

FLAG the Foreign Law Guide Update 2013
article compiled and written by Gerry Power

Introduction

FLAG, the Foreign Law Guide¹, is the well known web guide to collections of foreign, comparative and international law held in UK libraries. It was developed and built by Dr Peter Clinch from 2000 to 2002, who also did comprehensive reviews and updates of the FLAG database in 2004², 2007³ and 2010⁴, all of them reported in *Legal Information Management*.

In 2013, the FLARE⁵ Group of libraries decided to update the whole database. They secured funding to enable a small team to organise visits to over 60 libraries and to conduct surveys of the print and microform law collections on the shelf. This would allow the database to be updated as fully as possible. This article outlines the aim, objectives, method and findings of the 2013 update, and offers a short discussion on the future of FLAG.

1. Summary

The project team surveyed 56 of the 62 libraries included in FLAG from June 2013 to May 2014. We noted all changes to collections of foreign, international and comparative law to bring the database up-to-date. It was not possible to visit 6 libraries for the purposes of the project (3.1).

More than 600 collections have been disposed of since 2010. Library space planning, especially the need to create attractive study spaces, has resulted in lesser used materials being relegated to store or disposed of (3.2). Availability of electronic versions is also cited.

The relocation of collections is quite common because of building work and because many little-used titles are moved to store (3.3). Materials in store can be readily identified and requested through good quality catalogues.

New shelf marks have been noted for over 600 collections, one of the reasons being reclassification for collections classed using Library of Congress classification (3.4).

Over 1200 collections, which were still active in 2010, have since been closed and the changes noted in FLAG. The reasons for closure include an increasing number of electronic databases

¹ FLAG <http://ials.sas.ac.uk/library/flag/flag.htm> accessed on 1 July 2014

² Clinch, Peter (2005) The FLAG database updated. *Legal Information Management*, 5, 63-65

³ Clinch, Peter and Bird, Ruth (2008) Finding foreign law collections in the UK: the 2007 FLAG update and questions it raises for future collection development policy in the UK. *Legal Information Management*, 8, 135-139

⁴ Clinch, Peter (2011) The FLAG database - 2010 update. *Legal Information Management*, 11, 52-54

⁵ The Flare Foreign Law Research group of libraries is a collaboration between the major libraries collecting law in the United Kingdom: Institute of Advanced Legal Studies (Chair), Bodleian Law Library - University of Oxford, British Library, Squire Law Library - University of Cambridge, and School of Oriental and African Studies - University of London.

and publications, the decreasing use of printed looseleaves, the low usage of many print series, and the expense of keeping both print and e-versions of the same title. (3.5)

Despite the switch to electronic versions, however, we have noted many new print editions of codes and consolidations for various jurisdictions, and updated FLAG accordingly (3.6). Approximately 120 new records have been created for materials not previously on FLAG (3.7).

Table 1: Outline statistics for the project

Foreign, comparative and international law: primary material in UK libraries	Total	Comments
Collections disposed of, since 2010	618	See 3.2
Collections relocated since 2010	657	See 3.3
Collections reclassified since 2010	1154	See 3.4. Includes relocation on open shelf as well as actual reclassifications.
Active collections, as of end 2013	1600	Approximate total.
Closed collections, as of end 2013	12000	Approximate total.
New additions since 2010	> 200	Estimated figure. Includes many new compilations of law in print, as well as older collections which were not previously on FLAG.

2. How the update was carried out

At the request of the FLARE Group of libraries, the Institute of Advanced Legal Studies assembled a team in the early summer of 2013 whose aim was to update the FLAG database completely. The project started in June 2013 and was completed in June 2014. The project's objectives were:

- to visit all libraries of which the collections of foreign and international law are described in FLAG and carry out a detailed shelf survey
- to survey library stores as much as possible, as well as open access collections
- to interview law librarians about trends in collection development
- to identify and record all closed collections still in stock
- to identify and record all collections which are still active

- to identify all collections which were still active in 2010 but which have since closed and to record the contents date range
- to identify any collections discarded and reasons why, and delete records from FLAG accordingly
- to identify any cancelled titles and possible reasons for cancellation
- to identify any collections which are active again, and which were previously closed
- to note any changes to location and shelf mark of collections
- to identify and record any changes to libraries' name, address or other contact details
- to record all changes to collections in the FLAG database so as to update it to 2013

The team to update FLAG were:

Dr Peter Clinch, project consultant and trainer, author of the project manual, who surveyed collections in North-West England, Northumbria and Scotland, and updated the database for those collections

Gerry Power, update project manager, who surveyed collections in the rest of England and helped to survey some of the London libraries, and who carried out database updates

Hester Swift, Foreign and International Law Librarian, Institute of Advanced Legal Studies, who surveyed collections in the London libraries

Lindsey Caffin, Senior Library Assistant, Institute of Advanced Legal Studies, who carried out database updates for the collections in London libraries, and designed database output reports

David Gee, Deputy Librarian, Institute of Advanced Legal Studies, who oversaw the project on behalf of the FLARE Group and who managed project finances

Steven Whittle, Information Systems Manager, Institute of Advanced Legal Studies, who managed the FLAG database

The FLAG Rebuild Project was supported by the Flare Foreign Law Research group of libraries (a collaboration between the major libraries collecting law in the United Kingdom: Institute of Advanced Legal Studies (Chair), Bodleian Law Library - University of Oxford, British Library , Squire Law Library - University of Cambridge, and School of Oriental and African Studies), the British and Irish Association of Law Librarians (BIALL), and the School of Advanced Study (SAS), University of London.

3. Results

3.1 Where the shelf survey was carried out

We visited and surveyed a total of 56 libraries from June 2013 to April 2014 which are all listed in table 2, which appears at the end of this article.

Visits and shelf surveys were not possible in the following:

The Library of the Faculty of Asian and Middle Eastern Studies at Cambridge, which has a very small collection of law material. It was possible to examine this by catalogue.

Royal Commonwealth Society Library, University of Cambridge. It was not possible to visit it for a shelf survey, but the librarian was most helpful. All law collections are closed access, and there have been no changes since 2010.

Brynmor Jones Library, University of Hull, which is undergoing extensive re-development until Summer 2014. A visit and shelf survey may be possible in the future.

The Bodleian Central Library in Oxford is being refurbished and will re-open in September 2014 as the Weston Library. Most if not all its law collections are in closed stack, the Bodleian Book Storage Facility. Many of the law collections of the Bodleian Oriental Institute Library are also in book storage, so it was not possible to visit it. Both libraries were most helpful by e-mail.

National Library of Wales - all collections are on closed access and not classified or arranged by subject. It was not possible to survey, but may be possible to check their catalogue.

3.2 Disposals

Information on materials disposed of was obtained in two ways:

- from the librarian either during the site survey or subsequently by e-mail
- by identifying titles /collections no longer visible on the shelves or in store **and** not traced in the relevant library catalogue

Figures for disposals, therefore, should be approximately or exactly equal to the number of records deleted from FLAG per library as a result of this project.

Some libraries have disposed of little or nothing, which includes the FLARE Group of libraries, whilst other have disposed of substantial amounts of material between 2010 and 2013.

The reason for some of the high figures, e.g. the Hallward Library in Nottingham, is that the disposals took place over a much longer period than the most recent four years, i.e. since 2002.

Therefore the rate of disposal is more gradual than it appears if we just compare disposals figures for 2010 and 2013.

Several reasons were given for disposals. The purging of printed looseleaves and take-up of electronic versions is common.

Space planning has become increasingly critical in many libraries as they endeavour to improve the overall student experience with more attractive study areas, in a time of increased competition between universities. This no doubt has an impact on the amount of shelf space on open access and leads to disposal of some material if it's available in e-versions. Space and building re-development are a current concern that simply did not figure in the 2010 postal survey⁶ by Peter Clinch.

Some librarians mentioned that they closely monitored usage of printed series, e.g. US law reports, over some years before deciding to get rid of the print. The UK Research Reserve⁷ was mentioned a few times as one of the beneficiaries of discarded collections, but its criteria are exacting and it only accepts from member libraries. One librarian mentioned her institution's intention to apply for membership to UKRR.

