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Librarians Can Improve Law Journal Publishing

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LIBRARIANS CAN IMPROVE LAW JOURNAL PUBLISHING

Benjamin Keele


William & Mary Law Library

Michelle Pearse

Harvard Law Library

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- Both journals and authors want flexibility while keeping journal in business.
- Non-exclusive or temporary exclusive licenses are usually good for everyone.

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Checklist for Agreements

- ✓ What kind of **license** is needed?
- ✓ Any period of **exclusivity** needed?
- ✓ Can author **post article online**?
- ✓ Who should be contacted for copyright **permissions**?
- ✓ Does author **warrant** article is original and non-infringing?
- ✓ Is **attribution** for both author and journal promised?

Version Marking

- Many different versions of article can be online:
 - Multiple **drafts** on SSRN
 - **Published version** on journal website and databases
 - **Corrections or updates** on SSRN or journal website.
- How do researchers know what version they are reading?

Version Examples

DRAFT—Please contact author at bkeele@uimail.iu.edu for latest version before citing.

What
version?
How old?

Copyright Provisions in Law Journal Publication Agreements*

Benjamin J. Keele**

Mr. Keele examined copyright provisions of law journal publication agreements and found that a minority of journals ask authors to transfer copyright. Most journals also permit authors to self-archive articles. He recommends journals make their agreements publicly available and use licenses instead of copyright transfers.

Introduction

¶1 Authors, law journal editors, and librarians should always consider copyright law when dealing with scholarly articles. Generally, copyright issues relating to an article are handled through a publication agreement between the law journal and author. Because journal editors develop agreements, authors negotiate modifications, and law librarians advise and educate about copyright, all three parties have an interest in the terms under which articles are published.

LAW LIBRARY JOURNAL Vol. 102:2 [2010-15]

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Authors and editors should include more information on what version an article is in (draft, published, corrected, etc.)

Persistent Identifiers

Standard URLs often break.

www.source.com/cite => 404 not found => ☹️

Persistent identifiers (digital object identifiers, handles, persistent URLs, archival resource keys) add an intermediate resolver that is updated by publishers so identifiers stay accurate.

www.dx.doi.org/10.cite# => resolver =>
www.correct_URL.com => 😊

Publishers assign persistent IDs...

...and so do some libraries.

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Might change if journal leaves JSTOR or website changes

DOI much less likely to change.

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Privacy by Deletion: The Need for a Global Data Deletion Principle

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Title: Privacy by Deletion: The Need for a Global Data Deletion Principle
Author: Keele, Benjamin J.
Date: 2009
Publisher: Indiana University Press
Citation: Keele, B.J. (2009). Privacy by Deletion: The Need for a Global Data Deletion Principle. Indiana Journal of Global Legal Studies, 16(1), pp. 363-384.
Other version: The final published version of this is available in the William and Mary Law School Scholarship Repository. See link location below.
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Rights URL: <http://creativecommons.org/licenses/by/3.0/>
Abstract: With global personal information flows increasing, efforts have been made to develop principles to standardize data protection regulations. However, no set of principles has yet achieved universal adoption. This note proposes a principle mandating that personal data be securely destroyed when it is no longer necessary for the purpose for which it was collected. Including a data deletion principle in future data protection standards will increase respect for individual autonomy and decrease the risk of abuse of personal data. Though data deletion is already practiced by many data controllers, including it in legal data protection mandates will further the goal of establishing an effective global data protection regime.

Other Information: This article was published as Keele, B.J. (2009). Privacy by Deletion: The Need for a Global Data Deletion Principle. Indiana Journal of Global Legal Studies, 16(1), pp. 363-384.

Location: <http://hdl.handle.net/2022/3268>
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<http://dx.doi.org/10.2979/GLS.2009.16.1.363>

Type: Article

Files	Size	Format	View
Keele_Preprint_12_2_08.pdf	151.3Kb	application/pdf	View/Open

Handle is a persistent identifier supplied by library

We already know it is a problem, but how could libraries actually help with link rot in footnotes?

Proper web archiving if fits within collection development scope?



Services like Webcite

WebCite

[HOME | FAQ | NEWS | APPLY | MEMBERS | SEARCH | COMB | ARCHIVE | BOOKMARKLET]

13. See, e.g., Lyn Giguere, *Google Alarm: Exposing Internet Privacy Issues One Page at a Time*, TOPWIRENEWS, Aug. 11, 2010, archived at <http://www.webcitation.org/5wA7LI581> (stating that most web surfers are unaware of internet privacy issues and that Google tracks their activity online).

Individual projects?



Legal URL Citation Archive Project Pilot

[Columbia Law Journals](#)

[Copyright Notice](#)

[Acknowledgments](#)

This pilot project is currently focused only on Columbia Law Journals.¹ Its aim is to eventually become a centralized archive of all online sources cited in all domestic law review articles in the form they existed as of the date they were cited by the journal and/or author.

