

Collecting the Law of Latin America

History, Challenges and Trends in U.S. Law Libraries

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Law libraries are specialized information centers dedicated to the collection, dissemination, and preservation of legal materials. The American Association of Law Libraries categorizes law libraries by type: academic, government, and private.¹ Patron groups for these libraries vary, but include students, faculty, attorneys, judges, and members of the public. As with any kind of library, law libraries strive to tailor their collections to serve their primary user groups; thus, U.S. law libraries focus on acquiring and providing access to U.S. federal and state materials. A browse through the shelves of many U.S. law libraries, however, will reveal that foreign materials of varying levels of quantity and quality are also available for consultation. The main purpose of this essay is to explore, in historical and modern terms, how U.S. law libraries have approached collecting materials associated with one particular area of the globe—Latin America.² After an historical overview of Latin American collections in selected U.S. law libraries, the essay will focus more specifically on collection development approaches and trends. The multiple challenges presented in acquiring legal materials from and about this region will also be discussed, along with various methods that have been utilized to successfully meet those challenges.

What Are Latin American Legal Materials?

Before diving straight into the topic at hand, a short introduction to the kinds of materials under discussion is warranted. The term “Latin American legal materials” is admittedly general in the sense that there are twenty countries in the defined region, each with a unique judicial system and legal publishing tradition. It would be too large an endeavor, though, to report on how U.S. law libraries approach collecting materials from and about each of the twenty nations. Thus, the term “Latin American legal mate-

rials” will be used here as a broad rubric to encompass primary and secondary materials pertaining to the laws of Latin American countries—published in all formats within the region, as well as outside of it. Significant variations involving specific countries, however, will be indicated where applicable.

It is essential to briefly examine the law of Latin America itself in order to understand the types of Latin American legal materials available directly from the region, as well as the importance of the various legal texts. To begin with, it is erroneous to suggest that there is a universal set of rules that applies to all twenty nations—a so-called Latin American legal regime. Each country has its own constitution, set of national and local laws, and domestic courts structure. Despite variations in legal systems, however, all twenty Latin American nations follow the civil law tradition to some extent. The civil law tradition, which was introduced by the various European colonizing powers, has its roots in the Roman Republic and generally rejects the notion of judge-made law.³ These countries’ most important legal materials are thus the laws themselves, which are first published in official government gazettes.⁴ Individual laws may subsequently be published chronologically as sets of session laws, and further organized by topic in codes that provide comprehensive frameworks for private, commercial, penal, and other areas of law. Digitized versions of gazettes, legislation, codes, and executive branch directives are now routinely posted on government websites, although archival coverage and accessibility vary from country to country.⁵

In addition, constitutions, treaties, and court opinions contribute to the corpus of Latin American legal materials. The first constitutions of newly-independent Latin American nations were drafted in the nineteenth century and have been superseded multiple times in most instances.⁶ William S. Hein & Co.’s *World Constitutions Illustrated* database offers digitized versions of historical and current Latin American constitutions in the vernacular, as well as modern versions in English translation. The texts of treaties involving Latin American nations also add to the body of Latin American law. Treaties may be compiled and indexed in print, and many are now available on the World Wide Web. Latin American court opinions are likewise primary legal documents, although these decisions are not often precedential (unlike in common law jurisdictions where the doctrine of *stare decisis* applies).⁷ Opinions of the upper-level Latin American courts are published in court reporters in varying levels of thoroughness and regularity, and a number of Latin American tribunals are now posting their decisions online.

Included in the body of Latin American legal resources is secondary literature published in a variety of formats. Although legal scholarship or doctrine (*doctrina*) is not considered to be a source of law per se in Latin America, it is highly valued and utilized heavily as persuasive authority.⁸ *Doctrina* may be found in a number of sources, including treatises and law reviews. Other secondary legal literature includes textbooks, encyclopedias, and dictionaries, although their contents may not necessarily rise to the level of *doctrina*. There are a number of publishers in Latin America that specialize in legal materials, including Librería Porrúa in Mexico, Rubinzal-Culzoni in Argentina, Editorial Jurídica in Chile, and Saraiva in Brazil. Although numerous Latin American law reviews are now available electronically, electronic book publishing has not yet had a huge impact in the region.⁹

Latin American legal materials published in English are not plentiful. Although Latin American constitutions are routinely translated into English, there are relatively few translations of Latin American codes on the market.¹⁰ Decisions of Latin American

courts are likewise not regularly translated into English. In terms of secondary literature, there is a casebook in English on Latin American law, several monographs about the legal systems of individual countries, and books about specialized areas of law in some jurisdictions. A small number of U.S. law schools publish law reviews that focus on Latin America (*Law and Business Review of the Americas* and *University of Miami Inter-American Law Review*). *Latin Lawyer* is an online magazine that concentrates on business law developments. The Law Library of Congress (LLC) and the Organization of American States (OAS) have both published series on the legal literature and laws of Latin American countries, although much of this material is now outdated. In sum, there is a clear deficit of contemporary Latin American legal literature available in English in the forms of direct translations and analysis.

The types of Latin American legal materials that have historically been available for U.S. law librarians to acquire for their institutions' collections include primary sources, such as government gazettes and codes, and secondary doctrinal literature in the form of treatises. Prior to the advent of the World Wide Web in the 1990s, these sources were available almost exclusively in print, but some are now available in both print and electronic formats, and some only electronically. Although most U.S. law libraries hold only a small percentage of the available print resources, there are a number of repositories that have rich acquisition histories. In order to understand the current challenges and trends in collecting Latin American legal materials, it is useful to explore how several of these noteworthy print collections began and have evolved over time.

Latin American Collections in U.S. Law Libraries

The history of U.S. law libraries begins in the pre-colonial era with the private collections of practicing attorneys. These early collections, which were largely composed of tomes focusing on English law, became the foundations for institutional law libraries. Bar libraries, more specifically, began emerging in the nineteenth century and were supported largely by membership subscriptions. One such library was that of the Association of the Bar of the City of New York which was founded in 1870. Between 1881 and 1889, an extensive catalog of the library's holdings (about 36,000 books) was compiled showing the collection already included Latin American materials.¹¹ The library's efforts to acquire resources from the region continued into the twentieth century, with developing relationships between the library and booksellers in Brazil, Argentina, Uruguay, Peru, Bolivia, Ecuador, and Colombia.¹² By the 1940s, the library was attempting to collect "the reports, session laws and codes" for every Latin American country.¹³

As the Association's membership increased, so did visits to the library, and the facility responded by adding more books. By 1962, its holdings surpassed 320,000 volumes.¹⁴ Although demand for Latin American materials specifically was not chronicled, the library produced a bibliography on "Doing Business in Latin America" that same year, which suggests that members were increasingly utilizing materials from the region. Indeed, the Association's library was one of a small handful of U.S. law libraries that housed major Latin American collections during that time period.¹⁵ In the early 1990s, however, the library essentially stopped acquiring foreign law resources due to space and budget concerns, along with changes in its patron base. The New York City Bar Association subsequently donated some of its Latin American materials to the Law Library

Microform Consortium (LLMC) for digitizing, and the remaining items were gifted to the Jacob Burns Law Library at the George Washington University Law School.¹⁶ Although the New York City Bar's library no longer houses a Latin American collection, the fruits of its earlier efforts to develop one have certainly not been wasted.

The Los Angeles County Law Library (now LA Law Library) also began as a bar association library in the late nineteenth century. The library received inadequate funding, however, and its stewardship was turned over to the County in 1891, along with its collection of more than 4,000 volumes. The library's first foreign books were purchased in 1894: twenty-eight volumes of Mexican and Spanish law.¹⁷ In 1941, the library began to focus earnestly on its Latin American acquisitions and hired a consultant, Helen L. Clagett, to develop the fledgling collection. Dr. William B. Stern, who served as foreign law librarian from 1939 to 1970, provided some insight into why the library focused so heavily on Latin America at that time. Writing in 1945, he asserted, "Changed political conditions and viewpoints focus attention on our Latin-American neighbors. Information on their legal life becomes of paramount importance."¹⁸ In 1959, Dr. Stern indicated that over half of his library's foreign law queries involved Mexico, primarily due to its geographic proximity.¹⁹

The LA Law Library continued to devote financial and personnel resources to its foreign law collection generally, and its Latin American collection specifically. The library was included in the lists of major Latin American collections in U.S. libraries in 1957, 1960, and 1970.²⁰ In a 1972 survey of foreign and international collections in selected U.S. law libraries, Los Angeles County ranked fifth by collection size (213,000), and listed Mexican state gazettes as its area of specialization.²¹ In a similar 1988 survey, the library identified itself as collecting the government gazettes of Brazil, Chile, Bolivia, Mexico, Guatemala, and numerous other Latin American nations.²² A 1992 article suggested that the library's foreign law collection often matched or exceeded those available in the home countries' libraries, with the Latin American and Mexican collections highlighted as examples.²³ The LA Law Library continues to focus on its extensive foreign law collection, with Latin America being an important part; the library currently collects most of the Latin American government gazettes in print, along with codes, selected case reporters, and practitioner-oriented materials.²⁴

