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Building an academic law library from scratch

Abstract: Goldsmiths, University of London, started teaching LLBs in Law in 2019/20. Greg Bennett was hired in 2018 to be the subject librarian for Law, and to stock the library before teaching began. Greg will discuss his decision making processes in choosing what he included, and what he didn't include in the collection.

Keywords: law libraries; law librarians; library management; Westlaw; Lexis; universities

I was hired in the summer of 2018 to build a law library collection from scratch ahead of Goldsmiths starting to teach LLBs in the 2019/20 academic year. Now, at the end of the 2020/21 academic year, we have had two years of students come to study at Goldsmiths, and the reading lists for the third year modules, which will run for the first time in 2021/22, have also been stocked. So, we have a collection that now supports a full three year UG Law programme. At some point in the future LLM programmes will be taught at Goldsmiths, but as of yet, we only have undergraduate students.

When I say I was building the collection from scratch, this was very much the case. Goldsmiths is a college of the University of London that historically focused heavily on arts-based subjects, eg fine art, design, music, drama etc. As a result, the pre-existing library collection had very few items that would normally appear in a law library collection. And what there was, was often very out-of-date. So I found myself in an unusual position for a law librarian, in that I could choose exactly what every single part of the law collection contained.

When I started working at Slaughter and May, we had a subscription to a database that gave real-time share prices amongst other things. It was a database that we didn't use very often, and when I asked why we subscribed to it, I was told that, at some point, before the days when news websites updated with virtually-live data, this was a way that a particular partner at the firm was able to keep abreast of live cricket scores! And the subscription had now outlasted its need. Whether this story was true or apocryphal, we find ourselves, as librarians, more often than we should, with subscriptions to resources that we perhaps don't need, but that have been paid for for many years, and so continue to be subscribed to. As it happens, we ended that particular subscription quite soon after I started at Slaughter and May, but careful cutting of unnecessary resources doesn't always take place. Hopefully though, starting with a blank canvas allowed me to choose only useful subscriptions.

I was given a budget of £50,000 per year to stock the library initially, and to keep it stocked each year going forward. Whilst not being tiny, this was not a huge budget, so if I wanted to build of good collection, I needed to make sure that we didn't have wasteful subscriptions or unnecessary duplication of materials.

In addition to financial considerations was the whole question of how big physically does a law library collection have to be. Before I got my job at Slaughter and May, I attended an interview in a different, smaller law firm. The "library" there was not much more than a small office (and it was in a fairly dingy basement, so I declined the job!). The vast bulk of the collection that the librarians there

used was digital. I don't think this is so unusual for law firm collections, where physical space is at a premium.

Likewise, Goldsmiths' physical library was already overfull (we still need to drastically weed the whole collection to make the shelving Disability Discrimination Act compliant). As a result, I had very little desire to build a large physical collection with runs of hardly-touched law reports and journals. But I certainly didn't want to have no physical legal sets – I just needed to choose them wisely.

A final factor that made me ultimately plump for a largely digital collection, was that Goldsmiths hoped that their law programme was one that would attract students from disadvantaged backgrounds. As a result, our goal was to make all readings available to all students in such a way that there would be no need for individual students to buy any books themselves. Making all textbooks available digitally would achieve this.

So, with these starting considerations, I set about determining what things we must have in the collection, what things we could benefit from even though they aren't essential, and what wasn't needed at all.

There is an 'indicative list of sources for law libraries'¹ produced by the Society of Legal Scholars. However, it was last updated in 2009, and so I felt there was leeway to not necessarily stick too rigidly to it, especially since buying everything that was deemed essential on it simply wasn't possible with my budget. However, I did consult it, and tried to stick to it wherever possible.

Legislation

Initially I was evaluating every single aspect of the collection for usefulness, so didn't even rule out the possibility of no subscription at all to a legal database for legislation. After all, current legislation is available on [legislation.gov.uk](https://www.legislation.gov.uk). Therefore, is there a need to buy access to legislation through the big legal databases?

It is well known amongst law librarians that the government site is slower to update than Westlaw and Lexis Library, and so it isn't so reliable for the most up-to-date state of current law. But is that a major concern in an academic setting? It definitely is a concern in a commercial setting – no lawyer wants to be referring to old law when giving advice, but I would suggest there isn't the same need for fully up-to-date legislation in an academic setting.

