

Baylor Law Library

Sheridan & John Eddie Williams Legal Research and Technology Center

General Collection Development Policy

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I. INTRODUCTION

The collection development statement is intended to define the collection policy of the Baylor Law Library and provide a blueprint for the maintenance and expansion of the law library's collection. It describes collection management and development practice in a systematic way that reflects the needs of the constituencies served by the law library. It provides librarians who are responsible for collection management and development with the means to achieve consistency in the selection and deselection processes, to shape a more responsive collection, and to allocate funds more effectively in support of the law library's goals and its users' needs. It seeks to foster better communication among the librarians and seeks to provide information considered fundamental to external and internal budgetary preparation and allocation processes. It also serves the increasingly important role of addressing the law library's position on the preferred mix of access to information in electronic format with ownership of physical volumes.

This collection statement expresses the current needs of the law school community. Because academic programs grow and change, the statement will be periodically reviewed and revised, if necessary, to meet future needs.

II. PHILOSOPHY AND GOALS OF BAYLOR LAW SCHOOL AND LIBRARY

As a member of the Baylor University community, the law school shares in the university's mission to educate men and women by integrating academic excellence and Christian commitment within a caring community. As a professional school, the law school has a particular obligation to develop students who have the maturity, character, skills, and values needed to assume leadership positions in a profession charged with responsibility for maintaining and improving our nation's system of justice. Given that the legal profession is dedicated to providing service to clients, this obligation mandates first that the law school provide a program of education that prepares students to provide legal services competently upon graduation. Thus, the law faculty has as its highest priority, teaching excellence and close faculty-student interaction.

The most fundamental value in a profession dedicated to service of clients is the value of attaining and maintaining competence in one's field of practice. All other goals of the law school are secondary to the obligation of preparing students to assume their responsibilities within an honorable profession. As part of the university's mission, the search for new knowledge is necessarily a part of the mission of the law school as well. But this pursuit is secondary to and in service of the principal mission of preparing students for the practice of law. This aspect of the law school's mission provides the greatest impact on the law library in that practice-oriented materials are given the greatest weight in collection development decisions.

Although the library serves the university's academic community, members of the bench and bar, and the general public, its primary clientele consists of Baylor Law School's faculty and students. Therefore, the mission of the Baylor Law Library is to support the law school's teaching, scholarship, research and service programs. Its mode of operation is completely compatible with the mission, purposes, and policies of the law school itself. The law library is an active and responsive force within the educational life of the law school.

III. OPERATING PRINCIPLES

Four major principles guide the law library's collection development philosophy:

A. Purchasing decisions are designed primarily to serve and support the law school's practice-oriented mission.

This principle means that litigation skills, appellate advocacy, client counseling, alternative dispute resolution, legal research & writing, and professional responsibility are emphasized in all collection development decisions.

B. Purchasing sufficiently in the law school's seven areas of academic concentration.

Law practice is becoming increasingly technical and specialized, creating a demand for new lawyers whose education has prepared them for successful practice in particular fields. Law students at Baylor have an opportunity to meet this demand by completing a concentrated course of study in one or more of the following areas: Administrative Practice; Business Litigation; Business Transactions; Criminal Practice; Estate Planning; General Civil Litigation; and Intellectual Property. All of these areas of concentration are given priority when collection development decisions have to be made by the law library. A list of selected treatises concerning these areas of concentration is included as Appendix A.

C. Purchasing in newly-emerging areas of the law.

While there is some fluctuation involved with this principle, an attempt is made to ensure that the most current areas of the law that are being discussed in legal newspapers, magazines, and newsletters are represented in the collection. Recently, titles in areas such as climate change, e-commerce, forensic science, online social networks, and terrorism have been added to the collection.

D. Purchasing new titles in electronic format where possible.

The law library is actively building a collection that incorporates digital technology. The legal research environment has reached a point whereby a great deal of research can be performed online. A large percentage of those who comprise the legal profession and the Baylor Law School community have come to rely heavily, if not solely, on electronic sources for purposes of conducting legal research. Consequently, the law library in the Sheila and Walter Umphrey Law Center was designed with the objective of creating one of the first true technology-based law libraries as opposed to one of the last “old-style” libraries. The law library over the past several years has shifted from emphasizing physical “ownership” of information to “reliable access” to electronic resources. The law library does not seek to expand its volume count simply for the sake of boosting its holdings statistics. This gradual shift has enabled the law library to increase its informational offerings to its various users and has enhanced its ability to provide a core collection of essential, relevant materials that will be used to a much greater extent than many of the hard copy and microform volumes that have been acquired over the years.

IV. FACTORS AFFECTING OPERATING PRINCIPLES

Current or future need or demand for materials is of primary concern when choosing items to be added to the law library's collection. Other factors that affect the application of the general operating principles to actual selection decisions are availability in the format desired, cost, faculty interest, and quality of authors and publishers.

These factors influence the selection of works that fall outside the relatively limited range of materials that are automatically purchased by the library. Materials that are routinely purchased include treatises by leading authors on subjects currently taught at the law school, many American law reviews, state and federal statutes, and case reporters.

A. Availability in Format Desired

While the law library is making a concerted effort to enhance its collection of electronic resources, the fact remains that many important titles are simply not available in this format. Thus, it is oftentimes necessary to purchase a title in an alternative format (print, microform, or audiovisual).

B. Cost

Cost is necessarily a factor to some extent in every selection decision, even though some materials are occasionally purchased regardless of cost (e.g., when requested by a faculty member for research or as an essential source relating to the law school curriculum). The cost of a title is almost always weighed relative to its anticipated use and other relevant factors. For example, a costly title that is only available in an unsuitable format or that would likely receive very little usage will probably not be purchased unless specifically requested by a faculty member who teaches or conducts research in that area of the law.

C. Faculty Interest

Faculty interest is a crucial factor in many purchasing decisions. Faculty members are actively encouraged to request materials and are consulted about possible purchases in their respective subject areas. Unless the cost of the material is unusually prohibitive (very seldom), faculty requests for library acquisitions are almost always honored. Where there is doubt about the usefulness of a particular title for the collection, a "Recommendation for Purchase" form is often sent to an appropriate faculty member (accompanied by a copy of the vendor's brochure or other relevant information relating to the title).

D. Quality of Authors, Editors, and/or Publishers

The library generally attempts to purchase only those items that meet a certain level of quality based on the reputation of the authors, editors, and/or publishers. Faculty members are consulted as necessary to assist in the discovery of this information.

V. SELECTION STATEMENT

Acquisitions decisions are made primarily by the director of the law library. However, the other professional librarians also play an important role in the development of the collection. The

majority of new library materials are selected from Hein Green Slips, YBP Library Services' notifications, vendor catalogs, publishers' flyers, salespersons' visits, and faculty recommendations.

The Baylor Law Library is a selective depository of government documents. These documents are selected to meet the needs of the 17th U.S. Congressional District and Baylor Law School. Cooperative efforts are coordinated with the Heart of Texas Documents Consortium to avoid unnecessary duplication of materials readily available on the Baylor campus or in the region. Although all documents are initially free when received through the depository program, their acquisition involves an ongoing commitment to the costs related to housing, maintaining, and processing the materials. For these reasons, the selection of government documents is based on the same criteria as apply to other materials in the collection.

Through the Federal Depository Library Program, the law library selects approximately eight percent of the materials distributed by the U.S. Government Printing Office. An increasing number of these materials are now available in electronic format. Government documents are selected by the government documents librarian, in consultation with the director of the law library. See the library's "U.S. Government Documents Policy" for more details regarding its participation in the Federal Depository Library Program.

VI. LANGUAGE

The library purchases material in English unless another language is specifically requested by faculty or needed for instructional purposes.

VII. SCOPE OF COVERAGE WITHIN COLLECTION – BY SUBJECT

Current material is purchased in the following subjects at the levels indicated.

A. Comprehensive: A collection that attempts, so far as is reasonably possible, to include all significant works in a defined field of study or defined geographical area. The aim of the comprehensive collection level is exhaustiveness.

- Texas Law

B. Research Level: A collection that supports most faculty and student research needs. Includes major published source materials, a wide selection of monographs, most multi-jurisdictional treatises, representative looseleaf services, and an extensive collection of periodicals, subject reports, and government documents.

- Administrative Law
- Alternative Dispute Resolution
- Appellate Advocacy and Procedure
- Business Organizations
- Business Planning and Drafting
- Civil Procedure
- Constitutional Law
- Consumer Protection

- Contracts
- Criminal Law
- Criminal Procedure
- Discovery
- Estate Planning
- Evidence
- Federal Courts/Practice
- Federal Income Taxation
- Intellectual Property
- Jury Instructions
- Legal Research
- Litigation
- Personal Injury Trial Law
- Professional Responsibility
- Property
- Torts
- Trial/Advocacy Skills
- Trusts and Estates

C. Instructional Support Level: A collection that is adequate to support the J.D. program or sustained, independent study. The emphasis is on building current and representative collections adequate to maintain knowledge of a subject required for limited or generalized purposes, of less than research intensity. It includes a wide range of basic monographs, complete collections of the works of respected authors, selections from the works of secondary writers, a selection of representative journals, and reference tools and fundamental bibliographical sources pertaining to the subject. It includes as many multi-jurisdictional treatises on a subject as possible, selected student texts, looseleaf services of unduplicated coverage, and a wide selection of periodicals, subject reports, and important government documents.

