

The LLMC-Digital Newsletter

Issue No. 27: November 2007

Contents:

- 1– WestPac does Hawaii; visits LLMC –p.1
 - 2– MLA full backfile project completed -p.1
 - 3– St. Court Rpts. gap-filling project -p.2
 - 4– LLMC and fiscal accountability -p.2-3
 - 5– Profile of extern-scanner program -p.3-4
- Erratum for Issue # 26: Last item, following the end notes.

WestPac Does Hawaii; Visits LLMC

To celebrate its 40th anniversary, the Western Pacific Chapter of AALL scheduled its annual meeting in Hawaii this year on October 11-13. The conference was held in Honolulu on the Island of Oahu. Details of the very informative educational program and the several enjoyable social events can be found on the chapter's web site: www.aallnet.org/chapter/westpac/newsletter.htm

Of course, LLMC welcomed the opportunity to help play host to its home chapter. As part of the conference program all of the delegates were invited to a tour of our headquarters plant in the late afternoon of Thursday, October 11, conference opening day. Some fifty delegates accepted our invitation, boarding the yellow school bus that took them on their three hour excursion to the town of Kaneohe.

LLMC is housed in a building on the Windward Community College of the University of Hawaii. This lies about 15 miles from Waikiki on the other side of a mountain range. The mountains are pierced by tunnels and motorways which traverse some of the more exciting scenery in the Islands; so that the trip itself became a delightful excursion. Once arrived in Kaneohe the delegates were given a brief tour of the LLMC facility and an overview of the equipment and production processes that result in gift and loaned books being scanned and mounted on *LLMC-Digital*. Brief refreshments rounded out the tour in time for the delegates to board their bus for the return ride on a different scenic route to Waikiki and the opening dinner of the conference.

MLA Full Backfile Project Completed

A year ago we announced in this newsletter [Endnote1](#) that LLMC had received permission from the Maritime Law Association (MLA) to scan the full backfile of its *MLA Document Series*. The MLA is the lead organization in the U.S. coordinating the development of our national system of maritime law. It also serves as the U.S. branch of the *Comite Maritime International*, the international confederation that performs the same service worldwide. The MLA Document Series, which grows steadily, currently includes some 785 documents [Endnote2](#) covering the work of the MLA since its founding in 1899. The MLA's archive run of these documents was shipped out to LLMC's headquarters in Hawaii this summer, and the entire retrospective scanning project was completed during September - November. By the time you read this, most or all of the documents will be accessible and

searchable on *LLMC-Digital*.

Page 2 of the print ed. starts here

On behalf of us all, LLMC would like to extend its deep appreciation to Prof. John Paul Jones of the University of Richmond Law School, whose good offices over several years facilitated the negotiations that made this offering possible.

State Court Reports Gap Filling Project

A special plea was issued in the last issue of this newsletter for help in filling the gaps still remaining in our online runs of public domain U.S. state supreme and appellate court reports. The middle insert in that issue detailed some 1,267 gap volumes spread over 65 titles. The plea was exceptional, not only in the number of books requested, but in the amount of time which it assumed would be spent by loyal supporters checking their duplicate holdings.

We are delighted to announce that the response to our plea was truly outstanding. Not only was every gap filled, but we also have ample backup for most of the titles to cover those cases where the first copies donated may lack pages or otherwise not be suitable for scanning. The Honor Role of donor libraries responding to our plea as of this writing includes the following institutions:

Chase College of Law Lib. (U.No.Ky.)
Dalhousie University Law Lib.
Emory University Law Lib.
Los Angeles County Law Lib.
Maricopa County Law Lib.
University of Maryland Law Lib.
University of Missouri-Columbia Law Lib.
New England School of Law Lib.
University of North Dakota Law Lib.
Ohio Northern University Law Lib.
Rutgers University-Newark Law Lib.
Wayne State University Law Lib.
William Mitchell School of Law Lib.
Willamette College of Law Lib.
Wisconsin State Law Lib.
U.S. 5th Cir. Ct. of Apps. Lib.

On behalf of the LLMC Board, and surely of all of the rest of the *LLMC-Digital* patrons, we would like to extend our sincere appreciation to our colleagues in the libraries named above for their marvelous assistance. It will take a few more months to receive and process all of the gift books currently in transit, but, with their help, we are now only a few months away from the completion of this project.

LLMC and Fiscal Accountability

A longtime supporter recently emailed to ask, in a friendly but penetrating way: “What processes does LLMC have in place to ensure that it doesn’t get involved in cases of misspent funds and the other kinds of fiscal malfeasance that other non-

profits have experienced lately? Do you have oversight measures in place to monitor your spending? For example, who keeps your books? Do you ever get audited? Also, do you meet the reporting requirements of the recently passed Sarbanes-Oxley Act that was meant to clean up corporate governance in the wake of the Enron scandal?" Those are serious questions. They deserve straightforward answers. The fact that they were asked by one of our longer term supporters points up the need for us, not only to have accountability safeguards in place, but also from time to time to make reasonable efforts to publicize those measures to our membership. Hopefully the following summary will help to discharge that duty.

We should first make clear that most provisions of the Sarbanes-Oxley Act (SOX) do not apply to non-profit corporations like LLMC. SOX was passed in 2002 in response to the corporate and accounting scandals of Enron, Tyco and others. Given the goal of helping to restore the public's confidence in the stock markets, the law focused on publicly traded companies, requiring that they adhere to strict governance standards that broaden board members' responsibilities for overseeing financial transactions and monitoring auditing procedures. In fact, only two of the criminal provisions of SOX clearly also apply to non-profit and other non-publicly traded corporations. These are the sections prohibiting retaliation against whistleblowers and those provisions relative to the destruction, alteration or concealment of critical documents or impending investigations.

While non-profit corporations need only comply with the whistleblower protection and document retention provisions of SOX, it is obvious that the law sets a standard of corporate governance to the spirit of which any decently run non-profit should also aspire. At least that is the view adhered to by your LLMC Board of Directors. Despite its changing membership over time, it has consistently

Page 3 of the print ed. starts here

taken a strict approach to the fulfillment of its fiduciary responsibilities. In that spirit, after SOX was enacted, the Board further tweaked its accounting and oversight mechanisms with the goal of ensuring the availability of timely financial information and the timely review of that information by the Board. Here is how the accountability system we have devised over time functions today.

The base of the system is a steady stream of very detailed monthly financial statements that consistently track all significant categories of expense. These reports are generated by an outside, contract bookkeeper. LLMC chose to outsource this function for two reasons. One, it provides us with a level of expertise that we possibly couldn't afford to maintain consistently with in house personnel. Two, the outside eye provides a safety check that would be lacking if all of the bookkeeping were done internally. Thus, while the financial statements are useful to the Executive Director and other managers, it is always clear that the bookkeeper works for the Board and is primarily responsible for serving the Board's information needs. Each month's financial statements are directed to the full Board, but is meant for the particular attention of the Board's Finance Committee. This latter body has the special responsibility to closely follow the monthly statements and to alert the rest of the members if some item or trend requires full Board focus or action.

In addition to the outside bookkeeper, the Board also hires an independent auditing firm to review the bookkeeper's work once a year. [Endnote3](#) This review occurs at the end of each LLMC fiscal year, which ends on April 30. The Auditor's report is reviewed and provisionally approved at the Board's regular mid-July meeting. It is then referred back to the Finance Committee for an additional six month's study before the Board's mid-winter meeting. This second has the goal of determining whether any of the reporting categories should be altered to provide greater transparency or accountability in light of current experience.

We hope that this short overview of our accounting procedures provides members with a reasonably clear idea of how its elected Board fulfills its fiduciary responsibilities. We trust this overview also demonstrates how key to the success and security of our common enterprise are the talents and energies of those colleagues we elect to represent us.

Profiling LLMC's Extern Scanner program

The bulk of the *LLMC-Digital* scanning work is done at our headquarters in Kaneohe, Hawaii, where LLMC has two types of scanners. Most scanning is done on high speed machines, designed to scan *unbound* materials at average rates of around 8,000 images per hr. The rate varies depending upon the quality and fragility of the paper, which in our case usually means that we operate at rates somewhat lower, ca. 6,000 images per hr. However, perhaps 20% of our books are on loan, since they can not be disbound. For these we use so-called step and repeat scanners, which are designed to gently scan *bound* books.

While LLMC has a long tradition of borrowing books for filming (and now scanning), we have long lived with the fact that donor libraries won't lend us their "A List" materials. They don't and can't because the books are too unique, too valuable or too fragile to travel. On a few occasions during the film era, we compensated by moving a camera to the library. [Endnote4](#) But filming technology was tied to messy film processing machinery, and too bulky and expensive to deploy except as a last resort. As a result, in our film years we were mostly restricted to targeting those less rare or less fragile books that could be subjected to the perils of shipping. We couldn't film many very desirable titles because we just couldn't get our hands on them. With digital scanning all that has changed. It is now possible to put clean, simple to operate, step-and-repeat scan-

Page 4 of the print ed. starts here

ners into ordinary library office situations (no dark rooms). Even better, we can limit the library's function to image capture (no complicated post processing, no messy chemicals, etc.). Furthermore, operating a digital scanner is far more easily taught to off site library personnel than was the somewhat persnickety film technology. Given these auspicious circumstances, LLMC has retooled its approach to targeting rare and fragile books. Now, in cases where we can't mine the materials and ship them to Hawaii for scanning, we take our scanners to the mines. To date, the machines we have installed have been SMA 21's; production scale, step-and-repeat scanners

specially designed to be gentle with rare books. The SMA 21 can handle both very small books and fairly large folios. It's not very fast, with a rated speed of only 300 or so images per hour. In addition, with many books that rate slows down even more due to the need for extra gentle handling. However, in these situations, it's the quality of the data that is being targeted, so that speed and quantity are not vital criteria.