The collections of the great U.S. law school libraries also evolved during the nineteenth and twentieth centuries, with the twentieth century bringing increased demands for foreign materials. Both world wars contributed to this heightened demand, and academic law libraries acquiesced in order for their law schools to remain competitive.²⁵ At the University of Michigan in Ann Arbor, the law library purchased a private collection of Mexican and Spanish law books in 1922.²⁶ Professor Hessel E. Yntema explained that the library's Latin American collection continued to expand in the 1940s as a result of aviation, which increased foreign trade, which in turn created legal problems. He concluded that the "comparative study of the laws of the Americas, especially those affecting international commerce, is of special and immediate interest."²⁷ In 1950, the director of the Michigan law library, Hobart R. Coffey, travelled to Central and South America (to every country except Bolivia and Paraguay) to purchase additional materials.²⁸ Michigan's law library continues to collect Latin American materials fairly heavily and currently has an approval plan with RettaLibros in Montevideo for items from Uruguay, Paraguay, Brazil, Cuba, and Venezuela.²⁹ A number of other U.S. law school libraries have historically emphasized Latin America in their collections and remain dedicated to highlighting that area.³⁰

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The U.S. law library with perhaps the most extensive history of collecting from this region is the Law Library of Congress. First established as a separate department of the Library of Congress in 1832, the LLC has evolved into the world's largest with about 2.9 million volumes.³¹ It is renowned for its collection of foreign law, which covers almost all of the world's nations, including those of Latin America. According to its website, the LLC attempts to acquire government gazettes, constitutions, codes, session laws, case reporters, and a variety of other primary and secondary literature for all major national, state, and equivalent jurisdictions.³²

The complete history of the Law Library of Congress' Latin American collection would be voluminous, but an attempt will be made here to capture its highlights. In August of 1848, just three months after the termination of the U.S.-Mexican War (1846–1848), the U.S. Congress directed the Law Library to procure all available Mexican constitutions and laws.³³ Four years later, Congress appropriated \$1,700 for more Mexican materials, as well as Spanish law books.³⁴ In 1911, Law Librarian Dr. Edwin Borchard reported that the Law Library was “making a systematic effort to bring its collection of foreign law to a state of high efficiency,” including that of Latin America.³⁵ In 1915, Dr. Borchard added to the Latin American collection after an acquisitions trip to eleven Latin American countries.³⁶ In 1923, the library hired Dr. John Thomas Vance to travel to Mexico to obtain legal materials for the Library. Vance, who was fluent in Spanish and had worked in the Dominican Republic, was appointed Law Librarian in 1924.

Vance created a strong foundation for the current collection during his nineteen-year tenure as Law Librarian of Congress. In 1940, Vance described the Law Library's most recent efforts to “gather as complete collections as possible of the legislation and jurisprudence” of the twenty Latin American nations.³⁷ In keeping with the Library's emphasis on Latin American materials, the Latin American Section was formed in January 1943. The section offered reference services focusing on the region, as well as translations of Latin American legislation as requested by members of Congress.³⁸ Before his death in April 1943, Vance acquired 5,500 volumes of legal materials for the library during a six-month trip to Latin America.³⁹ In 1943, the American Bar Association's Special Committee on the Facilities of the Law Library of Congress reported:

Latin America has been, ever since the coming of Dr. Vance, a very important field for the activities of the Law Library of Congress. Both through blanket orders placed to secure complete coverage of current legal publications, and through continuous checking of dealers' offers, library lists, etc., every effort is being made to keep complete and up-to-date collections of laws, codes, court decisions, legal treatises, and other pertinent legal material for each of the Latin American republics. Efforts are constantly being made to fill in the gaps in the collections, both through correspondence and through the utilization of the Library of Congress representatives in Latin America.⁴⁰

One year later, the same committee stated that the library's Latin American collection was “probably more nearly complete than those which exist in any other library,” due to Vance's attention.⁴¹

After Vance's death, the LLC continued its dedication to the Latin American collection by inviting the head of the Biblioteca del Poder Legislativo del Uruguay (Congressional Library of Uruguay) to serve as a consultant in 1946.⁴² In 1948, the library initiated a project to microfilm the gazettes of every Mexican state and territory up until 1920.⁴³ By 1956, the Law Library's Latin American collection was perhaps quantitatively the largest in the world.⁴⁴ In 1957, the Latin American Section was renamed the Hispanic Law Division to reflect the inclusion of Spain, Portugal, their possessions, the Philippines,

and Puerto Rico in its scope of coverage. The Hispanic Law Division was one of five of the Library's geographic-linguistic divisions that covered the world at that time. Helen L. Clagett served as the division's chief until her retirement in 1971.⁴⁵

In the mid-1960s, Ms. Clagett provided a fascinating glimpse of the division's activities during that time period. She indicated that growing Congressional interest in the region had actually created minor "research explosions" within the division.⁴⁶ The U.S. Supreme Court also sought research assistance for several cases, including *Banco Nacional de Cuba v. Sabbatino*, which is still the Court's leading case on the Act of State Doctrine.⁴⁷ Ms. Clagett attributed part of the proliferating demand for Latin American legal materials to events such as the "Sovietization" of Cuba, the revolution in the Dominican Republic, the presidential succession problem in Argentina, and attacks on the legal status of Guantánamo.⁴⁸ According to her, other contributions to the increasing interest in Latin America included the implementation of long-term programs such as the Alliance for Progress.⁴⁹

Ms. Clagett also reported on general reference service the division provided in the early 1960s. In 1965, she indicated that 147 topics had been covered during the prior two years.⁵⁰ Examples of reference questions that the division fielded included additional topics related to Cuba, such as the constitutionality of Cuba's revolutionary courts' "war crimes" trials, the legal issues surrounding Fidel Castro's ransoming of prisoners in 1962, and the impounding of Cuban planes in the United States by creditors of the Cuban government in the early 1960s.⁵¹ Other queries involved the extradition from Florida of a former president of Venezuela (Marcos Pérez Jiménez) in 1963, and the 1956 disappearance of a Columbia University professor who had been highly critical of the Dominican Republic's Rafael Trujillo.⁵² One patron asked whether a foreigner could sit on the bench of any of the Latin American supreme courts.⁵³

Although much of it is now outdated, the Law Library of Congress has contributed substantially to the bibliographic literature for Latin American legal materials. Dr. Edwin Borchard published a guide on the law and legal literature of Argentina, Brazil, and Chile (1917), and similar guides were published in the 1940s as part of a project with the Center of Inter-American Legal Studies.⁵⁴ Guides published during that period covered Colombia (1943), Cuba, Haiti, and the Dominican Republic (1944), Mexico (1945), Bolivia (1947), Chile (1947), Ecuador (1947), the Mexican States (1947), Paraguay (1947), Peru (1947), Uruguay (1947), Venezuela (1947), and Argentina (1948). The Mexican and Peruvian guides were updated in 1973 and 1976, respectively. The Hispanic Law Division (and its chief, Ms. Clagett, in particular) was instrumental in the publication of most of the aforementioned guides. In addition, the division produced an *Index to Latin American Legislation* that was published as a two-volume set covering 1950–1960, with later supplements covering 1961–1975. The *Index* was automated in 1976 and evolved into the web-based *Global Legal Information Network* (GLIN).⁵⁵ GLIN lost financial support from the U.S. government in 2012.⁵⁶

The Law Library of Congress has continued its role as the largest law library in the world, with substantial emphasis on its foreign law collection and related services. Foreign legal specialists who are currently on staff include several whose primary jurisdictional emphasis is a Latin American nation—specifically, Argentina, Brazil, Mexico, and Nicaragua.⁵⁷ The Law Library now has a Global Research Directorate with two divisions—Foreign, Comparative, and International Law Divisions I and II. The services and responsibilities related to Latin America are part of Division II.⁵⁸ The Law Library

supports online initiatives, including the *Global Legal Monitor*, the *In Custodia Legis* blog, and the comprehensive *Guide to Law Online: Nations of the World*. The Law Library also provides online access to its recent reports on various legal topics related to foreign jurisdictions, including the 2009 constitutional crisis in Honduras and the legal implications of Fidel Castro's resignation in 2008.

In sum, the early institutional law libraries in the United States included Latin American materials in their collections, and those collections generally increased in size over time to reflect demand. Factors such as the development of aviation, the proliferation of international trade, geographic proximity, and events in Cuba have all been cited as contributing to this surge in demand. Although there is not a current published list of major Latin American collections in U.S. law libraries, the government law libraries on such a list would certainly include the LA Law Library and the Law Library of Congress. Academic law libraries listed would undoubtedly include those at the University of Michigan, Yale (Lillian Goldman Law Library), Harvard, the University of Texas at Austin (Tarlton Law Library), and the University of Miami. A few private law libraries, such as those of the New York City Bar and global law firm Baker & McKenzie, once had large print collections of Latin American materials.⁵⁹ Law firm print collections in general, however, have dwindled or even disappeared in recent years, due to space and budget concerns.⁶⁰ As U.S. law libraries continue to add and withdraw Latin American materials, it is useful to take a closer look at the factors and selection tools influencing collection decisions.

