

Back to the Future: Predicting Materials Costs by Analyzing Past Expenditures*

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Is it possible to predict the future cost of reporters, citators, statutes, and periodicals based on past expenditures for such items? The authors present their analysis of expenditures for materials in these four categories over a three-year period at the University of Florida Legal Information Center and reflect on the utility of the data for predicting future costs.

¶1 While great concern has been expressed informally among law librarians over what appear to be substantial increases in the cost of library materials for the last several years, to date no formal price analysis has been published. This article attempts to address some of those cost issues by analyzing payments made by the University of Florida Legal Information Center during the last three fiscal years for materials that are purchased by virtually all law libraries: reporters, citators, statutes, and periodicals. Due to the specificity of the figures, the results of the data reported in this article may not apply to other institutions. Nevertheless, we think it is important to share our experience with other librarians who may wish to utilize the information for their own purposes. We also hope that this article will encourage others to analyze and share data from their own libraries.

Scope and Methodology

¶2 This article measures annual price changes for reporters, citators, statutes, and periodicals for three fiscal years from 1996–97 through 1998–99. Microfiche was not included in the current study because most of the microfiche purchased recently by the Legal Information Center was for superceded statutes. These prices fluctuated based on the amount of material filmed in a given year. Any subscriptions that included versions of electronic access (e.g., attached CD-ROM products) were excluded. Loose-leaf publications were excluded since payments

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are not consistently credited to the appropriate title or copy. Expenditures for monographs were not included because those purchases by the Legal Information Center tend to fluctuate depending on the budget.¹

¶13 The authors are aware of concerns by librarians that publishers may, in fact, be increasing the cost of some titles by increasing the amount of supplementation, frequently issuing bound-volume revisions, or bundling formats or titles. Unfortunately, these practices are almost impossible to quantify so they are not addressed in this article. The focus here is to report the costs of materials at one law library over a specific three-year period. The emphasis in the current study is different from that of the *Price Index for Legal Publications* which for many years provided a valuable cost analysis for legal materials and which served as an inspiration for the current study.²

¶14 To perform this cost analysis, librarians from two different segments of the State University System combined efforts. The cost information reported here is based on data from order, payment, and receipt records input at the Legal Information Center. The data was analyzed by a librarian at the Florida Center for Library Automation, a central agency of the State University System authorized to provide automation services for all ten of the universities in the system. Located on the western edge of the University of Florida, the Legal Information Center contains more than 590,000 volumes and microform equivalents and subscribes to 1,100 periodicals. The nine librarians provide service to the faculty and students of the law school and the University of Florida as well as extension service to the bar, prisoners, and the public throughout the state.

¶15 The information reported in this study was derived from online payment records made at the Legal Information Center during fiscal years 1996–97 through 1998–99 which run from July 1 to June 30. Data was based on the fiscal year in which the payment was made rather than the date the piece was published. Postage was included in the computations only if it could not be isolated

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1. Figures for monographs may be obtained from various sources such as the "U.S. Hardcover Books" and "North American Books" indexes published in the *Bowker Annual of Library and Book Trade Information* or from data compiled by various book vendors.
 2. *Editor's Note*: The first *Price Index for Legal Publications*, covering fiscal years 1973–74 and 1974–75, was produced by Bettie Scott, then reference librarian at the University of California, Davis, School of Law, in 1976. Bettie Scott, *Price Index for Legal Publications*, 69 L. LIBR. J. 1 (1976). Scott authored subsequent annual indexes, each containing cumulative information for prior years, that were published in *Law Library Journal* through 1994. Two subsequent indexes were issued as separate publications by the American Association of Law Libraries. BETTIE SCOTT, PRICE INDEX FOR LEGAL PUBLICATIONS 1995 (1996); MARGARET MAES AXTMANN, PRICE INDEX FOR LEGAL PUBLICATIONS 1996 (1996). As president of AALL in 1999–2000, Axtmann appointed a Special Committee on Pricing of Legal Publications, chaired by Anna Belle Leiserson, "to gather data on what information law librarians need for budget planning and forecasting and to examine some alternatives for tracking price information for legal materials in all formats." Among other tasks, the committee was asked to "assess the viability of the *Price Index for Legal Publications* as a tool for measuring and reporting on price increases." Margaret Maes Axtmann, *From the President*, AALL SPECTRUM, Sept. 1999, at 8, 8.

as a separate charge. Figures in the tables reflect the cost for one subscription for each title.

