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Improving Services in Law Libraries: The Case of the Faculty of Law Library, University of Ghana, Legon

EMMANUEL MENSAH DARKEY*

Introduction:

Libraries play a very important role in national socio-economic development. They comprise books, buildings, a wide variety of materials and other support systems and more recently, technology. Their purpose is to serve as agents of instruction, reference and research for educational institutions, professional organizations, industrial concerns and communities. Law libraries for instance have highly specialized materials to support the advancement of learning about law or for the practice of law.

Law is essential in all aspects of human activity¹ In 1994, Twining stated that law as a discipline is constantly fed with practical problems and materials from the “real world” actual rather than hypothetical cases; proposals for legislative reform; and social problems from domestic violence and crime to world peace and environmental survival.² The first President of the Republic of Ghana, Kwame Nkrumah, stated in his message of congratulations to the first group of nine Lawyers who graduated from the Ghana School of Law in 1963, that

[t]he demand for the services of Lawyers is great and varying. Our local authorities, our city municipal councils, state corporations and enterprises, and the central government itself will benefit greatly from the services of lawyers. Lawyers in Ghana will therefore be called upon to play an increasingly important role in the progress, development and reconstruction of the country.³

* © Emmanuel Mensah Darkey, 2008. Assistant Librarian and Librarian-in-charge, Faculty of Law Library, University of Ghana, Legon. The author would like to thank Professor Christopher Simoni for his assistance in preparing this paper for publication.

¹ Twining, W. (1994) *Blackstone's Tower: The English Law School*, Hamlyn Lecturers; 46th series, London: Stevens & Sons, p.3.

² Id.

³ Nkrumah, K. (1964) *Message to the First Lawyers Enrolled at the Ghana Bar*, UNIVERSITY OF GHANA LAW JOURNAL No. 1 p.2

Writing about the Internet and lawyers in Ghana, Hinson noted that, when persons are sought to fill key national positions, appointing authorities often look to lawyers.⁴ Therefore, it must be observed that the legal sector is of very much importance to Ghana's developmental agenda.

The University Law Library is the principal center of legal information and it contributes directly to the training of future lawyers. By the functions it performs, it is clearly distinguished from other university libraries. In fact, no meaningful teaching, study or research in law could be carried on without making use of a law library. Quoting Christopher Langdell, Twining stated that the Library is the "center of the law school."⁵ And finally, to Dane and Thomas, a good Lawyer is one who knows where to look for the relevant law and is then able to apply it successfully.⁶

The special function of the University Law Library

Because of the special exigencies of legal research and the nature of the materials that compose it, the university law library is essentially a reference library. In fact, the whole law collection is viewed as a reference unit, not to be divided by borrowing.⁷ However, faculty members or post-graduate students, when their research makes borrowing necessary, are allowed to borrow materials from the Law Library.

It is at the law library that the professor acquires the materials he or she delivers to students, as well as the data that will enable him or her, after analysis, to propose new legal solutions corresponding to the changing needs of society. On the other hand, law students come to the library not only to study, prepare assignments and prepare for tutorials and examinations, but also to solve problems of hypothetical cases put to them and to do all the other work assigned to them as complementary or alternative to professorial instruction. Thus, it is in the law library that students put to proof their knowledge of the rules and principles they have learned, which they must interpret and apply in the light of legal writings; there, also, students learn the

⁴ Hinson, R. [et. al.] (2007) The Internet and Lawyers in Ghana: Some Initial Qualitative Perspectives, *LIBRARY REVIEW* 56. No.4 p.312.

⁵ Twining, W (1994) *BLACKSTONE'S TOWER: THE ENGLISH LAW SCHOOL*, Hamlyn Lecturers; 46th series, London: Stevens & Sons, p.125.

⁶ Dane, J and Thomas P. (1979) *HOW TO USE A LAW LIBRARY*, London: Sweet & Maxwell, p.4.

⁷ Tanguy, G. (1973) The Case of the Special Status of the University Law library, *LAW LIBRARY JOURNAL* 66, p.13.

fundamental techniques of the law and familiarize themselves with the drafting of contracts, proceedings, and other legal instruments.⁸

Generally, there are few law libraries in Ghana, and those that do exist are undeveloped. This is partly because they are notoriously expensive and large institutions. Also, they are made up of highly specialized and complex works of which the effective use requires specialized knowledge. Consequently, the few law libraries in Ghana, notably the Faculty of Law Library, University of Ghana, Legon, Supreme Court of Ghana Law Library, and the Ghana Law School Library are used beyond the purposes for which they were created.

The Faculty of Law Library, University of Ghana, Legon

The Faculty of Law, University of Ghana, Legon, was set up as a Department of Law in 1959 to train lawyers to serve the public and private sectors of the country's economy. Students of the Faculty do a two-year Post First Degree Bachelor of Laws (LLB) program before proceeding to the Ghana School of Law, where they are called to the Bar after two more years of training. Since 1959, the Law Department and Faculty were housed in a wing of Balme Library (Central University Library); however, the faculty's needs have outstripped the available space. The growth of Balme Library has created a pressing need for the space allocated to Law. These factors dictated a decision to design and construct a temporary accommodation for the Law Faculty. The temporary accommodation that was built included a library to accommodate 15,000 volumes, a collection of periodicals and approximately 90 readers.⁹ The initial collections of the library consisted of books from Balme Library, Library collections of the Ghana School of Law and a generous donation from the American Society of International Law that was shipped to Ghana through the Smithsonian Institute.¹⁰

The Library's mission is to provide research and learning support to the faculty and students of the Faculty of Law as well as other Departments of the University. However, as the largest Law Library with the most comprehensive law collection in the country, it serves as a place of reference and research not only for students and faculty, but also for judges, lawyers,

⁸ *Id.*, at 15.

⁹ University of Ghana, (1962-63) ANNUAL REPORT OF THE VICE-CHANCELLOR FOR 1962-63, p.27.

¹⁰ University of Ghana, (1963-64) ANNUAL REPORT OF THE VICE-CHANCELLOR FOR 1963-64, p. 38.

senior public officials, and others having a need for legal information. The library's collections comprise over 30,000 volumes of book stock, with rare and current materials on Ghanaian Law, a growing collection of Ghana government publications, law reports, textbooks and important legal journals. The Faculty of Law Library also provides electronic information resources to students on a wide range of law-related materials, most of which are of current interest, such as human rights, international trade and development, environmental law, The World Trade Organization, and many others. Users can access the Ghana Law Reports on CD-ROM, they can also access recent British cases, statutes and online legal journals that are free on the Internet.

With assistance from the United States Mission through its Democracy and Human Rights Fund, the Faculty of Law Library developed an Online Public Access Catalogue. In 2004, the University of Ghana received a grant of USD 1.67 million from the Carnegie Corporation (University of Ghana, 2003) for Information Communication Technology (ICT) expansion and automation of the University of Ghana Library system.¹¹ Thus, the Faculty of Law Library has started a re-cataloguing and re-conversion of its holdings into the Balme Library database.

As the largest law library in Ghana, it is the library's aim to provide patrons access to a wide range of historical and current primary and secondary Ghanaian and foreign legal materials using a mix of print and electronic resources. At present, the law faculty is constructing a new building that includes a modern law library that will meet the standards of law libraries all over the world – an asset not only to the law faculty, but also to the legal community in the country.

In fact, the library's role as a repository of law books and legal information comes to the fore when there are important cases of National concern before the Courts. During the Quality Grain Scandal¹² and the legal tussle over the constitutionality of the Fast Track High Court between the Republic of Ghana and prominent lawyers, professors and politicians often

¹¹ University of Ghana, (2003) ENHANCING AND LEVERAGING COMPARATIVE STRENGTHS AND COMPETENCIES IN THE UNIVERSITY OF GHANA THROUGH ICT: PROPOSAL SUBMITTED BY THE UNIVERSITY OF GHANA TO THE CARNEGIE CORPORATION, p.3.

¹² Quality Grain Scandal (2003) Pehrah, Adams, Yankey Jailed in Quality Grain Case. <http://www.google.com/search?hl=en&safe=active&q=Quality+grain+scandal+Ghana&btnG=Search>.

requested the Library to open after normal opening hours for them to do their research without much distraction from the younger law students.¹³

Central Law Library

In November 1997, the Judicial Service of Ghana, with the assistance of the American Mission in Ghana inaugurated a Central Law Library at the Ghana Law School.¹⁴ This Law Library was to offer free services to the Judiciary, attorneys working for the government, and for Law Students. A yearly user fee was imposed on private attorneys and other people having a need for the library. This noble idea however could not be sustained and the Central Law Library concept fizzled out soon after inauguration because of its lack of financial support and patronage.

Thus, the Faculty of Law Library, despite its distant location from Central Accra, continued to be the main source of free legal information to all who needed it. Many legal information researchers prefer the Faculty of Law Library because it houses the largest law collection in the country. In addition, it is open throughout the week and users can also make photocopies at a reasonable cost.

Challenges

With the increase in activities of government and business, coupled with the establishment of new institutions of higher learning by the Government of Ghana and private organizations, the demand on the resources of the library for legal information has been growing rapidly. The library, established nearly 50 years ago, has seen very little upgrading or improvement due to its lack of funds. Significant portions of the library's collections are deteriorating physically and are in danger of being lost to current and future researchers. Most of the current Library stocks are overused and outdated and the Library is forced to rely a great deal on donations. Other materials such as the Law Reports have been overused and have torn bindings and pages. Some of the rare books are so old and brittle that their pages are disintegrating and come apart in pieces. The Faculty of Law Library, like most faculty and departmental libraries in the University of

¹³ Tsatsu, Tsikata (2002) Tsikata's Case Dismissal, Court to Rule on Review http://www.cddghana.org/news_article.asp?nid=33; <http://www.ghanareview.com/int-/tsatsunew.html#b>.

¹⁴ Elliot, C (1998) A Library Fellow in Equatorial West Africa, *Information Outlook*, http://findarticles.com/p/articles/mi_m0FWE/is_n7_v2.

Ghana, has no budget. What money is made available for acquisitions comes from the Faculty Administration. Thus, when there are not enough funds, Library requests are not immediately attended to. This lack of a reliable budget not only adversely affects the library, but also makes planning for future developments difficult. In addition to this, several other challenging circumstances face the Library in its efforts to improve its services.

Insufficient Textbooks and Journals

In spite of several positive changes that are taking place in the Faculty, the library, however, is faced with the problem of insufficient numbers of textbooks and journals. For example, in the 2001-2002 academic year, the law course in the faculty was changed from a three-year undergraduate course of study to a two-year post-baccalaureate course. Supporting this new program with texts and materials has been a real strain on the library's small resources. Additionally, several new lecturers have been recruited, and new admissions have consistently been on the increase; more students from other departments and faculties now come to the Faculty of Law Library to use its collection. In the 2007-2008 academic year, part time students were also admitted. All these developments create new demands on the library's resources. Unfortunately, this situation in the Faculty of Law Library is the same in other departments and faculties of the university.

Acquisition of Books from 2004-2005 to 2006-2007

The table below shows the acquisition of books for the Faculty of Law Library for the period 2004-2005 to 2006/2007.

Year	Purchases	Photocopies	Donations	Total
2006/2007	77	32	406	515
2005/2006	36	15	142	193
2004/2005	27	11	112	112
Total	140	58	622	820

As can be observed from the table above, the law library's main sources of acquisition of books are through purchases, photocopying and donations. Purchases are made mainly for books recommended by faculty,

and are placed on reserve. Purchases are made of the Ghana Law Reports and other materials when they are requested.

Photocopies are made in the library to supplement copies of reserve books, or to replace copies that have been lost, destroyed or rendered unusable because of over use. Sometimes the library makes copies of chapters in books recommended by the lecturers. These copies are then bound into book form and put on reserve.

One can observe from the table above that donations form the largest source of acquisitions. Over the three-year period, donations rose from 112 books to 406 items. Most of these donations come from institutes and organizations like:

- Friedrich-Ebert-Stiftung,
- Public Affairs Section of the United States Information Service,
- Raoul Wallenberg Institute of Human Rights and Humanitarian Law,
- Book Aid International,
- former Students,
- lecturers of the faculty, and
- other private individuals.

Some of these donations are valuable assistance to the law library. However relying on donations has made the library's collection suffer from gaps in coverage. Reliance on donations is ultimately not in the overall best interests of collection development of the library. The absence of a reliable budget has also made it quite difficult for the Library to develop a coherent collection development policy that can keep pace with changes in the law and information needs of the students.

Journals and Law Reports

Journals and law reports are essential to law studies.¹⁵ Therefore, a large proportion of the total holdings of the library are in the form of law reports, legislation and journals. The Faculty of Law Library used to subscribe to over 50 law journals; however, all these subscriptions have been lost due to lack of funds. Now, all the law journals received by the Law Library are donations, mostly from American Law Schools. However, during the 2006/2007 academic year, the Faculty Administration made a bold attempt to subscribe to six core Journals for 2007 as well as to order the back issues of those Journals from 2000. These core Journals are the:

- the Law Quarterly Review;

¹⁵ Jain, H (1933) Law Library Administration and Reference, p.4.

- Criminal Law Review;
- Modern Law Review;
- American Journal of International Law;
- Journal of African Law; and
- African Journal of International and Comparative Law.

The Library does have an up-to-date collection of all local law reports, such as the Ghana Law Reports and the Supreme Court of Ghana Law Reports.

Incomplete Library Holdings in the Card Catalog and the Online Catalog

Incomplete records in the card catalog exist for books stolen, lost, or for books with no records. This has been a problem for the library and its patrons for decades. Since 2002, the library staff has been making an inventory of those books that have their records in our holdings, but which could not be found when requested by students or other users. Secondly, books that have been taken from the open shelves by library users and found to have no records are immediately catalogued into the new online database.

The majority of our holdings are in the Winnebago online catalog. During the semester-long vacation of 2006 – and with the assistance of three National Service personnel from Balme Library – a large retrospective project to add the Faculty of Law Library's holdings to the Balme Library online catalog was abandoned mid-way because of systems failures and other problems related to connections with the main server in the Balme Library. This effort notwithstanding, cataloguing the law collection using the Millennium Innovative Integrated Library System of the Balme Library is ongoing.

Recommended Materials Put on File

Recommended materials put on file are one of the most heavily used materials of the law collection, yet the library does not have a record of them among the on-line collection. There are about one thousand of these materials on file and they are numbered to facilitate easy access. It is sometimes difficult and time consuming for students to find specific items on file, more especially if the student cannot remember the file number or the title of the material in question. The library is planning to launch a project in the second semester-long vacation of 2007-2008 to have these recommended materials included in the online library records.

Overcrowding on Library Shelves

Another daunting challenge facing the Faculty of Law Library is overcrowding on our library shelves. Almost every shelf, especially the reserve collection, is overcrowded such that it is difficult to maintain orderliness and accommodate new additions to the collection. This problem is due partly because the Law Library, which was designed as a temporary structure some fifty years ago, has no stack room or storage facility. It is also because of the nature of legal materials, as they grow much faster than any other library collection.

Despite these challenging circumstances, the Faculty of Law Library's services are better than one could imagine. The Law Library is open 90 hours a week with a staff of nine; the staff members also exhibit a high sense of commitment and dedication to their jobs. The staff prides itself on providing a high level of personal service to law students and other library patrons such as members of the bar, parliament and the judiciary. Most of the staff has worked in the library for a considerable number of years. As a small law library, it does not have separate departments like Acquisitions/serials, cataloging, computing services or government documents, but all these departmental functions are carried out in the Law Library.

Information Technology

The Faculty of Law Library is not as behind in information technology as it had been in the 1990s. Now, students have access to copy machines, computers and the Internet. The Human Rights Quarterly and other laws journals are available online for students to access.

Efforts to introduce technology into the Faculty of Law Library started when the University of Ghana, Faculty of Law, entered into an educational partnership program with Northwestern University School of Law, in Chicago, Illinois, USA. As part of the program, the Librarian at Northwestern University School of Law was to come to the Faculty of Law Library, provide training to library staff in accepted library practices, review and recommend strategies to the Dean and Librarian of the Faculty of Law about implementing Information Technology in the Faculty of Law Library.¹⁶

Accordingly, in October 2000 and December 2003, Professor Chris Simoni, the Librarian of the Northwestern University School of Law, visited

¹⁶ Simoni, C (2002) Report on the Faculty of Law, University of Ghana. p.2.

the Faculty of Law University of Ghana. He made important recommendations for deploying information technology in the Faculty of Law Library. The Librarian of the Faculty of Law also visited Northwestern University School of Law Library and undertook training programs in law library management and Internet-based legal information resources that could be useful in developing library programs at the Faculty of Law Library.

In 1998, before the start of the Northwestern program, the Public Affairs Section of the United States Embassy (PAS) and the American Library Association (ALA) sent a Library Fellow to provide training and consultation to the staffs of the Supreme Court Library, University of Ghana, Faculty of Law Library, Parliament Library and Ghana School of Law Library. In all, 10 Librarians from seven Law Libraries took part in this program.¹⁷

After the training, the Public Affairs section of the US Embassy through its Democracy and Human Rights Fund provided computers and cataloging software to the Faculty of Law Library and two other Law Libraries. The fund also paid for a year of Internet connectivity for these libraries. However, the software system could not be sustained in the other Libraries, although it could in the Faculty of Law Library. With its new Internet access, the Library started providing e-mail services to the Faculty of Law staff and began creating a database of the library's holdings. During Professor Chris Simoni's first visit in 2000, he recommended that the Library acquire a networked version of the SLIM 3.4 (Small Library Management System) cataloging software. It was acquired for the Library by Carol Elliot. An appeal was consequently made to the Public Affairs Section of the United States Embassy and they responded with a donation of Winnebago Spectrum Circ/Cat 5.0 from Sagebrush Corporation of USA. The Dean of the Faculty of Law, Professor Akua Kuenyehia, also provided two new computers for the library and an additional sixteen for faculty offices.

During Professor Chris Simoni's second visit, in 2003, the Library was able to export data from the old database to the new Winnebago database, thus putting the reserve collection of the library's holdings on the Faculty LAN. This Local area network enables users from different faculty offices to have online access to the Library's collections. Professor Simoni, in addition to making several important recommendations that are being implemented, assisted the library in opening a small computer laboratory with ten computers for the students. Three library staff including the librarian were given training

¹⁷ Elliot, *supra*.

in Microsoft Word and other software applications such as e-mail, web browsing, and legal research on the Internet. Through this training, the library was able to start computer and Internet training for the students and an instructional manual was prepared and distributed to all students and faculty.

Five years ago, most of the students who came to the law school had no knowledge of Computers. Some were even too shy to touch the computer. However, they were encouraged and told that computers are the new technologies that they would be working with as they became lawyers and senior government officials. With such encouragement, several students registered for the Internet training programs in the library. The computer laboratory was expanded to accommodate 24 computers. To ensure that students use this new technology efficiently and effectively, all new students were required to undertake training in the use of the Internet. The staff at the computer room gave quarterly reports and statistics about how the library users were using the Internet. The 2004-2005 Annual Library Report indicated that all Faculty students use the Internet one way or another. Ninety-five percent of the students used the internet for e-mail. Eighty-five percent of the students use it for research and obtaining general information pertaining to their studies.

The major sources of Internet help mentioned by the students were the library staff and fellow students. Obstacles identified by the students concerning the Internet use were frequent power interruptions, frequent breakdowns in the Internet link – down one moment and up another moment – and inability to download files because of the slowness of the Internet. Some students also complained that the computers should be upgraded or replaced. To address some of the problems identified with Internet use, the students were encouraged to download files during quiet times (preferably during the evening for example) and as much as possible were discouraged from downloading music. The Faculty Administration promised to use part of the money that the library won from the Teaching and Learning Innovation Fund (TALIF) to upgrade the Internet infrastructure, when the Faculty of Law moves into its new buildings in 2008.¹⁸

¹⁸ Darkey, E (2005) Enhancing the Learning Environment and Capacity Building of the Faculty of Law Library: Project Proposal Submitted to Teaching and Learning Innovation Fund (TALIF).

Advantages of Computers

Many students who come to the Faculty of Law have basic knowledge about computers because the University introduced an ICT fee of 300,000.00 Cedi (equivalent to about USD 32.00) per student per year beginning in the 2004-2005 academic year. These funds generate enough revenue to speed up computer literacy programs for students.¹⁹

Computers are very important in getting speedy and accurate legal information. They give one the means of control over the information contained in the numerous cases handed down each year. In fact, one could find and manipulate information in ways one had only dreamed of previously. The computer can allow one to find cases by the name of the judge, parties, subject matter or area of law. The various ways in which searches can be done using the computer are almost impossible using books. Computer searches for information are easy. It cuts down research from several hours to several minutes, thus saving the student time.²⁰

Commenting on the use of the Internet and computers in the legal process, Hinson, et al. (2007) noted that many Ghanaian lawyers use the Internet to communicate with those investors who want to set up shops, buy land, or deal with other business issues such as to liquidate their businesses.²¹ He also described the Internet as a cheap medium for communication between such investors (who are not always present in Ghana) and their Ghanaian legal representatives.²² Other transactions that are sent over e-mail include detailed instructions for the incorporation of companies, queries about tax and regulatory requirements, right down to instructions to sue or not to sue. Hinson further mentioned that print-outs of e-mail correspondence are increasingly being tendered in court as exhibits and used to support arguments that such business moves were made or not made and to determine the time they were made.²³ Additionally, lawyers in Ghana frequently download court decisions from, say, the Supreme Court of Nigeria, to use as persuasive authority for some legal principle they are seeking to establish or as a guide for how a particular statutory provision may be interpreted.

¹⁹ Asenso-Okyere, K (2005) Accomplishments of Professor Asenso-Okyere as Vice- Chancellor of University of Ghana, (October 2002- April 2005) p.7.

²⁰ Botliff, B (1996) From Creativity to Computerese: Thinking like a Lawyer in the Computer age. *Law Library Journal* 88 p.344.

²¹ Hinson, R [et. al.] (2007) The Internet and Lawyers in Ghana: Some initial qualitative perspectives, *Library Review* 56. No.4 p.314.

²² Id.

²³ Id.

Using technology is a big help, but it is also expensive, as it changes to frequently. For example, the Faculty of Law Library spent much time with the Winnebago system, but is now walking away from it because of an improved Innovative Interfaces system brought about with the assistance of the Carnegie Corporation. While one will acknowledge that such improved technological transformations in libraries are crucial, the response to technological transformations in University libraries in developing countries is generally slow and not a priority.

Four years ago, I persuaded Mr. Bentsi-Enchil of Data Centa (2003) who had been labouring over the years to computerize Ghanaian Legal materials, to offer his products to the Faculty of Law free of charge because we believed that when law students become accustomed to key online publications they will go out to demand it. However, Mr. Bentsi-Enchil could only cut his price by 50% citing his own financial constraints. Unfortunately, the Faculty of Law was not able to find the money.²⁴ Of course, technology comes with costs and it cannot be repeated too often that the efficient operation of a Library depends in great part on the financial support it receives. In order to improve the quality of education at the Faculty of Law, this benign neglect towards the Library must change.

With ICTs, library practices the world over are being restructured and made technologically more dependent on electronic media for service delivery. Therefore, it is apparent that developing countries must look into the future and make changes in the way they collect, process, preserve and distribute information. There may be users who walk into the library and browse the shelves or archives, those who would require personalized and speedy access to information, and others who would not set foot in the library building, yet would like to consume many of the resources and services that are available in the library.

The Future

Looking towards the future, one of the Faculty of Law Library's plans to improve its services received a project grant of USD 148,000.00 from TALIF. This grant is expected to be used to acquire new books, journals and on-line products, such as those from Data Centa. The fund will also be used to acquire computers, upgrade the Internet infrastructure, and train library

²⁴ Data Centa (2003) Data Centa's Special offer to University of Ghana, Law Faculty.

staff that will in turn be capable of working more efficiently in a computerized environment.

A new Faculty of Law building was started about seven years ago. It also received new funding from the Ghana Education Trust Fund (GET Fund). When completed, this building will contain a modern law library that will house many books as well as many computers.

As a growing and developing law library that is eager to provide the best service to its patrons, and that is anxious to provide a better link to the outside world, the library is interested in having experienced law librarians with highly developed skills in information and communication systems in the context of law library and information services spend their sabbaticals with the library and become involved in the library's revitalization efforts. I encourage anyone that is interested in such a program to contact us.