Biography

Margarethe Sannino went to Law School in Mainz (Germany) and started working for Shearman & Sterling LLP in 2002 as a legal assistant for the Capital Markets and International Arbitration Department. She has been Head of Library and Information Services at Shearman & Sterling LLP's Frankfurt Office since 2005 as well as being responsible for Compliance Administration since 2013.

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Between Book and Database: Meeting Information Needs in a Law Firm's Library

Abstract: Faced with a fragmentation of publishers' portfolios in Germany, the librarian Martina Kuth was interviewed about the challenges to grant a user-oriented library collection in a large commercial law firm like CMS Hasche Sigle.
Keywords: law firm libraries; collection development; Germany

INTRODUCTION

At CMS there are 2,800 legal and tax advisers in 56 offices. This size means they have the most extensive footprint in Europe of any firm. CMS Hasche Sigle Partnerschaftsgesellschaft mbB is a strong commercial law firm and part of the international CMS organisation. In Germany, the core market of more than 600 lawyers, tax advisors and notaries, advise clients ranging from mid-sized companies to major groups on all aspects of national and international commercial law. With CMS Cameron McKenna LLP CMS has a strong representative in the United Kingdom.

Martina Kuth is the Coordinator of Library and Information Services at CMS Hasche Sigle. Besides the international CMS-offices in Russia, China and Turkey, CMS Hasche Sigle runs 8 offices in Germany and one in Bruxelles (Belgium). Each is equipped with a printed library collection and with access to the dominant German legal databases Juris and beck-online as well as to various specialist databases. Apart from coordinating responsibilities Martina also manages the local library in the office at Frankfurt am Main. This library offers around 22,000 media located in 200 square meters.

In 2013 Martina was interviewed by Angelika Beyreuther and Erwin König of the Fachbuchjournal, a journal published by Dinges & Frick in Wiesbaden. They talked about how the library can contribute to best meet information needs in a large law firm. After the interview was published[1] it was met with a certain resonance in librarians' and publishers' circles. Due to that, an abridged version was published in Schweitzer Forum, a journal of the book-seller Schweitzer Fachinformationen, in the same year.[2] Martina translated the interview in full-length for LIM and added some updates indicated by square brackets.[3]

THE INTERVIEW

Angelika Beyreuther, Erwin König: You are the library manager in the Frankfurt am Main office of CMS Hasche Sigle, where about 80 of 600 lawyers are situated. The working title for this interview is: How does the ideal information supply in such a large commercial law firm work? Off we go:

Martina Kuth: The information supply of a large company is provided by various divisions and colleagues – the library as an internal service unit is part of it. In our conversation, I would like to focus on the library's input to

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meeting information needs. Ideal information supply starts with collection development and demands an anticipatory strategy, which is supposed to be up to date, just in time and tailored to suit the users' needs. Being a librarian means working user-oriented.

Adjacent to tailored services for individuals or groups, the collection of published knowledge has to be available at any time to any lawyer – our company library is open to all firm members 24 hours each and every day of the year.

But meeting information needs has become more and more difficult in the last years. We witness a fragmentation of electronic formats of legal publications …

Q: … Fragmentation? What about the centralisation in the last few years? Publishers like Wolters Kluwer took over many other publishers. The scenery should be simpler and more clearly structured than ever!

A: The scenery is worth scrutinising! Let's focus on the portfolio of German editors regarding German law. Just to come back to Wolters Kluwer: The editors are sold to Wolters Kluwer but they still exist as trademarks with specialised portfolios. They show their affiliation to Wolters Kluwer on the online platform Jurion. The publication market would be even more confusing, if every publisher had developed their own electronic platform.

When talking of fragmentation I mean that publications are offered in a way it fits to the publisher. Some content is offered in print only, some in a combination of products so that you have to purchase both formats. Those publications that are offered electronically are edited completely different: E-books are at a standstill regarding the content and can be purchased or licensed short-term depending on the provider. The PDF-format predominates here – one hears that the E-Pub-format will be offered by some editors on top of that soon. Some publishers offer typical database formats like xml which can be licensed temporarily only. The publisher C. H. Beck offers the database beck-online and Wolters Kluwer offers Jurion with the so-called jBooks. The provider Juris offers own products and content of the editor Otto Schmidt as well as the partners of the so-called Juris-Alliance. Above all publishers like NWB and Schäffer-Poeschel provide own electronic platforms. [In 2014 Schäffer-Poeschel was sold to Haufe Lexware, we follow the implication of this purchase.]

