

## COLLECTION DEVELOPMENT POLICY 2016

### COLLECTION DEVELOPMENT PHILOSOPHY

The Legal Research Center exists to support the teaching and scholarship of USD law faculty, students and staff, and related university programs, such as Paralegal Studies. Every decision is made against this backdrop. Resources are expended to serve the greatest good in the most reasonable cost-effective manner. Alumni needs will be addressed where fiscal constraints permit.

It is the goal of the LRC to provide Primary Source materials at the federal and state levels electronically from identifiable, official and authentic issuing organizations or a reliable stable source. Some are duplicated by our receipts as a participant in the Federal Depository Library program, below. A very few more are duplicated in print to support Legal Writing & Research instruction, though this will be for a very limited period of time. The same is true of traditional print secondary sources such as legal encyclopedias, ALRs, Restatements, Uniform Laws, Model Acts, Finding Aids, Reference tools and Bar Association publications.

The LRC has been a government depository law library for the State of California since 1964 and for the Federal Depository Library program since 1967. Access to electronic, web-based depository materials is provided on public use terminals. A limited number of resources are still collected in paper at no cost. The LRC is obligated by its status to make depository resources available to the general public.

### PURCHASE CRITERIA

Purchase decisions are based on requests by those we serve, subject matter, jurisdiction of the subject matter, format, past use of works on the same subject, intended audience, cost and availability elsewhere. In many cases, prudent stewardship means access to a resource instead of ownership.

### FORMAT PURCHASE DECISIONS

Materials are collected chiefly in digital or print formats. Permanent retention of materials may be in print, digital or microform.

- **Electronic Resources:** Digital is the preferred format for all materials except monographs. Open Access or university-wide IP access for unlimited simultaneous users is strongly preferred. Ownership or perpetual access is preferred for historical data sets. If neither is possible, then consideration will be to digital resources where,
  - Unlimited simultaneous users each have a unique password,
  - The resource comes from an identifiable, official and authentic issuing agency, commission, publisher or organization, and
  - The resource is hosted by an entity whose ability to archive and preserve is reliable.
  - There is a reasonable guarantee of the resource's stability,
  - We will investigate single-user access for a law faculty member if a critical research need is demonstrated or multiple user access would be cost prohibitive.
- **Print:** Print is the preferred format for monographs. LRC Librarians recognize the emergence of ebooks in other disciplines and continually monitor the technical progress of ebook platforms to meet the needs of our constituents.
- **Microforms:** Purchased when it is the best archival form available.

A detailed listing of specific format types and how each is treated is contained in Appendix A: *Format Purchase Decisions*.

## **SUBJECT MATTER PURCHASE DECISIONS.**

Subject matter collection is defined by four levels of collecting intensity,

### **O – Out of Scope**

The LRC does not collect in this area. Patron needs in this area are supported by interlibrary loan. Rare exceptions will be made.

### **B – Basic**

Selected secondary sources which introduce or update a subject or provide an overview of a subject area across groups of countries individually Out of Scope. Independent study in areas and jurisdictions at this level are supported by interlibrary loan.

### **I – Instructional**

This level supports the law school curriculum, including sustained areas of independent studies, but not in-depth research, adequate to maintain knowledge of a subject required for limited or generalized purposes of less than research intensity. It includes a wide range of monographs, selected representative journals and databases, multi-jurisdictional treatises, selected student texts, sources tracing general developments in the law, selected practitioner materials and some major codes and laws of foreign jurisdictions, in English.

### **R – Research**

The goal of this level is to support advanced scholarly research of faculty and seminar and journal students. It includes a wide selection of specialized monographs, multi-jurisdictional treatises, specialized databases, journals, important reference works, all major codes and laws of foreign jurisdictions (English language preferred), and numerous foreign secondary resources. Older material may be purchased to fill collection gaps for historical research.

A detailed chart assigning these collecting levels to specific subjects can be found in Appendix B: *LRC Collecting Intensity – By Subject*.

