PRESERVING & ENSURING LONG-TERM ACCESS TO DIGITALLY BORN LEGAL INFORMATION

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36th Annual Conference of the Canadian Association for Information Science (CAIS)
University of British Columbia, Vancouver
June 5-7, 2008
- Introduction
- Survey Findings
- Case Study
Legal Information and Risk: History and Background

» Our written legal heritage — cases, regulations, and other legal documentation — has always been in danger of destruction, whether by natural or human means

» Important legal materials are increasingly being digitally born
INTRODUCTION

Most at Risk: Digitally Born Legal Information Published Directly to the Web

- Digitally born items threatened by technology obsolescence
- The lifespan of digital media is unknown
- Legal information permanently lost from the Web as files are removed and URLs are changed or inactivated through routine and seemingly innocuous Web site maintenance activities
Tackling the Challenge of Digital Preservation

- This challenge is not insurmountable
- Tools and standards for best practices in digital preservation have been developed
- Digital repositories and Web harvesters are available for a fee or independent development using open-source software
Our Research Objectives

» To survey the United States state and academic law library community about its digital preservation efforts

» To profile a collaborative, multi-institution project currently underway to preserve digitally born legal information
Survey Questions

» To what extent are academic & state law libraries participating in digital preservation activities?

» What are the law library community’s attitudes and perceptions about digital preservation and the vulnerability of digitally born legal materials?

» To what extent are law libraries collaborating in digital preservation projects and programs?

» What factors are limiting or fostering law libraries’ participation in digital preservation activities?
SURVEY FINDINGS

Methodology

- Web-based questionnaire distributed via listservs to library directors only
- Response rate of 13.6%
- Half of respondents represented academic law libraries, half represented state law libraries
Findings: Digital Preservation Activities & Attitudes

» 59 digital preservation projects reported among 21 responding law libraries

» Only 4 out of 59 projects involved the preservation of digitally born materials

» Yet, by a margin of 2 to 1, respondents indicated that they believed digitally born materials were in more urgent need of preservation than print materials
» Respondents reported a preference for collaborating with other libraries and institutions, as opposed to nonprofit or for-profit organizations.
Findings: Factors Limiting Digital Preservation

- Lack of funding
- Staffing shortages
- Lack of staff with requisite technological or digital preservation expertise
The Chesapeake Project: Overview

» A collaborative digital preservation program for digitally born legal materials published online

» Supported by the Legal Information Preservation Alliance and the American Association of Law Libraries

» A two-year pilot implemented by three law libraries (academic & state):
  – Georgetown Law Library
  – Maryland State Law Library
  – Virginia State Law Library
The Chesapeake Project: Tools & Strategies

» Partnership with OCLC
  - OAIS-compliant dark Digital Archive for digital masters & preservation metadata
  - Access copies & Qualified Dublin Core metadata in CONTENTdm

» Permanent URLs to archived titles placed in bibliographic records; access available through
  - Participating libraries’ OPACs
  - Open-access WorldCat.org
  - Subscription OCLC databases (via FirstSearch)
  - The project’s CONTENTdm system
The Chesapeake Project: Status

» First-Year Project Evaluation (as of March 2008)

» More than 2,700 items harvested from the Web & archived

» Without marketing the project, access figures totaled more than 5,300 instances of access

» More than 8 percent of archived titles were found to have disappeared from their original locations on the Web
The Chesapeake Project: Future Prospects

- Project aims to evolve into a nationwide preservation program for U.S. legal materials.

- With support of nearly 70 law library members of the Legal Information Preservation Alliance (including the American Association of Law Libraries) the project vision is within reach.

- Project hopes to inform the preservation initiatives of other libraries, and to raise global awareness of the vulnerability of digitally born legal materials published on the Web.
In Summary…

» Law libraries recognize that digitally born legal materials are at high risk for loss, yet preservation of digitally born materials remains incipient.

» Digital preservation activities by law libraries have been limited by a lack of funding, staffing, and expertise — challenges that could be overcome through resource-sharing and collaboration.
In Summary… (continued)

» The Chesapeake Project is a collaborative effort between academic and state law libraries to preserve digitally born materials published online.

» The project’s first year has been successful, and it aims to inspire a nationwide effort to prevent the loss of digital legal information at the close of its pilot phase in 2009.
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