The ready availability of many law publications in secure electronic versions is also a common reason for disposing of print material. Some items, such as the publications of the UN and many law reports of the US, are available in several databases online, some for subscription and some with free access.

It is clear that librarians take a number of factors into consideration when deciding to dispose of some materials. Many are reticent and reluctant to discuss disposals, and would no doubt welcome some independent advice on how to get rid of, e.g., Council of Europe publications. At least one librarian asked if the FLARE Group could have a role as a clearinghouse to advise on ways to dispose of materials and what printed items are still particularly valuable.

⁶ Clinch, Peter (2011) The FLAG Database - 2010 Update. *Legal Information Management*, 11, 52-54

⁷ UK Research Reserve <http://www.ukrr.ac.uk/> accessed on 1 July 2014

3.3 Collections relocated

We have recorded the change in the FLAG libraries database when collections have moved to another building, or if the library has been renamed. For example, the law collections in Aberystwyth University are now mostly in the Thomas Parry Library, and the Bodleian Indian Institute Library in Oxford is now called the Bodleian Oriental Institute Library.

Collection relocation will be a common preoccupation for some years to come as major building projects and re-development continue. There are plans to close the Harding Law Library in Birmingham in 2016 and to move law collections and services into a new university library, currently under construction. Little used material is expected to move to a research commons building with some seating for postgraduate students. The development of a research commons area was also evident at Exeter.

In many cases, we were given ready access to library stores for the purpose of the survey, including the Inns of Court, Aberystwyth, Birmingham, Sheffield, Leeds, and others. In many others, it simply was not possible to view the stores and we relied on catalogue searches to update the database.

Reasons given for moving material to stores include infrequent usage, age or fragility of material, and, commonly, to make space in open access.

All libraries surveyed mentioned that materials in store can readily be retrieved on request, and it is clear from many library catalogues that it is easier for researchers to request this material online now. Some of the stores are on open access and are easy to use, for example Sheffield and Leeds.

There is no doubt that decisions on what materials to relegate to store will continue to preoccupy librarians. At least one library is currently considering, and consulting on, moving substantial holdings of US primary material to store.

3.4 Materials reclassified or moved

At least eleven libraries have done a significant amount of reclassification. One reason is because they changed to a more recent edition of Library of Congress Classification for law. The reclassification does not pose any noticeable problem for researchers, as all changes are duly recorded in the relevant library catalogue. Surveyors could trace many reclassified materials through the good quality of library catalogues.

However, of necessity, the shelf survey has been slowed down significantly because of reclassified collections, as we sought to identify the new shelf locations and we could not readily find current locations from the existing FLAG records. We have recorded **all** new shelf locations in FLAG, as required, for over 600 collections. Reclassification looms much more in this update

than it did in the 2010 update⁸, when we compare the findings. The figure in table 1 includes items reclassified as well as items moved, i.e. relocated, on open shelves.

3.5 Changes to the number of active collections

The FLAG database clearly indicates the accrual status for all collections, whether the collection is still active (i.e. still current with new material being added) or closed (i.e. no longer being added to, with a clear indication of the years in the contents date range).

Between 2010 and 2013, in the vast majority of libraries, there has been a decrease in the number of active collections. In some cases, the figures have stayed the same, and in only two cases is there a small increase. This decline follows the trend identified and discussed by Clinch in the 2010 postal survey⁹.

It is evident that for some libraries, there has been a very dramatic decrease in active collections between 2010 and 2013. One reason for the apparent size of this decrease is essentially methodological. In several libraries surveyed, staff expressed great difficulties in doing the postal surveys of 2010 and in previous years. They mentioned a lack of confidence, complete incomprehension with the task, and some simply gave up on it as it was too difficult. Therefore, the decrease in the number of active collections is far more gradual in reality than it appears. In the 2013 survey, we have identified many collections marked as active which in effect had been closed some years ago. We have noted all these changes and contents date ranges in the database.

This is not a criticism of FLAG or its method, but a statement of the real difficulty which several librarians expressed.

Several reasons for closure of collections were given. Firstly, as noted above, it is evident that the decrease has been gradual over several years rather than just since 2010.

