

From Sheepskin Binding to Born Digital: One Hundred Years of Preservation in *Law Library Journal**

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Introduction	71
Binding	72
Book Leather	73
Preservation Planning	75
Microformats	76
Book Repair	78
Rare Books	80
Disaster Planning	82
Theft and Vandalism	84
Environmental Conditions	85
Practical Preservation	86
Condition Surveys	88
Preserving a Single Category of Legal Material	89
Survey of Preservation Efforts	90
Twenty-first Century Preservation	90
Conclusion	93

Introduction

¶1 Law librarians have been concerned with preserving the materials in their collections since the inception of the American Association of Law Libraries in 1907. Finding similarities between the problems of preserving library books one hundred years ago and dealing with born-digital documents today may take a bit of imagination. Scratch the surface, however, and you see the common denominator: a desire and need to preserve resources of the present for users of the future.

¶2 This article looks at all the ways preservation has been addressed in the pages of *Law Library Journal* since its beginnings more than a century ago. Looking at the past century, we see that until recently paper, binding, and books dominated the preservation scene, but digital preservation is now becoming the most talked-about aspect of the problem.

¶3 Preservation issues are considered here in the order that each topic was first mentioned in *Law Library Journal*. Subsequent LLJ articles are chronological within

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each topic. It is hoped that this review of LLJ articles on aspects of law library preservation can serve as a guide to the historical development of the field.

Binding

¶4 A Committee on Binding was established in 1907, one of the first committees of the Association. Its early appearance in AALL's history demonstrates the importance placed on issues pertaining to the materials used in printed books, the only means of conveying legal information at that time. The committee began its work with an investigation into proper fabrics for binding,¹ reporting in volume 2 on the "poor quality of sheep[skin],"² predicting that the materials "will soon be ancient history."³

¶5 Comparing two types of binding, the committee reported that,

Five years ago, a buckram bound copy of Massachusetts Revised Laws 1902 was put on the shelves alongside of a sheep-bound set and so far as we know, subjected to the same amount of wear. Today the buckram-bound copy is on the whole in better shape than the sheep-bound copy. . . . For all ordinary wear cloth will undoubtedly be more and more used as time goes on.⁴

The same report continued, "The great advantage of cloth over leather (its non-decay with age) shows plainly here, as you can buy the cloth in large quantities and lay it aside, confident that it will improve rather than deteriorate with age."⁵ Indeed, the buckram we use today for our binding of serials did become the most widely used material for books.

¶6 A frequently repeated refrain through the years was first stated in volume 2 by A.J. Small: "[W]e should adopt concerted action in asking that all publishers supply us with substantial binding."⁶ Small went on to specify exactly what publishers should do: "put a few more stitches into the weak backs and use good strong tapes with cloth joints instead of strings or jaconet to hold body and soul together."⁷

¶7 Labor and material shortages caused by World War I increased the costs of binding. G.E. Wire advised his colleagues that, based on knowledge gained from his in-house bindery, "[t]he causes of increased cost of binding are due to labor shortage and material shortage. . . . In our city of 220,000 population [Worcester, Mass.] you could count on the fingers of one hand all the forwarders and finishers worthy to be considered as such."⁸ Concerning the cost of materials, Wire says:

After we entered the war the price of buckram doubled. Cotton was needed first of all for smokeless powder and other high explosives. . . . [T]he boys' summer uniforms are

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1. *Proceedings of the Third Annual Meeting*, 1 LAW LIBR. J. 33, 36 (1908).
 2. A.J. Small, *Law-Book Making from a Law Librarian's [sic] Standpoint*, 2 LAW LIBR. J. 57, 59 (1909).
 3. *Id.*
 4. *Report of the Committee on Binding*, 2 LAW LIBR. J. 63 (1909).
 5. *Id.*
 6. Small, *supra* note 2, at 60.
 7. *Id.*
 8. G.E. Wire, *Binding in War Time*, 12 LAW LIBR. J. 31, 32 (1919).

made of cotton; it is used in tents and even the amount for lining shoes by the million pair is a big item.⁹

¶8 In 1941, Carroll Moreland discussed the binding standards established between the American Library Association and the Library Binding Institute:

These specifications are the work of experts in the field. Members of the Library Binding Institute are pledged to the fulfillment of them. . . . [I]t is reassuring to know that our binder is under a moral obligation to live up to a professional standard. This is particularly true since imperfections in binding, not obvious at a glance, might not be discovered in a law book for years.¹⁰

¶9 “Preservation of Law Library Materials & Disaster Planning,” a program at the 1980 Annual Meeting, was a landmark in bringing the Association into the modern era of library preservation. One speaker, Carolyn Morrow, was then at the University of Southern Illinois, and on the rise in the growing library preservation field. A respected author and speaker in preservation, she became the Malloy-Rabinowitz Preservation Librarian and Head of the Preservation Office at Harvard University in the 1990s.¹¹

¶10 In her presentation, Morrow stated that the commercial binding contract “should clearly state binding methods and materials and delineate responsibilities.”¹² She advised librarians to “be familiar with every aspect of bindery production” and strongly suggested that they “send appropriate staff members for a tour of [the] bindery’s premises.”¹³ The issues that she recommended should be taken into consideration in the work done by the bindery were “the initial and projected condition of the book paper; method of sewing (including oversewing, machine through-the[-]fold sewing, hand sewing and adhesive binding); margins; trimming and scuffing; rounding and backing of spines; and covering materials.”¹⁴

¶11 Morrow empowered librarians by encouraging them to learn about the binding process and by not allowing the binderies to dictate materials, margins, or binding methods.

Book Leather

¶12 The problem known today as “red rot,” the degradation process that occurs in fully tanned leather, such as that used in book bindings,¹⁵ has plagued librarians for more than a century. Emory Nourse detailed the phenomenon in 1916, stating the three causes of leather decay: “the treatment of the leather for binding was inju-

9. *Id.* at 34.

10. Carroll C. Moreland, *The Importance of Binding in the Law Library*, 34 LAW LIBR. J. 224, 225 (1941).

11. See HARVARD UNIVERSITY LIBRARY PRESERVATION CENTER ANNUAL REPORT: FY1995, at 1 (1995), available at <http://preserve.harvard.edu/wpc/hulFY95report.pdf>.

12. Panel Discussion, *Preservation of Law Library Materials & Disaster Planning*, 73 LAW LIBR. J. 831, 836 (1980) (comments of Carolyn Morrow on “Conservation Administration in Research Libraries”).

13. *Id.*

14. *Id.* at 836–37.

15. BARBARA APPELBAUM, GUIDE TO ENVIRONMENTAL PROTECTION OF COLLECTIONS 185 (1991).

rious; the binding itself was faulty; the care of the leather bound books was improper.”¹⁶ He goes on:

The cause for the decay of modern leather—that is, roughly speaking, from 1860 forward—was due chiefly to the use of stronger tanning materials, the employment of sulphuric and other mineral acids to aid in bleaching and dyeing, and the practice of splitting, scouring, stripping, rolling and embossing the skins. In binding, the leather was often pared down too thinly, stretched too much when wet and often printed and rolled with hot irons; and its fibre thus weakened and destroyed. Lack of ventilation and the accumulation of dust were likewise adjudged harmful. Sunlight turned vellum yellow and scaly, calf became hard and brittle, while sheep, if too dry, softened and rubbed away.¹⁷

Nourse cited a 1914 report of the ALA Committee on Binding:

We know positively that leather which is not free-from-acids is sure to deteriorate under conditions which will be found in all libraries. We know that leathers free-from-acids will last much longer, but how long is a matter of conjecture . . . cloth is given the preference in case of doubt, with the suggestion that it is everlasting in a temperate zone.¹⁸

¶13 Even given this strong endorsement, the ALA Committee still seemed to give leather the edge because “[a] good leather binding lends dignity and elegance to a book shelf which cloth can never attain.”¹⁹ Oh, how we wish that dignity and elegance had held less sway back then! We would have far fewer books with decaying leather bindings now.

¶14 Twelve years passed before the next LLJ article on leather bindings. G.E. Wire tells us that “[t]housands of volumes of the United States ‘sheep bound set,’ . . . of the older literature of theology, science, medicine, as well as law, are in the same forlorn condition, as are our law books.”²⁰ He explains in great detail the procedures used for applying vaseline and varnish to leather bindings. Saying that “the work can be done by your janitor or char-woman, just as well as by an outsider,” Wire advised members to use high-grade vaseline and varnish, applied full strength, putting more of the agent into the back and the edges of the back.²¹ “[G]ood, hard, conscientious and faithful rubbing is the main part of the treatment.”²² Following treatment with the vaseline and overnight drying, “we polish the surface with a soft cloth and now proceed to varnish. . . . The varnishing over the vaseline seals the leather and gives it a clean hard surface very agreeable both to sight and touch.”²³

¶15 Wire went so far as to declare that this process “when applied to the newly rebound book before issuing, will add 50% to the life of that binding.”²⁴ More than fifty years after Wire’s advice, Carolyn Morrow succinctly stated the problem and

16. Emory M. Nourse, *Review of Leather for Binding During the Last Eleven Years in England and America*, 9 LAW LIBR. J. 92, 92 (1916).

17. *Id.*

18. *Id.* at 93 (quoting A.L.A. *Binding Recommendations*, 39 LIBR. J. 31, 31 (1914)).

19. *Id.* at 94.

20. G.E. Wire, *Leather Preservation*, 21 LAW LIBR. J. 103, 104 (1928).

21. *Id.*

22. *Id.* at 105.

23. *Id.* at 107.

24. *Id.* at 109.

solution: “If the surface of leather is flaking and powdery, it is too late to treat the leather and you would be better off having a new cover made. However, leather that is desiccated and dirty can be dusted, saturated with a solution of potassium lactate to help neutralize acids in the leather and lubricated with a mixture of neetsfoot oil and lanolin.”²⁵

Preservation Planning

¶16 Pelham Barr, Executive Director of the Library Binding Institute, used strong words in his 1941 article, the first in *Law Library Journal* to thoroughly outline the steps needed for a library’s preservation plan. He began by pointing out that “the law library must preserve its collection in an entirely different spirit from that in any other kind of library.”²⁶ From his library-related position, although neither a lawyer nor a librarian himself, he nevertheless recognized that “the law, as an institution of democracy, is based on precedent and is therefore dependent on the records of the past.”²⁷ But he was prompted to ask:

[O]nce this fundamental truth about law libraries is recognized, wouldn’t it be logical to expect that all law librarians would long ago have realized the fundamental importance of conservation—that they would have solved all the problems of conservation and that law libraries would now be models of perfection in conservation? . . .

I am afraid that we all know the answer.²⁸

The answer, of course, is that law librarians, then as now, were *not* doing all they could to preserve their collections.

¶17 I believe Barr hit the nail on the head when, in attempting to determine why librarians did not expend more effort on preservation, he said:

[Conservation] is too often looked upon as a necessary evil—a succession of boring tasks—rather than as the conservation of resources. . . . But if the librarian considers the repair and preservation of material as true conservation, the work becomes an essential of library administration—and a vital one.²⁹

¶18 Barr proceeded to outline six steps in a conservation policy and plan:

1. A general survey of the library’s resources. . . . All the material would be classified with respect to the importance of its need for conservation and the factors by which preservation is affected: the physical nature of the material: The contents, and the manner and extent of use.

2. Classification and checking of the material with respect to the way it is being currently handled for conservation. . . .

3. Working out revised methods for those cases in which current practice is not adequate or not adapted to the material. . . .

25. Panel Discussion, *supra* note 12, at 837.

26. Pelham Barr, *The Conservation of Law Libraries*, 34 *LAW LIBR. J.* 218, 218 (1941).

27. *Id.*

28. *Id.*

29. *Id.* at 220.

4. [D]efinite provision for the best treatment of every type of material and decisions as to the proper time for treatment (whether one-time or recurring). . . .

5. Devising the time program or schedule of conservation work for the year and for each part of the year. This would also serve as the basis for budgeting time and funds. . . .

6. Outlining sequences of work and detailing all required procedures. This would include assignment of the duties of the conservation staff. . . .³⁰

¶19 Barr, in his second address to the Association, five years later, reiterated the reasons for conservation programs in law libraries: “Protection from wear and tear; preservation from deterioration; protection from loss, and maintenance of material in usable form. And an adequate conservation program cannot be achieved haphazardly—it can come only from careful planning.”³¹

¶20 Carolyn Morrow, in the 1980 program mentioned above, set forth the necessary components of a conservation program: “assign overall responsibility to one person,”³² “expect to have to provide training for your staff,”³³ “prepare guidelines for conservation activities within your particular library setting,”³⁴ hire “a consultant on conservation . . . to examine conditions and make a report,”³⁵ and identify items needing treatment: “Options for treatment are based on what is technologically, financially and practically feasible.”³⁶

Microformats

¶21 As with most new technologies, enthusiasm can go a bit overboard. Such was the case in 1942 when Raymond C. Lindquist quoted a 1941 report by the president of the Rockefeller Foundation: “[Microphotography] is perhaps the most fundamental advance in duplicating the printed or written word since Gutenberg.”³⁷ If we can move away from our twenty-first century technology perspective for a minute, we might be able to envision the advance that microforms were at the time—there suddenly came into being a method of photographing books, miniaturizing the images, and reading the images with machines. Mr. Lindquist enthused:

The wonder of microphotography is that so much can be compressed into so little a space, and yet be available for reading in full size when wanted. . . . A common illustration of the marvels of microphotography is the estimate that the 3,000,000 books in the New York Public Library could be stored in a space no larger than that now occupied by its card catalog.³⁸

30. *Id.* at 220–21.

31. Pelham Barr, *The Future of Law Library Conservation*, 39 LAW LIBR. J. 142, 147 (1946).

32. Panel Discussion, *supra* note 12, at 834.

33. *Id.*

34. *Id.* at 832.

35. *Id.* at 833.

36. *Id.*

37. Raymond C. Lindquist, *Microphotography for Law School*, 35 LAW LIBR. J. 193, 193–94 (1942).

38. *Id.* at 194–95.

¶22 Preservation issues were not left out of the discussion. Lindquist declared:

One cannot help but wonder how it will last. . . . Changes of temperature, as frigid cold or tropic heat, do not affect the emulsion on microfilm. [The U.S. Bureau of Standards] estimate[s] that it should last for hundreds of years. The only dangers to microfilm are brittleness and scratching.³⁹

¶23 The acquisition of rare materials not otherwise available was made possible with microforms. “Scholars formerly had to go to these sources to consult these rare materials. . . . Out-of-print books or periodicals can also be secured in this way.”⁴⁰ Another use of microfilm was “to save wear on valuable manuscripts or other material,” and to fill in gaps in periodical runs.⁴¹ Lindquist concludes:

Wherever possible, the printed books or records are preferred. Where it is impossible to secure printed copies, or where it would be too hard on printed copies to use them, or where copies of manuscripts or books or records need to be set aside for safekeeping in case the originals are destroyed, or where originals are too bulky for the shelf room available, microfilm is most important.⁴²

¶24 Thirty-five years later, Allen C. Story detailed the history and uses of microforms, indicating that “[m]icroforms preserve large, bulky, deteriorating items that will never be reprinted, and provide working copies of rare and valuable documents.”⁴³ Story coined the term microphobia to describe the “reluctance among lawyers, especially older ones, to go near a microform.”⁴⁴

¶25 Carolyn Morrow discussed, for the first time in the pages of *Law Library Journal*, the preservation of the intellectual content of law materials as separate from the preservation of the physical book. Mass deacidification and preservation microfilming are options, “[i]f there is no historical or aesthetic value in the physical book and if its content is not dependent on its printed format as, for example, a book of art reproductions, the item can be reformatted by reprinting, photocopying or microreproduction.”⁴⁵

¶26 She pointed out the importance of maintaining proper environmental conditions for the reformatted materials because “unless the film is properly processed and stored, you will merely be substituting one impermanent medium for another.”⁴⁶

¶27 Diana Vincent-Daviss chaired the AALL Special Committee on Preservation Needs of Law Libraries (hereinafter referred to as the Special Committee) from 1987 to 1991. The final report and recommendations of the Special Committee

39. *Id.* at 196.

40. *Id.* at 197–98.

41. *Id.* at 198.

42. *Id.* at 199.

43. Allen C. Story, *Microphobia in the Legal Profession*, 70 *LAW LIBR. J.* 31, 31 (1977) (footnotes omitted).

44. *Id.* at 33.

45. Panel Discussion, *supra* note 12, at 835–36.

46. *Id.* at 836.

were published as an AALL Occasional Paper in 1992;⁴⁷ an abbreviated version appeared in volume 84 of *Law Library Journal*.⁴⁸

¶28 The Special Committee listed materials to be considered for preservation microfilming:

- Archive and manuscript collections.
- Large runs of retrospective material.
- Materials that have not already been transferred to a more permanent medium.
- Materials that no other library or professional association is likely to place high on its preservation schedule (i.e., materials of little value to disciplines other than law).
- Foreign materials that are unlikely to be preserved in their country of imprint before they deteriorate beyond use in the United States.⁴⁹

¶29 As far as mass deacidification, the Special Committee had this to say:

Because it is a means of treating large quantities of materials simultaneously, and because it is not suitable for large collections of materials published between 1850 and 1950, the appropriateness of deacidification as a preservation treatment option is limited to large research libraries. . . . [O]nly a very small number of law libraries might consider the possibility of a mass deacidification program for their libraries.⁵⁰

¶30 Margaret Maes Axtmann, in discussing the role of commercial publishers in preservation, included microfilming projects of legal classics and law journals by William S. Hein & Co., AALS Law Books Recommended, the CIS microfiche library, and an extensive list of collections filmed by the Law Library Microform Consortium. She spells out common themes in the best of these: “The most successful commercial projects are really partnerships with libraries. . . . [L]ibraries and publishers work together to develop lists of titles to be preserved, the preservation format and specifications, and the design of the resource.”⁵¹

Book Repair

¶31 We should be grateful to Doris Fenneberg for providing a detailed description of the book repair done in her library in 1952;⁵² unfortunately, the name of that library is not given. She could not overestimate the benefits of a product called Mystic Tape, whose primary attribute appeared to be its permanence:

[L]aw books are rather bulky things, very often two, three or even four inches thick, and, if the back is to be covered with tape and any real support given to the covers, it is necessary

47. AM. ASSOC. OF LAW LIBRARIES, SPECIAL COMM. ON PRESERVATION NEEDS OF LAW LIBRARIES, REPORT AND RECOMMENDATIONS (AALL Occasional Papers Series No. 13) (1992).

48. AALL Special Committee on Preservation Needs of Law Libraries, *Preservation Treatment Options for Law Libraries*, 84 LAW LIBR. J. 259 (1992) [hereinafter AALL Special Committee].

49. *Id.* at 266–67 (1992).

50. *Id.* at 268.

51. Margaret Maes Axtmann, *The Role of Commercial Publishers in Preservation*, 96 LAW LIBR. J. 619, 623, 2004 LAW LIBR. J. 41 ¶19.

52. *Proceedings of the Forty-Fifth Annual Meeting*, 45 LAW LIBR. J. 206, 478–85 (1952) (comments of Doris Fenneberg).

to have a tape considerably wider than the book itself. . . . I don't know why it is so, but the six inch width [of Mystic Tape] is much more adhesive.⁵³

Additionally, Fenneberg recommended that librarians shellac or lacquer the Mystic Tape as soon as it is applied. "If you don't do that it is a dirt-catcher."⁵⁴ The concept of reversibility, unknown in book preservation at that time, was introduced in the 1980s and dictated that no action should be taken to a book that could not later be reversed as conservators in the future develop better techniques and materials. Products like Mystic Tape, intended to be "permanent," were not at all reversible.

¶32 On the subject of book repair, Fenneberg gave these directions:

When I get a new book, or rather a new "old book," I should say, I clean it with common, ordinary wallpaper cleaner first of all.

. . . [W]allpaper cleaner is the cheapest and easiest thing to use.

The first thing I do after the surface dirt has been removed is to check the seams. If the seams are not already split I soak them well with oil. I do that three or four times and let them absorb as much oil as they will take before I attempt to open the covers.

. . . .

Where a book has loose sections, where the sewing has disintegrated so that ordinary mending will not suffice, the remedy is plastic cement. The sections of the book must be placed together in proper order and alignment and then placed under some form of pressure. I keep two old copies of Throckmorton's Ohio General Code for just such a purpose as they are very heavy and the two furnish just the right amount of pressure. . . . I have an old bookpress that I use for this purpose but it holds only one book at a time.⁵⁵

¶33 I must say that I am familiar with the hefty size of Throckmorton's Code, having covered one or two in Mylar polyester, but I would never want to see them, or any other books, used as weights in book repair. It is far better for your books to purchase proper bookpresses.

