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Law School Institutional Repositories: A Survey

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Introduction

There has been a dramatic rise in the number of law libraries managing institutional repositories for their law schools. In 2011, there were some 30 law schools with such repositories; now, 80 of the top 100 law schools have their own or participate in a university-wide repository wherein the law school has an identifiable, school-specific collection or community. This article discusses a survey of the of the top 101 law schools, in hopes of facilitating an understanding of the breadth of material to be found in law school institutional repositories.

Methodology

Using the 2016 U.S. News & World Report rankings for Best Law Schools as a guide, the institutional repositories for the top 101 schools (an eight-way tie for 94th resulted in the top 101 schools instead of top 100) were searched for and surveyed in October 2015. Only publicly available information was noted for survey purposes.

The Present Status of Law School Repositories

At the time of the survey, 80 of the top 101 law schools either had an institutional repository of their own or administered an identifiable law school community within a university-wide repository. At that point, these repositories contained more than 322,000 items that had been downloaded almost 70 million times. Forty-three of the repositories (54 percent) were stand-alone law school repositories while 37 were university-wide repositories

wherein the law library had populated a self-contained collection of law school materials such as faculty scholarship, law school history, or law review content.

Fifty-nine of the 80 law libraries (74 percent) use the bepress Digital Commons platform for their institution's repository. Fourteen of the institutional repositories (18 percent) are housed using DSpace. Of these 14, only one is a law school-only repository (University of Washington).

Faculty and Librarian Scholarship

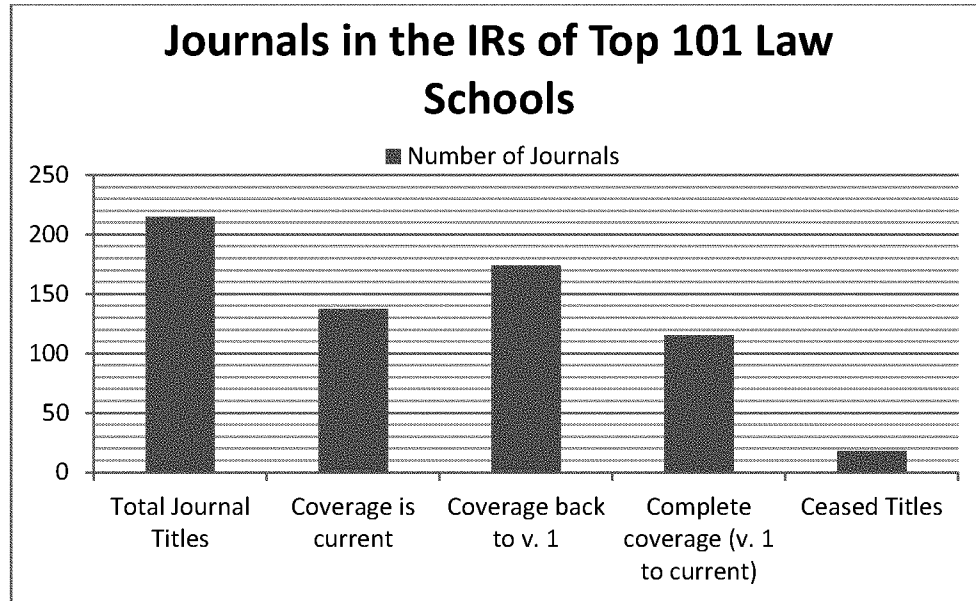
Faculty scholarship is the most widely included type of material included in these 80 institutional repositories. Sixty-five of the repositories (81 percent) had collections of published faculty scholarship including, at the very least, law review and law journal articles. Once you get past law journal articles, however, the number of repositories that include other types of faculty work drops precipitously as seen with full-text open-access monographs (seven repositories), amicus briefs written by faculty (five repositories), and faculty testimony before Congress or other bodies (five repositories). None of the repositories include all three of these less-included types of publications. Interestingly, while many law schools have faculty working papers series designed to showcase in-progress works before publication, only 14 of the institutions (18 percent) include pre-publication working papers series in their institutional repository. At the time of the survey, these institutions had 21 working papers series housed in their institution's repositories.

Fifteen of the institutional repositories (19 percent) included librarian scholarship, including published articles, books, chapters, or book reviews. In addition, four repositories housed collections of librarian-written research guides or presentations.

Law Reviews and Journals

Student-edited law reviews and journals is the second most widely included type of material in these 80 law school institutional repositories. Fifty-four repositories (68 percent) publish a total of 215 open access journals. Of these titles, 137 titles (64 percent) were current at the time of the survey, meaning that the repository version was as current as, if not more current than, the print edition or that a journal that migrated to electronic-only was

continuing to be published. Eighteen of the 212 open access journals were historical ones that had ceased publication in any format.



Student Publications

Twenty-seven institutions (34 percent) housed collections of student publications in their repository. The most common types were law review notes, research papers, competition and award-winning papers, and student-run newspapers. In addition, eleven repositories included collections of law student theses and dissertations.

Law School and Law Library Publications

Twenty-nine institutional repositories (36 percent) include digitized law school publications such as newsletters, alumni magazines, yearbooks, annual reports, law school-published monographs, bulletins, and directories. Twenty-one libraries (26 percent) house and provide access to historical or archival law school publications in their institutional repositories. The most common types of historical material are commencement programs, photographs, class composites, event information, dean information, brochures, and awards information. Six schools include building and architectural information in their school's repositories, five of which also include photographs of the buildings or individual architectural features. Fourteen libraries include

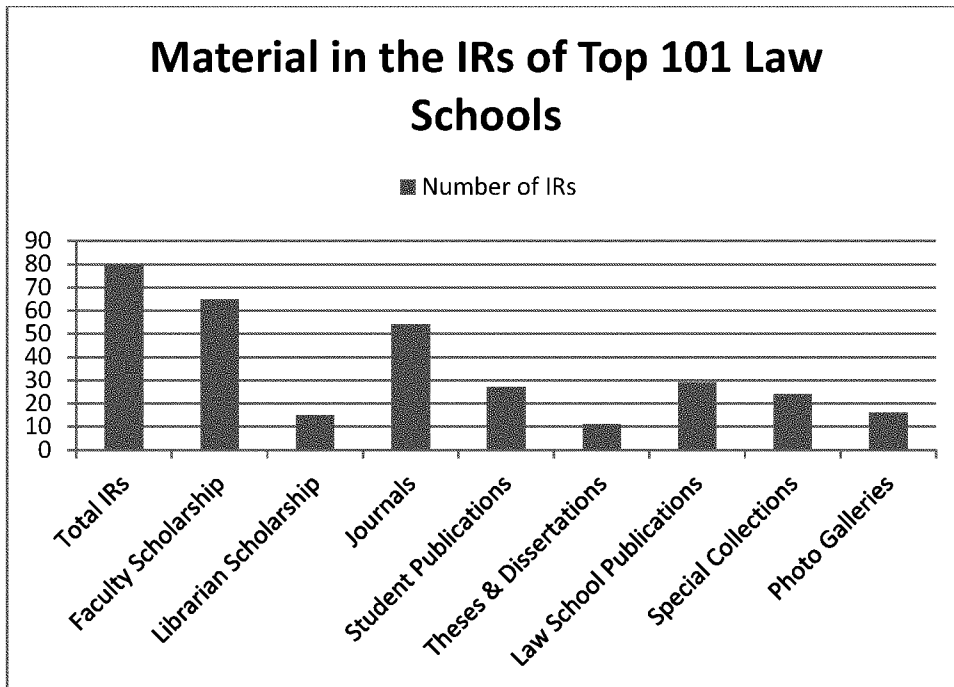
information particular to the library in their institution's repository, including newsletters, annual reports, event information, and handbooks. Additionally, almost half of the repositories (35) include at least one collection of material specific to a law school center or program, law school clinic, lecture series, or conference series.

Special Collections

The area of special collections is where there is the widest array of content among the 80 institutional repositories. At the time of the survey, 24 libraries (30 percent) include in their institutional repository at least one special collection, defined as a collection of digitized material that falls outside of the general research, educational, or administrative roles of the law school.

Governmental or legal documents are the most commonly included type of special collection. Examples include historical state codes (Louisiana State University and University of Georgia), state administrative decisions (University of Tennessee), state ballot initiatives and proposals (UC Hastings), court opinions (Georgia State University and Villanova University), and state court records (Brigham Young University, Santa Clara, and Washington and Lee University). Some of the libraries house the papers of a public official as an archival special collection in their institution's repository. Examples include Brooklyn Law School (a former dean who was a member of the New York City Charter Revision Commissions), Louisiana State University (a former dean who was a judge on the United States Military Tribunals in Nuremberg), and Santa Clara (a Congressman involved in the Watergate hearings).

Other special collections that libraries have included in institutional repository include digitized books from the collection (Indiana University – Bloomington, Loyola Marymount University, and Yale University), reports detailing the findings of a series of alumni surveys (University of Michigan), bar examination archives (George Mason University, University of New Mexico, and Washington and Lee University), state legal history (University of Maryland), documents of the International Association of Fish & Wildlife Agencies (Michigan State University), and documents on space or water law (University of Nebraska – Lincoln).



Conclusion

Law school institutional repositories are most broadly a platform to provide access to faculty scholarship. Faculty scholarship is both the most widely included type of material in law school repositories and has often been the first collection implemented in many repositories, a primacy which continues as new repositories come online. The rationale for this is an obvious return on investment, not only as publicity for the law school itself as both a showcase of the school's intellectual output and a draw for new students, but also as a driver for additional citations to faculty works. Studies have shown that an open access work will gain a third citation for every two it would otherwise receive, thereby raising the status of these works.

Open access student-edited journals are a second type of material that is an early driver for institutional repository adoption; law reviews are widely included among the 80 institutional repositories at the top 101 law schools, and there are multiple repositories that house journals and nothing else. In addition to a libraries' goal of providing increased access to legal materials, the rationale for the journals' inclusion in the repositories also partly mirrors that of faculty scholarship, namely as a showcase for the law school and

increased citation counts for the journals. An additional rationale for the inclusion of law reviews and journals is that a move from print to electronic publishing can save a law school money due to reduced printing costs, as law reviews are generally money-losing enterprises.

While institutional repositories have typically started with the faculty and/or journal focus, this survey finds that the types of content included in the repositories has expanded a great deal. Libraries are increasingly including materials that highlight the law school's history, student work, or the library's special collections. These materials are actually a greater boon to institutional and legal research as they were less likely to be digitized previously, while also potentially broadening the appeal of the repository to alumni because of their historical and often school-specific nature. The creation and administration of institutional repositories for their law schools has allowed law libraries another avenue to participate in the academic and scholarly work of the law school. Especially with the inclusion of faculty scholarship and law reviews, but also with the inclusion of archival and historical information about the law school, the library continues to be an active force in law school life as it provides the services of publicizing, creating collections, and providing access to the law school's intellectual output and history.