ROM and Other Fixed Magnetic or Optical Media

The most recent major storage technology for legal resources is the CD-ROM.<sup>32</sup> CD-ROMs offer both the flexible searching of online services and the flat access cost of print sources.<sup>33</sup> Some predict that CD-ROMs will supplement rather than replace books in law libraries,<sup>34</sup> while others believe that CD-ROMs and electronic tools will replace libraries.<sup>35</sup> The benefits of CD-ROMs are their flat cost, ruggedness,<sup>36</sup> and accessibility to multiple concurrent users, if networked.<sup>37</sup>

The most important problem with CD-ROMs is that they do not have standardized interfaces,<sup>38</sup> a user who learns how to use one system will not necessarily be able to use another system.<sup>39</sup> Until interfaces are standardized, librarians will probably spend a significant amount of time

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31. Joshua Quittner, *Life in Cyberspace: Computers in the '90s; The Toll-Free Superhighway?*, NEWSDAY, Feb. 15, 1994, at 61, 61.

32. Diane Knox, *Books on Disc: The Magic of CD-ROM*, AM. LAW., June 1993, at 33, 33.

A wide range of legal materials are already available on CD-ROM. Statutes and decisions on CD-ROM exist for most major states. CD-ROM publishers have also created databases of federal court cases. The Government Printing Office released a \$30 CD-ROM version of the *United States Code*. Barry D. Bayer & Benjamin H. Cohen, *New CD-ROM Products Make Legal Research Easy*, CHI. DAILY L. BULL., Aug. 11, 1993, at 2, 2. H. W. Wilson, publishers of Wilsondisc, and Information Access Company's Legaltrac have released indexes to legal periodicals. Cary Griffith, *Legal Information on CD-ROM: A Survey*, CD-ROM PROF., May 1990, at 80, 80-81. Shepard's offers a computerized version of its citation checking system on CD-ROM. Barry D. Bayer & Benjamin H. Cohen, *Shepard's Citations: Legal Research on CD-ROM*, RECORDER, Aug. 12, 1992, at 10, 11 [hereinafter Bayer & Cohen 1992].

33. Knox, *supra* note 32, at 33; PANELLA, *supra* note 11, at 45.

34. PANELLA, *supra* note 11, at 44.

35. Julius J. Marke, *Computer Technology: Threat to the Law Book?*, N.Y.L.J., Sept. 28, 1993, at 5, 5 (commenting on predictions made in a report by Mead Data Central and the University of Dayton).

36. The CD-ROM reader mechanism does not actually touch the CD-ROM disc during use because it is read with a laser, so the likelihood of damage to the CD-ROM during searching and information retrieval is minimal. Knox, *supra* note 32, at 33.

37. Michael J. Prounis & David V. Roscetti, *The Perfect Match: Law Office Automation and CD-ROM*, LAW PRAC. MGMT., Nov.-Dec. 1990, at 25, 26.

38. PANELLA, *supra* note 11, at 45.

39. Greg Schlender, *The Neutral Disk—A Modest Proposal*, LAW PRAC. MGMT., May-June 1992, at 26, 26 (proposing that the American Bar Association's business section publish business law treatises with a standardized interface).

training patrons in each new CD-ROM product.<sup>40</sup> The demand for training will be particularly great for libraries that install CD-ROMs as replacements for paper sources already familiar to their patrons.

Unfortunately, like print and microform, CD-ROMs will never be as up-to-date as online services because they must be manufactured and mailed to users. Furthermore, the equipment required for CD-ROM access is quite expensive and the equipment costs increase as more patrons want access to the CD-ROM materials. Finally, it is hard to read substantial amounts of text on a CD-ROM system because reading on the computer screen causes eyestrain and fatigue.<sup>41</sup>

In balancing cost, space, equipment, staff, access, currency, and preservation issues, each format has significant advantages and disadvantages for the library's intended patrons. Once the format selection guideline drafters understand the differences between formats, they must look to the library's goals to determine which formats are most suitable for their collection.

### III. Determining Library-Wide Format Selection Goals

After understanding the specific benefits and drawbacks of each format, the library should draft format selection guidelines that will help selectors in the future without unnecessarily constraining them. To draft the guidelines, the library must consider which format(s) will go furthest towards achieving the library's goals and whether certain formats are preferable or inappropriate for that particular library. The drafters cannot consider the appropriateness of a particular format without considering the specifics of the library in which the materials will be used.

The drafters can often find written evidence of the library's goals. Decisions about format preferences should be made after considering three sources: the library's mission statement, its collection development policy, and the nature of the existing collection. Once these sources are considered, the drafters must translate the library's reasons for existence into format selection guidelines.

#### A. The Mission Statement

The mission statement is important because it describes the underlying reason for the library's existence—its intended group of patrons. It is essential to know the library's target audience in order to determine which

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40. Jean Reese, *CD-ROM at Vanderbilt University: Continuing Costs and Budget Issues*, *LASERDISK PROF.*, Mar. 1989, at 30, 31.

41. Kurzweil, *supra* note 4, at 82.

formats are appropriate or inappropriate for that audience's needs.

