How Much of Your Print Collection Is Really on WESTLAW or LEXIS-NEXIS?

Penny A. Hazelton

The University of Washington School of Law began planning for a new law school building in 1992. When the present facility was constructed in 1974, it was intended to be the first tower of a two-tower complex. The second tower was never constructed. As a result, the clinics, Development offices and the Continuing Legal Education operations are not housed in the current building. In addition, the building is a reinforced concrete structure, which makes it prohibitively expensive to retrofit the structure for new information technology. Limited space for students, a library collection bulging at the seams, and limited space for centers and LLM programs not contemplated by the 1974 building made it clear that the school and law library had outgrown the current building.

Traditionally, about 50% of a law school building is devoted to law library space for collections, users, services, and staff. In the beginning planning stages for a new law school building, this assumption held as we tried to create a program that would accommodate space for all of the law school’s current activities and its plans for the future. During the programming phase, this assumption of law library space was questioned again and again as many different needs were left without space in the new building plan. Fifty percent of the space in the new building plan is devoted to library purposes. But the new building did not get the two-thirds state funding we requested in 1997, despite a significant contribution from the private sector. Thus, a more targeted campaign began for funding the new law school building in the 1999 budget cycle.

The pressure to reduce the size of the law library continued. From every side came the comment, “But it will all be online. Why do you need so much space for books?” Professor William R. Andersen, chair of our new building
committee, worked with the Dean, Roland L. Hjorth, to create a list of questions to get at these concerns. My staff and I spent much time trying to answer them. The questions were easy to state. The answers were complicated and difficult to communicate clearly and succinctly.

You will find, here, a copy of my report, as it appeared in the conference materials for the AALL Space Planning and Technology for Academic Law Libraries workshop held at Duke University School of Law in March 1999. These are being printed here to give wider distribution to my findings in hopes that other law libraries that face the “we don’t need books any more” refrain will have some facts to back up their opinions and professional judgment.

When I undertook this assignment, I assumed that about 40% of our collection was available on WESTLAW or LEXIS-NEXIS. Imagine my surprise to discover that only 13% of our collection is really duplicated online and that if I kept just one copy of everything in print that is also online, a mere 7% of my collection is theoretically duplicated electronically. I hope you will be pleasantly surprised as well. Books are not dead yet.

**SPACE PLANNING AND TECHNOLOGY FOR ACADEMIC LAW LIBRARIES**

Duke University School of Law

Session 3: Planning and Justifying Space for Collections
March 13, 1999
Professor Penny A. Hazelton, Law Librarian
University of Washington School of Law

How much of your print collection is really on WESTLAW or LEXIS?

- 13% or 44,420 volumes, counts all duplicates in Gallagher Law Library
- To keep 1 print copy of all titles, online duplication reduced to 7.8% or 25,403 volumes
- Caveats:
  - Did not count every single title online; counted the biggest sets (see exhibit 1)
  - Difficulty in knowing what you could count as duplicated (see question 1 in exhibit 2)
• Study conducted April 1998
• Decided in favor of online; probably balances out individual titles not counted
• Does not address future changes in publication patterns such as discontinued print titles, radical improvements in standards for archiving electronic material
• Actual numbers for your law library will vary according to your print collection
• Look at the enormous volume of online legal resources that academic law libraries never had in print!
• Gallagher does not have state digests, official state reports, or state citators

How fast will your print collection grow in the future?

• The Bowker Annual shows law titles published from 1985 to 1995 declined from 1,349 to 1,230 (excludes legal periodicals, looseleafs, government documents, and foreign law all of which have escalated in the past 10 years)
• See exhibit 3 for varied projections for the next 60 years
• Projections assume net print added (added volumes minus volumes withdrawn)
• Growth Rate A—assumes a 33% decrease for next 20 years and 67% decrease for next 40 years. Result: collection grows at a slow rate; in 60 years print collection is 35% bigger
• Growth Rate B—assumes a gradual decline in print volumes after 1999 to 1/2 of 1996 level. Result: collection grows at 2d slowest rate; in 60 years print collection is 74% bigger
• Growth Rate C—assumes a gradual decline in print volumes after 1999 to 3/4 of 1996 level. Result: print collection in 60 years has nearly doubled
• Growth Rate D—assumes no increased or decreased print collection growth. Result: print collection more than doubled in 60 years
• Growth Rate E—assumes a static 2% growth for 60 years. Result: print collection size is nearly 4 times the 1996 level in 60 years

What Happens If We Are Wrong About the Decrease in Print?
What did we count?