## **FOREIGN AND INTERNATIONAL SOURCES**

Foreign and International sources are collected selectively and with an emphasis on electronic materials. Collection strengths in international law include International Trade, Human Rights and Environmental Law. The LRC collects foreign law materials in targeted subject areas, mainly in English, from the European Union, Mexico, Canada, England, France, Germany, Australia and China. See Appendix C: *LRC Collecting Intensity – By Subject (Foreign & International)*.

The same four levels of collecting intensity is applied to purchases based on jurisdiction, region or organization. A detailed chart assigning the above collecting levels to specific jurisdiction, regions and organizations can be found in Appendix D: *LRC Collecting Intensity by Country, Region or Organization*. After arriving at the appropriate collecting intensity based on this, the subject matter of the work is considered and the collecting intensity based on subject, above, is applied.

## **INTERLIBRARY LOAN**

The LRC provides interlibrary loan access through WorldCat, an online bibliographic database that provides access to libraries worldwide. Patrons generate their own requests using the ILLIAD platform. Additionally, the LRC

participates in The Circuit with the UCSD, SDSU, CSU San Marcos, the City of San Diego Public Library and the San Diego County Public Library system. Patrons generate their own requests electronically, with delivery for pickup at their home campus library in 24-36 hours.

## **GIFTS**

Gift books and other materials are accepted on a case-by-case basis. Criteria for acceptance include consideration of format, subject and jurisdictions (Appendixes A-D), as well as whether the content is appropriate for the collection in general. The LRC does not provide appraisals for items and reserves the right to re-gift or discard any donated materials.

## **CLINIC COLLECTION**

The Clinic has control of its own acquisitions which are funded by separate budget lines in the LRC budget.

## **FACULTY OFFICE COPIES**

Faculty Office copies are purchased at the faculty member's discretion from the individual faculty member's personal faculty development funds. Purchases are processed by the LRC and delivered to the faculty office, but remain the property of the LRC and are to be repatriated to the collection upon separation from the university.

## **ARCHIVES AND OLD BOOKS**

Copies of articles and books authored by the faculty are generally obtained through faculty donation and are housed here. The LRC maintains an informal archive of School of Law publications as an historical record of law school activities. Ongoing work continues on digitization of these materials. Copies of sound recordings from the law school oral history project are included; the original recordings are housed in Copley Library's University Archives. The LRC has a small number of fragile items and books published prior to 1850 assigned to this collection for preservation purposes. Their value—if any—as Rare Books is unknown.

## **WEEDING**

The LRC strives to maintain a collection that is relevant, and free of clutter and junk. Older materials can be valuable for historical research, while some may be misleading to have on the shelf. The general criteria for identifying candidates for weeding or cancellation include:

- Relation of subject matter to current research interests of the law faculty and curriculum of the law school;
- Duplication of copies or content in the same or other format;
- Whether the material is considered an authoritative or has historical value;
- Is obsolete or no longer accurate;
- Frequency and ease of use;
- Physical condition.

See Appendix F: *Weeding Guidelines* for more specific information.

**COLLECTION DEVELOPMENT POLICY 2016**  
**APPENDIX A**  
**FORMAT PURCHASE DECISIONS**

**WHAT WE BUY**

Materials are collected chiefly in digital or print formats. Permanent retention of materials may be in print, digital or microform.