In an academic library, for example, faculty members and students are the primary patrons. If they find microform cumbersome and difficult to work with, the library may decide that microform is a less preferred format. In a law firm with a networked CD-ROM tower and terminals in each office, the primary patrons, the attorneys, may prefer to use CD-ROM products.<sup>42</sup>

Along with patron preferences, the drafters of the guidelines must consider which formats are most appropriate for all patrons. For example, if an academic law library is open to the public, a single public access terminal with a CD-ROM of federal case law might be inappropriate for public patrons. In a public law library, the selectors must decide if electronic resources will be usable by the intended patrons, or whether staff or patron training will place an excessive drain on the staff.<sup>43</sup>

Other relevant goals are implicit in the mission statement. For example, even if academic law libraries can meet accreditation standards using any format,<sup>44</sup> they may prefer to collect print versions of resources to increase the library's volume count. In meeting the American Bar Association's accreditation standards, the library is indirectly meeting the needs of the faculty and students.

Libraries draft mission statements to help define overriding institutional concerns.<sup>45</sup> If a particular resource or format hinders or does not advance the library's mission, then that resource should not be acquired unless there are relevant issues that were not considered when the format selection statement was drafted.

### *B. Determining the Library's Mission from Its Structure*

Drafters of the collection policy do not need a mission statement to determine the library's primary goals. One of the strongest indicators of the library's goals is what type of library it is. Presentations and articles often focus on issues in a particular type of law library, such as a law firm library, an academic law library, or a court library, but these descriptions are also shorthand to describe a specific set of goals that that type of

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42. Catherine Pennington, *Lawyers ROM in the New Year*, N.Y.L.J., Jan. 18, 1994, at S1, S1.

43. Jean P. O'Grady, *How to Keep Library Costs Under Control*, N.Y.L.J., Apr. 15, 1991, at 41, 53.

44. JULIUS J. MARKE & RICHARD SLOANE, *LEGAL RESEARCH AND LAW LIBRARY MANAGEMENT* § 34.02[1] (rev. ed. 1994) (citing American Bar Association Standard 603(c)).

45. Even if a library does not have a mission statement, it can review the mission statement of the institution in which it exists. If no mission statement affecting the library exists, the drafters should consider why the library exists and who it is intended to serve.

library strives to achieve. For example, law firm libraries are often organized to serve the firm's attorneys with current and practical information quickly. Even this simplistic description can help the drafters consider guidelines that account for the goals of providing prompt delivery, fully updated materials, and practical tools to a limited group of patrons. Along with these general goals come economic values, including a willingness to buy practical tools or online services to provide the attorneys with better service than other resources or formats can provide.<sup>46</sup> In contrast, an academic law library maintains a basic collection to gain American Bar Association accreditation and an expanded collection to support faculty and student research. The collection may be selected not only for present use, but also for use by future generations of scholars and historians. From this description, the academic law library's goals could be defined as meeting accreditation standards, maintaining a broad collection of secondary materials in areas of faculty interest, and acquiring historically significant materials in formats that will have long lifetimes.

### C. *The Collection Development Policy*

The library's collection development policy is important because it interprets the mission statement in relation to the selection and acquisition of legal materials. It should be consulted because it is inextricably linked to the format selection guidelines.<sup>47</sup> In most cases, the guidelines should be incorporated into the collection development policy.<sup>48</sup> If the collection policy already includes a format selection statement, then that statement should be reviewed in light of the other issues discussed in the following sections.

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46. Most of the reviews of electronic legal research tools have focused on law firm libraries because they are the primary purchasers of electronic research tools and offer the greatest potential for profit. Thomas G. Scott, *The Library Full of Information at the Touch of a Button*, BUS. FIRST BUFFALO, June 14, 1993, at 23, 23.

Private firm libraries differ from public law libraries because they serve a different type of patron. Public law libraries probably have more users on a daily and annual basis. Public patrons probably research a wider range of legal issues at a lower level of sophistication.

47. For a general discussion of collection development policies in law libraries, see Rosalee M. Long et al., *Acquisitions*, in 1 LAW LIBRARIANSHIP: A HANDBOOK, *supra* note 6, at 237. For a more specific discussion of collection development when the library faces significant budgetary limitations, see LAURA N. GASAWAY ET AL., LAW LIBRARY MANAGEMENT DURING FISCAL AUSTERITY 21-30 (1992) (Law Library Information Reports, Vol. 12, Roy M. Mersky, general ed.)

48. "Purchase of materials in alternative formats involves analysis of a number of factors, including frequency of use, the space required for the equivalent hard copy, the cost of the different formats, the availability of appropriate equipment and staff support and the difficulty of obtaining materials in hard copy." MARIAN GOULD GALLAGHER LAW LIBRARY, UNIVERSITY OF WASHINGTON SCHOOL OF LAW, COLLECTION DEVELOPMENT POLICY 9 (1992).

