

# The LLMC-Digital Newsletter

## Issue No. 7: May 2004

### **A Logo Contest Winner Evolves**

LLMC now has an official logo. It is the multicolored “LLMC” appearing at the top of the home page for *LLMC-Digital*. It took us some time to realize that this was in fact our logo. However, when we were all issued a new edition of business cards, and saw that our Business Manager had used the same lettering and color scheme which appears on the home page, we finally realized that a winner of our logo contest had evolved. The winning logo is the work of Julia Mitchell of Ann Arbor, Michigan. Congratulations Julia! A check for the \$500 award is in the mail.

We had eight contestants (1) in our little competition, some of whom submitted multiple entries. Our sincere thanks to everybody who participated.

### **Recurring Cataloging Questions**

Part of the communication problem in a new venture is that not everyone starts with the same knowledge base. Librarians from libraries which have just signed on recently are beginning to ask some of the same cataloging questions raised earlier by others. In order not to subject everybody else to too much repetition, could we suggest that those with a special interest in cataloging, who have not yet done so, please check out the back copies of this newsletter archived on [www.llmc.com](http://www.llmc.com)? Short pieces with important background information relating to *LLMC-Digital* cataloging appear in Issue No. 1 at pp.1–2; in Issue No. 2 at pp. 3–4, and in Issue No. 5 at p. 3.

### **Finding Lists for On-line Content**

A question which keeps getting repeated in one version or another is a request for a list of everything that is currently available on LLMC-Digital. From the way the questions are phrased, it is clear that different people are asking for different kinds of lists, depending upon their immediate needs. In response to those differing expectations, two lists have been developed for on-site content notification purposes. One list is designed for quick reference, while the other is designed for those who want bibliographic and other information in depth.

One begins to access both lists by clicking on the “i” icon to the left of the collection names. Clicking on that icon brings up the short, quick reference, list. This gives the title names only, arranged in a “form classification” manner. At the top of that list, however, one finds this message: “More bibliographic data and other information is available at [content\\_status\\_table.htm](#)”; Clicking on that link takes one to LLMC’s regular web site and a feature we described in last month’s *Newsletter* called the “Content Status Table.” This fuller list provides for every title on the site

- Ø the run of volumes targeted
- Ø those volumes actually up
- Ø OCLC number(s) for that title
- Ø *LLMC-Digital* URL for that title

Ø gap information where hardcopy is needed from donor libraries

Both of these lists, the quick-reference title list and the Content Status Table, are updated monthly, during the first working days of each month, when new content is being mounted on the site. One kind of list we have not been able to provide, despite several requests, is a “one-page list that tells us everything that is up.” It’s just not possible to limit the information to one short page. The “Current Status Table” already is nine typewritten pages long; and we’ve just gotten started. Eventually there will be well over 10,000 titles on *LLMC-Digital*, covering over 100,000 volumes. Our hardcopy catalogs contain roughly 1,500 pages of bibliographic information. So the on-line versions are going to be similarly massive. That’s why we have taken the two-list approach from the beginning.

## **The Future of Our Print Collections**

Several librarians have contacted us recently with news that they are planning to de-accession at least some of their hardcopy for titles going up on LLMC-Digital. They ask

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if there is any way they can do this responsibly, so as not to imperil the ultimate preservation by someone of at least some copies of the hardcopy versions. Also, during the last few months, Judith Wright, Dir. of the Univ. of Chicago Law Library, has been trying to get the LIPA group to address this issue. [\(2\)](#) Finally, the editor of the *Canadian Law Library Review* (CLLR), while soliciting an article from Jerry Dupont, specifically asked him to address the print preservation question. The following four paragraphs (lightly edited and stripped of Canadiana) comprise the pertinent portion of his article:

“As a long-time producer of microfiche, LLMC is well aware that the adoption of its product has resulted in the disposal over the years of many books from the print collections of its member libraries. This was, after all, a logical result of the ‘space recovery’ aspect of LLMC’s mission. Nevertheless, the reluctance of many patrons to use microforms had the beneficial side effect that, up to now, at least some libraries have been holding on to their print copies as long as possible. So it does not appear that LLMC-Fiche was responsible for the disappearance of every print copy of its many titles.

