The University of South Dakota School of Law  
McKusick Law Library Collection Development Policy

I. Mission. The primary mission of the McKusick Law Library is to support the research, educational, publication and service activities of the faculty, students and staff of the University of South Dakota School of Law. In addition to this primary mission, the Law Library serves as the legal resource center for the University of South Dakota academic community and the judiciary, the State Bar and all citizens of the State of South Dakota.

II. Patrons. The primary patrons of the Law Library are the law students, some of whom are working toward joint J.D. and Masters Degrees, and the members of the Law School faculty. Other patrons include non-law University of South Dakota students and faculty, attorneys from South Dakota and surrounding states, and the general public.

III. Responsibility for Selection. With the assistance of the Law School faculty and the Law Library staff, the Director of the Law Library has the primary responsibility for developing and managing the Library's information resources. The Director often consults with the Law Library staff regarding acquisition decisions. Law faculty and students are encouraged to recommend and request materials for the Law Library.


The student and faculty of the Law School have access to the print and online resources of the University Libraries with their University identification information. In turn, the Law Library provides the entire University of South Dakota campus with access to select legal databases provided by the Law Library.

As a member of the Mid-American Law Library Consortium (MALLCO), the Law Library qualifies for the group discount for licensing databases and also receives discounts when it purchases directly from participating vendors. In addition, MALLCO members exchange interlibrary loan services without charge, participate and receive the results of MALLCO member surveys, and collaborate on joint projects.

The Law Library participates in the MALLCO State Code Sharing Agreement. Pursuant to this Agreement, fifteen MALLCO libraries collectively maintain the “official” state code and one annotated code, as necessary, for each of the fifty (50) states. These libraries also agree to provide expedited interlibrary loan and reference service with respect to the state codes to which they maintain. The McKusick Law Library has agreed to maintain the South Dakota Codified Laws and the Minnesota Statutes Annotated. The Law Library also anticipates entering into a similar arrangement for print Legal treatises.

The Law Library is also committed to participating in a trial ebook project. This project will allow MALLCO Libraries to collectively establish a program to make ebook titles available from providers to patrons on a short term loan basis for minimal cost. If several patrons from a
participating institution make use of a resource under this arrangement, the book will be automatically purchased by the institution. This trial patron driven acquisition project is anticipated to better meet patron needs while reducing just in case purchasing scenarios.

V. Selection.

a. Accreditation Standards. The Law Library is guided in its selection of materials by its accreditation body, the American Bar Association (ABA), the ABA's Standards and Rules of Procedure for Approval of Law Schools, and by the Association of American Law Schools (AALS), and the AALS' Executive Committee Regulations.

b. General Selection Criteria (including Selection Sources). The goal of the Law Library is to acquire information, or access to information, that supports the educational and research needs of the Law School, including the Native American Law program. Several criteria are considered in determining whether the information supports those needs. These criteria apply to all formats. The general selection criteria include:

- Relevance to the Law School's curriculum and research interests of faculty, staff and students.
- Reputation of the author and publisher.
- Currency, accuracy and quality of the information and data.
- Appearance of the title in important bibliographies, lists, and other reviewing sources.
- Permanent value to the collection.
- Importance to the total collection.
- Likelihood of use by faculty, staff and students.
- Duplication in the collection.
- Availability of material in other formats or in the University Libraries' collection.
- Initial price and maintenance costs.
- Maintenance requirements (shelving space, filing requirements, bibliographic control).
- Format (print, microform, electronic etc.)
- Language.
- Scarcity of material on the subject.
- If electronic, the terms of the license.
- With regard to electronic access, the "embargo" on the most recent issues of periodicals.

Selection sources include:

- Requests and suggestions from faculty and students
- ABA Package Plan list
- Interlibrary Loan requests
- Washington and Lee University School of Law’s Law Journals Rankings
- Catalogs and advertisements from BNA, PLI and other publishers
- OCLC's WorldCat database is used to determine how many other institutions own an item the library is considering
- Reviews in law library literature, law journals, law reviews and legal magazines

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c. Materials Excluded.

Unless specifically requested, print materials from the following categories will not be acquired by the Law Library:

- Casebooks and textbooks
- With limited exception, materials on foreign legal systems or in foreign languages. However, the Law Library does accept gift materials in foreign languages.
- Materials that focus on the law of a particular state (other than South Dakota). The Law Library, however, does collect the current annotated statutory codes of Delaware, Iowa, Minnesota, Montana, Nebraska, North Dakota and Wyoming.
- Continuing legal education materials, with the exception of those relating to South Dakota Law.
- Print legal newspapers and newsletters, with the exception of one copy of the National Law Journal and the newsletters included in the ABA Package Plan, Indian Country Today, and those materials acquired by gift.
- Non-legal periodicals, magazines or newspapers, with the exception of selected newspapers such as the Wall Street Journal and Argus Leader.
- Materials held by the University Libraries, unless the materials are acquired by gift.
- Works of fiction, with limited exception for law-related fiction works.

d. Explanation of Collection Levels.

The depth of the Law Library's coverage for each subject area is dictated primarily by the Law School's curriculum and the faculty's research interests. As a result, the emphasis placed on any given subject will vary from time to time according to developments in the curriculum, in faculty scholarship, and within fields of law. Depending on the area, the Law Library collects on the following levels:

- Basic level. A collection of general materials that introduces and outlines a subject. It may include selected editions of important works, electronic resources, selected practice materials, and major periodicals in the minimum number that will serve the purpose.

- Instructional level. A subject area that supports the law school curriculum, or sustained independent study, at a level that is adequate to maintain the knowledge required for limited or generalized purposes, of less than research level intensity. An instructional legal collection includes primary sources, important monographs, a selection of specialized treatises, journals and electronic resources, and one or two looseleaf services in the field. It also includes practitioners’ material essential to the area.

- Research level. A subject area that includes the major published source materials required for faculty and independent research. It includes all important reference works and treatises, as well as a wide selection of monographs, specialized journals, reporters and access to specialized electronic resources. Older material is retained for historical research. A research-level collection contains sufficient materials for extensive research.

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- Comprehensive level. A subject area is which the Library attempts to collect all significant monographic and serial works, both current and retrospective. The aim of this level is exhaustiveness, and will support the most rigorous and in-depth legal research. For fiscal reasons and based upon the curricular and research needs of the faculty and students of the Law School, the Library collects only South Dakota materials at this level.

e. Overview of the Collection. The Law Library's collection contains over 210,000 print volumes and approximately 12,000 microform titles, consisting of 253,000 actual fiche. By individual password, the Law Library provides law students and faculty with access to the web-based legal research databases WestlawNext, Lexis Advance, Bloomberg Law, RIA Checkpoint Tax Library, as well as the Center for Computer-Assisted Legal Instruction (CALI). It also provides the entire University of South Dakota campus with access to Hein Online, the legal periodical database. The Law Library makes available to law students and faculty other web-based legal resources, including ProQuest Congressional (formerly LexisNexis Congressional) and Fastcase (providing access to the South Dakota Pattern Jury Instructions).

f. Materials Collected. The Law Library's collection profile is described using the categories in Standard 606 (b) of the ABA's Standards and Rules of Procedure for Approval of Law Schools.

Primary Resources.

Federal:

   - U.S. Reports
   - Supreme Court Reporter
   - Federal Reporter 3d
   - Federal Supplement 2d

2. Digests and Citators.
   - Supreme Court Reporter Digest
   - West's Federal Practice Digest 4th (and a limited number of volumes of West’s Federal Practice Digest 5th)
   - Shepard's Citations on Lexis Advance, KeyCite on WestlawNext, BCite on Bloomberg Law, and Bad Law Bot on Fastcase

   - Statutes at Large (2 print copies - one reprinted in United State Code Congressional and Administrative News - "U.S.C.C.A.N.")
   - United States Code (1 print copy)
   - United States Code Annotated (1 print copy)

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• United States Code Service (1 print copy)

4. Treaties and International Agreements (Instructional Level). The Law Library relies on Hein Online Treaties and Agreements Library as well as Lexis Advance, and WestlawNext for full-text current United States treaties and other international agreements. The Library’s print collection includes the United States Statutes at Large for the United States’ treaties concluded with foreign nations prior to 1950 and United States Treaties and other International Agreements for United States’ treaties from 1950 to 1984. The Library’s microfiche collection includes the United States Treaties Series from 1979 to 1997.