Review of the collection development policy is important because it reflects not only the nature of the existing collection, but also the goals for that library's collection. In some cases, the goals of the collection may dictate a preference for one format over another. For example, if the library places importance on whether the materials will be readable in fifty or a hundred years, the drafters may state an explicit preference for microform over CD-ROM, out of concern that CD-ROMs may not be usable in the distant future. In a court library, the emphasis on selecting the official versions of sources may make the print version preferable until the official versions of codes or cases are available in some other format.

Different types of libraries have different goals, whether or not they have collection policies. For example, practice-oriented firm libraries may not buy the official print version of a code because those libraries do not have the same archival or historical concerns that academic libraries have. This freedom permits the firm library to consider unofficial CD-ROMs or third-party codes that better meet the firm's needs.

At the same time, the patrons' need for the most up-to-date materials varies with the type of library. Law firms may be liable for legal malpractice if they do not electronically update the statutes and cases they cite.<sup>49</sup> Court libraries also require the most current possible materials to ensure that they are following existing precedent. This level of currentness cannot be met in print, even with monthly updates, because of the time needed for the updates to be printed, mailed, and filed. In contrast, high demand files on commercial online systems are often kept up-to-date to within twenty-four hours, allowing searchers to verify that their sources are still good law with the greatest level of assurance.<sup>50</sup> Due to this difference in currentness, courts must opt for online updating and law firms may be liable if they do not update online. Academic law library users, on the other hand, may not need such current information.

#### *D. Accounting for Unwritten Selection Criteria*

Finally, the drafters must decide whether some formats will fit into the existing collection better than others. They may consider otherwise unwritten factors, such as the popularity of certain formats among specific user groups, new trends in legal publishing, or a changing focus in the patrons' needs.

In deciding between a CD-ROM and a print version, the selectors should consider broader format-based issues along with narrow product-

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49. John P. Freeman, *Redefining Due Diligence: "As Excellent Information Becomes Freely Available, It Becomes Indefensible Not To Use It,"* LAW. PC, June 1, 1991, at 1, 1-3.

50. HAZELTON, *supra* note 3, at 60-61.

based use patterns. The drafters can assess the popularity of the CD-ROM format by observing whether the library has a heavily used CD-ROM network or whether similar products are frequently unused because of their locations in the library or users' inexperience with computers or CD-ROM materials.

#### IV. Allocating Limited Resources in Format Selection Decisions

Libraries are often forced to maintain and expand their collections while confronting severe practical limitations. After addressing the library's general goal by determining the preferred and less appropriate formats for the library's collection, the drafters must decide how selectors should address possible limitations on library resources, including budgets and space.

The explosion of legal publishing<sup>51</sup> and the need to update most legal resources means that a product's cost and space allocation cannot be determined solely by evaluating its original state. Drafters of the format selection guidelines can help the selectors by enumerating the set of factors that will affect the cost and space implications of a selection.

##### A. Long-Term Economic Cost Projection

If the print product costs \$700 and the electronic version of the same product costs \$950, selectors might assume that the electronic version is more expensive. But, this is only the most commonly considered cost, the resource's purchase price.<sup>52</sup> Instead of simply computing a product's cost by considering the purchase price, the drafters of the guidelines should enumerate other considerations, including the cost of updates, processing, equipment costs, and, for some products, the staff time spent training patrons.

Determining a product's long-term cost is difficult. The process is complicated by such factors as complex, changing licensing agreements, variable price lists, and multiple product discounts. Even with these challenges, however, if the drafters enumerate a set of budgetary considerations, the selectors will be better able to assess the total cost of each product, uncovering hidden costs that would otherwise go undetected.

There are two basic types of economic cost: direct and indirect costs. Direct costs include subscription costs, updates, and equipment dedicated

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51. Morris L. Cohen, *The Legal Publishing Industry in the 20th Century and Beyond*, LEGAL REFERENCE SERVICES Q., Vol. 11, Nos. 3/4, 1991, at 9, 9-16.

52. See generally Fritz Snyder, *The Impact of New Technologies on Law Library Acquisitions*, LEGAL REFERENCE SERVICES Q., Vol. 6, No. 3/4, 1986, at 159 (comparing the costs of legal materials in various formats).

to a single resource. Indirect costs include equipment,<sup>53</sup> shelving, staff salaries, and resource preservation.

### 1. Direct Costs

The direct cost is the money paid to the information provider to buy or maintain a product. Within direct costs, each product has present and future costs. Present costs include the purchase price or initial subscription cost of the product. In contrast, future costs include the cost of updates, pocket parts, supplements, and annual indexes.

