

Virtual Legal Collections – breaking local and national boundaries

A keynote address to *Visible Justice: evolving access to the law*, the conference of the New Zealand Law Librarians Group, on Friday 13th August 2002

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Good morning everyone. Thank you for the invitation to be here and to talk to you today, despite the inauspicious date, and thank you for the opportunity to attend the conference and to learn with you. I value the link that was created when Dougal McKechnie of the Department for Courts visited London and I'd like to thank him and his colleagues for their hospitality. It has been wonderful to meet so many of you during the conference. Congratulations on your stamina to attend in such numbers on the last day after some impressive celebrations yesterday evening.

Introduction

I will talk about some developments in the UK in creating virtual collections. This will be a broad review illustrated by some national and international initiatives in which my institution is participating. They are mainly developments in higher education libraries, in contrast to the developments described in other sessions. The developments are less cost intensive than some of the commercial projects because the public sector is relatively poor in terms of capital investment. However, they exhibit other characteristics which make them extremely significant. There has been a continuing engagement with long-term issues of preservation, there is a commitment to sector-wide access, and there is the ability to exploit the wealth of research material held by and generated by higher education institutions. Not surprisingly these developments are not usually confined to, or specific to our little – but important – world of legal information provision. They prefigure very different models of scholarly communication and of publication of primary legal materials.

Outline

All of the developments I describe are collaborative. Collaboration is a prime requirement in the creation of virtual collections. By the nature of virtual collections they break national and international boundaries and the collaboration must do the same. So, perversely, I shall start with barriers to collaboration among libraries. Then I shall speak a little about national initiatives, a national infrastructure, and a national electronic research library. After that I will look at: metadata and resource discovery, including the Internet Gateway to Law project; digitisation, especially news of the Law Library Microform Consortium project; and digital preservation. Finally I will look at new models of communication in higher education, that is scholarly publication, and their counterparts in government and the courts. In particular there will be a mention of the Statute Law Database and the British and

Irish Legal Information Institute and some other agenda for primary legal publication.

A sheet has been distributed containing web addresses and other details to enable you to explore the various organisations, papers, and projects which I will mention and to access freely available services which may prove useful to you. [The references on that sheet are incorporated in the endnotes to this article.]

Unwrapping Crocodiles²

Firstly I want to tell you a story about information and the Third Millennium. As you will have guessed from the slide, I am talking about the Third Millennium BCE and not the one we have just entered. My first job was at the Institute of Classical Studies in London where my Director used to unwrap crocodiles. Crocodiles in Ancient Egypt were mummified in their thousands as part of religious ceremonies and stored in temple complexes. They were wrapped in layers of papyrus; this was used papyrus - papyrus which had been written on. Using certain techniques and infinite care the crocodiles can be unwrapped and the papyrus deciphered. My director, a specialist in classical Greek drama, retrieved fragments and lost lines of literature in that way. I always thought this gave a wonderful perspective on the storage, transmission, and retrieval of knowledge especially in our instantaneous electronic age and on a range of issues which concern us today:

- Archival permanence
 - That a national infrastructure was required to process and store these objects
 - That no one did any decent life-cycle costing
 - That the 'important' part of the package (for us the wrapper not the contents) was preserved accidentally
 - That no proper selection procedures were employed (at least not for the writings on the wrappers)
 - That retrieval is extraordinarily difficult
- I hope you will bear the crocodiles in mind.

Collaboration and Barriers

As we all know, there is intense pressure to collaborate and collaboration is vital to make economic sense of virtual collections. The pressure comes from the information explosion – individual libraries cannot provide enough; from the rising costs of materials without a similar increase in budgets; and from the potential of information technology.

The terminology of collaboration lacks clarity: coordination – cooperation – collaboration – partnership – resource sharing. In a paper to the Research Libraries Group³, Carol Ann Hughes, talking about inter-library loans, made this point: “Resource sharing is not cooperation”; it needs financial mechanisms to compensate net providers, it needs contractual obligations which can be relied on, it needs cost-effective working, it does not mean taking hours to source a free photocopy to save a fee.

A report on barriers to resource sharing was published in 2002⁴. It was commissioned by the Research Support Libraries Programme, a programme in the UK working towards national strategy for research provision. I borrow heavily in this section from the report and presentations⁵ about the Report. The Report used 'deep resource sharing' to indicate: "*collaboration between or among libraries in which institutional autonomy in service provision is in some degree surrendered and which involves some degree of risk*". The Report concluded that there is not much deep resource sharing in the UK, in fact almost none of it, although there is much talk of cooperation.