- Antitrust Law
- Arbitration
- Banking Law
- Bankruptcy
- Church and State
- Civil Liberties/Rights
- Client Counseling
- Communications Law
- Computer Law
- Conflict of Laws
- Creditors' Rights
- Election Law/Voting Rights
- Electronic Commerce
- Employment Discrimination
- Employment Relations
- Entertainment Law
- Environmental Law

- Family Law
- Form Books
- Franchising
- Health Care Law
- Health Care Litigation
- Immigration Law
- Insurance Law
- International Business Transactions
- International Trade Law
- Jurisprudence
- Juvenile Justice
- Labor Law
- Legal History
- Legislation
- Local Government/Municipal Law
- Medical Malpractice
- Negotiable Instruments
- Nonprofit Organizations
- Oil and Gas Law
- Post-Conviction Procedure
- Products Liability
- Real Estate Finance
- Religion and the Law
- Remedies
- Retirement Law
- Secured Transactions
- Securities Regulation
- Social Security Law
- Sports Law
- Taxation of Business Entities
- White Collar Crime

D. Basic Information Level: A collection of current general materials that serve to introduce and define a subject and to indicate the varieties of information available elsewhere. In addition to important works, it may include selected treatises and a few major periodicals. A basic information collection is not sufficiently intensive to support any law school courses or independent study in the subject area involved.

- Accounting
- Admiralty/Maritime Law
- Air Law
- Bioethics/Biotechnology
- Capital Punishment
- Children's Rights
- Comparative Law
- Construction Law
- Disability Law

- Domestic Violence
- Education Law
- Equity
- Government Contracts
- Homeland Security
- Law and Economics
- Law Office Management
- Librarianship/Law Librarianship
- Military Law
- Telecommunications Law
- Water Law
- Workers' Compensation
- Zoning/Land Use Planning

E. Minimal Level: A subject area in which few selections are made beyond selected important works.

- Agricultural Law
- Animal Rights
- Art Law
- Censorship
- Cloning (legal aspects)
- Corrections
- Criminal Justice (non-legal aspects)
- Criminology
- Diplomacy
- Drug Policy (legal aspects)
- Euthanasia (legal aspects)
- Gaming Law
- Law and Literature
- Monetary Policy
- Native American/Aboriginal Law
- Roman Law
- Space Law
- Victims' Rights Law

VIII. FORMAT CONSIDERATIONS

The law library collects materials in print, microform, audiovisual, and electronic formats. It satisfies the ABA core collection requirement as specified in Interpretation 606-5 of the Standards for Approval of Law Schools.

The library attempts to avoid duplication of resources in multiple formats, unless they are made available for free or relatively inexpensively. Format decisions are made on the basis of cost, potential use, demand, and space and other resource requirements. When other factors are equal, electronic versions are preferable due to the increased potential for a variety of uses of the information and the potential for simultaneous use.

A. Print

1. Monographs

Monographs are purchased according to the collection intensity levels listed above under the various subject categories. Some or all of the following general criteria are used to evaluate most new proposed purchases:

- a. Importance of the topic to the law school curriculum and program emphases.
- b. Importance of the subject matter to faculty scholarship.
- c. Reputation of the author(s), editor(s), or publisher.
- d. Extent to which the topic may be adequately covered by the existing collection or may be complementary to materials already owned or to which the library has ready access.
- e. Extent to which other Baylor libraries may own the item or be expected to purchase it.
- f. Circulation or usage of previous editions or similar titles.
- g. The existence of the same title in an electronic format.

2. Looseleafs

Looseleaf titles are collected selectively after evaluating comparable titles in the collection, the importance of the topic to the law school curriculum and faculty, the reputation of the author(s)/editor(s) and/or publisher, the frequency with which the title is updated, the extent of the title's value-added features (e.g., annotations, indexes, finding aids, accompanying CD-ROMs), the ongoing cost of the publication, the time and effort required to maintain it, availability of the title in electronic format, whether the material is already sufficiently duplicated in the library collection, ease of use, and other relevant factors.

When a looseleaf title no longer meets selection criteria and is of no particular interest to faculty, it will not be supplemented. A decision will then be made by the director of the law library regarding whether to withdraw the title from the collection or allow it to remain with a "no longer updated" label affixed to the front cover or spine of the volume(s).

3. Periodicals (Journals/Reviews, Bar Association Publications, Newsletters, Newspapers)

The law library subscribes to most substantive law journals and reviews published by law schools that have been approved by the American Bar Association. Newsletters specifically requested by faculty members or containing information particularly germane to the law school curriculum are also purchased.

The library maintains an extensive collection of scholarly and practitioner-oriented titles that are indexed in *Current Law Index* and *Index to Legal Periodicals and Books*. Multiple subscriptions, in both print and occasionally microform, are maintained for selected titles that are frequently used or cited. Online access to retrospective law journals is available in PDF format through the

law library's subscription to *HeinOnline*. The law library subscribes to multiple copies of the print versions of *Texas Bar Journal* and the *ABA Journal*. Other jurisdictions' bar journals are maintained in microfiche format, acquired from the Hein bar journal service.

The law library subscribes to subject-oriented periodicals that complement the subject concentrations of the treatise collection. The library also subscribes to the ABA package plan, which includes various topical journals and newsletters.

The library seeks to obtain complete runs of periodicals in its collection. When this is not possible, the law library attempts to acquire a complete run of a periodical spanning the period in which the periodical has been indexed in a legal periodical index held by the library.

The library maintains print and/or microform subscriptions to selected newspapers. Major legal newspapers to which the library subscribes include the following titles: *Texas Lawyer*; *National Law Journal*; and *Lawyers Weekly USA*.