- **Electronic Resources:** Digital is the preferred format for all materials except monographs. Open Access or university-wide IP access is strongly preferred. Ownership or perpetual access is preferred. If neither is possible, then consideration will be to digital resources where,
  - There is a reasonable guarantee of the resource's stability;
  - The resource comes from an identifiable, official and authentic issuing agency, commission, publisher or organization, and
  - The resource is hosted by an entity whose ability to archive and preserve is reliable.
- **Print:** Print is the preferred format for monographs. LRC Librarians recognize the emergence of ebooks in other disciplines and continually monitor the technical progress of ebook platforms to meet the needs of our constituents. A limited number of primary and secondary materials continues to be purchased in print to support Legal Writing and Research instruction.
- **Court Rules:** Print court rules for a limited number of jurisdictions are purchased. Online access is preferred.
- **DVDs:** A limited number of law-related movies are purchased for Popular Law.
- **Faculty Writings:** The LRC strives to collect all works written by USD law faculty. Law faculty are encouraged to provide a copy. Publisher preprints of articles are preferred. Books with a chapter authored by a law faculty member are strongly considered for purchase.
- **Formbooks and Directories:** Only a limited number of titles traditionally held in print by the LRC continue to be purchased in print. No new titles are purchased. Online access is strongly preferred.
- **Jury Instructions, Civil and Criminal:** Online access is preferred.
- **Looseleaves:** Purchased only if required by a database vendor to achieve a lower price for digital access to important databases, if the format best serves the needs of our users or if there is no other viable format choice. Interest and use may warrant duplication online.
- **Microforms:** Purchased when it is the best archival form available.
- **Newspapers:** Print local and selected California regional legal newspapers, as well as local general circulation newspapers are purchased. Concurrent digital access is preferred.
- **Office Copies:** These will be purchased from the individual faculty member's Faculty Development Funds, with the LRC retaining ownership of these titles, per law school policy. If the title is found to be relevant to the LRC collection, a purchase for the collection with a loan to the faculty member will be considered.
- **Paralegal Studies:** A limited number of texts supporting the university's Paralegal Studies Program are purchased.
- **Popular Law/Casual Reading:** A limited number of law-related, mass market print and movie titles are purchased for Popular Law, as are a limited number of mass market magazines titles for casual reading.
- **Practitioner Materials:** These are purchased selectively for federal and California jurisdictions. All Continuing Education of the Bar (CEB) looseleaf materials and several from heavily-used publishers such as Rutter Group are purchased. Many are duplicated online for maximum patron access. It should be noted that CEB has traditionally provided a second print copy to our Clinics at no charge. American Bar Association (ABA) titles are carefully considered. The LRC maintains memberships and receives some publication benefits for the ABA Package Plan and State Bar of California, and makes most bar journals available through HeinOnline subscription.
- **Self-Help:** Purchases are limited to select titles thought to be especially useful to law students.

- **Study Aids:** Hornbooks, Nutshells and all first-year *Examples and Explanations* and *Crunchtime* titles are purchased. Digital West Study Aids are being provided on a trial basis, as of this writing. Other series introduced by publishers may be purchased on a case-by-case basis, though donations are encouraged.

## WHAT WE DON'T BUY

- **Print Format:** While the LRC continues to purchase monographs and some treatises in print, electronic access is generally preferred for all other materials. This includes, but is not limited to:
  - **Statutes, Codes, Gazettes and Session Laws:** All jurisdictions, unless provided free of charge through the depository program. Limited exceptions are made for some federal and California resources.
  - **Legislative Materials and Bills:** All jurisdictions.
  - **Administrative Codes and Registers:** All jurisdictions, unless provided free of charge through the depository program.
  - **Administrative Agency Decisions:** All jurisdictions, unless provided free of charge through the depository program.
  - **Case Law:** All jurisdictions except California and the U.S. Supreme Court.
  - **Municipal Codes and Ordinances:** All jurisdictions.
  - **Citators and Digests:** Though a very limited number are maintained, they are being phased out for online access.
- **Casebooks:** These are added by donation only, and only the latest edition is retained for non-USD authors.
- **CD-ROM and Audio Visual Materials:** Purchased only if unavailable in online or print format.
- **Continuing Legal Education**
- **Course Outlines, Prepared Briefs, and Exam or Bar Preparation Materials:** Print materials acquired by donation only, with rare exceptions.
- **Duplicate Copies:** Multiple copies of a title, those already held in the same or another format, or those owned by Copley Library, with some exceptions.
- **Non-law Texts:** With the exception of selected Paralegal Studies materials.
- **Print Formbooks and Directories:** Only a limited number of titles traditionally held in print by the LRC continue to be purchased in print. No new titles are purchased. Online access is strongly preferred.
- **Print law reviews:** These are purchased only if not available digitally through HeinOnline, from a reliable and stable source or through Open Access.