Direct cost computation for CD-ROMs is tricky because CD-ROM publishers have attempted to capitalize on the high cost of legal materials by including both primary and secondary sources on a single CD-ROM.<sup>54</sup> Furthermore, some publishers lease, rather than sell, the discs to users, requiring the library to return the old disc when the updated version is delivered.<sup>55</sup>

Direct cost determination for online services is different from that for fixed media because the computation depends on the billing plans available to the library. An academic law library pays a flat rate for online access, which is easily comparable to a print or CD-ROM product, but a law firm library can pay for online access in several ways, from flat-rate billing to a per-minute online charge. While a flat-rate program has a predictable cost, the per-minute charge requires librarians to estimate the resource's use.<sup>56</sup>

If the selectors consider only the initial cost of the product, they cannot account for differences in the cost or frequency of updates.<sup>57</sup> It is important to consider direct future costs because they must be paid to keep the resource current and useful. Future costs are particularly significant for materials in fast-changing fields, where the cost of updates may outpace the initial cost of the volumes. The future costs can be limited by not buying each set of updates. Depending on the type of material, how it will be used, and what it is used for, however, this approach may also limit the usefulness of the resource.

### 2. Equipment Costs

Equipment costs can be direct or indirect, depending on whether the equipment is dedicated to a specific resource or used with a number of

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53. Equipment includes microform readers, computers, printers, and office supplies.

54. Henry Urrows & Elizabeth Urrows, *CD-ROMs for Lawyers and Accountants*, CD-ROM LIBR., Oct. 1991, at 24.

55. *Id.* at 25.

56. For systems like WESTLAW and LEXIS, the bewildering range of pricing plans and individual database costs requires in-depth knowledge of the patrons' needs, use patterns, and searching skills to pick the best program.

57. This assumes that costs will increase with the rate of inflation.

different products. Indirect costs cannot be attributed solely to a single product. Thus, a computer dedicated to a single product could be considered a direct cost, while the costs of a network that includes CD-ROM products among other services could not be attributed solely to one of the many CD-ROMs mounted on the network.<sup>58</sup>

Even though equipment costs are a significant part of the expense of maintaining microform and electronic formats, the prices of computers, CD-ROM drives, and printers are dropping at a steady pace as newer and faster machines become available. As equipment prices drop, these newer technologies may become more cost-effective than the print version.<sup>59</sup> Still, the costs of hardware and software upgrades must be considered, as products require new operating systems and storage technologies. For example, if a CD-ROM product changes its search software from a simple DOS-based product to a complex Windows-driven engine, there will be significant equipment upgrade costs directly related to the product's change.

For online systems, the speed of a modem or network connection is more important than hard disk size or the processing power of the terminal. For CD-ROM workstations, the increased processing power and speed may not be worth the added cost.<sup>60</sup> Although a transition to CD-ROMs or online searching might require greater staff and user training in equipment maintenance,<sup>61</sup> well-designed products may also decrease the amount of time needed to train each patron relative to the print or microform version.

### 3. Indirect Costs

Indirect costs vary, depending on what the patrons expect the library to provide in terms of staffing and equipment. Lawyers in a firm library may have narrow, practice-based needs and rely primarily on specialized volumes.<sup>62</sup> Patrons at a public law library have a broad range of questions and may need several different resources in their research. This means that there may be added training costs in a law firm without a reference librarian, while the public law library may be sufficiently staffed to support additional training.

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58. This analysis also applies to microform readers and reader-printers to the extent that they could be considered direct or indirect costs depending on the library's holdings.

59. Marke, *supra* note 35, at 5.

60. Reese, *supra* note 40, at 31.

61. Cary Griffith, *What's Wrong with CD-ROM?*, INFO. TODAY, July-Aug. 1992, at 16, 18.

62. Cary Griffith, *Print, Online, or CD-ROM? The Decisions Are No Longer Simple*, INFO. TODAY, May 1993, at 10, 11.



Patrons often assume that a library has a core set of materials that can solve most basic legal problems,<sup>63</sup> so the library must consider the indirect staff costs of purchasing basic legal materials in a format unfamiliar to the patrons. Along with future resource costs, drafters and selectors must consider future staff training for products that are unfamiliar to them. For example, although CD-ROMs may be the ideal format for public patrons due to the flat cost and relative simplicity, they may have excessively high indirect costs in an otherwise all-print library.

#### 4. Drafting a Five-Year Cost Projection Chart

Different versions of the same legal resource may serve similar needs with very different costs, so librarians should compare the direct present and future costs of the different versions and roughly estimate indirect costs (see table 2).

For most printed resources, a large part of the total cost is the initial cost of the volumes and updates, including pocket parts and pamphlets. Printed resources also have significant costs that are not included in the purchase price, including rebinding and preservation costs, staff salaries for processing, and shelving or storage cases. These costs are hard to quantify because the selectors cannot easily calculate a dollar amount for costs attributable to a specific volume.

Microform and electronic resources may have higher or lower initial costs than print versions, but the real variability is in the indirect costs. Unlike print resources, microform and electronic resources may require the library to purchase and maintain expensive equipment, extensive printing or duplication technology, and possibly more staff training to serve the library's patrons better. Depending on the library, any one of the four major formats could be the most cost-effective alternative.

#### *B. Determining Space Trade-offs*

One of the most important considerations in the initial shift to microforms was the significant space savings. Depending on the library's space constraints, the drafters should include a line in the format selection guidelines addressing whether space is limited and how space concerns should be weighed when evaluating different formats. As the number of legal publications grows, many libraries will be forced to consider whether

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63. Holley M. Moyer, *How Firms Control Spiraling Library Costs*, NAT'L L.J., July 12, 1993, at S10, S10.

**Table 2**  
**Model Five-Year Cost Projection Chart**

Washington State Decisions			
Product Expenses	Print	CD-ROM	Online
Direct costs			
Present costs			
Product costs			
Fixed	\$4410	\$2000	Monthly costs
Estimated			Search costs
Equipment costs	Minimal (Shelves)	Variable (Computer)	Minimal (Terminal)
Staffing needs	Minimal	High	Variable
Future Costs			
Product updates (5 years)	\$775 (Not including bound volumes)	\$1800	Variable fees
Equipment updates	Minimal	Variable	Minimal
Indirect costs			
Equipment costs	Unknown	Unknown	Unknown
Additional staffing	Shelving	Training	Training
<i>Note:</i> This chart is a compilation of the specifications and costs of several available products to suggest the basic economic considerations when purchasing a major retrospective and ongoing set of case reporters. This analysis is for an academic law library with a preexisting computer center. Cost analysis must be library-specific to be useful.			

they can afford the space needed to store large sets of books such as nonessential regional reporters or unused legal encyclopedias. Microforms, online systems, and CD-ROM sources all can save space, but selectors should consider whether the space saved will be offset by equipment or documentation needed to help the patrons use the new resource efficiently.

#### **V. Comparing Specific Resources Available in Different Formats**

After addressing how well each format alternative meets the library's goals and limitations, the drafters should determine the issues for selectors to consider when two or more formats meet the initial goals and limitations.

It is important to consider the structure of the work when deciding which format is most appropriate for a particular source. Even though

resources were originally designed to be used in print, this does not mean that they cannot be improved in the conversion to an electronic medium.

The drafters of the format selection guidelines can help the selectors evaluate different formats of the same product. Drafters and selectors should consider which format is best suited for the library by addressing which format: (1) suits the resource's expected use; (2) is appropriate for the use level the resource is expected to get; (3) permits the best physical and intellectual implementation of the underlying resource; and (4) best complements the library's preexisting collection.

### *A. The Resource's Place in the Research Process*

If the drafters want to help the selectors pick the most appropriate format, they must understand how the resources will be used. Breaking down legal research into three types—general research, conceptual analogy, and citing legal authority—helps the selectors determine each resource's use, to better choose the most appropriate format for that resource. Within each of the three types of research, there are three phases of the process: finding, reading, and updating (see table 3).<sup>64</sup>

**Table 3**  
**Optimal Formats for Each Type of Use**

Types of Legal Research			
Phases	Research	Analogy	Authority
Finding	Print/CD-ROM	Print/CD-ROM	CD-ROM/Online
Reading	Print/Micro	Print/Micro	Print/Micro
Updating	Print/CD-ROM	Any Format	Online

#### 1. General Legal Research

General research includes investigating broad issues with legal implications, the history of an area of law, or broad background readings. The goal

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64. CHRISTOPHER G. WREN & JILL ROBINSON WREN, *THE LEGAL RESEARCH MANUAL* 39 (2d ed. 1986).

of general research is to understand the boundaries and elements of a particular area of law.

Articles in legal periodicals, which are often central to gaining a better understanding of a narrow legal subject,<sup>65</sup> can be found through periodical indexes. Legal periodical indexes are available in online, CD-ROM, and traditional printed formats.<sup>66</sup> Some of the best finding tools are electronic sources. CD-ROM indexes, including Infotrac and Wilsondisc, may be more appropriate and certainly less expensive than online services. Furthermore, for finding materials, the efficiency of computerized searching makes CD-ROMs more efficient and flexible than the print version of the same source.

Although the finding phase of general legal research can be facilitated by electronic sources, the majority of secondary sources, including secondary texts and treatises, are currently only available in print. Within print sources, tables of contents, bibliographies, and citations are also helpful for finding relevant sources because they point to the source of the desired information.

Once the researcher has found a source, the process of reading and analyzing the information is probably done most easily with printed or photocopied sources, due to the difficulty of extended reading of computer screens or microform projections. After finding relevant sources, a researcher wishing to update the information can return to the periodical indexes, refer to specialized periodicals that have not yet been indexed, or go to an expedited index, such as the *Current Index to Legal Periodicals*, available in print, on CD-ROM, and online.

## 2. Researching Analogous Situations

After completing their preliminary research, patrons who wish to investigate a specific legal problem often look for analogies, or similar fact patterns that have already been addressed by a legislature or court.<sup>67</sup> The common law system requires the researcher to read both statutes and cases and then use them to analogize to the facts of their situation.

The process of finding relevant statutes and cases requires a different type of analysis from that used in general research because the researcher needs to find similar fact patterns rather than similar legal concepts. Although users can find similar cases through texts, treatises, and periodical articles, the code indexes and case digests are particularly useful.

Secondary sources, including Shepard's citators, annotated codes, case digests, treatises, and periodicals, are used to find primary sources that may

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65. MORRIS L. COHEN ET AL., *FINDING THE LAW* 365 (9th ed. 1989).

66. Indexes of current periodicals are different from the other indexes because they address the currentness of the information rather than the ease of finding older sources.

67. Marke, *supra* note 35, at 5.

be analogous to the researcher's situation. Shepard's citators were traditionally used to update cases, but they can also be used to find all cases citing a particular code section or later cases that have facts more parallel to the researcher's facts.

Key numbers and other centralized organizational systems are particularly useful for finding analogous cases because they link similar concepts under a single topic rather than a range of synonymous terms. Uniformly organized topical arrangements help patrons find relevant cases where full-text searching may fail because the searcher does not have to use the same terms as the opinion or statute to find the document. West's digests are brief summaries of particular points of law within each case.<sup>68</sup> Instead of organizing the cases chronologically by case, the digests allow the user to view cases arranged topically.<sup>69</sup>

Indexes, tables of cases, and other case finding aids, such as defendant-plaintiff name tables, are particularly helpful for tracking down the location of cases similar to those cited by texts or periodicals. Full-text searching is most useful for matching specific fact patterns that do not have related legal concepts.

Cases and statutes are the most important resources to users trying to find analogous situations that have already been decided or enacted. No summary or third-party analysis can substitute for the original case or statute. Deciding if a case is analogous requires reading and assimilating a substantial amount of text and cannot be accomplished by reading excerpts or paraphrasings in case digests or other secondary sources. Although electronic resources make cases easier to find, the print copies are easier to read and enable multiple users to simultaneously use a single set of books, instead of waiting to use a dedicated computer or installing an expensive network.

Key numbers and annotations linked to subject matter or code sections can also be helpful for determining if there are more recent or better analogous cases. Classification schemes take significant labor, however, so they are unlikely to be as up-to-date as print citators or the even more current online citators.

### 3. Citing Legal Authority

Legal authority is the use of preexisting legal materials to stand for a proposition being argued in the current situation. Legal authority research means that the resource is used to state the applicable law as part of an

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68. COHEN ET AL., *supra* note 65, at 83.

69. *Id.* at 84.

argument for or against a particular legal position. When citing a source for legal authority, currentness and reliability are the critical issues.

Sources of legal authority are found, read, and analyzed just like analogous fact patterns. After finding the sources through texts, treatises, citators, indexes, and digests, the researcher must read the statute or case to ensure that it stands for the proposition for which the researcher wishes to use it.

The critical issue in research for legal authority is the updating process to ensure that the proposition has not been negated by subsequent legislation or court opinion. This was traditionally the strength of Shepard's print citators. Shepard's citators permit users to look up their statute or case by citation to determine if it is still good law. The drawback of Shepard's is that it is not particularly current now that electronic citators exist. In the age of online services, LEXIS's Autocite and WESTLAW's Instacite citator services offer more concise and more current legal citator services than Shepard's print citators.

A recent compromise is the CD-ROM citator, which is certainly easier to use and cheaper if there are a large number of citations to check. It cannot provide the currentness of a constantly updated online service such as Instacite or Autocite, however. Although a print or CD-ROM citator may be sufficient if the primary source is not to be cited as legal authority,<sup>70</sup> a researcher who intends to make an assertion based on the source should use an online service due to its greater currentness.

#### 4. Features That Facilitate the Research Process

Even after determining the phase of the research process into which a particular tool fits, the drafters and selectors must decide whether the specific product offers features that make its format preferable to other formats. For example, a CD-ROM-based case reporter that does not have any searching capabilities other than by citation may not help the patrons more than the equivalent print version. Since some resources take better advantage of their formats than others, each product should be evaluated to avoid selecting a product that does not have the expected benefits that one would expect, given its format (see table 4).

##### *B. The Resource's Expected Level of Use*

Even in an all-print environment, different resources have different use patterns. Once a library is faced with the format selection issue, knowing

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70. Bayer & Cohen 1992, *supra* note 32, at 10.

how much a resource is used becomes important because it helps the selectors avoid creating a technological bottleneck. Buying a 500-volume state reporter series on CD-ROM may be ideal if the set is infrequently used, but not if it is in high demand and there is only one CD-ROM-equipped machine. The nature and extent of the use might necessitate either installing a CD-ROM network or buying the reporter series in another format to meet patron demand. Some volumes, particularly finding and updating tools (citators, indexes, and digests) are used for short periods, while reading tools (statutes, treatises, and cases) tend to be used for more extended periods. Drafters and selectors should consider both the amount of use and the time of the average use.

**Table 4**  
**Useful Tools for Each Phase of the Legal Research Process**

<u>Product Feature</u>	<u>Type of Research Being Conducted</u>						
	<u>General Research</u>			<u>Analogy</u>			<u>Citation</u>
	<u>Find</u>	<u>Read</u>	<u>Update</u>	<u>Find</u>	<u>Read</u>	<u>Update</u>	<u>Update</u>
Tables of Contents	X						
List of Cases Cited	X		X				
Hierarchy	X	X					
Subdivisions	X	X					
Index	X			X			
Bibliography	X			X			
Hypertext	X	X	X	X	X	X	X
Form Search	X			X			X
Boolean Search	X			X			
Citator List	X		X	X			X
Synopses/Abstracts	X	X		X			
Annotations	X		X	X		X	
Key Numbers	X		X	X		X	X

A particular resource's use level can be measured by either title use or volume use. Title use is computed by counting the number of users and the amount of time spent using any of the volumes in that title. In many libraries, the statutes and codes would be the most used titles in a title use assessment. In deciding whether to replace the print code with a more

expensive CD-ROM product, the selectors could use the title use measure to estimate whether the existing demand warrants the added expenditure or will place too great a burden on already overused equipment.

State codes are normally divided into several volumes, allowing several patrons to use different parts of a code simultaneously. Unlike a title use assessment, a volume use assessment divides the number of users by the number of volumes. This is a more useful measure for predicting whether a large multiple volume print set could be replaced with a single microform reader, CD-ROM station, or online station. Of course, in a volume use assessment, it is unlikely that all volumes will get equal use, as some volumes probably contain information of greater interest than other volumes. In making collection development decisions, selectors should consider both title use and volume use measures to avoid creating bottlenecks. For example, if instant access to primary materials is important, the library should consider multiple volume sets, networked CD-ROMs, or online delivery systems rather than single volume compilations or dedicated stand-alone workstations.<sup>71</sup>

Because selectors and patrons cannot predict where an important case or statute may be located, the library may need multiple sets of important sources to provide immediate access to legal materials.<sup>72</sup> Title and volume use measures or estimates are useful when deciding which format the library's second copy should be. Since subsequent copies do not have to be in the same format as the first copy, the library could add a CD-ROM version even though the library's first copy is a printed set. In some ways, buying the same tool in multiple formats is an excellent way to address patrons' changing needs as they proceed through the legal research process. Patrons finding or updating cases could use the CD-ROM to search, while those reading cases could use the printed version.<sup>73</sup> Alternative formats may attract new users or eliminate previous users who felt comfortable only with the old or unavailable format.

Even though it is very difficult to determine a resource's level of use, even a rough estimate will help the selectors determine which format is most appropriate. State codes, cases, popular treatises, and other frequently requested volumes might be deemed high-use tools, while all other resources are considered low-use tools. Level of use is a particularly helpful selection guide when combined with an analysis of how the resource will be used (see table 5).

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71. If the library spends more to give users faster access to high-use materials, then less of the budget will be available to spend on lower priority items.

72. Todd, *supra* note 13, at S4.

73. Bayer & Cohen 1992, *supra* note 32, at 10.



**Table 5**  
**Optimal Formats for Different Resource Types and Use Levels**

Stages of the Research Process			
<u>Use Level</u>	<u>Finding</u>	<u>Reading/Analyzing</u>	<u>Updating</u>
Low	Microform/Online	Microform/Online	Online
High	Print/CD-ROM	Print/Network	Online

## VI. The Quality of the Implementation

The quality of the implementation has three components: the physical entity, the embodiment of information contained in the physical entity, and the resource's compatibility with the preexisting collection. The physical object is the book, CD-ROM disc, or spool of microfilm. The intellectual product is the substantive information and the organization and tools provided to manipulate that information. The resource's compatibility with the preexisting collection includes considering whether the resources use common indexing systems, cross-references to materials in the collection, or already installed library equipment.

### *A. The Physical Quality of the Resource*

The drafters of the format selection guidelines should ensure that the book, CD-ROM, or microform meets the library's quality standards. For example, most libraries would prefer a book printed on acid-free paper because it has a longer lifetime than the same book on acid-based paper. A library would also avoid a poorly reproduced microform that would be illegible when used with the library's microform readers.

Physical quality includes not only a product's quality, but also a technology's quality or publisher's quality. These include concerns that CD-ROMs will not have a sufficiently long lifetime due to the medium's possible obsolescence or that the online vendor may not be sufficiently reliable for the library to avoid purchasing a backup print, microform, or CD-ROM version.

When considering a format that requires equipment, the selectors must also remember that the original equipment purchased to use the information may become obsolete even if the underlying technology thrives

and develops. For example, a CD-ROM would be useless if the CD-ROM player became obsolete and parts could not be found to repair the older players. Obsolescence could also occur in the software context if newer computer operating systems precluded the use of older search software or archival files.

Along with the quality of the product, the selectors should consider the publisher's reliability. If a publisher does not have a proven track record and is thinly capitalized, the selectors may not want to purchase an expensive set that requires constant updating, for fear that the costs sunk into the initial product will be lost if the publisher cannot provide timely updates.

### *B. The Intellectual Quality of the Resource*

Many legal resources gain added utility from being computerized.<sup>74</sup> Legal documents have a long history of undergoing format changes. Until the fifteenth century, courts issued opinions orally.<sup>75</sup> Scribes sat in courtrooms during the reading of oral opinions, compiled the transcriptions, and published them as the first written opinions. Since each decision is a discrete entity, it was easily converted from an oral pronouncement to a written document. Cases are also easily manipulated in an electronic format because, other than citations, the patrons may not need to look outside the document itself. In the same way that transcriptions of oral opinions facilitated far broader access to prior decisions, a well-designed electronic product is capable of feats that are simply impossible with the print equivalent, including Boolean searches, relevance rankings, and up-to-date cite-checking.

On the other hand, an electronic version of a print resource is not necessarily a better product. A good electronic translation of a print source requires forethought and logical design to translate the benefits of the print version into the new format. Unlike cases, statutes were designed to be written and read as a codification of individual statutes. When statutes are codified, they are placed in a complex multilevel hierarchical structure with interrelationships to other sections of the code. This structure makes the conversion to other formats more complex than the conversion of cases.

The quality of the conversion of a resource to a new format is critical because the new tool must either appear to parallel the familiar source or offer new benefits to attract users.<sup>76</sup> Furthermore, the selectors must ensure

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74. Griffith, *supra* note 63, at 16.

75. COHEN ET AL., *supra* note 65, at 16.

76. Roy M. Mersky & Gary R. Hartman, *Trends for the Future of Law Libraries*, in *THE SPIRIT OF LAW LIBRARIANSHIP* 97, 97 (Roy M. Mersky & Richard A. Leiter eds., 1991).

that the product takes advantage of the nature of its format. For example, a treatise without an index or an online citator service that is only updated annually do not offer the benefits inherent in their formats. A difficult issue for selectors is determining which electronic implementations of print sources benefit from the transition and which materials lose their intuitive structure through poor design or implementation.<sup>77</sup>

### *C. The Resource's Place in the Existing Collection*

Along with the quality of the resource and the nature and amount of use, the selectors should also consider whether one version complements the existing collection more than the others. For example, West's CD-ROM of a particular state's laws may have greater value than a similar CD-ROM without key numbers if that library maintains a complete set of West's National Reporters. If the collection is in the process of changing its focus, this should be considered in weighing the importance of the existing collection.

If one of the resources has cross-references or a parallel structure to other documents in the collection, that resource's usefulness is increased. For example, if a library has primarily CCH materials, a CCH product in one format may be preferable to a similar BNA resource in a marginally preferable format.

Finally, the selector must consider the equipment and facilities that are already available at the library. For example, a networked CD-ROM tower with empty bays may mean that a CD-ROM product would be more used than the equivalent paper version. After considering the physical, intellectual, and complementary qualities of the various versions, the selector should be able to determine the version that best meets the library's goals, limitations, and needs.

## **VII. The Importance of Combining Appropriate Print and Electronic Resources**

Law libraries of all types must learn to integrate print and electronic resources. These decisions should be made by assessing the library's goals and limitations and the nature of the resource's use. Instead of forcing the selectors to make ad hoc decisions, preexisting format selection guidelines can ease the selection process and improve the library's collection as a whole.

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77. Andrew Z. Adkins, *CD-ROM Technology for the Law Office—Part One: The Software*, LAW. PC, June 15, 1993, at 1, 2.

In terms of use-appropriate formats, print and microform resources are more suited to sources that are read extensively or must be used for general research or case finding. Electronic resources are ideal for finding applicable print sources and ensuring the legal authority of cited sources.

In situations where electronic resources are more efficient than print sources, CD-ROMs offer a cheaper and less up-to-date alternative to online databases for frequently searched files. In contrast, online services provide a very broad range of databases that may be cheaper and more up-to-date than the CD-ROM equivalent if the information is rarely needed. Given the trend toward combining formats in a single library, drafting format selection guidelines will help the selectors make some hard decisions, thereby moving one step closer to solving the collection development puzzle.

**Appendix****A Format Selection Issue Checklist**

- A. The library's general format preferences
  - Mission statement and collection development policy
  - Patron and staff preferences
  - Ownership vs. access as a priority
- B. Economic implications of the format choice
  - Initial product costs
  - Required computer or microform equipment costs
  - Staff training costs
  - Future updating costs
  - Future equipment upgrade costs
- C. Space requirements for storage and use
  - Physical volumes: Fixed-size vs. growing sets
  - Computers and printers or microform reader-printers
  - Required furniture for efficient use of materials
- D. The resource's expected use
  - Finding: Catalogs, indexes, digests, and bibliographies
  - Reading: Reporters, statutes, and administrative codes
  - Updating: Citators, pocket parts, and session laws
- E. The resource's expected level of use
  - Number of volumes and indexes in the set
  - Available computers or microform reader-printers
- F. Physical quality of the implementation
  - Acidity of the paper and durability of the binding
  - Image quality of the print or microform
  - Expected lifetime of the format
- G. Intellectual quality of the implementation
  - Intuitiveness of the organization of information
  - Quality of the index, interface, and searching tools
  - Reliability of the information in the product
  - Timeliness of the updating
- H. Resource's ability to complement the existing collection
  - Use of a standard organization or citation form
  - Inclusion of links to other resources in the collection
- I. Quality of the vendor
  - Future updates will be available in the chosen format
  - Prices will increase at a reasonable rate
  - Prompt and responsive customer and technical support