Approaches to Collection Development

Law libraries approach collection development much like other types of libraries; that is, their primary goal is to meet users' needs. As aforementioned, different types of law libraries focus on different patron groups. Law school libraries concentrate on their own faculty and students, private law firm libraries acquire materials with their own attorneys in mind, and public court libraries primarily serve the judges and clerks of the court's jurisdiction, as well as members of the public and local attorneys. Law school libraries will likely collect at the instructional or research levels, perhaps emphasizing areas where its programs are strongest, as well as areas where its faculty are conducting research.⁶¹ Law firm libraries will collect in practice areas in which their firms specialize, and public law libraries will likely emphasize primary and secondary materials covering the laws of their own jurisdictions. Law libraries must also decide whether to actually develop a collection in a particular area, or buy on demand.

Law libraries, like most libraries, fashion collection development policies that may address such issues as cost, currency, language, format, and institutional priorities.⁶² Space may also come into play. Legal materials in particular make special demands in terms of currency, official status, and authenticity. Legislation may not be applicable if it has recently been amended, and attorneys cannot properly utilize and cite to digitized law if it is not official and authenticated.⁶³ In terms of foreign law, some law library collection development policies are broad, while others focus on legal system types, regions, or even specific countries. The University of Michigan Law Library's collection development policy, for example, provides parameters for the general category of civil law jurisdictions, noting that it will continue to collect extensively for Bolivia, Guatemala, and Panama as part of a Primary Collecting Responsibilities Agreement.⁶⁴ Michigan's policy

also includes a supplemental memo for Mexico.⁶⁵ The collection development policy of Yale's Lillian Goldman Law Library divides foreign law by region, and includes a section on Latin America.⁶⁶ Duke's Goodson Law Library describes its general approach to collecting foreign law, but attaches an Appendix that designates collecting levels by jurisdiction (materials from Mexico, for example, are collected at the research level).⁶⁷

In approaching their collection decisions, law school libraries must also be cognizant of binding standards for American Bar Association (ABA) accreditation, as well as the requirements for membership in the American Association of Law Schools (AALS). Although the *ABA Standards* do not explicitly require that foreign law be part of a law school library's core collection, they do prescribe that the library should support "special teaching, scholarship, research, and service objectives."⁶⁸ Thus, the *Standards* essentially require that law school libraries appropriately support a curriculum that includes courses with global content. The *AALS Bylaws*, although not binding in terms of ABA accreditation, require that member law schools adhere to certain rules to maintain their memberships in good standing. Although the bylaws do not specify that an AALS member library should collect foreign law, they do demand that the collection "serve any special research and educational objectives."⁶⁹ Just as with the *ABA Standards*, the *AALS Bylaws* suggest that a member library should adequately support a curriculum with international content.⁷⁰

As the demand for international and foreign legal materials has proliferated, so has the need for library personnel who specialize in foreign, comparative, and international law (FCIL). Although there is currently no set of core competencies for FCIL librarians, the law library literature has addressed this with recommendations for various skills that should be required for these types of positions.⁷¹ These recommendations run the gamut from geographic competencies, to foreign language facility, to curiosity and patience. Although not recent, a 1976 article denoted what one author viewed as necessary qualifications for a librarian in charge of Latin American legal collections—at least bilingual, preferably multilingual, familiarity with publishing firms, authors, and pertinent subject matter, and "knowledge of the workings of the various Latin American nations."⁷² A number of U.S. FCIL librarians who currently select Latin American legal materials do meet these requisites and are certainly Latin Americanists in their own right.

There are a number of current sources that provide guidance for developing FCIL collections.⁷³ There is also historical literature providing direction for collecting Latin American legal materials, including a detailed article authored by Dr. William B. Stern in 1945.⁷⁴ In 1965, the International Association of Law Libraries (IALL) hosted a panel that Stern himself chaired on the topic of Latin American law. There, panelist Professor Michael A. Schwind of New York University advised librarians not to attempt to cover the entire Latin American region. It is possible, he said, to "have an excellent Latin American law library without trying to get all the books published in all the Latin American countries."⁷⁵ In 1970, Professor Fernando J. Figueredo had this piece of advice:

It is very important that the acquisitions librarian realize that the establishment of a collection of Latin American legal materials also depends on the kind of institution that is going to use it and for what purpose. It must be remembered that all of the Latin American republics operate legally in civil law systems, and thus the language of the statutes tend to be more significant than the corresponding court opinions.⁷⁶

In reviewing the Spanish legal encyclopedia *Nueva Enciclopedia Jurídica* in 1978, Jorge L. Carro essentially proclaimed that the purchase of this encyclopedia could substitute for an entire Latin American collection for law libraries on a tight budget.⁷⁷

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The American Association of Law Libraries (AALL) has historically provided guidance for collecting materials from this region. During its early years as an organization, AALL had an active Committee on Securing Latin-American Laws. In its 1910 report, the Committee recommended:

... that considerable information concerning the laws of the Latin-American countries could be obtained from the official gazettes of the different countries, as the laws and decrees of the various Latin-American countries are promulgated in these official gazettes before the same take effect. It might be well for the Association or the libraries interested to subscribe for these official gazettes. If the Association should take up this matter it is suggested that the correspondence be conducted in Spanish, as it is understood but little attention is paid to letters in English, and while the correspondence should be carried on in a business-like way, it would also be well to keep in mind that the Latin-American countries are accustomed to forms of diplomacy even in business matters unknown in this country, and communications should be in diplomatic form to receive attention.⁷⁸

During the 1940s, the Association had an active Committee on Cooperation with Latin American Law Libraries. In 1971, the Association published a *Union List of Basic Latin American Legal Materials*, edited by Kate Wallach. The Association subsequently published *Basic Latin American Legal Materials, 1970–1975*, authored by Juan F. Aguilar and Armando E. González.

In the 1980s, the Association had an informal but active Latin American Law Librarians (LALL) group.⁷⁹ A workshop on Latin American law and reference services was offered at the 1988 AALL Annual Meeting in Atlanta, which featured a number of papers and compiled bibliographies. At that workshop, Yale's Daniel L. Wade presented the results of a survey he had conducted that was "intended to provide an impressionistic snapshot of the collecting of Latin American legal materials in this country."⁸⁰ Part of the survey results listed the collection development practices pertaining to Latin American materials for thirty-six U.S. law libraries. Harvard, for example, was emphasizing Brazil and Uruguay, while Georgetown was heavily collecting Mexican materials.⁸¹ The University of Detroit noted "recent intense faculty interest in Central American law" and the University of Miami was adding books purchased from Northwestern's Latin American collection.⁸² Continuing with its tradition of fostering Latin American legal collections, the Association currently has a vibrant Latin American Law Interest Group that is part of its Foreign, Comparative, and International Law Special Interest Section.⁸³

The advent and ubiquity of the World Wide Web has greatly impacted the development of online Latin American law collections. Most Latin American governments now have transparency laws in place requiring that government information, such as government gazettes, be posted on the Web.⁸⁴ Links to Chile's 2008 *Ley de Transparencia* (Law of Transparency)⁸⁵ are actually prominently displayed on Chilean government websites. The country's Biblioteca del Congreso Nacional de Chile (Library of the National Congress of Chile) has a highly sophisticated web portal that provides access to Congressional bills, laws, legislative history, and Chilean codes, with explanations of some legislation available in sign language and audio files. Online access to upper-level Latin American court opinions is now relatively common. Many Latin American law reviews are also now available online; two of Mexico's most prestigious law schools, for example, host open access journal repositories.⁸⁶

The posting of Latin American government gazettes, codes, court opinions, and law reviews online has diminished the need for collecting these items in print, although some U.S. law libraries continue to do so. Secondary material in the form of treatises, as well

as English translations of primary material, continue to be available almost exclusively in print. Reflecting the need to still collect Latin American legal materials in print, Lillian Goldman Law Library's *Collection Development Policy* clearly even states that it still relies heavily on print materials from and about Latin America.⁸⁷ Interestingly, the acquisition of Latin American legal materials in print remains perhaps as challenging as it was over one hundred years ago.

Challenges in Acquiring Latin American Legal Materials

Historical Challenges

U.S. law libraries have always faced challenges in acquiring Latin American legal materials. Franklin O. Poole of the Association of the Bar of the City of New York described frustrations he encountered in purchasing foreign law books in the early twentieth century:

The Latin American field has presented the most difficulties. The law book trade is not organized. The dealers know little or nothing about publications outside of their own city or it would seem in many cases, outside of those they themselves issue; and most unfortunately they do not in most instances appear to desire business relations with North American buyers.⁸⁸

... Difficulty has been experienced in arranging for continuations. It has been our experience that these can only be obtained by periodical prodding. Except for Colombia, Brazil, Uruguay, and the Argentine we have so far been unable to secure catalogues showing current legal publications, and these catalogues are somewhat irregular and do not give satisfactory information as to all the publications in those countries.⁸⁹

Some twenty-five years later, in 1942, Miles O. Price, Law Librarian of Columbia University, nostalgically described his adventures collecting legal materials from "South of the Border." Mr. Price noted that prior to World War II, he had relied on Dutch dealers to supply the library with their law books and periodicals from South America. However, dissatisfaction with price and service from the Dutch dealers, combined with the closing of European markets due to the war, precipitated his nearly six-month trip to South America, including to Brazil, Uruguay, Argentina, Chile, and Peru. Mr. Price noted several advantages to traveling to the area and buying directly from booksellers in these countries:

First, it permitted actual inspection of the available material, infinitely better in book selection than the best dealer's catalog. Furthermore, it turned up material not listed anywhere, as far as I had discovered. Second, prices were much lower than dealers' quotations. Fairly typical comparisons were \$39 instead of \$200; \$150 for \$480; \$165 for \$500; 90 cents for \$9, etc. I saved nearly twice the cost of my entire trip, less my salary, in Santiago alone, based upon actual quotations in hand. Third, and vastly important, I was able to secure complete sets and other material which otherwise would have been unobtainable.... Fourth, advantageous contacts were established for future purchases.⁹⁰

Mr. Price explained the need for legs, luck, and lingering to obtain the best legal material in the region: legs for traipsing around a city, luck in stumbling upon obscure bookstores and even more obscure books, and lingering around a bookstore long enough to work one's way into the basement, for example, where Mr. Price found many valuable hidden treasures.⁹¹ Of course, knowledge of Spanish was essential too, since the second

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language at the time was French, not English.⁹² Mr. Price observed that some bookshops were found in unexpected places while others were logically located next to law schools and the courts.⁹³ He noted that prices in Argentina and Uruguay were much higher than in other countries in South America.⁹⁴ He described many fine libraries in the region “though the service and organization expected in the United States are not yet common.”⁹⁵

Dr. William B. Stern of the LA Law Library described his library’s acquisitions process at the Fourth Seminar on the Acquisition of Latin American Library Materials (SALALM) in 1959.⁹⁶ Dr. Stern explained that the library attempted to use established general bookdealers and importers for acquisitions. However, he noted that general dealers often “fail in the field of law” even though they might excel in other academic areas.⁹⁷ Dr. Stern explained:

Our Library deals therefore with bookdealers, book agents (who may work from their home or governmental office), stationery stores, department stores, etc. to the extent necessary... [M]ost of our correspondence with Spanish speaking countries is conducted in Spanish ... [P]urchases are in the long run less expensive than gift requests and exchanges. Gifts and exchanges are likely to be received sporadically; claiming of overdue or missing parts is difficult and on the whole useless ... exchanges are frequently a one way street.⁹⁸

Dr. Stern continued with a discussion of the difficulty in acquiring government gazettes, illustrated with specific examples from various countries.⁹⁹

Professor Fernando J. Figueredo reported on the “burdensome task” of acquiring Latin American legal materials to SALALM in 1970.¹⁰⁰ He shared what he believed were some of the difficulties in collecting legal materials from the region, including possessing legal knowledge of all the different countries, language barriers, general lack of good indices, delays in publication and distribution, and acquiring official publications due to bureaucratic obstacles.¹⁰¹ Professor Figueredo advised against using the commercial Latin American Cooperative Acquisitions Program (LACAP) for legal materials but was, surprisingly, a proponent of exchanges with Latin American law schools.¹⁰² Professor Figueredo opined that the best way to acquire legal publications was through bookstores or bookstore-publishing companies, rather than from the publishing houses directly, so that one can obtain publications from a variety of publishing houses. The author also suggested reviewing the few general catalogs of Latin American materials that are received by university libraries. Professor Figueredo concluded with an ambitious proposal to establish five centers of acquisitions in Latin America—Argentina, Chile, Brazil, Venezuela, and Mexico—in cities with established booksellers. In each of these centers, local lawyers and law school professors would recommend and select books for U.S. law libraries. Professor Figueredo maintained that such a program was already underway in Argentina and Venezuela.¹⁰³

In 1984, Ellen Schaffer, referring to Professor Figueredo’s 1970 work, provided an update on the difficulties in obtaining Latin American legal materials.¹⁰⁴ Ms. Schaffer summarized the necessary skills needed to establish and maintain a Latin American legal collection in a U.S. law library: “good fortune combined with language knowledge, a familiarity with the legal systems involved, a tenacity of spirit, and a sense of humor.”¹⁰⁵ Rather than focusing on these problems, however, Ms. Schaffer provided creative solutions and methods for successfully acquiring needed legal publications. Ms. Schaffer first pointed to some of the classic bibliographic and reference works in the area, and then shared success stories with various publishers and bookdealers in Latin America.¹⁰⁶ She

then suggested ways of contacting government offices, businesses, universities, and people in the region who could all conceivably assist a U.S. library acquire legal materials.¹⁰⁷ Ms. Schaffer provided appendices of central banks, statistical agencies, and approval plan bookdealers.¹⁰⁸

21st Century Challenges

Many of the observations, concerns, and methods expressed by Latin American acquisitions experts in the twentieth century remain true and accurate today. For example, prices in Argentina are generally the highest in the region; legal bookstores are often near law schools and courts, but also in obscure corners of the city; the book trade in some Latin American countries is still highly unorganized; catalogs are incomplete; visiting the region is essential in order to establish connections with booksellers and find material that cannot be found elsewhere; and Spanish language skills are essential (as is Portuguese if collecting Brazilian legal materials).

Additionally, there are still very specific challenges to collecting Latin American legal materials and these challenges continue to vary by country. The Latin American countries with the most impact in legal publishing today are Argentina, Brazil, Chile, Colombia, and Mexico. Peru, Uruguay, and Venezuela (especially before the country's economic collapse and paper shortage) also contribute significantly to the development of law in the region. Publishers in countries such as Bolivia, Ecuador, and Guatemala produce important material pertaining to indigenous law, while human rights materials flow from almost every corner of the region, Ciudad Juárez to Patagonia, Rapa Nui to Rio de Janeiro.

Although there has been a proliferation of laws (including legislation, decrees, and regulations), court decisions, and doctrine from the primary countries in particular, collecting relevant and useful materials can be difficult. Developing sustainable collection plans for the region is a constantly evolving process.

Overcoming the Challenges and Creating a Great Collection of Latin American Legal Materials

Latin American Legal Systems

The countries most important to a law library will depend on the emphasis of the collection, both historical and current. If current business law is important, for example, the acquisition of legal materials from Panama might be emphasized, as the country has seen a significant increase in foreign investment and commercial activity in recent years. If a focus of the collection is human rights, many of the Latin American countries, including Argentina, Chile, Paraguay, Guatemala, and Nicaragua, will have important texts to contribute. If the collection has a focus on legal history, Chile and Argentina will provide a plethora of material. If constitutional law is an emphasis of the collection, treatises about the decisions of Colombia's Constitutional Court, one of the first in the world and upon which many are modeled, will be of high importance.

When collecting primary law of Latin American countries, one cannot rely solely on one's knowledge of U.S. law and collection techniques to guide acquisitions. Addi-

tionally, one must keep in mind that, as aforementioned, each country's legal regime is unique despite having deceptively familiar legal systems, such as democratically elected leaders and legislators, and an independent judiciary. Each country is also unique in how the various sources of law are weighted.

The design and development of Argentina's government, for example, was heavily influenced by the United States. The Argentine legislature has two chambers, and there are multiple levels of judiciary culminating in a single high court. This is where the similarities end when translating collection practices for U.S. legal materials to those of Latin America. As discussed previously, the Argentine legal system, like those of all former Spanish colonies in Central and South America, is rooted in the civil law tradition. As a result, legislation is organized differently and assigned a particular hierarchy. Also, writings of prominent scholars, especially in the form of annotations to legal codes (such as the civil code) are given higher weight than in the United States. Finally, court decisions (*jurisprudencia*) are generally, but not always, accorded lesser weight, if any, than court decisions in the United States.¹⁰⁹ Teresa Miguel-Stearns explains some of the specific anomalies of Argentine jurisprudence:

The *Corte Suprema de Justicia de la Nación* (CSJN), Argentina's highest tribunal, was created in 1853 by the Argentine Constitution and modeled after the Supreme Court of the United States of America. It has seven justices (as opposed to nine in the United States). The decisions of the U.S. Supreme Court and scholarly treatises of North American jurists continued to influence Argentine jurisprudence throughout the 19th century. As a result of this U.S. influence, the CSJN follows notions of judicial review similar to the U.S. Supreme Court. The CSJN will only hear *a posteriori* controversies where the parties have standing, the case is ripe, and the controversy is not moot. Thus, the CSJN does not hear *a priori* (abstract) cases as do many other high courts in the region following civil law tradition.