I think it makes sense to differ primary from secondary literature while dealing with this question. That means differing judgements and law from commentaries, monographies, collections of contracts, manuals, articles and so on. On top of the publishers' portfolios of Juris, beck-online and Jurion there are open access approaches available as long as I stick to primary sources. But it gets demanding when you consider secondary literature, the content of which is unique and tied to a publisher.

Q: Well, let's cut in right here: How do you grant an optimal collection development for your company in this situation?

A: Collection development in a completely print-oriented library is about buying a book, a loose-leaf-publication or journal – or not (yet) buying it. A collection building strategy including electronic publication formats gets even more interesting until you decide in favour of a content: Is the publication available in an electronic format at all? If yes: In which? Is it offered as a single title or is it obligatory embedded in a package or module? Is the librarian enabled to decide on singling out or keeping it? What about long-time-preservation?

A range of legal questions related to copyright, acquisition, licenses and information technology rises up. And this range – not new at all, but still virulent – is a challenge for a company library as well as other types of libraries. Besides this the working habits and the working need of our lawyers should be the basis for the choice of the "ideal publication format".

Furthermore the publications offered in databases, i.e. not published as e-books or e-journals, are not itemised in any library supplier's or bookseller's catalogue – particularly not in advance. They are [from the bibliographical point of view] comparable to an essay in a journal and are offered in a module or package. A publication offered by a legal publisher is currently available in only one electronic format, if any at all. Moreover, the electronic formats are embedded in proprietary platforms. Even publishers like Otto Schmidt and Nomos, which offer databases as well as e-books and e-journals, do not offer one content in more than one electronic version so far. [Update 2014: In the meantime a few publishers started offering selected publications simultaneously in print editions, a database format and as e-books. We have no information on the turnover of these offers so far.]

Q: So, the acquisition decision is reduced on deciding between Print and electronic format? P or E?

A: (Nodding) From my point of view I prefer a content being offered in various formats – the more the better: In a printed edition, an online-version embedded in a database or as an e-book you can acquire as a single item or in a package. Customers should be able to choose acquiring the item by short-term-or long-term license or by purchase. I admit that this seems to boost the fragmentation. But I do think it is relevant to grant a deeply customised collection.

The big share of legal e-publications in volatile databases as well as the very small share of e-only-publications in legal secondary literature presently contributes to a collection development focused on print editions. You can dispose of a print collection ad libitum without violating copyright limits.

No need to mention that all of our lawyers are supplied with access to databases too, just to name beck-online, Juris and Jurion-Recht, which is the successor of LexisNexisRecht. Various specialised databases are in our collection portfolio as well. These databases substitute the one or other walk into our library, help avoiding additional print copies and meet legal working techniques by linking numerous primary and secondary sources. But you have to consider that databases are limited on the

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content provided by the editors who contribute to it. Above all they offer a choice of publications parallel to print editions the customer has neither any chance to comprehend nor to anticipate.

Q: So you are after more transparency, aren't you?

A: A clear and definite yes. I wish for clear notices in advance that tell me which publications are planned in an additional e-version and which are planned to remain print-only. The editors offering e-books ensure that information via book sellers' and editors' platforms already. [But the share of e-books in German legal literature is still very small!] In these days it is quite difficult to substitute print by an electronic version and meeting users' needs at the same time. The publications are offered on various platforms in various data formats and with various acquisition conditions from purchase to licensing. [On top of that, electronic formats might be published weeks and months after the print version.] So here we are with the sobering answer to the question focused in this conversation: There is no simple solution.

Q: Which publisher does make it most bearable these days?

A: Even though we have decided in favour of the print-editions so far: let's point out De Gryuter. The publishing strategy is transparent. Considering the state of the art on the preservability of PDF-files I can have the acquired items at our unlimited disposal. The only restriction I have to face is that the publications are not stored on a server of CMS Hasche Sigle. Duncker & Humblot offers all newly published items too, and a backlist in a printed and an electronic format. Both enable a customised collection development. (I don't want to consider the choice of a supplier right here.) Even the limitation of electronic formats on specific serials and periodicals, the way Mohr Siebeck has pursued, is comprehensible in an acquisition process. Contents offered in databases are different: C. H. Beck hasn't preannounced any indication which publication is to be published electronically in beck-online additionally if it hasn't been a separate module. This makes collection development highly more complicated.

Q: This might please the team of De Gruyter.
I bet that the working habits are highly significant in a user-oriented company library like yours.

A: Sure! It is a stereotype but I agree that lawyers tend to be, let's say, more conservative users. Even the so-called "digital natives" prefer print-editions when it comes to intense studies. Especially while studying comparatively the desks are covered with various books, printed articles and clippings. Electronic sources are used at the same time.

Q: Tell us more about your acquisition rules. Do you decide case by case or do you follow standardised patterns in selected sectors?

A: Well, I prepare a preliminary selection from newsletters, ads and more sources including the bibliography of the Deutsche Nationalbibliothek [German National Library] and present this selection to the lawyers responsible for the collection development of their practice area. Benchmark publications are purchased without previous feedback, but I depend on their vote when deeply specialised publications are announced.

Q: You have got a liberal budget for this, haven't you?

A: The budget enables us to continue the way of collection development that has been pursued since the beginnings of the Frankfurt office in 1974 as Peltzer & Riesenkampff: Anticipation, current needs and long-term relevance. The collection development is based on the character of a reference library with restricted lending allowance. We cover "our" practice areas in depth and range referring to the users' needs. Remarkable for a company's library might be the acquisition of selected habilitation treaties. Moreover we are one of the few law firms in providing a distinctive collection of festschrifts. The demand shown by evidence acknowledges this acquisition policy. To limit the publications to those tailored for legal practitioners and to provide the current edition is not sufficient for the level of quality in legal advice we stand for. Our cases are too complex and demanding for that.

Q: In your master thesis on collection development [written 2012] one statement stands out: In Dubio pro Print. A good deal of your collection is still printed?

A: That's right, and that is the way we have to go these days, as I implied before. Many publishers do not offer big shares of their portfolio in any electronic format at all and for those publications offered in digital editions there's a lack of alternatives regarding acquisition conditions and availability.

The long-term availability of a collection definitely is relevant even in a library focused on the users' needs. A commentary updated every one or two years might not get obsolete with a new edition. There might be changes in commentaries and reasoning or in legal practice worth thinking of keeping the publication in stock even in a library of a law firm. In many digital environments this is not granted. A reliable long-term preservation actually is ensured via print materials as well as pdf-formats, following today's state of the art. I am not in the position to judge on the latter but I admit a certain scepticism on the long-term preservation of electronic content even as PDF.

Q: Which implication would an e-only-policy for the library collection have?

A: I confess I also tried to cause a discussion in specialist circles with my statement "in dubio pro print", but to keep it short: This is what I concluded of my study. A library sticking to print products is enabled to offer the complete portfolio of secondary literature in law published by German editors. I am convinced that a decision

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in favour of an e-only-policy would be – with all due respect to the motivation – very problematic.

For half a year, while working on my master thesis, I examined all our newly purchased publications as well as our subscriptions on their availability as hybrid publications in databases or as e-books or e-journals. I checked if they were offered for single-purchase or in packages respective in a module, to enable the librarian to substitute the print with a digital version. The conclusion was a sobering one: We would have missed 70 percent of our new acquisitions in the period between November 2011 and May 2012. 70 percent of these acquisitions oriented on users' needs wouldn't have been available for our lawyers if we had followed an e-only-acquisition-policy. As I checked the subscriptions in that period I found that only 40 percent were offered digitally without the obligation to buy the print version as well. I worked with a result I called the "substitutional factor" and found out that only periodicals had a quite high one compared to the new acquisitions and the subscriptions. But the rate of 0.6 shows very clearly even with periodicals that e-only comes along with a loss of content.

Above all, you have to consider the conditions of contracts and the data formats of this small substitutionable share. I have to come back to questions mentioned earlier. How to grant anticipatory collection development via licensing of databases, the content of which is neither available in different formats nor replaceable? A large law firm like CMS Hasche Sigle certainly does not limit licenses to single modules for single users, but acquires large and en bloc licenses for the whole firm. These licenses imply a dependency from the provider regarding the compilation and especially the pricing policy. If licensing conditions were not acceptable any more for the law firm, all previously licensed content would simply be gone.

Q: Well, then you still had the printed book.

A: Yes, we still provide it, but only because we are not following an e-only-policy. Apart from the dependency and the still print-oriented working habits the question for planning the future comes up. How do I shape a collection? Is it sufficient to cover the current demand or am I supposed to have a long-term strategy for my company library? Which basis am I supposed to build up today in order to contribute to an efficient working environment for the colleagues in five, ten or twenty years? Is that question relevant anyway? It is worth an intense and controversial discussion. But you have to tackle it especially when regarding electronic publications.

We are a user-oriented library without any public duties. We offer selected sources from the end of the 19th century on. This might sound strange depending on the individual working environment of some legal practitioners but as a matter of fact there is a need for this part of the collection out of current legal mandates. For decades we have benefitted from the vision of those who founded the firm. Without this facility we would depend on document supply services or copies made in a scientific library with public access.

Q: Where the uncertainty arises if it is still in stock there!