Reporters

¶16 The Legal Information Center subscribes to nine regional and two federal reporters.³ In table 1 the percentage change is calculated on the average price per volume for each of the fiscal years. Increases in the average cost were fairly consistent with an 8.06 percent increase from FY 1996–97 to FY 1997–98 and an 8.87 percent increase from FY 1997–98 to FY 1998–99. This consistency, however, does not help in projecting costs in future fiscal years since the number of volumes varies from year to year at a seemingly unpredictable rate. For instance, there were 212 volumes published in FY 1996–97, 200 in FY 1997–98, and 251 in FY 1998–99.

¶17 In addition to calculating the average increase, the authors also analyzed the number of times the cost of a volume rose in each fiscal year and the amount of each increase. The data indicates that prices rose more frequently each succeeding year. Prices rose an average of twice a year (22 total) in FY 1996–97, an average of 2.27 times (25 total) in FY 1997–98, and an average of 2.55 times (28 total) in FY 1998–99. The average dollar amount per increase was \$2.72 the first year, \$1.53 the second, and \$3.16 the third. The authors are unaware of any explanation of why it is necessary to increase prices several times each year.

Citators

¶18 Citators provide another challenge when trying to predict the future cost of subscriptions. Table 2 includes the costs and percentage increases for twenty-eight such publications. Average basic subscription prices increased by 5.49 percent between FY 1996–97 and FY 1997–98, but only 3.66 percent between FY 1997–98 and FY 1998–99.

¶19 However, the basic subscription prices do not include the cost of the irregularly produced supplements that are shown in table 3. Although the totals of these additional charges decreased over the study period, this should not in any way be considered a pattern.

Annotated Statutes

¶10 Expenditures for statutes are unpredictable as well. The Legal Information Center subscribes to the statutes of all fifty states plus the District of Columbia,

3. The *West Supreme Court Reporter* is not included as it is paid as a subscription rather than by each volume.

Table 1
Reporters

	96/97			97/98			98/99					
	Total Cost (\$)	No. of Vols.	Ave. Cost	Total Cost (\$)	No. of Vols.	Ave. Cost	Total Cost (\$)	No. of Vols.	Ave. Cost	% Chg 96/97	% Chg 97/98	% Chg 96/97
Region												
Atlantic	\$1,056.25	17	\$62.13	\$1,066.75	16	\$66.67	\$1,469.50	20	\$73.48	7.31%	10.20%	18.26%
California	517.00	10	51.70	562.95	10	56.30	662.65	11	60.24	8.89	7.01	16.52
New York	611.25	13	47.02	813.75	16	50.86	1,093.00	20	54.65	8.17	7.45	16.23
Northeastern	935.25	15	62.35	938.25	14	67.02	1,329.00	18	73.83	7.49	10.17	18.42
Northwestern	749.50	15	49.97	756.00	14	54.00	951.00	16	59.44	8.07	10.07	18.95
Pacific	1,202.00	20	60.10	1,223.25	19	64.38	1,560.50	22	70.93	7.12	10.17	18.02
Southern	1,194.25	19	62.86	1,139.50	17	67.03	1,638.50	22	74.48	6.64	11.11	18.49
Southeastern	754.75	14	53.91	814.00	14	58.14	961.25	15	64.08	7.85	10.22	18.87
Southwestern	1,246.50	22	56.66	1,282.50	21	61.07	1,755.50	26	67.52	7.79	10.56	19.17
Subtotal	8,266.75	145	57.01	8,596.95	141	60.97	11,420.90	170	67.18	6.94	10.19	17.84
Federal												
Federal	\$1,108.50	30	\$36.95	\$1,078.50	27	\$39.94	\$1,489.50	34	\$43.81	8.10%	9.67%	18.56%
Federal, Supp.	1,366.00	37	36.92	1,275.00	32	39.84	2,051.00	47	43.64	7.92	9.52	18.20
Subtotal	2,474.50	67	36.93	2,353.50	59	39.89	3,540.50	81	43.71	8.01	9.58	18.35
Total	\$10,741.25	212	\$50.67	\$10,950.45	200	\$54.75	\$14,961.40	251	\$59.61	8.06%	8.87%	17.65%

Table 2
Shepard's Citators (Subscription Only)

	Cost 96/97	Cost 97/98	% Chg 96/97	Cost 98/99	% Chg 97/98	% Chg 96/97
Acts and Cases by						
Popular Names	\$300.00	\$315.00	5.00%	\$315.00	0.00%	5.00%
Atlantic Reporter Citations	515.00	550.00	6.80	575.00	4.55	11.65
Bankruptcy Citations	450.00	480.00	6.67	528.18	10.04	17.37
Code of Federal Regulations						
Citations	570.00	595.00	4.39	595.00	0.00	4.39
Federal Citations:Federal Reporter	530.00	560.00	5.66	646.06	15.37	21.90
Federal Law Citations in						
Selected Law Reviews	265.00	280.00	5.66	295.00	5.36	11.32
Federal Occupational Safety						
and Health Citations	340.00	360.00	5.88	375.00	4.17	10.29
Federal Rules Citations	380.00	400.00	5.26	415.00	3.75	9.21
Federal Tax Citator	440.00	460.00	4.55	460.00	0.00	4.55
Florida Case Names Citator	170.00	180.00	5.88	190.00	5.56	11.76
Florida Citations:Statutes	500.00	520.00	4.00	540.00	3.85	8.00
Immigration and Naturalization						
Citations	250.00	270.00	8.00	291.71	8.04	16.68
Intellectual Property Law Citations	460.00	490.00	6.52	510.00	4.08	10.87
Labor Law Citations	540.00	570.00	5.56	595.00	4.39	10.19
Law Review Citations	380.00	400.00	5.26	415.00	3.75	9.21
Military Justice Citations	320.00	340.00	6.25	355.00	4.41	10.94
Northeastern Reporter Citations	550.00	575.00	4.55	575.00	0.00	4.55
Northwestern Reporter Citations	515.00	550.00	6.80	575.00	4.55	11.65
Pacific Reporter Citations	550.00	575.00	4.55	575.00	0.00	4.55
Professional and Judicial						
Conduct Citations	320.00	340.00	6.25	355.00	4.41	10.94
Restatement of the Law Citations	360.00	375.00	4.17	390.00	4.00	8.33
Southeastern Reporter Citations	570.00	595.00	4.39	595.00	0.00	4.39
Southern Reporter Citations	550.00	575.00	4.55	575.00	0.00	4.55
Southwestern Reporter Citations	515.00	550.00	6.80	575.00	4.55	11.65
Uniform Commercial Code						
Citations	325.00	350.00	7.69	365.00	4.29	12.31
U.S. Administrative Citations	353.50	360.00	1.84	375.00	4.17	6.08
United States Citations:Cases	549.96	585.00	6.37	585.00	0.00	6.37
U.S. Supreme Court Cases						
Names Citator	120.00	130.00	8.33	140.00	7.69	16.67
Total	417.45	440.36	5.49	456.46	3.66	9.35

but when the data was reviewed, a few inconsistencies were detected. During the past three years, subscriptions to some court rules and advance legislative services have been canceled. Prices for statutes would be misleading if those charges were included for one year but not for later ones. Also, one state changed its publica-

tion cycle in the middle of the study period, and the Legal Information Center did not receive an updated edition of the statutes. Since these inconsistencies may be unique to the Legal Information Center, it was decided to report only aggregate figures of expenditures for statutes. Table 4 shows the total cost of the statutes divided by fifty-one (all states plus the District of Columbia). During the three years of the study, costs for statutes rose 18.63 percent from FY 1996–97 to FY 1997–98, and 8.01 percent the following year for a cumulative change of 28.14 percent.

Periodicals

¶11 Each year the Library Materials Price Index Committee of the Association for Library Collections and Technical Services, a division of the American Library Association, sponsors the “U.S. Periodical Price Index” (USPPI), published in the May issue of *American Libraries*. The 1999 index, based on price information supplied, compiled, and analyzed by the Faxon Company, includes figures for 272 titles in the law category.⁴ The Legal Information Center subscribes to 188 of these titles. For the current study, the center’s periodicals were separated into two categories, law reviews and all others. Admittedly, sorting titles in this way was somewhat arbitrary, based only on whether or not the title contained the words “law review.” While using “law review” makes it easy to divide the periodicals, it did cause some titles to be categorized incorrectly. Nevertheless, 83 of the 188 titles were included in this category.⁵

¶12 The average price for law reviews and their corresponding price increases were less than those for commercially produced journals or “other” publications issued by law schools. As shown in table 5, the average FY 1998–99 cost for law reviews was \$32.94, after an increase of 2.49 percent from FY 1996–97. The average FY 1998–99 price for other periodicals was \$86.75, an 11.81 percent increase from FY 1996–97. An analysis was done of the periodical titles held by the Legal Information Center to determine if the higher priced titles clustered around specific vendors, publishers, or subject headings, but no correlation was found between any of these factors and price.

¶13 Table 6 shows the average yearly costs for the 188 titles subscribed to by the Legal Information Center compared to figures taken from the USPPI. The center’s average cost for all periodicals showed an increase of 4.36 percent from FY 1996–97 to FY 1997–98, and a 4.94 percent increase from FY 1997–98 to FY 1998–99; the increases in the USPPI were 5.0 percent and 2.8 percent respectively.⁶ The center’s fluctuating budget over the past several

4. Barbara Albee & Brenda Dingley, *U.S. Periodical Prices—1999*, AM. LIBR., May 1999, at 84, 90 tbl. VII.

5. An example of an “all other” title is *American Lawyer*. A complete list of titles and figures for the Legal Information Center subscriptions is available from the authors upon request.

6. Albee & Dingley, *supra* note 4, at 86 tbl. III.

Table 3
Shepard's Citators (Added Charges)

	Cost 96/97 (\$)	Cost 97/98 (\$)	Cost 98/99 (\$)
Acts and Cases by Popular Names			
Atlantic Reporter Citations	\$185.00		\$195.00
Bankruptcy Citations	294.98		
Code of Federal Regulations Citations			
Federal Citations:Federal Reporter		\$295.00	520.00
Federal Law Citations in Selected Law Reviews			
Federal Occupational Safety and Health Citations			
Federal Rules Citations			
Federal Tax Citator			320.00
Florida Case Names Citator			
Florida Citations:Statutes	295.00	295.00	
Immigration and Naturalization Citations			
Intellectual Property Law Citations	185.00		
Labor Law Citations	325.00		390.00
Law Review Citations			
Military Justice Citations			
Northeastern Reporter Citations		185.00	
Northwestern Reporter Citations	185.00		
Pacific Reporter Citations	185.00	200.00	
Professional and Judicial Conduct Citations			
Restatement of the Law Citations			
Southeastern Reporter Citations		185.00	
Southern Reporter Citations	294.98		
Southwestern Reporter Citations	294.98		
Uniform Commercial Code Citations			
U.S. Administrative Citations	790.00		
United States Citations:Cases		600.00	
U.S. Supreme Court Case Names Citator			
Total	\$3,034.94	\$1,760.00	\$1,425.00

years has resulted in the cancellation of many periodicals whose cost exceeded \$100. This may explain the difference between the \$92.33 average FY 1998–99 subscription price in the USPPI⁷ and the \$62.99 average for center-held titles. The Legal Information Center subscribed to only eight of the thirty titles in the USPPI that were priced over \$200 and only twenty-four of fifty-seven priced over \$100.

¶14 The Legal Information Center subscription prices were also compared to data included in the latest “Periodical Price Survey” published in *Library Journal*.⁸ Figures for this survey are based on prices supplied from the EBSCO

7. *Id.* at 84 tbl. I.

8. Lee Ketchem-Van Orsdel & Kathleen Born, *Serials Publishing in Flux*, *LIBR. J.*, Apr. 15, 1999, at 48.

Table 4*Statutes*

	Cost 96/97	Cost 97/98	% Chg 96/97	Cost 98/99	% Chg 97/98	% Chg 96/97
Average	\$452.21	\$536.47	18.63%	\$579.44	8.01%	28.14%

Table 5*Legal Information Center Costs/Increases*

	Cost 96/97 (\$)	Cost 97/98 (\$)	% Chg 96/97	Cost 98/99 (\$)	% Chg 97/98	% Chg 96/97
Law Review Subtotals	\$32.14	\$32.44	0.94%	\$32.94	1.54%	2.49%
Other	77.59	81.83	5.47	86.75	6.01	11.81
LIC Periodical Totals	57.52	60.03	4.36	62.99	4.94	9.51

subscription database for eighty-six law titles. This survey reported a higher FY 1998–99 average cost (\$136.17)⁹ than either the USPPI (\$92.33) or Legal Information Center (\$62.99) averages. The Periodical Price Survey also showed an increase of 7.16 percent from FY 1997–98 to FY 1998–99,¹⁰ a greater rise than in either of the other studies. The disparity in figures between the two national studies as well as the locally produced study further illustrates the difficulty in projecting periodical prices for individual institutions.

Total Costs for All Categories

¶15 Table 7 summarizes the total combined costs from the four categories included in the study. Table 1, which showed the average price per volume, reflected a somewhat consistent increase of 8.06 percent the first year and 8.87 percent for the next year. Due to the varying number of volumes that are published each year, a different scenario is shown in table 7 where the total prices for all reporters are included. The cost of all volumes for all reporters increased only 1.95 percent (\$209.20) between FY 1996–97 and FY 1997–98, but, with considerably more volumes published in FY 1998–99 than in FY 1997–98, the increase was 36.63 percent (\$4,010.95).

¶16 In table 2, citators had a 9.35 percent average increase for the three years of the study, but expenditures for supplements declined (table 3) so that total costs reflected in table 7 reveal an overall decrease of 3.51 percent. In light of this data,

9. *Id.* at 49 tbl. 2.

10. *Id.*

Table 6
Comparative Costs/Averages

	Cost 96/97	Cost 97/98	% Chg 96/97	Cost 98/99	% Chg 97/98	% Chg 96/97
LIC Periodical Totals	\$57.52	\$60.03	4.36%	\$62.99	4.94%	9.51%
U.S. Periodicals Index *	85.57	89.81	5.09	2.33	2.80	7.90
Periodical Price Survey **	119.14	127.07	6.66	136.17	7.16	14.29

* Source: *American Libraries*, May 1999

** Source: *Library Journal*, April 15, 1999

Table 7
Total Combined Costs for All Categories

	Total Expend. 96/97 (\$)	Total Expend. 97/98 (\$)	% Chg 96/97	Total Expend. 98/99 (\$)	% Chg 97/98	% Chg 06/97
Reporters	\$10,741.25	\$10,950.45	1.95%	\$14,961.40	36.63%	39.29%
Citations*	14,723.40	14,090.00	-4.30	14,205.95	0.82	-3.51
Statutes	22,610.25	26,823.57	18.63	28,971.99	8.01	28.14
Periodicals	10,814.10	11,285.15	4.36	11,842.60	4.94	9.51
Total	\$58,889.00	\$63,149.17	7.23%	\$69,981.94	10.82%	18.84%