Why is this the case? The Report suggests several reasons which I have embellished a little:

- It is a low institutional priority even if it is a high national priority, library spending represents a relatively low proportion of the overall budget of a higher education institution
- Most higher education institutions have an internal focus
- There is a fear, mostly unfounded, of swamping by users from external institutions (free-riding)
- Librarians are risk averse and reluctant to give professional leadership, academic staff are even more risk averse
- Where a library is governed by committee, it frequently, if not inevitably, takes a cautious approach
- In a competitive higher education environment, strong research library resources in a particular institution might be seen as an important competitive advantage and a unique selling point.

The value of such a report is, of course, to point out the obvious but we do need to be told the obvious and to be told it with the authority of a proper investigation.

In law, cross-sectoral collaboration between university, public, court, and professional libraries might prove particularly worthwhile. Cross-sectoral collaboration, in the sense of 'deep resource sharing', was found to be particularly difficult to achieve and the Report identified difficulties in cross-sectoral collaboration in addition to those listed above:

- Different funding bodies, indeed responsibility might be in different parts of government
- Different financial years and decision cycles
- Separate and uncoordinated initiatives
- Inability jointly to employ staff or buy equipment

Cross-sectoral collaboration may be particularly interesting for some of those in the audience today since the local environment may offer real opportunities. I hope I might therefore briefly mention the library of the Institute of Advanced Legal Studies in London which has always formed a bridge between the academic world and government, the courts and the practising profession. It has provided facilities, including a great comparative legal research library, for all researchers and has

done this by an honest assessment of the full costs of the services and ensuring that those costs are met by the appropriate funding source, including individual practitioners or firms. There is no long-term benefit to anyone in undervaluing facilities or services or by considering all additional use of existing facilities and services to be at marginal cost. This collaboration has built up a network of law librarians using the enquiry and rapid document delivery services and sharing training sessions at the Institute. It does not go as far as operating a joint facility or joint services but has created a sustainable model for access to unique research resources in the higher education sector.

I should also mention that cross-sectoral collaboration between the national libraries and major university research libraries has been of particular interest recently in the UK. There have been considerable changes at the British Library⁶, not least the appointment of a librarian as its Chief Executive. The British Library is establishing strategic partnerships with other libraries which play national roles, including the Institute of Advanced Legal Studies Library, through their co-operation and partnership programme. The British Library has new funding from the same department of government from which universities derive their public funding. These changes mean it may for the first time play a full part with university research libraries in electronic developments.

'National is necessary'. There is recognition in the Report and among higher education institutions in the UK that electronic developments and virtual collections must be tackled on a national if not an international basis. There is no such thing as a local project whether it is digitisation of paper materials (which obviously should not be done by two similar projects in the same country or across the globe), adherence to international standards, or tackling the licensing of materials. However, as we shall see, developments in information management in universities also focus on taking full advantage of their intellectual assets in a competitive environment. A balance will need to be struck between these imperatives because they may well conflict.

The Report concluded that there is an urgent need to explore the most cost-effective means of providing a UK higher education electronic library and to make a strong case to the UK government backed up with persuasive evidence for large-scale electronic collaboration. There is a need for more flexible approaches to e-licences for consortial licences. There should be further digitisation of existing paper resources for sharing nationally. There should be further work on digital preservation. These are all issues which recur throughout this presentation.

National Initiatives – the Follett Report

In recent years in the UK there has been real progress in developing virtual collections on a national basis for the higher education sector. Many of the developments have been co-ordinated by the Joint Information Systems Committee⁷ (JISC) of the Funding Councils which are the agencies channelling government funds to universities in the UK. The JISC website is a great place to

start in looking for documentation on developments in this area. Many of the developments can be traced to two reports so a very brief bit of history is required to set the scene. The reports gave a push for change and a champion for the sector in making the case for funding to government.

The Report⁸ of the Joint Funding Councils' Libraries Review Group appeared in December 1993. The following quotation characterises the report as a whole: "*to transform the use and storage of knowledge in higher education institutions*"; the sector continues to pursue this process of transformation at strategic as well as operational level. The Report is usually called the 'Follett Report', named after the Chairman of the Group, Sir Brian Follett, whose active involvement also continues. The Report brought the hybrid library model to the centre of library strategy but also to the centre of university strategy. It introduced the idea that the institution should produce an information strategy which dealt with information issues both within and beyond the library context.

National Initiatives – the Anderson Report

The Report of the Group chaired by Sir Michael Anderson on a national / regional strategy for library provision for researchers⁹ appeared in 1995; its purpose was "*to examine the issues involved in the formation of a national library strategy for research*". This report, which specifically tackled the issue of research provision, emphasised the contractual nature of collaboration in creating virtual collections and in managing the extensive print collections which will remain with us. It led directly to the Research Support Libraries Programme¹⁰ which funded a series of projects from 1999 to 2002, as described below.