¶34 Before book repair treatments can be performed, books in need of the treatment must be identified. In the 1980 preservation program, Vincent-Daviss addressed this issue by saying that staff members should be trained to "inspect books returned by users before putting them back on the shelf" since that may be "the only way books are identified for repair."⁵⁶

¶35 The Special Committee in 1992 listed in its report the criteria to be taken under consideration in book repair, or "item-by-item conservation of materials":

- Range of options—in what formats is the item available;
- Importance of the item to the collection;
- State and nature of deterioration, viability of repair in the original format;
- Priorities, placement of the item in the hierarchy of conservation needs;

53. *Id.* at 479–80.

54. *Id.* at 480.

55. *Id.* at 481–83.

56. Panel Discussion, *supra* note 12, at 850 (comments of Diana Vincent-Daviss on "Care and Handling of Library Materials").

- Artifactual value;
- Library access to the various treatment options;
- Money and time.⁵⁷

¶36 Under the Individual Treatment Options section of its report, the Special Committee made clear that:

A law library newly embarking on preservation of items in the original format would be wise to seek expert advice first, whether work is to be done in-house or sent to a commercial bindery. . . .

In addition to expert advice, a library can learn a lot by visiting a preservation workshop in another local library or at a regional conservation center.⁵⁸

¶37 This is what the Special Committee wrote about in-house book repair:

In-house repair treatments are appropriate for general collections materials but *not* for materials of artifactual value. Most law libraries do not have the staff or equipment needed for rebinding. In-house restoration of general stacks materials should be confined to repair of paper and binding using nondamaging (reversible) methods and materials.

Appropriate in-house treatments include paper-mending, pamphlet binding, tipping and hinging in of replacement pages and errata sheets, minor repair of binding (rebacking).

Staff assigned to in-house repair work should have received some prior training, should have visited a preservation unit or repair workshop and watched repair work being performed, and ideally should work at first under the close supervision of trained personnel. Their repair work should be supervised closely and checked for quality upon completion, before the book is returned to the shelf.⁵⁹

Rare Books

¶38 The first mention of rare books in *Law Library Journal* was in the Questions and Answers column compiled by Marian G. Gallagher and Mary W. Oliver in the first issue of volume 51. To the question “[m]any libraries have a room or locked cage for rare books. What books should properly be put in such a room or cage?”⁶⁰ member William B. Stern, Los Angeles County Law Library, answered,

Some libraries keep all books published prior to 1825 in a rare book room or locked cage. We know of other libraries which use the publication date 1800 as the criterion. . . . [K]eeping these old books in a separate area, regardless of their material value, helps preserve the books and their bindings.⁶¹

57. AALL Special Committee, *supra* note 48, at 260.

58. *Id.* at 269.

59. *Id.* at 270.

60. Marian G. Gallagher & Mary W. Oliver, comps., *Questions and Answers*, 51 LAW LIBR. J. 37, 37 (1958).

61. *Id.*

¶39 Morris Cohen provided a substantial discussion of rare books in the 1980 program “Preservation of Law Library Materials & Disaster Planning.” opining that

[p]erhaps the most important concern of librarians in the field of preservation and conservation are ‘rare books,’ those books which are either irreplaceable in their original form, or so difficult or costly to replace as to require special care in their use, special regard for their physical security and special environmental conditions for their survival.⁶²

Following a page-long discussion of the criteria for the use of the term rare books, Cohen stated: “If such materials *are* to be collected, a policy should be devised, recorded and implemented to assure their preservation.”⁶³ He even went so far as to say:

If the library lacks the resources to collect and preserve such materials, it is no disgrace to arrange for the transfer of those now held to another library where they can be properly preserved. That can be done by sale, gift, exchange, or long-term loan. It may be hard for a librarian to take that step, but transfer certainly involves greater professional integrity than retention under conditions which will not assure their preservation and future use.⁶⁴

¶40 The Special Committee addressed rare books under these categories: “Defining ‘Rare Book’ in the Context of the Specific Collection,” “Housing Rare Materials,” “Conservation of Rare Materials,” “Policies for Processing Rare Materials,” and “Policies for Use of Rare Materials.”⁶⁵ Specifically addressing the conservation, or preservation, of rare materials, the committee stated:

A library should not collect and retain rare materials unless it has the resources to invest in their conservation.

Ad hoc conservation of items as their physical condition comes to the notice of the library staff is not appropriate for a collection of rare materials.

A library is advised to conduct a condition survey of its rare materials collection per se and develop a phased program for conservation of all materials in the collection.

Treatment should be proportionate, suitable, and available for the collection in hand.

Treatment should protect the bibliographic integrity of the book. It should be ‘sympathetic’ with the item in hand and should be reversible.

When in doubt, phase-box.

Libraries should check references of all book repair outfits, including non-for-profit, before sending work out to them.

Most law libraries should not attempt to conserve rare materials in-house, except for the creation of protective wrappers or phase-boxes.⁶⁶

62. Panel Discussion, *supra* note 12, at 839 (comments of Morris Cohen on “The Law Library Rare Book Room”).

63. *Id.* at 841.

64. *Id.*

65. AALL Special Committee, *supra* note 48, at 276–77.

66. *Id.*

Disaster Planning

¶41 The Temple University Law Library has the unfortunate distinction of being the site of what was probably the largest fire in an American law library in the past century. Erwin C. Surrency, then law librarian at Temple University, moderated a 1973 program titled “Guarding Against Disaster.” Librarians who have experienced disasters speak as prophets to the rest of us, and their words should be heeded. Surrency advised us to “keep better records” and “[s]econdly, . . . squawk when the fire marshal calls your attention to the fact that the building is in direct violation of the fire code.”⁶⁷

¶42 Wylie A. Shumm, of the Great American Insurance Companies, also appearing on the program, advised law libraries to have an insurance program, including a “thorough analysis of the individual operating conditions.”⁶⁸ On the topic of selecting an insurance advisor, he said:

The insurance advisor should be capable of analyzing the individual law library making adequate recommendations for the policy requirements, risk reduction, loss prevention, salvage, and loss adjustment aspects of the risks involved. This may require special assistance from insurance company personnel, fire protection engineers, valuation or appraisal firms, and salvage and loss adjustment firms. . . .⁶⁹

Shumm made sure to say: “Two primary objectives of an insurance plan are maintaining the business despite large losses and the reduction of the costs of coverage and losses.”⁷⁰

¶43 Oscar Trelles presented the results of his research into library insurance, which had included telephoning law libraries and public libraries around the county.⁷¹ He discovered that “very few libraries were insured, and if they were, most of them were underinsured.”⁷² After discussing several design components, such as open stairways and automatic sprinkler systems, that could affect insurance premiums, Trelles briefly mentioned the concept of disaster planning: “[D]isregarding whether your library is insured or not, we should consider prevention of loss as the best ‘insurance’ for loss or damage to valuable books and office records, as well as to card catalogs and shelflists.”⁷³

¶44 Another law librarian with personal post-disaster experience is Paul S. Fu, Law Librarian of the Supreme Court of Ohio Law Library, where a water pipe burst in the stacks during the 1983 Christmas holidays.⁷⁴ Fu’s article discusses insurance and disaster handling procedures, including organizing a disaster team, gathering supplies and equipment, sorting out the damaged collection, and communications and public relations. Especially valuable are the sections on drying and cleaning,

67. Panel Discussion, *Guarding Against Disaster*, 66 LAW LIBR. J. 419, 420 (1973) (comments of Erwin C. Surrency).

68. *Id.* at 420 (comments of Wylie A. Shumm).

