Electronic Repositories for Preservation of Legal Scholarships

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ABSTRACT

The growth of electronic repositories (e-repositories) has been found remarkable in facilitating global open access to legal scholarship. Legal repositories are evolved as reference tool by the law schools to manage legal scholarship, working paper series, peer reviewed articles and other kinds of learning objects. These kinds of services; developed over a decade, improve the visibility and sustainability of scholarly produced literature, and help in winding information gaps between information rich and information poor researchers.The article traces the initiatives in support of open access to scholarly literature and examines how e-repositories improve communication access and bridges channels for legal scholarship. The article finds that certain primary crucial points like policy and standards, perceivable formats, accessibility and management of rights for digital materials, economic facts should be considered before implementing e-repositories. The study concludes that internationally there are number of initiatives supporting institutional and disciplinary repositories in support of legal scholarship, but lack in developing countries like India where no single law institution has approached the repository route of open access publishing.

Keywords: Institutional repositories, open access, open access repositories

1. INTRODUCTION

Information communication technologies in various aspects have contributed in the progress of scholarly information society and have proposed a platform for healthier democracy and information dissemination, but it needs to be reinforced in the continuing network information revolution. Parker[1] defines two types of open access publishing first deals with archiving digital e-prints of articles in institutional repositories (IRs) include both 'preprints and post prints' and another form in which scholarly journals are available online to public access without subscription. Institutions scholarly communications are the extensive brainstorm of creative research of scholars and intellectuals. Evident development of institutional repositories unfolds new approach that allows the academic and research institutions to present the scholarly communications which are polished, archived and made accessible in digital medium. Electronic repositories (e-repositories) are defined as the collection of organisation's outcomes supported by information technologies for migration of scholarly communication into scholarly publishing in digital format.

Law libraries are responsible to procure, store and disseminate evaluative and synthesised information of special nature, viz., parliamentary debates, legislation or code, case laws, commissions and committee reports, international comparative laws, treaties and international agreements. Research activities of concerned parental organisations are also visualised by the law libraries for broader visibility and supporting future research. The legal information has a small span of time as they have a nature to be outdated immediately due to applicability of new laws and studies. Here, the work of law libraries starts for weaving research outcomes of the legal institutions and universities. Legal Research Network of SSRN, Digital Commons from Bepress, and NELLCO Legal Research Network are some examples supporting (IR) movement for legal scholarship.

2. OPEN ACCESS INITIATIVES

Budapest Open Access Initiative (BOAI) was issued in February 2002 by open society institute (OAI) and Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities, in October 2003 supporting open access to scholarly literature, BOAI relates to freely accessibility of scholarly literature to open access captured by the publishers while submitting by the authors. Berlin Declaration enumerates open access is a collection of human knowledge and cultural heritage

contributed by scientific community but without transferring close rights to the publishers.Montreal Declaration on Public Access to Law initiated during fourth Law via Internet Conference in Montreal October 2002 stresses over the freely use of public information generated by government or public institution out of public money for the benefits of public. The Durham Statement on Open Access to Legal Scholarship[5], drafted by a group of academic law library directors, was promulgated in February 2009. It covers: (a) open access publications of law school–published journals, and (b) an end to print publication of law journals, coupled with a commitment to keeping the e-versions available in 'stable, open, digital formats.' Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights states "Everyone has the right to freely participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits." Apart from initiatives, a number of issues and concerns also effect from planning to create IR to making the scholarly literature accessible.

3. REASONS OF BUILDING IR FOR LEGAL SCHOLARSHIP

Parker[1] states that the legal scholarships as a part of scholarly communication must be available to the world free of cost through internet. Reasons of availing benefits out of IRs preserving literary communications are:

(a) It is beneficial to have separate access of scholarly output from publications.

(b) It supports download counts and evaluation methods of legal scholarships.

(c) It visualises author rights and law journal publication agreements.

(d) It provides broader access to material not previously published.

(e) Legal IR is known as new avenue for publishing student scholarship.

(f) It supports overall preservation of digital legal scholarship for forever.

The IRs work as an electronic bucket creating, contributing, controlling and consuming of legal information including published and unpublished research of students and faculty members.

4. E-REPOSITORIES: ISSUES AND CONCERNS

The key drivers like low cost and easy to use multimedia formats make open access repositories a significant tool for legal education and research. Lyunch[7] discusses the significant perspective of institutional repositories opening up now forms of scholarly communications that will need to be legitimised and nurtured with guarantees of both short-and-long term accessibility. In addition there are numbers of issues and challenges IRs face while sharing institutions intellectual outcome. Most significant challenges are:

- Deposit Policy: Unclear policy guidelines for deposit emendates to identify desirable content. Open access deposit mandates providing relevant solution by targeting only peer-reviewed manuscripts

- Quality: Institutional repositories mission is to organise and manage institutions published and unpublished collection of teaching, research and administration in digital format. It poses serious issues in maintaining quality content and validation of scholarly literature.

