

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



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# DISCUSSION OVERVIEW

- **Introduction**
- **Survey Findings**
- **Case Study**



# INTRODUCTION

## ■ 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**



# INTRODUCTION

## ■ 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



# INTRODUCTION

## ■ 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 FINDINGS

## ■ 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**





# SURVEY FINDINGS

## ■ 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



# SURVEY FINDINGS

## ■ Findings: Collaboration

- » Respondents reported a preference for collaborating with other libraries and institutions, as opposed to nonprofit or for-profit organizations



# SURVEY FINDINGS

- **Findings: Factors Limiting Digital Preservation**
  - » **Lack of funding**
  - » **Staffing shortages**
  - » **Lack of staff with requisite technological or digital preservation expertise**



# CASE STUDY

## ■ 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**



# CASE STUDY

## ■ 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



# CASE STUDY

## ■ 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**



# CASE STUDY

## ■ 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



# CONCLUSION

## ■ 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**





# CONCLUSION

## ■ 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**



# THANK YOU

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