National Initiatives

There are a series of national initiatives arising directly or indirectly from these reports and they tend to share common features:

- Strategic coordination of major funding initiatives, countering a real trend towards competition among universities
- Helping libraries to collaborate
- A 'bottom up' approach harnessing expertise and enthusiasm in libraries (and providing enhanced job satisfaction by participation)
- Wide involvement and partnership in the library community
- Deliverables with sector-wide application
- Pilot and exemplar projects
- Culture change

These initiatives are generally project-led. The Follett Report set in train the eLib programme¹¹, electronic library projects "*to provide a body of electronic resources and services for UK Higher Education, and to effect a cultural shift towards acceptance and use of those resources*". The aim of the projects was to apply emerging technology to key operational issues often arising from the convergence of teaching and library roles. The Anderson report set up the Research Support Libraries Programme which ran for three years until July 2002 and funded a series

of projects to improve and make research collections more accessible, including the Foreign Law Guide project, FLAG^{12,13} on collaborative collection management of foreign law. I have given a select list of other projects supported by a variety of funding initiatives on the distributed sheet¹⁴. You can access all the projects with their documentation and the services which they produced on the web. All the projects have a reliance on collaboration, a role as agents of change, as well as supplying deliverables. Often projects are demonstrator projects to explore the possible nature of collaboration and the applicability of solutions across a range of institutions and a range of disciplines.

One can, of course, recognise all the evils of soft funding, project culture, short-term contracts, and projects driven by catchy names. Notwithstanding these drawbacks, the process has undoubtedly energised the sector and there has been a successful emphasis on project management skills for librarians.

National Initiatives – National Collections

National virtual collections in higher education already exist. The higher education sector in the UK has tackled the purchase and distribution of electronic resources on a national basis to enhance the purchasing power of the sector and has gone beyond that as the following examples demonstrate.

The National Electronic Site Licensing Initiative¹⁵ created an Agency which delivers a national electronic journals service. The Agency supplies the infrastructure for negotiation of rights with commercial providers on a national basis and a single point of access and common interface. It is operated jointly by the higher education sector and Swets subscription agents. Institutions may opt to buy into the collection on a site licence basis. It is developing as a full virtual collection with collection development and management policies.

Is the site licence an appropriate model for a national research provision strategy? One may feel that the site licence is inherently dysfunctional in the context of national research infrastructure. Indeed, there is a conference on 24 September 2002 inviting publishers and the higher education sector to consider whether the site licence as a concept is sustainable. [The conference took place after this talk was given; brief notes of the proceedings are on the Ingenta Institute site¹⁶ and full proceedings of the conference will be published at the end of January 2003.] The site licence certainly gives no help to libraries whose role is to provide for research on a national basis. The present model provides no opportunity for marginal pricing for low use or different pricing for different use.

The Distributed National Electronic Resource¹⁷ has a wider function than a gateway to commercial materials. It has a very a broad collection strategy, containing both subscription materials and community-generated resources, for example accumulated research data. The role of the DNER includes the creation of metadata, delivery and access control, and archiving.

The Research Support Libraries Group¹⁸ is due to report in September 2002 [the report is now due for public release early in 2003]. The Group is chaired by Sir Brian Follett and represents a collaboration between the higher education sector and the national libraries in the UK. It will be making recommendations on national infrastructure to support research and will be informed by the findings from the programme which preceded it. The Group may make the case for a very large-scale collection of electronic resources available across the higher education sector. The Group has asked the question: what if the present aggregated electronic information available to the sector were one hundred times as large or one thousand times as large? It might form a national electronic research library, (although that name might not be chosen for the initiative). Such a big idea might find favour with government and might command large-scale investment.

What is a national electronic library apart from a large collection of national licences? We all know from our own library experience: it is selection, organisation, presentation, and integration of internal and external information, giving scholars customisable personal information environments, re-purposing data, for example to embed into virtual learning environments. This will sound familiar from earlier talks about the strategy of commercial information providers to allow their clients to embed their products in the workflow.

Issues in the Creation of Virtual Collections

I shall go on to consider three important activities in the creation of virtual collections: metadata, digitisation, and digital preservation. I apologise if some of this will be familiar to those who attended the Workshop on 'Creating the Virtual Library' earlier in the week where we discussed some of these issues in detail.

Metadata and Resource Discovery

As we all know, metadata is the key to resource discovery and almost everything is metadata for other data whether it is library catalogue records or metatags embedded automatically in web pages.

A key player in the UK is UKOLN¹⁹, formerly known in full as the UK Office for Library Networking, a name which already sounds dated. UKOLN has a broad remit and include among their interests metadata, including work on Dublin Core, and interoperability. These may be people who prefer the vision of fridges talking to each other and for whom human interference is clumsy and inefficient. They may well be right – with 550 billion web pages on the Internet, automation may be necessary! Nevertheless, even if metadata formats become exchangeable and interoperable, I have no doubt that real difficulties will remain in creating taxonomies which interact satisfactorily outside their defined and narrow fields.

There is currently a considerable amount of work being undertaken on collection descriptions. Traditionally libraries have been good at describing items but less good at describing collections. The more we automate, the more we shall need collection level descriptions.

Internet Gateways

The Resource Discovery Network²⁰ is an example of a successful operational service using collection level descriptions, essentially an implementation of metadata. The network is a family of Internet gateways built using open-source web code²¹ to form a central database which provides a national free service to describe Internet resources. It uses distributed editing by subject partners to catalogue the Internet – well, to select, evaluate, describe and give access to valuable, relevant, authentic, reliable sources, which cuts the task down a bit. So these are freely available Internet catalogues of selected sources, including both whole sites and individual documents, fully browsable, searchable by keyword and by thesaurus term. The project seeks to assist researchers to locate quality information and avoid the duplication of effort across the sector by providing a more sophisticated supplement or alternative to all those local lists of links. Interestingly, if my figures are correct, only 25 per cent of the use of the service is from the UK, so this is also an international resource. There are active discussions about international collaboration in the production of the gateways, particularly in the context of the European-wide Renardus²² project.

Social Science Internet Gateway²³

One member of the family of discipline-based gateways forming Resource Discovery Network is the Social Sciences Information Gateway, commonly referred to as SOSIG (pronounced ‘sausage’ - see what I meant about catchy names for projects). The home page for law²⁴ is edited at the Institute of Advanced Legal Studies library and at Bristol University. The thesaurus is developed members of the team²⁵ which originally created the thesaurus for the Legal Journals Index. The service has interactive elements including an online tutorial on legal research on the Internet and email alerts of new items matching personal profiles. The site also accepts descriptions of conferences and research projects submitted by users. Work on integration of the service with library online catalogues is proceeding.

The project is working towards the creation of online scholarly communities through its interactive elements and its discipline-based approach. It may well form one strand of a strategy to provide scholars with a personal portal. Such a portal would link scholars, through a resource discovery engine, to both free and subscription materials. It would empower the individual researcher to tailor their own view of information resources. It would also be a system for the researcher that is maintained by the higher education sector itself rather than any particular commercial supplier.

Digitisation

There is a growing number of funded projects in the UK higher education sector to digitise existing printed resources to produce national shared resources, shared as the original printed resources owned by university libraries are shared. There has been a determined effort to build up an infrastructure to enable the sector to undertake these projects and to avoid duplication or wasted efforts through

ignorance of standards. Several agencies exist to provide advice on best practice, such as the Arts and Humanities Data Service²⁶ and the Higher Education Digitisation Service²⁷. This is yet another area where national, and international, collaboration is essential.

In law, there are two major international digitisation programmes which dwarf most others in any subject. One is commercial: Hein-on-Line²⁸, which has constructed and is steadily expanding an image database of law journals, mainly US law reviews, based on their very extensive reprint operation. The other is LLMC Digital, a project by the Law Library Microform Consortium²⁹, which was very recently announced and is due for launch in 2003. Both these projects combine image-based delivery with full-text searching on a background OCR version of the text and both are delivering sets of research materials dating back to their start rather than the last few years. It is significant that both are based on technology originally developed as projects in universities: Hein uses software developed at Cornell and LLMC will use a customised version of the Digital Library Extension Services³⁰ from Michigan.

Digitisation and LLMC

The Law Library Microform Consortium, LLMC, is an early example of large-scale collaboration; it is a non-profit consortium of law libraries primarily in the United States and including the major US law school research libraries. I am a Board member of LLMC but that won't prevent me from telling you about its work. It is mainly known for its microfilming work since 1976 for preservation purposes and for space recovery. The process has also been creating complete collections of particular materials which may only be held in partial form in various libraries, rather as digital technology is now allowing archaeologists to piece together artefacts held in fragments at various museums.

LLMC has recently announced its intention to convert its entire archive of microform to digital. The costs of digitisation have fallen and digitisation from organised and catalogued microform has considerable advantages. There is now 'off the peg' technology available to perform the whole suite of functions: to capture the image in SGML, perform OCR, create the indexes, and serve the data with appropriate access and delivery controls. To give a sense of the scale of the project, the short-term aim is 45 million page images (compared to 4.5 million page images held by JSTOR and a recently announced commercial project which was described as the largest in the world at 20 million). LLMC hopes to offer the best of both worlds: enhanced digital access and a microform archive for preservation.