One problem that emerged in our experience with the current extern-scanner libraries is that many of the target books are bound in velum or other brittle material, which can't be bent to the 180 degrees required by the SMA 21 without destroying the spines. Since many of these books are prized also as museum artifacts, that is obviously unacceptable. In response LLMC asked the SMA people to design a special scanner that will permit the scanning of books held in an open position of only 90 degrees. The first of these special scanners will be ready for field operations early next year.

At present LLMC's network of what we call "extern" scanners is, or soon will be, deployed in five institutions. These are:

— **George Washington Univ. Law Lib.:** GWU was our first extern scanner operation, being launched in 2004. Its principal focus is on GWU's collection of rare books, which is particularly rich in early Civil Law imprints, but covers many other areas also. Because the GWU rare book collection has a high proportion of small, tightly bound books, it will be the inaugural site for our new 90 degree scanner.

— **Saint Louis Univ. Library (SLU):** Our second extern scanner was installed in the main library at SLU to target a very large body of Canon and Civil Law literature which ended up at SLU, both because of the university's collection policies as one of the major Catholic institutions of higher education, but also due to its obtaining the collections of several major, now defunct, French seminary libraries. In short order the SLU operation also fulfilled another function envisioned for our extern libraries. In less than two years the initial LLMC scanner has been joined by two additional scanners, funded by other donors, as the SLU operation has branched out into other subject fields and established itself as a recognized model for full range digitization services.

— **The Hawaii State Archives (HSA):** The HSA scanner is a joint project of LLMC and the University of Hawaii Law Library; the latter using U.S. federal grant money routed through its Native Hawaiian studies program. While only in operation for two years, the HSA installation already has digitized, among many titles, all of the laws of the Hawaiian Kingdom, Republic and Territory, and all of the legislative journals for those entities. Much of this material exists only in manuscript and was hitherto inaccessible for most scholars and Hawaii residents.

— **Los Angeles County Law Library:** This exceptionally productive installation currently focuses on LA Law's outstanding collection of early British Commonwealth legal materials. With its help LLMC can now project that its Common Law Abroad Project will reach completion many years earlier than we ever anticipated.

— **Library of Congress:** This installation has been delayed for various reasons but is now expected to occur in February or March of 2008. LC's scanning focus will be broad, ranging through both the Main Library and the Law Library's collections. Among other things, it will give an early priority to scanning those unique LC holdings needed to complete our Common Law Abroad project.

Endnotes:

1.) Issue 22, Nov. 6, 2006, p. 1

2.) Should your library happen to have a paper back file of this document series, let us take this opportunity to point out that the MLA master file (and thus our online offering) lacks documents numbered 129B, 146 & 147. It is possible that those numbers were inadvertently skipped and were never assigned to documents. But there is sufficient chance that such documents exist to make it worthwhile for you to check your holdings. Should you find any of these documents, we would very much like to discuss with you the possibility of our borrowing them to scan and complete the set.

3.) Given LLMC's relatively small size (our annual budget currently falls in a range of from \$1.4 to 1.7 million), the Board does not believe that the expense and drain on personnel of a full audit is justifiable every year. Therefore the current practice is that the Auditor conducts a full formal audit in every third year, and conducts what is termed an annual review in the two intervening years.

4.) For the Yale Blackstone Collection, filmed back in the early 1980s, and for our Canon Law and Civil Law Collections, filmed at UC Berkeley in the late 1980s and early 1990s.

Erratum to Issue # 26: In the last issue of the newsletter, the name of Maryruth Storer, a very long time supporter, was inadvertently left off of our list of **LLMC Advisory Council** members serving in 2007/08. We apologize for the oversight. To clear up any confusion, the full list is as follows. The year in brackets is when a member's term expire.

Glen-Peter Ahlers *Dir., Barry U.L.L. (09)*

Joel Fishman, *Dir. Law. Serv., Duquesne U.L.L. (10)*

Jonathan Franklin *Libn., U.Washington L.L. (08)*

Jolande Goldberg, *Sen. Cat. Policy Spec., LC (10)*

Joe Hinger *Hd.Tech.Serv., St. John's U.L.L. (09)*

Roger Jacobs *Dir., Notre Dame U.L.L. (08)*

Marcia Koslov, *Dir., Los Angeles Cnty .L.L. (10)*

Holly Lakatos, *Libn., Chicago-Kent S.L.L. (08)*

Margaret Leary *Dir., U.Mich. L.L. (10)*

Ann Morrison *Dir. Dalhousie U.L.L. (09)*

Gail Partin *Dir. Dickinson S.L.L. (08)*

Lee Peoples *Dir. Oklahoma City U.L.L. (09)*

Kumar Percy *Libn. Georgetown U.L.L. (08)*

Jeanne Price, *Asso. Dir., U. Texas L.L. (10)*

Ann Rae *Dir. Ret. U.Toronto L.L. (10)*

Maryruth Storer *Dir., Orange Cnty. L.L. (09)*

Steven Weiter *Libn. N.Y. App. Div. L., Rochester. (08)*

Jules Winterton *Dir., In.Advan.LegalSt.L.L. (09)*

End of Issue # 27