2011

Librarians Can Improve Law Journal Publishing

Benjamin J. Keele
bkeele@iu.edu

Michelle Pearse

Repository Citation
https://scholarship.law.wm.edu/libpubs/25

Copyright c 2011 by the authors. This article is brought to you by the William & Mary Law School Scholarship Repository.
https://scholarship.law.wm.edu/libpubs
LIBRARIANS CAN IMPROVE LAW JOURNAL PUBLISHING

Benjamin Keele
William & Mary Law Library
Michelle Pearse
Harvard Law Library
Copyright Agreements

• Both journals and authors want flexibility while keeping journal in business.

• Non-exclusive or temporary exclusive licenses are usually good for everyone.
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

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

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

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.
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.
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?

Individual projects?

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

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 Dataverse

NYU Law Review

Sort By:

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 ...

The Constitutional Life of Legislative Instructions in America
by Christopher Terranova
Abstract: In America’s early history, state legislatures often formally instructed their federal representatives on particular votes. This practice flourished for a century, but then died out—a change that ...

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 ...

Are All Legal Probabilities Created Equal?
by Yuval Feldman; Doron Teichman

Advanced Search Tips

Studies: 4

Sort By:
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

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 Elitan

---

(2) The Other Visualizations from the Paper

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

Going Mobile

Getting social
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](http://libguides.law.harvard.edu/lawjournalpublishing)
- Or scan: