

West Virginia University College of Law  
George R. Farmer, Jr. Law Library Collection Development and Retention Policy

Revised as of September 19, 2023, this policy supersedes and replaces all prior collection development policies as of such date.

A. Introduction

The George R. Farmer, Jr. Law Library (the “Law Library”) collection serves the curriculum and research needs of the faculty and students at the West Virginia University College of Law. This policy presents the methods by which the law library selects, acquires, maintains, and preserves an information collection to meet the needs of law library users while maximizing access to legal information. Additionally, the Law Library is a research library necessitating the acquisition and preservation of information sources on both general and specialized legal topics.

This policy is a tool intended to carry out the work of the Law Library’s mission as aligned with the core principles and learning outcomes of the College of Law.

The Law Library is a regional law library with a national scope serving students, faculty, and staff of the College of Law and West Virginia University and with a wider outreach to of the State of West Virginia. As a library, we recognize the Law Library is an indispensable resource and tool for the practice of law. We provide cutting-edge services in the support of scholarship, teaching, and the service mission of the College of Law and seek to produce information literate graduates to excel in the practice of law.

Our core principles are:

- We recognize the importance of intellectual and academic freedom and diversity and promote it via our work.
- We recognize and support a diverse collection of legal information resources that supports the teaching and scholarship pursuits of the College of Law and the corresponding need for academic freedom and reader/user privacy.
- We support, anticipate, and respond to the evolving legal information needs of the College of Law, the West Virginia University community, the legal community, and the public through our legal information resources and innovative services.
- We embrace our fiduciary obligation to employ our resources in a cost-effective manner.
- We continuously assess our services for effectiveness.
- We continuously assess our legal information resources for fit.

This policy reflects the ABA Standards for the Approval of Law Schools and Standard 606 relating to law library collections, specifically.

B. Users

The Law Library considers the unique needs of its varying user groups: law faculty, law students, the greater University community, alumni, members of the bench and bar, and the residents of West Virginia. The needs of the College of Law are prioritized including support for faculty scholarship interests and the requirements of a traditional J.D. degree program, the L.L.M. program, clinical and externship programs, law journals, and experiential learning education.

However, the law library prioritizes materials that are accessible to the largest possible audience and supports the program of legal education, service, teaching, and scholarship of the College of Law

C. Collection maintenance, selection/deselection, duplication, language, format, gifts, and preservation

- I. Responsibility for maintenance of the collection. The Law Library Director, with the assistance of the Head of Access Services and at least two other librarians appointed by the Law Library Director (collectively, the “Collection Development Team”), is responsible for the maintenance and development of the collection. The Collection Development Team routinely evaluates the information needs of the College of Law with specific attention to curriculum changes, the addition of new faculty members, and changing research interests of existing faculty members. Maintenance of the information collection is an ongoing process of reviewing, weeding, and acquiring materials.
- II. Consultation and recommendations. Faculty members are consulted at regular intervals to determine their interests and needs. Recommendations regarding the collection from faculty members and students are encouraged and given full consideration within the guidelines of this policy. Information requests which fall outside the framework of this policy are met through the interlibrary loan process or treated as an exception as necessary to support the scholarship and programs of the College of Law.
- III. Selection and deselection. The materials selection and deselection process require professional judgment, a thorough knowledge of the collection, and an ability to assess current and future needs. It may also require an analysis of library holdings in specific collections. The following criteria may be considered when deciding to select or deselect materials:
  - i. Importance to the needs of Law Library user groups
  - ii. Immediacy of need
  - iii. Currency of the materials
  - iv. Method of access and limitations on access
  - v. Cost, including cost to acquire and cost to update.
  - vi. Maintenance of the materials
  - vii. Authority of the source, including the reputation of the author and publisher
  - viii. Format
  - ix. Scarcity of the materials
  - x. Duplication within the law collection and the University Library system
  - xi. Physical space
  - xii. Preservation considerations

Deselection of materials refers to the discarding and removal of unused and obsolete materials from the collection. Systematic review and discarding of law library materials is a necessary part of maintaining a current and relevant collection. Materials for removal from the collection are processed following the guidelines for

disposal of state property enumerated in the WVU Finance and Administration Property Disposition Policy.

The Law Library attempts to replace missing or damaged materials. A decision to replace a resource considers the significance of the work, other titles in the collection on the same topic, and duplication in other formats and locations.

- IV. Duplication. Duplication of materials held in the Law Library collection or other University Library units is avoided unless a need for duplication is determined by the Law Library Director. Duplication may occur with print and digital materials or due to the popularity or significance of the title or such other reason as determined by the Law Library Director. The Law Library collaborates with the University Libraries to develop and foster strategic partnerships to promote common goals of access to and preservation of legal information.
- V. Language. The Law Library collects materials in English.
- VI. Format. Legal information is published in a variety of formats including digital, print, and microform. The choice of format is guided by the type of legal information, usability, long-term access, cost, and the benefits of ownership versus licensing. This policy acknowledges increasing reliance on access to digital sources of legal information and the requirement for a balanced collection reflecting the need for both historical and current materials.