Having said that, there are extra features that come with a subscription to either Westlaw or Lexis Library (or for that matter, Justis), eg knowing what SIs have been made under different sections of an act, or which cases have referred to different pieces of legislation. In addition, these databases very conveniently link to different commentary items directly from the text of the legislation too. These features make these subscription resources far superior to the [legislation.gov.uk](https://www.legislation.gov.uk) site. So, I felt that a subscription was vital, but I wasn't certain I needed to subscribe to more than one database that provides access to legislation. I would have to consider everything else that these databases contained, eg Case Law and commentary, when considering database subscriptions.

One legislation item that I disagreed with the SLS indicative list was Halsbury's Statutes. I have worked in two places that got rid of this subscription in print, because it was considered unnecessary to have it in addition to a subscription to a legal database. I view it as both slow and expensive to

update, and complicated to use (so prone to user-error), but it adds nothing to the legislation within either Westlaw or Lexis Library (especially Lexis Library which presents the very text of Halsbury's Statutes as its legislation).

Case-Law

As good as BAILII is, I don't think there is realistically scope for no subscription to a legal database for case-law. There is a need for actual law reports in addition to the transcripts that BAILII provides. The big sets of law reports are the ICLR reports (both the Weekly Law Reports, and The Law Reports), and they can be bought in both Lexis Library and Westlaw. Lexis Library also exclusively contains the All England Reports (a set that the Society for Legal Scholars list deems essential). The English Reports are also available in both, but even if they weren't, they are available for free through commonlii.

At undergraduate level, I don't think there is much need for the more niche sets of law reports. So these sets of law reports seem to be a full enough set to have access to. Again, though, did I need to subscribe to more than one database, ie did I need duplicated sets of these law reports? And if I only chose one, would Lexis library, with its All England Reports, be the best choice?

I have worked in two places that have discarded sets of the All England reports, so I thought I would keep my eye out for libraries discarding a set. Conveniently, I soon found one, and the library that was getting rid of them was happy to give them to me for free. Armed with this set, I no longer had to subscribe to Lexis Library if I wanted access to the All England Reports, so I was at liberty to potentially choose between either Lexis Library or Westlaw for case-law coverage. In addition, I thought it would be useful for our students to see one physical set of law reports in the library (given that otherwise the case-law coverage would all be digital), to have a sense of what law reports look like.

Journals

Given that I felt at liberty to choose between Westlaw and Lexis Library for case-law and legislation coverage, the commentary available in each then became a deciding factor. Westlaw's journals service is very good indeed. In addition to many high-quality journals in full text, its journals search contains what used to be called the Legal Journals Index, which is a very broad abstracting service. I would say that both the abstracting service and the full text journals are superior on Westlaw than Lexis Library. Strangely, also, LexisNexis's pricing seems to make it only possibly to subscribe to certain subsections of all the journals they have. At any rate, I tried on several occasions to subscribe to every journal they had but wasn't able to. One package they offered would allow access to some, while another package would allow access to others. Westlaw's all-or-nothing service seems much easier for me to deal with.

In a university setting I think that HeinOnline is vital, since it contains so many journals in one place. When I worked at Slaughter and May we didn't subscribe to it – many of the journals are very academic in nature, and weren't so relevant in a corporate setting, but they are very significant in an academic environment. In particular, it has very good international coverage, even from areas of the world not commonly referred to in the historic legal canon, which was of very high importance at Goldsmiths.

Books

Again, I felt that Westlaw had the edge over Lexis Library when it comes to commentary, especially because it started an academic textbook service at about the time I was choosing which databases to subscribe to. This service contains almost 20 academic textbooks. And academic textbooks are much more used in a university than practitioner textbooks – especially by undergraduates. Lexis Library’s book selection is much more practitioner focused. Of course, Lexis Library contains Halsbury’s Laws, which is the key encyclopaedia of English law. The Society of Legal Scholars list deems it essential to any law library.

Had Lexis Library not contained Halsbury’s Laws, or had I been a bit bolder in my decision making, I might have chosen not to subscribe to Lexis Library at all. I’m not convinced that undergraduates actually use Halsbury’s Laws terribly much – again, it is quite practitioner-focused. In which case, with just undergraduates at Goldsmiths (at least initially), I questioned whether the limited use that we would make of Halsbury’s Laws justified the expense of a subscription to Lexis Library.