To locate and update treaties, the Library collects in print the United States Department of State’s Treaties in Force and Kavass’s Guide to the United States Treaties in Force. It also relies upon the Department of State’s website publications, Treaties in Force and Treaty Action.

5. Federal Legislative Materials (Instructional Level). Selected federal legislative history documents are available in full-text on ProQuest Congressional, WestlawNext and Lexis Advance. Selected committee and conference reports are available in print in U.S.C.C.A.N.


- Code of Federal Regulations (1936-date, limited holding in print)
- Federal Register (1936-date, limited holdings in print)

7. Federal Administrative Agency Decisions (Instruction Level). Federal administrative agency reports are available on Lexis Advance, WestlawNext, Bloomberg Law, HeinOnline, and administrative agency websites. Presidential documents are available on ProQuest Congressional and in print in U.S.C.C.A.N.

State:

1. South Dakota State Court Decisions (Comprehensive Level). The Law Library collects decisions of the South Dakota Supreme Court in print and in electronic format. It has a Comprehensive Level collection of Dakota Reports (pre-statehood court opinions 1867-1889) and South Dakota Reports (1890-1976).

- North Western Reporter 2d

The Law Library collects in print briefs submitted to the South Dakota Supreme Court.

2. Other States' Court Decisions (Research Level). The Law Library collects in print decisions of the state appellate courts of Iowa, Michigan, Minnesota, Nebraska, North Dakota and Wisconsin in print as reported in the North Western Reporter 2d, and other state court decisions, as reported in the Uniform Commercial Code Reporting Service 2d. For all other decisions from
state courts other than South Dakota, it relies upon LEXIS and WESTLAW. Its print collection also includes pre-regional reporter state court decisions and a complete collection of regional reporter state court decisions through 2010.

Digests and Citators.

- North Western Digest 2d
- Dakota Digest
- Shepard's Northwestern Reporter Citations in print
- Shepard's South Dakota Citations in print
- Shepard's Citations on LEXIS and Keycite on WESTLAW

3. State Statutes (Research Level). The Law Library collects the current annotated statutes of South Dakota, Delaware, Iowa, Minnesota, Montana, Nebraska, North Dakota and Wyoming in print. The Library provides access to the current official and annotated print statutory codes of all fifty states through the MALLCO State Code Sharing Agreement, as well as electronic access to those codes through LEXIS and WESTLAW.

The Library collects the Session Laws for the State of South Dakota in print and electronic format. It relies on LEXIS and WESTLAW for access to the session laws of the other forty-nine states.


5. State Regulations (Instructional Level). The Law Library collects the current South Dakota Administrative Rules in print and also accesses the Administrative Rules via the South Dakota Legislative Research Council’s website, http://www.legis.state.sd.us/rules. It relies on Lexis Advance, WestlawNext, Bloomberg Law, and Fastcase for administrative regulations or rules from other states.


7. State Legislative Journals. The Library collects state legislative journals for South Dakota only.

International Law:

The Law Library relies primarily on LEXIS, WESTLAW, and free access Internet websites to provide current coverage of foreign primary and secondary law materials. The Library has a small collection of monographs in International Human Rights law and an extensive collection of English and Canadian historical law materials.

Secondary Resources.

1. Periodicals (Research Level). The Law Library subscribes to Hein Online which provides access to most quality Anglo-American legal periodicals. It also collects selected law reviews and law journals in print from selected reputable, quality commercial publishers, professional associations, and accredited law schools, especially in instances where the periodical is not available in HeinOnline and is needed for the curriculum or requested by faculty.