With the adoption of this policy, print format is the stated preference for monographs and digital format is the stated preference for serials subject to an analysis of the following: (1) availability of PDF (preferably PDF/A, or other subsequent digital formats meeting ISO standards), (2) availability of information from an established vendor or governmental entity with the capacity for preservation and a reputation for reliability, and (3) ability to acquire an ownership interest in digital information rather than a mere license to use information.

The Law Library may also consider a user's request for a specific format. The Law Library considers, in the following order, (1) the format preference assigned by this policy, (2) cost, (3) ease of access and use by the requesting user, (4) requesting user preference, and (5) access and use by other user groups.

The Law Library purchases microforms only when required for preservation, space, or availability. Microforms are highly discouraged. Collection of CD-ROM, or other fixed, non-networked electronic storage devices is highly discouraged.

The law library may acquire e-books by considering the following factors: ownership or licensing rights in the material, subject matter, quality of content, scope of content, pricing, ease of access, discoverability, user privacy, and availability of usage statistics.

- VII. Access to digital materials. The Law Library negotiates license agreements for access to digital resources by the greatest possible audience subject to fiscal limitations. The standard request is for direct authentication through CAS/SAML, IP-authenticated access, or proxy access as applicable, in addition to use for interlibrary loan purposes, and permission to use in course packs, course management systems, and electronic reserve. When possible, the Law Library prefers to own digital materials to support preservation of information, manage costs, and budget for acquisitions. Other considerations include authentication and availability of authenticated free sources.
- VIII. Gifts. Proposed gifts of materials to the collection are sent to the Law Library Director or a designee, who decides whether to accept the gift. The Law Library reserves the right to dispose of gifts in any way that is most beneficial to the Law Library. This includes accepting, discarding, selling, or exchanging unwanted and/or duplicate materials. Gift evaluations are not provided. Restricted gifts are discouraged.
- IX. Preservation. A central part of the mission is to provide access to and preserve legal information for the people of West Virginia. The Law Library recognizes its duty to take steps to preserve information for the future.

#### D. Guidelines for General and Specific Collections

- I. Primary Legal Materials. The Law Library provides access to constitutions, judicial decisions, statutes, administrative and regulatory materials, and court rules for the federal and state governments. Access is provided through a combination of resources collected in print and digital formats. Selected duplication of primary authorities is intentional based on the research and curricular needs of the College of Law.
- II. Periodicals. Access to a collection of significant periodicals to support the interests of faculty, students, and curriculum is provided through a combination of print and digital resources. The preferred format is digital with significant reliance placed on Westlaw, Lexis, HeinOnline, and other online subscription databases. Periodicals not available in a digital format and meeting the selection criteria are collected in print.
- III. Secondary Authorities. Secondary authorities are resources that assist researchers in understanding and finding the law. Treatises, monographs, digests, legal encyclopedias, dictionaries, court records and briefs, and practice guides are collected. Access to a comprehensive selection of secondary authorities is provided through combined print and digital formats.
- IV. Multimedia Materials and the Popular Films Collection. Multimedia materials are purchased to serve general research and collection needs such as documentaries and other works with a legal focus. New purchases are in DVD format; purchases of audiotapes and videotapes are discouraged. The Law Library also collects films for the

Popular Films Collection including popular and legal-related films intended for casual viewing.

- V. Study Materials. The Law Library provides access to study aids through print study aids and digital study aids subscriptions. Print casebooks and textbooks are not collected because of their limited utility. Print commercial course outlines and materials written exclusively to assist students in preparing for course or bar examinations or study aid or study aid-like materials are not collected because of their limited utility. Print hornbooks, materials published as part of the *Nutshell* series, *Sum and Substance*, *Examples and Explanations*, *Understanding the Law*, *Question & Answer* series, past bar exams, bar exam strategy books, or the like, are considered appropriate for the collection notwithstanding the preceding. Duplicate copies of current editions, not to exceed three, are provided based on level of use with one copy of the superseded title retained. Print study aids materials are added to Course Reserves, Reserves, Study Aids Open Reserves, and Bar Reserves as appropriate.
- Course Reserves include materials College of Law instructors place on reserve for a specific course.
  - Reserves include print reference materials designated for reserve use due to demand and available for general student use.
  - Study Aids Open Reserve includes print or online materials written to assist student course and examination preparation available in the print library open reserves collection or through online study aids subscriptions.
  - Bar Reserves include print materials written to assist bar examination preparation available in the print library collection.
- VI. Continuing Legal Education. The Law Library purchases continuing legal education materials on a selected basis. Materials addressing issues on a national scope are purchased from ALI-ABA. Materials are selected based on topical importance or faculty or student interest.
- VII. West Virginia Collection. Primary and secondary sources for the State of West Virginia are collected in multiple formats. Duplication of materials sufficient to meet demand is appropriate.
- VIII. Directories. The preferred format for the collection of directories is digital. Online access to legal and law-related directories, including Congressional, judicial, federal, and administrative directories is provided.
- IX. Examinations. The Law Library collects College of Law examinations when provided by individual professors. Exams are made available to faculty and registered students through print and password-protected digital formats. The Law Library archives a copy of each exam for permanent retention within the Exam Repository.
- X. Foreign Law. The preferred format for foreign law is digital. The focus is Commonwealth and European-based materials as dictated by curricular and research needs.
- XI. International Law. The preferred format for international law is digital. The focus is