A: Yes, that's true, especially since there are colleagues in scientific libraries who are convinced that a library doesn't have to provide a reliable collection, but only access to a volatile "current information portfolio", not to mention how to compile it. What can I as a librarian in a company library rely on in that case? Are we – as non-members of a university – still authorised to use the print and especially the digital portfolio? I am aware of various changes these days.

Q: So you don't count on a scientific library.

A: No, we currently don't. We are lucky to be admitted to the collection of the Deutsche Nationalbibliothek [German National Library] right here in Frankfurt am Main. But you have to take into consideration that crucial aspects like fast and immediate availability cannot be granted by a library storing in magazines, the way, I aim to ensure fast and immediate service for our lawyers who work under high pressure of time and success.

Q: But you don't plan to expand your print collection perpetually, do you? In the end it is a question of space, isn't it?

A: It is a question of space, right. And it needs a lot of money even after the purchase. The mere required space is a significant cost factor considering the price per square meter in Frankfurt am Main. So the pressure for change is ahead. A library needs much space. A cloud solution for digitised books is supposed to be cheaper and easier to administer. I haven't heard of studies comparing short- and mid-term full costs of print and electronic collections. To me the calculations were not that convincing in a market with an only small choice of providers. I mentioned the dependence from the provider earlier. Those owning the content, as a rule the publishers, hold the whip hand.

Considering cloud solutions leads to more and more fundamental aspects. Due to data security our content is stored on our own servers. An example: We implemented a new library management system in 2012. It is web-based, it is state of the art technically, and it is stored on our own servers, although it consists of nothing else than catalogue and lending data.

Q: Let's talk about databases offered these days and about their retrieval functionalities. I hear from large law companies that research is demanding and time-consuming because of bad search functionalities.

A: I'm afraid the usability of numerous institutional web pages still differs in quality. All in all, the functionalities of all databases are end-user-oriented but even a well-trained researcher may take a lot of time to adapt to the "characteristics" of a web page which have been unknown or changed lately.

Q: Do at least the commercial providers offer ideal search functions?

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A: In the last years we have noticed improved search functionalities among the three large databases [Juris, beck-online, Jurion]. Each database still has its own special features and a well-trained researcher is able to handle and utilise them. Most researchers start with the data base they favour due to content and special functions and complement their outcome then. It is essential to know which sources are or are not offered in each database. Information literacy is as important when using electronic sources as it is when using print editions.

Q: I would like to come back to the current publication strategies. From your point of view: How do publishers need to improve?

A: I have already mentioned the lack of transparency and that I would favour a variety of publication formats. On top of that I want to point out an aspect which causes rigour in librarian circles: Many offers are mainly or exclusively designed for single users only. Administering single user accesses in such a large law firm like ours would be very time-consuming and can be granted in very rare cases only. The access to jBooks of Wolters Kluwer i.e. which are offered on top of the print version for a single user-account only might illustrate this. So is the online accessibility of other electronic sources published parallel to loose-leaf-volumes or periodicals. There's an evident lack of transparent strategies and pricing models for institutional users in free market economy. By now each electronic offer requires individual contracting.

We heard about these challenges in regards to e-publications from public and scientific libraries and I expected a somewhat simple solution for that – I was wrong. I thought having acquired a publication, which format ever, goes with accessibility [one user at a time] for every member in a company. That's the way it is dealing with a print collection. If CMS Hasche Sigle acquired an e-book for one of our offices or for all of the firm, the access conditions would depend on the publisher and the provider. The Digital Rights Management is to be taken in consideration on top of that – we have left this aspect aside so far. A library that does not belong to the public sector has no chance but to individually negotiate the contract conditions from pricing to accessibility …

Q: ... Because the offers are not standardised.

A: …unless one acquires at least e-books and e-journals with the assistance of service providers. Those providers, just to mention EBL or EBRARY [merged in the meantime], offer short-term loans and some more demand-driven concepts which are interesting for company libraries as well – but still relevant content is missing. Relevant content is a challenge for legal databases as well. Just take a look at Jurion, an innovative business model, though still focused on the single-user. Especially those publishers not belonging to Wolters Kluwer Germany offer only a few publications in Jurion. (Up to the recent site relaunch in April 2014 there even were "publishers' worlds" without any content but general announcements). That is symptomatic for the supply of electronic publications by legal publishers and their providers; there is a lack of comprehensive content and perhaps even a lack of willingness to offer all print publications in an e-format as well.

Q: Who is to be requested then?

A: I hope that library interest groups and the Börsenverein des Deutschen Buchhandels [the German interest group of booksellers] start considering our interests as well, even though company libraries don't have an own institutional lobby. [In the beginning of 2014 a new section of company libraries was founded in the Arbeitsgemeinschaften der Spezialbibliotheken ASpB (Working-Group of Special Libraries), I am looking forward to the further development.] We acknowledge that subject publishers are struggling for new business models and we are very interested in a customised and ideal supply of our users. I expect an often mentioned adjustment of the market in the end. I don't want to speculate on the lasting business concepts and on the challenge which customers might be served the best then. A monopolist offering all content does certainly not serve users and customers best.

Company libraries and their responsible bodies as well as publishers, booksellers and providers are profit-orientated. Striving for a consensus and a culture of communication are effective methods to develop lasting business concepts. Me, as a librarian, I strive for the best information supply for "my" users at justifiable conditions and a reasonable price.

Q: Here is some sort of nasty question: What about your general idea on an ideal situation?

A: (laughing) That is a nasty question indeed. I admit that the best for researchers and end-users was having all content in one. All in one big database with one single surface.

Q: Yes, great, the German Legal Database! (Laughing)

A: As a matter of fact there have been attempts since the 1960s. Juris is one of them. Even Westlaw from the United States tried to get into the German Market by offering comprehensive content for legal practitioners. One German Legal Database with all content by all publishers (laughs). Well, that would be the monopoly which is supposed to be of no interest to customers. I can do no more than to repeat: There is no simple solution!

Q: Now let's come to an end with an assumption on how your library in Frankfurt am Main and the library supply in ten years might look like!

A: I suppose our company library will still exist as a physical space with a print collection, although it is an even more distinct hybrid library with a print collection growing more slowly than before. More often than nowadays acquisition decisions in favour of electronic versions will be made. I think that the editors' portfolios are consolidated so that the offered data formats are less fragmented: One can choose any content in any data format, be it in a database or a single-purchasable e-book or comparable formats.

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That means anything in any format, print included. To mention loose-leaf-publications: I bet they will get obsolete.

I especially imagine a database you can build pick-and-choose-like referring to individual needs. It should be without restrictions to special editors and have a valid usability being open i.e. to all institutional users. Referring to the range of editors I do hope that not only the large ones will survive, confining themselves on assumed fast-moving items and best-sellers. A variety of authors and contents is to be published including minority opinions. Findings and commentaries not trending towards the prevailing view are very relevant for legal information and I think it is very important to be aware of authors who are not yet established. We have to keep this content – in which way ever.

Footnotes

[1] Kuth, Martina: Zwischen Buch und Datenbank: Die optimale Informationsversorgung in der Firmenbibliothek einer Wirtschaftskanzlei. IN: Fachbuchjournal 2013, no. 2, pp. 4–12. URL (complete no.): http://www.fachbuchjournal.de/journal/webpapers/FBJ-2013-02/index.html

[2] Kuth, Martina: Zwischen Buch und Datenbank. In: Schweitzer Forum 2013, no. 3, pp. 12–13. URL (complete no.): http://content.schweitzer-oline.de/static/content/uploads/StoreFront/file/000/041/000041211/Forum_11_2013.pdf

[3] Acknowledgements to Dinges & Frick in Wiesbaden and Schweitzer Fachinformationen in München for the permission to publish the translated interview in LIM.

Biography

Martina Kuth has a Diploma in Librarianship (Dipl.-Bibl.) and a Master in Library and Information Science (MA LIS), the latter accredited by CILIP. Since 1987, including a parental leave of 5 years, she has been working as a One Person Librarian in legal company libraries. Since 1996 she has been working in the Frankfurt Office of CMS Hasche Sigle as librarian and, additionally, as Coordinator of Library and Information Services for all CMS-offices in Germany since 2013. Martina is a member of various German library associations: Arbeitsgemeinschaft juristischer Bibliotheken und Dokumentationsstellen (AjBD), Berufsverband Information Bibliothek e. V. (BIB), Verein Deutscher Bibliothekare (VDB) and via CMS Hasche Sigle in Arbeitsgemeinschaft der Spezialbibliotheken (ASpB).

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Introduction to Sources of German Law: German Collections at the Institute of Advanced Legal Studies

Abstract: This article, written by Katherine Read, gives an introduction to printed and electronic German legal resources that are collected by the Library of the Institute of Advanced Legal Studies and including those that are accessible through the web. Particular attention is given to English language sources where they are available to library users.
Keywords: legal sources; legal research; Germany

GERMAN COLLECTIONS AT IALS

The role of the Institute of Advanced Legal Studies (IALS) is "to promote and facilitate, within London and nationally and internationally, research and scholarship at an advanced level across the whole field of law" and the library plays an essential role by "collecting, maintaining and developing extensive research collections of national,

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