

UNIVERSITY OF IDAHO LAW LIBRARY COLLECTION DEVELOPMENT POLICY

April 2021

I. Policy Purpose

This statement of policy sets out the areas of emphasis within the University of Idaho College of Law's library collection and describes the criteria for purchase of new materials. It is intended to be flexible and is subject to amendment as deemed necessary by the law library and the College of Law.

II. Introduction

The primary purpose of the law library's acquisitions program is to support the research and educational needs of the law school's faculty and students. A secondary purpose involves acquisition of material that will be useful to University faculty and students engaged in law-related courses. To a lesser extent, the law library collects material that is intended for use by members of the Idaho Bar and the general public.

The law library shares its catalog with the main campus library and is a member of the Orbis Cascade Alliance. The holdings of other libraries within the Alliance play a role in the collection development process, as material can be obtained quickly from these locations.

III. Selection Responsibility

The Collection Development Librarian selects all U.S. law materials and international law materials in print for the Moscow location, as well as all e-books. The Director selects all databases and electronic resources, other than e-books. The Director also selects all U.S. law materials and international law materials in print for the Boise location.

IV. Selection Process

All announcements of new U.S. titles and international law titles are routed to the Collection Development Librarian, while announcements of new databases materials are routed to the Director. Other librarians are welcome to offer suggestions as well. The Collection Development Librarian and the Director decide whether to buy any resource within their areas of responsibility after checking the catalog to make sure that the law library does not already own a copy.

In addition to the standard advertisements and publishers' announcements that are mailed to the law library, the Collection Development Librarian and the Director read book reviews in professional journals and major newspapers to locate material for possible purchase. Publications such as the Association of American Law Schools (AALS) Law Books Recommended for

Libraries are also consulted. Specific purchase requests from members of the law faculty are generally honored unless the book is unduly expensive or is outside the scope of our collection. In the event of disagreement, the final decision is made by the Director.

New materials are ordered by the Technical Services unit, who evaluate the availability and cost-effectiveness of the requested item(s) and format(s) before purchase. Purchasing and invoicing from vendors is handled by the law library's Finance and Administration Manager. When materials are received, they are processed by the Technical Services unit, added to the integrated library system's catalog, and routed to law faculty if requested.

V. Selection Standards

A. Level of Collection Intensity

The law library collection complies with the standards as set out by the American Bar Association (ABA) and AALS. The acquisitions intensity varies by specific areas of law. Intensity is determined by considerations such as current and projected courses taught, individual research projects, and other law school activities. The law library collects materials on the following levels:

1. Minimal Level

An extremely selective collection that is very limited in both scope and depth.

2. Basic Level

A selective collection that provides the user with a basic introduction to and outline of the subject. This collection would include introductory books such as hornbooks and nutshells, a few selected treatises, and only the most widely used specialized periodicals. Collection at this level will support only general research into the subject area.

3. Instructional Level

A collection that is adequate to support J.D. course work and somewhat broader research into the subject area than is provided at the Basic Level. Collection at this level will contain the most important treatises, a looseleaf service with wide breadth, a non-duplicated specialized subject reporting service, and several widely used specialized periodicals.

4. Research Level

A collection that includes major published source materials required for independent scholarly research. Included are preeminent historical and current treatises, looseleaf services whose contents are not duplicated in substantial part, non-duplicated specialized subject reporters, widely

used specialized periodicals, major reference works in the area, and significant non-legal treatises which will aid in the understanding of the subject area.

5. Comprehensive Level

A collection in which the law library attempts to collect, as far as possible, all major works on a given subject, both current and retrospective. This collection would support the most rigorous and in-depth research.

B. Limitations

For financial reasons, little collection development is performed at the Comprehensive Level. Most collection development is performed at the Instructional Level or the Research Level in accordance with the following guidelines:

Current publications of lasting and scholarly value will be given priority over retrospective materials.

Foreign language publications will not be collected.

Availability of materials elsewhere will be considered for infrequently used materials.

Duplicate copies will be purchased only for heavily used materials.

In-depth materials for short-term faculty research projects or specific student research projects will not be purchased unless the acquisition policy specifies intensive collection development in that area. Such materials will be borrowed from other libraries as needed.

Materials in support of the instructional and research needs of the faculty and students at the College of Law will be favored over those for use by the rest of the University community, the Bar, or the general public.

C. Specific Items

1. Books

The law library purchases books, both in print and as e-books, that are relevant to classes taught at the law school or to law faculty's areas of scholarship. However, other materials of high quality may also be purchased. For the most part, the law library buys books that offer a scholarly treatment of their subject matter, while books intended primarily for practitioners are generally not purchased.

The law library gives preference to books published by university presses and major law publishers, although titles from lesser-known publishers may also be purchased. Similarly, books

written by prominent authors are preferred, but books by lesser-known authors with strong credentials may also be purchased.

Purchasing decisions take into account the extent to which the subject matter of the book is already covered by other items in the collection and the desired collection depth in that field. If a book would be of limited value to the collection, the law library will consider whether one of the libraries in the Orbis Cascade Alliance has a copy or whether the law library can quickly inter-library loan a copy from a nearby law library.

The law library does not generally purchase casebooks. An exception is made for courses that are being taught in the College's curriculum, with one casebook purchased for each location the course is available. Casebooks are not maintained in the collection if the course is no longer taught or if it requires an updated edition. Casebooks donated by faculty may be accepted if otherwise appropriate under the terms of this policy.

Some books require updates on a recurring basis. The decision to purchase such books will take into consideration: (1) the quality of scholarship and the reputation of the author and publisher, (2) the frequency and cost of updating, (3) the comprehensiveness of coverage of the subject, and (4) availability of the information from other sources.

2. Loose-leafs

Loose-leaf publications are collected selectively in areas, such as federal taxation, where they are considered to be a significant research tool due to their coverage of statutes, administrative regulations, and agency and judicial decisions. Strong preference is given to major publishers such as BNA.

3. Journals

The law library generally subscribes to law reviews published by accredited American law schools and indexed by the Index to Legal Periodicals. The law library collects general law reviews as well as subject law reviews, provided that subject law reviews are intended for the legal community rather than practitioners of other academic disciplines.

The law library generally does not purchase journals oriented toward practitioners. However, the law library may purchase such journals if requested by a member of the law faculty and if it is not available electronically through commercial sources such as Lexis, Westlaw, or HeinOnline.

4. Newspapers

The law library subscribes to national newspapers, such as the New York Times and the Wall Street Journal, as online resources. The law library also subscribes to some local newspapers such

as the Spokesman-Review, the Lewiston Tribune, the Moscow Daily News, and the Idaho Statesman. Issues of each of these newspapers are discarded after a few days. Legal newspapers, such as the National Law Journal, are retained for one year.

VI. Choice of Format

The law library collects material in print, microfiche, and electronic formats. When an item is available in more than one format, the law library will generally review accessibility and economic feasibility to determine the format chosen. The law library will take into consideration print format when other formats cannot be browsed conveniently or effectively.

The law library may prefer an online format based on a balance between the advantages and disadvantages compared to its print counterpart, including pricing and the ability to permit multiple simultaneous users. The terms of the licensing agreement must be carefully considered as limitations on use of the material may reduce the value of the online resource. Keyword searching capabilities and remote access may also add substantial utility to the online version. Further, the online format may add current materials before the print version can be updated.

The law library holds a few items in audio or video format, such as study aids related to final exams. These materials, which tend to be popular with students, are kept on Reserve.

VII. Scope of Coverage by Format and Jurisdiction

This section discusses print and microfiche material. Much of this material is also available online through commercial sources such as Lexis and Westlaw, as well as government and academic websites.

A. Session Laws

The law library collection contains complete U.S. federal session laws via the print Statutes at Large (through current date), the print United States Code and Congressional Administrative News (USCCAN) through 2020, and electronically via commercial resources such as Westlaw, Lexis, and HeinOnline.

The law library collects Idaho session laws in print format. They are also available online on the State's legislative website.

B. Statutes and Codes

The law library collects the official United States Code (USC) and the United States Code Annotated (USCA). The law library retains superseded volumes of the USC.

The law library maintains a current print copy of the annotated Idaho Code, and also retains superseded volumes with pocket parts.

The law library subscribes to interim code annotation services for the USCA and the Idaho Code.

C. Legislative History

1. Federal Materials

The law library collection contains selected federal historical materials and the finding aids necessary to locate them. There are some gaps in the collection, and some sets of materials are not purchased because they would duplicate items collected in the main University library. Since many of these materials are seldom used, it is not considered an efficient use of budget or space to purchase them.

a. Finding Aids

The main library has the Serial Set Index in print, covering 1789 to 1969. The law library has the print version of the CIS Index in its entirety from 1970 to 2002, as well as the electronic ProQuest Congressional with current coverage. The main library also has the print version of the CCH Congressional Index from 1947 to 1992, with some gaps, while the law library has 1997 to 2020. The main library has print and microfiche versions of the Cumulative Finding Aid, House and Senate Bills, from 1979 to 2000.

b. Legislative Historical Materials

The main library has the Congressional Record in print from 1893. The main library also has it in microfiche format from 1977 to the present; the law library has the microfiche set from 1979 to 1993.

The main library collection contains the U.S. Congressional Serial Set in print from 1821 to the present, with some gaps, as well as on microfiche from 1858 to 1897. The law library collection contains selected material from the Serial Set on microfiche and also has online access, with coverage from 1817 to 2017.

The main library collection includes the print version of Congressional Hearings sporadically up to 1967. From thereon, the set is complete to the present. The main library has the microfiche version from 1967 to the present.

The main library has print and microfiche versions of Congressional Bills from 1979 to 2000.

D. Administrative Regulations

1. Federal

The law library maintains current subscriptions to the print versions of the Code of Federal Regulations and the Federal Register. Old versions of the Federal Register and CFR are also available electronically through HeinOnline.

2. State

The Idaho Administrative Code (IAC) is no longer available in print but is available online on the website for the Idaho Office of Administrative Rules Coordinator. The law library maintains outdated copies going back to 1981, as well as CD-ROM versions of the IAC from 2002 to 2015.

The law library does not collect the administrative codes of other states as they are available online on government websites.

E. Administrative Decisions

The law library selectively collects decisions from federal and Idaho administrative agencies. Many administrative materials are also available through agency websites.

F. Court Reports

1. U.S. Supreme Court

The law library collects the United State Reports; there are some gaps in the early nominative reporters, but otherwise the set is complete. The collection also includes full sets of the Supreme Court Reporter and the United States Supreme Court Reports, Lawyers' Edition, through 2020. These materials are also available through online databases.

2. Other Federal Courts

The law library collection contains full print sets of the Federal Reporter, Federal Supplement, and Federal Rules Decisions, through 2020. These materials are also available through online databases.

3. Regional Reporters

Regional reporters from West's National Reporter System are no longer updated in print; they are available on Westlaw.

4. State Court Reports

The law library collection contains the print version of the Idaho Reports, which is the official reporter for the Supreme Court and the Court of Appeals of Idaho.

5. Records and Briefs

The law library collection contains documents submitted to the U.S. Supreme Court, available in microfiche format from 1954 to 2020. The law library also subscribes to Gale's Making of Modern Law U. S. Supreme Court Records and Briefs module, which covers 1832 to 1978.

The law library collection contains documents submitted to the Idaho Supreme Court and Court of Appeals, beginning with volume 2 of the Idaho Reports. There are many gaps in the materials, particularly before volume 80 of the Idaho Reports.

G. Digests

The collection includes the Idaho Digest in print. The law library also includes a print set of the Pacific Digest, which is no longer updated.

H. Court Rules

The law library collection is comprehensive in its collection of the federal court rules, as included in the U.S. Code. Idaho rules are kept current and old versions are retained permanently, along with outdated editions of the Idaho Code.

I. Attorney General Opinions

The law library collection includes U.S. Attorney General opinions in print from 1852 to 1996 with later opinions available on the Justice Department's website under the Office of Legal Counsel. The law library also subscribes to online access through the Law Library Microform Consortium, covering 1873 to 1982.

The law library retains Idaho Attorney General Opinions in print from 1948 to 2003. Microfiche copies are available from 1893 to 1972, with recent opinions available on Governor of Idaho's website.

The law library collection includes the Washington Attorney General Opinions in print from 1917 to 2003, with some gaps. Microfiche copies are available from 1890 to 1980. Recent opinions are available online on the website for the Washington State Office of the Attorney General.

J. Legal Encyclopedias and American Law Reports

The law library maintains a current edition of American Jurisprudence 2nd. The collection also includes non-updated sets of Corpus Juris Secundum, the American Law Reports, and American Law Reports Federal.

No state-specific encyclopedia has been published for Idaho.