## Appendix B: LRC Collecting Intensity - By Subject (U.S.)

Subject Areas	Out of Scope	Basic	Instructional	Research	Notes
Accounting for Lawyers		✓			
Acing series (Study Guide)	✓				Don't buy; donations only.
Administration of Justice		✓			
Administrative Law				✓	
Admiralty (see also Law of the Sea)		✓			
Alternative Dispute Resolution (includes arbitration, mediation, negotiation)			✓		
American Indian (Native American) (see Indian Law)					
Animal law			✓		
Anti-terrorism (see National Security)					
Antitrust				✓	
Appellate Practice (see also Trial Advocacy)			✓		
Arbitration (see Alternative Dispute Resolution)			✓		
Art Law		✓			
Aviation	✓				
Banking & Finance			✓		
Bankruptcy			✓		
<b>Bar Association Publications:</b>					
ABA			✓		
California State Bar			✓		
Federal Bar			✓		
National Bar			✓		
San Diego			✓		
Other city bar associations		✓			
Bioethics				✓	
Biotechnology				✓	
Bridge to Practice series (Study Aid)	✓				Don't buy; donations only (workbooks)
Business Law (see also Securities, Corporations, Partnerships)				✓	
California practice guides			✓		
Capital Punishment/Death Penalty			✓		
Casebooks, non-USD authors	✓				Don't buy; donations only.
Casebooks by USD author				✓	
Children & the Law (see also Family Law, Education Law)		✓			
Civil Procedure				✓	
Civil Rights				✓	
CLE Materials	✓				
Class Actions		✓			

## Appendix B: LRC Collecting Intensity - By Subject (U.S.)

Subject Areas	Out of Scope	Basic	Instructional	Research	Notes
Climate Change (see also Environmental Law, Natural Resources)				✓	
Commercial Law (see also Business Law)				✓	
Community Property			✓		
Comparative Law				✓	
Complex Litigation		✓			Includes multi-jurisdictional litigation, Mass Torts, Class Actions
Concepts & Insights series (Study Aid)					Don't buy; donations only
Concise Hornbooks series (Study Aid)					Don't buy; donations only
Conflict of Laws			✓		
Constitutional law				✓	Constitutional History, see Legal History
Consumer law			✓		
Contracts				✓	
Copyright (see also Intellectual Property)				✓	
Corporations				✓	
Courts		✓			Domestic, other than SCOTUS
Criminal Justice		✓			
Criminal law				✓	
Criminal procedure				✓	
Criminology	✓				
Crunchtime publications				✓	1L courses, bar subjects, heavily-enrolled upper-level courses
Cultural property		✓			
Cyber Law			✓		
Directories		✓			Preference for electronic
Disability Law		✓			
Domestic Relations (see Family Law)					
Drones					See Privacy, Aviation or War
Drugs		✓			Pharmaceuticals & illicit
Economics & the Law				✓	
Education Law			✓		
Elder Law		✓			
Election law / Campaign Financing		✓			
Employment (see Labor & Employment)					
Energy Law			✓		
Entertainment Law		✓			
Environmental Law				✓	
Estate Planning (see also Taxation and Wills & Trusts)				✓	
European Union			✓		
Evidence				✓	

## Appendix B: LRC Collecting Intensity - By Subject (U.S.)

Subject Areas	Out of Scope	Basic	Instructional	Research	Notes
Examples & Explanations				✓	1L courses, bar subjects, heavily-enrolled upper-level courses
Family Law			✓		
First Amendment / Privacy				✓	
Food			✓		
Foreign Investment (U.S.)					See International Tax (limited to tax issues only)
Gender & the Law (see also Sexuality & the Law, Civil Rights)			✓		
Health Law				✓	
Immigration				✓	Kurzban: If Clinic buys new ed., request prior ed. for LRC collection
Indian Law (U. S. Federal)		✓			
Insurance		✓			
Intellectual Property (includes copyright, patent, trademark)				✓	
International Law (see <i>By Subject - International</i> for specifics)				✓	
Interpretation & construction of law			✓		
Islamic law / Sharia		✓			
Judicial Administration			✓		
Judicial Review			✓		
Jurisprudence (including Sociological Jurisprudence)				✓	
Juvenile Crimes	✓				
Labor & Employment				✓	
Land Use (see also Environmental Law, Natural Resources, Property)				✓	
Law Office Management			✓		
Legal Biographies		✓			
Legal Careers			✓		
Legal Education				✓	
Legal Ethics (see also Professional Responsibility)				✓	
Legal History				✓	Includes Constitutional History
Legal profession			✓		
Legal Research & Writing			✓		
Local Government			✓		
Maritime law (see Admiralty)		✓			
Mass Torts		✓			
Media law			✓		
Mediation (see Alternate Dispute Resolution)			✓		



