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Commentary

Capturing the Literature of the Bar: A Proposal for Library Package Plans*

Georgia Briscoe**

Publications of state and local bar associations are difficult for libraries to acquire and maintain because bar associations' publication activities are often not centralized. Standing orders or package plans will enhance services of bar associations. The American Bar Association and Illinois State Bar Association offer models for other states to follow.

Patrons of law libraries are vitally interested in the publications of their local, regional, and state bar associations. Cohen and Berring tell us, "While bar journals were once not considered scholarly literature, in recent years those devoted to particular types of practice have attained a respect equal to that of the specialized academic journals."¹ Kunz adds: "The news in [bar association] journals can be of great value."²

In addition to journals, state bar associations and their committees publish an increasing number of reports, newsletters, and other documents. Some publications consist merely of committee membership lists and other ephemera, but in many instances the publications carry valuable information regarding the work of the state bar association in delivering legal services, influencing legislation, shaping judicial procedures, and establishing standards for entrance to and conduct within the legal profession.

Taken as a whole, the literature of a bar association reflects the history of the profession within its jurisdiction. The importance of a law library's acquiring and preserving these materials cannot be underestimated.

While state bar activities revolve around their central duties—to regulate the legal profession and improve the administration of justice in each state—the publication function of the bar is the major concern of

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1. M. COHEN, R. BERRING & K. OLSON, *HOW TO FIND THE LAW* 364 (9th ed. 1989).
2. C. KUNZ, *THE PROCESS OF LEGAL RESEARCH* 38 (1989).

librarians. Surprisingly, bar associations often do not recognize publishing as one of their major functions. This is probably because publishing is collateral to many different activities. For example, in California, the Bar officially identifies its major functions as falling into six categories: admissions, professional standards and lawyer competence, legal services access and delivery, administration of justice, member services, and public education and communication. "Publication" is not identified as a major function of the Bar, yet the State Bar of California produces over 200 publications annually.

The difficulties a librarian has in acquiring serial publications from a state bar can be easily understood by looking at the office telephone directory of several state bars. Generally, many different departments are listed, each offering one or more publications. There is usually no central publications, subscription, or order department. Even if the department that published a prospective title is known and located, the department is seldom organized to receive a subscription request from libraries that are not members of the bar. If an order is entered for the subscription, it is unlikely that a standing order can be successfully established.

Obtaining State Bar Publications

The path to obtaining state bar association publications is difficult and tortuous for librarians. A survey conducted by members of the Southern California Association of Law Librarians (SCALL) Committee on Relations with Information Vendors indicates that only one state, Illinois, offered a package plan to subscribers.³

Many of the larger state bar associations have numerous sections. Indiana, Michigan, and California each have sixteen. My experiences trying to subscribe to all the publications of the State Bar of California are a nightmare of unanswered correspondence and transferred and lost phone messages. Most bar associations, including California, claim they do not have the resources to establish a separate publications department or to allocate one office the responsibility for all publications. In California, for example, the publications catalog of the state bar is compiled and distributed by the executive office, but the newsletters and journals listed in the publications catalog are administered by the sections office. Often the lack of coordination results in transferring telephone inquirers from office to office.

3. This survey was conducted by Monique Merrill of Western State University College of Law in December 1989.

Historically, many sections of bar associations have been administered from the law firm offices of the busy attorneys who chair the sections. When the chairperson changes, the address of the newsletter also changes, and all too often, the newsletter title and numbering change as well. This provides opportunities for library acquisitions staffs to hone their sleuthing skills, but takes a lot of time and effort, which would be unnecessary if publication functions were centralized by the bars.

The high administrative costs of subscribing to state bar publications are not the only expenses that would be reduced by offering package plans. Too often, the only method available for librarians to subscribe to a section's publications is to join the section. The costs of section membership, however, cover more than just the publication of the newsletter—the only benefit the library subscriber wishes to receive. By paying full section membership, a library member may be subsidizing the section for social and educational events as well as administrative costs. In California, membership dues for each section range from \$25 to \$35; it costs \$500 to join all sections. This is a costly way to obtain newsletter subscriptions.