LLMC and New Zealand Law

LLMC has a mass of US legal materials but also a range of other materials including substantial English law and civil law collections. It is also currently filming the 'Common Law Abroad' collection which is based on the bibliography³¹ by Jerry Dupont of twelve major legal research libraries including the IALS. The bibliography describes legal materials from countries directly affected by the

English legal system until independence. The materials are mainly primary legal materials including constitutional documents, annual volumes of laws, consolidations including rare early editions, court reports, both standard runs and early nominate reports, and some monographic literature. I have the New Zealand list here in case anyone would like to see it. The bibliography runs to over 800 pages and contains locations in the twelve libraries so it is an excellent reference tool in its own right as well as serving as the blueprint for the filmed and then in due course the digitised collection; it won the Joseph L. Andrews Bibliographical Award from the American Association of Law Libraries this year [2002]. The idea for the project was prompted by the Commonwealth Law Library of legislation held by Institute of Advanced Legal Studies in trust from the Foreign and Commonwealth Office of the British government. This proposed virtual collection of legal literature from New Zealand, Australia, Canada and many other countries, drawn from the collections of the best research libraries in the world, may well be of interest to some of you.

Sydney in 1821

I should like to give you a little taste from one publication held at the IALS Library. It is about New South Wales, and you will see why I chose it. As you know, legislation in the early days of the colonies was issued by a legislative council but also by proclamation of the governor. This extract is drawn from *Proclamations, Government and General Orders, made and published by the several Governors in Chief of the Territory of New South Wales*. This is a compilation, handwritten by the Secretary to the Governor, in three volumes covering proclamations from 1786 to 1823 arranged by subject. 'Distillation' is a large section. Here is part of a proclamation of 16 February 1810:

"The very great and unnecessary number of licensed houses for retailing of wines and spirituous liquors that have hitherto been allowed to exist in the town of Sydney and adjacent districts cannot fail of being productive of the most mischievous and baneful effects on the morale and industry of the lower part of the community, and must inevitably lead to a profligacy of manners, dissipation, and idleness. In view therefore to check these evils as well as in the hope of awakening sentiments of morality and a spirit of industry amongst the lower orders of the people, His Excellency the Governor has deemed it necessary to make a reduction in the number of licensed houses.... Any person therefore retailing or attempting to retail wines or spirituous liquors after the promulgation of this order will be fined in the sum of twenty pounds sterling besides forfeiting the whole stock of wines or liquors found in their possession, half of which wines or liquors to go to the informer and the other half to the Crown."

Digital Preservation

One of the most critical challenges facing libraries as custodians of the scholarly and cultural heritage is effective preservation of digital materials, both digitised print and born-digital. Libraries differ in their roles but some, particularly national

and research libraries, will need to take responsibility for long-term preservation, probably in collaboration with publishers and other content producers.

The CURL Exemplars in Digital Archives³² project for the Consortium of Research Libraries in the UK did excellent work on digital preservation. I urge you to look its website; its guides, such as the *CEDARS Guide to Digital Collection Management*³³ are very helpful. It did not succeed in creating a full economic model for preservation in the hybrid library context but did invaluable work in developing collection management policies to ensure long-term viability of digital resources. Joint action on digital preservation is carried forward by the Digital Preservation Coalition in the UK³⁴ and *Preservation Management of Digital Materials: a handbook* is maintained online³⁵ by the Coalition.

New models of delivery imply new models of preservation with decisions made at the point of creation, or first acquisition, before the material has proved its value. If we become content managers for our institutions, as I shall suggest below, we shall be involved with preservation.

Another essential feature of digital preservation is the explicit acknowledgement of long-term costs, true lifecycle costing. And one thing we can be sure of – it won't be cheap. But it can be done if we do it on a collaborative basis and it might even be automated eventually if we get the preservation metadata right when the material first appears.

New Models of Communication

There is a radical vertical integration of processes taking place in scholarly communication. Traditionally content creators were not good at distribution and that was left to the publishers; neither were good at archiving and that was left to the libraries. Now information technology offers opportunities for creators to distribute and forces responsibilities on creators to play a part in preservation.

One of the structural problems in scholarly communication is that creators sign away copyright in content and universities, through their libraries, buy back that content with restrictions on use at rapidly increasing prices. This is that strange economic model where a shrinking market leads to higher prices not lower prices and it will be untenable in a very few years.

There is a clear impetus to place material on institutional web repositories or possibly on discipline-based repositories shared by the higher education sector. These repositories will play a critical role in reforming the process of scholarly communication by the capture, preservation, and sharing of the intellectual output of universities and perhaps other institutions. The Scholarly Publishing and Academic Resource Coalition examines the case for institutional repositories in a detailed paper from which the following quotation is taken³⁶: *“For libraries with an organizational imperative to invest in the future, institutional repositories offer a compelling response.”* The skills of librarians may be well suited to these document

preparation and management tasks, many of which are already taking place in libraries.

The process of capturing and harnessing intellectual output is hardly new but the application of information technology to coordinate and exploit expertise is becoming the focus of attention in all organisations. It has been taking place in law firms for some time under various guises, including knowledge management. As materials which would have been published commercially become more inextricably linked with institutional learning materials, universities too will adopt knowledge management and its economic implications. They will also have to face issues related to individual scholarship and ownership.

This change in the nature of publishing and distribution of information is happening even in government and the courts in the UK, which have effectively outsourced or given up the control and organisation of many primary legal materials in the past to commercial publishers (who have mostly done a good job). Publishers have selected what court decisions are published, assigned their own citations, published and distributed them, and been paid well. Legislation and law reports have not been published by government or the courts in any usable form and Crown copyright has not worked in the interests of the consumer in the past.

The notion that primary legal materials are part of a nation's intellectual output and that their free availability to the citizen is necessary to a nation's well-being has reached the UK government over the past few years. There has been considerable movement on waiver of Crown copyright in relation to legislation and some other materials³⁷ and a simple 'click-use licence' for reuse of data at marginal cost. There is now recognition that government information is not an opportunity to make money from those who can afford to pay for it. There are ambitious plans and real progress towards e-government, as Richard Susskind has described in his talk on Thursday. Court-assigned citations were introduced in January 2001. Various free websites containing case law and legislation have been established by government and the courts including the Court Service site and the HMSO site³⁸. All this is evidence of the acceptance of the creator's responsibility for distribution, implicitly for metadata and, one hopes, for preservation of content as well as a somewhat belated recognition of the rights of the citizen.

I shall give two, regrettably brief, examples of new models of communication in law which naturally do not fit the general model as well as they should.

Statute Law Database

The UK has a splendid tradition of unusable officially published legislation³⁹. We have no reprints incorporating amendments or compilations of pamphlet reprints or updated revised editions of statutes. Lawyers have generally relied on *Halsbury's Statutes* (and there is now an electronic service from Butterworths: *Legislation Direct*). For a few years we did have *Statutes in Force*, a massive and expensive looseleaf set which was clumsy and, by the time it ceased publication in the mid-

1990s, dangerous to use. Its successor as the official publication of statutes which incorporates amendments will be the Statute Law Database, a project started in the early 1990s. The database contains all primary legislation that was in force at 1st February 1991: about 3,500 Acts, the oldest dating back to 1272. The system also holds new primary and secondary legislation since February 1991 and incorporates any amendments made since that date, enabling point-in-time searching. Data capture to bring the database right up to date is still proceeding with amendments arising from 2001 legislation being worked on currently [i.e. in August 2002].

I remember when the decision was taken to convert from proprietary to web technology in the mid-90s. Ten years from the start of the project, the database has not yet been made generally available, although it has had pilot users within government for some time. According to recent enquiries [August 2002], the Statutory Publications Office is undertaking a project to replace the existing Statute Law Database system with a version that will provide up-to-date authoring tools and enable the data to be held in Extensible Mark-up Language (XML).

It was always intended that the data be licensed to commercial publishers to repackage and, perhaps, the government might have hoped to recoup some of the investment cost of the project in this way. Publishers have lived and died during the project. The key players have given up waiting and created their own databases. The good news is that the government has decided that the database will be available to the general public without charge on the Internet ... probably next year. Look for another announcement in Autumn 2003 but don't hold your breath.

BAILII

Another new model of delivery is the British and Irish Legal Information Institute, BAILII⁴⁰. It is based on the AustLII model, so I don't need to describe it to you. The system is currently located in Sydney with a mirror in London; it is about to be relocated to a new server at the Institute of Advanced Legal Studies in London. So the UK is also part of the AustLII plan for world domination. The logo is also from Sydney and some suspect that it is an obscure joke at the expense of English cricket.

As you know, in general terms, BAILII aggregates publicly available data and sources data from government which might not be available elsewhere. It combines the data in a single database which provides a simple access point which is cheap to operate. Very importantly in the UK it has placed an obligation on government and especially the courts to provide freely available, complete, clean, labelled data in an easily manipulable form. BAILII works closely with the courts with the support of the judiciary to achieve this. Generally, handed-down judgments appear faster on BAILII than they do on the Court Service website. There has already been collaboration between BAILII and the Court Service sites; BAILII has provided a search engine for the index of Commercial and Admiralty

Court cases. There is a long way to go but BAILII is an acknowledged success and an agent for change. The funding base is not yet secure but BAILII has obtained three-year commitments from the major professional bodies.

Other Agenda

I would like to highlight some other issues, many of which have been mentioned by other speakers, which give an added dimension to the professional concerns and responsibilities of librarians for virtual legal collections and which are particular to law.

I had the pleasure to deliver a paper⁴¹ on behalf of its author, John Sibbald, at the IFLA Conference in Glasgow this year. The paper was entitled *A Scots Law Portal*. By a quirk of fate the paper, although entirely positive in setting an agenda for a Scots law portal, was also critical of BAILII and, although I am a trustee of BAILII, I hope that I did the paper justice with a convincing presentation.