2. Periodical Indexes (Instructional Level). While HeinOnline serves as an index to periodicals, the Law Library also subscribes to Current Law Index in print. The Library also relies on the indexes and keyword searching of the periodical databases of LEXIS and WESTLAW. The Index to Legal Periodicals is also available via the I.D. Weeks Library.

3. Treatises (Research Level). The Law Library collects the authoritative multi-jurisdictional legal treatises in most areas of the law from reputable publishers. While some legal treatises are maintained in print, the Law Library is transitioning to the electronic format of treatises as they become increasingly available via Westlaw, Lexis, and Bloomberg Law. The Law Library collects South Dakota legal practice books when such titles are available.

4. Restatements (Research Level). The Law Library collects all Restatements of Law in print and electronic format. It also collects a second print copy of the Restatements for first-year course subjects.

5. Publications of the State Bar of South Dakota. The Law Library collects all publications of the State Bar of South Dakota, including the State Bar of South Dakota Newsletter, the South Dakota Pattern Jury Instructions, and Continuing Legal Education materials.

g. Subject Collection.

1. Comprehensive Level.
   • South Dakota Law

2. Research Level.
   • Native American Law
   • Water Law
   • Taxation

3. Instructional Level. All other areas in which courses are offered.

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4. Academic Support and Career Development – Due to increased demand, there is an increased emphasis in collection in these subject.

h. Reference. The Law Library maintains a collection of legal bibliographies, finding tools, dictionaries and other reference materials in print and electronic formats. Law School faculty and students also have access to non-legal print and online reference resources of the University Libraries with their campus identification information.

i. Reserve. In the Reserve Room adjacent to the circulation desk, the Law Library maintains special collections on Native American Law, legal ethics, legal research, writing. The Reserve Room also contains hornbooks, some Restatements of Law for the first year courses, the BNA Criminal Law Reporter, U.S. Law Week, the South Dakota Bar Newsletter, selected South Dakota practice materials, and a copy of the South Dakota Codified Laws. To increase availability, the study aids collection, previously maintained in the Reserve Room, has been removed from the Reserve collection.

j. Faculty Resource Collection.

Located in the Faculty Lounge, the Faculty Resource Collection contains print copies of the United States Code Annotated and the South Dakota Codified Laws. The Law Library also subscribes to the Wall Street Journal that is kept in the Faculty Lounge.

k. Limitations.

Like many academic law libraries, the McKusick Law Library is currently transitioning from a large print collection to a balanced, hybrid print-electronic collection through the cancellation of duplicate print items, foreign law materials, and other infrequently-used items. The Law Library also cancels occasionally-used print subscriptions when the title becomes available online. The Law Library observes the following general guidelines:

- Materials supporting the curriculum and research needs of the Law School’s faculty and students are favored over materials utilized by other patrons on a less frequent basis.
- Current publications are given priority over retrospective materials.
- For subject areas in which the library has a multi-volume treatise, the library usually will not routinely buy one-volume treatises.
- Duplicate copies are purchased only for heavily-used materials, including the South Dakota Codified Laws.
- Only one copy of each current study aid from West’s Nutshell Series is collected, unless additional copies are acquired by gift.
- Law books by university presses, commercial academic presses and reputable trade publishers on legal subjects will be acquired upon request by faculty and students for research and curricular purposes and as the budget permits.
- Books in the social sciences, sciences and humanities by university presses, commercial academic presses and reputable trade publishers may be acquired upon request by faculty and students for research and curricular purposes.
The Law Library collects practice materials for South Dakota, but scholarly materials are preferred for other areas and subjects.

VI. Formats.

a. Print vs. Electronic. The Law Library is actively transferring many print subscriptions to electronic subscriptions as a result of the changing habits of researchers. Because few South Dakota resources are available electronically, print is the available format for these materials. Both print and electronic formats are preferred for all other South Dakota materials, statutory codes from contiguous states. Electronic format is preferred for other materials, including second copies, infrequently-used materials, when saving space is a consideration, and when the electronic resource is easier to use than the print equivalent.

b. Microforms. Although microforms are not preferred acquisitions, the Law Library may acquire microform for the following reasons:

- to preserve fragile material in print.
- to fill in gaps in a serial or multi-volume set.
- to collect materials for which the Library would have insufficient space to hold in print.
- to collect material unavailable to the Library in print.

c. Audio, VHS, CDs, DVDs and software. The Law Library does not collect audio, VHS, CDs, DVDs or computer software, unless requested by faculty, acquired by gift, included with print materials or for material that is otherwise unavailable in print or electronic format.

