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The Missing Link: Making Research Easier with Linked Citations

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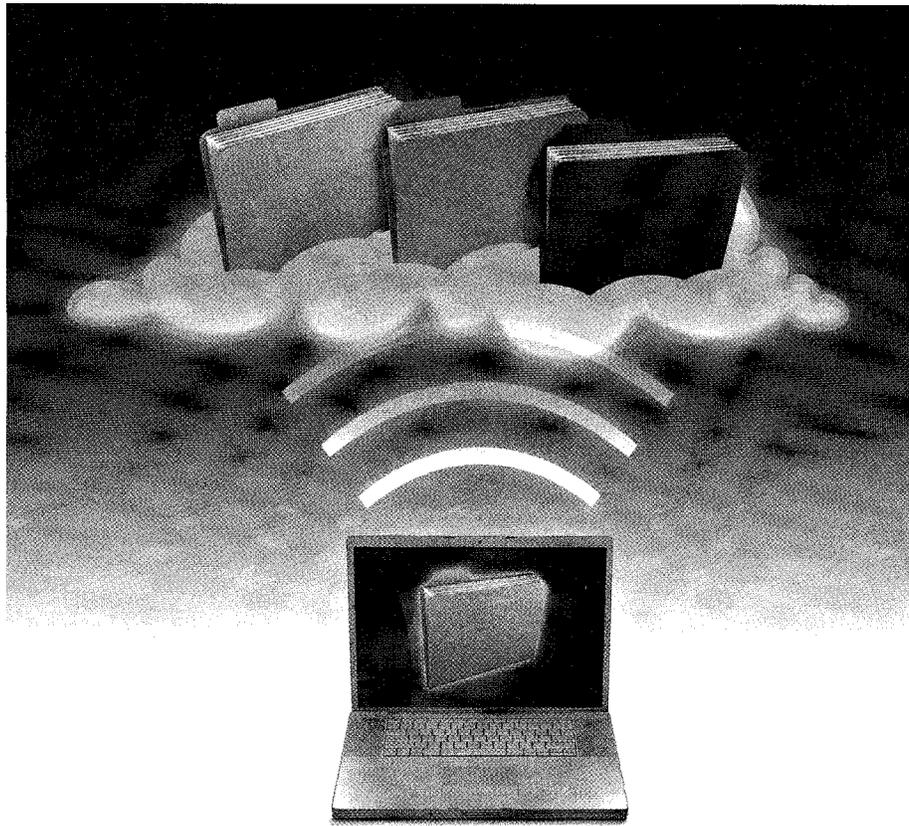
The Missing Link

Making research easier with linked citations

By Nick Harrell

Today, many law reviews make their articles publicly available on their websites. Although some of us may still prefer to read articles in print, electronically published articles provide greater access to readers. In addition to providing better access to the articles, electronic publication of articles can provide greater access to the sources cited in those articles. Using readily available tools, members of the law reviews—with help from librarians—can link digital copies of source materials to the citations in the electronically published articles, making future research for law librarians, professors, and students much easier. I will refer to those citations as "linked citations."

Problem

So why should we bother? It sounds like it would take more work, which is certainly the last thing that members of law reviews—students—need.

For starters, I do not think it will actually require much more work; I will detail a suggested process showing why in a moment. But more importantly, we should work toward having citations link to their source materials because it makes research for students, faculty, and librarians easier. This is most evident in databases that already have linked citations. Everyone can appreciate the joy and excitement that clicking on a citation in Westlaw or Lexis brings when it takes you directly to the cited source. However, even mighty Westlaw and Lexis have their limits. In order for one of the commercial databases to have functioning linked citations, two things must be present: (1) the citations should be (mostly) correct, and (2) the commercial databases must contain the source. Thanks to (relatively) uniform citation standards, No. 1 is, for the most part, taken care of. However, No. 2 becomes more problematic for the commercial databases. Citations in law review articles are not limited to the commercial database universe. Instead, authors can and do cite to materials from the social sciences, novels, unpublished opinions, and any other number of works not found on the servers of Westlaw or Lexis.

Thankfully, law librarians are also not limited to the materials on Westlaw or Lexis. Our libraries' digital and print holdings include many, if not most, of the sources cited in law review articles. To that end, through our interlibrary loan networks we can practically extend our own individual library's holdings to many other libraries throughout the world.

However, even with such an expansive network of holdings at our disposal, there will still be materials we cannot track down. Look no further than Rule 17 of *The Bluebook*. There you will find examples of unpublished works that may not be found in any catalog. I recently had a run-in with a citation following Rule 17 (or its 1980s counterpart) that ended poorly. I was asked to track down an elusive source that a footnote in a 25-year-old article indicated was on file with the publishing law review. Unfortunately, after a search that spanned three days and involved contacting the law review, the article author, and the authors of the report, I could not get my hands on the source.

Practically speaking, the report no longer exists. In this instance, not only was the task of tracking down a source in a citation time-consuming, but it was also fruitless. Thankfully, linked citations can solve that problem going forward.

Solution

Almost in step with electronic publication of law reviews, the cite-checking process conducted by members of law reviews is changing. Traditionally, members tasked with cite checking would locate a cited source, make a photocopy of the source, and submit the photocopy to the editorial staff for review. Now many law reviews have switched to paperless systems. With paperless cite checking, members create digital copies of source materials using scanners and submit those digital copies electronically to the editorial staff for review. Besides conserving resources (e.g., toner, paper, and time), paperless cite checking affords the editorial staff greater access to the source materials. The staff no longer needs to lug around a binder full of sources. Instead, they can access electronic versions anywhere they have internet access (depending on the configuration of their system).