The law library also subscribes to the following non-legal newspapers: *Wall Street Journal*; *New York Times*; *Dallas Morning News*; and *Waco Tribune-Herald*. These newspapers are kept for only one week and are not archived. Additional subscriptions of legal and non-legal newspapers are obtained by the library for routing to various faculty members.

4. Pamphlets and Clippings

The law library very selectively acquires pamphlets, defined as paper-bound monographs consisting of fifty or fewer pages. Pamphlets must meet the same criteria for selection as other works. Pamphlets are integrated into the collection, with additional handling and storage measures taken as needed, including binding and storage in boxes or standard-size binders. The law library neither collects clippings nor maintains a clipping (vertical) file.

B. Microform

The library, when given a choice, will select a microform version of a title when:

1. The size, expense, infrequency of use, or unavailability recommends against its addition in print or electronic format.
2. Copies would be bulky or subject to deterioration in print.
3. Additional or back-up titles of heavily-used items are needed, space constraints are relevant, bibliographic access to the microform version is adequate, and electronic versions are not available or suitable.

Materials held in microform format include the *AALS Law Books Recommended Microfiche Project*, the CIS federal legislative history collection (1990-present), the entire collection of *U.S.C.A.*, *U.S. Supreme Court Records & Briefs*, most state bar journals, Texas Attorneys General Opinions, Texas Supreme Court Cases, the *Federal Register*, the *Code of Federal Regulations*, the *United Nations Treaty Series*, state and colonial session laws, selected government documents, state reporters that pre-dated the National Reporter System, and certain periodicals where collection gaps exist. Where a microform format of a title supplements a hard

copy version of the same title, a book dummy is placed on the shelf next to the print version indicating that the title is also available in the microform room. Two copies of a "Microfiche/Microfilm Holdings" Index are housed in the microform room, and individual cabinets are numbered to facilitate the location of needed material.

C. Audiovisual Materials

The library occasionally acquires audiovisual material, typically at the special request of faculty members. Most of this material is added to the permanent library collection and housed behind the circulation desk or shelved in the reserve collection. Audiovisual materials collected by the library include those from many different organizations, including the following: State Bar of Texas; American Bar Association; Association of American Law Schools; Practicing Law Institute; Thomson Reuters/West; Texas Young Lawyers' Association; National Institute for Trial Advocacy; and the American Arbitration Association (AAA). Numerous DVDs comprising the "Law in Popular Culture" series are also available for student and faculty checkout.

D. Electronic

The law library has an ever-increasing preference for online resources that provide enhanced searchability or currency over their counterparts in other formats. The library also relies on online formats for infrequently used legal or non-legal titles, general newspapers, non-scholarly titles, and when resources are available exclusively online.

The library prefers to acquire Web-based resources, as opposed to CD-ROM titles. CD-ROMs that accompany books acquired by the library are cataloged accordingly. They are then placed behind the circulation desk and made available for checkout by students and faculty.

Some of the databases to which the law library has subscribed in recent years include the following: *BNA's Law School Professional Information Center*; *Gale's Making of Modern Law V: Primary Sources I and II*; *ProQuest Congressional*; and *RIA Checkpoint*. Links to these and other electronic databases are available on the law library website. Law students and faculty also have access to hundreds of additional databases and thousands of electronic journals and books to which the Baylor University Libraries subscribe. More information regarding the law library's electronic resources are provided in the library's "Electronic Resources Collection Development Policy."

IX. STUDENT STUDY AIDS

The library regularly acquires several types of student study aids, including all copies of West's "Hornbook" and "Nutshell" series. The library also very selectively collects study aids from other publishers, including the following: Aspen Publisher's "Examples and Explanations" series; Foundation Press's "Concepts and Insights" and "Turning Point" series; West's "Black Letter" series; and Matthew Bender's "Understanding" series. Casebooks are generally not purchased for the library collection.

The library neither acquires, nor accepts as donations, bar review course materials/outlines. These materials change on a frequent basis, and many bar outline publishers prohibit the transfer of these sources to anyone but their original publisher.

X. RESERVE

The library automatically places certain types of materials in the reserve collection, including the following selected list of items: current editions of all West nutshells; current editions of West hornbooks; many National Institute for Trial Advocacy (NITA) materials; current citation manuals; classic and standard treatises in subjects emphasized in the curriculum; current Restatements; current issues of legal periodicals; current form books and practice manuals; current deskbooks containing statutes, court rules, and forms; current pattern/model jury instructions; current issues of legal and non-legal newspapers and magazines; and titles that faculty members specifically request to be placed in the reserve collection.

The reserve collection also contains one copy of each of the following sources: *American Jurisprudence 2d*; *Corpus Juris Secundum*; a complete run of *Baylor Law Review*; *Texas Jurisprudence 3d*; *Texas Digest (1st and 2d)*; *Vernon's Texas Codes Annotated*; *Vernon's Revised Civil Statutes of the State of Texas*; *Vernon's Texas Rules Annotated*; *Texas Supreme Court Journal*; *Uniform Laws Annotated*; and *United States Law Week*.

XI. REFERENCE COLLECTION

The library places the following types of materials in the reference collection: current editions of ready-reference sources such as dictionaries (legal and non-legal), directories, biographical sources, encyclopedias, and digests; one copy of *American Law Reports* (3d - 6th series); Texas Attorneys General opinions; *Texas Register*; and selected *Shepard's* titles (*Shepard's Texas Citations* and a number of subject-specific *Shepard's* titles).

The library continually monitors current awareness resources in the reference collection to ensure that the library holds the most recent edition of a particular item. All items withdrawn from the reference collection due to age are evaluated on a case-by-case basis for inclusion in the library's general collection. Those resources that possess significance for later historical research are retained.

XII. RARE BOOKS

Rare books are generally not purchased. The library maintains a relatively small collection of rare materials in the Frank M. Wilson Rare Book Room. The majority of this collection was made possible through the generosity of two distinguished members of the legal community, Judge Frank M. Wilson and U.S. Senator William A. Blakely. Judge Wilson donated his private collection of over 2100 volumes of first editions, rare printings of pre-eminent legal writings, novels, and research titles. These materials are made available to library users on a supervised basis by the law library staff.

Monograph volumes published prior to 1850 are generally considered rare. Factors in determining whether a volume is shelved in the rare books collection include price, condition, content, age, presence of signature of the author or other noteworthy persons, presence of bookplates or other emblems of ownership, and availability.

XIII. FOREIGN LAW MATERIALS

English and Canadian materials represent the largest percentage of foreign law in the library collection. Titles include *English Reports*, *The Laws of England*, *Halsbury's Statutes*, *Halsbury's Laws of England*, *Queen's Bench* and *King's Bench* cases, and *Dominion Law Reports*. Since foreign law is not emphasized in the law school curriculum, new title purchases in this area are uncommon.

XIV. FACULTY LIBRARY

The faculty library (housed in the faculty lounge on the third floor of the law center) contains a small, non-circulating collection of selected primary and secondary materials. The law library has duplicate copies of all titles that are housed in the faculty library.

XV. FACULTY REQUESTS - OFFICE COPIES AND ADVANCE SHEETS

Upon request, the law library will purchase a title for a faculty member's office unless the cost or subject matter of the item is significantly beyond the scope of regular library purchases, or the request duplicates material already owned or readily available. A faculty-initiated request receives expedited processing unless the request is simply a general suggestion for library purchase. Monographs requested as office copies are generally purchased and cataloged for the library collection and checked out to the respective faculty members' offices.

The library has arranged with Thomson Reuters/West for faculty members to receive complimentary subscriptions to selected National Reporter System advance sheets. The library pays the postage for the advance sheets.

XVI. LAW SCHOOL DEPARTMENTS

Upon request, and with the approval of the law library director, the library will purchase or check out a title for a law school departmental office. The law library occasionally purchases a small number of legal directories and other resources for the Career Development Office. Duplicate copies of some of these titles are also available in the library.

XVII. METHODS OF ACQUIRING AND PROVIDING ACCESS TO MATERIALS

A. Wholesalers and Subscription Agencies

The law library works with a variety of wholesalers and subscription agents to consolidate ordering, receiving, renewals, invoicing, and payment of monographs and serials. These arrangements allow the law library to expedite acquisitions, reduce processing costs, and achieve significant discounts. When selecting a wholesaler or subscription agent, the law library considers such criteria as accuracy, fulfillment rates, fulfillment times, level of discounts, availability of flat-rate discounts, shipping costs, reporting capabilities, return policies, pre-binding services, and the recommendations of other libraries.

B. Approval Plans, Standing Orders, and Package Plans

Certain publishers and vendors offer services that allow libraries to acquire materials based upon a range of non-item-specific parameters, including series title, publisher, subject area, issuing agency, language, and jurisdiction. The law library makes use of approval plans, standing orders, and package plans, as appropriate, to expedite acquisitions, reduce processing costs, and achieve significant discounts.

When selecting a standing order vendor, the law library will consider such criteria as discount amounts, shipping costs, report capabilities, invoicing, quality of service, and references from other libraries. The law library maintains a package plan with the American Bar Association and will consider other package plans.

C. Cooperative Agreements

Cooperative agreements have become increasingly important, as no library can amass all-inclusive collections for every subject area. These agreements can include cooperative acquisitions, retention policies, the housing of joint purchases, and other arrangements.

The law library occasionally participates in cooperative collection development efforts with Baylor's Moody Memorial Library or other departments on campus, such as the business school. Such efforts typically involve splitting the costs associated with subscriptions to electronic databases. In order to expand information offerings to its primary constituencies, the law library will continue to pursue shared access to library collections via consortia efforts and other collaborations.

The criteria for entering into cooperative arrangements include:

1. The conformance of the proposed arrangement with the mission of the law library;
2. The costs and benefits of the arrangement for the law library;
3. The type and reputation of the potential partner organization(s);
4. The provision for the periodic evaluation of the arrangement by all parties;
5. The ability of participating parties to withdraw from the arrangement;
6. The ownership or control of purchased or licensed materials when the arrangement ends; and
7. The ability to access materials not housed in the law library.