I actually asked a former colleague from Slaughter and May whether she thought we could get away without a Lexis Library subscription, and she agreed with me that we could. In fact, we had been working together during the Credit Crunch during which Slaughter and May, unlike many other firms at the time, did not lay any staff off, which was very much appreciated. But cuts then had to be made in non-staffing budgets, and so we carried out a feasibility study over whether we could cancel Lexis Library and several other LexisNexis products. In the end we didn’t have to, but we felt that we would have coped fine without it if we had needed to.

In the end, not wanting to be considered too extreme in my decision-making, especially when I was still quite new at Goldsmiths, I decided to subscribe to Lexis Library, but not to its legislation or case law services. Instead, I subscribed to as much commentary as I could and as many journals as I could (but as I said above, that wasn’t all of them). This reduced subscription came at a reduced price (although not as reduced as no subscription at all!), which freed me up for other spending.

Things to have in an ideal world but which aren’t essential

I was very keen to subscribe to either Lexis PSL or Practical Law, which are both practitioner focused, but are very useful to have in an academic setting, especially for black letter law subjects. I viewed Westlaw and Practical Law together, or even Westlaw and Lexis PSL together, as a more full set than Westlaw and Lexis Library (where there is a fair bit of duplication of information).

Thankfully my savings on Lexis Library, and the good deal that my Thomson Reuters rep offered me if I took all of Westlaw, Westlaw academic books, and Practical Law (with a portion of Westlaw international thrown in) meant I could get them all. I had made other savings elsewhere too. For example, my HeinOnline subscription didn’t include the treaties service (I felt that free sources, eg the UN Treaty Series, could suffice), and it didn’t include the Index to Foreign Legal Periodicals. Both of which together would have more than doubled my subscription price.

With these savings on what would perhaps be resources that are often paid for without question, I was able to buy large sets of eBooks. I currently have an Evidence Based Acquisition (EBA) arrangement with Hart/Bloomsbury, CUP’s Cambridge Core set, and Springer Nature’s law set. The EBAs allow me to have access to all the titles for a year at a time, and at the end of the year I get to

keep in perpetuity the most heavily-used titles (or specific titles that I may want to pick out that weren't necessarily heavily-used). I also have subscription access (ie not an EBA, so that I don't get to keep any of the titles if the subscription ends) to OUP's Oxford Scholarship Online service for Law.

Between those sets there are close to 10,000 eBooks, and significantly, they are all current titles, and any new titles get added automatically to the sets, which keeps the collection very up-to-date without much effort on my part. I also regularly buy individual titles through Proquest, Gobi or Askews, so we have a growing number of specifically-chosen eBooks, and I would always also get print copies too of these – there is some space for hard-copy resources at Goldsmiths. However, the digital-first policy that I have employed proved incredibly useful when we first went into lockdown. Of the over 2000 reading list items for all the Law modules at Goldsmiths, 95% were available online (and the 5% were almost exclusively just suggested further reading items). This meant that our Law students weren't hampered much at all by not being able to access the physical library.

The eBook packages that I have subscribed to are not for student textbooks, rather they are for legal monographs, which are great for research, but less good to teach from. In my experience most law lecturers have a preference for teaching from OUP textbooks. OUP has a package called Law Trove, which contains all their student textbooks. However, it is a very expensive subscription, and my budget simply could not afford it.

My solution was to liaise very closely with lecturers about which primary textbook they would use for teaching each module from. I tried very hard to convince them to use alternatives to OUP titles that I could get eBook access to, and in all bar two modules I was successful. For those two modules where no suitable alternative was available I was able to buy yearly access to the OUP titles through a service called Bibliu - and there are others like it, eg Kortext, that will let you buy access depending on precise student numbers in the module it will be used for. This was a much cheaper option than subscribing to Law Trove, and it allowed me to make all the primary textbooks for every module we teach to be available as eBooks.

Buying favour with academics in the department

I think it's worth mentioning a few ways that I have bought favour with academics at Goldsmiths which perhaps helped me to receive favourable responses when liaising with them about not using OUP titles. One simple thing that any corporate librarian would do standardly, but that perhaps academic librarians aren't so used to doing, is I set up daily alerts in Nexis to tell me whenever any of my academics got mentioned in the press or other media. Academics like to be told of these mentions, so I have been able to curry favour with them in this way, and it's such a simple thing for a law librarian to do.