However, with the advent of digital, and given digital’s demonstrated popularity with library patrons, combined with the ever increasing pressure on and costs of library space, [\(3\)](#) the rates for print disposal are likely to accelerate. We are rapidly approaching a point where any library throwing out a book runs the risk of trashing the last extant copy. Under present practice, too many of these terminal decisions are made in ignorance. Some might ask—would that be all bad? We can only respond—maybe. There is a real possibility that a total disappearance of the print versions of many titles could be a significant loss. We don’t yet know the potential of future technologies. Our successors, one or two generations down the line, might well value highly our having saved a master heritage copy of our present print collections. Their regret at the loss would be doubled if they discover that we just let the decisions be made by default. If we are not to see the total disappearance of all of the print copies of many titles, some concerted strategy of monitored print retention is probably long overdue. Concocting such a strategy is well beyond this LLMC’s remit. It is worth noting however, that the storage capacity to save a heritage print collection is

already in place, in a distributed manner, in our existing stacks. All we would have to do collectively is to keep track of and save one or two good copies of everything, instead of using our present combined space to save many

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rarely-used copies of a smaller group of titles. But that is a job for another consortium, and perhaps a younger generation of law librarians. All we can do here is point out that, armed with the luxury of having satisfactory backup in both digital and film, we now have the capacity to solve the heritage print collection quite easily and economically.” (4)

In summary, LLMC finds itself in the middle of something big for which it is only peripherally responsible. We don't feel that hardcopy preservation is our primary mission; nor are we at all equipped to perform any of the physical storage on a long term basis. However, we recognize the importance of preserving at least some print copies of all legal titles, and especially of the core primary legal materials. We are prepared to cooperate with any group that is willing to organize the information base needed to make a concerted national print preservation program possible. Given a realistic and focused effort, our cooperation could even extend to helping to subsidize the staff costs involved.

### **Focusing on Our Own Big Picture**

For a lot of people the big news in the past month was the announcement in St. Louis of plans by the GPO to digitize the “heritage” collection of all of its past publications and the revelation that ARL is supporting this effort, while contemplating a similar effort for non-GPO titles. Both efforts would have two proclaimed goals. The first, in which we heartily concur, is access. Both groups feel that public access to public domain materials must be protected given the possibility that, through preemptive technological applications, large segments of the public domain corpus may soon slide into the private sphere. In short, they want to help keep the public domain public. The second stated goal for both the GPO and ARL is preservation. Both groups profess to believe that long-term preservation of the “heritage collection” will be achieved through digitization using today's digital technologies.

Subsequent to the GPO and ARL announcements LLMC received a flurry of inquiries asking if we plan to be part of these efforts. Some have even suggested that we might try to earn some money by bidding for some of the GPO contract work. Since we probably won't do so, an explanation is in order.

Our first reason for reluctance is that we have our own agenda, with its own schedule. We want to establish a non-profit presence in the market for legal literature as swiftly and effectively as possible. Both the GPO and the ARL efforts will depend upon fundraising that could take years to come to fruition. Waiting till those efforts achieve reality could be, at best diversionary, and at worst perhaps fruitless. In the GPO's case, given current political conditions, it is at least possible that their well intentioned efforts eventually will be strangled by powerful private-sector publishing forces which have great influence with Congress. In any event, we can't wait around to find out. We will proceed with our plan regardless of what the GPO eventually does or doesn't do. A more important reason why we probably will not be joining the GPO/ARL effort is that we don't agree with their major premise of “digital preservation.” Given current technology levels, we think the phrase “digital preservation” is an oxymoron. *LLMC-Digital* was launched with a different strategy. It is true that *LLMC-Digital* was not on everybody's radar screen when our own preservation

policies were enunciated and publicized,. So it would be beneficial to spell them out in summary fashion once again. [\(5\)](#)

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### **Benefits of digital**

For years LLMC has described itself as “a non-profit law library cooperative promoting preservation, collection development, and space recovery.” During our LLMC-Fiche era, all three goals were pursued in about equal degree. With the advent of digital, the second mission, collection development, will be marvelously enhanced through reduced costs and better quality. As to costs, subscribers to *LLMC-Digital* will obtain access to the entirety of LLMC’s 98,000 backfile, at a minimal fraction of the cost of purchasing the fiche. In addition, at no extra cost, they will acquire every new title filmed by LLMC. Within ten years the projected collection will number over 100-million page/images, or roughly 185,000 volumes. At current LLMC fiche costs that amounts to a US\$1.3-million value. As to quality, all of these titles will be

Ø *pre-cataloged*

Ø *accessible on-line*

Ø *searchable, and*

Ø *in a format our patrons prefer*

During the film era we managed to preserve a sizable segment of our legal heritage. But we did it at the price of burying the texts in off-the-radar-screen microfiche. The digital technologies we are now adopting provide a new opportunity to bring this rich heritage to the forefront of our patrons’ consciousness at a price beyond our former dreams.

### **Problems with digital**

However, as is so often the case, progress comes with a cost. Switching to digital means adopting an immature medium for which there currently are no archival standards. Digital technology is notoriously non-robust. Its impermanence stems from three interrelated factors: the fragility of the magnetic signals which comprise the data stream, the short life expectancy of digital storage media, and the continual slide into obsolescence of the hardware and retrieval systems needed to retrieve the data. [\(6\)](#)

Given those vulnerabilities, divorcing dowdy film to marry sexy digital could be a bad career move. We risk giving up centuries of guaranteed preservation for an alternative with a life expectancy generally rated at something under twenty years.

Various strategies have been suggested for coping with the known deficiencies of digital. The two main approaches being pushed at present go by the buzz words “emulation” and “migration.” Both techniques have their strong proponents, although the librarians who manage LLMC are not among them.

The essence of an emulation strategy is the expectation that program applications will be developed eventually which will be able to display older digital data in the same manner as the applications that originally created that data. Put simply, we at LLMC believe that preservation means nothing if left to the vagaries of future developments. We will not bet on an emulation alternative until one has been, both invented, and also proved to be long term effective. On present form that's some years away, if ever.

The other much-touted strategy, migration, imagines that successive generations of data mavens (librarians in today's parlance) will repeatedly and perpetually "migrate" our historical data forward as computer applications and hardware systems evolve. Our lack of confidence in this approach is threefold. First, each successive migration involves some random degradation in the underlying magnetic data. At some point this degradation will cumulate to critical mass and the data will become unreadable. Second, the migration strategy replicates the spirit of the labors of Sisyphus; except that with digital the stone gets larger each time we push it up the hill. Finally, each successive migration would require attention, effort, time and money. We don't believe that these resources, always scarce, will be any more

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plentiful for our successors. Moreover, they be even less motivated than us to try, since they presumably will value our age's data at least marginally less than we do.

### **The hybrid approach adopted by LLMC.**

Given the uncertainties and perils of digital storage, LLMC has opted for a hybrid approach to the delivery and preservation of its data. This means that, while we have adopted digital delivery with enthusiasm, and while we expect that digital quickly will become the primary method of access to our materials, we are not abandoning film. For preservation purposes we will rely solidly on our traditional preservation medium: tried and true, archival quality, silver halide micro film. Until some digital, or other, alternative is both developed and proved, our plan is to store copies of everything we publish on archival film at two locations. One installation already exists at the Harvard Depository, a purpose-built, archival, storage facility maintained by Harvard University, where LLMC rents space. Our second archival installation is currently in the engineering and permit stage as part of wider renovations underway at LLMC's headquarters on the campus of the University of Hawaii's Windward Community College in Kaneohe, HI.

The fact that LLMC will stick with archival-quality film as its primary preservation medium does not preclude utilizing digital technologies in an enhancement role for the preservation mission. Fortunately, technology now exists whereby digital data can be "read" to archival-level, silver halide micro film. Fortunately also, digital technology can be used to enhance the quality of images now held in film format. (7) Therefore, LLMC will be marrying these two capabilities to upgrade the image quality of the images held as masters for long-term preservation.

LLMC's current microfiche backfile holds over 590,000 images. All of these images will be targeted for digitization and enhancement prior to being mounted on *LLMC-Digital*. Where the fiche images are not up to standard, particularly where the filming was not done from acceptable hard-copy, other hardcopy will be sought and digitally scanned and enhanced. It is these enhanced images, either those derived from the film backfile, or those created by new scanning, which will subsequently be written to archival film.

