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SUMMARY.

Technology increasingly drives the evolving nature of the library's role in managing faculty publications. Libraries not only create physical archives of faculty scholarship, but take on the active role of facilitating immediate access to content. Trends in legal scholarship, including new formats such as blogs and podcasts and the open access initiatives, compel libraries to develop creative solutions such as enhanced bibliographies, searchable databases, and digital repositories to manage access, preserve, and disseminate faculty writings.

KEYWORDS. Faculty publications; Open access; Digital repositories

INTRODUCTION

Faculty scholarship and publications serve several purposes and audiences. Their main function is to facilitate the dissemination of ideas, particularly within the academy. They are the vehicle for tenure, of course, and the foundation of the faculty member's professional reputation.

Faculty scholarship markets an institution: prominent faculty writings provide greater visibility

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for a law school in terms of academic respect and recruitment of students. Faculty scholarship also offers the opportunity to impact the practice and development of the law: the insights of today's legal scholars analyzing and proposing solutions to contemporary legal problems can influence policy makers, legislators, the judiciary, and practitioners.¹

Traditional forms of faculty scholarship include treatises, law reviews and peer reviewed journals, as well as casebooks, briefs and reports, book reviews, and op-ed pieces. As technology offers more and more ways to disseminate information, scholarship enters cyberspace in new forms, including blogs and podcasts. In his article, "Blogging and the Transformation of Legal Scholarship," University of Illinois Law Professor and creator of the Legal Theory Blog², Lawrence B. Solum argues that the blog is merely another form of publication that uses the utility of the World Wide Web to reduce the costs of self-publishing³ and points out that blogs are already being cited in law reviews and in cases.⁴ The podcast, as an enhancement to written scholarship or the audio manifestation of scholarship, continues to expand the envelope of dissemination possibilities: scholarship powered by the oral communication strengths of its author. While the jury is still out on how blogging or video- and audio-casting will impact tenure decisions, these formats nonetheless continue to proliferate as elements in the scholar's repertoire.⁵

Technology increasingly drives the evolving nature of the library's role in managing faculty publications. The traditional and somewhat passive role for the library vis-à-vis faculty scholarship addresses archival and preservation concerns. Technology adds a new dimension,

and the active role of facilitating immediate access to the content of faculty writings. These developments raise a number of questions:

- Why should the library want to manage faculty publications?
- What do law librarians and faculty gain from the library overseeing the archiving and accessibility of faculty scholarship?
- Should libraries manage access to new publication forums and institutional self-repository initiatives?
- As faculty scholarship finds new outlets such as blogs or podcasts, how does the library address its archival and access responsibilities?
- Is the creation of an electronic faculty publications repository preferable to a print archive?
- How can reluctant faculty be encouraged to participate in the law school library effort to ensure a complete institutional scholarly record?
- What considerations should be kept in mind when creating an access tool for faculty publications?

This paper will first review current trends in scholarship, and then explore these issues in the context of today's legal writing environment.

I. TRENDS IN FACULTY SCHOLARSHIP

Scholars note three trends in legal writing: the emergence of the short form, the disintermediation of publishing, and the demise of exclusive rights.⁶ The short form, carried to

its extreme perhaps with the emergence of blogging scholarship, got the imprimatur of the academy when several prominent law reviews issued the Joint Statement Regarding Article Length⁷ in 2005. In response to a Harvard Law Review Survey of 800 legal scholars which elicited an overwhelming consensus that law review articles were too long, the statement signatories acknowledged their role in this “unfortunate trend in legal scholarship” and a commitment to change their policies: “The vast majority of law review articles can effectively convey their arguments within the range of 40-70 law review pages, and any impression that law reviews only publish or strongly prefer lengthier articles should be dispelled.”⁸ Short form as blog form turns even this 40-70 page guideline on its head.⁹

Disintermediation, or what Yale Law School Professor and Director of the Information Society Project Jack Balkin,¹⁰ refers to as “routing around”¹¹ the law review as the traditional gatekeeper of scholarship, changes the audience, the style, the tempo, the subject matter, and the message of legal scholarship.¹² Authors who self publish either on their own web pages, local repositories, or online media like SSRN¹³ or bepress¹⁴ maintain control of their work product not only in terms of style and editing, but also timeliness of dissemination. To the extent that removing the law review middle man also weakens the quality control inherent in the peer review or student editor process, online publishing often invites an instantaneous kind of quality check and feedback through the interactive community of online readers.

The demise of exclusive rights also changes the landscape of access to faculty scholarship. Open Access, the most significant recent development in scholarly publishing, seeks to provide free online access to scholarly literature. In the open access environment, authors retain copyright

privileges in their works, whether self or commercially published. Methods of open access distribution include publication in open access journals, deposit of pre-prints or post-prints in a digital archive (e.g., SSRN or bepress), and publication on one's own and/or an institutional web site. Open access addresses the scholar's primary motivation: to be read and to be read widely.¹⁵

Open access is not, incidentally, a phenomenon recognized only in the academy. Law firm web sites increasingly include publications repositories. While practitioner scholarship occasionally makes its way into traditional law journal publications, more often such articles will appear in practice-oriented newsletters and reporting services or simply as self-published by the firm.¹⁶ Such a repository accomplishes firm marketing goals and, indeed, may be the primary purpose, but it nonetheless also contributes to the sharing of ideas in the practice world. Similarly, the law school's publications repository launches the ideas of its authors into the scholarly community, which might be its primary purpose, while at the same time marketing the expertise of its faculty.

Academic legal scholarship has long been rooted in a strong tradition of intermediated publishing in journal form, unlike law firm self-publishing. Nonetheless, academic dissemination and communication goals need not be dependent on one medium. Peter Suber, Professor and Director of the Public Knowledge Open Access Project,¹⁷ cites three factors that make open access achievable for scholarly writing. First, authors do not demand payment for their work.¹⁸ Second, the Internet allows distribution of perfect copies at virtually no cost to a worldwide audience. And third, legal barriers to unrestricted use are removed when the author retains copyright and consents to open access.¹⁹

Of these factors, open access depends most on the authors' keeping their copyrights for its success. Several initiatives are addressing the issue of copyright retention. Science Commons, a project of the nonprofit corporation Creative Commons, provides standard copyright agreements which ensure the rights of scholars to archive their work on the public Internet.²⁰ Nearly fifty legal journals have already adopted the Creative Commons' Open Access Law Journal Principals and there is no doubt the list will grow.²¹ The Association of American Law Schools Model Author/Journal Agreement issued in 1998 proposed language which "would serve as one reasonable model against which law professors could judge the agreements that they received from law journals."²²

Recognizing the new digital age of scholarship, the Association of Research Libraries (ARL) and the Scholarly Publishing and Academic Resources Coalition (SPARC), supported by the Association of College and Research Libraries (ACRL), formed *Create Change*, an educational initiative to help scholars and researchers change the course of scholarly communication through open access.²³ The perceived major disincentive to publishing in the open access environment, the import of publication history on tenure and promotion decisions, struck these groups as a call to develop new means of measuring scholarly impact and new quality control measures: "The new digital scholarship lends itself to experimentation that will better position scholarship to thrive in an increasingly complex world."²⁴

The American Association of Law Libraries has taken its first official look at open access. In 2005 AALL established the *Special Committee on Open Access Applications for Legal*

Information. The Committee was charged with identifying the relevant issues for the legal community concerning open access and determining what role if any AALL should play in the current open access debate. The Committee recommended that AALL take an active role in promoting and assisting in the open access movement. The Committee concluded that legal scholarship and open access are a natural match for several reasons: law schools publish the principal form of legal scholarship, authors do not have to pay to publish, publishing costs are relatively low and, most importantly, legal scholarship has been traditionally part of the educational process with an emphasis on sharing information. Technology makes this sharing of information easier, less expensive, and more pervasive.²⁵

The Committee decided AALL should focus its open access initiatives on three areas: metadata standards and repository issues, education, and copyright /licensing agreements.²⁶ It recommended that academic law librarians take a prominent role in educating law faculty and students about the advantages of an open access environment by promoting liberal licensing agreements and assisting student editors, not only in adopting favorable agreements but also in developing their own electronic archives.²⁷ The committee recommended that for open access to succeed, journals will need to adopt copyright/licensing agreement language such as the Creative Commons Open Access Model Publishing Agreement²⁸ to permit authors to post their articles in various repositories such as SSRN and bepress.

Yet another call for librarians to promote and facilitate open access emerged in the form of the 2002 Budapest Open Access Initiative,²⁹ issued following an international gathering of librarians concerned about removing barriers to the free flow of scholarly information. The two main strategies recommended for librarians include:

Self-archiving: Offer to maintain the university archive at the library's home institution. Help faculty archive their past research papers, digitizing them if necessary, and teach them how to archive their future papers.

Open-access Journals: Help open access journals launched at the library's home institution become known to other libraries, indexing services, potential funders, and potential readers.

Other Measures: Join library consortia like SPARC to multiply your efforts and publicize library support for free and affordable journals. Make sure that scholars at the home institution know how to find open access journals and archives in their fields, and make sure tools are set up to allow them to efficiently access these publications. Monitor the scene. As open access journals proliferate, and as their usage and impact grow, cancel over-priced journals that do not measure up.³⁰

The open access movement makes it imperative for librarians to recognize, accommodate, and even promote scholarship posted in open access repositories. The open access principles are the very principles that drive library collections. Think back to the "open shelf" movement in public libraries, the very novel idea, at the time, that there should be no barrier between the user and information.³¹ Electronic resources shrouded behind passwords and licenses are in many ways a step back from such library ideals. Open access repositories are a leap forward, and what we are all about, after all, which is removing barriers to access. The Budapest Open Access Initiative states it well, "An old tradition and a new technology have converged to make an unprecedented public good."³²

II. EVOLVING ROLE OF THE LIBRARY

As faculty scholarship embraces the short form, non-print formats and venues, and open and free access,³³ the traditional mediated structures for describing, preserving, accessing and disseminating scholarly work product are left behind. Librarians can bring order to the chaos. The Library professional's familiarity in dealing with publications in many formats, training in ways to organize information and make it accessible, experience with licensing and information vendors, and neutrality towards content can be put to use in addressing the increasingly complicated issues of managing, archiving and disseminating faculty publications.

We first need to reexamine the traditional archival approach to managing faculty publications in our institutions. Libraries now accept both access and ownership as legitimate ways to offer information resources, with a resulting transformation of library services. One such change in services applies to management of the scholarly work product of law school faculties. There is now increasing emphasis on managing electronic publications, in addition to the traditional roles of providing and preserving hard copy. Just as the open access movement emphasizes dissemination and the sharing of ideas rather than exclusivity and the ownership of ideas, the library's interest in managing faculty publications also shifts to managing and facilitating access rather than just owning and warehousing the collection. This is not to say that owning and preserving copy is not important, but that libraries do so in service of the primary objective of disseminating the content. Hard copy is one of the several media, but not the only one of concern.

Because librarians facilitate access to materials which may or may not have a tangible format, and which may or may not be physically part of their library collections, they are positioned to expand the formats of the faculty publications subject to library management. Historically an archive of faculty publications consisted of print materials of a “scholarly” nature, and libraries had a preservation-driven role. Now, technology gives libraries the power to foster access to all forms of faculty expression. Librarians need not make decisions on the relative scholarly merits of content or formats; their new role is to support the dissemination of faculty output in every possible way and wherever it resides. Preservation and access aren’t conflicting interests in an environment with so many choices.

The benefits to the parent institution of library involvement in managing access to faculty publications are numerous. The library becomes the channel for the dissemination and marketing of faculty scholarship. By making faculty publications easily accessible, librarians can take part in marketing the work product of the school through the research strengths demonstrated by its faculty scholarship and the library collections that support those research strengths. Efforts to increase accessibility to faculty scholarship to members of the legal profession help disseminate cutting edge ideas for the benefit of the legal system. Targeting faculty writings to the student body connects students to the mind set of their professors. The unique skill set of librarians puts them in a position to provide value-added services which contribute to the value of the work product of the law school. Making materials more accessible gives them a wider and sometimes very specific audience. Disintermediation may remove barriers, but librarians and researchers have long recognized that controlled organization of access points such as cataloging, indexes, and subject headings provide research efficiencies

otherwise lacking in the full text environment. Librarians are not intermediaries: they are conduits. AALL's Special Committee on Open Access recommended:

The greatest contribution law librarians and AALL can make is in the establishment of a standardized list of subjects to be used for the subject metadata tags. These will greatly enhance retrieval of articles. A possible future contribution arising from this is that law librarians themselves might eventually be able to play a role in the assignment of subjects to articles posted by their faculty or institutions. Establishing the standardized vocabulary may mean creating a new list or it may involve adopting an existing list already used by (sic) to index our scholarly literature.³⁴

Librarians can also provide bibliographic descriptions and link to full text through a variety of subscription and non-subscriptions resources which expand access. They can provide citation verification. By treating pre-prints and e-prints with full cataloging, they increase access to points for researchers to journal literature. Librarians can set out all the possible print and electronic access alternatives to a given work, so that researchers can choose the medium and format which best meets their needs.

Scholarship created by faculty members during their affiliation with the school is generally considered the school's product. Faculty scholarship reflects upon the institution. The library may already exercise a role as archive for the school's publications and documents and probably consciously collects and preserves published faculty works. Technology gives the library the

ability to capture and archive more diverse forms of scholarship and to showcase the most comprehensive collections of institutional work product.

A faculty publications database can foster concrete and practical outcomes as an aid to library institutional goals.³⁵ A robust and pro-active faculty services or liaison program requires that librarians know their faculty's research interests and specialties. From a collection development perspective, librarians charged with providing faculty with the tools they need for their research should understand thoroughly what they write about. Building and maintaining an archive helps librarians to develop this familiarity with their faculty's interests and also with the library's collections and the resources, all necessary to provide excellent service. When libraries pick up the reins and provide leadership and management of an institutional repository project, they not only actively support the evolution of scholarly communication; they create new, significant and lasting relevance for the library vis-à-vis the law school.³⁶

III. PRACTICAL CONSIDERATIONS IN CREATING AN ACCESS TOOL FOR FACULTY PUBLICATIONS

Facilitating access to faculty scholarship in some form or another is becoming an expected law library service. Most law schools web sites provide lists of their faculty's publications. When the library maintains the publication lists, the possibilities for expanding their content and utility increase. Because creating, organizing, and maintaining information resources is what librarians do best, we can assume they have the technical expertise to carry out a project involving acquiring, cataloging, preserving, and providing links to faculty publications. To do so, the library must also demonstrate an understanding of all the implications of handling the law

faculty's scholarly product. The delicate issues of political climate in any school also come into play: How much influence does the library have? To whom does the school look to for leadership on such projects? If the library can demonstrate creative leadership and superior knowledge of the issues of building a faculty publications repository, then the law school may be more likely to confidently place control of the project in the library's hands.³⁷

Most faculty are not predisposed to organizing and maintaining their own archives, or thinking of ways to promote and maximize accessibility. Faculty are primarily content creators, not necessarily organizers or disseminators. There may be faculty members who are aware of the open access possibilities but their priority may not be to establish an institutional policy. Or they may not be in a position to do it. They may not also be thinking in terms of an institutional archive or repository when they think about unrestricted access to their work. Librarians, on the other hand, bring a skill set to the process that respects order, comprehensiveness, continuity, and multiple access points. The library's role in managing an institutional electronic repository is to set up the framework to make it easy for faculty to post in the open access environment, and to provide all the potential ways of access to meet user needs.³⁸

Perhaps as a first step, the library should pose the question as to what the institution would like to do to find the best ways to promote faculty scholarship. The Library should present an overview of the alternatives, but deciding on the best course for the school should be a matter of informed consensus building. For example, the library profession's support of open access initiatives may well conflict with prevailing structures for judging the relative value of faculty scholarship. Perhaps conducting focus groups to explore the viewpoints of all parties with an

interest in the school's scholarly output will help increase the buy-in for participation from the start, as well as develop the vehicle best suited for the institution.

Once the basic institutional questions are answered, there are several ways a library can approach its role in creating an access tool for faculty scholarship. At the preservationist level, the library maintains a controlled access physical archive, establishing policies for the number of copies, their treatment, and under what circumstances they may be used on site or circulated. Such a collection may or may not be separately cataloged from the collection at large. By definition, this approach restricts access rather than facilitates it: its main purpose is to secure and preserve the print manifestations of faculty scholarship. Such a collection, of course, is incomplete as it does not accommodate digital scholarship. Yet it is the existence of an institutional expectation that the library maintain such an archive that provides the impetus for the library to absorb responsibility for a digital archive as well.

Another service to improve access is to post enhanced bibliographies of faculty publications on the library's or law school's web site. The librarian can add full text links to commercial or open source documents, or provide category arrangement by uniformly defined publication types. Information about library physical holdings added to the citations may facilitate retrieval of titles without a digital equivalent. Other enhancements could include citation analysis links to Keycite or Shepard's, or links to the full faculty CV or faculty web page. Searching in enhanced bibliography is limited to the fixed presentation format, usually alphabetical by author.³⁹ Enhanced bibliographies address the critical issue of promoting access to full text as well as marketing the library collection and resources.⁴⁰

The next level of service reconfigures the bibliographic approach to a database treatment,⁴¹ separating the elements of each citation into fields. The publication list then is effectively built anew for each search: one can provide a list for all faculty members or one, for all publication types or years, or a selection of them. Adding subject descriptors enables searches for faculty areas of research expertise. Marking works showing their status “in progress” or “forthcoming” makes it possible to generate reports of current activity. Links to full text commercial or open source copy, and enhancements such as citation checking search strings are easily and globally entered and maintained. The database approach, while labor intensive in the development, improves upon the enhanced bibliography model in terms of providing greater flexibility and utility of faculty scholarship records.

The digital repository answer to managing faculty scholarship focuses on the need to provide access and to disseminate scholarly work product. Rather than linking to digital content where and if it can be found, the repository creates and stores the digital content locally.⁴² Locally maintaining an institutional archive leads to less dependence on outside archival resources such as SSRN and bepress. Enhanced bibliographies and databases linking to commercial sources pose licensing and copyright barriers, as well as maintenance issues when database content changes. The digital repository attempts to do what the physical archive does by fixing and maintaining local control over the material, but it does so not only to preserve,⁴³ but to promote wide and unfettered accessibility.

Institutions may be tempted to use a third party service such as SSRN⁴⁴ or bepress⁴⁵ journals to meet their need for a digital repository. Some scholars load older publications onto SSRN in accepted papers series to build a retrospective electronic archive of their works. This meets the individual scholar's need for exposure, but does it meet the institutional need of creating a complete and comprehensive record of the school's scholarly work product? Authors write their own abstracts and assign subject descriptors to their publications which may not be in conformity with search terms and hierarchies researchers usually use. Copyright restrictions will limit the publications they can post. By relying on third party repositories, are libraries missing a chance to create a complete, comprehensive, and locally produced repository that would provide for flexibility in disseminating the faculty's scholarship? Libraries can do so much more with what they control locally such as creating curriculum vitae, current publications lists, and subject lists in furtherance of local curricular needs and marketing needs. And, of course, the accessibility issue arises: a free, open access, locally controlled repository is accessible to anyone; it transcends the community of scholars who subscribe to the third party service.

The third party service, while it may not be a substitute for a local repository, is nonetheless an increasingly important factor in the law school's publication program. Should the library take an active role in managing the submissions program for the law faculty? Again, the librarian brings an important set of skills to the process: setting up and managing SSRN journals, for example, requires decisions about titling, numbering, branding, designing, and marketing the publication series. The librarian, who deals with such issues as a matter of course, may be the natural administrator of such a publishing venture working as the local contact with the SSRN editors.

Library management of such a critical component of the scholar's publishing agenda is a tangible and visible service.

Whether the project is creating a database or building a repository, one initial step is to determine the kinds of publications to include.⁴⁶ Is there an institutional standard to follow? Individual faculty views of what they consider to be scholarly work product will vary: the library must decide to what extent the access tool will honor those widely divergent definitions of scholarship. Types of materials to consider for the database include law review or journal articles, books (including scholarly monographs and multi-volume sets), presentations, briefs, web publications, newspaper articles, op-ed pieces, book chapters, contributions to books such as prefaces or epilogues, encyclopedia articles, broadcast transcripts, unpublished works, works in progress, audio or visual manifestations of scholarship, and the range of other publications produced by law faculty including fiction and popular, but not scholarly, works, etc. Boston College, for example, offers a WebCast Archive as part of its NELLCO Legal Scholarship Repository.⁴⁷ Harvard Law School's online faculty bibliography includes Internet publications defined as "Internet content not published in print form, but excluding e-journal and e-newspaper articles."⁴⁸ If the project rises to the level of institutional repository, there may be other archival goals and objectives that further expand the scope of the material included.⁴⁹

Faculty cooperation is extremely important to the success of the project. Engaging faculty cooperation will be a product of law school culture, priorities, and leadership, but the library can go a long way toward achieving cooperation by proving that it can turn out a superior product that meets each faculty member's individual needs. The faculty publications database that

populates online CVs for example, may require uniformity for database purposes that does not conform with a particular faculty member's presentation preferences: the library design should make customizing easy and acceptable.

Whether an enhanced bibliography, database or repository, the library's overriding interest is not to document the fact of the publications existence, but to facilitate access to them. For that reason, the library will need to pursue acquisitions in some non traditional ways. This raises many questions that will need to be answered: To what extent should the library be involved in helping faculty acquire permissions to post full text materials? Faculty research and writing interests often cross disciplines: does the library budget allow for acquisition of faculty publications even if they are contributions to works which may fall outside the library's collection parameters? Is there a policy requiring or encouraging faculty to deposit copies of their work with the library, and if so, what is the level of compliance? Librarians should establish procedures to actively search for new faculty publications and to track the progress of working papers submitted to SSRN or bepress. Most importantly, they should cultivate relationships within the law school that keep the library in the communications loop regarding faculty publishing initiatives.

For a self-archiving project in an institutional repository, faculty will either need to demonstrate ownership of copyright, or if copyright has been transferred to a publisher, that the publication is subject to an agreement granting the author the right to post it in an archive. To what extent have faculty pursued reservation of such rights, and to what extent can the library or law school encourage or help faculty to negotiate agreements that will facilitate fully archiving preprints or

post-prints? Is there a role for the library to play in managing copyright permissions for works posted in the repository?

Are there political and institutional culture implications to consider in defining faculty? Does the library maintain publications of faculty who have left through retirement or have left for other institutions? Does the library collect or acknowledge publications of adjuncts or visitors? Are student publications of interest? Does the institution want a complete historical record⁵⁰ of scholarship produced under its auspices or is the goal to market only the publications of current faculty? If the decision is to profile only current faculty, does the database or repository coverage include only publications done during their tenure at the school, or is the faculty member's prior publication history also relevant? Will the search tool include names of faculty who have no publications history? These questions take on an importance not present when we think of the archive as primarily a physical preservation concern (would one seriously consider removing books from the collection if the faculty author retired or left for another school, for example), but significant when we consider the marketing objectives of a digital project.

The answers will not be the same for every institution.⁵¹ For example, one school may decide that a faculty member's research and publication history prior to joining the law school represents strengths which enrich the school: highlighting such works through the database as well as work produced during tenure with the school emphasizes the value of the faculty member to the college. Likewise, scholarly works of adjuncts and visitors indicate knowledge and talents which enhance the teaching mission of the college: facilitating access to them markets their contributions. On the other hand, a repository emphasizes work product rather than the scholar

who produced it: it serves to archive work created at (and subsidized by) the school: prior publications and works by those whose scholarship is not underwritten by the law college may not be appropriate for a repository. Whether or not the library retains publication information for faculty who depart may also turn on whether the access tool is designed to archive the school's scholarly work product or market current faculty strengths. The decision may also be to do both: create a faculty publications database to market current faculty and build a digital repository of scholarship created at the school.

Standard search criteria for the database should include: author, title, date, and material type. Other search criteria to consider include keyword and/or subject searching, publication status, and external contributors. If the library decides to give users the option of searching by subject, the issue of subject standards arises. Some libraries may choose the specificity of LC subject headings,⁵² while others use broad, all inclusive categories.⁵³ Alternatively, or perhaps additionally, the library may elect to give full cataloging treatment for faculty e-prints in the law library catalog. Deciding which subject headings to use that will highlight the Law School's scholarship strengths requires a thorough understanding of the faculty's research interests. Consider involving the library's cataloger to build an appropriate thesaurus. Faculty may have their own ideas about appropriate subject descriptors as well.

Will the database provide multiple access alternatives to the writings? Many libraries choose to provide links to all available electronic versions of an article, so that the user can select from HeinOnline, LexisNexis, Westlaw, or SSRN, for example.⁵⁴ A comprehensive approach along these lines requires establishing procedures to review database entries after initial input to

monitor additions to access points or to reflect changes in subscriptions. Multiple access points may help the library encourage use of all its resources. The digital repository, of course, eschews commercial access points: its purpose is to remove license related barriers to the literature. The University of Arizona's database, for example, combines both objectives, providing links to commercial databases as well as locally stored copies of as many papers as possible.⁵⁵ Some libraries use their databases to highlight local print holdings, either in the library stacks or a special faculty publications archive.⁵⁶

Considerations to help determine whether the library can carry out an access tool project include: Does the library staff possess the expertise and interest to create a system that will meet local needs? Setting up a project as seemingly straightforward as enhancing existing faculty CVs with links to full text databases is nonetheless labor intensive and will involve citation verification and editing. Escalating to a database project will require standardizing citation formats as well. Consider hiring research assistants to help with this bibliographic data work,⁵⁷ or train a support staff person to work along side the librarian responsible for developing the content. Does the library have a cooperative and creative relationship with the Information Technology Department and do their priorities match?⁵⁸ What resources are available for outside help if needed?

Does the library need to go it alone, or is there a natural partner for the project? Is there an institutional repository initiative afoot in the university at large, and does it meet the needs of the law school? Perhaps the broader perspectives of scholarly output from other university departments will influence the choices available for the law school project.⁵⁹ Does the library

participate in a state or regional consortium which is looking at developing or already provides a structure for creating an institutional repository for the consortium at large as well as its individual members? NELLCO's Legal Scholarship Repository, using bepress technology, exemplifies this level of consortium coordination and leadership: the site aims to provide "a free and persistent point of access for working papers, reports, lecture series, workshop presentations, and other scholarship created by faculty at NELLCO member schools."⁶⁰ Each member school produces one or more digital journals or paper series, accessible and searchable on the school's own repository page or globally through the consortium page. This concept at once serves the goals of establishing local repositories and promoting the dissemination of scholarly content within the consortium and beyond.⁶¹

Sometimes a project will suggest an enhancement outside the scope of the original design, or a technological innovation may offer a different approach. Make sure to build in some flexibility to accommodate it. For example, shortly before launching its Faculty Publications Database, the Cleveland-Marshall College of Law Library staff was asked if they could expand a scholarly impact study of the past five years of faculty publications to include citations to works from prior years. The real solution to what promised to be an ongoing concern was to find a way to conduct citation searches through the database. The librarians addressed the problem by building citation searches into as many bibliographic entries as possible, first to Shepard's and KeyCite, then to database searches of book titles and chapters, and next to non legal citation services where necessary.⁶² The next step might be to link to SSRN download statistics,⁶³ or to add links to Google Scholar.⁶⁴ The important lesson is to be able to adapt.

As a corollary to the download statistics issue, there may be an institutional preference for linking to SSRN or bepress journal text rather than an alternative either locally mounted repository or commercial database such as HeinOnline or LexisNexis or Westlaw. Downloads as a factor in the rankings wars may fuel the decision to link to SSRN or bepress wherever possible, or until measuring and reporting on individual document retrieval becomes a standard feature of the commercial and free repository software.

For one of the most comprehensive treatments of a faculty publications archive, look to Duke's Faculty Scholarship Repository.⁶⁵ Duke Law School's Law Library and Technology departments (working together as Duke Law School Information Services) set the bar high for law libraries hoping to play a more prominent role in managing faculty publications. Their Faculty Scholarship Repository provides a full-text electronic archive of the Duke law faculty and others associated with the school. Records can be browsed by Library of Congress subject or year, searched by such features as title, author, abstract, keyword or year, publication type, status, e-print type, and whether the item was refereed. Publication types include not just the traditional journal articles, books, chapters, but also conference posters, online journal submissions, theses, preprints, departmental technical reports, and an all encompassing "other." Similarly, status includes not only "published" and "in press," but "unpublished." Duke's repository embraces the spirit of Open access, and the respect for the diversity of forms of scholarly output. Its scope and flexibility provide an impressive structure for disseminating the intellectual work product of Duke's faculty and students. Duke's repository uses free archive creating software from e-prints.org. The Repository complements an Open access leadership

role for Duke: the Law School also publishes its six law journals simultaneously in print and on the web,⁶⁶ with coverage of electronic materials dating back as far as 1996.

CONCLUSION

Digital publishing and the Open access Movement are rapidly impacting, and decreasing, the role of traditional, print journal literature as the predominant expression of faculty scholarship. Librarians' roles as archivists, preservers, mediators, and promoters of access to faculty scholarship are as essential for electronic media as they have traditionally been in the print environment. Moreover, librarians need to embrace the roles of aggregating, distributing, and disseminating formerly performed almost exclusively by publishers. At the very least, librarians should be organizing all the access points to all manifestations of their institution's faculty's scholarship. Librarians can contribute expertise and skills to the management of their institutions' participation in the SSRN or bepress initiatives. It is critically important for librarians to assume leadership roles and maintain responsibility for institutional repositories if they are to remain relevant during this next phase of the technological revolution.

NOTES

¹ For an intriguing discussion of the issue of "engaged scholarship," arguing that law faculty have an obligation to publish research on contemporary practice related topics, see David Hricik & Victoria S. Salzman, *Why There Should be Fewer Articles Like This One: Law Professors Should Write More for Legal Decision-Makers and Less for Themselves*, 38 Suffolk U. L. Rev. 761 (2005). Hricik and Salzman argue that the *AALS Statement of Good Practices by Law Professors in the Discharge of their Ethical and Professional Responsibilities* (November 17, 1989, Amended May 2003) extends the responsibility of law professors to refine, extend and transmit knowledge to taking positions on issues of social and individual justice which practicing lawyers may not be able to do for economic or conflict reasons.

² <http://solum.typepad.com/legaltheory/> (accessed January 24, 2007).

³ Lawrence B. Solum, *Blogging and the Transformation of Legal Scholarship*, Berkman Center for Internet & Society –Bloggership: How Blogs are Transforming Legal Scholarship, Illinois Public Law Research Paper No. 06-08 at 4 (Conference Paper Available at SSRN: <http://ssrn.com/abstract=898168>).

⁴*Id* at 3: “Everything that can be done on a “blog” can be done using other tools and formats.”

⁵ Jack M. Balkin, *Online Legal Scholarship: The Medium and the Message*, 116 Yale L. J. Pocket Part 20 (2006) <http://www.thepocketpart.org/2006/09/06/balkin.html> “The wrong question to focus on is whether hiring committees should count blogging as legal scholarship. The right question is how we should re-imagine our vocation as professors of law in light of new online media. Should we continue to speak mostly to ourselves and our students, or should we spend more time trying to teach and influence the outside world? That choice will determine whether we increasingly value blogging or stick with traditional forms of scholarship. There are many possible paths to choose from, but if you don’t know where you are going, almost any road will get you there.”

⁶ Solum suggests “the relationship between blogging and the future of legal scholarship is a product of other forces—the emergence of the short form and the obsolescence of exclusive rights, and the trend towards the disintermediation of legal scholarship.” Solum, *supra* n. 3 at 2.

⁷ http://www.harvardlawreview.org/PDF/articles_length_policy.pdf (accessed January 24, 2007).

⁸ New “short form” policies include language such as Harvard’s: “The *Review* will give preference to articles under 25,000 words in length -- the equivalent of 50 law review pages -- including text and footnotes. The *Review* will not publish articles exceeding 35,000 words -- the equivalent of 70-75 law review pages -- except in extraordinary circumstances.” Harvard Law Review, *Guidelines for Submitting Manuscripts*, <http://www.harvardlawreview.org/manuscript.shtml#length> (accessed January 24, 2007).

⁹ “The growing respect for blogging among legal professionals stems in part from the medium’s tendency to resist the worst excesses of the traditional forms of legal writing and publication. Many legal documents and most traditional law review articles can be ponderous, with assertions over-wrought, arguments over-made, principles over-cites and everything over-written. The blog medium fosters and rewards succinct expression. For legal writers and legal readers, it is liberating and refreshing to have thought-provoking ideas about the law expressed in only a few paragraphs or even a few sentences.” Douglas A. Berman, *Blogs are Liberating the Profession from Dull Writing*, Special to the National Law Journal, <http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1157629869043> (accessed January 24, 2007).

¹⁰ <http://research.yale.edu/isp/> (accessed January 24, 2007).

¹¹ Balkin, *supra* n 5.

¹² *Id.* “Blogging, in fact is sui generis. It blurs the traditional boundaries between scholarship, teaching and service, because it transcends the normal audiences and expectations of legal scholarship...bloggers talk to many different audiences, they teach the world about law, and they perform a public service by drawing attention to the legal and policy issues of the day.”

¹³ The Social Sciences Research Network, and its component the Legal Scholarship Network hosts institutional and subject electronic journals which post working as well as published papers: “SSRN's objective is to provide worldwide distribution of research to authors and their readers and to facilitate communication among them at the lowest possible cost. We allow authors to upload papers without charge, and any paper an author uploads to SSRN is downloadable for free, worldwide. SSRN also provides free subscriptions to all of our abstracting journals to users in developing countries on request. We allow publishers and other institutions to charge users for downloads, but insist that the price for such papers on SSRN cannot exceed the lowest non-subscriber price for these papers anywhere on the web. The vast majority of downloads of papers from the SSRN eLibrary are free...The 50,000 authors who have contributed their research to SSRN have trusted us with their intellectual output. We are committed to fulfilling that trust. We are authors, and we respect, above all, our authors' rights in their material. We have never and will never behave opportunistically with our authors' material.” Social Science Research Network, *Legal Scholarship Network*, <http://www.ssrn.com/lsn/index.html> (accessed January 24, 2007).

¹⁴ The Berkeley Electronic Press, and specifically the bepress Legal Repository, hosts working papers by subject as well as institution, association or law firm. “The bepress Legal Repository is a network of law-related research materials. Law schools, research units, institutes, centers, think tanks, conferences, and other subject-appropriate groups post materials to specific publications (e.g., the USC Working Paper Series). This high-quality content may be downloaded freely by interested readers.” *About the bepress Legal Repositories*, <http://law.bepress.com/repository/about.html> (accessed January 24, 2007) bepress developed and licenses the DigitalCommons institutional repository platform. http://www.umi.com/products_umi/digitalcommons/ (accessed January 24, 2007).

¹⁵ Solum, *supra* n. 3 at 7 states, “legal academics want to be read, but exclusive rights are barriers to readership.” Solum will not publish his works in any peer-reviewed journal without open access. He says, “They are dinosaurs. Magnificent beasts to be sure. But they will evolve or become extinct.” *Id.* at 8. “Scholars write journal articles because advancing knowledge in their fields advances their careers. They write for impact, not for money.” Peter Suber, *Open Access Overview*, <http://www.earlham.edu/~peters/fos/overview.htm> (March 10, 2006) (accessed January 24, 2007).

¹⁶ See, for example, the *Publications* database of the Jones Day law firm at <http://www1.jonesday.com/pubs/pubs.aspx> (accessed January 24, 2007); *Baker & McKenzie Publications* at <http://www.bakernet.com/BakerNet/Resources/Publications/Recent%20Publications/default.htm> (accessed January 24, 2007); the *Events and Publications* link for Skadden at <http://www.skadden.com/Index.cfm?contentID=6> (January 24, 2007); *Latham & Watkins*

Publications at <http://www.lw.com/resource/publications/handbooks/default.asp?section=3> (January 24, 2007); *White & Case Publications* at <http://www.whitecase.com/publications/> (accessed January 24, 2007).

¹⁷ <http://www.publicknowledge.org/issues/openaccess> (accessed January 24, 2007).

¹⁸ Payment, however, becomes an indirect incentive, in that publications, and, more importantly, publications in the most prestigious journals, continue to be significant factors in tenure and promotion decisions.

¹⁹ Peter Suber, *Removing the Barriers to Research: An Introduction to Open Access for Librarians* <http://www.earlham.edu/%7Epeters/writing/acrl.htm> (accessed January 24, 2007).

²⁰ Science Commons, *Scholar's Copyright Project*, <http://sciencecommons.org/projects/publishing/index.html> (accessed January 24, 2007).

²¹ Since 1996-97, all issues of Duke University Law School's student-edited journals have been published in freely available electronic versions on the Law School website: *Duke Law Journals*, <http://www.law.duke.edu/Journals/> (accessed January 24, 2007). Create Change's website, subtitled *Shouldn't the Way We Share Information be as Advanced as the Internet?* <http://www.createchange.org/about.htm> (accessed January 24, 2007)) includes advocacy toolkits and sample agreements for managing copyrights.

²² Association of American Law Schools Deans Memorandum 98-24, <http://www.aals.org/deansmemos/98-24.html> (May 18, 1998). (accessed January 24, 2007)

²³ See Create Change at <http://www.createchange.org/> (accessed January 24, 2007).

²⁴ <http://www.createchange.org/cases/index.html> (accessed January 24, 2007). Citing the 2005 draft report of the University of California Academic Council's Special Committee on Scholarly Communication, Create Change claims the new era of digital scholarship is exposing fundamental weaknesses in traditional forms of evaluating faculty. "The University will be disadvantaged if innovative forms and media of scholarly dissemination are discouraged for no other reason than that they are new. In the current system we believe that the academic personnel process at times may place excessive reliance on the reputation of the venue to the detriment of specific assessment of the work itself. As the variety of venues for scholarly publication widens, all participants in the review process should rededicate themselves to judicious assessment of all faculty research, in whatever venue, and to extend to innovative forms of publication the same careful evaluation of scholarship upon which the University has traditionally relied to assure the quality of its faculty." SCSC White Paper, Fall 2005 at 3. <http://www.universityofcalifornia.edu/senate/committees/scsc/cap.eval.scsc.12.05.pdf>

²⁵ AALL Special Committee on Open Access, Final Report 2, <http://library.kentlaw.edu/openaccess/AALLOAFinalReport.pdf> (June 14, 2005) (accessed January 24, 2007).

²⁶ *Id.*

²⁷ *Id.*

²⁸ <http://sciencecommons.org/projects/publishing/oalawpublication.html> (accessed January 24, 2007).

²⁹ “The Budapest Open Access Initiative arises from a modest meeting convened in Budapest by the Open Society Institute (OSI) on December 1-2, 2001. The purpose of the meeting was to accelerate progress in the international effort to make research articles in all academic fields freely available on the internet. The meeting participants explored the most effective and affordable strategies for serving the interests of research, researchers, and the institutions and societies that support research” The Budapest Initiative “calls, on all interested institutions and individuals to help open up access to the rest of this literature and remove the barriers, especially the price barriers, that stand in the way. The more who join the effort to advance this cause, the sooner we will all enjoy the benefits of open access.” Budapest Open Access Initiative, <http://www.soros.org/openaccess/help.shtml> (accessed January 24, 2007).

³⁰ *Id.*

³¹ For discussions on the development of open access in libraries, see, Butler Wood, "Three Special Features of Free Library Work— Open Shelves, Women Readers, and Juvenile Departments" *The Library: Transactions of the Bibliographical Society*, 1892 s1-4(1):105-114 ; "Defining the Modern Library Idea," in Abigail L. Van Slyck, *Free to All: Carnegie Libraries and American Culture, 1890-1920* (University of Chicago Press, 1995) , p. 25-27 ; Clarence H. Cramer, *Open Shelves and Open Minds: A History of the Cleveland Public Library* (Case Western Reserve University Press, 1972)

³² Budapest Open Action Initiative, *supra* n. 29.

³³ Douglas Berman speaks of respecting the diversity of scholarly production, recognizing that scholars have different strengths and means for expressing their ideas, and also recognizing that such respect should go to the different forms of scholarship – “I am hopeful the legal academy will have the courage to explore and embrace new forms of traditional scholarly fora (like different kinds of law journals) and seemingly radical new scholarly fora (like blogs)...there cannot nor should not be one-size fits-all answers to the development and dissemination of legal ideas.” Douglas a Berman, *Scholarship in Action: The Power, Possibilities, and Pitfalls for Law Professor Blogs*, 10 (Ohio State University Moritz College of Law, Public Law and Legal Theory Working Paper Series No. 65, Center for Interdisciplinary Law and Policy Studies Working Paper Series No. 43, April 2006) (available at <http://ssrn.com/abstract=89174>).

³⁴ AALL Special Committee on Open Access, *supra* n. 21. The term of the Task Force expired in 2006, and its educational and clearinghouse functions were turned over to the Government Relations Committee. *Open Access Task Force Report*, 98 L. Lib. J. 841 (2006).

³⁵ At the University of Minnesota a library created a web-based citation manager helps the staff learn more about the research interests in various University departments and as a collection development tool. *“Compiling a list of someone else's publications tells a rich story about their academic life, and provides a view of their professional career that might be hard for a librarian to discover through the brief and infrequent interactions that can be typical... Knowing a bit about their earlier areas of emphasis is good to know from a collection standpoint, and hopefully the knowledge of their research interests, current and former, will help build stronger relationships between the librarian and the faculty member. This could come through conversation, by alerting individuals to new materials in their specific area, or by using pertinent examples when addressing groups.”* Scott Marsalis and Julie Kelly, *Building a RefWorks Database of Faculty Publications as a Liaison and Collection Development Tool*, *Issues in Science and Technology Librarianship*, <http://www.istl.org/04-summer/article3.html> (Summer 2004).

³⁶ “..as the volume of high-quality web-based open access research expands, the role and value of the library’s journal collections will decline proportionately...For libraries with an organizational imperative to invest in the future, institutional repositories offer a compelling response.” Raym Crow, *The Case for Institutional Repositories: A SPARC Position Paper* 20, http://www.arl.org/sparc/IR/IR_Final_Release_102.pdf (August 2002).

³⁷ AALL’s Special Committee on Open Access Applications for Legal Information provides a Powerpoint presentation to assist librarians with making the case for a local repository to the faculty. http://library.kentlaw.edu/openaccess/index_files/Page392.html (accessed January 24, 2007).

³⁸ *Id.* “In the long term, organizing and maintaining digital content – as well as supporting faculty as information contributors and end users – should remain the responsibility of the library. Libraries are best suited to provide much of the document preparation expertise...to help authors contribute their research to the institution’s repository. Similarly, libraries can most effectively provide much of the expertise in terms of metadata tagging, authority controls, and the other content management requirements that increase access to, and the usability of, the data itself.”

³⁹ Although see a subject arrangement compiled by the Northeastern University School of Law Recent Faculty Scholarship page, <http://www.slaw.neu.edu/faculty/scholar.htm> (accessed January 24, 2007)

⁴⁰ For examples of enhanced bibliographies cites maintained by Law Librarians, see Indiana University School of Law Library’s Current Faculty Bibliography, http://www.law.indiana.edu/library/publications/cur_fac.shtml, (accessed January 24, 2007). University of North Carolina at Chapel Hill Faculty Publications, http://library.law.unc.edu/faculty_services/new_faculty_publications.html, (accessed January 24, 2007). Boston University College of Law Faculty Publications, <http://www.bu.edu/law/faculty/scholarship/publications.html>, (accessed January 24, 2007).

⁴¹ For examples of the database approach, see the following web sites, Cleveland-Marshall College of Law Faculty Publications, <http://www.law.csuohio.edu/faculty/publications/search.php> (accessed January 24, 2007). Georgia State University College of Law's Faculty Publications, http://law.gsu.edu/library/index/faculty_publications (accessed January 24, 2007). University of Missouri-Columbia Faculty Publications, <http://www.law.missouri.edu/faculty/publications/> (accessed January 24, 2007). DePaul University College of Law Faculty Publications, <http://www.law.depaul.edu/library%5Ftechnology/library/bibliographies.asp> (accessed January 24, 2007).

⁴² Open source software such as EPrints (<http://www.eprints.org/>) and DigitalCommons (http://umi.com/products_umi/digitalcommons/) provide for a web-based customized, and locally maintained institutional repository. For examples of digital repositories, see Duke Law School's Faculty Scholarship Repository, <http://eprints.law.duke.edu/> (accessed January 24, 2007). Texas Tech University School of Law's Law Faculty Scholarship Repository, <http://www.law.ttu.edu/lawWeb/publications/faculty/SearchFacultyPublications.asp> (last revised October 12, 2006). University of Maryland School of Law's Digital Commons @ University of Maryland, <http://digitalcommons.law.umaryland.edu/> (accessed January 24, 2007); University of Georgia School of Law: DigitalCommons@University of Georgia School of Law, <http://digitalcommons.law.uga.edu/> (accessed January 24, 2007).

⁴³ "Institutional repositories, in the context of a disaggregated scholarly publishing model, keep responsibility for the preservation of research materials in the hands of librarians, those professionally prepared and committed to handle it." Crow, *supra* n. 36 at 12.

⁴⁴ "SSRN offers offer four basic levels of participation. To participate at any level, schools submit research papers to SSRN. The submissions will be included in SSRN's eLibrary online database and distributed in one or more of the 400+ SSRN subject matter email abstracting journals. At the second level, Partner in Publishing (PIP) , SSRN will include a reference of editorial and contact information for the organization with a link to the institutional web site which will appear as an available pop-up window on the "abstract page" for the article. Institutions will also have a unique web page within SSRN where users can access all of the institution's abstracts and articles within the SSRN eLibrary. This web page will also be accessible through the Partners in Publishing link on the SSRN Home Page. The third type of relationship is the Basic Research Paper Series (BRPS). This option is a basic version of the SSRN Research Paper Series. In addition to the services provided in the PIP level, institutions will also have a customizable BRPS home page with its own unique URL, links to all of the institutions papers on the SSRN site, download counts for each paper and series overall, and listings for the Top Ten most downloaded papers in the institution's series. The fourth level of service is the Full Research Paper Series (RPS). In addition to the benefits included in the other three levels, SSRN will create an email abstracting journal specifically for an institution, which will be free for anyone to subscribe to. The first level of service is at no cost to the institution. The other levels are paid services." <http://www.ssrn.com/> (accessed January 24, 2007).

