

Wisconsin State Law Library
Collection Development Policy
Adopted January 2006, Revised January 2016

I. PURPOSE

A collection development policy informs users and organizational authorities of the scope and nature of the existing collection as well as of the plans for the continued development of resources in the Wisconsin State Law Library (the Library).

This document serves as a guide for deciding what materials to add to the collection, to bind, to replace, to discard and what gifts to encourage.

II. RESPONSIBILITY FOR SELECTION

- A. Initial selection of library materials rests with the Deputy Law Librarian and the Acquisitions Librarian, who regularly scan publishers' literature, check book reviews, and receive requests for titles from users. The State Law Librarian makes final recommendations for purchase and/or withdrawal, considering such factors as the cost of acquiring and cataloging, format, housing and space requirements, and supplementation maintenance.
- B. The ultimate responsibility for the selection of material rests with the State Law Librarian.

III. SELECTION FORMATS

In this policy, the word *collects* is used to indicate acquiring, housing and maintaining actual physical materials, while the term *access* is used to indicate viewing and retrieving materials available electronically from remote resources. The two terms are not mutually exclusive, so that the library may also have electronic access to materials it deems necessary to maintain in its physical collection.

The Library *collects* materials in a variety of formats, including print, electronic, microform, DVD, and CD-ROM. In addition, the Library provides *access* to legal materials available electronically on the internet and through online commercial databases such as Westlaw, Lexis, LLMC and HeinOnline.

The Library provides electronic access to materials through links in its online catalog, its website, public access stations and contracts with online legal information vendors. Licensing agreements may limit access to some materials to only those users physically present in the library.

To provide materials in the best available format, the Library considers any or all of the following criteria:

- A. cost, both for initial purchase and supplementation
- B. benefits of ownership versus licensing
- C. licensing agreement restrictions
- D. preservation requirements
- E. space requirements
- F. unavailability of a tangible physical format
- G. ease of use

- H. status of the publication, i.e., official vs. non-official primary legal resources
- I. need for specialized equipment to store, retrieve, access or print the materials

IV. PRINCIPLES OF SELECTION

Staff members reviewing new materials use the following guidelines in the evaluation process:

- A. relationship of the title to the existing collection
- B. needs of current legal research
- C. timeliness of the material
- D. scope and authority of the author and/or the publisher
- E. cost of materials
- F. requests from users for specific titles or topics

V. OVERVIEW OF THE COLLECTION

The Library maintains a comprehensive collection of materials to serve the needs of current legal research. While the emphasis is primarily on U.S. law, selective collecting is done in the area of international law.

Although it is recognized that a wide variety of peripheral disciplines such as the political and social sciences have significance in legal research, there is no concerted attempt to collect in these areas. To supplement its collection, the Library relies on resource sharing through OCLC (an international bibliographic utility) as well as informal arrangements with local libraries such as the Legislative Reference Bureau, Marquette University Law Library, UW Law School Library and other libraries on the University of Wisconsin-Madison campus, Madison Public Library and Milwaukee Public Library.

A. PRIMARY MATERIALS

1. *Statutory Law.* The Library collects the best available format for current and historic statutory and legislative materials in the following jurisdictions. For any materials not maintained in print, the Library provides electronic access.
 - a) Local (WI)
 - (1) ordinances for the cities of Milwaukee and Madison
 - (2) county ordinances of Milwaukee and Dane counties
 - (3) electronic access to other municipal and county ordinances where available
 - (4) local court rules
 - b) State (WI)
 - (1) all editions of the Wisconsin Constitution, as well as related material on the history and the adoption of the Constitution
 - (2) all editions of the official *Wisconsin Statutes*
 - a. library retains at least 2 copies of all prior editions
 - (3) a current, unofficial, annotated edition of the Wisconsin statutes
 - a. replaced volumes of *West's Wisconsin Statutes Annotated*
 - (4) complete set of the *Laws of Wisconsin*; electronic access to session laws
 - a. retains at least 2 copies of all prior editions
 - (5) Supreme Court Rules and Internal Operating Procedures for the Supreme Court and the Court of Appeals