Through this process two distinct benefits will accrue. First, the images retained for the long term will be of marginally higher quality than those on the original LLMC film. Secondly, the microfilm used will be pristine stock, manufactured to today's highest specifications. Thus we will cancel out the effects of any imperfections occurring in the manufacture and/or storage of the film upon which we have been storing our master images for the past quarter century.

### **Will Our Game Plan Ever Change?**

Most of us have learned to avoid saying never. So prudence dictates that we leave ourselves a graceful exit strategy if future technological developments render our current stance untenable. It is very possible that some successor technology to today's version of digital will be so superior that true preservation in digital will become possible. When that day comes we expect to be among the early adopters. Until then, however, we will not waste our subscribers' money by pretending to be achieving digital preservation. Instead, we will devote all available funds to the goal of providing quick digital access to as much of our literature as possible.

### **Endnotes:**

- 1.) This is actually a pretty good turnout from a mailing list of about 3,000 AALL members. The competition for the design of the Euro, which was open to a population base of about 300-million, only drew 44 entries.—Nat. Geographic, 05/04, p. 7
- 2.) LLMC maintains contacts with those working in the recently-formed, preservation-minded group, LIPA (Legal Information Preservation Alliance). Ms. Wright and others have been trying to channel some of LIPA's attention and energy to the preservation of one or more copies of the print version of the Core Legal Collection for the U.S.. In recent correspondence with the LIPA listserv Jerry Dupont wrote: "I think that the main thing missing is a sense of direction, an organized approach, and some leadership. I also think that LIPA is ideally suited to provide those qualities within the framework of its present activities and without breaking its small bank. Already LIPA is working on an inventory of 'at risk' materials. Properly organized that effort could be expanded to include maintaining a database on the holdings of identified "repository" libraries. After its initial creation, this inventory could serve to guide the de-accessioning activities of all of the non-repository libraries, and could be updated continuously to reflect their donations. For its part, LLMC would be happy to cooperate in a more than nominal way with such a project. We do, after all, toss away a lot of books here. So we could make a studied effort to 'donate to the inventory.' In addition, even though we already have filmed a lot of this material, we are not satisfied that in all instances we had the advantage of filming from the best available copy. So, for our own purposes, we are going to be soliciting donations from disposing libraries. We could be induced to help subsidize a LIPA informational project that also integrated our needs."
- 3.) This question of space will become more pressing. Some deans are beginning to demand a "space dividend" in exchange for all the money they have been pouring into digital. Judith Wright, mentioned above, tells us that her dean at the Univ. of Chicago is asking for the return of 20,000 sq. ft. of hitherto sacrosanct library stack area.
- 4.) The preceding four paragraphs were cribbed, with some light editing, from an article by Jerry Dupont which appeared in the most recent issue of the *Canadian Law Library Review*, Vol. 29, No. 1, Spring 2004, pp. 9–11. That neighborly journal has the excellent policy of allowing its authors to reuse material so long as they give proper credit to the original source; a requirement with which we hereby willingly and gratefully comply.
- 5.) Much of the remainder of the text for this issue was cribbed, with light editing, from the same CLLR article mentioned in footnote 4. Again, we express our gratitude to the editors of CLLR for permitting this practice.
- 6.) There is not room in this short article to summarize the compendious literature discussing the

unsuitability of digital technology for long-term preservation purposes. A fuller summary, with copious footnotes to the relevant literature, appears in “Passing the Baton: One Intermediate Technology Meets Another,” by Jerry Dupont, in *Legal Information Management* (The BIALL Journal), Vol. 3, No. 3/4, Winter, 2003, pp. 191–195.

7.) The enhancement capabilities of digital are particularly useful as a counterweight to film technology’s defect of being “too true.” Film emphasizes such defects in the original hardcopy as bleed-through, foxing, and browning. To a limited degree these defects can be toned down during digitization; so that the resultant page image looks much more as it might have when it just came off the press. It is these enhanced images which will be “written to film” for purposes of long term preservation.