The law library became an affiliate member of the New England Law Library Consortium (NELLCO) in the spring of 2003. This affiliation allows the library to participate in coordinated trials of electronic resources, consortium pricing and licensing for the purchase of these databases, and centralized billing and renewal for these resources.

D. Needs and Offers

Current and historical legal materials may occasionally be obtained at very low cost from other libraries through "needs and offers" lists. The law library occasionally monitors such lists and acquires materials according to the criteria set forth in this document.

As a federal depository library, the law library complies with Federal Depository Library Program regulations and guidelines for maintaining a list of needed materials, listing offers, and obtaining materials through depository “needs and offers” lists.

If the law library is able to acquire only portions of a multi-volume work via the “needs and offers” process, the available portions of the work will be added to the collection, and the missing volumes will be sought.

E. Exchanges

The law library will enter into an exchange agreement only when it is the sole means for receiving materials. Exchanges are not encouraged.

F. Interlibrary Lending/Document Delivery

The faculty and students of the law school sometime have information needs that require access to resources not included in the law library collection. The law library therefore augments its collection by participating in interlibrary lending and document delivery arrangements in order to satisfy the diverse information and research needs of the faculty and students of the law school.

The law library agrees to the “Guidelines for the Proviso of Subsection 108(g)(2) [of the U.S. Copyright Act, 17 U.S.C.]” developed by the National Commission on New Technological Uses of Copyrighted Works (CONTU). The Guidelines state that a library will purchase a subscription to any periodical for which, within a single calendar year, the library makes six or more interlibrary lending requests for articles published within five years prior to the date of the request, and that a library will purchase a copy of any article collection or other copyrighted work for which, within a single calendar year, the library makes six or more interlibrary lending requests. The law library regularly reviews its interlibrary borrowing to ensure compliance with the CONTU Guidelines.

G. Gifts

The library accepts gifts of materials that conform to the existing selection guidelines. Duplicate copies or replacement copies are evaluated on a case-by-case basis. Factors considered in determining whether to accept gifts include the affiliation of the donor, the titles and condition of the materials with respect to the needs of the collection, space considerations, whether the gift will require special care or preservation, updating or other expenditure of funds, etc. Except in rare cases, the law library is presently unable to properly house archival materials and encourages donors to consider alternative repositories, such as Baylor’s Texas Collection.

Generally, the library accepts donations with the understanding that no conditions be attached to the donated materials. Monetary donations are also accepted and can be used to develop the collection in specific areas. No commitments to accept gifts shall be made by anyone on the library staff other than the director of the law library.

The following guidelines are applied to gifts:

1. The law library will determine the classification, housing, and circulation of all gift items.

2. The law library retains the right to dispose of gifts any time and in any manner deemed appropriate.
3. Under tax law, the law library cannot provide a monetary valuation statement to the donor for tax purposes.
4. A list of items donated will be supplied to the donor by the law library as part of the letter of acknowledgment.
5. If requested by the donor, book plates noting the donation will be used to show proper appreciation for the gift.

XVIII. MONOGRAPH BINDING

If both cloth and paper bindings are available for a title, the library will generally purchase the paper version. This policy allows the library to acquire monographs at considerable cost savings, while outfitting selected books with high quality, durable bindings.

XIX. SUPPLEMENTATION

Generally, all currently published supplementation will be purchased for titles in the collection. Decisions not to supplement a specific title may be made after consideration of the cost, duplication, use, and quality of the supplements available.

XX. DUPLICATION

Duplication is to be avoided in the collection, except for the following materials: those that are used heavily, in connection with a law school course or otherwise; and those continued or replaced in another format.

XXI. WEEDING/CANCELLATIONS POLICY

Removal from the law library collection, or cancellation, of obsolete materials or titles of marginal subject interest is needed to keep the collection as current and relevant as possible. It is the policy of the law library to continuously reevaluate its collection in conjunction with the selection of new and replacement items. The professional librarians may weed or recommend cancellation of materials. The law library director will make the final determination as to retention or continuation of materials.

For many types of materials as well as for specific titles, the law library has established policies for weeding and cancellation. These policies may be found in records on BearCat, Baylor's online catalog.

Criteria to be considered in selecting materials for possible weeding or cancellation include:

- A. Relation of subject matter to the law library's subject areas of intensive collecting

B. Relation of subject matter to the current research interests of the law faculty and curricula of the law school

C. Duplication of copies or content (works no longer in demand for supplemental use)

D. Date: Certain out-of-date/superseded materials that lack research value and that could pose a risk to users should be removed from the collection

E. Physical condition of material

F. Format: alternative formats may offer cost and/or space savings

G. Space considerations

H. Circulation statistics

XXII. RETENTION

The law library has established policies for the retention of many types of materials as well as for specific titles. These policies (e.g., limits that have been set for keeping materials in the collection or in particular locations within the library) may be found in records on BearCat.