69. *Id.* at 421.

70. *Id.* at 424.

71. *Id.* (comments of Oscar M. Trelles).

72. *Id.*

73. *Id.* at 424–25.

74. Paul S. Fu, *Handling Water Damage in a Law Library*, 79 LAW LIBR. J. 667, 668 (1987).

and rebinding and repairing after drying. Fu concludes his informative article thus:

The successful restoration of the water-damaged books at the Supreme Court of Ohio Law Library was due to the fact that the staff was able to evacuate the 5,282 wet books from the flooded areas on the same day the disaster took place. After sorting out the books the next day, 3,658 volumes of badly damaged books were sent to cold storage the same evening. The quick freezing was able to stabilize the books from further deterioration until they were vacuum dried. With careful disaster planning and quick action, a water damage situation can be handled efficiently and economically.⁷⁵

¶45 Jeanne Drewes wrote in 1989 of the necessity of including computers in library disaster planning, citing four key elements: backup, protection, insurance, and cooperation:

Backup assures against total loss of data in the event of an electrical outage or machine failure. In order to ensure the survival of backup tapes in a disaster, all duplicate data files, software programs and documentation must be stored off-site.

....

If a large amount of data is stored on an internal hard disk, either a tape backup or a high capacity portable storage device are better choices.⁷⁶

Drewes includes valuable information concerning caring for computers that we may tend to forget:

Protection of computer information and equipment means removing hostile elements, such as water, dust, smoke, heat and humidity from the computer environment.

....

.... A 'no food or drink' rule in the computer work area is also a protective measure against damage to the keyboard and disk drive.

....

When there is dust and smoke, such as from construction, extra precautions should be taken when using computer equipment or memory typewriters.⁷⁷

She recommends "a cooperative agreement among law libraries for sharing computers in the event of a disaster."⁷⁸

¶46 Like some other preservation measures, disaster planning comes under the heading of "things we know we should do." If you have not assembled a disaster planning team, researched local and national resources for freeze drying and dehumidification, assembled needed supplies, conducted disaster drills, and written your complete emergency planning document, then it is time for you to take the first steps in that direction. Planning for disaster is a responsibility of every library.

75. *Id.* at 687

76. Jeanne Drewes, *Computers: Planning for Disasters*, 81 *LAW LIBR. J.* 103, 104, 106 (1989).

77. *Id.* at 107–08.

78. *Id.* at 110.

Theft and Vandalism

¶47 There have been two articles in *Law Library Journal* on a topic, theft and vandalism, that affects the majority of law libraries. The author of the first, which appeared in 1975, made the assertion that “[t]here is virtually no way of stopping the determined thief or mutilator.”⁷⁹ Michael Richmond determined two ways to control thefts:

One is to keep the patron from the materials to as great an extent as possible. The other is to increase availability of the materials so the potential thief will not be as tempted to remove them. Both have been shown to work effectively, but only the second fits the concept of total patron service.⁸⁰

¶48 Richmond identified these strategies designed to eliminate thefts: “conveniently placed and inexpensive photocopying facilities,” “a reshelving schedule drawn with surveillance in mind,” and “limit[ing] exit points from the library to one or two.”⁸¹ Patron education, including exhibits of mutilated materials, have an element of success. Electronic sensors, a relatively new innovation at that time, were determined to be valuable despite their high cost. The author seemed to say that a variety of tactics was necessary to tackle the insidious dilemma of theft and mutilation.

¶49 John D. Edwards wrote in *Law Library Journal* about the results of his 1984 survey of law school libraries.⁸² Eighty-eight percent of the reporting libraries indicated that missing materials were a problem, while mutilation was a concern for more than half of them. Edwards found in his survey that “libraries with more restrictive access policies suffer more losses than those with open access policies.”⁸³ In attempting to determine the cause of thefts, the survey showed that “[a] few libraries report that the primary clientele of their library, law students and attorneys, believe that the laws and rules do not apply to them.”⁸⁴ How ironic is that?

¶50 Of the libraries in Edwards’ survey with losses in excess of 100 volumes, 62% did not have theft detection systems. The high cost of the systems was the primary reason for not installing them. Of those with electronic systems, 57% reported a problem with mutilation.⁸⁵ This data may lead one to conclude that patrons frustrated in attempts to steal books instead decide to tear out pages they want, often with a razor blade.

¶51 Unless librarians conduct a full inventory of their collections, they remain ignorant of the extent of the problem in their institutions: Is it a crisis or something less? Do they need to inspect bags of departing patrons or monitor stacks more closely? Until a dean or senior partner requests a book that can’t be found or is

79. Michael L. Richmond, *Attitudes of Law Librarians to Theft and Mutilation Control Methods*, 68 *LAW LIBR. J.* 60, 60 (1975).

80. *Id.* at 60–61.

81. *Id.* at 62.

82. John D. Edwards, *Book Losses and Mutilation in Law School Libraries*, 78 *LAW LIBR. J.* 443 (1986).

83. *Id.* at 447.

84. *Id.* at 450.

85. *Id.* at 450–51.

found with pages torn out, the related issues of theft and mutilation will likely stay underground and undetected.

Environmental Conditions

¶52 “The preservation of material against excessive heat and cold, dryness and dampness, is in many libraries still full of serious problems. Some day there may be real air-conditioning of an economical type especially designed for libraries. But it isn’t here yet.”⁸⁶ Pelham Barr knew in the mid-1940s that regulating heat and humidity in libraries would go a long way toward preserving library materials. He and his colleagues were required to wait another decade or more, however, before air conditioning became widespread in library buildings.

¶53 George M. Cunha, director of the New England Conservation Center (predecessor of today’s Northeast Document Conservation Center), stressed the detrimental effects of improper environmental conditions in 1976:

Overheated buildings encourages mold growth, insects thrive in it; it accelerates the chemical processes that destroy matter, desiccates paper and leather, and dries out adhesives. . . . There is also a significant loss of strength in paper that has had long exposure over a heating device or has been stored in a hot, uninsulated attic.

. . . .

Fungi, the most numerous of living things, are everywhere waiting for favorable conditions to propagate. In libraries are tons and tons of the organic matter necessary for their sustenance, and it requires only a few days of warmth and high humidity for these dormant spores to start colonies that first disfigure with mildew, then permanently stain, and in extreme conditions destroy the surfaces on which they are growing.⁸⁷

¶54 In 1980, Carolyn Morrow stated a fact that has been widely known and accepted in preservation circles for the last three decades:

The single, most important aspect of preservation is to provide an optimum storage environment for the collection. Cool temperatures slow down the chemical reactions that cause paper fibers to embrittle. . . . [T]he usable life of paper doubles for each ten degree drop in temperature.⁸⁸

¶55 Morrow expanded the definition of environmental controls by including lighting: “[D]amage from light rays is a more subtle agent of deterioration. Protection from ultraviolet rays in sunlight and fluorescent lighting can be provided by heavy curtains, filtering sleeves over bulbs, and UV filtering film or shields.”⁸⁹

¶56 The 1992 report of the Special Committee on Preservation Needs of Law Libraries must also be mentioned in this section. The “Perfect World Scenario for

86. Barr, *supra* note 31, at 148.

87. George M. Cunha, *Preservation and Conservation of Legal Materials*, 69 LAW LIBR. J. 300, 300–01 (1976).

88. Panel Discussion, *supra* note 12, at 832 (comments of Carolyn Morrow on “Conservation Administration in Research Libraries”).

89. *Id.* at 833.

Prolonging the Life of Collections,” drawn from two standards then in development by the National Information Standards Organization, recommended “Temperature in stack areas of 60° F, plus or minus 5°,” “50% relative humidity in the main part of the library. Possibly lower for storage. At 40% relative humidity, the ordinary life of paper is increased four-fold,” and “[s]table temperature and humidity, systems running constantly.”⁹⁰

¶57 The report goes beyond stating the optimum conditions. Saying “[t]he physical plant was rarely designed with preservation of library materials as a goal,”⁹¹ the recommendation was made to “[s]eparate the books from the people. Large sets of rarely used retrospective materials can be housed separately,” and “[r]emove rare materials from the open stacks to a kinder, gentler environment.”⁹²

¶58 Knowing we should improve the conditions for our library materials comes from common sense, but we need to go beyond that which we know intuitively and learn about our HVAC systems and communicate with our building planners and facilities managers. The goal should be to achieve optimal, stable temperature and relative humidity levels, proper air circulation, a reduction in the particulate levels, and lighting that does not damage paper or binding.

Practical Preservation

¶59 Vincent-Daviss, speaking at the 1980 preservation program, spent a great portion of her talk on practical steps law librarians should take to preserve their materials. These steps included periodic cleaning and “regular inspections for mildew, fungi and insect and rodent infestation.”⁹³ She recommended immediate isolation of mildewed books,⁹⁴ and said:

Banning food and drinks from the stacks is a necessary part of fighting infestation. One should also inspect all incoming materials, particularly those from overseas, before they go to the shelves.

... [W]hen surveying the library, be sure that you include the storage facilities. It is very easy to send books off to remote storage and forget about them.⁹⁵

¶60 One area for which Vincent-Daviss did not have a straightforward approach was user training, because, as she said:

If we were working in elementary schools we could start in at the beginning with user education, but if so-called mature adults don’t know not to rip pages out of law reviews, or not to throw books on the floor in the photocopying room, I sometimes despair of teaching them the kinds of careful handling practices we impress upon the staff. . . . [O]ne has to rely on creating an atmosphere which reflects our seriousness about proper handling, by eliminating all book drops, having trucks in places where books are used, such as near photocopy machines.⁹⁶

90. AALL Special Committee, *supra* note 48, at 261–62.

91. *Id.* at 262.

92. *Id.* at 263.

93. Panel Discussion, *supra* note 12, at 849 (comments of Diana Vincent-Daviss on “Care and Handling of Library Materials”).

94. *Id.* at 848.

95. *Id.* at 849.

96. *Id.* at 851.

¶61 Sally Buchanan, at the time the conservation officer at Stanford University, presented a program at the 1985 Annual Meeting, the first program conducted by the Preservation Committee of the Technical Services Special Interest Section. Giving a brief background of the relatively new field of library conservation, she said, “Conservation has been a formal part of library administrative structure in the United State only since the Florence Flood in 1966 made the world aware of the fragility of its scholarly resources.”⁹⁷ Buchanan listed fewer than ten university libraries that had established preservation programs. Regional centers, such as the Northeast Document Conservation Center, the Association of Research Libraries, the Council on Library Resources, the Preservation of Library Materials Section of the American Library Association, and the American Institute for Conservation were also given as information sources.⁹⁸

¶62 The remainder of her talk dealt with practical issues, such as assessing needs and establishing priorities. Other topics covered were funding, staffing, educating the wider community, and evaluating progress. As far as funding, Buchanan noted that many programs were initially underwritten by grants:

The National Endowment for the Humanities and the Andrew W. Mellon Foundation recently have been supportive of library conservation program needs. Other libraries have benefited from book funds diverted by enlightened collection development directors who recognize the need to preserve what already has been purchased and retained. . . . Libraries must be encouraged to commit funds to conservation, however modest the start. Progress can be made with a few thousand dollars, and many important conservation concerns, such as disaster prevention planning, require little fiscal support.⁹⁹

¶63 Buchanan knew that “[s]taff conservation programs can be a problem. Training either for conservation administrators or for library conservators is difficult to obtain in the United States. . . . Often staff must be carefully chosen in-house and trained on the job.”¹⁰⁰

¶64 One need seen by library preservation experts in the 1980s was enlightening the general public about the problems caused by acidic paper and brittle books. The library community was slowly learning of the magnitude of the situation as several major libraries conducted condition surveys, the results of which clearly demonstrated the vast numbers of affected volumes. Buchanan saw that:

[A] broader challenge lies in increasing public awareness of the need for preserving our cultural heritage in books This educational effort must be aimed at everyone from the shelving staff to the library director, and from the college or university administration to state and federal funding agencies, and to the public.¹⁰¹

¶65 Buchanan concluded her presentation by emphasizing the importance of evaluating progress. “If priorities have been set, goals and objectives stated, and

97. Sally A. Buchanan, *Administering the Library Conservation Program*, 77 LAW LIBR. J. 569, 569 (1984–85).

98. *Id.*

99. *Id.* at 572.

100. *Id.*

101. *Id.* at 572–73.

programs clearly defined, evaluation will be easier. Statistics aid in comparing goals against progress.”¹⁰²

Condition Surveys

¶66 Condition surveys examine the physical condition of the books and other materials in libraries. The surveys can be conducted on every item in a library, on collections within libraries or, more typically, on a sample of items. The method of choosing items to be sampled should be consistent throughout the collection. For instance, choose the first, fifth, or tenth book on every shelf, every fifth shelf, the first shelf of every range, or some other logical system. The library needs to determine what it wants to learn from the survey. Draw up a list of physical characteristics, such as the integrity of the binding, the paper pH level, and the folding endurance, that can be easily identified during a relatively quick survey. A step not to be left out is carrying out a test survey on a small portion of materials, perhaps thirty to fifty items, to see if changes are necessary. Adjustments can be made easily before moving on to complete the survey. Train the surveyors adequately and, finally, assess the results.

¶67 Linda Nainis and Laura A. Bedard, who conducted a condition survey at Georgetown University Law Library in 1984 and 1985, reported on the process and results in their 1986 article, “Preservation Book Survey in an Academic Law Library.”¹⁰³ They examined 384 books, looking at “such physical properties as type of binding, visible condition of paper, internal binding, external binding and covers, acidity and folding endurance of paper, and overall book condition.”¹⁰⁴ The results showed that “more than half of the library’s volumes published before 1926 are now brittle”¹⁰⁵ and that despite the relatively young age of the collection, “the survey showed that the majority of the books are already acidic; only 3 percent are neutral.”¹⁰⁶

¶68 A second article on collection surveys appeared in 2003. Authors Robert A. Mead and Brian J. Baird identified these reasons for conducting preservation surveys:

First, it establishes a baseline for assessing the present state of the collection. . . . Second, it provides justification for making preservation a priority. . . . The findings of a detailed preservation survey identify particular problem areas and highlight critical needs, while simultaneously making targeted projects manageable. . . . The systematic quantification of preservation problems should move preservation higher on the library’s agenda of needs to be addressed.¹⁰⁷

102. *Id.* at 573.