- treaties, international business transactions, international trade, public international law, international organizations, international environmental law, human rights, United Nations Documents, and the law of the European Union.
- XII. Legislative Documents and Legislative Histories. The Law Library provides broad access to federal legislative history materials in multiple formats.
- XIII. Newspapers. Article level access is broadly provided, principally by online access through subscriptions to multiple databases and daily digital access to select news sites.
- XIV. Racial Justice Collection. The preferred format for racial justice works is print. The Law Library purchases applicable works on a selected basis. The collection includes fiction and non-fiction on racial justice and intersecting issues such as gender and sex, class, LGBTQ+ studies, Indigenous studies, settler colonialism studies, and the environment. The collection also includes titles on race and Appalachia including work in the Affrilachian tradition.
- XV. Legal Leisure Collection. The preferred format for popular works is print. The Law Library purchases popular works on a selected basis. The collection includes bestsellers in fiction with a legal-related theme, character, or author and biographies with legal ties. The collection also includes works in fiction and non-fiction with an Appalachia or West Virginia focus.
- XVI. Hardesty Leadership Collection. The preferred format for the Hardesty Leadership Collection is print. The core of the Hardesty Leadership Collection was donated by former WVU President, David C. Hardesty, Jr. The Law Library purchases applicable works on a selected basis. The collection includes non-fiction and limited fiction with a focus on issues of law and leadership, leadership in higher education, leadership in the private sector, trends in leadership, and personal leadership development. In recent years, President Hardesty has been joined by his brother, Benjamin J. Hardesty, a West Virginian business leader, in contributing to this collection.
- XVII. Public Interest Law Collection. The preferred format for public interest law works is print. The Law Library purchases applicable works on a selected basis. The collection includes works on public interest law, theory, practice, and careers. Titles on careers include career planning and professional narrative accounts in the context of traditional public interest lawyering, pro bono work, and public service. Career title coverage also includes the theory and practice of specialized approaches, such as community lawyering and movement lawyering. This collection also covers lawyering in the subject areas of poverty law, environmental law, elder law, children's rights, disability rights, civil rights/civil liberties, women's rights, LGBTQ+ rights, human rights, and Indigenous rights.
- XVIII. U.S. Government Documents. The preferred format for U.S. Government Documents is digital. Access is broadly provided through subscriptions to multiple databases. The Law Library limited print U.S. Government Documents.
- XIX. Faculty Office Copies. The Law Library does not purchase copies of titles for faculty offices due to the expense and limitation on access. At the discretion of the Law Library

Director or their designee, materials may be designated for long-term office use and checked out to the faculty member interested in the title. Such titles remain subject to renewal and borrowing rules.

XX. Law Special Collections. The Law Library maintains the rare book collection, which houses materials printed before 1825 in addition to other rare books, limited-edition books, books signed by notable authors, and other West Virginia and Virginia materials. The College of Law archives including materials related to the history of the College of Law, College of Law faculty publications, the history of the College of Law as part of the University, records of legal clinics, manuscripts, and art and visual materials are housed at the West Virginia & Regional History Center via a Memorandum of Understanding.

XXI. Updates to this policy. Changes in legal education, publishing, and technological advances require regular review of this policy. Accordingly, this policy will be reviewed and updated at regular intervals by the Head of Access Services working in conjunction with other members of the Law Library. Through regular reviews of College of Law programs, the College of Law curriculum, student needs, and faculty scholarship, the staff of the Law Library ensures that its collections are meeting the needs of the College of Law. It is anticipated that this policy will continue to evolve to reflect the changes in needs, formats, and subject matter.

XXII. Acknowledgements

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- University of Arizona James E. Rogers College of Law Caracchiolo Law Library, 2018
- Boston University School of Law
- Cornell Law Library, 2017
- Georgetown Law Library,
- Katherine R. Everett Law Library, University of North Carolina at Chapel Hill, 2013
- University of South Carolina Coleman Karesh Law Library, 2015
- Washington and Lee University School of Law, 2010
- Yale Law Library 2018