- c) Other States
 - (1) a current annotated statutory compilation for each state and the territory of Puerto Rico; if more than one, preference will be given to the official set, if applicable. In addition, the Library retains any statutory compilations received complimentary via state exchange.
 - (2) electronic access to current session laws for every state and U.S. territory.¹ Print legislative advance services are only maintained if complimentary or part of a statute set subscription.
 - (3) court rules, if included in the statutory compilation.
 - d) Federal
 - (1) various compilations of the Federal Constitution, both in annotated and unannotated formats
 - (2) a complete collection of the *U.S. Statutes at Large*, including slip laws
 - (3) the official *U.S. Code*, as well as commercially published annotated editions of the Code
 - (4) all earlier editions of the *U.S. Code* and superseded volumes of the *United States Code Annotated*
 - (5) court rules for all federal jurisdictions
 - e) English
 - (1) acts of the Parliament of England 1235 to the Union of the Parliaments in 1707, and to Acts of the Parliament of Great Britain 1713
2. *Case Law.* The Library maintains the published decisions of all appellate level courts. For any decisions not maintained in print, the Library provides electronic access.
- a) State (WI)
 - (1) decisions of the Supreme Court and the Court of Appeals published in *Callaghan's Official Wisconsin Reports* and *West's Northwestern Reporter*
 - (2) unpublished decisions of the Court of Appeals
 - b) Other States
 - (1) the National Reporter System (all regionals, California Reporter and New York Supplement)
 - (2) any published decisions from the state courts of last resort prior to the National Reporter System
 - (3) official editions of any appellate level decisions from any state whose official edition is not the National Reporter System, but only if received complimentary via state exchange
 - c) Federal
 - (1) official decisions of the U.S. Supreme Court, as well as at least one commercially published edition¹
 - (2) decisions of the federal court system, including, but not limited to those decisions in the National Reporter System²

¹ As of November 2001, the Library chose to keep only *West's Supreme Court Reporter* current.

² With one exception – the Library does not maintain *West's Federal Appendix*.

- d) English
 - (1) official decisions of all English courts from 1220 to the commencement of the official Law reports in 1866, selective decisions 1884 to 1918
3. *Administrative Law.* The Library maintains the regulations, opinions and decisions of various administrative agencies. For any sources not maintained in print, the Library provides electronic access.
- a) State (WI)
 - (1) the *Wisconsin Administrative Code* and all replaced pages
 - (2) selected federal agency regulations and industry standards adopted by reference in the *Administrative Code*
 - (3) Attorney General opinions
 - (4) state agency decisions – in print, if available; otherwise by electronic access. These include decisions of the Labor and Industry Review Commission (LIRC), the Personnel Commission and the Wisconsin Employment Relations Commission (WERC)
 - b) Other States
 - (1) administrative codes
 - (2) Attorney General opinions³
 - c) Federal
 - (1) a complete, current set of the *Code of Federal Regulations* and *the Federal Register*, with all prior editions
 - (2) selected published federal agency decisions
4. *Treaties.* The Library maintains all U.S. treaties, whether currently in-force, expired, or not-yet officially published. For any treaties not maintained in print, the Library provides electronic access.
5. *Gaming Compacts.* The Library maintains State-Tribal gaming compacts regulating Class III gaming in Wisconsin. The Library also maintains national gaming compacts. For any gaming compacts not maintained in print, the Library provides electronic access.

B. SECONDARY MATERIALS

- 1. *Treatises / Form Books / Practice Books / State agency materials.* The Library maintains a significant collection of legal treatises in subject areas that support the information needs of its users. Form books and practice manuals also comprise a major portion of the collection. While both current and retrospective works are essential in a legal collection, current titles generally receive higher priority in the acquisition process. The Library does retain significant superseded editions (but not replaced volumes) of major legal treatises with a national scope and most Wisconsin treatises.
 - a) State (WI)

³ Collected in microform through 2001, with current access provided electronically.

- (1) all significant treatises relating to Wisconsin law and practice, including but not limited to, published materials and seminar workbooks from the State Bar of Wisconsin, Continuing Legal Education of Wisconsin (CLEW), various judicial and legal-related commissions and conferences
 - (2) formbooks
 - (3) state agency and legislative materials, including reports and studies from the Legislative Council, the Legislative Fiscal Bureau and the Legislative Reference Bureau
 - (4) All editions of the *State of Wisconsin Blue Book*
- b) National
- (1) significant treatises pertaining to the practice of all types of law
 - (2) formbooks pertaining to the same
 - (3) complete *Restatement of the Law*, including tentative and other Annual Meeting drafts
 - (4) specialized subject reporters
2. *Periodicals.* The Library maintains all significant legal periodicals which are listed in the recognized periodical indexes. The Library provides electronic access to the full-text journals available through HeinOnline, LegalTrac and Index to Legal Periodicals.
- a) State (WI)
- (1) all law reviews published by Marquette and UW Law Schools
 - (2) the *Wisconsin Lawyer*
 - (3) selected current newspapers
- b) Other States
- (1) law reviews from ABA accredited schools and selected non-accredited schools
 - (2) selected law schools' specialized periodicals
 - (3) all major state and local bar journals
- c) National⁴
- (1) journals and news magazines in law and related areas
 - (2) the New York Times
 - (3) national legal newspapers, as availability and cost permit
3. *Legislative history.* For Wisconsin legislative matters, the Library relies on the services and collections of the Legislative Reference Bureau. As a general rule, legislative history material from other states is not collected. The Library collects:
- a) State (WI)
- (1) legislative drafting records as prepared by the Legislative Reference Bureau: microfiche 1927 to 1997; electronic access 1999 to date
 - (2) senate and assembly journals: print 1848 to 1927; microfiche 1848 to 1995; electronic access 1995 to date
 - (3) electronic access to current bills and legislative indexes
- b) Federal