103. Linda Nainis & Laura A. Bedard, *Preservation Book Survey in an Academic Law Library*, 78 LAW LIBR. J. 243 (1986).

104. *Id.* at 247.

105. *Id.* at 252.

106. *Id.*

107. Robert A. Mead & Brian J. Baird, *Preservation Concerns for Law Libraries: Results from the Condition Survey of the University of Kansas Law Library*, 95 LAW LIBR. J. 69, 71, 2003 LAW LIBR. J. 3, ¶ 5.

Mead and Baird's survey results at the University of Kansas Law Library "indicated that more than 10% of the collection needs immediate preservation treatment ranging from book repair to commercial binding to conservation treatment to reformatting."¹⁰⁸

¶69 Unless law libraries are one-hundred-percent digital, their holdings of treatises, serials, pamphlets, loose-leaf titles, and reporters are in various stages of physical viability. A preservation plan detailing needed actions should be based on detailed knowledge of that viability level. Despite the drawbacks of the time involved in the preparation of the survey instrument, the pre-test, the survey itself, and the evaluation of the results, there is absolutely no other way to obtain the vital information gained. In addition, the outcomes, when reported, are useful to other libraries by adding to the cumulative knowledge of the condition of library materials.

Preserving a Single Category of Legal Material

¶70 In 1993, Margaret Leary recorded the preservation problems of the records and briefs of the intermediate federal appellate courts.¹⁰⁹

Three main reasons that the preservation of federal appellate records and briefs have presented particular problems are (1) law libraries failed to collect the material, (2) there was no accessible body of information about where to find the briefs, and (3) the National Archives gave federal court materials very low priority for preservation microfilming.¹¹⁰

¶71 Leary devised these four strategic lessons from what she learned about the records and briefs:

1. Someone must recognize that the material is a candidate for preservation. . . .
2. Someone must describe and quantify the material to be preserved. . . .
3. The material must be located and holdings assessed for completeness. . . .
4. Finding tools should ensure access to preserved material, even if the format changes from print to microform or to machine-readable formats.¹¹¹

These steps can and should be carried out for any category of library materials suspected of slipping through the cracks. It is our responsibility to ensure that items selected, purchased, and acquired be preserved to the greatest extent.

108. *Id.* at 81, ¶ 26.

109. Margaret A. Leary, *The Case of the Disappearing Briefs: A Study in Preservation Strategy*, 85 *LAW LIBR. J.* 357 (1993).

110. *Id.* at 366.

111. *Id.* at 366–67 (emphasis omitted).

Survey of Preservation Efforts

¶72 During the academic year 2000–2001, I visited thirty academic, private, and government law libraries in four Midwestern states to conduct surveys about their preservation activities, tour their facilities, and give basic workshops on preservation. The library directors “seemed to be well aware of the problems associated with acidic paper, low-quality bindings, and sub-par environmental conditions. . . . However, their interest in preservation was often offset by a large number of commitments and responsibilities in other areas.”¹¹²

¶73 If substantial improvements are to be made in preserving collections, the most essential ingredient in the establishment of a preservation program is the strong support of the library administration. “Individual librarians can make some improvements, but a systemic change that makes preservation an integral part of the library’s mission can happen only when the director makes it clear that preserving the materials can and should be done.”¹¹³

¶74 The article includes discussion and statistical results of a survey identifying the amount of effort undertaken by the libraries in twelve categories. Those categories included conducting a survey to determine preservation needs, monitoring environmental conditions, covering windows and using fluorescent lights to limit light damage, and training and supervising staff and students in stacks maintenance. “Results indicate that libraries put forth most effort in areas not usually associated with preservation [i.e., binding and security] while giving little attention to those most directly related to traditional preservation.”¹¹⁴ The latter refers to surveys to determine preservation needs, writing preservation policies and plans, and conducting programs to raise awareness about preservation problems and solutions with staff and patrons.

¶75 Individualized follow-up letters were sent to each library, detailing ways for them to make improvements to their nascent or nonexistent preservation programs, based on my observations, my conversation with the director and staff members, and answers to the surveys.

Twenty-first Century Preservation

¶76 A seminal event in the efforts of AALL to address preservation issues took place in March 2003. “Preserving Legal Information for the Twenty-first Century: Toward a National Agenda” was convened by the late Robert Oakley and held at the Georgetown University Law Library, where he was the director. A number of papers presented at the conference made up the largest part of the Fall 2004 issue of *Law Library Journal*.¹¹⁵ In his introduction, Oakley referred to the report of the Special Committee on Preservation Needs of Law Libraries, noting that,

112. Patricia K. Turpening, *Survey of Preservation Efforts in Law Libraries*, 94 LAW LIBR. J. 363, 367, 2002 LAW LIBR. J. 25, ¶ 12.

113. *Id.* at 367, ¶ 13.

114. *Id.* at 368, ¶ 16.

115. Special Feature, *Preserving Legal Information for the Twenty-first Century: Toward a National Agenda*, 96 LAW LIBR. J. 579–668 (2004).

[a]lthough the report was accepted by the AALL Executive Board, not much ever happened with its numerous recommendations. A standing Preservation Committee, created on the basis of one of the recommendations, did exist from 1992 to 1999, and did develop an AALL Preservation Policy, that remains in existence today. But, of course, we never did establish a specific agenda for ourselves.¹¹⁶

¶77 Oakley raised the alarm to address preservation because, as he said, “in the years since the issue first arose, the problem has become more acute with the development of the Internet and the prevalence of so-called *born-digital* legal information.”¹¹⁷

¶78 Hilary Seo, a preservation librarian, discussed projects to preserve law titles, specifically the condition survey at the University of Kansas,¹¹⁸ mass deacidification at the University of Michigan Law Library, and reformatting of materials at Harvard Law Library, concluding: “A cooperative effort, with a strong commitment from key stakeholders, is called for to carry out the necessary preservation agenda.”¹¹⁹

¶79 Richard Danner, following an examination of electronic archiving of scholarly communication across disciplines, addressed alternatives to traditional print publishing in law.¹²⁰ He discussed the now decade-old Legal Scholarship Network (LSN) whereby law professors publish work in “about fifty electronic subject matter ‘journals’ . . . as well as working papers published under the names of individual law schools.”¹²¹ The Berkeley Legal Repository (BePress), established in 2004, includes listings of papers by subject area. “Although most of the papers available from both LSN and BePress have already been published in law journals, the BePress Legal Repository also includes a series of unpublished papers.”¹²²

¶80 Danner examined the unique challenges of digital preservation:

[T]he concerns of those involved with preservation of legal information must include not only the technical issues of how to preserve electronic documents but such issues as who will preserve them, what versions should be preserved, how different versions are distinguished, and how to ensure persistent access.¹²³

¶81 Danner then asked the question that must be asked regarding electronic publishing: “Who will take on the responsibility for preserving materials published in local archives and repositories?”¹²⁴ His conclusion? “[F]or locally posted working papers and similar materials, preservation responsibilities are likely to remain local. In law, these responsibilities will reside with law schools and law libraries.”¹²⁵

116. Robert L. Oakley, *Introduction [Preserving Legal Information for the Twenty-first Century: Toward a National Agenda]*, 96 LAW LIBR. J. 579, 579–80, 2004 LAW LIBR. J. 36, ¶ 2 (footnotes omitted).