Paperless cite checking not only improves access for the editorial staff, but, with nominal extra work from students, it can also provide greater access to cited sources for readers. Earlier, I noted that commercial databases do not link to every source cited because those databases do not contain all of the necessary sources. However, by creating digital copies of every source cited in a particular article during cite checking, law reviews have solved that problem. All that is left to do is create a link between the digital source material and the citation. Ignoring copyright considerations for a moment, the process would look something like this:

- **Step 1:** Pull copy of cited material; verify statement.
- **Step 2:** Scan image of relevant material per existing cite-checking protocols.
- **Step 3:** Edit footnote of article in word processing software.
- **Step 4:** Upload image to appropriate folder on file-hosting system.
- **Step 5:** Link image from file-hosting system to footnote in word processing software.
- **Step 6:** Finalize edits by editorial staff.

- **Step 7:** Upload PDF of article to law review website.

The only difference between my suggested process and the process currently employed by many law reviews is Step 5—adding a link from the digital image to the citation. Although this is technically an extra step, the amount of time it would take is insignificant, particularly when compared with the amount of time it takes to track down sources, scan them, and manipulate footnotes to the strictures of *The Bluebook*.

As proof of concept, see the following link to an excerpt of a paper with footnotes implementing linked citations: tinyurl.com/linkcites. Notably, I wrote and published the excerpt and provided access to scanned copies of the sources solely using free services offered by Google. While publishing a full edition of a law review and hosting all of the associated source scans would likely exceed the limits of Google's free offerings, premium versions of tools, such as Google Drive and Dropbox, could serve as hosts and provide hyperlinks to scanned sources. Alternatively, a more sophisticated and purpose-built system could be developed.

Copyright Concerns

In reality, we cannot ignore copyright concerns, and many of the works cited in law review articles are still under copyright protection. Unfortunately, predicting whether a use will receive fair-use protection remains more art than science. Consequently, members of law reviews should discuss copyright compliance with university administration before implementing linked citations. On the cite-checking end, to reduce the likelihood of incurring copyright infringement liability, law reviews could take the following steps: (1) only provide parts of the source directly cited to in pinpoint citations, (2) if an entire work is cited, provide only cover pages and tables of contents, (3) consider limiting linked citations to difficult-to-find materials, or (4) give preference to materials in the public domain.

The design of the system could also mitigate liability. Instead of providing instant access, citations could link to an electronic request form directed to the interlibrary loan librarian at the library affiliated with the law review. The librarian could then determine whether providing electronic access is appropriate. Alternatively, the system could require registration to access the linked source

materials. That way, the law review could decide ahead of time who has access and limit that access to appropriate users (e.g. academic institutional users, such as other librarians).

While those systems would not provide all users with 24-hour access to source materials, they would mitigate liability for copyright infringement while still providing access to difficult-to-find source materials and eliminating duplicative research.

Role of Librarians
So why should librarians get involved? In addition to satisfying librarians' natural desire to provide greater access to information, linked citations will make our jobs easier in the long run. We will be helping our future selves find elusive sources that either we or our peers have already tracked down. Plus, librarians have the necessary technological and project-management skills from our work with other electronic repositories. We are also already familiar with interlibrary loan practices that may provide insight into system and policy design.

Ideally, librarians, with their long-term perspective and familiarity with repositories, could manage the storage and access of the digital content. Law reviews could continue to create and organize the digital content for cite checking and add minimally to their workload by linking the citations. Librarians may also need to help law reviews understand why the move to linked citations is important. Because law review editorial staffs have short terms, they might not share our long-term perspective or appreciate why their work is so necessary and helpful.

The Future
Linked citations in law review articles can prevent difficult-to-find sources from becoming impossible-to-find sources. As more law reviews convert to paperless cite checking, they will create more digital content. With help from librarians and already existing technology, that content can be put to good use, even if our existing copyright regime limits the level of access. ■

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of their systems may be the next step in the process to guide the decision, along with checking business references and speaking with other colleagues who are current customers. The ultimate goal at the end of the RFP process is to choose a system, based on all the information discovered during the process, that will best meet the needs of your library.

Identifying the Best System for You
With all the advances in library technology, it is often thought that there is one perfect system for each library. Unfortunately, this is rarely the case. There are better or worse systems for a particular library but probably not one that will do exactly what all the stakeholders (staff, students, faculty, partners, associates) want for their specific needs. However, by using an RFP as an organizing tool, it should be possible to identify a library system that meets the majority of a library's needs without missing any key ingredients or constituencies. It is incumbent on the library to maximize the use of its resources to the fullest extent because a major purchase like a new library system will not be something that can easily be switched out if the wrong one is selected. Using an RFP will guide the process in collecting all the information that will be needed to make an informed decision. ■

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do, the services you offer, and the attitude you project can overcome the feelings of loneliness and separation that can come with being embedded.

Personal Presence
Whether your volumes are paper or digital or your reference desk is in the reading room or in the cloud, embedded librarianship is about making sure that librarians have a personal presence. Now is the time for law librarians to embrace the idea of becoming embedded in their user communities and maximize the impact that their resources and services make on patrons. As Lulofs Kuhagen says, "The embedded librarianship state of mind is about using your specialized knowledge and your own personal institutional memory to be of particular service to a custom patron group." By bringing confidence and enthusiasm to their roles as embedded librarians in the research and social spheres of their institutions, law librarians can enhance their physical and virtual presences and make their services more accessible and relevant to their patrons—and that's a scenario that benefits everyone. ■

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