One significant difference between the CSJN and the Supreme Court of the United States is that the decisions of the CSJN bind only the parties to the ruling of the Court; there is no express doctrine of *stare decisis*. Over time, however, the CSJN has successfully persuaded the lower courts to follow the rulings of the CSJN by stating, for example, that it is the "moral duty" of the lower courts to follow the nation's supreme tribunal. The CSJN subsequently scolded lower courts for not following CSJN decisions and declared that such behavior undermines the judiciary as an institution. Lower courts have generally been complicit such that although not expressly stated in the Constitution or elsewhere, the decisions of the CSJN have evolved into binding precedent in many regards, though to what extent remains unclear. From the founding of the CSJN, its decisions have been published in the *Fallos de la Corte Suprema de Justicia de la Nación*, the official print court reporter (which is available in full-text pdf on the Court's website).¹¹⁰

This is just one example of the basic structure and influence of a high court. Each of the Latin American countries' judiciary is organized differently and its decisions are granted varying degrees of weight. Each country's court decisions are also published, if at all, in its own manner. A quick way to gain an understanding of each country's legal system is by reviewing any of several guides to understanding the legal system of a foreign country.¹¹¹

The Distribution of Latin American Legal Publications

Understanding the varied nature of the legal systems for each country will help a collector determine what is important to the collection. The next challenge is learning what is generally being published in each country. There are several ways to gain an

understanding of what is available in print in any given country. First, legal research guides often contain bibliographical information that will be helpful. Second, local students and scholars from the area are a valuable source of information. Third, traveling to foreign book fairs is beneficial for a variety of reasons. Fourth, there are now neutral (not attached to any publishing house) vendors based in many Latin American countries that sell legal materials to libraries.

Research Guides

Research guides, such as those on the GlobaLex and LLRX websites, as well as topical and country-specific research guides created by law librarians around the world, can be fruitful starting points for gaining an understanding of the legal literature of a particular country. For example, the Argentine GlobaLex guide, written by Argentine lawyer and law librarian, Gloria Orrego-Hoyos, has a section on the current legal codes along with information about the country's legal publishers.

Local Scholars

Another source of information about current legal publications from Latin America is graduate students at the law school who are from the region. Every few years, it is a worthwhile effort to speak with students from Latin America to get their opinions on which publishers are the strongest. Graduate students are often thrilled to be able to suggest titles in their area of expertise, share who the most prolific legal scholars are in their respective countries, and explain the current state of legal publishing. Visiting professors and scholars from Latin America can also be very helpful for the same reasons.

Book Fairs and Bookstores

Attending national book fairs in Latin American countries is an excellent way to meet vendors, to understand the quantity and quality of legal texts published in a country, and to explore university presses, small publishers, subject-specific publishers, government presses, and non-profit and NGO publishers. Book fairs allow the collector to gain a deep understanding of the legal publishing scene in that country and how it is changing over time. For example, just in the last two decades, LexisNexis bought many significant local legal publishers in various countries, including Abeledo Perrot (Argentina), Ediciones Técnicas (Chile), and Dofiscal (Mexico); and then sold them in 2008 to a Dutch company, Legal Publishing Group.¹¹² Thomson Reuters purchased Legal Publishing Group in 2011, acquiring Abeledo Perrot and the others.¹¹³ Thomson Reuters also purchased La Ley (Argentina), Revista Dos Tribunais (Brazil), and more. Thus, the legal publishing industry continues to evolve at a rapid pace.

Book fairs also provide an opportunity to acquire unique items for the collection from smaller publishers or government presses that are not yet on the radar of local vendors or distributors. Attendance at book fairs provides an excellent opportunity to meet with a local vendor, walk around together, and educate the vendor on the subject matter, publishers, and types of materials that are important to the law library. Shopping together is generally a great way to educate a vendor on the priorities of the law library.

Lastly, while at book fairs it is easy to explore the city in order to find bookstores

that sell legal materials. Many of these bookstores will be adjacent to courthouses and law schools. Some will be the storefront of the publisher; others will have books from many publishers. Still other bookstores will be in obscure locations throughout the city.¹¹⁴

Neutral Booksellers

Most of the vendors who distribute and sell Latin American legal materials to libraries in the United States today¹¹⁵ understand the general business model employed by U.S. libraries. That is, libraries will pay for books or other materials after the items have arrived at that library; most libraries do not pay in advance for anticipated acquisitions. However, smaller vendors from smaller countries often struggle to provide all the information required for U.S. libraries to establish the vendor in university financial systems. Knowledge of Spanish (and Portuguese for Brazil) is essential for fluid and accurate communications.

Generally, vendors prepare and send lists of books, pamphlets, and other material they acquire and are offering for sale to U.S. libraries, although these lists are often incomplete since many of the vendors do not deal exclusively in the sale and distribution of legal materials.¹¹⁶ Librarians then review the lists and send purchase orders back to the vendor for certain titles. If firm orders are not done in a timely fashion, the library risks missing the opportunity to acquire material due to short print runs. Many established vendors with whom a law library has a good, ongoing relationship, will respond quickly to rush requests, and often notify the librarian of special purchase opportunities.

Some of the larger countries have multiple vendors. For example, Brazil is home to at least two significant distributors of legal books, Susanne Bach Books and Atlantis Livros. Additionally, Librería García Cambeiro, based in Buenos Aires, has an office in Brazil (LatBooks Brasil) and distributes law books from Brazil to U.S. libraries as well. Each vendor has its own process for acquiring, offering, and pricing legal material. In countries where there are multiple vendors, it is always worth comparing the titles, publishers, and prices in order to ensure the library is acquiring the best legal texts the country produces and the best price.

Other countries have less established legal vendors. Mexico, for example, is surprisingly weak and unstable in the distribution of legal materials. In recent decades, several distributors have combined, separated, ceased operations, and reappeared. None is particularly strong in the distribution of legal materials, but several irregularly offer a small and varied quantity of legal materials from a country that produces a massive amount of legal texts. In this situation, it is worth utilizing every vendor possible, reviewing and comparing their lists, and establishing close ties with the vendors so they remember to acquire legal materials as they travel about purchasing other non-legal texts. It is also well-worth going to the annual Feria Internacional del Libro de Guadalajara (International Book Fair of Guadalajara) in order to understand the magnitude of the legal publishing industry and to try to forge connections with publishers directly. Some publishers, such as Porrúa, will sell directly to U.S. libraries, but only after much persistence and effort by the librarian.

The currency or recency of legal materials received in U.S. libraries also varies by country. In Brazil, where most publications are released once or twice annually, the materials are received in U.S. libraries rather quickly and efficiently. In Central America, where publications are sporadic and printed in short runs, it is often hard for vendors

to acquire material at all. Sometimes, however, they are able to find items on second or third sale.

One way to combat the problem of delinquent distribution is to establish an approval plan with a vendor. For example, if a library generally purchases the most important human rights material from Central American countries, that library can enter into an approval plan with a Central American vendor for a certain annual dollar amount and leave the selection to the vendor. In this way, the vendor, when traveling throughout the region, will not hesitate to purchase a relevant item knowing that the vendor has a budget and can make the independent judgment as to whether a certain item is relevant to the collection.

Approval plans generally take several years of refinement before they run seamlessly. The librarian must review each shipment of materials and communicate both good and poor acquisitions to the vendor so that the vendor can better understand the library's profile. The librarian also needs to monitor the vendor's spending. However, once a vendor knows the library's profile and budget, a library can greatly benefit from the acquisition of timely, relevant materials, and the librarian's time can be spent performing other activities.

Exchanges

Historically, exchanges were thought to be an effective way of obtaining legal serials from foreign law schools at a low or no cost. However, over time, these exchanges have proven unsustainable because they are difficult and time-consuming to track, and because so many serial publications in Latin America, such as law reviews, are short-lived. Such efforts inevitably either become one-sided with U.S. law libraries sending long-standing and regularly published law reviews without equal reciprocation; or break down altogether due to change in personnel and other disruptions to the original agreement. Rather, standing orders with a reliable vendor have proven much more effective. With a standing order, a vendor knows to send the next volume or issue of a serial as soon as it is published. This is similar to an approval plan arrangement in that there is an agreement in place that does not require the vendor to obtain permission from the library before sending material.

Collaborative Acquisition and Collection Development Initiatives

Collaborative efforts in acquisitions and collection development have historically been a means of addressing the specific challenges related to crafting collections of Latin American legal materials. In the second half of the twentieth century, acquiring law books from Latin America was becoming more systematic but still inconsistent. In September 1958, with the support of Congress and several libraries participating in the Farmington Plan, William H. Kurth of the Library of Congress embarked on a three-month trip to Mexico and South America to acquire Latin American research materials (including some law) for the Library of Congress and the supporting libraries.¹¹⁷ Prior to departure, Mr. Kurth circulated an extensive questionnaire in which libraries indicated areas of interest and specific titles for acquisition.¹¹⁸ Upon his return, he issued over 100 field reports. Some general observations of the publishing industry in Latin America included

that many titles and government publications are printed in short runs of one-to-two thousand copies, which make them difficult to locate; and periodicals are a struggle for the local book trade as well as the international one.¹¹⁹ Commenting on Kurth's trip, as well as cooperation initiatives in more general terms, Dr. Stern wrote:

First of all, we suggest a greater degree of cooperation among American libraries. All investigating and purchasing missions should be cooperative enterprises. We are very grateful to the Library of Congress in sharing the results of Mr. Kurth's recent trip with other libraries.... The Los Angeles County Law Library has recently engaged in a series of cooperative acquisition projects for unusual foreign materials free of charge.¹²⁰

In 1970, Mario Goderich, Law Librarian at the University of Miami, stressed the need for cooperative acquisitions.¹²¹ He provided many excellent reasons for such an undertaking, including the ability to increase holdings nationwide, eliminate duplication, meet increasing demands for specialized material, and address space issues. He acknowledged the difficulties, such as meeting local needs, owning appropriate material rather than having to borrow it, and sustainability. Mr. Goderich shamed the library profession for allowing the commercialization of acquisitions in the Latin American Cooperative Acquisitions Program (LACAP); and praised the Farmington Plan, though far from perfect, as the first national attempt at cooperative acquisitions.¹²²

Mr. Goderich also highlighted the "Chicago Plan" of the 1930s and 40s. The Chicago Plan involved a group of law librarians from four law libraries in Chicago who formed an association to, among other activities, collaborate on collection efforts. After creating a union list and noting significant duplication and serious gaps in their collections, they agreed to each take responsibility to collect in certain areas and share freely with the other members.¹²³

After noting these noble collection development programs, Goderich challenged law librarians to renew cooperative efforts. He gave several possible reasons for their reluctance including the independent nature of many law libraries, institutional rivalry, local patron needs, and inherent difficulties in dividing collection development responsibilities.¹²⁴ Nonetheless, Goderich was certain that "time will take its toll; and these attitudes will give way to necessity." He called on the American Association of Law Libraries to formulate a national plan, but reminded readers that "the responsibility for change and adaptation lies within each one of us."¹²⁵

Collaborative collection development is obviously not a new idea but it is enjoying a renaissance and gaining momentum in this twenty-first century era of tightened budgets. Although cooperative book-buying trips like those of William Kurth in 1958 are infrequent today due to greater access to legal material with established book vendors in the region, there are many other opportunities for cooperation.

In the northeast United States, the Northeast Foreign Law Librarians Cooperative Group (NEFLLCG) endeavors to spread collection responsibilities among its member libraries, informally, to cover much of the world. NEFLLCG, formerly known as the New York Law Library Group (NYLLG), overlapped for several years with an earlier effort at collaborative collection development initiated by members of the Research Libraries Group Law Program Committee wherein certain libraries were asked to take primary collection responsibilities (PCRs) for various countries.¹²⁶ The same idea permeated NYLLG and today's NEFLLCG. Original NYLLG members were the law libraries of Columbia, Fordham, New York University, and Yale. Original NEFLLCG members were the NYLLG law libraries plus the University of Pennsylvania. NEFLLCG met bi-

monthly and the Law Library of Congress and Harvard attended the meetings as observers.

Today, NEFLLCG has expanded to include Georgetown and Harvard. The group meets twice annually and maintains an evolving list of countries to which members have self-assigned vigorous collecting responsibilities (VCRs). VCR is loosely defined and also organic. A few years ago, as budgets continued to shrink, members agreed that a VCR should include acquiring codes and judicial decisions, usually in the vernacular, and some legal monographs. VCR assignments have changed over time depending on faculty needs and financial constraints. NEFLLCG also maintains a spreadsheet of foreign and international legal databases to which members subscribe. This is purely informative, and there is no agreement regarding who is responsible for maintaining a subscription to a particular database, and no obligation to license a database at any time. Members agree that database subscriptions are subject purely to the needs of the institution at a moment in time.

Conclusion

U.S. law libraries have a long and rich history of collecting Latin America legal materials, and they continue that tradition today. Politics, migration, and trade are but a few reasons why access to legal information from Latin America is crucial to the community of scholars, politicians, and lawyers in the United States. Advancements in travel and technology make collecting easier in many respects, such as access to vendors and publishers, and speed in acquiring material; and more difficult in other respects, such as navigating the overwhelming volume of materials flowing from the region while simultaneously seeking the hard-to-find but important texts. There is no single source for magically creating and maintaining a comprehensive collection. Rather, just as it did 100 years ago, collecting the law of Latin America takes time, patience, diligence, and hard work.

NOTES

1. American Association of Law Libraries, "Types of Law Libraries," accessed April 23, 2016, <http://www.aallnet.org/mm/Careers/lawlibrarycareers/Types-of-Law-Libraries.html>.

2. For purposes of this discussion, the term "Latin America" refers to the twenty nations that signed (with the United States) the 1948 charter establishing the Organization of American States (OAS). Charter of the Organization of American States, April 30, 1948, 2 U.S.T. 2394, 119 U.N.T.S. 3 (entered into force December 13, 1951), http://www.oas.org/dil/treaties_A-41_Charter_of_the_Organization_of_American_States.htm.

3. John Henry Merryman and Rogelio Pérez-Perdomo, *The Civil Law Tradition: An Introduction to the Legal Systems of Europe and Latin America*, 3rd ed. (Stanford: Stanford University Press, 2007), 23.

4. For an explanation of the hierarchies of the legal instruments of individual Latin American countries, see Rubens Medina and Cecilia Medina-Quiroga, *Nomenclature & Hierarchy: Basic Latin American Legal Sources* (Washington, D.C.: Library of Congress, 1979).

5. For detailed information on electronic legal resources of individual Latin American countries, see Marci Hoffman, ed., *Foreign Law Guide* (BrillOnline Reference Works: Koninklijke Brill NV, 2015), <http://referenceworks.brillonline.com/browse/foreign-law-guide>.

6. Ángel R. Oquendo, *Latin American Law*, 2nd ed. (New York: Foundation Press, 2011), 126.

7. Some Latin American courts, however, do issue binding precedent in certain instances. See Teresa M. Miguel-Stearns, "Judicial Power in Latin America: A Short Survey," *Legal Information Management* 15 (June 2015): 100–107.

8. M.C. Mirow, *Latin American Law: A History of Private Law and Institutions in Spanish America* (Austin: University of Texas Press, 2004), 197.

9. Julieta Lionetti, "E-Books in Spanish Latin America: The New El Dorado or a Mirage?" *Publishing*

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Perspectives, August 29, 2012, <http://publishingperspectives.com/2012/08/e-books-in-spanish-latin-america-the-new-el-dorado-or-a-mirage/#.VrjvyGdIg5s>.

10. For example, Lawrence Publishing in Baton Rouge, Louisiana, offers English translations of several Latin American codes in print, but these are not updated with the frequency required to keep them current.

11. George Martin, *Causes and Conflicts: The Centennial History of the Association of the Bar of the City of New York 1870–1970* (Boston: Houghton Mifflin, 1970), 326; William J.C. Berry, comp., *Catalogue of the Library of the Association of the Bar of the City of New York* (New York: J.J. Little, 1892).

12. Franklin O. Poole, “Foreign Law Books—How to Secure Them,” *Law Library Journal* 8 (January 1916): 71.

13. Alfred B. Lindsay and Fred B. Rothman, “Resources of Law Libraries in New York City,” *Law Library Journal* 36 (1943): 11.

14. Martin, *Causes and Conflicts*, 348.

15. Columbus Memorial Library, “Major Latin American Collections in Libraries of the United States,” Appendix C in *Final Report of the Second Seminar on the Acquisition of Latin American Library Materials June 19–20, 1957* (Austin: Institute of Latin American Studies, University of Texas, 1958); Marietta Daniels Shepard, *Major Latin American Collections in Libraries of the United States*. Cuadernos Bibliotecologicos no. 1 (Washington, D.C.: Unión Panamericana, Secretaría General de la Organización de los Estados Americanos, 1960).

16. Richard Tuske, Director of the Library, New York City Bar Association, e-mail message to Julianne E. Grant, April 27, 2016.

17. Gail H. Fruchtman, “The History of the Los Angeles County Law Library,” *Law Library Journal* 84 (1992): 697, 699 (quoting *L.A. Daily J.*, November 22, 1949: 1,2).

18. William B. Stern, “Latin-American Law Books in Anglo-American Law Libraries,” *Law Library Journal* 38 (1945): 4.

19. William B. Stern, “The Acquisition of Latin American Materials at the Los Angeles County Law Library,” in *Final Report and Papers of the Fourth Seminar on the Acquisition of Latin American Library Materials June 18–19, 1959* (Washington, D.C.: Library of Congress, 1960), 104.

20. Columbus Memorial Library, “Major Latin American Collections”; Shepard, *Major Latin American Collections*; Kent E. Miller and Gilberto V. Fort, *Major Latin American Collections in Libraries of the United States*. Cuadernos Bibliotecologicos 1 (rev.) (Washington, D.C.: Secretaría General, Estados Unidos Americanos, 1970).

21. Igor I. Kavass, “Foreign and International Law Collections in Selected Law Libraries of the United States: Survey, 1972–1973,” *International Journal of Law Libraries* 1 (1973): 126, 131.

22. Ellen G. Schaffer and Thomas R. Bruce, eds. *Directory of Foreign Law Collections in Selected Law Libraries* (Littleton, CO: Fred B. Rothman, 1991).

23. Fruchtman, “Los Angeles County Law Library,” 699.

24. Neel Agrawal, Global Law Librarian, LA Law Library, telephone conversation with Julianne E. Grant, April 19, 2016.

25. Christine A. Brock, “Law Libraries and Librarians: A Revisionist History; or More Than You Ever Wanted to Know,” *Law Library Journal* 67 (1974): 345.

26. Margaret A. Leary, “Building a Foreign Law Collection at the University of Michigan Law Library, 1910–1960,” *Law Library Journal* 94 (Summer 2002): 408 n55.

27. Hessel E. Yntema, “Research in Inter-American Law at the University of Michigan,” *Michigan Law Review* 43 (December 1944): 553.

28. Leary, “Building a Foreign Law Collection,” 410.

29. Alex X. Zhang, Reference Librarian, University of Michigan Law Library, e-mail message to Julianne E. Grant, April 27, 2016.

30. The Harvard Law School Library, for example, has approval plans for Colombia and Uruguay. The law library also shares a plan with Harvard’s main research library (Widener) that provides extensive coverage of human rights in Argentina and Brazil. The law library is also setting up approval plans for Venezuela, Argentina, Brazil, and Cuba. J. Bridget Reischer, Collection Development Librarian for Foreign and International Law, Harvard Law School Library, e-mail message to Julianne E. Grant, April 29, 2016.

31. Law Library of Congress, “About the Law Collections,” last updated September 22, 2015, <https://www.loc.gov/law/about/collections.php>.

32. *Ibid.*

33. Library of Congress, *Law Library of Congress: A Brief History of the First Hundred and Fifty Years 1832–1982* (Washington, D.C.: Library of Congress, 1982), 7.

34. *Ibid.*

35. Dr. Edwin Borchard, “Guides to Foreign Law Literature, Extract from Report of the Librarian of Congress for 1910–11,” *Law Library Journal* 4 (January 1912): 35.

36. Library of Congress, *Law Library of Congress*, 14.

37. John Thomas Vance, “Need for a Center of Latin-American Legal Study,” *ABA Journal* 26 (September 1940): 707.

38. Harold M. Stephens, chair. “Report of the Special Committee on the Facilities of the Law Library of

Congress," *Annual Report of the American Bar Association* 69 (1944): 293. The American Bar Association authorized the creation of this committee in 1932 to address what it deemed to be the overall neglect of the Law Library and the need for its development. John F. Dockweiler, "The Nation's Principal Repository of Legal Literature," *American Bar Association Journal* 24 (May 1938): 404.

39. Dr. Eldon R. James, "Report of the Special Committee on the Facilities of the Law Library of Congress," *Law Library Journal* 37 (November 1944): 101.

40. Stephens, "Report of the Special Committee," 293.

41. Dr. Eldon R. James, "Report of the Special Committee," 99.

42. "Uruguayan Librarian to Consult on Latin-American Collection," *American Law and Lawyers* 8 (April 9, 1946): 4.

43. Ronald Hilton, ed., *Handbook of Hispanic Source Materials and Research Organizations in the United States*. 2nd ed. (Stanford: Stanford University Press 1956), 100.

44. *Ibid.*, 101.

45. Obituary, "Helen Lord Clagett, Library of Congress Official," *Washington Post*, January 14, 1989; "Mrs. Clagett played a major role in building the largest collection of Hispanic legal materials ever assembled and received numerous commendations for her work in preparing guides to the law and legal literature of Latin American republics." Library of Congress, *Annual Report of the Librarian of Congress for the Fiscal Year Ending June 30, 1971* (Washington, D.C.: G.P.O., 1972), 67.

46. "Summary of Annual Report 1964–1965 Law Library of Congress," *International Association of Law Libraries Bulletin* 16 (1966): 22 (reproduced from the *L.C. Information Bulletin* 24 (September 7, 1965): 482–84).

47. *Banco Nacional de Cuba v. Sabbatino*, 376 U.S. 398 (1964); The Act of State Doctrine bars U.S. courts from questioning the validity of a foreign country's sovereign acts that occur within its own territory.

48. Helen L. Clagett, "Reference Work and Bibliographical Studies at the Law Library of the Library of Congress in the Field of Latin American Law," *International Association of Law Libraries Bulletin* 15 (November 1965): 7.

49. *Ibid.*, 8.

50. *Ibid.*, 10.

51. *Ibid.*

52. *Ibid.*

53. *Ibid.*, 11.

54. Dr. John Thomas Vance initially proposed the idea for the Center of Inter-American Legal Studies in 1940. The Center was funded by the U.S. State Department, and before the funds were exhausted, the Law Library produced legal guides for most Latin American countries—with the notable exception of Brazil. Such a guide would have supplemented Dr. Borchard's 1917 work. See Clagett, "Reference Work," 13.

55. Claire M. Germain, "Digitizing the World's Laws," in *The IALL International Handbook of Legal Information*, ed. Richard A. Danner and Jules Winterton (Surrey, England: Ashgate, 2011), 192.

56. There are now plans for a GLIN 2. See the GLIN Foundation website, <http://www.glinf.org/rfi-rfp/vision-glin2>.

57. Law Library of Congress, "About the Organization," last updated February 28, 2014, <https://www.loc.gov/law/about/organization.php>.

58. Luis Acosta, Chief, Foreign, Comparative, and International Law Division II, Global Legal Research Directorate, Law Library of Congress, e-mail message to Julianne E. Grant, January 12, 2016.

59. See Daniel L. Wade, "Survey of Latin American Law in U.S. Law Libraries," in *Workshop on Latin American Law and Law Related Reference Sources* (unpublished 1988): C1; Jon R. Bauman, *Pioneering a Global Vision: The Story of Baker & McKenzie*, Chicago: Harcourt Education Group, 1999, 70–71.

60. See, e.g., Jean P. O'Grady, "12 Building Blocks of a Digital Law Library," *Law360* (January 5, 2015).

61. Frederick W. Dingley, Benjamin J. Keele, and Jennifer E. Sekula, "Collection Development, Acquisitions, and Licensing," in *Law Librarianship in the Twenty-First Century*, 2nd ed., ed. Roy Balleste, Sonia Luna-Lamas, and Lisa Smith-Butler (Lanham, MD: Scarecrow Press, 2014), 139.

62. *Ibid.*, 140.

63. For a discussion of official and authentic digital law, see Germain, "Digitizing the World's Laws," 193–97.

64. University of Michigan Law Library, *Collection Development Policy* (Last reviewed and updated August 27, 2014): 16–22, <https://www.law.umich.edu/library/info/about/Documents/Collection%20Development%20Policy.pdf>; See also, Wade, "Survey of Latin American Law," C2.

65. Barbara H. Garavaglia, "UPDATE: Collection Development Policies and Other Basic Tools for Building a Foreign and International Law Collection," *GlobaLex*, August 2013, http://www.nyulawglobal.org/globalex/International_Foreign_Collection_Development1.html.

66. Lillian Goldman Law Library, *Collection Development Policy: Latin America*, accessed April 28, 2016, <http://library.law.yale.edu/latin-america>.

67. Goodson Law Library, *Collection Development Policy* (Revised May 2014), Appendix B, <https://law.duke.edu/sites/default/files/lib/collectiondevelopment.pdf>.

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68. American Bar Association, Section of Legal Education and Admissions to the Bar, *ABA Standards and Rules of Procedure of Law Schools 2015–2016*, Standard 606(c)(3).
69. Association of American Law Schools, Bylaws of the Association of American Law Schools, Inc., Section 6–8(a)(iii) (Adopted December 29, 1971; Amended through January 2016).
70. AALS did draft a list of recommended titles in Latin American law for its member libraries. See Association of American Law Schools, *Latin American Law: Draft List of Suggested Titles for Member School Libraries* (Chicago: Association of American Law Schools, 1966).
71. See, e.g., Neel Agrawal, “Training in FCIL Librarianship for Tomorrow’s World,” *Law Library Journal* 105 (Spring 2013): 199–229; Daniel L. Wade, “Wisdom from Mount Nebo (Hiei): Advice to a Young Person Aspiring to Become a Foreign and International Law Librarian,” *Legal Reference Services Quarterly* 25 (2006): 51–71.
72. Oscar M. Trelles, II, “Latin American Legal Literature: Problems in their Acquisition and Comparative Reflections,” *International Journal of Law Libraries* 4 (1976): 105.
73. See, e.g., Garavaglia, “UPDATE: Collection Development Policies.”
74. Stern, “Latin-American Law Books.”
75. William B. Stern, “Latin American Law: A Coming Task for Law Librarians,” *Law Library Journal* 59 (1966): 48.
76. Fernando J. Figueredo, “Acquisition of Latin American Legal Materials: A Burdensome Task,” *Law Library Journal* 64 (1971): 48.
77. Jorge L. Carro, “The Use of Legal Encyclopedias as an Alternative Approach in Building Up Collections of Spanish and Latin American Legal Materials,” review of NUEVA ENCICLOPEDIA JURÍDICA, Francisco Seix, Ed., 1950–, *International Journal of Law Libraries* 6 (1978): 289.
78. O.J. Field, Frederic B. Crossley, and Robert B. Anderson, “Report of the Committee on Securing Latin-American Laws,” *Law Library Journal* 3 (October 1910): 24.
79. Nancy Paul, “Special Interest Section News,” *American Association of Law Libraries Newsletter* 18 (December 1986): 128.
80. Wade, “Survey of Latin American Law,” C1.
81. *Ibid.*, C8–11.
82. *Ibid.*
83. American Association of Law Libraries, Foreign, Comparative & International Law Special Interest Section, Latin American Law Interest Group, <http://www.aallnet.org/sections/fcil/cmtesgroups/Latin-American-Law>.
84. See Teresa Miguel, “The Digital Legal Landscape in South America: Government Transparency and Access to Information,” *International Journal of Legal Information* 40 (2012): 39–133; Marisol Florén-Romero, “Open Access to Legal Information: Mapping the Digital Legal Information of Mexico, Central America, the Spanish Speaking Caribbean, and Haiti,” *International Journal of Legal Information* 40 (2012): 417–515.
85. Law on the Transparency of Public Functions and Access to Information on Public Administration (*Ley de Transparencia de la Función Pública y de Acceso a la Información de la Administración del Estado*), Law 20.285, *Diario Oficial* (August 20, 2008).
86. Sergio D. Stone, “Law Reviews,” in Bianca Anderson et al., “Research Guide to Mexican Law,” *Legal Reference Services Quarterly* 1 (2016): 58.
87. Lillian Goldman Law Library, *Collection Development Policy: Latin America*.
88. Poole, “Foreign Law Books,” 69. Poole goes on to list several booksellers with whom he has established business, noting that he must often pay in advance. He also notes that friends of the library as well as the U.S. diplomatic corps have assisted in securing books for the library of the Association of the Bar of the City of New York.
89. *Ibid.*, 71.
90. Miles O. Price, “South of the Border Book Buying,” *The Legist* 2, no.4 (1942): 35.
91. Miles O. Price, “Notes of a Law Book Scout in South America,” *Law Library Journal* 35 (1942): 95.
95. Unrelated to book buying but interesting nonetheless, Mr. Price observed, “Law students and law school appearances generally, are strikingly similar to ours, except that the percentage of women seems higher.” *Ibid.*, 99.
92. *Ibid.*, 99.
93. *Ibid.*, 95.
94. *Ibid.*, 97.
95. *Ibid.*, 98.
96. Stern, “Acquisition of Latin American Materials,” 104. In a separate but related article, Dr. Stern emphasized the importance of foreign law collections generally (as trade opened up at the beginning of the twentieth century and the world was at war at that time), and the necessity of Latin American legal systems specifically (given the changing political conditions of many Latin American countries). Dr. Stern explained the unique aspects of civil law jurisdictions, including a discussion of the importance of codes, precedent and *stare decisis*, *amparo*, and judicial decisions. He also provided the titles to some relevant bibliographical works and other essential legal materials—constitutions, statutes, regulations, treaties, court reports, periodicals,

and treatises—that form the basis of a comprehensive Latin American legal collection. Stern, “Latin-American Law Books,” 4.

97. *Ibid.*, 110.

98. *Ibid.*

99. *Ibid.*, 111–116. Acquiring gazettes continues to be problematic in the 21st century. Beatrice Tice, “Foreign Official Gazettes: Solving a Collection Conundrum,” *Law Library Journal* 97 (2005): 299.

100. Figueredo, “Acquisition of Latin American Legal Materials,” 46. A similar article focusing on the difficulty in obtaining legal materials from “Third World Countries” is, Arno Liivak, “Third World Materials as Catalyst for Access Dominated Solutions to the Problem of Western Libraries,” *International Journal of Law Libraries* 78 (1976): 4. See also, a discussion of ongoing problems of “delinquent distribution and publication and ... the absence of adequate indices.” Trelles, “Latin American Legal Literature,” 106.

101. Figueredo, “Acquisition of Latin American Legal Materials,” 46–48.

102. *Ibid.*, 49–50. The Latin American Cooperative Acquisitions Program (LACAP) was a cooperative effort for acquisitions of library materials from Latin America, not specific to legal materials, from 1959 to 1973. A commercial international bookseller, Stechert-Hafner, Inc., oversaw the program. For more information, see M.J. Savary, *Latin American Cooperative Acquisitions Program: Imaginative Venture* (New York: Hafner Pub. Co., 1968).

103. *Ibid.*, 50–51.

104. Ellen Schaffer, “Legal Materials from Latin America and the Caribbean: Some Ideas for Acquisition,” *International Journal of Legal Information* 12 (1984): 103.

105. *Ibid.*

106. *Ibid.*, 103–107.

107. *Ibid.*, 110–111.

108. *Ibid.*, 112–116.

109. See Miguel-Stearns, “Judicial Power,” 100.

110. For an expanded treatment of courts in Latin America, see Miguel-Stearns, “Judicial Power,” 100.

111. See, e.g., “GlobaLex: Foreign Law Research,” New York University, accessed April 20, 2016, <http://www.nyulawglobal.org/globalex/index.html>. See also, Claire Germain, *Germain’s Transnational Law Research: A Guide for Attorneys* (Ardsley-on-Hudson, NY: Transnational Juris Publications, 2006); Richard A. Danner and Marie-Louise Bernal, eds. *Introduction to Foreign Legal Systems* (New York: Oceana, 1994).

112. “LexisNexis to Sell Local Publishing Operations in Argentina, Chile, and Mexico to Legal Publishing Group,” *Business Wire*, March 28, 2008, accessed April 23, 2016, <http://www.businesswire.com/news/home/20080328005443/en/LexisNexis-Sell-Local-Publishing-Operations-Argentina-Chile>.

113. “Thomson Reuters Acquires Legal Publishing Group,” *Reuters*, January 19, 2011, accessed April 23, 2016, <http://www.reuters.com/article/idUS225830+19-Jan-2011+HUG20110119>.

114. Obscure bookstores are a long-standing phenomenon. See Price, “A Law Book Scout,” 71.

115. For a list of current Latin American vendors, see Teresa Miguel-Stearns, “List of Latin American and Iberian Distributors,” last updated by Cate Kellett in 2015, last accessed on April 23, 2016, <http://www.aallnet.org/sections/fcil/cmtesgroups/Latin-American-Law>.

116. This problem was first noted more than fifty years ago. See Stern, “Acquisition of Latin American Materials,” 110.

117. Robert Vosper and Robert Talmadge, eds., *Farmington Plan Survey: Final Report* (Washington, D.C.: Association of Research Libraries, 1959), 33. The supporting libraries included the National Library of Medicine, University of California Los Angeles, University of Kansas, University of North Carolina, Cornell University, New York Public Library, University of Florida, University of Miami, University of Indiana, University of Pennsylvania, and Los Angeles County Law Library. The Farmington Plan expanded to cover major Latin American countries in 1958. *Ibid.*, 75. See also, William H. Kurth, “Cooperative Maintenance of Acquisition Agent in Latin America,” in *Final Report and Papers of the Fourth Seminar on the Acquisition of Latin American Library Materials, June 18–19, 1959* (Washington, D.C.: Library of Congress, 1960), 4. See also, Howard F. Cline, *Latin America and the Farmington Plan: A Working Draft with Recommendations* (Washington, D.C.: Library of Congress, 1958).

The Farmington Plan was the response to a 1942 proposal made at the meeting of the Library of Congress Librarian’s Council in Farmington, Connecticut, to divide the responsibility of acquiring library materials among U.S. libraries for the benefit of the world. The Association of Research Libraries became a sponsor and the plan became operative in 1948 covering three European countries. Robert B. Downs, “The Significance of Foreign Collection for U.S. Materials: Problems of Acquisitions,” *Foreign Acquisitions Newsletter* 34 (1971): 2. The Farmington Plan required that libraries accept all materials acquired within the scope of their commitment, without taking into account local needs and financial constraints, which ultimately lead to its demise in 1972. Peggy Johnson, *Fundamentals of Collection Development and Management* (Chicago: American Library Assn., 2004), 242. See also, Ralph Wagner, *A History of the Farmington Plan* (Lanham, MD: Scarecrow Press, 2002).

118. Vosper and Talmadge, *Farmington Plan Survey*, 34.

119. Kurth, “Cooperative Maintenance,” 5.

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120. *Ibid.*, 116–117.

121. Mario Goderich, “Cooperative Acquisitions: The Experience of General Libraries and Prospects for Law Libraries,” *Law Library Journal* 63 (1970): 57.

122. *Ibid.*, 58.

123. Goderich, “Cooperative Acquisitions,” 63.

124. *Ibid.*, 60.

125. *Ibid.*, 61.

126. Daniel L. Wade, “Building a Medium-to-Large Foreign Law Collection,” in *Introduction to Foreign Legal Systems*, eds. Richard A. Danner and Marie-Louise Bernal (New York: Oceana, 1994). See also Wade, “Survey of Latin American Law,” C2.