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The New York Joint International Law Program Experience*

Sara Robbins**
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The New York Joint International Law Program (JILP) was designed in 1983 to allow three law schools to develop a shared collection of international law resources with total research capabilities equivalent to those of the major existing international law research libraries. This article describes the origin, scope, and operation of the JILP program, and projections for its future development.

Background

International law is increasingly recognized as one of the basic topics in the law school curriculum. All law school libraries must provide at least the basic tools for research on international, comparative, and foreign legal issues, but only the largest schools can afford to develop and maintain comprehensive research-level collections in these areas.

There are a dozen or so law schools in the New York City metropolitan area, with libraries of varying sizes and historical scope. Although the two large libraries, at Columbia and New York University, have extremely comprehensive international law collections, they cannot be expected to subsidize the research needs of all the other schools. The other libraries are much smaller and have neither the resources nor the space to match these giants, or even to meet the research needs of their expanding international law faculty and journals. Even if they could, it seems wasteful to create a dozen research-level collections in a subject area that must remain supplemental to the domestic-law focus of a law school library.

Three of these smaller New York City law schools--Brooklyn Law School, City University of New York School of Law at Queens College (CUNY), and New York Law School--were drawn together to form the JILP consortium because of five interesting characteristics.

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First, Brooklyn and New York are "stand-alone" law schools. Without the support of a college or university library, they are pressed to stretch their collection budgets to cover the full range of law-related materials: political science, economics, philosophy, etc. The costs of developing a major international law collection would thus be even more difficult for them to bear.

Second, New York and Brooklyn are located in the central business districts of Manhattan and Brooklyn. This results in severe space constraints and enormous costs for library expansion. At the time the JILP project was initiated, both schools had outgrown their library facilities but expansion programs were still in the planning stages. Consequently, both schools faced significant problems in finding the space to house a developing international law collection.

Third, CUNY was a new law school, with its first entering class in the fall of 1983. The CUNY Law School was founded with a nontraditional focus, an innovative curriculum, and a mission to serve minorities and other groups that are underrepresented in the bar. The library was planned with this unique law school program in mind, and specifically sought to take advantage of new technological developments in terms of administration, library operations, and providing access to materials.

The CUNY Library Development Plan concluded that, while it is still necessary to own most core legal materials in hard copy, the real focus of library service should be on providing users with the information they need—regardless of the format in which it is stored or the location where it is kept. This approach replaces the traditional "just in case" collection development policy with a "just in time" delivery promise. CUNY was in an enviable position to implement this concept, since, unlike existing law libraries, it had not yet bought everything in hard copy. New technologies could therefore be funded out of the savings from the hard-copy sets they would replace.

Simultaneously, both the ABA and the AALS were in the process of changing their accreditation standards for libraries from the traditional quantitative approach, based on what books (and they did mean books) a library owned, to a qualitative approach, based on how well the library could meet its users' needs with a variety of formats and services. A high-tech law library was thus not only feasible, but acceptable—or at least not prohibited.

In the early 1980s, the primary areas of such technological alternatives were microform, LEXIS and WESTLAW, and enhanced-delivery interlibrary loan arrangements. Problems with user acceptance of microform limit its utility to less-used and historical materials, so microform

was deemed unsuitable for major savings in a growing area like international law.

LEXIS and WESTLAW had already built substantial domestic case law databases by 1983, and the keen competition between the two companies seemed to promise rapid development for the foreseeable future. CUNY therefore developed a school-wide computer network that provided wide access to the WESTLAW system as early as 1984. But, at the time, neither WESTLAW nor LEXIS included much in the way of international legal materials, and, even now, online access to international materials is far less satisfactory than it is for domestic law. Since neither microform nor online access was adequate for international law materials, CUNY was open to a third alternative—to locate partners who would share an expedited interlibrary loan arrangement.

Fourth, both Brooklyn and New York had student-edited journals devoted to international law. CUNY now produces the *ILSA Journal of International Law*, and all three schools participate in the Jessup International Moot Court competition. The research needs of these journals and moot court teams, especially the cite-checking needs of the journal editors, require comprehensive international law resources.