⁴⁵ "The Berkeley Electronic Press works with universities, research centers, institutes, and departments to create electronic publications series. It publishes peer-reviewed journals, as well

as working papers, institutional repository materials, and scholarly information. It develops and licenses technologies to help the academic community produce, archive, and disseminate scholarly work. The Berkeley Electronic Press offers the following services: ExpressO, (<http://law.bepress.com/expresso/>) Users submit papers to 500+ law reviews. DigitalCommons, (<http://www.bepress.com/digitalcommons.html>): In 2002, The Berkeley Electronic Press developed the first commercial institutional repository platform in conjunction with the University of California's eScholarship Repository. ResearchNow, (<http://researchnow.bepress.com/faq.html>) is a database of scholarly information drawing its content from several primary sources including the roster of peer-reviewed, Berkeley Electronic Press journals and all working papers, preprints and other “grey literature” content from institutional repositories hosted by bepress as well as subject-matter repository materials from the bepress Legal Repository and COBRA: Collection of Biostatistics Research Archive. <http://www.bepress.com/> (accessed January 24, 2007).

⁴⁶ Or one might state it negatively by deciding what to exclude. Georgia State University Law Librarian Colleen Williams writes “We decided to exclude continuing legal education materials, other seminar publications, speeches, presentation slides, and forthcoming works.” Colleen Williams, *Developing a Law Faculty Publications Database: The Georgia State University Law Library Experience*, 25 American Association of Law Libraries ALL-SIS Newsletter, no. 3, http://www.aallnet.org/sis/allsis/newsletter/25_3/FacpubsDB.htm (Summer 2006).

⁴⁷ <http://lsr.nellco.org/bc/bclswa/> (accessed January 24, 2007).

⁴⁸ <http://www.law.harvard.edu/faculty/bibliography.php> (accessed January 24, 2007).

⁴⁹ “Depending on the goals established by each institution, an institutional repository could contain any work product generated by the institution’s students, faculty, non-faculty researchers and staff...might include...classroom teaching materials, the institution’s annual reports, video recordings...other ancillary research material, conference papers... and gray literature.” Crow, *supra* n. 36 at 17-18.

⁵⁰ The University of Michigan’s *Publications of the University of Michigan Law Faculty, 1859 -* includes books, articles, book chapters, essays, introductions, forewords and book reviews written or edited by the University of Michigan Law faculty and published during each faculty member's appointment in the Law School. <http://www.law.umich.edu/library/facultybib/index.htm> (accessed January 24, 2007).

⁵¹ In October, 2006, Colleen Williams of the Georgia State University Law Library queried the AALL-SIS list about law library practices regarding maintaining publication information of former faculty in online bibliographies. Summarizing the responses for the list, she wrote: “Most schools seem to limit the bibliographies to current faculty with some including emeritus/retired faculty. Very few include former faculty.” Some of the responses included reasons stating the intent of the list is to highlight the work of current faculty only, or current full-time faculty only. One reported that while they would keep print copies of faculty who retired, they had not decided if they would delete electronic articles after faculty left, although assumed they would.

One speculated about creating a bibliography of “former faculty.” One wrote that they retained publication lists for former faculty only as part of their Working Papers collection; another that they asked departing faculty for permission to retain their documents in their digital repository. Another wrote that they thought information about publications of former recently departed faculty are valuable for ABA inspections. E-mail from Colleen Williams, Reference Librarian, Georgia State College of Law, to LAWLIB listserv, (October 2006).

⁵² For an example of LC Subject headings, see the Duke Law School Faculty Scholarship Repository, <http://eprints.law.duke.edu/> (accessed January 24, 2007).

⁵³ For an example of broad subject categories, see the Villanova University School of Law faculty publications database, <http://www.law.villanova.edu/academics/faculty/publications/> (accessed January 24, 2007).

⁵⁴ University of Missouri School of Law, <http://www.law.missouri.edu/faculty/publications/> (accessed January 24, 2007).

⁵⁵ University of Arizona James E. Rogers College of Law, Faculty Scholarship, <http://www.law.arizona.edu/scholarship/facultypubs.cfm?type=Articles&link=scholar> (accessed January 24, 2007).

⁵⁶ Cleveland-Marshall College of Law Faculty Publications Database, <http://www.law.csuohio.edu/faculty/publications/search.php> (accessed January 24, 2007).

⁵⁷ Georgia State University reports success using graduate research assistants for the citation verification work of their database project. Williams, *supra* n. 45.

⁵⁸ Duke Law School’s law library and technology departments are organized as Duke Law School Information Services (<http://www.law.duke.edu/libtech.html> (accessed January 24, 2007))’ the affiliation and collaboration on Duke’s open access initiatives “demonstrates the benefits of ongoing collaboration between law school libraries and IT departments.” *Duke Law School Serious about Open Access*, Members’ Briefing AALL Spectrum, April 2005, p. 4.

⁵⁹ Columbia University libraries are together building the DigitalCommons@Columbia institutional repository. The first phase focuses on institutional dissertations using the DigitalCommons platform and the second phase will collect “working papers, preprints and other so-called ‘grey literature.’” <http://www.columbia.edu/cu/lweb/eresources/ir/dc/about.html> (accessed January 24, 2007)

⁶⁰ “The NELLCO Legal Scholarship Repository provides a free and persistent point of access for working papers, reports, lecture series, workshop presentations, and other scholarship created by faculty at NELLCO member schools. Powered by Berkeley Electronic Press technology, the aim of the NELLCO Legal Scholarship Repository is to improve dissemination and visibility of a variety of scholarly materials throughout the academic and legal research communities.” Nelco Legal Scholarship Repository, <http://lsr.nellco.org/index.html> (accessed January 24, 2007).

⁶¹ An excellent example come to pass of what the SPARC position paper proposed in 2002: “Indeed, consortia might well prove the fastest path to proliferating institutional repositories and attaining a critical mass of open access content.” Crow, *supra* n. 36 at 17.

⁶² Cleveland-Marshall College of Law, Cleveland State University Faculty Publications Database <http://www.law.csuohio.edu/faculty/publications/search.php> (accessed January 24, 2007).

⁶³ Bernard Black & Paul Caron, *Ranking Law Schools: Using SSRN to Measure Scholarly Performance*, 81 Ind. L. J. (2005) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=78476

⁶⁴ <http://scholar.google.com/intl/en/scholar/about.html> (accessed January 24, 2007).

⁶⁵ <http://eprints.law.duke.edu> (accessed January 24, 2007).

⁶⁶ www.law.duke.edu/journals (accessed January 24, 2007).