K. Restatements and Uniform Laws

The law library collection contains all versions of the Restatements, as well as many Tentative Drafts.

L. Practice Material

Practice material is generally beyond the scope of the collection. Nevertheless, the law library subscribes to several major federal practice sets. Although there is very limited Idaho practice material available, the law library attempts to obtain material published by the Idaho Bar. The collection does contain selected Washington practice materials.

M. Continuing Legal Education Publications

The law library collection contains Idaho CLE material usually published in conjunction with CLE seminars sponsored by the Idaho Bar. Idaho CLE materials from other sources is extremely limited.

N. Substantive Law of Particular States

Secondary material on Idaho law is extremely limited. However, the collection does include some Idaho-specific material published by University of Idaho law faculty or prominent Idaho attorneys.

O. Legal Periodicals

The collection includes the print version of general law reviews published by accredited law schools, as indexed in the Index to Legal Periodicals. The collection also includes selected topical law journals. Online access is available through commercial sources such as Lexis, Westlaw, and HeinOnline.

The collection includes selected legal magazines and newspapers, which are retained for up to one year and then discarded.

VIII. Government Documents

The law library is a selective federal depository library. The University library is a G.P.O. Regional Repository library.

IX. Reserve

The reserve section of the law library contains commercial study aids, such as the Nutshell series and the Examples and Explanations series. The Moscow reserve section also contains Restatements, CLE materials, and some treatises and practice manuals.

Law faculty place specific course materials on reserve as well. Some are available online in a password protected electronic reserve section of the law library's web site.

X. Reference

The reference section of the law library contains selected encyclopedias, dictionaries, legal and legislative directories, basic international legal materials, and other ready-reference resources. The reference section also includes some CCH looseleaf services and the CIS legislative history set.

XI. Gifts

The law library accepts gifts of materials that fit within the scope of the collection. Gifts that would duplicate material already in the collection are evaluated on a case-by-case basis. In deciding whether to accept a gift, consideration is given to the needs of the collection, the law school's relationship with the donor, the condition of the material, space considerations, cost of updating (if applicable), and other relevant factors.

Gifts are normally accepted with the understanding that the law library will decide where to store the materials and the terms under which the material will circulate. The law library retains the right to dispose of gift items at any time in any manner deemed appropriate.

XII. Weeding

The process of collection development involves removal of items from the collection as well as the purchase of new materials. Items are removed from the collection based on considerations such as space limitations, changed collection development priorities, deterioration, obsolescence, minimal level of use, relatively low qualitative value, and availability from other libraries.

A. Deselection Criteria

- 1. Currency or reliability** – the resource's information has lost value, it is not currently updated and there are no plans to update.
- 2. Physical condition where replacement is not warranted** – missing pages, text unreadable, water damage, poor paper quality, musty, beyond repair, or other factors which prohibit rebinding.
- 3. Superseded editions** – does not contain unique information or data, nor provide a historical reference not available in the most current edition.
- 4. Duplicate titles or Electronic Duplication** – unless a proven demand exists for multiple copies.
- 5. Superfluous subjects** – no longer relevant to the curriculum, item has very little or no apparent relevance to current or anticipated college programs.

6. **Copyright date** – items that appear outdated based on the subject and scope of the work, without historical value.
7. **Government documents, availability in electronic formats** – as allowed under the Federal Depository Library Program (FDLP), physical items currently in the stacks that are available via government websites, the stable URL must be located and the permanent cataloging record revised prior to weeding the physical item.
8. **Multi-volume sets** – individual items under consideration for deselection should not be removed from multi-volume sets, either the entire set should be deselected or all items in the set should be retained.
9. **Availability from other libraries** – whether the book is available within the University’s library system, through consortia, or via inter-library loan.
10. **Usage** – minimal to no usage by patrons.
11. **Space limitations.**

XIII. Replacement of Missing Items

When an item is reported missing, the Circulation unit performs a search to ensure that it has not been misfiled. If the item is not found, a record is maintained for one year to see whether it is discovered. If not, a decision about buying another copy is made on the basis of the collection development policy.

XIV. Office Copies

The law library normally does not buy materials for faculty offices. However, the law library will generally purchase books requested by faculty; these books are added to the collection and checked out to the faculty member for office use.

XV. Librarianship Literature

The law library maintains a small collection of material related to professional librarianship, with an emphasis on law libraries. These materials are stored in the library workroom and in various law library offices.