In this age of technology, digital publishing is a reality legal scholarship has to face. Digital publishing includes what is conventionally understood to be electronic publishing (a means of distribution of information directly in electronic format), as well as that which is conventionally understood to be digitization (a means of conversion of paper materials into electronic format).

However, in the present state of digital publishing legal scholarship, which requires reliability -- accurate and continuing access to the same body of work -- is under perpetual threat because of two recurrent phenomena:

1. the constant possibility of alteration of the content of online sources (as demonstrated by the ubiquitous 'last modified' mention for almost every online citation), and
2. the threat of their disappearance.²

Under these circumstances, and with the Bluebook's effective encouragement, the use of URL citations in law journal citation has created a new factor of unreliability in scholarly law publications. Thus, it has become essential that cited online sources should be stored and accessible in a permanent archive, similar to a 'mirror site.' The archived materials will reflect the state of the source as of the date of the citation, in a permanently accessible and unchanging fashion.

Dana Neacsu
Reference Librarian
Columbia Law School



Plagiarism Checking

- Many journals already do **preemption-checking** in databases, which can help catch some illegitimate copying, but additional tools are available.
- Most institutions subscribe to some plagiarism-checking software. Librarians can offer it to journals. Options include:



Empirical Support

- Increasing number of law reviews are publishing **data-driven** articles. Increasing number of libraries being asked to provide **empirical support services**.
- Not a lot of law students understand **research methodology** or **statistical work**.
- Librarians are already grappling with research support on the “front” end. They are well-positioned to coordinate review by those more knowledgeable about this kind of research. Librarians or other library staff education in empirical work might be positioned to review methodology, basic statistics work, etc.
- Help improve **quality and credibility** of empirical work in law reviews from the publishing end (not just the research end).

Data Curation

- Librarians are also in the position to provide repositories for data (preservation, curation, metadata, etc.) and help journal rethink presentation.
- Why important?
 - replication
 - citation (akin to “on file”)
 - credibility
 - accessibility
- Help with journal workflow.
- Complications with rights, file formats, etc.
- Most commonly used tool for social sciences: **Dataverse**
- Raw data sets and visualization.

Example of Law Review's Use of Dataverse

All IQSS Dataverses >

NYU Law Review Dataverse



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The [New York University Law Review](#) is a generalist journal publishing legal scholarship in all areas, including empirical legal studies, legal theory and policy, taxation, international law, and more. We publish [six issues per year](#), with Articles and Essays written by professors, judges, and legal practitioners, as well as Notes written by members of the *Law Review*.

NYU Law Review

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[Paying-to-Play in Securities Class Actions: A Look at Lawyers' Campaign Contributions](#)

by Drew Johnson-Skinner

Abstract: Congress enacted the Private Securities Litigation Reform Act of 1995 (PSLRA) to reduce plaintiffs' lawyers' influence in securities fraud class actions. The PSLRA's presumption that the class member ...

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[Myth of Mess? International Choice of Law in Action](#)

by Christopher Whytock

Abstract: Choice of law is a mess—or so it is said. According to conventional wisdom, choice-of-law doctrine does not significantly influence judges' choice-of-law decisions. Instead, these decisions are ...

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by Yuval Feldman ; Doron Teichman

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Visualization Potential

- Making data accessible/understandable
- Librarians know how people understand information and how to help develop systems
- Libraries are used to helping patrons find and use information---can advise on ways to **present data**, **rethink creative ways** to display and **mash up** with other content
- Tools: ManyEyes, Visual.ly, functionality built into repositories/software (e.g. Dataverse)
- Computational legal studies

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May 18th, 2011

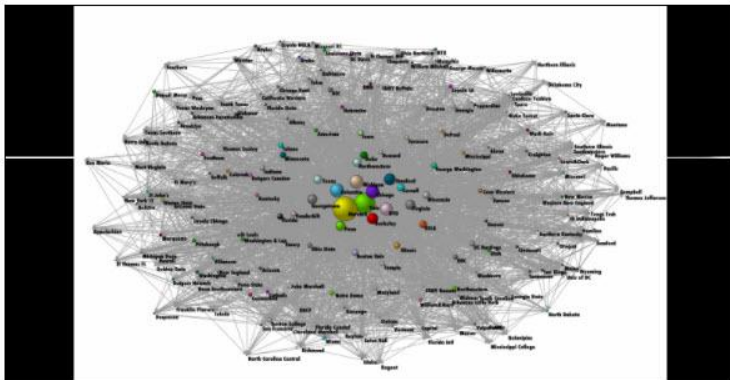
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Welcome to the Online Supplement for **Reproduction of Hierarchy? A Social Network Analysis of the American Law Professoriate**, 61 Journal of Legal Education 1 (2011) by Daniel Martin Katz, Joshua R. Gubler, Jon Zelner, Michael Bommarito, Eric Provins, and Eitan Ingall.