- Preservation & Standard: Issues associated to maintain standards for metadata harvesting, long term preservation and identifying metadata errors are achieved by using metadata tools and policies for institutional repositories supporting Open Archives Initiative Protocol for Metadata Harvesting (OAI-PMH).

- Access and Training: IRs empowers users to effectively and efficiently access the scholarly information in new networked environment. Librarians play a crucial role by feeding disciplinary information and organise orientation programmes to overcome with technology access.

- Copyright: The confusion in intellectual property issues created number of challenges for e-repositories. The broad copyrights laws for owners and narrowing exceptions for fair dealing propound uncertainty for copying from repositories. The unclear nature of database rights and the substantial investment concept also evolve problems for the management of ownership rights in e-repositories as databases.

- Cost: Examination and comparison of the costs associated to building and supporting IRs in terms of values the repositories adding to research community, expenditure in implementation of software and hardware, labour and human resource management and also annual maintenance cost associated with managing IRs in long period is important.

5. LEGAL SCHOLARSHIP REPOSITORIES

The implications that digital world has posed by new retrieval methods for scholarly communications leads towards repository solutions supporting global open access to legal scholarships. Guedon[8] finds that in open access publishing idea of replacing traditional profit-driven journal publishing system with freely accessible open access journal is referred as 'gold road' where as 'green road' proposes alternative approach by encouraging authors of scholarly work

to self post or self archive their work in open site. Parker[1] finds that e-repositories are either general in nature, maintained by institution or discipline-based maintained by commercialvendor's. Repositories that follow technical specifications of OAI i.e., OAI-PMH are complied for federated searching of data and indexed by Google Scholar. Three open access repository tools are popular supporting preservation and dissemination of legal research outcomes, viz., (a) NELLCO Legal Scholarship Repository, (b) SSRN Legal Scholarship Network, and (c) Digital Commons at Bepress. These three repositories maintain digitality converted or born information in the form of law journals, research papers, working paper series, reviews, project reports and conference proceedings.

5.1 NELLCO Legal Scholarship Repository (LSR)

NELLCO Legal Scholarship Repository[9] is a legal IR supported Berkeley Electronic Press Technology with the aim to improve dissemination and visibility of legal scholarships of legal research communities. It maintains the legal scholarships of the following law universities and institutions as mentioned on the webpage of NELLCO LSR.

- American University Washington College of Law
- Berkeley Law
- Boston College Law School
- California Western School of Law
- Campbell Law
- Case Western Reserve University School of Law
- Columbia Law School
- Cornell Law School
- Duke Law School
- Fordham University School of Law
- George Washington University Law School
- Georgetown University Law Center
- Harvard Law School
- IIT Chicago-Kent College of Law
- Lousiana State University Law Center
- Loyola University Chicago, School of Law
- Maurice A. Deane School of Law at Hofstra University
- New England School of Law
- New York University School of Law

- Northwestern University School of Law
- Notre Dame Law School
- Penn State Law
- Quinnipiac University School of Law
- Roger Williams University School of Law
- Santa Clara Law
- Seattle University School of Law
- St. John's University School of Law
- Suffolk University Law School
- Touro College Jacob D. Fuchsberg Law Center
- University of Connecticut School of Law
- University of Georgia School of Law
- University of Maryland School of Law
- University of Massachusetts School of Law
- University of Pennsylvania Law School
- Vermont Law School
- Villanova University School of Law
- Western New England University School of Law
- William & Mary Law School
- Yale Law School

NELLCO LSR has a wide collection of variety of legal information. It includes law journals, selected works, working paper series, thesis and dissertation and book gallery of member institutions.
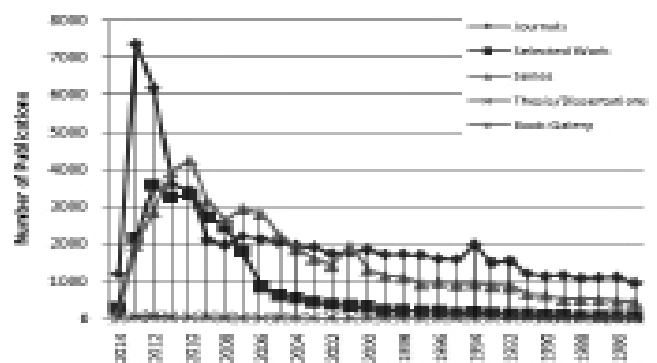

Figure 1. NELLCO Legal Research Repository Collection (Year-wise Growth).

