

Law Libraries as Publishers Distinguishing Versions

Benjamin J. Keele, Indiana University Robert H. McKinney School of Law

Elsevier's acquisition of SSRN has made me think more about how law libraries can, if needed, better serve in SSRN's role. SSRN provides a convenient place to post open access copies of articles, formally published (what we usually call articles) or not (drafts, working papers, preprints, and the like).

Institutional repositories already provide open access and collect download counts for formally published articles, so expanding those services to drafts seems possible. I want to focus on how law libraries can handle multiple versions of a single work.

Many researchers post draft papers that will eventually be published in a journal. For example, I have made three versions of a paper I wrote available online: a draft I presented at a conference, a revised draft I submitted to a journal, and the formally published article. How can we address the confusion readers may experience when they find two or three papers with the same title and author, but different content and appearance? Three options occur to me.

First, I could replace all drafts with later versions as they are completed or published. This is the option SSRN uses. When I submitted a new draft as a revision on SSRN, the earlier version was eliminated. An advantage of this approach is that there is only a single, current draft circulating at any one time. On the other hand, anyone who had downloaded the earlier version now has a copy that does not reflect any revisions, and no notification if or when I post a new version. What if a reader found my first draft and wanted to cite or quote a specific portion, but then my second draft or published version rewrote that portion? The reader is now in the uncomfortable position of citing a work that is no longer publicly accessible. (Perhaps this risk is why some authors put notices asking readers not to cite draft versions.)¹

[T]hink more about how law libraries can, if needed, better serve in SSRN's role.

While my draft paper on SSRN may not be published in the sense of having been accepted by a reputable scholarly journal, it is published in the sense that the general public can access it. Once I have made my work public, I am reluctant to remove it, so replacing drafts with later drafts or published versions is not my favored option.

Second, I could treat each version as a separate item, each with its own citation and URL. A paper posted as a working paper and then published in the *University of Chicago Law Review* is a good example. William Hubbard's "A Fresh Look at Plausibility Pleading" was first issued as Coase-Sandor Working Paper Series in Law and Economics No. 663 (http://chicagounbound.uchicago.edu/law_and_economics/743/). Then it was formally published at 83 U. CHI. L. REV. 693 (<http://chicagounbound.uchicago.edu/ucprev/vol83/iss2/3/>). Aside from having the same title and author, there is no indication that the works are related to each other. Without carefully comparing each version, a reader cannot tell how different they are from each other.

Perhaps this is not a serious problem; if both versions are both very similar, finding one may be as good as another. A Google Scholar search for the paper title or author would also readily find both versions.

Nonetheless, the reader has no ready way of knowing if both versions are alike or if one is superior. For the author, having two versions makes collecting complete metrics a bit more work. In the case of my paper, the first draft had some substantive changes, which resulted in the second draft, while the published version has virtually the same content as the second draft. If each draft had its own online record, it would be difficult for me to indicate the relationships between the versions.

Third, and my favored solution, is to collect multiple files under one record, and label each file. This

¹ See Lee Anne Fennell, *Do Not Cite or Circulate*, 18 GREEN BAG 2D 151, 155 (2015), http://www.greenbag.org/v18n2/v18n2_articles_fennell.pdf.

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is what I did in my school's repository (<https://scholarworks.iupui.edu/handle/1805/5414>). The single record and stable URL have all three versions connected to it, letting the reader access whichever they want. I described each file in the metadata—paper prepared for conference, manuscript submitted to journal, and version of record. The repository keeps separate download counts for each file and gives me a total. I also put a version indication in each PDF in the first footnote or as a header. In the future I will indicate versions more prominently, like this author's manuscript of a medical article: <https://scholarworks.iupui.edu/bitstream/handle/1805/10495/nihms-133600.pdf?sequence=1&isAllowed=y>.



The science journal *F1000Research*, as part of its open peer review process, is even clearer about distinguishing versions. Each paper has a single record, but each draft is labeled and has its own persistent URL (<http://f1000research.com/articles/5-1479/v2>). Also, the latest draft summarizes changes from the earlier draft. I imagine this is largely to show that peer reviewers' comments are addressed, but it is also useful for readers.

All of this is to show that law libraries have options when posting both draft and published versions of a single work. The same options can be used if an author wants to publish a revised or updated version of a work.

I welcome your comments and questions on law library publishing at bkeele@iu.edu. 📖