On this page, you will be able to access presentation slides, review high quality color versions of the images presented in the paper and run the computational simulation in your browser.

Best,
Dan, Josh, Jon, Michael, Eric, and Eitan

(1) Primary Network Visualization from the Paper – Fully Zoomable (via Zoom.it)



(2) The Other Visualizations from the Paper



Metadata

- Librarians well-positioned to move journals to the **semantic web** (take advantage of linked data) so more discoverable and interactive with other sources.
- Not just technical structure for properly “formatted” data, but substantive contribution to ontologies/subjects? Time for ontology for law (e.g. Neurocommons) as being developed in other legal informatics communities? Librarians reviewing articles for subciting are well-positioned to assign subjects/ontologies.
- Potential for **mapping to other systems** (e.g. in open law).
- Consult on usage of **citation parsers/extraction tools** (e.g. ParsCit, FreeCite, CiteSeer, etc.) to develop self-referencing.
- Suggest **solutions for link rot** (proper web archiving, WebCite, etc.).
- Develop **common standards** and some of these additional functionalities as part of the **Durham Statement** project, larger collaborative project for publishing, and aggregating data.

Incorporating into Larger Research Systems

- Provide journals with “checklists” and **facilitate (and lobby for)** inclusion in major research systems.
- Encourage vendors to think **more broadly** about inclusion of content.
 - Indexes
 - Aggregators (HeinOnline, Westlaw, Lexis, etc.)
 - Directory of Open Access Journals (DOAJ)
 - ISSN
 - Cataloging

New Ways of Publishing

- Librarians know how readers use information and are struggling with the same issues of making content relevant, usable and reaching out to patrons in new ways (e.g. social media). They are also well-positioned to identify related content for mixing and referencing. Help journals rethink and reinvent **beyond traditional text!**
 - Video (including metadata enhancement)
 - Mashups
 - Mobile
 - Short-form writing (blogs, online companions)
 - Social media
 - Development of ancillary or related content
- Help integrate what we learn from the **other disciplines** like the sciences and humanities.
- Beyond traditional repositories---rethink mixing and presenting content---help journal evolve into **new forms** beyond volumes/issues/articles and help facilitate access to that content.

Blogs, ancillary content

The image shows two social media profiles for the Harvard National Security Journal. The top profile is on Facebook, displaying the journal's name, a search bar, and a post titled "The Legality of Killing Osama bin Laden". The bottom profile is on Twitter, showing the journal's name, location (Cambridge, MA), a bio, and two tweets. The first tweet is about a detention article by Phillip B. Heymann, and the second is about a leak trial by Josh Gerstein.

Getting social

The image shows the homepage of the Texas Law Review website. It features a green header with a search bar and navigation links: HOME, SEE ALSO, DICTA, EVENTS, PUBLICATIONS, SUBMISSIONS, ABOUT, CONTACT. The main content area is titled "DICTA" and includes a section for "Featured International Book Reviews" (currently empty) and an "ABOUT DICTA" section. The "ABOUT DICTA" text explains that the site fills a need in the legal scholarship community by providing reviews and reactions to recent books published on various legal and interdisciplinary topics.

Going Mobile

This block contains three screenshots of mobile app listings. The first is for "Stanford Law Review: Volume 63, Issue 5 - May 2011" on the Kindle eBook platform, priced at \$5.99. The second is for "Tulane Law Review Volume 85, Issue 5 & 6 June 2011" on the Kindle eBook platform, also priced at \$5.99. The third is an iTunes Preview for the "Yale Law Journal" podcast, which is free. The iTunes preview includes a description of the journal's content and a table of episodes.

Name	Description	Released	Price
1 Justice "Promptly, and Witho...	Chief Justice Margaret H	3/31/08	Free
2 State Court Reform of the A...	Chief Justice Randall T. S	3/31/08	Free
3 Emerging Issues in State Law	Chief Justice Randall T. S	3/31/08	Free
4 Postmortem Rights of Public...	In this Commentary, Mitc	4/8/08	Free
5 Taking States out of the Wor...	In this Commentary, Jeff	4/8/08	Free
6 First Do No Harm: Why a Co...	In this Commentary, Pau	4/28/08	Free
7 Curing Congress's Ills: Crimi...	In this Commentary, Jos	4/28/08	Free

For More Information

- This poster is based on a forthcoming paper, Benjamin Keele and Michelle Pearse, “How Librarians Can Improve Law Journal Publishing.”
- LibGuide for the paper with additional references and examples is available at:
<http://libguides.law.harvard.edu/lawjournalpublishing>

- Or scan:

