

Scholarly Information Futures:
A faculty 10-year view

Melbourne Law School

5 May 2008

Summary: The Law Library Vision

Our Aim

The Melbourne Law School (MLS) is currently Australia's leading Law School for high quality research. Our aim is not merely to maintain this position but to increase our standing so that we are in the top fifty legal research institutions in the world. This will require the MLS to re-orient the current Law Library away from being primarily coursework student oriented and towards a vision that includes world class, proactive research support for faculty and research students in addition to maintaining excellent resources for coursework students. The library could take a leading role in developing resources and expertise to assist faculty in research, teaching and knowledge transfer.

Under the model proposed in this paper, the MLS can become the first Australian law school to adopt a model that the American law schools have used very successfully to increase the quantity, quality and impact of law publications. The MLS identifies itself as 'Melbourne's first, Melbourne's global' – the plan set out here for the law library would be the first of its kind in Australia and position the MLS within the practices of the best law schools globally. The proposed system recognises high quality, highly trained librarians and a group of academically talented students (from law and other disciplines) working as a team that supports the research needs of staff and students. These needs will shift over the next five years, as the MLS moves from an undergraduate LLB as the basic professional degree to the graduate JD.

It should be noted that these are the preliminary views of the MLS. In June 2008 we will be working with external consultant Margaret Leary of Michigan Law Library to develop more detailed plans for the Law Library. She will undertake a comprehensive analysis of the current position and more extensive consultation than has been possible in the preparation of this paper.

Key Reforms

The mainstays of this research oriented library would be as follows:

- The employment of **four additional librarians** with a focus on the key areas of Law School need who support the main strands of the Melbourne Model helix: a Faculty Research Librarian; a Teaching Services Librarian; a Knowledge Transfer and Socio-Legal Research Librarian; and a Foreign, International and Comparative Law Librarian.
- The establishment of a **Law Research Support Team**, drawn from the student body and managed by the Faculty Research Librarian to provide research assistance to staff working on publications, teaching materials, grant applications and knowledge transfer projects.
- Bridging the resources gap **by injecting additional funds** into the collection. The Melbourne Law Library has been outspent by its major competitors to a significant

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extent. A one-time injection of \$ 1.5 million dollars is required to repair the damage caused by under-funding over the last decade and to bring the Melbourne collection up to the standard of its domestic competitors. The most recent figures from the Council of Australian Law Deans demonstrates that Melbourne has slipped behind its competitors in terms of library materials resourcing. The amount of funding being requested for the collection has been calculated to bring Melbourne back into the top tier by bring us up to the level of funding given to the University of Queensland, which currently is the best funded Australian law library. The request is therefore modest and reasonable: a law school cannot maintain its position as a leading research and teaching institution with inadequate library resources. A regular increase in funding to \$1.5 million dollars in annual funding is required to ensure that the collection is maintained in up to date form in a world where the law changes rapidly and in which materials rapidly become out of date.

Timing

The reform of the Law Library could be implemented to a substantial degree over the next three years with the on-going benefits reaped over the following decade.

Outlined below is a proposed timetable for implementation:

Final quarter 2008: Recruit Research and Teaching Librarians (one HEW 7 and one HEW 8) to commence 1 January 2009

First quarter 2009: Recruit and train a group of 6 students to form the Law Research Support Team

Mid-2009: One off injection of \$1.5 million into the collection

Final quarter 2009: Recruit Knowledge Transfer and Foreign, Comparative and International law librarian (both at HEW 7) to commence on 1 January 2010.

First quarter 2010: Recruit and train a group of 6 students to form the Law Research Support Team

First quarter 2011: Recruit and train a group of 6 students to form the Law Research Support Team

Costings

Estimated costs of implementing the plan between 2009-2011 are as follows:

<i>Title</i>	<i>HEW</i>	<i>Cost - 2009 to 2011</i>
Faculty Research Librarian	7.1	278,547.18
Teaching Services Librarian	8.1	313,382.55

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Knowledge Transfer Librarian	7.1	211,130.33
Foreign, International and Comparative Law Librarian	7.1	211,130.33
Research Support Team	RA1	276,827.76
One-off injection of funds into the collection		1,500,000.00
Indexed, ongoing annual increase in funding (indexed)		2, 745,000 (ie an additional 915,000.00 per annum)
Approximate total		5,324,886.15

Purpose

In response to the Information Futures Commission, this document seeks to answer the question:

What scholarly information and technologies, services and infrastructure does the Faculty need to achieve its aspirations over the next decade?

Information Sources for this Report

This report was written primarily by Associate Professor Carolyn Evans (Associate Dean Research) with the assistance of Ms Carole Hinchcliff, Law Library Manager, and Mr Peter Jones, Director, Legal Information Resources. It is based on a survey of members of faculty to which we received 50 replies; the more detailed comments of a working group made up of members of faculty and the library; a short focus group held with RHD students; and comments from the Law School Executive Committee. Time did not allow for any comprehensive survey of the needs of students, but the library staff and faculty had insights into the primary areas of concern for students. More detailed consultations, including with relevant student groups, will take place during Margaret Leary's consultation.

The External Environment

The Varied Forms of Legal Research

Legal scholars engage with legal materials and the justice system in a wide variety of ways. Traditional legal scholarship (often described as 'doctrinal' or 'black-letter law' scholarship) focuses primarily on analysing statutes, case-law and the legislative history of law and often involves comparisons with other common law countries. It can be influential with the legal profession, particularly judges and law reform bodies. Such research also has an intrinsic value of explicating and analysing the legislation and case-law that form an important element of our society. Today, however, while continuing to produce high quality doctrinal scholarship, the legal scholarly community is engaged with a wide variety of types of scholarship, including: legal/political theory, socio-legal studies (which is empirical in nature and often influential in law reform), legal history, comparative law (which may intersect with anthropology or cultural studies), law and economics, law and literature, and other inter-disciplinary forms of research. Legal research is thus often inter-disciplinary and/or theoretical in nature, It is valuable scholarship in its own right and also performs socially useful roles in improving the law and justice system.

Measurement of Research Output

The measurement of research output has been a source of on-going controversy in law schools around the world. There are no agreed metrics that apply cross-jurisdictionally (eg there is no ranked list of journals that has general agreement) and there is considerable scepticism about the limitations of citation counts as a reflection of quality. The most reputable journal listing is the Washington & Lee rankings (<http://lawlib.wlu.edu/LJ/>) which is most useful for American law journals but includes journals from other jurisdictions,

including Australia. Another increasingly recognised measurement is downloads from SSRN and other similar schemes.

As yet, however, there is no consensus about a measure or form of metrics that satisfactorily measures research quality or impact. Peer review is still considered the most appropriate way of determining the quality of a researcher or particular research outputs.

Research Collaborations

Traditionally, law research has involved a single scholar producing outputs such as articles, chapters and books or working with one or two colleagues in collaboration on particular outputs. While this is still the primary model, three significant variations on this theme have now emerged and are likely to only become more significant over the next ten years.

1. Collaborations on particular projects (eg a book or a series of articles) are now more likely to be inter-disciplinary with legal scholars working in partnership with colleagues from a variety of disciplines. This also applies to the supervision of Research Higher Degrees which increasingly have an inter-disciplinary element.
2. Collaborations are more likely to be with partners from outside Melbourne University (from other universities and from government, the legal profession and industry) including an increased number of collaborations with partners located outside Australia.
3. Some major initiatives have led to more stable teams working together over time (rather than more ad hoc collaborations) particularly in socio-legal research that requires teams to work towards gathering data and using both quantitative and qualitative analysis in empirical legal scholarship.

Approach to Teaching and Learning

A wide variety of approaches to teaching and learning law can be discerned around the world. For leading law schools, these usually include the following elements:

1. Direct engagement with primary legal materials such as statutes, cases, treaties, constitutions, contracts etc that require the student to prove their capacity to understand and work with these documents.
2. Classes which challenge students to engage with both primary and secondary material about law in critical and analytical ways – to uncover assumptions inherent in the law, to compare laws from different legal systems, to consider alternative approaches to the same issues, to apply theoretical understandings to legal contexts, to think about possible reforms and to consider the way in which the historical and cultural context of laws affect the way that they are understood.
3. Classes and/or assessment that demonstrate the students' understanding of the law through problem or hypothetical questions that will require them to provide legal advice in response to a hypothetical scenario. This type of teaching trains future lawyers to effectively represent clients and tests the detail of their understanding of the law.
4. In some universities there is also a clinical aspect to legal education where the law school runs a legal clinic that either provides legal advice directly to clients or to

intermediaries such as non-government organisations. Students, working under supervision, provide legal advice and a range of other assistance to clients. In addition or alternately, many law schools run supervised internships where students have the opportunity to work in a variety of workplaces where legal advice is required, which allows students to hone their legal research, writing and advocacy skills.

5. Students learn through a mixture of classes and significant periods of time engaged in reading and other learning activities (eg collaborating on group projects) outside the classroom. Taught courses only take up a relatively limited amount of student time; excellent library resources to enable independent and group learning are therefore essential.

The Internal Environment

Faculty Aspirations, Priorities and Strategies

The MLS aims to maintain its position as Australia's leading law school in the area of research and to move from being in the top 100 law schools internationally to being in the top 50. Our aim is not to achieve this by being prescriptive about the type of research that can or should be done, but rather to seek out and nurture outstanding legal scholars and to provide them with outstanding resources, a vibrant intellectual community with strong relationships to the legal profession and to scholars working in other disciplines.

The research programs underway in the Law School are grouped broadly within 16 centres, institutes and research clusters, although much scholarship also occurs outside these clusters. The primary clusters are: the Asia Pacific Centre for Military Law (APCML), Asian Law Centre (ALC), Centre for Comparative Constitutional Studies (CCCS), Centre for Corporate Law and Securities Regulation (CCLSR), Centre for Employment and Labour Relations Law (CELRL), Centre for Resources Energy and Environmental Law (CREEL), Centre for Media and Communications Law (CMCL), Centre for the Study of Contemporary Islam (CSCI), Institute for International Law and the Humanities (IILaH), Intellectual Property Research Institute of Australia (IPRIA), Tax Group, Obligations Group, Dispute Resolution Group, Regulation Group and the Gender and Sexuality Group.

Individual v collective research

The MLS will continue to support both individual and collaborative research. While our Centres provide some basis for on-going collaborations, much legal research will continue to be carried out by individuals or by small groups brought together around particular projects for a limited time – the more science oriented teams or laboratory based groupings are not likely to be a significant form of research for law. The MLS does, however, aim to encourage greater international and interdisciplinary collaboration and the development of close research and learning ties with a select number of key partners. It is essential that there is infrastructure that makes those collaborations possible.

Research nexus with teaching and KT

The MLS is committed to the principle that teaching and research are inextricably linked and that our teachers should be active researchers. In order to be accredited as a professional

degree, the MLS is required to teach all of the compulsory law subjects and this means that some faculty have to teach outside their area of direct research interest. To the extent possible, however, research interests are taken into account in teaching allocation.

With the development of the new JD both research and knowledge transfer are going to take a more central place in the core curriculum with all students being required to take a specialist research subject (which will give faculty a chance to teach a small group in an area of research specialisation and will provide all the students with firsthand experience in using specialized legal research techniques). Serious thought is also being given to the development of a knowledge transfer subject.

Scholarly Information Strategies

People: Information Literacy

Students

Current Strategies

In addition to research higher degree students (discussed below) our incoming students consist of two primary groups of graduate students: the Juris Doctor students (taking the basic professional law degree) and the Masters of Law students. We will also have an on-going responsibility to provide excellent services and training for our existing LLB students (whose needs will often overlap with those of JD students in later years for the purposes of library resources).

The MLS recognises the importance of generating outstanding information literacy skills as one of a set of graduate attributes. One effective strategy of enhancing information literacy has been to incorporate elements of e-learning and educational multimedia. Various curriculum reviews and projects within the Law School have established a skills-framework drawn from the Australian Information Literacy Standards (approved by CAUL, Council of Australian University Librarians) and informed by Faculty expectations of the skills required for law students. A suite of classroom activities and online resources and learning modules (notably, Legal Information Skills Tutorial, WorkSkills and Legal Academic Writing) provide opportunities for students to build their abilities in locating, evaluating, and effectively using sophisticated information. These strategies have put the Melbourne Law School at the forefront of using e-learning and educational multimedia for law teaching in Australia. In order to maintain this reputation it is essential that the Law Library ensures that it has sufficient technical expertise in the Library staff and that the University ensures that the necessary information infrastructure and multimedia technologies are in place to support on-going innovations in teaching.

Coursework students

The Juris Doctor students will all be graduates and we therefore expect them to have good, general information literacy, eg a capacity to use general scholarly search engines, to locate good quality information on the web, to find resources in library catalogues etc (although

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recent studies from the United States suggest that graduate JD students do not always have these skills at the beginning of the course and may need assistance to develop them).

Juris doctor students will, however, have several specific information literacy needs.

