

# Foreign Law Guide Project

## Some results of a survey into the needs of researchers

by Peter Clinch

### PURPOSE OF THE SURVEY AND DEFINITIONS

The Foreign Law Guide (FLAG) Project, which aims to build a web inventory to the holdings of foreign legal materials in university and college libraries throughout the UK, is one of about 12 collection management projects, funded by the Research Support Libraries Programme (RSLP). It is believed to be the only project which included within its research proposal the requirement to carry out a survey of user needs to assist in the design of the end product of the project: the Web inventory. The purpose of the survey, as stated in the bid document, would be to:

- establish the present and future requirements for foreign, comparative and international legal materials;
- discover what information researchers need on foreign law, how they obtain it and what they expect libraries to provide;
- provide essential information for decision making on collection development and influence the production of the law web map.

For the purposes of the survey 'foreign law' and 'materials' were defined as follows:

'Foreign law' excluded the law of England, Wales, Scotland and Northern Ireland and the law of the European Union. The definition included the domestic law of all overseas countries (including those outside the UK who are members of the European Union), and the areas of public and private international law.

'Materials' were defined as primary legal materials, that is the documents that contain the law itself. For example, constitutions, treaties and conventions, codes, official gazettes, acts, statutes, regulations and session laws, parliamentary proceedings, court reports and digests. Secondary sources, that is documents containing commentary and opinion about the law, such as books and journals, were excluded.

### SURVEY METHODOLOGY

The survey population comprised all those people in UK higher education who use foreign legal materials. It became apparent that there would be difficulties in isolating and targeting individual members of such a large and diverse population. The population was targeted by three means: a postal survey conducted amongst known individuals; an e-mail alert disseminated by one of the leading professional

associations for academic lawyers; and a promotional message in the members' newsletter of one of the other professional associations of law teachers. To obtain a copy of the survey questionnaire, members of both the professional associations were directed to the project website.

It was relatively easy to identify law librarians and information officers in UK universities and colleges. A modified form of the mailing list for the annual academic law library survey, conducted on behalf of the Society of Public Teachers of Law and the British and Irish Association of Law Librarians was employed. Survey questionnaires were sent to the 118 institutions in the UK where law is taught to at least degree level.

Identifying academics and research support staff in UK universities and colleges who use foreign legal materials, was more difficult. Two professional bodies provided assistance, which is gratefully acknowledged. The Society of Public Teachers of Law (SPTL), with members in law schools mainly in the pre-1992 universities and colleges, allowed the project manager to place a news item about the survey in the Society's regular e-mail bulletin to representatives in each of the universities and colleges where it has members. The Association of Law Teachers (ALT), whose membership is mainly in the post-1992 universities, included a news item, again compiled by the project manager, in its quarterly newsletter to members.

Investigations to obtain mailing lists of members relevant to the subject of the survey were made with the Institute of Historical Research and the Socio-Legal Studies Association, but without success.

A copy of the survey questionnaire is posted on the project website at

<http://ials.sas.ac.uk/rslp/forlegal.htm>

### CHARACTERISTICS OF RESPONDENTS AND RESPONSE RATES

39 (33 per cent) of the 118 law librarians who were sent an individual survey questionnaire responded: 26 from old universities, 10 from new universities and three from institutes of higher education. The response rate is about average for a postal survey, but given the relevance of the project to the work of many academic law librarians, it is rather disappointing.

For the sake of brevity, the responses of law librarians and information officers have been excluded from this article, although they are included in the full report of the survey which is available at the project web, mentioned above.

A further 72 responses were received from academic and research staff, comprising 58 from fellows, teachers or academics engaged in research, one from a research assistant and 13 from Ph.D students. The majority of responses were received from old universities. Table 1 shows the name of the university in which each respondent was based. One response from the Irish Republic was left in the survey, even though it is from outside UK higher education. The project partner institutions: Cambridge, London and Oxford, between them provided the greatest number of responses. Outside these three, the spread of responses is geographically wide but very small numerically. The possibility of the Cambridge, London, Oxford 'axis' causing a bias in the results should be borne in mind.

For the purpose of later analyses some of the categories have been re-grouped. The responses from fellows/teachers etc. have been brought together in a single category, regardless of the type of institution, and the single response from a research assistant added to this group to form a total of 59 responses from 'academics'. The 13 responses from Ph.D students have been left as a second group.

Institution	Fellows/teachers	Research assistant	Ph. D. students
Old			
Aberystwyth	1	0	0
Birmingham	1	0	0
Cambridge	7	0	1
Cardiff	1	0	0
Cork	1	0	0
Dundee	3	0	0
Durham	0	1	1
Edinburgh	1	0	0
Essex	1	0	0
Glasgow	1	0	0
Lancaster	1	0	0
Leeds	1	0	0
Liverpool	0	0	1
London	16	0	7
Nottingham	2	0	0
Oxford	13	0	3
Reading	2	0	0
Sheffield	2	0	0
Warwick	2	0	0
New			
Nottingham-Trent	1	0	0
Other			
Bolton IHE	1	0	0
Total	58	1	13

Table 1: Institutions from which fellows/teachers, research assistants and Ph.D students responded.

It had been our intention to obtain responses from academics working in as many non-law subject areas as possible. Unfortunately, mailing lists were not available and as Table 2 indicates, this aim has not been achieved.

Subject area	Academics		Ph.D students	
	Number	%	Number	%
Law	54	92	12	92
Economics/Business	1	2	0	0
International Relations/Trade	2	3	1	8
Politics/Government	2	3	0	0
Total	59	100	13	100

Table 2: Subject areas of responding academics and Ph.D students.

## RESEARCH NEEDS OF THOSE ENGAGED IN RESEARCH.

### Types of legal material.

Table 3 shows overall similarities in the types of legal material academics and Ph.D students said they needed to access. Reports of the decisions of domestic courts achieved high rankings amongst both groups of respondents. Codes were also highly sought after. The decisions of international tribunals, whilst also achieving high rankings, were sought more frequently by Ph.D students than academics. Next came session laws, and constitutions. Of lesser importance to both groups were official gazettes, digests and parliamentary proceedings. Other types of international law material mentioned, in descending order of frequency of citation, were non-legal documents, including policy documents and press releases, of international organisations and convention secretariats, *travaux préparatoires*, books, journals, ratification records etc. for treaties, proceedings of international conferences, publications of government and non-governmental organisations. Other types of domestic foreign law material mentioned were, again in descending order of frequency of citation, journal articles, textbooks, law reform publications, government and non-governmental publications, professional codes of practice, Bills (currently passing through stages towards enactment) and historical manuscripts.

Material type	Academics			Ph.D students		
	Number	%	Rank	Number	%	Rank
<b>International law</b>						
Conventions/treaties	36	61	5	10	77	4
Decisions of tribunals	31	53	6	12	92	1
Other int'l materials	21	13	11	1	8	10
<b>Domestic foreign law</b>						
Constitutions	37	63	4	9	70	5
Codes	38	64	3	1	18	2=
Official gazettes	26	44	7=	4	31	9
Session laws	41	69	2	8	62	6
Proceedings	22	37	9	6	46	8
Court reports	47	80	1	11	85	2=
Digests	26	44	7=	7	54	7
Other materials	17	29	10	0	0	11
<b>Total respondents</b>	<b>59</b>	<b>100</b>		<b>13</b>	<b>100</b>	

Table 3: Types of legal material needed by academics and Ph.D students

Location	Academics			Ph.D students		
	Number	%	Rank	Number	%	Rank
<b>Africa</b>						
Central Africa	5	8	15=	0	0	16=
East Africa	9	5	9=	1	8	12=
North Africa	5	8	15=	0	0	16=
Southern Africa	19	32	6	3	23	8=
West Africa	8	14	12=	1	8	12=
<b>Americas</b>						
Caribbean countries	15	25	7	1	8	12=
Central America	5	8	15=	1	8	12=
North America	48	81	1	11	8	2
South America	9	15	9=	0	0	16=
<b>Asia</b>						
East Asia	9	15	9=	4	31	7
Central Asia	7	21	14	2	15	10=
Middle East	5	8	15=	2	15	10=
South Asia	8	14	12=	4	31	5=
South East Asia	13	22	8	5	38	4
<b>Europe</b>						
Western Europe	44	75	2	12	92	1
Central/Eastern Europe	23	39	5	2	23	8=
<b>Oceania</b>						
Australia	38	64	3	9	70	3
New Zealand	35	59	4	4	31	5=
Other Pacific Ocean countries	4	7	19	0	0	16=
<b>Total respondents</b>	<b>59</b>	<b>100</b>		<b>13</b>	<b>100</b>	

Table 4: Areas of the world for which legal materials have been sought for past and present research by academics and Ph.D students.

As a result of these findings, the FLAG project database will include references to some of the 'other' sources mentioned, which might be loosely termed primary: *travaux préparatoires* and ratification records. Most of the other sources mentioned are secondary sources and thus fall outside the scope of the present project.

### Areas of the world.

Table 4 shows the areas of the world for which legal materials have been sought by academics and Ph.D students for past and present research. North America and Western Europe are the most sought after, followed, at some considerable distance, by Australia, New Zealand, Central and Eastern Europe, Southern Africa, East and South Asia and the Caribbean.

### Discovering where foreign legal materials are held

Table 5 shows the methods used by academics and Ph.D students to discover which libraries kept foreign legal materials. Librarians and information officers should be heartened by the results. Although academics place personal knowledge top by a long margin, Ph.D students, who will be less experienced in identifying sources, put use of library catalogues first, and asking the librarian joint second with using personal knowledge. Use of the internet featured frequently in the responses of both groups: using specific internet sites was cited fourth most frequently by both groups, though using either web search engines or discussion lists was considerably less popular. Asking research colleagues was cited fifth most frequently by both groups. Other methods included contacting foreign embassies, or the organisations related to the research, and using published microfilm catalogues of overseas libraries.

Methods to discover location	Academics			Ph.D students		
	Number	%	Rank	Number	%	Rank
Personal knowledge	54	92	1	9	70	2=
Asking research colleagues	31	53	5	7	54	5=
Asking library staff	42	71	2=	9	70	2=
Using library catalogues	42	71	2=	11	85	1
Using inter-library loans	26	44	6	7	54	5=
Using internet discussion list	6	10	8	4	31	8
Using Web search engine	20	34	7	6	46	7
Searching specific internet sites	32	54	4	8	62	4
Other means	4	7	9	1	8	9
Total respondents	59	100		13	100	

Table 5: Methods used by academics and Ph.D students to discover which libraries kept foreign legal materials

The message for the FLAG project is that the database needs to be promoted to academics and Ph.D students direct, as well as to librarians and information officers. Further, selecting a web format for the database fits in well with established trends in searching for likely locations for foreign legal materials.

**Obtaining foreign legal materials**

Table 6 shows the frequency with which different methods were used by academics and Ph.D students to obtain foreign legal materials. There are similarities in the methods used by the two groups: using the Institute of Advanced Legal Studies (IALS), London, and using internet searches were the most popular. Obtaining material through personal contacts and visiting other academic law libraries in London were next most frequently mentioned. Other methods mentioned by respondents not included in the printed questionnaire included research assistance at home and abroad, and using special collections of EU and UN materials in, respectively, Manchester and Liverpool City libraries.

Methods to obtain foreign legal materials	Academics			Ph.D students		
	Number	%	Rank	Number	%	Rank
Personal visit to libraries in Oxford	22	37	4	3	23	7=
Cambridge	14	24	8	4	31	5=
London, specifically:						
IALS	34	1	1	7	54	2
Other academic library in London	20	5=	5=	6	46	3
Personal visit to another university/college library in UK	6	9	9	1	8	10=
Personal visit to the British Library (London)	5	10	10	1	8	10=
Personal visit to the British Library (Boston Spa)	1	13	13	0	0	12=
Used inter-library loan	20	5=	5=	4	31	5=
Obtained through personal contacts	24	3	3	5	38	4
Used an internet search	33	2	2	8	62	1
Used a discussion list request	3	11=	11=	0	0	12=
Personal visit to overseas country concerned	30	5=	5=	3	23	7=
Other means	3	11=	11=	2	15	9
Total respondents	59	100		13	100	

Since many respondents were based in Oxford, Cambridge or London, all responses from the three locations were re-analysed, removing mention by each respondent of use of a 'home' library. Table 7 shows the result for only the geographical factors cited by respondents. The popularity of visiting IALS is confirmed by a large number of respondents. IALS was mentioned more than twice as many times as any other library. It is not surprising that academics across the UK are more likely to travel to London to use IALS than visit other libraries outside their home area. The focus on London, and IALS in particular, will need to be considered when collection development policies are formulated in the stages after the FLAG project has been completed.

Table 6: Methods used by academics and Ph.D students to obtain foreign legal materials.

Libraries used	Academics		Ph.D students	
	Number	Rank	Number	Rank
Oxford	9	2	0	4=
Cambridge	7	3=	3	1
IALS	22	1	2	2=
Other London academic	7	3=	2	2=
BL (London)	2	5	0	4=
BL (Boston Spa)	0	6	0	4=

Table 7: Use of libraries outside their home area by academics and Ph.D students.

### THE INFLUENCE OF ACCESSIBILITY TO FOREIGN LEGAL MATERIALS ON THE NATURE OF NEW RESEARCH PROJECTS.

Table 8 shows, according to academics and Ph.D students, the extent of the influence exerted by the ease or difficulty in obtaining foreign legal materials, on the nature of a new research project. Both groups most frequently rated the impact as 'significant' and nearly half of the, albeit, small sample of Ph.D students mentioned this level of impact on research. At the other end of the scale, only 15 per cent of both groups considered accessibility to have no influence.

Extent of influence	Academics			Ph.D students		
	Number	%	Rank	Number	%	Rank
Not at all	9	15	4	2	15	3=
Marginal	14	24	2	3	23	2
Equal with other factors	13	22	3	2	15	3=
Significant	19	32	1	6	46	1
Total	4	7	5	0	0	5
Total respondents	59	100		13	100	

Table 8: Extent of influence on the nature of a new research project exerted by the ease or difficulty in obtaining foreign legal materials.

### FUTURE CHANGES TO PERSONAL RESEARCH NEEDS.

Table 9 shows whether academics and Ph.D students foresaw their need for foreign legal materials changing in the future. Not surprisingly, given the more restricted and channelled focus of Ph.D research, only 15 per cent of Ph.D students considered their needs would change. This contrasts with 22 per cent of academics. Those who foresaw a change were asked about the nature of the changes. Since the sample sizes are very small, caution should be exercised in drawing conclusions. The most

frequent changes noted were: increasing use of codes and domestic court reports, more use of materials from North America, Western Europe, Central and Eastern Europe, more use of web search engines and specific websites – in fact, more of what was already most popular.

Libraries used	Academics		Ph.D students	
	Number	%	Number	%
Yes	13	22	2	15
No	46	78	11	85
Total	59	100	13	100

Table 9: Do academics and Ph.D students foresee their need for foreign legal materials changing in the future?

### SEARCH CHARACTERISTICS OF A WEB INVENTORY.

Table 10 shows the views of academics and Ph.D students of the most desirable search methods which should be incorporated in the web inventory. Name of country and subject feature in the top two positions, followed by material type. These three were far and away more frequently mentioned than other search methods. Location of the library and collection strength were each mentioned by fewer than 40 per cent of respondents. Search methods which respondents contributed included 'materials in translation'. This latter information will be included within the description of each collection in the FLAG database but will not be a searchable field.

The FLAG database will have fields enabling searches to be conducted on name of country, subject, material type and location of library. It is hoped that results of searches on these characteristics will be ranked in order of the number of titles possessed by each library, a simple indicator of collection strength.

Search methods	Academics			Ph.D students		
	Number	%	Rank	Number	%	Rank
Name of country/organisation	57	97	1	11	85	2
Type of material	40	68	3	10	77	3
Subject	52	88	2	12	92	1
Strength of collection	14	24	5	2	15	5
Location of library	21	36	4	5	38	4
Other	1	2	6	1	8	6
Total respondents	59	100		13	100	

Table 10: The views of academics and Ph.D students on the most desirable search methods to be incorporated in the web inventory.

**OTHER PROPOSALS FOR IMPROVING ACCESS TO FOREIGN LEGAL MATERIALS.**

A number of academics and Ph.D students took the opportunity to make suggestions on how access to foreign legal materials might be improved. The wide variety of comments has been categorised and may be viewed at the project website, the address of which is given earlier in this article.

materials and the patterns of information seeking behaviour.

on the internet

<http://ials.sas.ac.uk/rslp/forlegal/htm>

A copy of the survey questionnaire is posted on the project website above.

**CONCLUSIONS.**

It is unfortunate that there was such a low response from law librarians, and that amongst academics, so few based in new universities responded. It is believed that this is the first time that this particular area of activity has been surveyed. The results will not only inform the project and the work to develop the web database, but provide food for thought amongst academics and law librarians about the nature of the demand for foreign and international law

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The author gratefully acknowledges the advice provided by the FLAG Project Management Committee during the compilation of the survey questionnaire and in distributing copies to staff and students at their institutions; the co-operation of officers of the Society of Public Teachers of Law and the Association of Law Teachers for assistance in publicising the survey; all those who responded to the survey; and the technical assistance provided by Graham Clinch.

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