XXIII. ARCHIVES

The library collects law school archival material very selectively. Historical material forwarded to the library by the dean's office, law school publications, and student publications which are of value for law school history make up the bulk of the collection. Many historical law school materials are archived in other libraries on campus, including the Texas Collection, Moody Memorial Library, and Baylor University Collections of Political Materials.

XXIV. PRESERVATION

The law library attempts to preserve all materials in their original physical format where it is economically and physically feasible to do so. Where costs, deterioration, or damage prevent the preservation of materials, attempts will be made to replace items valuable to the collection in reprinted editions or alternative formats. New items added to the collection will be subject to conservation measures, if warranted, to extend their usefulness.

XXV. SHELF READING AND INVENTORY

The law library conducts an ongoing process of shelf reading and inventory in order to verify the possession and accessibility of all materials that have been acquired by the library and that are represented in BearCat. Public and Technical Services staff cooperate in performing this task.

XXVI. MISSING MATERIALS/REPLACEMENTS

Missing items identified by staff and library users in a variety of ways undergo a process to determine whether they have been misshelved or are indeed missing. Records for missing items are reviewed to determine whether titles should be reordered, withdrawn, put on hold for a future decision should the item not be returned, etc. These decisions are based upon the importance of the title, cost of replacement, whether the title is still in print, the existence of newer editions of the same title, other titles in the collection on the same topic, whether duplicate copies are included in the collection, availability of the title in other formats in the library, availability of the title from other libraries, etc.

If a decision is made to replace a title that is out of print, the library will consult an out-of-print search dealer or online vendor. Such decisions are made on a case-by-case basis.

XXVII. REVISION OF THE COLLECTION DEVELOPMENT POLICY

This policy will be reviewed on a continuous basis by the director of the law library to ensure that its existing guidelines are being followed and to determine whether recent curricular or other changes demand its revision.

APPENDIX A. TREATISES BY AREA OF CONCENTRATION

(Available in print unless otherwise noted)

Administrative Practice

1. Administrative Law (Mezines et al.) (1977-).
2. Administrative Law Treatise (Pierce) (5th ed. 2010).
3. Administrative Law and Practice (Koch) (3d ed. 2010) (Print, Westlaw).
4. Antieau on Local Government Law (2d ed. – Lexis).
5. Municipal Liability: Law and Practice (Fontana) (2007-).
6. Texas Administrative Practice and Procedure (Beal) (1997-) (Print, Lexis).
7. West's Federal Administrative Practice (4th ed. 2002-) (Print, Westlaw).

Business Litigation

1. BNA Bankruptcy Law Reporter (online).
2. Collier on Bankruptcy (Print, Lexis).
3. Commercial Bankruptcy Litigation (Westlaw).
4. Commercial Damages: A Guide to Remedies in Business (Lexis).
5. Complex Insurance Coverage Litigation Handbook (Pasich) (2010).
6. Domke on Commercial Arbitration (3d ed. 2003-) (Print, Westlaw).
7. Federal Securities Law (Westlaw).
8. Holmes' Appleman on Insurance 2d (1996-) (Print, Lexis).
9. Norton Bankruptcy Law and Practice (3d ed. 2008-) (Print, Westlaw).
10. Products Liability (Frumer & Friedman) (1960-).
11. Russell on Arbitration (Westlaw).
12. Texas Practice Guide: Business and Commercial Litigation (2000-) (Print, Westlaw).
13. Texas Practice Guide: Real Estate Litigation (2011-) (Print, Westlaw).
14. Texas Real Estate Guide (St. Claire & Dorsaneo) (2000-). (Covers litigation and transactions) (Print, Lexis).

Business Transactions

1. BNA Accounting Policy & Practice Report (and Practice Series) (online).
2. BNA Tax Management Series (including Tax Practice Bulletin, Tax Memorandum, and Tax Practice Series) (online and Tax Memoranda also in print).
3. Bromberg and Ribstein on Limited Liability Partnerships and the Revised Uniform Partnership Act (1995-).
4. Bromberg and Ribstein on Partnership (1988-).
5. Business Organizations (Hamilton, Miller & Ragazzo) (2d ed. 2004) (Texas Practice Series) (Print, Westlaw).
6. Business Organizations with Tax Planning (Print, Lexis).
7. CCH Secured Transaction Guide (Westlaw).
8. Corporate Acquisitions and Mergers (Lexis).
9. Federal Tax Practice and Procedure (Lexis).
10. Folk on the Delaware General Corporation Law (5th ed. 2006-).
11. Glazer and FitzGibbon on Legal Opinions: Drafting, Interpreting, and Supporting Closing Opinions in Business Transactions (3d ed. 2008). (Print, Westlaw).

12. Keatinge and Conway on Choice of Business Entity: Selecting Form and Structure for a Closely-Held Business (2011).
13. Limited Liability Companies: Tax and Business Law (Bishop & Kleinberger) (1994-).
14. O'Neal and Thompson's Close Corporations and LLCs: Law and Practice
15. Partnership Law and Practice: General and Limited Partnerships (Callison & Sullivan) (2011 -).
16. Rabkin & Johnson, Federal Tax Guidebook (Lexis).
17. State Limited Liability: Company and Partnership Laws (Bamberger & Jacobsen) (1995 -).
18. State Limited Partnership Laws: Practice Guides, Annotations, Statutes, Forms (Bamberger & Basile) (1987-).
19. Texas Practice Guide: Financial Transactions (Nicewander) (2000-).
20. The Law of Corporations (Cox & Hazen) (3d ed. 2010) (Print, Westlaw).
21. The Law of Tax-Exempt Organizations (Hopkins) (10th ed. 2011).

Criminal Practice

1. BNA White Collar Crime Report (online).
2. Criminal Practice and Procedure (Dix) (3d ed. 2011) (Print, Westlaw).
3. Criminal Procedure (LaFave) (3d ed. 2007).
4. Federal Criminal Trials (Lexis).
5. Federal Evidence (Mueller & Kirkpatrick) (Westlaw).
6. Federal Sentencing Law and Practice (Hutchinson et al.) (2010) (Print, Westlaw).
7. Search and Seizure: A Treatise on the Fourth Amendment (LaFave) (4th ed. 2004-) (Print, Lexis, Westlaw).
8. Texas Criminal Practice Guide (Breen) (1979-).

Estate Planning

1. BNA Tax Management – Estates, Gifts and Trusts Journal (online).
2. CCH Individual Retirement Plans Guide (Westlaw).
3. International Estate Planning (Lexis).
4. Modern Estate Planning (Lexis).
5. Page on the Law of Wills (Schoenblum) (2d ed. 2000-).
6. Scott and Asher on Trusts (2006-).
7. Texas Estate Planning and Probate Manual (Pettit) (2d ed. 2008).
8. Texas Law of Wills (Beyer – Texas Practice Series) (2002-) (Print, Westlaw).
9. Texas Practice Guide: Probate (Featherston) (2011-) (Print, Westlaw)
10. Texas Practice Guide: Wills, Trusts and Estate Planning (Cresswell) (2000-) (Print, Westlaw).
11. Texas Probate and Decedents' Estates (Woodward & Smith, Texas Practice Series) (1971-) (Print, Westlaw).
12. University of Miami Philip E. Heckerling Institute on Estate Planning (print, Lexis).

General Civil Litigation

1. Arkfeld on Electronic Discovery and Evidence (Lexis).
2. Federal Jury Practice and Instructions (O'Malley) (6th ed. 2006-) (civil and criminal).
3. Federal Litigation Guide (Lexis).
4. Federal Practice and Procedure (Wright & Miller) (3d ed. 1998-) (print, Westlaw).

5. Frumer & Friedman, Products Liability (Lexis).
6. Levine on Trial Advocacy: Jury Selection (Westlaw).
7. Louisell & Williams, Medical Malpractice (Lexis).
8. Moore's Federal Practice (3d ed. 1997-) (Print, Lexis).
9. Products Liability Practice Guide (Lexis).
10. Texas Civil Practice (McDonald) (1998-) (Print, Westlaw).
11. Texas Civil Trial and Appellate Procedure (Wicker) (1999-).
12. Texas Litigation Guide (Dorsaneo) (1977-) (Print, Lexis).
13. Texas Practice Guide: Alternative Dispute Resolution (Levy & Prather) (2011-) (Print, Westlaw).
14. Texas Practice Guide: Civil Trial (Hedges) (2011) (Print, Westlaw).
15. Texas Torts and Remedies (Edgar & Sales) (1987-) (Print, Lexis).
16. Weinstein's Federal Evidence (Lexis).

Intellectual Property

1. BNA Electronic Commerce and Law Report (online).
2. BNA Intellectual Property Law Resource Center (and Patent, Trademark and Copyright Journal) (online).
3. Callman on Unfair Competition, Trademarks and Monopolies (Westlaw).
4. CCH Law of Electronic Commerce (Westlaw).
5. Chisum on Patents (1978-) (Print, Lexis).
6. E-Commerce and Communications: Transactions in Digital Information (Lexis).
7. Gilson on Trademarks (Print, Lexis).
8. Goldstein on Copyright (2005-).
9. Information Security Law: Control of Digital Assets (Milone) (2006-).
10. Intellectual Property Law: Commercial, Creative, and Industrial Property (Dratler) (1991-).
11. Intellectual Property Litigation: Pretrial Practice (Dobrusin) (3d ed. 2008-).
12. Intellectual Property Counseling and Litigation (Lexis).
13. International Copyright Law and Practice (Lexis).
14. Law of the Internet (Print, Lexis).
15. McCarthy on Trademarks and Unfair Competition (1996-).
16. McGrady on Domain Names (Lexis).
17. Milgrim on Licensing (Print, Lexis).
18. Milgrim on Trade Secrets (1969-).
19. Moy's Walker on Patents (2003-) (Print, Westlaw).
20. Nimmer on Copyright (1978-) (Print, Lexis).
21. Patry on Copyright (Westlaw).
22. Scott on Information Technology Law (2007-).