Finally, the breadth and depth of international legal materials has grown significantly in recent years, particularly in the areas of business and human rights issues. In addition to the burgeoning amount of materials being published, the weakening value of the dollar has caused enormous inflation in the cost of maintaining an international law collection.

These five factors put the three schools in an opportune situation to establish a consortium focusing on the development of a shared collection of international legal materials with much greater scope than any of the three schools could accomplish alone. But, of course, opportune conditions don't necessarily lead to the creation of a new life-form. What is needed is a creative spark. In the case of JILP, the creative spark came from Professor Roy Mersky, who was serving as the consultant to revitalize the New York Law School library.

Professor Mersky called together all the directors in the New York metropolitan area. He said that a lot of people had tried to form consortia and failed, because the first thing they decided to do was write bylaws. By the time they got the bylaws written, they'd lost all their passion for why they came together, and the thing died. In retrospect, his analysis seems to fit the Northwest experience very well.¹

1. See Judith Meadows, *The Northwest Consortium of Law Libraries Experience*, 85 LAW LIBR. J. 775 (1993).

Professor Mersky's approach was just the opposite. He asked each director to allocate money to buy some large sets. "Just do it. Then we can talk about bylaws." And that was how JILP got started. The librarians at Brooklyn and CUNY were the only ones to ante up with Professor Mersky at New York, so the consortium was born between those three schools. Thus, for JILP the successful approach was to take action first and tie up the loose ends later.

Program Development

The original JILP proposal described a cooperative approach for acquisitions and collection development, reference service, interlibrary loan, and on-site use. The aim was to provide a basic research-level collection available to students and faculty at the consortium member schools. It also contemplated that the need for use of the collections of other local libraries would probably continue, but, with the enhanced development of the joint collection, outside use could be kept to a manageable level.

The major concern that we faced in implementing the JILP concept was the need to minimize the frustration for users and librarians of working with a shared collection. This concern was reflected in a number of aspects. At the broadest level, we needed to get materials to users at any of the three institutions with the minimum of difficulty. Specific concerns were (1) how to improve document delivery over the unacceptable U.S. Postal Service approach; (2) how to develop a union catalog of the holdings at all three libraries; and (3) whether it would be necessary to transfer existing materials from one institution to another, in order to bring all the titles in a subject area together.

These issues were among those discussed at a meeting of the deans and head law librarians of the three schools in June 1983, which resulted in a formal, signed agreement for the establishment of an international law consortium:

1. Policy and planning decisions are made by an executive committee consisting of the head law librarian of each school. It was anticipated that the committee would meet monthly.
2. Decisions involving a commitment of funds must be unanimous, or the dissenting school is not bound. Other decisions require a two-thirds vote of the member schools.
3. To minimize any administrative complications, each school commits itself for an entire fiscal year and may withdraw only at the end of a year. There is a qualification on this point regarding CUNY, since the New York legislature is notoriously late in

adopting the state budget: if CUNY doesn't have its appropriation at the start of the year, its continued membership is conditional.

One of the more unusual features of the JILP plan was the hiring of a single international law librarian to oversee collection development and to provide reference service at all three schools. This was determined to be a priority, as the individual would have the responsibility of analyzing the existing international and foreign law collections at the schools, recommending a basic core international law collection that each school should own, and devising a collective plan for the three schools that would address the issues of selection, purchase, cataloging, housing, upkeep, and sharing of the materials in the joint collection. It was anticipated that the international law librarian's time would be divided approximately equally over the long run in service to each member school.

Administratively, the international law librarian would report to the executive committee. For bookkeeping purposes, this individual would be hired as a full-time employee of one of the schools, with the other schools reimbursing their pro-rata share of the salary and fringe benefit costs. Each school would provide the international law librarian with work space, general administrative and secretarial support, and whatever working reference collection was required.

In terms of collection development, each of the three schools would commit an equal amount of funds each year for cooperative collection development. The amount would be determined by the executive committee, on recommendation by the international law librarian. Should any school be unable or unwilling to commit the amount determined, that school would withdraw from the JILP program at the beginning of that year.

Each school would also have the responsibility for developing its own "core collection" of basic international law materials, with the assistance of the international law librarian. Expenditures for the core collection are not counted as part of the cooperative collection development commitment, but come from each library's regular acquisitions budget.

The agreement also addressed the concern regarding location and ownership of materials. This was considered particularly important by the deans. Should it be determined that existing library materials should be moved from one school to another for reasons of space and/or to facilitate access to the shared collection, the original purchaser would retain title to the materials and would have full reversionary rights should the JILP consortium cease or should that school withdraw. Each school would also hold the title to any materials it purchased through the cooperative collection development process and would be entitled to keep such materials should the program cease or the school withdraw.

In practice, the implementation process has been extremely smooth, thanks to the small size of the consortium. Other than for writing this article, we haven't referred to that agreement in the seven years that JILP has existed. All votes have been by consensus. Having the agreement in place seemed important at the time and was very reassuring to the deans, but it hasn't really mattered to the operation of the consortium.

Project Implementation

One of the first steps in implementing the JILP agreement was to hire an international law librarian. We were looking for someone with a background in both law and librarianship, with additional experience and interests in the area of international law. The candidate we selected began work in September 1984, and the project really took off.

Our attention was focused initially on developing the core collections and the procedures to insure compliance with the JILP agreement. Since CUNY at that point had a very small international law collection, it was decided that the librarian should spend alternate weeks at New York and Brooklyn and would travel to CUNY only when requested.

The international law librarian spent the first three months becoming familiar with the libraries of the three schools, physically reviewing the collections and speaking with interested faculty, students, and librarians. This provided him with information as to the realities, expectations, and hopes that each institution had for the program.

Core Collections

The JILP agreement required the creation of core collections of basic international law materials, which would be the same in each library and which would not be paid for out of the funds committed to the joint collection. It was intended that the core collections would provide a sound basis for beginning research on international law issues.

The international law librarian developed a list of English-language titles within each of the five core-collection categories: (1) United States treaty materials and international law practice digests, (2) international and comparative law periodicals, (3) decisions of the International Court of Justice and *International Law Reports*, (4) international law yearbooks, and (5) indexes to various major sets (e.g., *United Nations Treaty Series*) (the sets themselves would be held by one library as part of the shared research collection). This list was discussed and revised by the executive committee, and each library set about acquiring the agreed titles.

Research Collection

The next phase was to plan the joint research collection. After consulting a variety of international legal bibliographies, the international law librarian developed a list of subject headings in international law, and in selected comparative and foreign law areas. This list was reviewed by the library directors and revised to a final list of sixty-five topics.

Each school then ranked the various subject areas according to its own interest in acquiring those materials, based on existing holdings, faculty research interests, course offerings, and collection development policy. A table of the schools' preferences allowed the international law librarian to assign topics in a way that satisfied the majority of the primary interests of each school, while maintaining overall coverage and keeping related areas together.

We expected that over time the subject headings would change, either through developments in international law or as a result of our experience in applying it. The most recent version of the list, which now comprises sixty international law topics with separate areas for general international law, comparative law, and foreign law, is reproduced in the appendix.

The subject areas are quite broad in scope. The intent was to create a framework for the development of each library's monograph, treatise, and looseleaf collections, which covers as many substantive areas of international law as possible, in as great a depth as the resources of each institution would allow.

Two decisions were made at this early point to keep the program manageable. First, we would concentrate on English-language materials. Second, we would purchase mainly contemporary and future publications; retrospective materials would only be acquired if funds permitted, and in the most cost-effective medium possible (usually in microform).

The division of subject areas among the three schools shows the following overall patterns:

1. The subject areas for Brooklyn and New York reflect the strengths of their existing holdings and past curricular interests (this doesn't apply to CUNY since it had no past).
2. Brooklyn is responsible for most classical areas of international law, and for League of Nations, United Nations, and British Commonwealth materials.
3. New York's responsibilities focus on Europe, including the European Communities and the Council of Europe, as well as those subjects that are more comparative in nature.

4. CUNY's responsibilities mirror its public-interest curriculum and minority mission, with a focus on those areas reflecting third-world issues.
5. Two large subject areas were divided among more than one school. Commercial and business law was divided between Brooklyn and New York. Human rights law is shared by all three schools.

Dividing the subject responsibilities was easier than we had anticipated, since the three schools' strengths and interests proved to be complementary.

First-Year Review

By the end of the first year, the JILP consortium was operating as anticipated. The core collection had been defined and acquired by the three libraries. The means for access to the materials had also been worked out. Students had visitor privileges at the other law schools. An express interlibrary loan delivery service, operated throughout the New York area by METRO, provided delivery within forty-eight hours, and even faster delivery was available through telefax equipment, which all three libraries purchased for this program. In addition, the schools had already acquired microfiche duplicators that make fiche-to-fiche copies.

Throughout the year, the three head librarians met with the international law librarian on a monthly basis to discuss policy and implementation issues, and for collection development decisions relating to the core collection. The international law librarian also presented lectures on research in international law to the schools' Jessup teams, the editorial staffs of the various law reviews, and to interested students, faculty, and librarians.

All international law reference and research questions from any of the schools were directed to the international law librarian, wherever he was located that day. If he was unable to answer a question immediately because the necessary materials were at another library, he would either request assistance from a reference librarian at the holding library or adjust his schedule to visit the holding library as soon as possible.

At the end of the first year of operation, JILP had moved from conception into existence, the groundwork had been laid for growth and expansion in the following years, and the concept of using one international law librarian to oversee collection development and to provide reference service to three institutions had proven workable.

At the end of this first year, however, the international law librarian resigned because of family obligations that required him to relocate. This event forced us to think about where the program was and where it was

going to go, and in that respect, the change was probably a good thing. After that first year, we had reached the point where we had jelled and were working well together. The resignation gave us a chance to say, "How far have we gone? What's next?"

Subsequent Developments

As we began the search for a new international law librarian, the three head librarians decided that the program should now begin intense bibliographic development of the joint research collection, following the outlines created in the first year. We therefore wanted a candidate who was well-versed in international legal bibliography, since we felt that it would be too difficult for someone without substantial prior international law experience to create a comprehensive international law research collection. Unfortunately, none of the small number of well-qualified international law librarians was interested in leaving their existing position to "ride circuit" on our frontier.

As a result, we decided on an alternative approach for the next few years. We were able to secure the very able services of Blanka Kudej, then Assistant Law Librarian for Special Collections at NYU, as a consultant. Professor Kudej has extensive experience in international law and international legal bibliography, most of it working with the extremely fine collections at Columbia and NYU. Her knowledge of the field and responsibilities for collection development at NYU have enabled her to provide the highest level of guidance in developing the JILP research collection. Professor Kudej has continued to serve as the consortium consultant since her retirement from NYU.

Although we have temporarily dispensed with the "circuit riding" international law reference librarian, Professor Kudej has continued to present lectures to our Jessup and law review groups, and she is available for telephone consultation on international law reference questions. This compromise situation has served us well, and we have now completed the in-depth collection building phase for nearly all of the sixty international law subject areas, as well as the general international and comparative law areas.

Collection

The entire collection is listed in a printed catalog that now exceeds 500 pages. This document, kept up-to-date by Brooklyn Law School, provides full bibliographic citations for all titles in both the core collection and the shared research collection, and indicates which library holds each title. The general materials have expanded far beyond the initial core-collection

topics and now include separate categories for reference tools, treaties, state practice, court decisions, annuals and yearbooks, periodicals, casebooks, and textbooks.

The most important primary and secondary sources in each of these areas have been designated for the core collection and purchased by all three libraries; other relevant titles have been divided among the three libraries, either by interest or in a rough expenditure-equalization allocation. The JILP collection presently includes 265 international law periodical titles, 90 annuals and yearbooks, 360 textbooks, and over 4,500 titles in the subject section.

A recent service innovation has been to duplicate and circulate JILP law review title pages. Each school photocopies title pages as issues are received and funnels them to New York Law School, which consolidates them and duplicates the master list for circulation to interested faculty at each school. The narrow focus of the consortium allows this project to work well. We have dozens of faculty at our schools, but only a few at each school are interested in international law, so this project is manageable in terms of duplication costs and environmental impact.

The latest area in JILP collection development is the foreign law collection. Initially, this collection will include general and introductory works on the legal systems of each country and region. One or two titles for each area or jurisdiction will be identified as core-collection materials to be acquired by all three schools. Thus, each school will have a basic collection of materials on the legal systems of the world. We have already developed the general works and legal systems topics, and in the next few months we expect to select the core titles for individual countries and regions.

In the future, it is anticipated that the foreign law collection will be expanded to include more detailed and specialized works on various countries, so that in-depth collections of foreign legal systems will be available. This collection will continue the English-language focus of the existing JILP collection, and the various countries will be allocated among the three schools to avoid duplication.

Meetings

The three library directors and the international law consultant have continued to meet regularly over the past seven years. These meetings concentrate on three different types of acquisitions selections. First, the consultant prepares lists of significant titles in undeveloped subject areas; these are checked against our existing collections, and titles not already held are acquired by the library responsible for that area. Second, each

library and the consultant suggest new titles announced by publishers, vendors, and dealers; titles that receive consensus support are assigned to a library by subject or interest. And, finally, we check the "Hot Sheets" section of Peter Ward's *Catalog of New Foreign and International Law Titles* against our existing collections; since this publication lists highly popular international law titles, it serves as a double-check on our selections.

Annual Expenditures

Each of the schools has met its annual commitment for acquisitions expenditures for the joint research collection; in fact, we have tended to spend more than the required amount. The JILP consortium has thus resulted in increased expenditures for international law materials. Because of inflation, it is likely that these increased levels would have been necessary in any case, and the resulting shared collection is undeniably of far greater breadth and depth than any of the schools could have developed independently. In our experience, forming a consortium is not a quick way to cut expenditures.

Future Prospects

The law librarians and deans of all three schools have found the JILP consortium to be an extremely effective means for accomplishing its objective: the development of a comprehensive international law collection. We suspect that this success is due in large part to the limited focus of the consortium. By concentrating our efforts on a discrete set of goals, there have been almost no problems in achieving them. It thus seems likely that the project will continue for the foreseeable future. Undoubtedly, there will be significant changes in the direction that the project takes in the next several years, however.

The major collection building phase should be completed during the course of the next year, with the development of the foreign law collection. At that point, the use of an international law consultant for bibliographic research will be less necessary. At the same time, having a comprehensive research collection divided among three locations has overtaxed the abilities of our general reference staffs. The continued growth and success of the consortium will soon require a full-time international law librarian, who will be expected to concentrate on reference service while devoting some attention to continuing collection development.

Some new policy issues have been articulated recently, and will probably be the focus of continuing discussions among the librarians and

deans. These issues include (1) publication of the JILP catalog as a guide to international law bibliographic development; (2) production of an online union catalog of the JILP collection and of the international law holdings of the three libraries generally; (3) consideration of the previously articulated plan for transferring materials from one institution to another to create unified subject collections for more convenient access; and (4) publicizing the resources of this collection locally, regionally, and nationally.

Technological implications for the JILP consortium are also likely to become important issues for the future. Among the alternatives that have been mentioned so far are (1) dial-up access to the online catalogs of each institution, (2) conversion of records to CD-ROM for on-site access at each institution, and (3) downloading each school's holdings into the online catalogs of the other institutions.

These developments will enhance the accessibility of these materials and their use by the students and faculties of the three law schools, as well as add an exciting area of development for the JILP directors, to keep our own interest in the project going. That is a final point that we want to stress: as a consortium becomes mature, if it doesn't keep developing new projects, it will tend to ossify.

Appendix

The New York Joint International Law Program Bibliography

- I. Reference Tools
 - A. General Reference
 - B. Encyclopedias
 - C. Bibliographies and Indices to Periodical Literature
 - D. Dictionaries
 - E. Abbreviations, Citations, Symbols
 - F. Research Guides
 - G. Periodical Current Awareness Publications
 - H. Collections of Documents
- II. Treaties
 - A. United States Treaty Collections
 - B. Treaty Collections other than the U.S.
 - C. Indices and Charts to Treaty Collections
- III. State Practice in International Law
 - A. United States
 - B. Foreign Countries
- IV. Decisions of International Courts
 - A. Judicial Decisions
 - B. Arbitral Awards
 - C. Digests
- V. Annuals and Yearbooks
- VI. Periodicals (*see also* I.G.)
 - A. International and Comparative Law
 - B. Foreign Law
- VII. Casebooks
- VIII. Textbooks
 - A. International Law
 - 1. General
 - 2. International Law & Municipal Law

- a. Bibliographies
- b. Books
- B. International Relations
- C. International Organizations (*see also* IX. for specific orgs.)
 - 1. General Works
 - 2. Regional and Miscellaneous Organizations
- D. Comparative Law (Note: not a comprehensive collection)

IX. Subjects

Note: Collection responsibility divided as follows: B=Brooklyn Law School; C = CUNY Law School; N = New York Law School. Where two or more letters appear, responsibility is shared.

Agency	B
Air Law & Hijacking	B
Antitrust	N
Arbitration, International	N
Arctic & Antarctica	C
Asylum	C
Atomic Energy	N
Banking, Finance & Monetary Law	B
Boundaries	C
Commercial Arbitration	B
Commerical, Business & Trade Law	B
Computers & Privacy	N
Conflicts/Private International Law	B
Constitutional Law	B
Council of Europe	N
Courts	N
Criminal Law & Extradition	C
Customs Law	N
Developing Countries	C
Diplomatic Relations & Immunities	B
Disarmament & Nuclear Proliferation	C
East-West Trade	N
Economic Integration	N
Environmental Law	C
European Communities	N
Expropriation	N
Foreign Investment	N
Foreign Judgments	B

General Agreement on Tariffs and Trade (GATT)	N
Human Rights	B,C,N
Intellectual & Industrial Property	N
International Business Enterprises	B,N
International Economic Law and New International	B,C
Economic Order	
International Uniform Law	B
Labor Law	N
Law of the Sea & Marine Resources	C
League of Nations	B
Maritime Law	B
Nationality & Immigration	B
Natural Resources	C
Organization of American States (OAS)	C
Peace & Security	C
Products Liability	B
Propaganda	C
Sales of Goods	B
Settlement of Disputes	N
Space Law	B
State Responsibility	B
Statehood & Sovereignty	C
Taxation	B
Telecommunications	N
Terrorism/Freedom Fighters	C
Trade & Development	N
Transfer of Technology	C
Transportation	B
Treaties	B
United Nations	B
Use of Force	C
War and Neutrality (incl. Humanitarian Law)	C
Waterways	B

X. Foreign Law

Note: Collection responsibility for specific legal systems, regions, and countries will be divided similarly to that for subjects.

A. General Works

B. Legal Systems

1. General Works

2. Customary Law
3. Works on Specific Legal Systems
- C. Foreign Law of Individual Regions & Countries
 1. Africa
 2. Asia
 3. Australia
 4. Bangladesh
 5. Canada
 6. Caribbean
 7. Cayman Islands
 8. Central & Eastern Europe
 9. China
 10. Commonwealth Countries
 11. Denmark
 12. Ethiopia
 13. Finland
 14. France
 15. Germany
 16. Great Britain
 17. Greece
 18. Hong Kong
 19. India
 20. Indonesia
 21. Ireland
 22. Israel
 23. Italy
 24. Japan
 25. Java
 26. Kenya
 27. Korea
 28. Latin America
 29. Lebanon
 30. Malaysia
 31. Mexico
 32. Mongolia
 33. Netherlands
 34. Nigeria
 35. Pacific Region
 36. Papua New Guinea
 37. Phillippines
 38. Romania
 39. Scotland

40. Singapore
41. South Africa
42. Soviet Union
43. Sri Lanka
44. Sweden
45. Switzerland
46. Turkey
47. Yemen
48. Zimbabwe