I shall summarise the concerns expressed in that paper because they express broader agenda in the provision of legal information. There is a fear that the BAILII project may distract government from providing a comprehensive site sustained by government funding. Such a site would be a portal, which could link to a variety of sites employing different structures and interfaces, orientated to real-life events, as Richard Susskind terms them, for example moving house or recovering a debt. A central database with a single structure and software cannot be as flexible as a portal site. In other words, BAILII is essentially a lawyer's tool providing primary legal materials whereas government should provide a citizen's tool that packages legal information and advice for the various sections of the population and their possible needs. This is the same category difference as I mentioned in relation to research provision in higher education; it is the difference between provision of access to a database, however useful, and the provision of a personal information environment customisable for the individual researcher.

The portal is a challenging and expensive task and a worthy and important aim. I think BAILII is no real hindrance to that aim and perhaps, by its open structure, may be a building block. Although e-government initiatives are working piecemeal in a similar direction, the law portal may perhaps be a lot to ask of government, even a new and vigorous government in Scotland; the UK government, after all, has had its hands full with the statute law database for over a decade. One may also consider that government may not necessarily be the best source or even conduit for advice if it has an interest in the outcome. But government certainly has a responsibility to provide access to legal information that goes beyond providing the text of the statutes.

I should say a little more about what we collect and make available as law librarians, about 'the text of the statutes' and accessibility, as John Sibbald did in his paper and as several of our speakers have done at this conference.

The government has been determined in its drive to introduce e-government and streamline and accelerate delivery of services and publications, including legislation, in electronic form. However, it has not spent as much energy in the consideration of the process of creation of legal text from consultation to drafting to delivery. There needs to be more consideration of how electronic communication can enhance participation in and understanding of changes in the law. This may require more than a change in the style of drafting of amending legislation. It may require a much better appreciation of how far legislation meets the needs of the consumer. There is also a need to look at simplicity, plain language, codification, and parallel language versions.

In other words we should not forget that the technical aspects of storage and delivery, which rightly concern us, are only part of the communication process. As with the crocodiles, the packaging may be fascinating but we also have to ensure the content is worth preserving.

References to Materials

Introduction

¹ Institute of Advanced Legal Studies, University of London, <http://ials.sas.ac.uk>

² Jules Winterton. 'Unwrapping crocodiles' *Law Librarian* 30, 1999, p.236-239

Resource Sharing and Barriers

³ Hughes, Carol Ann. 'Reshaping resource sharing: blurring the boundaries between discovery and delivery.' Second keynote address by Carol Ann Hughes, Member Services Officer, Research Libraries Group, to *Local Access to Global Collections: a Joint RLG-CURL Symposium on International Resource Sharing* on September 23, 1996. <http://www.rlg.org/globhug.html>

⁴ A report to the RSLP [Research Support Libraries Programme] on barriers to resource sharing among higher education libraries, <http://www.rslp.ac.uk/circs/>

⁵ *Barriers to Resource Sharing in HE Libraries: a study for the Research Support Libraries Programme*. Powerpoint presentation given at talk by Sir Martin Harris to a Joint SCONUL/M25 inter-consortial meeting, 19 February 2002, <http://www.sconul.ac.uk/Meetings/Harris.ppt>

National Initiatives

⁶ The British Library, <http://www.bl.uk>. General information about its Cooperation and Partnership Programme is at <http://www.bl.uk/about/cooperation.html>

⁷ Joint Information Systems Committee of the Funding Councils = JISC, <http://www.jisc.ac.uk>

⁸ Joint Funding Councils' Libraries Review Group. *Report*. [The Follett Report] *December 1993*. <http://www.niss.ac.uk/education/hefc/follett/>

⁹ Joint Funding Councils' Libraries Review. *Report of the Group on a National/Regional Strategy for Library Provision for Researchers*. [Anderson Report] <http://www.shetc.ac.uk/content/library/others/anderson/contents.htm>

¹⁰ Research Support Libraries Programme = RSLP, <http://rslp.ac.uk> The site has links to all the projects which the Programme funded

¹¹ Electronic Library projects = eLib, <http://www.ukoln.ac.uk/services/elib/>

¹² Foreign Law Guide = FLAG, <http://ials.sas.ac.uk/flag.htm> a database of holdings of foreign law in UK libraries

¹³ *FLAG: the New Internet Gateway to Foreign Law Holdings in the UK National and University Libraries* by Dr. Peter Clinch, posted 15 July 2002, <http://www.llrx.com/features/flag.htm>

¹⁴ Other projects include:

Electronic journals - *Journal of Information Law and Technology*, <http://elj.warwick.ac.uk/jilt/>

On-demand publishing – EUROTTEXT, learning materials in EU law, <http://eurotext.ulst.ac.uk/>

Electronic document delivery – LAMDA, <http://lamdaweb.mcc.ac.uk>

Digital Preservation – CEDARS, <http://www.leeds.ac.uk/cedars>

Training and Awareness – Netskills, network skills training programme, <http://www.netskills.ac.uk>

Access to networked resources – SOSIG, gateway for social sciences, <http://www.sosig.ac.uk/>