- Those who are not graduates of Melbourne University (or who graduated some time ago) will need to be familiarised with the basic Melbourne library catalogues and databases.
- All students will need detailed training in finding legal materials and assessing and analysing the relative authority and credibility of these resources. This requires specialised training in using quite complex databases, sophisticated Internet searching techniques as well as more traditional legal research tools.
- It also requires that students understand hierarchies in legal sources in order to use the most appropriate resource (eg using authorised rather than unauthorised law reports and understanding updating patterns in legal materials) and understand legal updating techniques (eg how to work out if a case has been cited in a later case).
- Students also need to understand which jurisdictions have responsibility for which aspect of law and the differences between domestic and international jurisdiction to ensure that they target their research to the correct jurisdiction.
- All students will require training to understand how to interpret and apply these resources once they have found them.

All of these, with the exception of the first, are unique skills to Law and it is essential that they are taught through partnerships between a stable and professional group of Law Librarians and the members of faculty.

The LLM students have quite variable levels of information literacy. Some have recently completed law degrees at high quality law schools and thus have high levels of information literacy already. These students are looking for assistance in developing advanced research skills (eg working with foreign law from jurisdictions that they are unfamiliar with). Others may have completed their legal training many years ago (when legal research was quite different), have completed their training in a very different legal system or at a university which had inadequate resources to give proper training in legal research, and some have no law degree. Complicating matters, most of the LLM courses are taught intensively across a week and many students fly in from other states or countries for individual courses. At present, some 30% of our LLM students are from inter-State and overseas. This means that they are present at the Law School for several short periods of time. During that time, legal information training needs to be responsive to their needs and differing capabilities. The Library also needs to find ways of ensuring that those students who are not close to Melbourne while they are completing their assessment are given appropriate and timely access to the library collection, both digital and physical. At present, the Law Library is struggling to provide this assistance with physical resources to LLM students because of resource constraints and rules that limit our capacity to send books to students based off campus.

Research Higher Degree Students also have very different levels of information literacy when they begin their degrees. International students from countries where there is very limited access to legal resources often do not have the basic training in using sophisticated legal resources that those completing law degrees in Australia would have. In addition, many of our students are in their 30s and 40s when they commence and they may be unfamiliar with the recent, rapid developments in legal research. Finally, in order to complete their degrees, they need to develop skills in specialist areas of legal research. While many research students therefore benefit from general training (eg in major databases) that will be provided to JDs and LLMs, they also need access to individualised help with both training and locating difficult to find resources. Their needs are too specialised to rely only on general, group training. Proper training in research in areas of speciality is part of the high quality research training that the MLS desires for all RHD students.

Faculty

While it is expected that members of faculty already have high degrees of information literacy, rapid developments in the availability and quantity of legal information, teaching resources and research tools means that it is difficult for faculty members to maintain cutting edge research skills and knowledge of available resources. Targeted and individualised training for staff, as well as timely assistance with accessing difficult to find information is essential to maintaining and improving our international standing.

In addition, many members of faculty have projects that require only a few days of research assistance to bring them to the point of submission for publication. Similarly, they often need a couple of days of assistance to prepare high quality grant applications, to develop innovative teaching materials and to prepare for knowledge transfer opportunities. However, they do not have the money or the time to hire and train a research assistant for such small scale work. The library can fill this gap and, in so doing, has the potential to liberate significant time for researchers and lead to an increase in publications, grants, knowledge transfer opportunities and high quality teaching resources.

Scholarly Information Infrastructure:

The Law Library will continue to build the Law Library collection by making available both print and electronic resources. While electronic resources are strongly preferred by most legal researchers, the reality is that many scholarly and historic materials needed by scholarly legal researchers are not available online, and online versions may not be reliable and authoritative. To facilitate the research interests of the MLS faculty we need to build a strong monograph collection and to make available legal research materials from jurisdictions that have few, if any, primary and secondary legal materials available online. Our mission is to build an enduring research collection that is accessible and valuable to current and future scholars.

Information Professionals

As discussed in the summary, it will be impossible to meet the pressing needs of both students and staff without a substantial commitment to the human resources needed to staff a world class library. Unlike many disciplines, law does not need expensive laboratories, high level computing facilities, or a new physical environment. What is needed is a greater number of highly skilled librarians and well trained research assistants who can properly support the needs of staff and students. Our survey of staff indicates strong support for a consistent team

of Law Librarians who develop strong, on-going relationships with Faculty and provide targeted and timely services to them. These librarians would have a substantial, beneficial impact for all research active members of faculty and for the quality of teaching and knowledge transfer projects.

Current Arrangements

The Law Library currently has a Law Library Manager and two specialist librarians (Information Services and Electronic Services). Currently, the Information Services Librarian and the Electronic Services Librarian provide the bulk of the reference, collection development, and teaching service during the week and on alternate Saturdays. They are fully occupied answering questions from faculty and students and in providing approximately twelve - fifteen hours per week of reference service at the Information Desk.

There is also a Loans Desk Librarian and three part-time library assistants who cover the front desk, answering student questions, handling laptop loans, shelving etc (and further casual staff to cover weekends and overseeing the three computer laboratories). None of these needs will diminish in the medium term. Inter-library loans and much of the other materials processing is provided currently by the central library administration.

These staff provide services to approximately 100 full time members of faculty or research fellows, a similar number of external teachers (eg teaching in the LLM or providing sessional teaching in the LLB or JD) and approximately 100 research higher degree students. There are approximately 2,200 LLB, 110 JD, and 1,150 Melbourne Masters students (with the total number of JD students increasing to approximately 1,000 by 2013). The Law Library, because of its excellent facilities, also provides assistance to a large number of students from other departments, other universities and the legal profession. When the library is full, as it increasingly is on a regular basis, over 500 people are utilising its facilities.

Inadequacies of current arrangements

While the current staff work hard to respond to the immediate needs of staff and students, there are services that should be provided by a world class law library that are not being provided at present. For example, increasing the number of professional librarians would allow staff to:

- Develop a more customized, pro-active current awareness service for legal scholars that tracks recent developments in the law, trends in the legal profession, legal scholarship and domestic and foreign and international law.
- Provide inter-disciplinary research expertise in rapidly expanding areas of legal scholarship, particularly the social sciences and humanities.
- Train and manage research assistants, including those who are working in the Research Support Team and those who are working for individual academics or for research centres (this could include specialised training to assist a research assistant who is working in a particular area of law).
- The library itself could undertake more substantial research projects or join as part of the team applying for ARC or other external grants.

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- Integrate faculty research service with a locally managed document delivery and inter-library loan service to provide more timely and responsive delivery of resources.
- Update and expand the Law Library web site to promote areas of collection strength, increase the number of research guides, to highlight print and electronic resources and to offer more specialized information products such as the Corporate Law Judgements Centre web site at: <http://cclsr.law.unimelb.edu.au/go/corporate-law-judgments/>
- Develop a legal research information blog and or newsletter to promote developments in legal and law related research techniques and technologies.
- Update and expand our offerings of basic and more advanced online legal research instruction tutorials using the newest instructional technologies.
- Expand the number of instructional sessions on legal research strategies including sophisticated web searching for finding good quality free web resources and electronic resource product updates.
- Offer instructional sessions on on-line legal research to the legal community and the public (thereby directly contributing to Knowledge Transfer).
- Offer individual instruction in the use of software that is used to create and organize legal research materials.
- Undertake detailed collection analysis and review of history of inter-library loans to assess the strength of the collection and to determine areas which need to be expanded to be able to support our centres and missions of teaching and scholarship.
- Collect, organize and preserve law school material that comprises the historical record of the law school such as compiling a comprehensive bibliography of published works of MLS faculty since the inception of the law school.
- Assist the Associate Dean (Research) and individual members of staff to assess the impact and quality indicators (such as citation counts) of MLS faculty publications and respond to quality assessments such as ERA.
- Offer captivating, educational displays highlighting legal themes and events and information in the Law Library collection; ensuring that faculty publications are given sufficient publicity and prominence in the Law School.

Recommended changes

We therefore recommend the employment of **four additional librarians** with a focus on the key areas of Law School need and who support the main strands of the Melbourne Model helix:

- A Faculty **Research Librarian** who would manage the Research Support Team (see below), work directly with staff to provide high level customized current awareness services, and provide research support. There was particularly strong support in faculty surveys for specialised assistance in current awareness in particular areas of research and teaching interest. The librarian would also provide individual training in: sophisticated online research techniques; using software for organizing digital research in all formats; and technologies that enhance collaboration between co-authors and groups of researchers.

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- A **Teaching Services Librarian** who would develop a range of high quality research training classes for undergraduate and LLM students and provide individual training to RHD students, as well as providing support to the law journals run by the Law School. In addition, this librarian would work with staff to develop new teaching resources (both print and electronic) and to assist teachers in staying up to date on cutting edge developments in teaching resources and instructional technologies that support our curricular offerings.
- A **Knowledge Transfer and Socio-legal Research Librarian** trained in the social sciences and librarianship who would facilitate the outstanding socio-legal work undertaken by increasing numbers of MLS academics and Research Higher Degree students. There is a need for someone with expertise in working with quantitative and qualitative tools who can train and provide support for staff and research students in relevant social sciences technology. This librarian would also work with the legal profession, NGOs and government departments with which the law faculty has key relationships to assess key areas for strategic development of resources to assist faculty with knowledge transfer projects which will be highlighted on the MLS web site and Linkage Grants. The KT librarian would also employ bibliometric methods to assess the use and impact of our legal scholarship in both the academy but also the social and political impact of MLS scholarship.
- A **Foreign, International and Comparative Law Librarian** who would provide specialist advice, training and assistance to students and staff who work with international law and foreign law materials (now a very large percentage of the Law School) and who would select foreign and international law resources. This librarian would also have a role in assisting researchers with advice on placement of research in international journals and on increasing the international impact of research.