117. *Id.* at 580, ¶ 4.

118. *See supra* ¶ 68.

119. Hilary T. Seo, *Preserving Print Legal Information*, 96 LAW LIBR. J. 581, 590, 2004 LAW LIBR. J. 37, ¶ 40.

120. Richard A. Danner, *Issues in the Preservation of Born-Digital Scholarly Communications in Law*, 96 LAW LIBR. J. 591, 2004 LAW LIBR. J. 38.

121. *Id.* at 598, ¶ 13.

122. *Id.* at 599, ¶ 13.

123. *Id.* at 601, ¶ 19.

124. *Id.* at 603–04, ¶ 25.

125. *Id.* at 604, ¶ 25.

¶82 Carol Billings, director of the Law Library of Louisiana, in reviewing efforts at the state level to preserve government information, found “no indication of coordinated efforts among multiple states to coordinate or share expertise in order to implement their laws more fully.”¹²⁶ Not only is there no coordination but there is no consistency. Web sites appear and disappear, states offer insufficient financial support, agencies don’t follow web site standards, IT people running departments are not aware of the need to preserve information. Discussing the small number of states that have put resources into preservation, Billings asks, “What can we as law librarians do to encourage the progressive states to continue to expand their electronic preservation efforts, and what can we do to influence the others to catch up?”¹²⁷ She suggests that “we can write about, publicize, congratulate, and offer support to those leading the way. And we can provide those who lag behind with information and assistance in the form of models, guidelines, and technical specifications.”¹²⁸

¶83 Tom Clareson, of OCLC Digital Collections and Preservation Services, gave us the benefit of his non-law librarian’s viewpoint when he declared: “The size and severity of the preservation issues in the law library field may be second only to those faced by federal, state, and local governments.”¹²⁹ He advocated that the Association take a hybrid approach of employing best practices of traditional, analog preservation while incorporating preservation of digital information. Priorities for action, in his view, should include the education of law librarians on the issues, as well as the development of policies that address the selection of materials to be preserved. Funding and sustainability must be seen as paramount for a successful program.

¶84 Clareson concluded with this wake-up call:

Preservation is seldom central to strategic planning, but it must be or we will have nothing to serve to our clients. . . . Among our first steps, we need to conduct a risk assessment and develop business risk models to see what will be lost if we do *not* pursue preservation activities. We must also develop implementation plans with realistic timelines.¹³⁰

¶85 Michelle Wu, in her 2005 article, confronted opinions that either print or digital should become the default mode of transmission for legal information.¹³¹ Her own opinion, supported by considerable research, is that “a twenty-first century academic law library requires *both* traditional print materials and electronic resources.”¹³²

¶86 Concerning the advantages of print, her arguments include that “the majority of the world’s published materials remain in physical (print or micro-

126. Carol D. Billings, *State Government Efforts to Preserve Electronic Legal Information*, 96 LAW LIBR. J. 625, 625, 2004 LAW LIBR. J. 42, ¶ 2.

127. *Id.* at 631, ¶ 26.

128. *Id.* at 631–32, ¶ 26.

129. Tom Clareson, *Next Steps: Moving Forward on a National Plan*, 96 LAW LIBR. J. 649, 649, 2004 LAW LIBR. J. 45, ¶ 1.

130. *Id.* at 654, ¶ 18.

131. Michelle M. Wu, *Why Print and Electronic Resources are Essential to the Academic Law Library*, 97 LAW LIBR. J. 233, 2005 LAW LIBR. J. 14.

132. *Id.* at 235, ¶ 4.

form) formats only,”¹³³ electronic materials are not always free, though they may appear that way to users,¹³⁴ the accuracy and authenticity of online materials is questionable,¹³⁵ and “a library has access to licensed contents only so long as it maintains and pays for a subscription.”¹³⁶

¶187 Looking at arguments for the precedence of electronic materials, Wu cites the convenience of technology in reducing “the average amount of time used to research, both in terms of the time to travel to remote resource repositories and the time spent with the research materials themselves,”¹³⁷ the portability, as the “scale on which space is needed is minuscule compared to physical formats,”¹³⁸ and the reduction in “expenses associated with binding, reshelving, processing, storage, and supplies. . . .”¹³⁹

¶188 Wu left no doubt that libraries need both digital and print resources—we can no more purge our print than we can ditch the digital. Each library must carefully review its holdings and determine how to best serve its clientele.

¶189 Most recently, in 2005 Paul E. Howard and Renee Y. Rastorfer presented a 122-item bibliography of books, articles, and Internet resources from 1995 through 2004 that examined the relationship between print and electronic materials.¹⁴⁰ The topics of the annotated sources range from the traditional (collection development and law review cite checking) to the nontraditional (electronic journals, archiving and storing of digital information, and digital preservation issues). An abbreviated list of journal titles carrying the articles included *Library Trends*, *The Serials Librarian*, *D-Lib magazine*, *Issues in Science & Technology Librarianship*, *Law Library Journal*, *Information Outlook*, *Progressive Librarian*, *Online*, *Journal of Library Administration*, and *Journal of the Medical Library Association*. This diversity, reflecting the range of librarianship, demonstrates that we all have questions—more questions than answers. We must all continue to ask the hard questions, review the literature, and make up our own minds.

¶190 Considering what is at stake, not least of which is the long-term viability and safeguarding of all our resources, we must all make efforts to learn about the issues involved in print and digital preservation.

Conclusion

¶191 One can conclude, after reading all the *Law Library Journal* articles on preservation over the past century, that caring for our resources, whether they be print, microforms, or digital, is, if not innate, then certainly a natural part of librarianship. Whether writing about Mystic tape, rare books, or planning for disasters, our

133. *Id.* at 235, ¶ 6.

134. *Id.* at 236, ¶ 8.

135. *Id.* at 237, ¶ 11.

136. *Id.* at 242, ¶ 30.

137. *Id.* at 249, ¶ 56.

138. *Id.* at 250, ¶ 57.

139. *Id.* at 253, ¶ 67 (footnote omitted).

140. Paul E. Howard & Renee Y. Rastorfer, *Do We Still Need Books? A Selected Annotated Bibliography*, 97 *LAW LIBR. J.* 257, 2005 *LAW LIBR. J.* 15.

colleagues wrote about what they knew and cared about. Those of us still active and those who preceded us have something in common, and that is the belief that we can and should preserve those items deemed significant enough to stand the test of time. Let us carry on the torch of the first century of AALL and move forward toward twenty-first-century preservation solutions.