

Guidelines to Counsel and Researchers Seeking Discovery from the University of California, Berkeley Libraries

The UC Berkeley Library frequently receives requests from law firms and researchers soliciting information as to when a work (e.g., print book or journal) held in our collection was made available to the public. These requests run the gamut from informal emails to formal requests such as declarations or subpoenas, but they commonly seek information regarding the date a work was entered into the Library's catalog and made available to the general public. Often these requests require a formal legal statement made under penalty of perjury.

It is difficult to provide a specific date when a work was made available to library users. The guidelines below include significant and useful background information on UC Berkeley University Library's procedures, and are designed to save time for both the University Library staff and the requester.

Prior to bringing a verification/discovery request to the UC Berkeley Library, please note the following:

- The UC Berkeley Library will not be able to give a specific date as to when a work was made available to the public.
- As technology has changed the world of libraries, the UC Berkeley Library's practices and procedures have changed to become more efficient. As a result, there are a variety of ways in which the receipt or cataloged date may or may not be recorded. Use dates may be recorded on date-due slips in older works. For older works, due dates may be stamped on the work, and serve as evidence that a work was available and circulating prior to the earliest stamped due date. Current circulation procedures do not include date-due stamps. For individual journals, the date of receipt may be stamped on the cover of the specific issue.
- Currently, all materials are given a catalog date by the Library's Catalog & Metadata Services Department. Once processed by C&MS staff, records for these works are viewable in the University Library's online catalog. Journal issues are generally on the shelf within days of receipt, but depending on the work, it can take anywhere from a few days to several weeks to get the material on the shelf.

Prior to bringing a discovery request, please exhaust the following steps:

- For single-volume works, please search the [OskiCat](#) online catalog to ensure UC Berkeley owns the physical volume. The Library cannot respond to requests requiring the availability of digital content.
- Visit the Library to view the physical copy of the work to check for date due or other date stamps.

- Ask opposing counsel to stipulate to the fact that the work was available a year after the cataloging date (or the first due date, whichever is earlier).
- Request the court take judicial notice of the date a work was available to the public, (that is, a year after the cataloging date).

When there is no alternative but to bring a discovery request, be prepared to pay for librarians' time to respond to discovery requests, as well as for duplication, scanning, or other reproduction costs, if required. *The UC Berkeley Library reserves the right to charge \$250 an hour for services in support of legal matters.*

After exhausting the above options, if you require assistance from the Library, please send an email to: admin-legal@lists.berkeley.edu, including the following information:

1. Your name
2. Name of law firm or responsible entity
3. Name of case
4. Complete citations for materials of concern, including:
 - Author
 - Title of book, or, title of article AND title of journal
 - Publisher
 - Place of publication
 - Date of publication or, for articles: volume, number, and/or date of specific issue
5. Specify what information and/or service you're requesting, e.g. date of availability to public, scan or photocopy of the title page, signed declaration, etc.

If personal service of a subpoena is necessary, please present the subpoena between the hours of 9:00am-Noon or 1:00pm-4pm, Monday-Friday, to:

The University Librarian's Office
255 Doe Library Annex
University of California, Berkeley
Berkeley, CA 94720-6000