- National reporter system 26,730 volumes
  (1 complete set = 10,806 v.: 2 incomplete sets at 15,924 v.)
- Wash & Wash App 1,538 volumes (several sets)
  (1 complete set = 400 v.)
- US, LEd 756 volumes (several sets)
  (1 set LEd = 239 v.: 1 set US = 517)
- State Statutes 2,790 volumes
  (annotated for all 50 states plus territories)
- Federal codes 1,035 volumes (several sets)
  (1 set USCS = 118 v.: 1 set USCA = 241 v.: 1 set USC v. = 38 v.)
- Congressional Record (1985 to date) 290 volumes
- USTIA (1979 to date) 66 volumes
- CFR (1981 to date) 3,600 volumes
- Federal Register (1980 to date) 710 volumes
- CJS and Am Jur2d 200 volumes
- ALR (Fed, 3d to date) 398 volumes
- West Decennial, General & US Digests 581 volumes (1 copy)
- West Federal Digest-all series 224 volumes (1 copy)
- West Pacific Digest-all series 158 volumes (1 copy)
- Legal periodicals 2800 volumes
  (500 US academic titles 1994 to date = 2000 v.: 2d copy of 200 titles 1994 to date = 800)
- Federal administrative agency decisions - official 2027 volumes (1 copy)

Total Volumes 44,420 volumes
Excluding Duplicates 25,403 volumes

Note that we did not count the following:

- Official state reports, state digests, state administrative codes or state citators as we do not have these titles in print
- Did not include these titles in count though some are definitely online:
  - English Reports and other foreign law
  - USCCAN
  - Regional, federal and topical citators
  - Commercial and practitioner legal periodicals
  - Periodicals before 1994 (even though full text is there for some titles)
  - Looseleaf services
  - Treatises, legal newsletters and legal newspapers

Our analysis does not include a hard look at microform or the Internet
The questions below were posed by the Chair of the New Building Committee of the University of Washington School of Law. They may help you analyze your own print collection and understand the real impact today of online resources.

1. In general, what percentage of our collection is duplicated by material that is available online or on CD ROM? Are there any doubts about the continued availability of online materials?

Executive summary:
13% of the Gallagher Law Library collection is available on WESTLAW and LEXIS-NEXIS. This includes 26,730 volumes in the 3 sets of the National Reporter system. Determining what is duplicated is actually a very complex question. Please refer to question 9 and Appendix I for some examples.

Online systems are definitely here to stay. But which ones will survive the intense competition and which ones we can afford in the future are difficult to predict. LEXIS-NEXIS and WESTLAW were created and designed for the practicing attorney. Their goals are driven by the law firm market, not by the law school market.

Approximately 13% of the Gallagher Law Library collection is available on WESTLAW or LEXIS-NEXIS (44,420 volumes; this includes some duplicates of print titles). If the Law Library kept only one copy of each set of materials, the duplication rate would be only 7.8% or 25,403 volumes.

Looking for duplication of material between print and electronic sources and calculating the volume equivalency sounds simple, but actually requires a very complex analysis. For example, if all articles from an issue of the *Washington Law Review* are included on LEXIS-NEXIS, but the masthead, table of contents, and index are not online, does this count as a volume duplicated online or not? If the cases reported in the *Pacific Reporter* begin only in 1945 or 1965 for 6 of the 11 states covered, is that volume duplicated online?

For purposes of our analysis, we assumed duplication even where we had substantial questions. Thus, the numbers we have used are high. In actual fact, I believe that we will have to conclude that many of these materials are not really duplicated online at all.

What is in the 87% of the collection that is not duplicated online? Much of what makes this a valuable research library is not duplicated online today and may NEVER be-historical works, foreign legal materials, back runs of periodicals, older editions of treatises, biographies, collections of essays, government reports, and more. See questions 5, 6, and 7 for further discussion.

The Law Library has very few CD ROM products because of the high cost of the infrastructure (equipment, software, and staff support), the many different software platforms, and the cost. Most CD ROM titles are also on WESTLAW and LEXIS-NEXIS.

Online legal materials will definitely continue into the future. But which online products will survive? For example, if WESTLAW were to price itself out of our range or disappear (and we had gotten rid of all of the print volumes of the National Reporter), the editorial synopsis and headnotes written for cases that can help locate relevant case law would be gone. One of the important tools for case-finding, the West key number digest, would no longer be useful.
EXHIBIT 2. (continued)

2. More specifically, how many sets of the National Reporter do we have in the library today?

Executive summary:
The Law Library has 3 sets of the National Reporter, 1 complete set (10,806 volumes) and 2 partial sets (8,044 and 7,880 volumes).