## Appendix B: LRC Collecting Intensity - By Subject (U.S.)

Subject Areas	Out of Scope	Basic	Instructional	Research	Notes
Military law (US)		✓			
National Security / Terrorism		✓			
Natural Resources (see also Environmental law, Energy, Water)				✓	
Negotiation (see Alternate Dispute Resolution)			✓		
Neuroscience		✓			
Paralegal Studies			✓		
Partnerships (see also, Business law, Corporations)				✓	
Patent (see also Intellectual Property)				✓	
Philosophy of law				✓	
Practice of law			✓		
Privacy				✓	Including drones
Probate				✓	
Products liability				✓	
Professional Responsibility				✓	
Property				✓	Excludes Cultural & Community Property
Psychological Aspects of law (see also Neuroscience)		✓			
Public Interest law			✓		
Punishment		✓			See also Restorative Justice
Real Estate			✓		
Religion		✓			Includes Canon law
Remedies			✓		
Restorative Justice		✓			
Securities			✓		
Self-Help titles		✓			If useful to law students
Sentencing		✓			See also Restorative Justice
Sex Discrimination				✓	
Sexuality & the Law (See also Gender & the Law, Civil Rights)		✓			
Short & Happy Guides (Study Aid)	✓				Don't buy; donations only
Social justice		✓			
Space Law		✓			
Sports Law		✓			
Sustainable Development				✓	
Taxation				✓	
Telecommunications	✓				
Terrorism / National Security		✓			
Torts				✓	
Trademark (see also Intellectual Property)				✓	

## Appendix B: LRC Collecting Intensity - By Subject (U.S.)

Subject Areas	Out of Scope	Basic	Instructional	Research	Notes
Transportation	✓				
Trial Practice / Advocacy			✓		
Trials			✓		
Tribal Law		✓			
U.S. Supreme Court (see also Legal History, Jurisprudence, Constitutional Law, Judicial Administration)				✓	
USD Law Faculty Writings				✓	
Very Short Introduction (OUP series)					Don't buy; donations only (tiny book)
Water			✓		
Wills & Trusts				✓	
Workers Compensation		✓			

## Appendix C: LRC Collecting Intensity - By Subject (International)

Subject Areas	Out of Scope	Basic	Instructional	Research	Notes
<b>International:</b>					
Banking & Finance		✓			
Bioethics/Biotechnology		✓			
Business Law		✓			Includes Commercial law, Contracts, Social Responsibility, Ethics
Climate Change				✓	Includes Green Energy initiatives
Commercial Arbitration			✓		
Comparative Constitutional law				✓	
Comparative law		✓			
Competition law / Antitrust		✓			Includes Restraint of Trade
Conflict of laws			✓		
Constitutional law		✓			
Criminal law & procedure			✓		Includes criminal courts, war crimes & genocide
Cyber law		✓			
Environmental Law			✓		Includes Natural Resources, Biodiversity
Human Rights				✓	
Humanitarian Law		✓			Includes Responsibility to Protect
Immigration		✓			Includes Forced Migration, Refugees
Indigenous Peoples	✓				
Intellectual Property				✓	
International Law, generally				✓	
Investments		✓			
Labor & employment		✓			
Law of the Sea		✓			Includes Admiralty
Legal history		✓			
National Security		✓			
Peace & Justice Studies		✓			
Property		✓			Includes Cultural Property
Religion		✓			Includes Islamic, French secular laws
Restraint of Trade		✓			
Sale of Goods			✓		
Sustainable Development			✓		
Taxation			✓		Includes foreign investment tax issues
Terrorism		✓			
Trade			✓		Includes Trade Regulation
Transitional Justice		✓			Includes Restorative Justice
War, Law of		✓			
Water			✓		

