

2013

Libraries Can Help: Institutional Repositories

Yolanda P. Jones
yolanda.jones@famuedu.edu

Follow this and additional works at: <http://commons.law.famuedu/faculty-research>



Part of the [Legal Writing and Research Commons](#), and the [Library and Information Science Commons](#)

Recommended Citation

Yolanda P. Jones, Libraries Can Help: Institutional Repositories, 30 T. M. Cooley L. Rev. 253 (2013)

This Article is brought to you for free and open access by the Faculty Works at Scholarly Commons @ FAMU Law. It has been accepted for inclusion in Journal Publications by an authorized administrator of Scholarly Commons @ FAMU Law. For more information, please contact linda.barrette@famuedu.

LIBRARIES CAN HELP: INSTITUTIONAL REPOSITORIES

YOLANDA P. JONES*

SUMMARY: Law libraries can assist law journals beyond citation help, Westlaw and Lexis training, and gathering resources; law libraries can help with resource discovery and publication-process analysis. Specifically, libraries can guide law journals in implementing, maintaining, and expanding publication technologies through institutional repositories to stay current in this digital age.

WHY THIS IS IMPORTANT: As evidenced by the Durham Statement and the increasing number of legal digital repositories, there is a movement toward open-access literature and free access to legal materials. Law journals need to understand how this impacts their publication, and the best place to start is by using their own law library.

INTRODUCTION

In November 2008, several major law library directors developed the “Durham Statement on Open Access to Legal Scholarship.” The statement “urge[s] every U.S. law school to commit to ending print publication of its journals and to making definitive versions of journals and other scholarship produced at the school immediately available upon publication in stable, open, digital formats, rather than in print.”¹

Since then, many law schools have provided free or open Internet or institutional repository access to law journals. But not all have

* Yolanda Patrice Jones is Director of the Law Library and Associate Professor of Law at the Florida A&M University College of Law.

1. *Durham Statement on Open Access to Legal Scholarship*, BERKMAN CTR. FOR INTERNET & SOC’Y AT HARVARD UNIV. (Feb. 11, 2009), <http://cyber.law.harvard.edu/publications/durhamstatement>; see Richard A Danner, et al., *Durham Statement Two Years Later: Open Access in the Law School Journal Environment*, 103 LAW LIBR. J. 39 (2011).

embraced the concept of free online access to the exclusion of print.² In general, an institutional repository is a service for managing and distributing digital materials produced by the institution's members. A popular institutional repository service is bepress.³ Bepress hosts the Digital Commons, which is an open-access institutional repository.⁴ Law journals from many other subject areas are available online as part of the bepress Digital Commons. Libraries are moving toward institutional repositories because they are concerned with long-term economic preservation and digital-access issues. The Durham Statement, and the legal digital repositories that have resulted from it, can be seen as part of a broader movement toward open access literature and free access to legal materials.⁵

Too often law journals are hesitant to ask the law library for more than citation assistance, document retrieval, and Lexis and Westlaw training. But with respect to institutional repositories and other technologies, law libraries can help with resource discovery and publication-process analysis, as well as implementation, maintenance, and expansion of publication technologies.

I. THE RESOURCE-DISCOVERY PROCESS

One way that libraries can help law reviews is by making them aware of the range of open-access services, both free and fee-based, which are available to them for distribution of their scholarship in digital format. The bepress Digital Commons has been adopted by many law schools. Bepress states that Digital Commons is "a suite of tools and services that enables institutions to manage, display, and publish scholarship to the web in a beautiful, highly visible online showcase."⁶ A law school may subscribe to bepress individually or as

2. See Margaret A. Leary, *Response to the Durham Statement Two Years Later*, A, 103 LAW LIBR. J. 281 (2011).

3. See generally BEPRESS, <http://www.bepress.com> (last visited July 6, 2013).

4. See generally *Digital Commons*, BEPRESS, <http://digitalcommons.bepress.com> (last visited July 6, 2013). Their portal for open-access legal scholarship (the Law Review Commons) "contains both current issues and archival content spanning over 100 years from nearly 150 law reviews." See *Announcing the Law Review Commons*, DC TELEGRAPH (Aug. 21, 2013), <http://blog.digitalcommons.bepress.com/2013/08/21/announcing-the-law-review-commons/>.

5. See Graham Greenleaf, *Free Access to Legal Information, LIIs, and the Free Access to Law Movement*, in THE IALL INTERNATIONAL HANDBOOK OF LEGAL INFORMATION MANAGEMENT 201–28 (Ashgate 2011).

6. *Digital Commons FAQ*, BEPRESS, <http://digitalcommons.bepress.com/faq/> (last visited July 6, 2013).

part of a more expansive institution-wide license. Where the law library is part of the main library system, a broad set of services may be available to the law school. For example, a main library system digital-publishing department may already have a subscription to the Digital Commons and would be happy to provide access and support. Or the main campus library may be interested in a purchase in partnership with the law school or other departments.

Sometimes access to an existing institutional repository may be with the caveat that the publication be open access only. Economically, an open-access only publication model may not be easy for every law journal, whose budget may depend on print-subscription revenues. However, a print subscription model could be maintained depending up the terms of the publisher contract. If the publisher contract does not provide for an institutional repository presence, then the benefits of an institutional repository may need to be weighed further.

II. BENEFITS OF A DIGITAL REPOSITORY AND OPEN-SOURCE PUBLISHING

Recent scholarship has shown that institutional repositories make journal content more visible—especially for newer and lesser-known journals.⁷ Usage statistics have indicated that open source journal articles can increase citation activity.⁸ Citation activity in court cases can make the local legal news circuit,⁹ and some law journals with institutional repositories have showcased citations to articles in court cases on their institutional repository websites.¹⁰

Institutional repositories do not compete with other repositories like the Social Science Research Network (SSRN), which is often a consideration because many legal scholars use SSRN to publish draft

7. See generally *Research on Institutional Repositories: Articles and Presentations*, BEPRESS, <http://digitalcommons.bepress.com/repository-research/> (last visited July 6, 2013).

8. James M. Donovan & Carol A. Watson, *Citation Advantage of Open Access Legal Scholarship* (Oct. 1, 2011), available at <http://digitalcommons.bepress.com/repository-research/4>.

9. See *Supreme Court justice cites Wayne Law Review article in majority opinion*, DETROIT LEGAL NEWS (Jan. 15, 2013), <http://www.legalnews.com/detroit/1371570>.

10. See, e.g., *Judicial Decisions Citing to the Journal of Law and Health*, CLEV. ST. J. L. & HEALTH, http://engagedscholarship.csuohio.edu/jlh_citations/ (last visited July 6, 2013).

versions of articles.¹¹ One advantage an institutional repository like the Digital Commons has over SSRN is that SSRN promotes the individual researcher, but “DC [Digital Commons] situates every individual work within its home institution, an identity embedded as deeply as each item’s weblink.”¹² There may be added value in providing an institutional repository alongside a pre-publication service such as SSRN.¹³ In addition to providing immediate advantages for the institution hosting the repository, it has been argued that there are longer term benefits, on both the national and international levels, of providing free and open access to legal scholarship.¹⁴

III. LIBRARIES CAN HELP WITH IMPLEMENTATION AND MAINTENANCE

If the Digital Commons institutional repository is implemented, librarians can provide articles about repositories and assist in their implementation.¹⁵ Specifically, libraries can help with vendor relations and discovery of new online services. Librarians who are familiar with cataloging principles can help journals improve their record description and metadata description for improved search access. Metadata is often called “data about data,” and are the attributes such as author, title, subject, and abstract, that are listed for treatises and journals in catalogs and databases. One library blogger suggested that libraries collaborate with law journals to create metadata for institutional repositories.¹⁶ A common metadata standard would make it easier to search institutional repositories,

11. See generally SOCIAL SCIENCE RESEARCH NETWORK, <http://www.ssrn.com> (last visited July 6, 2013).

12. James M. Donovan & Carol A. Watson, *White Paper: Behind a Law School's Decision to Implement an Institutional Repository* (Mar. 4, 2008), available at http://digitalcommons.law.uga.edu/law_lib_artchop/15.

13. See *id.*

14. See Richard A. Danner, *Open Access to Legal Scholarship: Dropping the Barriers to Discourse and Dialogue*, 7 J. INT'L COM. L. & TECH. 65 (2012).

15. See, e.g., Whitney Alexander & David B. Holt, *Moving Your Student Law Reviews Towards An Open-Access Publishing Model*, SANTA CLARA LAW DIGITAL COMMONS (Jan. 1, 2012), <http://digitalcommons.law.scu.edu/librarian/8>.

16. See Michelle Pearse, *Is it Time for Law Libraries to Collaborate on Description for Their Own Institutions' Legal Scholarship?* CORNELL UNIV. LAW SCH. (Sept. 30, 2011, 8:28 AM), <http://blog.law.cornell.edu/voxpath/2011/09/30/is-it-time-for-law-libraries-to-collaborate-on-description-for-their-own-institutions-%e2%80%99-legal-scholarship/>.

Google scholar, and other open source resources with effective results. In bepress, a metadata field on the submission form has been added. This anticipates the use of creative commons licenses,¹⁷ which has been built into the bepress journal submission process.

IV. CONCLUSION

The trend is clearly toward electronic journals, but we are in a transitional period using a combination of print subscriptions and institutional repositories. Whether a journal is just starting to explore the possibility using an institutional repository or is looking to expand the content of their institutional repository offerings, law libraries can help. While the library may not have an answer, it can make law journal members aware of the issues. Libraries can make law journals aware of the future of legal text and the free access to law movement. By becoming part of an open source institutional repository, journal members become part of the free access to law movement helping to bring legal information resources to the people.

17. CREATIVE COMMONS, <http://creativecommons.org> (last visited July 6, 2013).