VII. Interlibrary Loan. The Law Library may request items for students and faculty from other libraries in South Dakota, from the Minitex/OCLC interlibrary loan system, and MALLCO libraries. Pursuant to the MALLCO State Code Sharing Agreement, the Library receives expedited interlibrary loan and reference services from the other participating law libraries with regard to the state codes to which the libraries maintain. The Library adheres to the South Dakota Interlibrary Loan Code, the CONTU guidelines, and related agreements with member libraries.

VIII. Rare Books. The Hagemann Rare Book Collection contains primary legal materials from the Dakota Territory and the early statehood of South Dakota, as well as Anglo-American law books, published between 1750 and 1900, including many titles likely to have been found in a nineteenth century "prairie" lawyer's library. At this time, the Law Library does not purchase rare books, but will accept rare books as gifts.

IX. Gifts. The Law Library encourages gifts that enhance the collection. Such materials include not only new titles that the Library would otherwise collect, but duplicates of heavily used items, and items needed to replace existing Library materials that are in poor condition. The Law Library acknowledges donations with a bookplate with the donor's name. Gifts are accepted with the understanding that the Law Library retains the right to dispose of donated materials as it deems appropriate. The Law Library complies with all IRS regulations pertaining to charitable donations and cannot put a value on donated items, but can acknowledge the number and type of
material. It is the responsibility of the donor to ascertain an appropriate amount to use for an income tax deduction.

X. Retention and Deselection. The Law Library retains the superseded volumes and pocket parts of the South Dakota Codified Laws and the superseded volumes of the annotated statutes from contiguous states. Judicious and systematic deselection is important to keep resources alive and up-to-date. It is also necessary due to space limitations in the Law Library. Pursuant to state law, deselected items may be donated to authorized entities or disposed of by facilities management. Works to be deselected include:

- Materials containing obsolete or misleading information.
- Superseded editions.
- Copies of standard works no longer needed for supplemental use.
- Worn out or otherwise damaged items.

XI. Intellectual Freedom and Copyright. While acquiring materials to meet the research and curriculum needs of the Law School's faculty and students, the Law Library selects materials that present diverse opinions on current and historical issues, and thus, the collection reflects a diversity of legal, political, economic, religious, social, minority, philosophical and sexual issues. Materials are not proscribed or removed because of partisan or doctrinal disapproval from whatever source. During the collection evaluation or weeding process, materials may be removed due to obsolescence, deterioration or lack of use, but will not be removed because of their controversial viewpoint. The Librarians pledge to place principle and reason above personal opinion and prejudice in selecting and deselecting materials for the collection.

The Law Library recognizes and respects intellectual property rights and conforms to legislative mandates regarding copyright protections.

XII. Evaluation. The Law Library continuously reviews its collection to ensure that the materials support the curriculum and research needs of the Law School students and faculty. The Law Library staff identifies new course offerings and areas of research interest among students and faculty and purchases titles in these areas, the Interlibrary Loan librarian regularly reviews ILL requests to identify titles for possible purchase for the Library, and the Library encourages faculty to request materials as needed for research. A full-shelf reading and inventory of the collection will be completed every five years in order to verify the possession of the materials represented in the Library's catalog.

XIII. Preservation. The Library binds a limited number of unbound print periodicals. It attempts to preserve all other materials in their original physical format where it is economically and physically feasible to do so.

XIV. Responsibility for Collection Development Policy. The Dean of the Law School, the Law School Faculty and the Director of the Law Library cooperate in the formulation of the Collection Development Policy. At a minimum, the policy will be revised every other year. In the case of any major change in the Law School's programs or funding, the policy will be
reviewed and revised to address the change to ensure that it meets the needs of the Law School students and faculty.