⁴ Newspapers, news magazines and journals have limited retention periods.

- (1) original source materials such as the Congressional Record, selected House and Senate reports (96th Congress to date) and selected hearings
 - (2) compiled legislative histories published by government agencies when availability and cost permit
 - (3) commercially published legislative histories from *U.S. Code Congressional and Administrative News* and other sources when availability and cost permit
4. *Materials for the general public and self-represented litigants.* The Library maintains a collection of books on legal topics that are written for the general public.

C. FINDING AIDS

1. *Digests.* The Library maintains subject access digests for current and older primary source materials. For any digests not maintained in print, the Library provides online access to Westlaw for in-house library users. The library collects:
 - a) State (WI)
 - (1) all case law digests for the Supreme Court and Court of Appeals
 - (2) digests for administrative decisions as available
 - b) Other States
 - (1) American Digest System⁵
 - c) Federal
 - (1) At least one commercially published digest for U.S. Supreme Court opinions⁶
 - (2) digests for administrative decisions as available
2. *Citators.* The Library maintains electronic access to the *Shepard's* and *KeyCite* citation services for all jurisdictions.
3. *Periodical Indexes.* The Library provides subject access to legal periodicals through *LegalTrac*, *Index to Legal Periodicals*, *HeinOnline*, *Westlaw* and *Lexis*. As a general rule, the Library does not purchase index volumes for individual legal periodical titles, except for Wisconsin materials.

D. SPECIAL COLLECTIONS

1. *Rare Book Room Collection.* This collection contains materials dating back to the 1500's and spanning over four centuries. It includes books on English, Irish, Scottish and American law and famous trials.
2. *Wisconsin Locked Case Collection.* This collection contains Wisconsin legal materials of an historic nature including the journals of the constitutional conventions, early session laws and statutes, significant treatises and tribal/state protocols.

⁵ Although the Library cancelled the American Digest System in 2013, it is maintaining the collection. As of 2002, the Library maintained only the Decennial Digest volumes and no longer updated the General Digest.

⁶ Currently this is *West's Supreme Court Digest*.

3. *Briefs.* The Library maintains a comprehensive collection of briefs submitted to the Wisconsin Supreme Court and Court of Appeals.
4. *Unpublished Court of Appeals Decisions.* The Library collects the unpublished Court of Appeals decisions beginning with the establishment of that Court in 1978.
5. *Federal government documents.* As a selective depository for federal government documents, the Library collects government documents that complement and supplement the library's other collections. In addition to primary and secondary legal materials previously mentioned, the library collects annual reports, laws, decisions, regulations, selected handbooks, manuals and general publications of various legislative, judicial and executive branch agencies. The library provides access to many federal government depository publications that are now only available electronically.
6. *Court and judicial administration and management materials.* The Library maintains seminar materials produced by the Wisconsin Court System's Office of Judicial Education. The Library also collects publications from the National Center for State Courts.
7. *Judicial Council Collection.* In 1995, when funding for staff for the Wisconsin Judicial Council was eliminated by 1995 Wisconsin Act 27, its files were donated to the Library. The collection consists of Council minutes, committee records and proceedings, correspondence, and subject materials. The collection is updated as materials are released by the Council.
8. *Native American Legal Materials Collection.* Collection of primary and secondary sources of Native American Law. Includes constitutions, charters, session and compiled laws, treaties, federal government documents, and treatises.
9. *Prose and Cons Collection.* Started in late 2001, Prose and Cons is a collection of crime fiction and non-fiction that relates to courts, lawyers and the criminal justice system. The collection is supported solely by donations and includes books, audio CDs and DVDs and videos.

VI. REFERENCE MATERIALS

- A. *General.* The Library maintains a basic collection of general reference materials. These materials include encyclopedias, dictionaries, foreign language dictionaries, atlases, and thesauri. The Library also collects directories, books of maxims and quotations, and guides to legal citation formats.
- B. *Legal Encyclopedias / Dictionaries.* The Library maintains *American Jurisprudence 2d*, *Corpus Juris Secundum*, *ALR*, and *Words and Phrases*.⁷ The Library also maintains current, as well as older, editions of various legal dictionaries, thesauri, and phrase books.
- C. *Legal Directories.* The Library maintains all editions of the *Martindale-Hubbell Law Directory* and its predecessors. The library also maintains a complete collection of the *Wisconsin Legal Directory* and the *Wisconsin Lawyer* annual directory issue.