The National Reporter includes 13 series of case reports, the most comprehensive collection of judicial decisions in print. The Law Library has 1 complete set (10,806 volumes) and 2 partial sets (8,044 and 7,880 volumes). The total number of volumes in these three sets at this time is 26,730. As noted above, not all cases published in the National Reporter system are available online. A standing order to a complete set of the National Reporter system adds about 220 volumes per year.

3. What space (in net square feet) does a single set of the Reporter series occupy?

Executive summary:
The complete set occupies 950 nsf at this time. The smaller sets occupy 708 nsf and 693 nsf, respectively.

The complete set occupies 950 nsf at this time. The smaller sets occupy 708 nsf and 693 nsf, respectively. One copy of the complete set requires 19 nsf per year for growth. Calculations were based on assuming 5 volumes per linear foot of shelf space. In the plans for the new building, the architects had calculated that 1 linear foot of shelf space would occupy .44 net square feet of space (this includes the space needed to meet ADA requirements for access to the collection). For example, 10,806 volumes would take 2161 linear feet of shelf space and would occupy 950 net square feet of space.

4. Assuming we have more than one set, why do we need multiple copies when WESTLAW and LEXIS-NEXIS contain all that material?

Executive summary:
WESTLAW and LEXIS do not contain all the material in the National Reporter system. Note the problem with identifying what is actually duplicated as described in question 1 above. Other reasons for duplication include, [1] outside users cannot use WESTLAW and LEXIS-NEXIS because of our educational contract, [2] we circulate one set of these reporters to any law school user, [3] printing from the electronic databases is expensive, [4] the print sets are an economical way to give broad use to many, and [5] reading long legal documents online is impractical for most users.

The complete set is for library use only; the next largest set circulates to any law school user; and the smallest set is for the use of the law faculty. LEXIS-NEXIS does not contain all that is in the National Reporter series. LEXIS-NEXIS gets its opinions directly from the court and does not add any editorial features such as summaries or headnotes. Thus, LEXIS-NEXIS does not really duplicate the features of the National Reporter system. The case databases online do not go all the way back to the first volume of the relevant National Reporter. For example, Montana cases only go back to 1965; Nebraska to 1942; Nevada to 1945; North Carolina to 1943.

Outside users do not have access to WESTLAW or LEXIS-NEXIS in our library because the educational contract we sign does not permit persons not affiliated with the Law School to use the systems. We pay slightly over $60,000 per year for our students, faculty, and staff to have access to WESTLAW and LEXIS-NEXIS. The amount represents 5.4% of the Law Library resources budget. A commercial contract, based on the amount of use of the systems, would cost well over $1 million.
Reading online is tedious and, for most users, is not conducive to good analysis and synthesis of legal doctrine and precedents. Printing from online databases is expensive, and we do not yet have a networked printing solution building-wide that can handle this burden. Books are an economical way to give access to many users at one time and not require the user to bear the cost of the printing.

The Law Library has been studying the question of whether to withdraw one of the smaller sets of the reporters. We must make this decision based on use of this third set and the space available. The cost of keeping this set current must also be considered, though we could withdraw the older volumes and keep getting the current ones or cancel the current subscription and keep the older volumes in the collection.

5. How many treatises do we have that are also available online or on CD ROM? How do we justify them? Do we have any of these treatises in multiple copies? If so, how do we justify that?

Executive summary:

Few legal treatises are online at all. A growing number are available in CD ROM format as long as you purchase the print copy. We own very few duplicates of legal treatises. Those duplicates we have ordinarily serve student needs (hornbooks, nutshells, Restatements) and faculty needs (faculty office copies).

There are two types of treatises published - those for legal practitioners and those that are not (included here are biographies, essays, historical works, government reports, interdisciplinary works). The latter are not available in electronic formats. Of the practitioners treatises, very few owned by the Gallagher Law Library are in electronic form. Treatises are technically more challenging to load online because they need to be constantly updated and, from the user’s point of view, they are hard to use online because of their hierarchical structure. Treatises have a low priority on WESTLAW and LEXIS-NEXIS.

There are thousands of legal treatises published, those for legal practitioners and those that are not (included here are biographies, essays, historical works, government reports, interdisciplinary works). The Law Library buys some, but by no means all of the practitioner treatises available. A small but growing number of these are on WESTLAW, LEXIS-NEXIS, or CD ROM products. For example, 149 different titles are listed in the current WESTLAW directory. Of these, over one-half are practice materials for specific states that we do not have in the collection.

We own very few duplicates of legal treatises. Those duplicates we have ordinarily serve student needs (hornbooks, nutshells, Restatements) and faculty needs (faculty office copies).

As a general rule, treatises are difficult to use online because they have a hierarchical arrangement that is not well-suited for online searching or reading. For example, the Restatements of the Law are online. This is an extremely difficult set to use, even in print, because of its internal organization. Having access only to online versions would exacerbate this problem.

Good legal treatises need to be kept up to date. They are published by literally hundreds of publishers. Arrangements to produce these in an electronic form require contracts between the online vendor and the publisher. These facts create barriers to having the legal treatises in electronic form. In the nearly 30 years of WESTLAW and LEXIS-NEXIS operation, the legal treatises have never been a priority for addition to their systems. And even when they have been loaded, often the latest supplement is not available online due to contractual limitations. In short, the availability of the legal treatise online is not likely to be a good substitute for the print version now or in the near term future.

One set of legal treatises that support the work of the Law School is necessary in print for the many reasons cited above. Having them in print also makes them available to our outside users who cannot use WESTLAW and LEXIS-NEXIS. For a few selected treatises, high use merits having more than one copy for student and/or faculty use.
6. How many law reviews and other periodical materials do we have that are also available online or on CD ROM? How do we justify them? Do we have any of these law reviews in multiple copies? If so, how do we justify that?

Executive summary:

About 2,800 volumes of legal periodicals in the Gallagher Law Library are mostly duplicated on WESTLAW and LEXIS-NEXIS. This includes a second print copy of about 200 titles of general U.S. academic law journals. We are able to circulate one set of these journals because the second set is in the Faculty Library for library use only. Journals are a rich source of legal research, are not purchased by most law firms, and are used to create our weekly Current Index to Legal Periodicals.

There are about 1000 U.S. legal periodicals. About 500 of these are published by the 182 American law schools. The rest are bar journals published by state bar associations and titles published by commercial publishers for the legal practitioner market. Gallagher has most of these 1000 titles in print format. We have two copies of the non-specialized academic journals (about 200 titles).

Periodical literature began to be added to WESTLAW and LEXIS-NEXIS in the mid-1980's. At the time and for many years thereafter, only selected articles from over 100 journals were added to WESTLAW while LEXIS-NEXIS added all articles, but from about 50 journals. The result is that until about 1994, coverage of law review articles on WESTLAW and LEXIS-NEXIS is not reliably complete. Even now, graphics from articles will not be online. The online versions also do not include the editorial mastheads, indexes and other contents of the periodical issues. Online coverage excludes articles for which a copyright release was not obtained. Law reviews are usually not available online for 2-4 months after print publication. Both systems have added many more commercial and bar journal publications, but again, reliable and complete coverage did not begin until about 1994. While the Law Library does purchase most state bar journals in microfiche, we have only a selection of commercially published legal periodicals in print.

As with cases and treatises, reading online is tedious and printing is wasteful and expensive. A law review article as published with bold-face headings, typeface conventions, footnotes at the bottom of each page, and so on is easier and more convenient to read than the online version or a printout of the online version.

A liberal estimate would be that since 1994 the Law Library has about 2000 volumes of legal periodicals that are duplicated online. We have an additional 800 volumes which are the second copy of print that we own. One set of our academic periodicals circulates; the second is in the Faculty Library. There are times when both copies of an individual volume are off the shelf. Also, the Law Library publishes a weekly current awareness service that provides subject indexing for nearly 500 academic law reviews. Our document delivery service provides copies of legal periodicals to those who have no other access and who are willing to pay for this service.

7. It would be helpful to have some information about the federal depository concept. What are the benefits to us in being a depository? What are the costs (especially in square feet of storage)?

Executive summary:

Every book or microfiche we receive free from GPO under the Depository Library Program would have to be purchased for our collection. No additional book storage is required because of our membership in this program other than to house the selected titles. Purchase and maintenance of a computer workstation for GPO Access is the only additional space required.

The Depository Library Program provides copies of government documents at no charge to its members. The Library is responsible for processing, cataloging, storing, and giving access to
these documents. The Law Library is an 8% depository. That is, we select only 8% of the titles available through the program. The UW Libraries selects 85% of the documents distributed through the program. In every case, the Law Library would have to buy the materials we get for free under this program. We select only those legal titles essential to support the research and curriculum of the Law School.

For example, we get U.S. Reports, CFR, Federal Register, National Labor Relations Board Decisions, U.S. Statutes at Large, and Congressional reports and documents in print from GPO under this program. We also get annual reports from selected agencies, policy studies on legal topics, and other material that is not widely available commercially, in print or online. We are required by federal regulations to keep anything we get through the depository program for at least 5 years. So there is some book storage required; however, we would have to store these print volumes anyway, since we would buy them for the collection.

We also have access to the many databases created and maintained by the government through a public Internet terminal in the Law Library. Participation in this program requires that we give the public access to these print and electronic documents. Since we are already open to the public as a tax-supported institution, this imposes no additional burden on the library in terms of space for books, but does require the purchase and maintenance of computer equipment for access to GPO materials for the public.

8. What role do microforms play in the future of law libraries?

Executive summary:
About 6% of our print Law Library collection is duplicated in microforms we own. A small percentage of these titles are also available on WESTLAW and LEXIS-NEXIS. We own the microform. In contrast, we only have access to electronic databases. Unfortunately, microform has traditionally been a format disliked by library users when the paper copy is an alternative. In some cases the microform is not an appropriate substitute for the print; in some cases it will be.

Microformat (film and fiche) has been around for decades. It has never been a favored format for users. In a law library as old as ours, most legal materials were acquired in their print format, because that was what was available at the time. Newer law libraries could not purchase all the print material we had, so they bought a lot of microform of older materials in order to have complete collections of primary and secondary legal materials. Microformat takes much less space than the print, requires special equipment (readers and reader-printers), and (if properly stored) will last longer than the print. But, it is not full-text searchable, it is hard to read unless you print it out, and it is the last format a user will go to.

The Law Library has purchased microform in these situations: when the print copy is in poor condition (early Congressional Record and Federal Register); when we need to complete our set of some title (state session laws, U.S. Supreme Court Records and Briefs); when the material is not available in any other format (transcripts of arguments before the U.S. Supreme Court, American Law Institute archives, Congressional bills); when the space needed for the print is not justifiable (Congressional hearings); when material is regularly stolen from the library (Washington State continuing legal education program materials); when we need to have an archival, permanent copy (state legal newspapers).

Some of these titles are online through WESTLAW and LEXIS-NEXIS. The duplication is really between the paper copy and the microform copy. In most cases we have not gotten rid of the print copy because the print copy is clearly a more user-friendly format. In looking at what should be in the new Law Library, the print volumes duplicated in microform will require close scrutiny.
9. If WESTLAW and LEXIS-NEXIS services were available to all library users (including the public) at a reasonable fee to the Law Library, would the Law Library need any print resources? If so, why?

Executive summary:

We are a research Law Library. We serve the Law School as well as the rest of the UW, the legal profession and the public. Even if all library patrons had access to WESTLAW and LEXIS-NEXIS, we would still need to OWN most primary and secondary sources that are online. A research library must support the work of scholars, not practitioners. We can guarantee access to important legal literature if we can control or own it.

First, there is no guarantee that online systems will be here forever. Second, hierarchically arranged materials (statutes, codes, treatises, legal encyclopedias) are not as easy to use online as they are in print. Third, WESTLAW and LEXIS-NEXIS do not contain the graphics from the original source. Fourth, reading long documents online is not effective. Printing everything from an online resource in order to browse or read it is wasteful. Fifth, not all legal practitioners have access to online systems; how can we teach our students how to use books if we don’t have any? Sixth, for all of these reasons, the American Bar Association in its accreditation standards makes it clear that to have only one type of legal materials (print or electronic or microform) would be a violation of its library standards.

This question really gets to heart of the computer/print debate. We are a research Law Library. The law is created by many different governmental bodies (legislatures, judges, administrative agencies at the international, federal, state, and local levels). Answers to legal questions require integration and synthesis of complex legal rules from many sources. Some current law relies on cases decided decades ago. Our system of precedent requires that we have access to old legal material.

Of the 44,420 volumes of legal materials currently in the Gallagher Law Library which are online (remember that 87% of the collection is NOT online), access through WESTLAW and LEXIS-NEXIS is NOT good enough for at least 23,020 volumes. This means, realistically, only 21,400 volumes could potentially be withdrawn from the collection. And this last number assumes that the Law Library would need no duplicate sets in print. No duplicates will mean no circulating sets of law reviews or case reporters (National Reporter system); no back-up copy if the one copy is stolen or lost; reduced ability to teach law students how to use the print sources.

Limitations of WESTLAW and LEXIS-NEXIS and many CD ROM products:

1. They are not available to public user, including UW faculty staff and students; educational contract limits access
2. Students cannot use for paid jobs or externships, per educational contract
3. They lack graphics (Federal Register and the Code of Federal Regulations)
4. Hierarchically arranged documents are hard to use and understand online
5. Electronic sources do not completely replace the print source - either because they do not go back as far as the book or because they do not include all parts of the print source
6. The current low educational rate may not continue to be affordable. Already some law libraries have cancelled either WESTLAW or LEXIS-NEXIS
7. We don’t own it; no guarantee databases will be around in future or that they will have available what is there now
8. It is hard to read online; most legal documents are long and require intense study
9. Printing costs are transferred to library or to user
10. Users can be overwhelmed with full text searching; users have to be GOOD at searching to get relevant material; training is important and costly
11. Equipment with appropriate software or Internet connection and appropriate levels of staff support are required; easy to say, hard to afford
Advantages of WESTLAW and LEXIS-NEXIS and many CD ROM products:
1. They save some space, but remember that workstations take space too
2. Users can search full text
3. The databases online are, generally, VERY current
4. They provide one stop shopping; from search to full text without leaving your seat
5. Many, many things that are not and never will be in print are online
6. Using West key number system and case verification are very efficient

10. How does the Internet fit into all this? Can we rely on the Internet for some or all legal materials?

Executive summary:
The Internet will continue to provide access to extremely current legal material. But the issues of reliability, authenticity, archival access, and quality are serious drawbacks to reliance on the Internet in place of print or more expensive commercial online or CD ROM services. Much of the most current online material is not available in print anyway; so at this time there would be little if any impact on library book storage space. However, Internet workstations take space. The more tools that are available online, the more workstation spaces that will be needed to provide fair access.

At the present time, the Internet is extremely useful for very current legal material—court opinions, statutes, bill-tracking, some administrative codes and decisions, and government reports. Whether these same materials will be available in the future electronically is hard to predict. For example, the Washington court opinions are only maintained for 90 days on the official Washington web site. The authenticity of the material is also of concern. It is fair to say that the Internet has most of the same disadvantages as WESTLAW and LEXIS-NEXIS. Extremely current legal material is likely to continue to be the role of the Internet in the legal research world. This role is unlikely to save shelf space in the library since most of these current documents will not be in print yet; it might conceivably reduce the number of subscriptions we have to very current material. To guess a role beyond that of the most current material is simply too speculative at this time.

11. Assume that in 15 years electronic legal information is reliable, complete, retains all the best characteristics of the print sources (truly duplicates the print), is available to all library users, and is cost effective. Assume no new print resources are published. How would the Law Library space currently planned for the new building be used?

Executive summary:
We would need book space for 455,000 volumes (the capacity of the planned space with substantial use of compact shelving) since much of the collection will never be in electronic form. The Law Library would continue to consider new formats and materials available, converting to less space intensive non-print materials as the budget permitted.

If the collection were to shrink as a result of technology and use, the Law Library space is planned to be very flexible. More library user spaces could be created or the space could be used for other law school purposes, such as classrooms, offices, institutes and centers, clinics, administration, and more.

Funding the new building so that the space can be designed for maximum flexibility is crucial.

First, many legal materials currently owned by the Law Library will never be in electronic form because it will never be economical to convert them. (Consider, for instance, our treatises from the 19th century through the 1980’s, or our rich historical collection of Japanese legal material.) So the Law Library will need to house what we have already collected (our current collection plus
acquisitions during the next 15 years [350,000 volumes + 105,000 volumes]). Second, the Law Library would need to decide if it wanted to replace print materials with electronic publications or other formats like microform or CD ROM. The Law Library considers these questions on a regular basis as new formats are made available whether digital or microformat. A replacement program would be very expensive and would need to provide a high level of access for library users, but it would certainly save book storage space.

Third, if the collection could shrink by a replacement program or off-site storage, the present configuration of the Law Library will permit many other kinds of use. For example, the current plan only includes library user workspace for 397. The student body is likely to grow to 800 JD students plus 150 LL.M students. The faculty and staff numbers will increase. And our location on the main campus will increase use by other University students and faculty and use by the legal profession and public. Increasing the number of user spaces may well be an excellent use of this space. More training labs, small group study rooms, and the like are also very possible uses of Law Library space vacated by books. Fourth, in the event that the Law Library has no use for the space vacated because of collection shrinkage, there are many potential uses for classrooms, centers, student organizations, faculty, clinics, administration, and more.

Funding for this new building that will allow the construction of FLEXIBLE space is most crucial. It is the only way we will be able to respond to the unknown changes that will take place in legal education in the next decades.

12. Assume that print resources continue to be published long into the future, but at a slower rate. And assume that electronic databases are still a viable provider of legal information. How would the Law Library space currently planned for the new building be used?

Executive summary:
The Law Library would find a way to live within the space currently planned for the new building by combining off-site storage with weeding and a microform or digital replacement program. If space were needed for new user spaces, some other library space would have to be reallocated for this purpose.

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EXHIBIT 3.

GALLAGHER LAW LIBRARY PROJECTED GROWTH
Print Volumes Only
1996-2056

Growth Assumptions:
A - 4000 volumes for 20 years, 1000 volumes for 40 years
B - 7000 volumes for 4 years, 6000 volumes for 6 years, 5000 volumes for 10 years,
4000 volumes for 20 years, 3000 volumes for 20 years
C - 7000 volumes for 4 years, 6000 volumes for 6 years, 6000 volumes for 4 years,
5000 volumes for 46 years
D - 6000 volumes for 60 years
E - 2% increase per year

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figures rounded to the nearest thousand

*Open Day Shelving Configuration
**Entire 1st Floor Compact Shelving
***1st & 3rd Floors Compact Shelving
DUPLICATION
A Comparison of Print and Electronic Versions of Important Legal Materials

1. Case Reports
   Print:
   Case reporters are complete for all states and federal courts; complete historical coverage
   Have official for Washington State only; otherwise only unofficial reporters, except for pre-National Reporter cases
   Print is economical for browsing and easy to read
   Access is through use of West key number digest
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
      Many state cases only back to 1965 or 1945; some states are complete
      WESTLAW contains opinions as published in National Reporter System (unofficial)
      LEXIS-NEXIS contains opinions obtained directly from the courts (official)
      Federal cases comprehensive beginning with 1 US; 1 Fed Supp; 1 Fed
      Very current
      Many unpublished cases
      Full text access
      Most case reports are very long and cannot easily be read online; need to be printed
   Internet:
      Full text of very recent cases only, sometimes more current than WESTLAW or LEXIS-NEXIS
      Few databases go back very far
   Conclusions regarding duplication:
      Printed court reports are economical for browsing and efficient for reading
      Full text searching of court reports is very powerful
      National Reporter System is not completely duplicated in electronic form
      Electronic versions are much more current than print
      Don’t always want the most recent case
      Electronic versions not available to outside users
      Need to assess how many copies of print are needed now
2. Statutes

Print:
- Have annotated statutes (unofficial) from all 50 states with updating services
- Have all state session laws and keep revised and replaced code volumes
- Have USC (official), USCS and USCA (unofficial)

Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
- All 50 current state statutes with updating service
- WESTLAW has most unofficial and all official state codes
- LEXIS-NEXIS has most unofficial and all official state codes
- Electronic versions do not necessarily include indexes, tables of contents, or specialized volumes in the print set
- Federal statutes current with updating service (USCS, USCA, USC)
- Usually at least as current as print, sometimes more
- Hierarchical arrangement and arcane and general language can make these hard to use in electronic format
- Full text access
- Many CD ROM tools available with federal and state statutes

Internet:
- Some complete codes available and some with powerful search engines
- Most official, so no annotations

Conclusions regarding duplication:
- Actual text of laws is available online, but many indexes, tables and finding tools are not
- Hierarchical arrangement and arcane language of statutes make online access more difficult
- Must keep the print; online duplication does not replicate all characteristics of the print

3. Official Federal Administrative Reports

Print:
- Have complete sets of all official
- Get official from depository program
- Also reproduced in some unofficial looseleaf services

Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
- Most appear to be comprehensive of print sources, but not all are (e.g., NLRB from 1972 only)
- Full text access
- Online services have millions of federal and state agency documents not available in print at all or only at great expense
Internet:
- Some available
- Full text or abstracts only
- Files do not go back very far or are not archived at all

Conclusions regarding duplication:
- Not all print volumes are represented online
- But for those that are, online sources are probably an adequate substitute
- Outside users cannot use electronic systems and we would not own the material
- Would the unofficial looseleaf services be enough for outside users (even though these are not complete or comprehensive)?
- If we continued as a member of the depository program, we must keep the most recent 5 years for each title; then can dispose according to regulations

4. Federal Regulations

Print:
- Complete sets of CFR from 1939 and Federal Register from 1936
- Indexes
- Get through depository program

Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
- CFR-1981 forward; hierarchical arrangement and arcane and general language make these hard to use in electronic format
- Federal Register-1980 forward; very current
- Full text
- NB: No tables or graphics are included in electronic version!
- CD ROM available for current CFR only

Internet:
- CFR (current year only) and Federal Register since 1995
- Full text
- No indexes or other finding aids
- Graphics are included if viewed in PDF format

Conclusions regarding duplication:
- Print goes back to beginning and includes all graphics and tables
- Electronic sources are not good substitutes for print; good as finding tools only
- Hierarchical arrangement of CFR makes it a poor electronic resource
Whether Internet access to CFR and Federal Register will be reliable is questionable. Get both through depository program—must keep most recent 5 years of Federal Register, then can dispose of it if listed; must keep only most current edition of CFR.

5. West Digest System
   Print:
   Have digest national in scope (Decennial & General); Pacific Rptr & Washington only
   Descriptive word indexes and case tables make access easy to locate relevant key numbers
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
   Only on WESTLAW
   Does not necessarily include all headnotes for National Reporter System
   Identifying a key number may be harder in the online version, but using a good key number to search for similar cases is efficient and fast online
   Conclusions regarding duplication:
   Electronic sources are more current and more efficient for searching than print
   Descriptive word indexes not in online version
   Online may not include all old editions of digests
   Our print collection is bare bones now; outside users cannot use WESTLAW, so need to keep the print

6. Legal Encyclopedias
   Print:
   Have one copy of CJS and Am Jur2d
   Comprehensive indexes give good access
   Annual supplements
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
   CJS is on WESTLAW and Am Jur2d is on LEXIS-NEXIS
   Hierarchical arrangement may make awkward to use online
   No more current than the print
   Conclusions regarding duplication:
   Important and comprehensive secondary sources
   Format online (lots of footnotes) may determine whether electronic can be a good substitute for print
   Outsiders cannot use electronic systems, so keep print copy for now
7. ALR
   Print:
   Have 1st-5th, Federal and all supplements, digests and indexes
   Access good using indexes
   1st-2d are hard to update in paper
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
   1st and 2d series not online
   3rd, 4th, 5th and Fed online
   Full text access
   CD ROM available
   Conclusions regarding duplication:
   Electronic form may be okay online; not enough experience to know
   Long articles (annotations) are very hard to use online
   Print is easy to use and accessible to our outside users, so keep print

8. Shepards
   Print:
   Only have current regional, federal, Washington, California, Oregon, Alaska, and Hawaii, and some specialized citators
   Cumbersome to use many volumes in set
   Not very current
   Very expensive to buy republished sets and keep current
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
   State, federal, regional reporter and specialized available
   Don’t always go all the way back in coverage (no Pre-NRS, for example)
   Should always do online; very efficient and fast; cost effective
   CD ROM available
   No more current than the print version at this time
   Conclusions regarding duplication:
   Have cancelled many (but not all) print titles in reliance on electronic even though online not available to outside users and online version not completely duplicative of print version
   Other electronic case verification tools are more current than Shepards
   Electronic version is more versatile and efficient than print
   Pilot program to see if we can substitute online KeyCite system for some print Shepards
9. Congressional Record
   Print:
   - Want bound permanent set; virtually complete
   - Voluminous
   - Paper of poor quality
   - Indexes not cumulated
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
     - 1985 to date-daily version
     - No tables or charts
     - No indexes
     - Full text
     - Documents are huge
   Conclusions regarding duplication:
     - No access to online by secondary users, but this material is available in UW Libraries
     - Congressional Record provided through depository program; must keep most recent 5 years in print, but can get rid of rest if listed for disposal
     - Might make a good case to dispose of print copy that is online.

10. Legal Periodicals
    Print:
    - Have several hundred titles, most complete to date; duplicate copies of about 200 general academic law reviews
    Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
      - Coverage is spotty in early 1980’s; many not covered until 1993 or 4; varies tremendously
      - Nearly 500 US academic journals. Probably only 300 covered full text now
      - Titles and coverage varies between WESTLAW and LEXIS-NEXIS
      - Full text access
      - Print is almost always out before electronic version
    Internet:
      - Available-full text for a handful of journals; last year or two only
      - Search capability limited
    Conclusions regarding duplication:
      - Could not safely count on electronic coverage until 1994
      - Even then, indexes, mastheads, etc., are not online
      - Paper copy is used to create weekly Current Index to Legal Periodicals
Periodicals used heavily by outside users; they have no access to electronic
May not need two print copies of older volumes; consider weeding

11. Legal Newspapers
   Print:
   Have in paper; back files in microform
   Poor paper quality
   If ownership important, must have microform
   Electronic (WESTLAW, LEXIS-NEXIS, CD ROM):
   Coverage is back to mid 1980’s with luck
   Full text
   No graphics-photos, tables, charts
   Internet:
   Available-full text for a few; recent articles only

Conclusions regarding duplication:
   Space taken by print is small since all is replaced with microform or not kept at all
   Microform provides graphics, but is not as current as the online version
   Electronic version is not a substitute for print or microform at this time