The establishment of a **Law Research Support Team**, drawn from the student body and managed by the Faculty Research Librarian which would provide services to staff including:

- Working with all members of faculty who are beginning new projects to ensure that the relevant materials are compiled and available for them.
- Responding to staff research questions.
- Providing research support to staff preparing grant applications.
- Providing short term research assistance to staff completing papers or publications.
- Providing assistance to staff with compiling teaching materials and in developing new teaching materials (eg by testing interactive quizzes or problem questions).

This pool of research assistants, under professional librarian guidance, is at the heart of an American model developed to provide faculty with support for their research. It provides an excellent opportunity for students to develop high level research skills and provides staff with resources that allow them to complete research and grant applications in a timely manner. It has overwhelming support from staff members and is likely to be a recruiting and retention tool for top staff as no other law library in Australia provides such outstanding service to faculty.

Information Infrastructure

Researchers from the MLS often work as part of geographically dispersed project teams comprising colleagues from other institutions and agencies. To date the MLS has sourced or supplied technologies to facilitate the collaborative interactions required within these projects. It is hoped that in the future it will be possible for the University to offer similar or superior tools that will strengthen these educational and research communities.

Students too increasingly require electronically sophisticated shared learning spaces where students can collaborate around shared screens. The Law School, particularly in the JD, has worked to develop the essential graduate attribute of working in a team. This requires electronic spaces where students can share materials, develop and comment on working drafts, work together while being geographically dispersed, engage in real time multi-party discussion etc.

University resourcing of superior tools that allow for both staff and student collaborations is an important priority.

Research Data Management

Legal research today is multi-faceted and may involve a diverse range of inputs and outputs. Effective data management is an important concern and, in the absence of a central University file storage solution, the MLS has put in place infrastructure that provides a high level of protection for its file and database management. Faculty research data is stored on a SAN which is backed up each weeknight to tapes which are then stored offsite with a commercial service supplier. The staff server is clustered to enhance redundancy and it runs a firewall and an intrusion-detection system to maximise security. It would be appropriate for the University to adopt or support proper protection for research data management.

In addition, the university and MLS lack a formal system for managing, sharing and finding documents and information. Apart from Endnote (which is not particularly well suited to legal research) there is no system to help researchers manage their sources and notes. The services available to facilitate collaboration between researchers are very basic (essentially a shared directory on a network drive created on an ad-hoc basis) and these services do not assist when collaborating with someone from another faculty let alone another university. It would be desirable to have a system to easily create shared and secured places where researchers could store files and research and determine who could access and edit them anywhere in the world.

Place

The Physical Library

Despite the capability of doing online research outside the building, law students continue to spend time in the library and the need for the library as a physical space is likely to continue in the foreseeable future. The Library is a hub of activity with many of the 530 seats filled during term time. The Law Library needs to continue as a specialist Law Library serving the MLS. The current building space is modern and well equipped in most ways. The three computer labs presently offer 110 computers for student use and for our JD program we may need to reconfigure the lab space to include furniture and shared computer screens to support collaborative small group work. The library serves existing needs, but is already beginning to

experience problems of overcrowding, particularly during the peak periods when assessment is due or exams are pending.

The problems of overcrowding mean that future developments of the university square area need to make sure that there is adequate library provisions for students whose centre of activity will shift to this part of the university. It is also necessary to ensure that new buildings have adequate social and casual space with appropriate chairs and tables to allow for social and 'study hall' style activities. In the Law School this may mean having casual and social seating space available on the second floor or in other areas of the law building. This would make for more quiet study areas in the Library and would especially be welcomed by law students during exam time. At present, the Law Library seems to function as both a library and a place to come together for social purposes for a wide range of students. It is also important to ensure that the main campus libraries have adequate opening hours, as anecdotal evidence at present suggests that over-crowding in the Law Library by non-Law students is partially a function of its longer opening hours.

The Virtual Library

For most staff and many students, the library is also becoming a virtual rather than/as well as a physical space and it is important that sufficient resources and focus is given to the virtual aspects of the library space. The staff survey indicated that the majority of users use electronic resources far more than books or hard copies of journals or reports. They were, however, critical of the complexity and lack of user friendliness of many of the current electronic systems. Complaints include:

- SuperSearch is not particularly user friendly or effective (and does not include many key legal databases);
- relevant databases are spread across too many locations and are too cumbersome with no single, user-friendly method of searching available;
- time is wasted entering passwords to get into sources such as Westlaw, Blackwells, CUP etc – in other universities the IP address is simply recognised and access is allowed automatically;
- the digital university repositories have not been well used in part because of concerns regarding copyright (see below in the discussion on open access) and in part because they are overly bureaucratic.

In an ideal world, many members of faculty and students would like to see the entire university collection digitised and available on their computers in the library, office and home. This would reduce the need to obtain multiple copies of texts, avoid the time delays required when obtaining books that are on loan, in other branch libraries, or obtained via interlibrary loan, overcome the problems of lost or mis-shelved books and give users more flexibility about the time and place in which they access materials. However, despite the increased shift to electronic sources, many members of faculty were at pains to underline the importance that they still placed on books and other hard copy resources from both the law library and other Melbourne University libraries. Having electronic versions of some of the most popular books (eg those available on reserve) and making them available to simultaneously to Melbourne University staff and student users would be beneficial to researchers and to students who are increasingly expecting resources to be available digitally.

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(However, in the staff survey, a number of staff members emphasised their preference for hard copies of books because they are easier to read and more transportable.)

Another area where work is being undertaken in digitisation is with class materials. As law is a discipline that is strongly text-based, the provision of online course material is of particular interest to the MLS. The Law building was designed with pervasive networking to facilitate student access to online legal materials. Current impediments to digital content delivery include copyright limitations, reluctance of students to read material from a screen, additional workloads to digitise/OCR source material and register reproductions, and the higher cost to students for obtaining hardcopies of online materials that are not bulk-printed. Nonetheless the MLS is pursuing options to reduce the amount of printed material provided to students by delivering online alternatives. One aspect of this strategy is the use of the University's Readings Online service, particularly for supplementary materials required after production of the main reading pack, and if the law library staff were given full access to the system, class materials could be made available to students more quickly.

Knowledge sharing

Open Access and Repositories

Developments in information and communication technologies in recent decades have significantly impacted lawyers and legal academics whose working time is spent retrieving, synthesising and creating information. The emergence of the World Wide Web in the early 1990's provided an impetus for optimising access to and reuse of research, especially that which is publicly funded. New publishing models have been supported by the development of open access repositories, new publishing tools and more strategic management of copyright at the individual and institutional level.

One online repository of particular significance to the MLS is the Social Science Research Network (<http://ssrn.com/>). SSRN is composed of a number of specialised research portfolios (including the Legal Scholarship Network or "LSN") that support the dissemination of research around the world. LSN showcases the Law School's research to an international audience, supports a higher international profile for the Law School and is becoming a useful metric for benchmarking. At the start of 2008 the MLS ranked second amongst more than 240 non-US law schools in terms of downloads from the service. The MLS has liaised with the Melbourne ePrints Repository regarding the provision of download links that point to SSRN in order to ensure hits on the institutional repository do not detract from the download statistics of the external discipline repository.

The MLS also contributes to the Open Access to Knowledge Law Project (<http://www.oaklaw.qut.edu.au/>). "OAK Law" is exploring options for facilitating optimal access to knowledge and researching how copyright can be used as a tool to facilitate open access as well as allow commercial outcomes within the Australian academic and research sector.

Faculty views on shifting towards greater use of Open Access in research and teaching

This is an issue on which there is not yet consensus. While there is significant support for SSRN, there is more ambivalence towards moving to more open access of both publications and datasets (for the limited number of law academics who create datasets).

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While many staff are supportive of such a shift, some note that it would take place in a number of contexts. The first is that many of the leading journals and (even more so) book publishers for law have not embraced open sourcing for their products. Academics who publish their work on-line or in some accessible forum may have difficulty in having it accepted by the very reputable publishers. There is some shift here, with more publishers developing their own, limited electronic access, but this is likely to be more of a long term than an immediate shift to open sourcing. To move toward open access in the Melbourne Law School without diminishing our international scholarly reputation, therefore, requires a cultural change in the international scholarly publishing world.

The university too, if it wishes to encourage open access publications, needs to ensure that academics who publish in more open forums (which may not be as prestigious as more traditional venues) are not disadvantaged in confirmation and promotion. There is also concern that making data sets available undermines the work undertaken (at considerable time and expense) because the original researchers will no longer have exclusive access to the datasets.