Table 1 present the growth of scholarly publication in NELLCO's LSR (Law Common) during the period 1985-2014 (Feb). It has been found the consistent increase in number of publication deposit in the repository. It has disseminated total 178,693 full-text articles and 42,829,345 download by the end February 2014.

Table 1. NELLCO's Legal Scholarship Repository: Law Common (1985-2014 February)

Type of publication	1985-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2014
Journals	6497	7768	8568	9378	11789	18299
Selected Works	39	670	1114	2299	11109	9222
Series	2988	4194	5397	9012	15733	8887
Thesis/ Dissertation	25	23	16	29	87	141
Book Gallery	38	38	42	37	81	71

4.2 Legal Scholarship Network at SSRN

The Social Science Research Network (SSRN) founded in 1994 by private corporation Social Science Electronic Publishing Inc. (SSEP) with the objectives of worldwide dissemination of social science research in specialised subject area network including Legal Scholarship Network (LSN)[10] through eLibrary which consists of two parts: 'Abstract database' of scholarly working papers and forthcoming papers, and 'Electronic Paper Collection' downloadable full -text documents in pdf format. The LSN permits both loading and downloading of openly accessible eprint and hosting of subscription-based law schools research paper series.

Table 2 indicates SSRN eLibrary statistics till January 2014. The eLibrary contain 526,763 scholarly articles, 431,920 downloadable full-text papers and 244,403 authors have contributed their research in SSRN platform.

The pattern of scholarly working paper distribution of legal scholarship shown in Table 3. It indicates

Table 2. SSRN eLibrary statistics (as on January 2014)

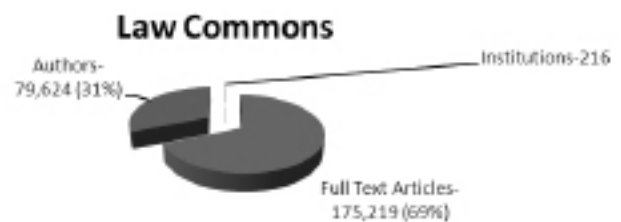| Download (by type)	Numbers
Authors	244403
Full Papers	431920
Abstracts	526763

Table 3. Paper coverage under Legal Scholarship Network (168,971) (as 26 February 2014)

Legal Scholarship Network papers	Papers	Downloads
LSN Conference & Meetings	2,836	5,41,045
LSN Partners in Publishing Journals	4,673	3,14,756
LSN Subject Matter eJournals	1,63,972	27,772,375
Law Research Centers Papers	4,337	11,56,370
Law School Research Papers: Law & Economics	8,576	3,749,395
Law School Papers: Legal Studies	39,210	7,200,276
Law School Research Papers: Public Law and Legal Theory	14,152	4,164,361

total of 168,971 has been submitted by the end of January 2014. 1, 63,972 papers were contributed and 27,772,375 downloads from LSN subject matter e-journals among all other seven categories of legal scholarship.

5.3 Bepress Legal Repository

Berkeley Electronic Press[11] has created an open access repository for law faculty called the Bepress Legal Repository. Authors may submit e-version into ExpressO Press Series(EPS) without any charge, which are further, reviewed by editorial team, and indexed subject-wise in *Current Index to Legal Periodicals (CILP)*. Bepress created an application for hosting law schools scholarships called 'Working Papers Series'. Unlike LSN, Bepress does not charge for e-mail-based announcements. 'Research Now' open access search tool provides full open access to all licensed content published by Bepress. All Bepress applications are OAI-PMH compliant and indexed by Google. The growth of law and legal scholarship under Bepress can be traced in Digital Common Network (Law Commons) (Fig. 2).

Figure 2. Bepress Digital Common Network: Law Commons.

During the period of the study, total number of full text articles reached to 175,219 (69%) in various sub-discipline and 79,624 (31%) authors' contributed their research output from 216 institutions. The downloading scale reached to 42,829345.

6.   CONCLUSIONS

The research conducted in developing countries enfold in rapid increase in worldwide literature explosion of published information. An institutional and disciplinary repository proposes new sustainable methods and strategies in modernising academic scholarship and raises creativeway to develop rational and synchronised method to capture, retrieve

and dissemination of literature in digital format. Institutional asset like datasets, courseware, research series, occasional papers, project reports, thesis and dissertations are now more visible at virtual platform for best and optimum future usage. During the course of study various institutional and disciplinary legal repositories were analysed and observed that with each passing year there is a substantial growth in the deposition of scholarly communication. The study finds that there is urgent need for academic law libraries in India to develop strategic plans and upgrade towards implementation of new models of scholarly communications. Librarians in complete sense count a special role as essential actors and subject specialist in knitting information gap.

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