⁷ The Library also has *American Jurisprudence* and *Corpus Juris*, but does not keep replaced volumes of the second editions.

- D. *Professional Development.* To meet the professional development needs of the staff and to stay informed on current library trends and practices, the Library collects relevant journals, newsletters, texts and directories.

VII. **COLLECTION MAINTENANCE**

The Library recognizes the need to continually evaluate the collection in response to the changing nature and needs of its users.

A. WEEDING

The purpose of weeding is to evaluate the current collection in conjunction with the selection of new and replaced materials. A continuous weeding program is essential to maintaining a current and useful collection. Materials potentially subject to weeding include:

1. those that are no longer timely or that possess insignificant research value
2. books which contain inaccurate, obsolete information
3. superseded editions
4. materials for which there is insufficient space to house them
5. those with little or no circulation histories
6. titles which have been duplicated by electronic access
7. duplicate copies of works no longer in demand
8. books which are in poor physical condition, beyond repair

The Library follows state regulations regarding the disposal of materials deemed state property. For federal government documents, discard procedures adhere to specific retention and weeding regulations which are explained in the Legal Requirements & Program Regulations of the [Federal Depository Library Program](#) (Federal Depository Library Program)

B. REPLACEMENTS

Although the library tries to have copies of all standard and important works, it does not attempt to replace every lost, worn or damaged item. Since books rapidly go out of print, many specific titles simply cannot be replaced. Replacement decisions will be made based on user interest, the authority of the work, the availability of newer editions or other formats.

C. DUPLICATES

Duplicate copies may be purchased if a demonstrable need is shown. The library retains at least 2 stored copies of all primary source Wisconsin titles. In addition, the library maintains duplicate copies of the *Wisconsin Law Review*, *Marquette Law Review* and the *Wisconsin Lawyer*.

D. BINDING

Binding of selected library materials is performed in order to preserve access and facilitate use. In addition to binding periodicals and serial publications and some looseleaf publications, the Library binds one set of appendices and briefs for Wisconsin Supreme Court and Court of Appeals published decisions, as well as one set of unpublished Court of Appeals decisions.

E. DIGITAL FORMATS

The library scans non-e-filed appendices and briefs for Wisconsin Supreme Court and Court of Appeals decisions (published and unpublished) which are archived within the SCCA database, from July 2009 forward.⁸ The scanned briefs are available on the University of Wisconsin Law School's website. The briefs are made available to the public through WSCCA (wscca.wicourts.gov) and the appendices are available only through the internal SCCA database.⁹

VIII. **GIFTS**

The Library appreciates and encourages gifts and donations of useful materials. Gifts will be evaluated on an individual basis. The State Law Librarian shall have the prerogative to refuse books that do not contribute to the mission and goals of the library. The State Law Librarian also retains the right to dispose of duplicates and unneeded donations as he/she sees fit (i.e. placed on exchange lists or sold). Below are the criteria used in evaluating gifts:

- A. suitability of the title to the collection
- B. rare or unique characteristic of the material being donated
- C. acquisition costs, including the cataloging, processing, storing and updating.

If the gift meets the criteria listed above, the Library may pay for shipping of the gift.

The State Law Librarian will provide a letter of acknowledgement which includes a simple description of the contents of each gift. However, the library will not provide estimates of fair market value for tax purposes.

CENSORSHIP

The Wisconsin State Law Library espouses the principles of the American Library Association's [Library Bill of Rights](#).

Materials will not be removed from the collection unless documented evidence can be found that the original purchase decision was in error. Users wishing to protest the presence of a particular item in the collection should place his/her concern in writing addressed to the State Law Librarian. The final decision for retention or removal rests with the State Law Librarian. Complainants will receive written notification of the librarian's decision.

Internet resources may contain material of a controversial nature. The policies stated herein governing the Library's acquisition of library materials are not applicable to general internet access. See the Library's [Computer and Network Use Policy](#) for further information.

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⁸ A closed database of appendices and briefs from 173 Wis.2d (1991) - 317 Wis.2d (2009) exists in CD-Rom format and is available on the University of Wisconsin Law School's website.

⁹ Prior to the adoption of the scanning process, which began with volume 173 Wis.2d (1991), the Library worked with the State Microfilm Laboratory to produce these materials in microfiche.