I also took on the responsibility of creating the online Talis lists in full for all the law modules. We have a team that otherwise creates reading lists but they produce the lists for the whole university and sometimes that can be a slow process. With me creating the lists for Law, the lecturers were able to submit them well after the university-wide deadline, and I could nevertheless get them made very quickly.

One final thing I have done is to do as much teaching on modules as I have been asked to. This has included teaching students how to write a case note, and how to write legal blogs. I was not comfortable with either of these initially, but I took on the responsibility, and then taught myself the

subjects to then be able to teach them to students. Again, I hope this willingness to help the department has made my job of liaison more fruitful. And with prohibitively expensive packages like Law Trove, I very much needed to have success with departmental liaison – I certainly didn't have a blank chequebook!

Leaning on research libraries for things we don't often need

Law Trove wasn't the only resource I couldn't afford. I wanted to be able to provide historic legislation in the collection. Whilst looking for anyone discarding copies of the All England Reports, I also kept my eyes open for anyone getting rid of a print set of the "Statutes at Large". I thought that if I could get a copy I wouldn't need to subscribe to Justis and its historic legislation. Unfortunately though no-one has given away such a set while I've been looking.

I think historic legislation is well worth having, so I toyed with a subscription to Justis (I think that this is Justis's biggest selling point), but decided in the end that eBook sets were more useful than historic legislation (getting Justis would have involved cutting back elsewhere). After all, it's not so common that undergraduates - or even postgraduates - need to refer to the text of an act that is older than what is available in Westlaw or legislation.gov.uk, and so I felt that whenever anyone did need to, I could refer them to the Institute of Advanced Legal Studies library.

This is actually a very key principle for my collection building at Goldsmiths. We are never going to house a world-class legal research library with everything that that would contain, but there are such libraries available to our students if and when they need to use them. What I have tried to produce at Goldsmiths is a very functional collection that serves its core users well. So, I have been influenced by my time in the corporate sector, where space is a large factor, and where every part of a collection needs to be justified, but that justification need not always be solely at a financial level.

The collection as it is today, and into the future

I didn't initially feel that I could justify the expense of the duplication of legislation and case-law in both Westlaw and Lexis Library as I have stated above, but after the first year's partial subscription to Lexis Library, I did in fact increase the content of the subscription to include both legislation and cases. The justification I made for this extra expense was that part of the responsibility of an LLB course is to prepare students for the legal workplace. Some workplace libraries do not contain Westlaw but choose instead to subscribe to Lexis Library. After discussion with a former colleague from IALS about this at the 2019 BIALL conference, I agreed with him that I had a duty to let our students learn to use both Lexis Library and Westlaw as part of their learning on our LLB course.

This also served the purpose of avoiding me putting all my eggs in the Thomson Reuters basket. Being able to change emphasis of collection at some point in the future – perhaps more towards LexisNexis products, and away from Thomson Reuters products – will hopefully provide bargaining power when it comes to future subscription price rises.

So, we are left with a law collection at Goldsmiths that in its heavily-digital focus was very versatile to cope with Covid lockdowns, and is easily accessible and available to all our students at all times. However, we have scope to change focus of the collection relatively easily, since I have tried, by buying (and acquiring for free) print resources, to complement the digital collection, and the content of that digital collection itself isn't set in stone. We don't have everything that our students could

ever need in our collection, but I have tried to select the most essential items, and will encourage the use of big legal research libraries, eg IALS, when our own collection comes up short, but hopefully that won't be too often.

Biography: Greg Bennett retrained to become a librarian after a brief career in pensions in the City of London. His trainee year was at the Institute of Advanced Legal Studies, where he discovered a love for specifically law librarianship. He came back to work at IALS after his MA, and then worked at the law firm Slaughter and May before returning to the academic sector at the University of Essex. Since June 2018 he has worked for Goldsmiths, University of London, and during that time he completed an LLM by distance learning.

¹ Society of Legal Scholars, 'A library for the modern law school: a statement of standards for university law library provision in the United Kingdom - 2009 revision prepared by the Libraries Sub-Committee of the Society of Legal Scholars' <<https://www.legalscholars.ac.uk/wp-content/uploads/2016/05/SLS-Library-for-a-Modern-Law-School-Statement-2009.pdf>> accessed 12 August 2021 24-59