**K Jurisdiction =  
None specified. Law of general or universal application**

## Appendix D: LRC Collecting Intensity by Country, Region or Organization

	Out of Scope	Basic	Instructional	Research
European Union, NAFTA, OECD, UN, WTO			✓	
ASEAN, BRICs, etc.,		✓		
Individual countries:				
Argentina		✓		
Australia			✓	
Brazil		✓		
Canada				✓
China			✓	
England/Great Britain			✓	
France			✓	
Germany			✓	
India		✓		
Italy		✓		
Israel		✓		
Japan		✓		
Netherlands		✓		
Mexico				✓
South Korea		✓		
Spain		✓		
Countries not specified above	✓			
Intergovernmental tribunals:				
European Court of Human Rights				✓
European Court of Justice				✓
International Court of Justice (ICJ)				✓
Inter-American Court of Human Rights		✓		
International criminal courts (generally; there are several; includes ICC)			✓	
Regions:				
Africa		✓		
Arctic, Antarctic		✓		
Asia, South, Southeast & Central Asia		✓		
Caribbean		✓		
Europe			✓	
Middle East		✓		
North America				✓
Oceania		✓		
South, Central & Latin America		✓		
Regions not specified above	✓			

## Appendix E: Selection Criteria for Foreign Material

	Basic	Instructional	Research	Notes
<b>Secondary Sources:</b>				
English language	✓	✓	✓	
Some major subject areas	✓	✓		
Numerous subject areas			✓	
Minor treatises			✓	
Historical material			✓	
<b>Primary Sources:</b>				
Electronic preference		✓	✓	
English		✓		
Original language			✓	When needed for faculty scholarship or curriculum
Some major codes & laws		✓		
All major codes & laws			✓	
Minor statutes & regs			✓	

## Weeding Guidelines\_Revised October 2017

In General: Materials collected to support programs which have been discontinued, courses no longer being offered or research interests of departed faculty members are prime candidates for weeding unless they are judged to have historical significance. Anything authored by a USD Law faculty member will be retained indefinitely.		Automatic Discard	Latest edition owned retained	Prior edition(s) retained	Number of copies retained	Notes
Bar Journals	Partial Runs < 10 years	✓				Unless of historical value or completes multi-format run
	Duplicated in another format	✓				If facsimile of source document
Bar Preparation materials				3 yrs max		
Casebooks			✓	none		Discard all editions published prior to 10 years ago
CLE Materials				7 yrs max		
Condition = Poor/Deteriorated/Defaced		✓				Unless of historical value or can't be replaced in any format.
Directories			✓			Except SD County & AALS
Duplicated in microform or digital						Prime candidate for weeding
Formbooks				1 year		
Government Documents		✓				Including new arrivals
	Non-duplicated					After required retention period, evaluate based on same criteria in this table as other materials.
Hornbooks				all	1	
Law Reviews	Partial Runs < 10 years	✓				Unless of historical value or completes a multi-format run (e.g., fills a gap)

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In General: Materials collected to support programs which have been discontinued, courses no longer being offered or research interests of departed faculty members are prime candidates for weeding unless they are judged to have historical significance. Anything authored by a USD Law faculty member will be retained indefinitely.	Automatic Discard	Latest edition owned retained	Prior edition(s) retained	Number of copies retained	Notes
Duplicated in another format					Retention is Director's decision
Multiple print copies	✓				
Newsletters					Current year + one year
Nolo Press		✓			
Nutshells & Understanding series		✓	2 prior	1	Latest edition on Reserve
Practice Materials			5 yrs max		Except historical overviews, e.g., "Recent Developments"
California practice materials		✓		1	
Statutory Compilations			5 yrs max		Except California & uniform laws
Study Aids			5 yrs max*		*10 yrs if subject matter rarely changes
Superseded supplementary material	✓				
Treatises		✓	✓	1	Case-by-case decision; all formats
Understanding series		✓	2 prior	1	Latest edition on Reserve