* Includes supplementary costs

the “All-Inclusive Subscription” plan provided by Shepard’s does not appear to be a viable option for the Legal Information Center.¹¹ Based on the publisher’s quoted projections for twenty-seven of the twenty-eight Legal Information Center subscriptions, prices under the proposed plan would increase 34.51 percent for FY 99–00.¹² This does not seem warranted by the data shown in tables 2, 3, and 7. It has been suggested that over a seven- to eight-year period, there would be a balance between what was “overpaid” in years with little supplementation and “underpaid” in years where many supplements were issued. But for libraries like the Legal Information Center which have budgets that fluctuate, in a bad budget year it would be impossible to justify higher payments for little supplementation. It could result in nonpurchase or cancellation of other vital materials in order to

11. See Letter from Patsy Wurster, National Marketing Manager, Shepard’s, to Shepard’s Subscriber (n.d.) (on file with author). This letter, titled “Let Shepard’s New *All-Inclusive Subscription* Manage Your Print Library for You,” indicates that a subscriber choosing this option will receive “every supplement, every revision, every new volume, every bound supplement that’s published during your subscription year—automatically. . . [and will] pay one subscription cost. One time. For the entire year.”
12. See Letter from Tyler Ring, Shepard’s representative, to Mae Clark, University Librarian and Assistant Director for Collection Services, University of Florida Legal Information Center (Aug. 25, 1999) (on file with author).

meet this commitment. The “All-Inclusive Subscription” plan would preclude future price analyses of separate subscription and supplemental pricing trends, thereby limiting the library’s control over its budget.

¶17 Percentage changes for statutes and periodicals are the same for both average costs and total costs because there were no additional charges involved.

¶18 The figures provide some valuable information about the Legal Information Center’s spending over the past three years. However, they do little to contribute to future price projections since only one category, periodicals, showed a relatively consistent increase. Overall, for the four types of material, per-copy expenditures increased \$4,260.17 (7.23 percent) from FY 1996–97 to FY 1997–98, and \$6,832.77 (10.82 percent) from FY 1997–98 to FY 1998–99.

Conclusion

¶19 After reviewing the data, what has been learned about the cost of legal publications? At the beginning of this project, the authors had generally expected consistently large increases for all types of materials. However, as the data indicates, there was no consistency at all. For example, among reporters, the number of volumes published changes from year to year and prices per volume fluctuate as well. The costs for citators, which are irregularly supplemented, are also unpredictable. The “All-Inclusive-Subscription” proposed by Shepard’s would reduce price volatility, but libraries would lose budgetary control. The cost of legal periodicals has been analyzed in several different publications through the years resulting in the most information. However, the consistency of this data is that prices generally will increase at a modest rate each year. Depending on an individual library’s collection, it may be possible to anticipate price increases in this category, but only if all other budgetary factors remain constant!

¶20 Contrary to the situation in university libraries that purchase scholarly materials based on research in the discipline, productivity of legal publishers is tied closely to activities of the courts and state legislatures. If the courts hear more cases, more volumes of reporters are published. More judges hearing more cases mean commentators increase. If legislatures pass more laws, revised volumes of annotated statutes are published more frequently.

¶21 As electronic information becomes more widely available in the legal field, it may become even more difficult to monitor prices paid for materials. Steep discounts for subscriptions tied to Web-based products are common and titles are often bundled, making it difficult to ascertain a per-title cost. Yet the need for pricing information continues. As more and more law librarians monitor and share price information and trends, perhaps patterns *will* emerge. Formal reporting of prices through such publications as the *Price Index for Legal Publications* should be encouraged. In order to manage library materials budgets in the future, it is essential that law librarians continue to communicate with vendors, read published material price analyses, and closely monitor library expenditures locally.