¹⁵ National Electronic Site Licensing Initiative = NESLI, <http://www.mimas.ac.uk/nesli/>

¹⁶ Ingenta Institute. The Consortium Site License - Is It a Sustainable Model? http://www.ingenta.com/institute/event_report.html carries a brief report and the full published proceedings will be available from the end of January 2003 and can be ordered from the site

¹⁷ Distributed National Electronic Resource = DNER, <http://www.jisc.ac.uk/dner/> Although the managed environment is being maintained and developed, the name DNER is being phased out. 'The DNER development programme' *Vine*, no.126, 2002 is a theme issue on the subject

¹⁸ Research Support Libraries Group = RSLG, <http://rslg.ac.uk>

Metadata and Resource Discovery

¹⁹ UKOLN, <http://www.ukoln.ac.uk> – concerned particularly with metadata, collection description and interoperability

²⁰ Resource Discovery Network = RDN, <http://www.rdn.ac.uk> a family of gateways to quality information on the Internet, search /browse, alerting service, interactive tutorials

²¹ Resource Organisation And Discovery Software = ROADS, <http://www.ilrt.bris.ac.uk/roads/> The open-source code used to build the RDN

²² Renardus project funded by the European Union, <http://www.renardus.org>

²³ Social Science Internet Gateway = SOSIG, <http://sosig.ac.uk>

²⁴ The Internet Gateway to Law is a part of SOSIG, <http://www.sosig.ac.uk/law> It is described in detail by the Editor, Steven Whittle of the Institute of Advanced Legal Studies: *Researching Law on the Internet with the Resource Discovery Network*, posted 1 May 2001, updated 17 June 2002, at <http://www.llrx.com/features/sosig.htm>

²⁴ Granite & Comfrey Information Engineers who specialise in thesauri and taxonomies, legal knowledge management systems, and intranet management, <http://www.infoengineers.com/>

Digitisation

²⁶ Arts and Humanities Data Service, <http://www.ahds.ac.uk>. Advises on digitisation projects

²⁷ Higher Education Digitisation Services = HEDS, <http://heds.herts.ac.uk/>

²⁸ Hein-On-Line, <http://www.heinonline.org>

²⁹ Law Library Microform Consortium, <http://www.llmc.com>

³⁰ University of Michigan Digital Library Extension Service, <http://www.dlxs.org/> Software suite and services for building online delivery of digital materials which is also used by the JSTOR, the scholarly journal archive project, <http://www.jstor.org/>

³¹ Dupont, Jerry. *Common Law Abroad*. Rothman, 2000. A bibliography of holdings of law from Commonwealth countries from colonial times to about 1950 in selected legal research libraries which will form the basis of a digitisation project

Digital Preservation

³² CURL Exemplars in Digital Archives = CEDARS, <http://www.leeds.ac.uk/cedars/> A project to develop collection management policies to ensure long-term viability of digital resources

³³ *CEDARS Guide to Digital Collection Management*, March 2002, available in full at <http://www.leeds.ac.uk/cedars/guideto/collmanagement/>

³⁴ Digital Preservation Coalition = DPC, <http://www.dpconline.org>

New Models of Delivery

³⁵ Maggie Jones and Neil Beagrie. *Preservation Management of Digital Materials; a handbook*. British Library, 2001 [print version]. Online version with revisions at <http://www.dpconline.org/graphics/handbook/>

³⁶ Raym Crow, SPARC Senior Consultant, *The Case for Institutional Repositories: a SPARC Position Paper*, <http://www.arl.org/sparc/IR/ir.html>

³⁷ HMSO website at <http://www.hmso.gov.uk/copyhome.htm> which gives licensing information and materials on the reform of Crown copyright, including *Crown Copyright in the Information Age*, a consultation paper and the outcome of the consultation on the regulatory framework for Crown copyright.

³⁸ For example, judgments on the website of the Court Service, an executive agency of the Lord Chancellor's Department, <http://www.courtservice.gov.uk/>. UK Acts from 1988 and Statutory Instruments from 1987 as passed are on the HMSO site at <http://www.legislation.hmso.gov.uk/>

³⁹ David Butcher. Electronic sources of legal information. *Refer* 18 (2), Spring Summer 2002, 3-7. A report of a seminar held on 22 April 2002 in the journal of the Information Services Group of the Chartered Institute of Library and Information Professionals which provides a good brief summary of the present situation, official and commercial, in the publication of legislation.

⁴⁰ British and Irish Legal Information Institute = BAILLI, <http://www.baillii.org>

⁴¹ John Sibbald. 'A Scots law portal: putting Scots law on the digital map. Part 1. *Scottish Parliament Law Review* 21, September 2002, 4-7. Part 2 to be published in *Scottish Parliament Law Review* 22. The paper will also appear in *Legal Information Management* in the near future.