

COLLECTION DEVELOPMENT POLICY FOR THE MARYLAND STATE

LAW LIBRARY¹

Adopted unanimously by the State Law Library Committee, November 8, 2005

Amended by the State Law Library Committee, November 16, 2011

I. INTRODUCTION AND HISTORY

The Maryland State Law Library (hereinafter “Library”) is charged with the task of serving the information needs of the Maryland Judiciary , as well as other branches of the Maryland state government, the Maryland legal community and the general public.² One of Maryland’s oldest publicly supported libraries, the Library was established by an act of the General Assembly in 1826, and it opened its doors as a small, one room facility in the Maryland State House on December 11, 1827. Its collection then consisted of 500 volumes of laws and legislative proceedings of Maryland, the United States, and other states, as well as commentaries, indexes and digests of laws. The Library’s initial focus was serving the needs of the General Assembly, the Governor, and the Court of Appeals. In its early years, growth of the Library’s collection relied heavily on a system of publications exchanges with sister states. Furthermore, it acted as a depository for official Maryland state documents.

In addition to the establishment of the law and Maryland state documents collections, the Library began to develop a general collection similar to an

¹ First draft created by Jessica Bland and Mary Lyons, LBSC 708G Collection Development, University of Maryland, College of Library and Information Science, May 11, 2005, and revised by Michael S. Miller, Director, Maryland State Law Library, Retired.

² The Maryland State Law Library Mission Statement: “The Maryland State Law Library, a court-related agency of the Maryland Judiciary, serves the needs of Maryland's government and citizens by: building and preserving collections of legal information resources, promoting access to these collections, and creating educational opportunities that enhance the understanding of legal information.”

interdisciplinary college collection. The collection was developed sporadically, but many valuable titles were added prior to the Civil War. During this period (1832-1834), the John James Audubon's *Birds of America* folios were acquired, as well as a series of reprints from England entitled the *Statutes of the Realm* and the *Domesday Book*. This collection has remained relatively dormant since the 1930's, with the exception of periodic gifts and bequests. Although there has been no directive to abandon this collection, in more recent years the resources of the Library have been directed specifically toward the acquisition of current legal materials. Some of the items in this collection are valuable and are maintained in the Special Collections Room.

During the antebellum period, a statement of the Library Joint Committee of 1838 noted a collection development policy, begun informally in 1837, of collecting documents that "... would give correctness to our own history."³ That statement formalized the Library's policy of collecting of Marylandia. The collection has since become one of the most comprehensive collections of local historical materials in the State.

In 1982 the Maryland General Assembly passed Chapter 912 of the Laws of Maryland, now codified at MD. CODE ANN., EDUC. § 23-301 *et seq.* This statute created the State Publications Depository and Distribution Program, responsible for:

- (1) The collection of State publications;
- (2) The distribution of State publications to the depository libraries;
- (3) The monthly issuance of a list of all State publications that have been received by the Center. This list shall be sent to all depository libraries and to others upon request and the Center may provide for subscription services; and

³ COOVER, ROBERT W. A HISTORY OF THE MARYLAND STATE LIBRARY 13 (Annapolis : Maryland State Library, 1959).

- (4) Making determinations on exemptions of State publications from the depository requirements of this subtitle.

The Library is a “depository library” under this statute and, as such, acquires significant numbers of state government materials in a variety of print and non-print formats.

As throughout the Library’s history, the primary focus of the collection is meeting the legal information needs of the State’s courts. The Library’s historical relationship with the Judicial Branch was finally formalized by statute in 1978.⁴ The Library is overseen by a Library Committee established and organized pursuant to Md. Code Ann., Cts. & Jud. Proc. §§ 13-501 *et seq.*⁵ According to § 13-503 of the statute, the Library Committee may direct the Law Librarian to “purchase from time to time books, maps, and periodicals for the use of the State Law Library.”

The Library’s collections now contain over 400,000 items in both print and non-print media. The Library’s non-print collections exist in various formats, such as microfiche, microfilm, magnetic tape, digital storage media, and digital files accessible by Library users under contracts with the Library’s vendors. The Library also provides the equipment necessary for its users to access the information available in its many collections.

There are four noteworthy collections in the Library. The first, and largest, is the American law collection. The second is the collection of Federal and Maryland government publications resulting from participation in both Federal and State depository library programs. The final two notable collections are special collections: a significant collection of Marylandia (including various types of ephemera, historical and

⁴ MD. CODE ANN., CTS. & JUD. PROC. § 13-501 *et seq.*

⁵ *Ibid.*

genealogical materials, such as courthouse and church registers, as well as a complete microfilm file of the issues of *The Baltimore Sun* from 1837 to the present); and the rare books, prints, art, and artifacts collection.

II. STATUTORY AND REGULATORY AUTHORITY AND RESPONSIBILITIES

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| 1. State Law Library | MD. CODE ANN., CTS. & JUD. PROC. § 13-501
<i>et seq.</i> |
| 2. State Publications and Depository Program | MD. CODE ANN., EDUC. § 23-301 <i>et seq.</i> |
| 3. Miscellaneous State Depository Requirements | MD. CODE ANN., CTS. & JUD. PROC. § 13-204
MD. CODE ANN., STATE GOV'T § 2-409
MD. CODE ANN., STATE GOV'T § 7-216
MD. CODE ANN., STATE GOV'T § 9-1027
MD. CODE ANN., ART. 25, § 32A
MD. CODE ANN., ART. 25A, § 3B
MD. CODE ANN., ART. 25A, § 7
MD. CODE ANN., ART. 25B, § 7
MD. CODE ANN., ART. 25B, § 12 |
| 4. Federal Depository Library Program | 44 U.S.C. § 1901 <i>et seq.</i>

U.S. GOVERNMENT PRINTING OFFICE,
OFFICE OF THE SUPERINTENDENT OF
DOCUMENTS, LEGAL REQUIREMENTS &
PROGRAM REGULATIONS OF THE FEDERAL
DEPOSITORY LIBRARY PROGRAM (2011) |

III. MATERIALS SELECTION GUIDELINES

The Library Director has the final responsibility for the development and maintenance of the Library's collections. Following careful consideration of applicable statutory requirements, budgetary factors, user recommendations and the selection criteria listed below, the Director, with significant input from the Library Collection Development Committee, shall make the final decisions concerning acquisitions of materials for the Library. The Collection Development Committee, appointed by the Director, shall be composed of five Library staff members, including the Director. The Deputy Director may serve on the Committee in place of the Director when so designated. The Director shall make appointments based on staff members' knowledge of information resources and legal publishing and experience in serving the information needs of Library users. Terms of appointment shall be for a period of two years, coinciding with the fiscal year calendar. The Director shall make an appointment to fill a vacancy on the Committee; the appointee shall serve the remainder of the term. The Director may reappoint a staff member to serve a second consecutive term or to serve non-consecutive terms. The Library Committee, as part of its oversight duty, may participate in this process by suggesting or directing that certain resources be acquired. All purchases shall be made in accordance with Judiciary policies. The Library will acquire both current and retrospective materials, but current materials will have priority.

The Collection Development Committee shall make acquisition decisions on a regular basis based on the selection criteria listed below:

1. Relevance of title to existing collections
2. Authority and reputation of author/publisher
3. Accuracy and currency of information
4. Future reference value of the title

5. Initial price, upkeep and maintenance costs
6. Scarcity of material on the topic
7. Quality and durability of the format
8. Availability of material in alternative formats
9. Space to house the material
10. Multiple copies where heavy use is expected
11. Recommendations from user groups, staff, and committees
12. Preference for materials published in languages appropriate for the Library's intended users
13. Period of time covered by, or included in, the resource
14. Frequency of updating
15. Licensing restrictions
16. Search tools, indexes, and other finding aids suitable for users
17. Future availability and accessibility

Some sources to be consulted for information regarding these criteria include:

1. Publishers' catalogs, websites, and pre-publication information
2. Critical reviews appearing in law or law-related periodicals, such as the *American Bar Association Journal*, *Law Library Journal*, and *Legal Information Alert*
3. Information appearing in directories of legal publications, such as *Law Books and Serials in Print* and *Legal Information Buyer's Guide and Reference Manual*
4. Legal bibliographies, such as *Bibliography of Early American Law*
5. Book reviews and articles from the popular press and public library literature
6. Current acquisition lists from similar law libraries
7. *List of Classes of United States Government Publications Available for Selection by Depository Libraries*
8. The Library will maintain records to track the status of Inter-Library Loan (ILL) requests and will compile annual statistics of both borrowing and lending activities, including the types of materials requested and frequency of requests. This information may be used to consider new additions to the collections.

III. APPLICATION OF CRITERIA TO INDIVIDUAL COLLECTIONS

American Law Collection

This assemblage of law materials is comprised of a variety of items including primary sources from Maryland, the other states and territories of the United States, the

Federal government, and other common law nations. Secondary resources include monographs, periodicals, and reference materials.

The Library will give the highest priority to the acquisition and maintenance of all Maryland-specific legal materials, primary sources of American law, and materials related to court administration. The Library will acquire legal resources for its American Law Collection through the application of the Library's Materials Selection Guidelines. In addition, the Library will observe any collection development guidelines that may be developed by the American Association of Law Librarians and that the Director may deem appropriate for the Library to follow.

State and Federal Depository Collections

The Library Depository Collections include both comprehensive participation in the Maryland State Publications Depository and Distribution Program (MSPDDP) and selective participation in the Federal Depository Library Program (FDLP). The Library collects and maintains all materials published by State entities or instrumentalities that possess legal or historical value. As a selective member of the FDLP, the Library concentrates on collecting Federal government materials relating to the U.S. Congress, the President, the Federal Judiciary and both the Justice and Labor Departments.

Maryland History and Genealogy

The Library's collection of Marylandia consists of both primary and secondary source materials including, but not limited to, county birth, death and marriage registers, historical accounts, and a comprehensive microfilm collection of the *Baltimore Sun* newspaper. The Library will continue to purchase every issue of the *Baltimore Sun* and will collect on a selective basis only those materials the Library deems appropriate for

maintaining an up-to-date and useable store of Marylandia. The Library will most actively collect those materials on Maryland history pertaining to Maryland's political and legal systems.

Rare Books, Prints, Art, and Artifacts

Rare books may be defined as those books that have value as an object aside from, or in addition to, the intellectual value of the text. The Library considers the earliest materials in its current holdings to be part of its rare book collection. Additionally, unique publications and items in fragile or deteriorated condition may be deposited on a case-by-case basis into the rare books collection.

The Library generally does not purchase a reprint of a title held as rare book, unless the original or older edition is in poor condition or has a wide circulation interest. Furthermore, the Library only acquires rare books selectively and by considering, amongst other criteria, both cost and relevance to the general collection.

The Library will maintain and preserve its current collection of prints, art, and artifacts. The Library will not add additional artwork to its holdings, unless directed by the Library Committee.

IV. GIFTS: ACQUISITION AND PROCESSING

The Director of the Library or the Director's designee will decide whether to accept any gift(s) offered to the Library, including gifts of primary legal materials. The Library reserves the right to dispose of all gifts in any manner beneficial to the Library. Disposal includes, but is not limited to, accepting, selling, discarding or exchanging any or all items in the gift, either at the time of the bequest or at any time after the Library

has taken custody of the material(s). The Library does not evaluate the value or physical condition of any gift(s). The assessment of any gift is solely the responsibility of the donor or the donors' personal representative. Unless specifically refused by the donor, the Library will provide a letter of acknowledgement of the gift and will include a list of the items donated.

V. WITHDRAWAL OF MATERIAL FROM LIBRARY COLLECTIONS

Withdrawal of items from a library collection may also be termed: de-selecting, de-acquisition or weeding. The Library will de-select titles and cancel subscriptions to services by using the policies set forth in Sections II & III and also the withdrawal criteria listed below:

1. The Library maintains all editions and versions of material directly related to the laws of Maryland and its political subdivisions.
2. The Library maintains all editions of the U.S. Code Annotated and U.S. Code.
3. The Library considers the historical significance, usage, and usefulness of all non-Maryland materials.
4. Other than the materials outlined in a-c above, the Library generally follows the instructions given by publishers for the disposal of older pages, sections, and editions of publications.
5. In general, material to which the library no longer subscribes will be retained only for so long as that material is current. Such volumes will be discarded according to the publisher's supplementation schedule.
6. By statute, the Library may not remove material that would "break a set." (MD. CODE ANN., CTS. & JUD. PROC. § 13-504(4).)

The Director, with significant input from the Collection Development Committee, shall make the final decisions concerning withdrawal of materials. The Library Committee, as part of its oversight duty, may direct that certain resources be retained.

The Library may donate to other libraries or archives materials that are no longer deemed appropriate for the Library's collections and that have little or no economic

value, but which might be considered useful in or by other institutions. If the Library intends to donate such withdrawn materials, it shall provide widespread notice to local libraries or archives of the availability of the withdrawn materials. In responding to requests for donations, the Library will give highest priority to public institutions. If, in the opinion of the Director, the subject matter of a withdrawn item is so unique that it likely will be of interest only to a select number of libraries or archives, the Library shall notify directly the appropriate prospective institutional recipient(s). The Library does not donate withdrawn items to individuals.

The Library Committee shall approve any sale of withdrawn materials. The proceeds of such sale shall be paid to the State Treasurer within 30 days of receipt. (MD. CODE ANN., CTS. & JUD. PROC. § 13-504(4).)

VI. LIBRARY MATERIALS EXCHANGE PROGRAMS

The Library participates in exchanging official state reporters with other states. All exchanges are subject to approval by the Library Committee. (MD. CODE ANN., CTS. & JUD. PROC. § 13-504(4).)

VII. CONSERVATION AND PRESERVATION OF LIBRARY MATERIAL

The Library believes that preserving its collections for future use is a natural extension of its collection development responsibility. Therefore, the Library shall provide sufficient resources for the following measures: the regular binding of serials; book repair and rebinding; preservation-quality microfilming; reprinting; digitization; and any other conservation or preservation methods that may be developed.

The final selection of materials to be included in any such preservation program is the responsibility of the Director, with significant input from the Collection Development Committee. The Library Committee, as part of its oversight duty, may participate in this process by suggesting or directing that certain resources be preserved. Additionally, conservation and preservation methods that improve information access by Library users will be given greater consideration. In general, preservation needs will be assessed on an individual, item-by-item basis.

VIII. POLICY REVISION

The Director and the Collection Development Committee will propose revisions and updates to this policy in order to ensure the continuing viability of the Library's collections. Criteria used for revisions and updates shall include, but not be limited to, the following:

1. Consideration of the changing information needs of Library users
2. Historical and statutory directives applicable to the Library
3. The Library's mission statement
4. Directives from the Library Committee

The Library Committee shall approve all revisions to this policy.