Breakout Session by Library Type—2005 Spring DLC

APRIL 18, 2005   1:30 PM   ALVARADO G

TOPIC	**Future Tangible Distribution to Depository Libraries**
LIBRARY TYPE	**Law Libraries**

MODERATOR: **JUDY RUSSELL**
 	
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 DISCUSSION
	Users of depository libraries have differing needs for tangible documents.
	 A. What is unique about your library's users and how do those characteristics create a requirement for the use of tangible distribution?
	 B. What information needs do tangible documents meet for your users that are not met through electronic information?
	
	 Answers: The following library users of Law Libraries create unique needs for tangible material:
	
	 • Students have a hard time using statutes in electronic format. It is more than just toggling back and forth.
	 • Users don't usually see the logical order of regulatory information when searching online.
	 • Hierarchically arranged resources need to be browsable.
	 • Users need authentic information. Judges are willing to accept tangible that is commercial. They are also willing to accept microfiche. The key is that it comes from a static source.
	 • A patron is unable to understand why GPO is taking away tangible and other objects when they have not perfected the following:
	     • Permanence
	     • Version control
	     • Reliability of authority in perpetuity
	     • Tracking ability with PDF
	 • Users want to know change and intent and are looking for older versions of publications. They need every year to be kept separate, even online.
	 • In California it is state law that inmates cannot receive information printed off the Internet.
	 • Tangible is useful for elderly users and "English as a Second Language" (ESL) users. Many public library users come in with questions about their property, life, and family. This is not something they can do on a computer or by going back and forth between multiple formats (online, MF, hard copy). If it were guaranteed that all information would be in

one format, it would be better for users.

- The same issues with electronic documents come up with mentally ill patrons as with elderly and ESL users.
- We need to recognize there are still sections of the country where electronic access is lacking.
- People don't have the patience to use a computer. They see the information on a computer and they are floored. They want copies to take home.
- Patrons need more time to read an electronic document online. This means you will need more computers to service other patrons.
- Libraries cannot give legal advice in California. On the computer, patrons ask, "Is this the right page?" In print, libraries can give people an index and have the look up their topic.

Question to Audience: Will authentication help?
Responses from Audience:

- Yes. You must prove to Judges that electronic documents are authentic.
- There needs to be a campaign to convince judges to accept electronic documents, and it should start with federal judges.
- In planning for the future it should be irrelevant if judges are uncomfortable. All sources of government information are going electronic.

Question to Audience: How will judges be able to tell the difference between a PDF and a document that been photo copied from a tangible publication?
Responses from Audience:

- It is an ethics issue where you need to note the source.

Question to Audience: Are there certain titles we can prioritize?
Responses from Audience:

- Administrative Decisions are high on the list. We need to look at titles that are not easily replaced.

Question from Audience: What about updating the CFR? Is there a combined product for CFR, FR and LSA?
GPO Response: The CFR will accomplish this.

Under ID 71, GPO policy is to continue tangible distribution to essential titles as long as the publishing agency publishes in tangible form. GPO will also continue tangible distribution for those titles for which there are no useable/useful electronic equivalents.

GPO will apply the criteria ID 71 to determine how to best provide other information products by assessing:

- How the product will be used.
- The specific characteristics of the online and/or tangible product.
- Issues relating to permanent public access.
- The cost of providing the material.

A. Do you concur with these criteria?
B. Are there additional criteria that GPO should consider?

Comments:

- The search engine must be good and it must be usable. Bad search engines make it impossible to find information. Usability needs to be included in the criteria.
- Finding Aids are not as easy to use online as they are in print. For example, the index of the CFR is not easy to use on the screen. Finding aids must be different for electronic resources.
- It is important to talk to the primary user communities and find out how they would use a product. For example, people often look at 3-4 years of the CFR at the same time. They often page through statutes and compare them to the CFR.
- Products arranged hierarchically are harder to use online. Subject based electronic resources must be highly browsable.

Approximately 60% of depository libraries participated in the most recent Essential Titles Survey. While many sample surveys would consider this an excellent response rate, the purpose of this survey was to determine if a clear set of additional titles could be identified as essential for the various types of depository libraries.

A. How can we most effectively use the survey results to make meaningful decisions?
B. Do you concur with the recommendations put forth this morning by the Depository library council?
C. Are there other steps that GPO and the community should take?

Comments:

- However you determine what is essential; it is a value–laden term. There is a difference between asking a librarian what they need for access and what they need to preserve for the future.
- Out of 100 titles, 15 were selected by 20% or better, which

- is another way to look at it.
- IRS Cumulative Bulletin is number one on the Law list but 11th overall. The needs of the Law community are different from the others, so you have to weigh in the numbers of libraries.
- Reports are easy to use online, so people get rid of them. Authentication, version control, and light/dark archives are all important—if these controls were in place there would be fewer people selecting tangible formats.
- Accreditation is not a reason for requiring tangible documents. There is a move away from ownership to access. For ABA accreditation, as more new law schools open up, more libraries are turning to electronic collections. When GPO provides better authentication, version control, preservation, and access, the rest of the law library community, and eventually judges will accept the electronic version as the "official" version.
- Accreditation (CNA) used to be based on number of titles and what you had. Now it is based on access. This is a work in progress. But often students are still made to do research from books, since this process produces better quality lawyers.
- Citations in legal materials are still based on the paper version.
- GPO should carry a bigger stick for courts and agencies, since carrots don't always work.
- GPO asserting authority over courts and agencies is a separation of powers issue.
- There were few law titles to choose from on the survey. We should go to the second tier to make a bigger list.
- As both a Law and State library, if I have to make selections as one or the other it would be a detriment.
- You don't have the right instrument and cannot use the survey results. The questions were not posed correctly and the results are not statistically reliable. Reporting out the results while the survey is ongoing skews the results. GPO should hire a consultant to do it right.
- Some respondents to the survey would review the top ten titles at that point, and if what they initially considered essential titles were already at the top then they would pick other titles to boost them up the list. This skews the results.
- The community has a core list of titles for law libraries that has been vetted over the years. Everything changes slowly in law and any transition will take time.
- County law libraries have different needs than academic law libraries.

- It is important to get library director buy-in.
- Journal editors who do fact checking have a requirement for print.
- FCC Record is a good choice to be available electronically.
- IRS Bulletin and Treaties should be on the list. Titles that are not released frequently should still be on the list because if they ever were released we would want them in print.
- You need to group preliminary and final products when resurveying (such as advanced sheets and cumulative volumes).

Question to Audience: Why are law schools teaching students using electronic products when judges won't accept electronic documents?
Responses from Audience:
- When publishers do it right they will be accepted

Question from Audience: The name "essential titles" is misleading—maybe it needs to be changed?
GPO Response: That name is shortened from "Essential Distribution in Tangible Format" but if the name is too misleading it could be changed.

Question from Audience: Why limit the number of title to ten?
GPO Response: Ten was the scope where we expected to see some kind of group consensus. We were looking for titles that small groups have in common.

Question from Audience: Who designed the survey?
GPO Response: It was created internally and shared with council.

ADDITIONAL DISCUSSION

Question from Audience: Is Print-on-Demand (POD) off the table?
GPO Response: POD for the FDLP is on hold until we hear more from the library community. The critics have been very vocal, and we haven't heard much support for it as an option.
Responses from Audience:
- Give us lots of information so we can decide. Libraries didn't know how much titles would cost or what they would look like.
- The discussions this past winter about the POD allowance may have affected the answers to the survey.

Question from Audience: Starting October 1st will only

Essential Titles be distributed in print?
GPO Response: GPO never said this would happen and was never intended to be the plan. GPO will use ID 71 as guidance for print and electronic dissemination.

Question from Audience: How does GPO intend to follow up on these discussions to bring the broader community into this? One way would be through a town hall at AALL or a 2-week topic discussion on a moderated list.
GPO Response: We will be happy to work with the community to broaden the discussion.