Electronic access to a growing range of databases and publications in foreign, comparative and international law is a common stated reason for cancelling print subscriptions. *International Legal Materials* is often cancelled in print as it is available online, as are many UN and Council of Europe publications. The elaborate print apparatus of the *Canadian Abridgment* has been cancelled in most if not all libraries, again because it is online, and too expensive to have both in print and e-versions.

The currency, usefulness and ease of access to electronic resources is another stated advantage over print. Some libraries mentioned the cost of print as a factor in deciding to cancel hard copy, with a retention of the electronic equivalent. Mostly, however, librarians have mentioned low usage of print series, space exigencies, the currency and ready availability of e-

⁸ see footnote 6

⁹ *ibid.*

versions as factors in helping to decide on cancellations, rather than budgets. As mentioned above, some librarians take systematic steps to monitor usage of print series to help them decide.

A significant finding has been the disappearance of many looseleaf publications from library shelves, as they have been widely cancelled and withdrawn. An example is Beaumont and Harris on air and space law, which is only now available in print in one or two libraries, whereas the e-version is widely available.

Among the countries and organisations for which print series and publications have been cancelled are: Canada, New Zealand, Australia, Ireland, Council of Europe, United Nations, Organisation of American States, France and the United States. Some librarians mentioned the value of the LII, the online legal information institutes, such as BAILII, AustLII, CanLII et al., in providing ready access to current and recent primary materials. The growth of the online presence of the UN, Council of Europe, ECHR and OAS is also mentioned. Again, this trend towards more electronic resources is identified and discussed in the 2010 survey¹⁰.

3.6 Amendments to active collection records

We have updated more than 1260 records for collections which were active in 2010 and which have been identified as closed in the 2013 survey. The accrual status has been changed to closed, and the contents date range has been updated in both the date range field and in the description.

3.7 New collections

More than 200 records have been added to FLAG for new collections as a result of the 2013 survey. In some cases, they are for recent publications identified on a useful list circulated by Peter Clinch to the team, including, for example, the Travaux Préparatoires of the Universal Declaration of Human Rights. We also spotted many useful new editions of codes for, notably, many African and European jurisdictions. In other cases, older material not on FLAG previously has been added, notably at Dundee, at the British Library and at the Maughan Library.

3.8 Changes to contact information

In FLAG, there is a small database with contact details of all the libraries, the collections of which are included. This listing of the libraries has been updated fully and now includes social media details as well as postal, web and e-mail.

4. Discussion

¹⁰ *ibid*, p.53

With the trends identified above - shrinkage of print collections, expansion of electronic holdings, expansion of coverage of foreign and international law on the free web, the relegation of older materials - and the difficulty which many have in understanding FLAG, now is perhaps an appropriate time to consider the future of FLAG.¹¹

FLAG was built and developed between 2000 and 2002 on a firm basis of cooperation between libraries to share information on their collections, for the benefit of researchers and of librarians. The willingness to cooperate is evident from many of the original documents of the project, dating back to 2000 and previous to that.¹² This spirit of cooperation is certainly still alive today, which all three of the surveyors for the current project can verify. We received many offers of help and good will throughout our visits and surveys, and subsequently by e-mail.

FLAG also set a high standard, from its inception, on describing collections accurately and in great detail. The database reveals a detailed “map” of law collections for many jurisdictions and intergovernmental organisations, identifying various formats - codes, session laws, consolidations, indexes, digests, etc. - and pinpointing the date ranges of contents. One librarian commented recently that FLAG’s particular strength is to identify print / microform holdings for older material, e.g. “where can I find the current law of Nigeria and get a list of previous compilations and laws available since the 18th century”. However, FLAG only describes the print and microform collections, and not the electronic, as e-publications are beyond its scope. FLAG’s excellence from its inception as a web tool looks a little dated now.

Since 2002, many new and useful web tools about foreign and international law have become available, including the Libguides range and many social networks, such as Facebook, LinkedIn and Google. The Libguides offer quick and accurate perspectives on many key library collections, whilst the social networks offer librarians and researchers a chance to share questions, information and knowledge on many topics including law. It would be nice to think that FLAG could maintain a useful place in this current and dynamic mixed economy of the web. This new web gives the individual greater opportunity and control over networking and sharing information.

Perhaps FLAG can secure a niche as part of a forum or social network to share good practice and knowledge. A possible new network on foreign and international law might include profiles of individuals and their libraries / organisations, their print collections, their strengths and expertise in foreign law, in international law, their needs to upgrade skills and knowledge in the field, a forum to share information about collections being disposed of, a profile of secondary sources available and web guides published. This could be a way to give each library the task of updating its own holdings data for foreign and international law in FLAG. Wishful thinking, no doubt, which would need a firm foundation of yet another survey to determine needs, attitudes and deliverables! But the brave new world puts more emphasis on the individual librarian and

¹¹ These observations are based on the author’s own experience of managing the project and his reflections thereupon.

¹² Surveys and reports are available at <http://ials.sas.ac.uk/library/flag/flag.htm> accessed on 1 July 2014.

researcher being proactive through web networks, and FLAG needs to adapt to this new landscape to remain viable for the future.

5. Thanks and acknowledgements

The project team are very grateful to the many librarians in the UK who helped us considerably with the survey, by allowing us access to their collections and by sharing their insights into trends in collection development. A survey of this nature generates lots of questions about collections - holdings, stores, cancellations, disposals, new subscriptions - and we thank librarians for their time, patience, support, and, in many cases, their hospitality.

Thanks very much to the FLARE group of libraries and to BIALL - The British and Irish Association of Law Librarians, and to the School of Advanced Study, University of London, for their sponsorship and support of this project.

Finally, thanks to all the members of the project team, who pursued the project aims with energy and persistence and completed the project by June 2014. We are very grateful to Dr Peter Clinch for providing the training and project manual, and for his continued support and expertise throughout.

Table 2: List of libraries included in FLAG. (An asterisk indicates that it was not possible to visit that library in the current project).

Aberdeen, University of: Taylor Library
Aberystwyth University: Thomas Parry Library
Advocates Library
Birmingham, University of: Harding Law Library
Birmingham, University of: Orchard Learning Resource Centre
Bristol, University of: Wills Memorial Library
British Library: Social Sciences and Official Publications
Cambridge: Cambridge University Library: Official Publications
Cambridge: Criminology Library
* Cambridge: Faculty of Asian and Middle Eastern Studies Library
* Cambridge: Royal Commonwealth Society Library
Cambridge: Squire Law Library
Cardiff University: Law Library
Cardiff University: Special Collections and Archives
Central Lancashire, University of: Learning and Information Services
Dundee, University of: Centre for Energy
Dundee, University of: Law Library
Durham, University of: Bill Bryson Library
Durham, University of: Middle East Documentation Unit

East Anglia, University of: Library
Edinburgh, University of: Law and Europa
Edinburgh, University of: Main Library
Essex, University of: Albert Sloman Library
Exeter, University of: Arab World Documentation Unit
Exeter, University of: Law Library
Glasgow, University of: Library
Gray's Inn Library
* Hull, University of: Brynmor Jones Library
Inner Temple Library
Kent, University of: Templeman Library
Lancaster University: Library
Leeds, University of: Brotherton Library
Leicester, University of: David Wilson Library
Lincoln's Inn Library
Liverpool, University of: Library
London: Institute of Advanced Legal Studies Library
London: King's College London: Maughan Library
London: LSE Library
London Metropolitan University: TUC Collections
London Metropolitan University: Calcutta House Library
London: Queen Mary: Library
London: SOAS Library
London: Law Library, UCL
London: UCL School of Slavonic and East European Studies Library
Manchester, University of: Joule Library
Manchester, University of: Library
Middle Temple Library
The National Archives
* National Library of Wales
Newcastle University: Law Library
Nottingham, University of: Hallward Library
* Oxford: Bodleian Central Library
Oxford: Bodleian Law Library
Oxford: Bodleian Law Library: Official Papers Section
Oxford: Bodleian Library for Commonwealth and African Studies
* Oxford: Bodleian Oriental Institute Library
Reading, University of: Library
Sheffield, University of: Western Bank Library
Southampton, University of: Hartley Library
Sussex, University of: Library
Warwick, University of: Library
West London: University of: Library