There was considerable difference of opinion on whether research and datasets should be made accessible, reflecting the rapidly changing environment in which legal research and publication is taking place.

There was less enthusiasm for making teaching materials generally available on-line (though more support for limited, samples of teaching, eg a podcast of a single lecture, a sample reading guide etc). While some teachers were happy to make their materials available, most were concerned to protect the time and intellectual effort they have put in to preparing these. Given that the JD is making a claim to be 'unique' in Australia, we do not want to put our intellectual property created for this course out too broadly. There are also concerns about copyright of materials and concerns that putting classes on-line will inhibit student discussion, detract from attendance and open academics to attacks from those who take a lesson or part of a lesson out of context. There was, however, an acknowledgement that we could do more to make such events as public lectures or seminars available publicly through our webpage.

In summary, while there is considerable interest in exploring more open access for both research and teaching materials, there are also concerns about how that can be done in a way that protects the interests of researchers, teachers and students.

Other Issues

The library is at the heart of legal researching and could be its engine room in the Melbourne Law School, as long as it is properly resourced. Both students and staff value their relationships with library staff and want to see a stable, permanent group of law library staff who are familiar with the law collection, the particular needs of law students and faculty, and responsive and accountable to the Law School.

The collection

In both the staff survey and the focus group with RHD students, the paucity of the current collection was pointed out by many participants. There were some concerns over the lack of

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availability of electronic resources that are key to particular areas of research and also concern about the limits of the book collection. This means that many members of faculty and RHD students are reliant on inter-library loans, which leads to delays in receipt and limited time for utilisation. One respondent spoke of the 'embarrassing gaps' in our 'manifestly inadequate' collection; another of the 'inconvenient and inefficient' need to rely on inter-library loans for basic works in her field; another of the problem of the Melbourne Law School being much less comprehensive than other similar law schools in his field. Many staff now purchase their own mini-library rather than rely on the limited resources of the library even with respect to keeping up with the basic works in Australian law. (Most students, of course, do not have that option). The RHD students have become so concerned at the weaknesses of our collection in certain areas that the Postgraduate Law Students Association recommended that we no longer take on new RHD students where the library resources were inadequate.

It is understood that no law library can be comprehensive, but the current collections system is clearly inadequate and the spending on the collection at dangerously low levels compared with other Group of 8 universities (the purchase of texts in 2007 fell below the levels of all other Victorian law schools). Monash Law School, for example, spent approximately \$200,000 on texts, more than three times the \$66,005 spent by MLS. It should be understood that the recommended increase in spending on the collection merely reinstates the MLS into the top tier of Australian law schools. It would certainly not bring the Melbourne Law School up to the standards of leading international law schools; in this sense the claim is neither ambitious nor unrealistic. An increase of \$914,000 to our present materials budget of \$585,782 would bring our annual budget for library materials marginally ahead of University of Queensland's Law School, which reported a budget for 2007 of \$1,420,000 – the highest expenditure for an Australian Law Library.

At present, the limited resources (both in personnel and funding for the collection) mean that the library staff tend to be responsive to particular requests from staff rather than engaging in proper, comprehensive consultations with staff about what resources a leading law library should have and what our spending priorities should be. Surveys from faculty demonstrate a desire to work closely with the librarians to ensure the quality of our collection in a proactive, rather than reactive, manner. Current library staff, however, are already stretched managing the limited requests that come in and are aware that there are insufficient funds to respond to more expansive requests from faculty. This limits the capacity to develop better collection management systems.

In-house processing, particularly of inter-library loans

The changes recommended to the law library staffing arrangements would give the Law Library capacity to take on additional technical processing tasks relating to ordering, receiving, cataloguing, and processing both print and electronic library materials. This would allow greater responsiveness to faculty priorities (for example, ensuring that staff publications or crucial texts for courses were given priority in processing) and an increase in skills and job satisfaction for library staff.

In surveys and the RHD focus group, inter-library loans were a source of some complaint. All those who commented would like to see inter-library loans returned to the Law School to increase the timeliness and responsiveness to faculty needs. Many members of faculty also use many books from other Melbourne University libraries and would appreciate a delivery

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service to the Law Library for those books. These are all specific manifestations of the more general desire to ensure that law library services are linked closely with the law school and that librarians and faculty members can develop relationships that are responsive to law school needs.

We are grateful for the opportunity to contribute to this important discussion and would be happy to discuss any of the issues raised in this paper in greater detail.