Responses to a survey letter sent to acquisitions librarians of the major California law schools indicated the extent of the problem of subscribing to bar publications in California.⁴ Thirteen of fourteen respondents noted difficulties in keeping state bar publication subscriptions active. Twelve favored the option of a standing order or package plan for all California State Bar publications. Ten were willing to pay more than the cumulated section membership costs for the service of a package plan. In light of the already high cost for the publications, this willingness to pay even more indicates a high frustration level in acquiring state bar publications in California.

Standing orders have long been the efficient method of acquiring serials for libraries. When serials published by the same organization are received on standing order, efficiency can be further improved if all or some of the available titles are acquired through a package plan. The many journals, newsletters, and reports published directly by state bar associations or under their auspices are excellent candidates for package plans. Local bar associations can also benefit from consolidating the publications functions.

The ABA and Illinois Package Plans

The American Bar Association Package Plan serves as a model that other organizations, particularly state bar associations, can follow in

4. The survey letter was sent April 15, 1988, to fifteen academic law libraries in California. Fourteen replies were received.

distributing their publications. By communicating with one office at the ABA, a package plan for all publications can be ordered. For a single discounted standing order subscription, a subscriber receives forty-nine serials: twelve scholarly journals, twenty-two newsletters or regular reports, and fifteen magazines. Receiving these publications, which cover communications of the numerous sections and divisions of the Bar, lets an acquisitions librarian know that all bases are covered.

The package plan minimizes paperwork, administrative concerns, and costs. The library acquisitions department receives one annual bill rather than forty-nine separate bills, is spared the effort of claiming missing issues from forty-nine different addresses, and does not have to deal with forty-nine bewildered representatives of bar sections or committees.

Under the ABA plan, periodicals are mailed from a central location on a given date. Libraries generally receive a journal on the same day as subscribing members, so library staff need not explain to a frustrated patron why the library does not yet have an issue that the patron has already seen. Quarterly lists of what has been sent via the package plan are provided by the ABA, so that libraries can check the completeness and currentness of holdings.

The ABA package plan also has two programs that offer discounts on ABA monographs. If a library wishes to receive *all* ABA single-title publications, under the "Guaranteed Standing Order Program," a twenty-five percent discount is given. Libraries that want to receive prior notification of new titles can choose the "Selective Discount Program," which allows selected titles to be ordered at a twenty percent discount.

The ABA's customer service is particularly appreciated by acquisitions departments. One receptive, efficient contact person answers all questions⁵ and provides consistent, reliable, and personal direction to weary library acquisitions staff.

The Illinois State Bar Association serves as another model for offering an efficient package plan for its publications. The Illinois Bar has thirty-four sections that publish newsletters. Package plan subscribers receive all section newsletters, the state bar journal, the bar newspaper, and all separate publications for \$100 per year to law school libraries and \$200 per year to other nonprofit libraries. This is an excellent and economical service to libraries. Currently, the package plan has forty-six subscribers, and has operated with no major problems for over fifteen years.⁶

5. Carol Wooge has been the package plan administrator for several years.

6. Telephone interviews with Janice Ishmael, Illinois Bar Association Publications Department (Mar. 20, 1990 and June 17, 1991).

Why have other state bar associations not followed the example of the Illinois Bar or ABA in offering package plans? A likely explanation is that the number of purchasers requesting package plans from each state bar association is minimal. Libraries are the most likely consumers for all of a bar association's publications, and acquisition librarians are not often rabble-rousers.

I propose that librarians gather their courage and speak up. We can start by speaking with the appropriate people at our state bar associations. If they are unresponsive, we can garner support from other librarians, library directors, our professional organizations, and members of the bar itself to make known the importance of state bar publications in our libraries and the difficulties we have in keeping the subscriptions current.

State bar association leaders might also be persuaded to centralize publications sales. A convincing case can be made for the need to preserve an historical record of the work of the state bar association. Libraries stand willing and able to collect and preserve the literature of these associations if only they can acquire it.

The centralization of publications functions in state bar associations that offer package plans will not only make acquisition work easier, but will help all librarians, as well as patrons. I suspect it might also make the work of the bar associations more efficient and cost-effective in delivering their services.

