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The CRIV Sheet

Editor's Corner

This *CRIV Sheet* reflects in a number of places our growing concern with the economic downturn. Saving money has evolved from a good policy to a requirement for maintaining decent service to a necessity for survival. We have a lament on downsized customer service, thoughts on dealing with a rough economy from our chair, a reflection on the change of vendor relations from the paper world to the electronic, and a brief history of the *CRIV* itself.

Now more than ever we all need to marshal our resources with intelligence and flexibility. Working nimbly with our vendors through times that will be

tough for both them and us will make a big difference in how well we are able to maintain service in our libraries. A place to start for some might be the Association of Research Libraries' recently-released "Statement to Scholarly Publishers on the Global Economic Crisis" (see www.arl.org/bm~doc/economic-statement-2009.pdf). It includes a section on "Recommendations to Publishers and Vendors" that might provide a good starting place for setting expectations. As you change your methods and make improvements, please share your thoughts with the *CRIV* editor for potential publication in a future *CRIV Sheet*.

Tracy L. Thompson-Przylucki

New England Law Library Consortium, Inc., Keene, New Hampshire

From the Chair

It's early March in New England and everything is bleak. Another foot of snow fell this week. Everyone is sick; colleagues, kids, even the dogs. The economy is squeezing everyone and there is an underlying sense of anxiety hanging over the country. Everyone's talking about the crisis and none of it is good. But according to a Chinese proverb, "A crisis is an opportunity riding the dangerous wind." It's up to us to exploit the opportunities and capture the teachable moments that the current situation presents.

In law libraries, as in almost every type of institution today, belt-tightening is the name of the game. Libraries are being faced with budget cuts. Renewals and new acquisitions are going to be carefully scrutinized, and the wheat will be separated from the chaff. But libraries don't want to sacrifice service, content, or access for the bottom line. So what can libraries and librarians do to make sure they continue to offer the quality content and service their patrons have come to expect? I'd like to offer three suggestions: 1) strengthen existing vendor relationships; 2) forge new relationships; and, 3) be open to thinking creatively.

Your vendor representatives can be your best allies in your efforts to maintain your current standards of service and access. Now is the time to invite them in to talk frankly about the situation. Remember, this economy is affecting them as well. You and your information providers have a shared interest in maintaining a strong business relationship. A good resource to begin with is the International Coalition of Library Consortium (ICOLC) "Statement on the Global Economic Crisis." Anyone on a library staff

dealing with acquisitions would be well-served by reading the statement. I would further recommend providing the statement to any vendor representative prior to a meeting as advance reading. This can serve as a starting point for addressing some potentially difficult issues.

The current financial crisis also presents an opportunity to discuss with your information providers the important role of usage statistics. Usage statistics should be the coin of the realm in this economy. Libraries have been in a long period of electronic acquisitions without doing much evaluation for collection development purposes. Those days are gone. Libraries need to demonstrate value for money. That value is demonstrated by use.

There may also be opportunities to develop new relationships that leverage the strengths of the partners. Perhaps there are other departments within your institution with whom you can collaborate to distribute some collection development responsibilities. Are there overlaps between the law library and the political science library, the international studies library, or the business library that could be reexamined? Is there a new product or resource you would like to acquire for your users but no budget to support it? Maybe you can partner with another library or even a community organization to share the cost. Or maybe there is a source of grant money you can tap into. And of course, you should exploit your consortium relationships to leverage your budget as fully as possible. If there's a resource you want, chances are there are others that want it, too. Communicate that to your consortia and see if they

can help. Working through a consortium saves money and administrative expense.

Finally, this is a time to embrace change. It will no longer be good enough to say, "That's the way we've always done it." It's time to find new ways of doing it. And this will require creative thinking. Be open to considering new acquisition models. What about collaborative collection development with other law libraries in your area? Develop agreements in which your library commits to collecting in one set of subject areas while your partner library agrees to collect in others. This could be a good short-term

solution in a down economy. Some vendors and publishers are offering patron-driven, purchase-on-demand models. The basic concept is that you establish a drawdown account and load the MARC records for titles you don't own. Purchase is triggered when a user requests the title. Patron-driven inter-library loan is also being implemented by a number of libraries.

These ideas may or may not work for your library, but it's worth discussing these ideas as we look for creative solutions to budget restrictions in the coming years. If you have other ideas that you'd like to share, please e-mail me at tracy.thompson@yale.edu.

Anne Myers Librarian for Serials Services, Yale Law Library

Lament for Lost Customer Service

During the course of my regular work day, I spend a lot of time contacting vendors to resolve problems, claim missing serial issues, order replacements, set up new standing orders and subscriptions, obtain price quotes, sort out billing questions, and track down problems with online access. No two vendor customer service operations are alike and many of them are slowly driving me up a wall.

I am a well-trained customer and have been doing this for more years than I care to admit. When I call with a problem or question, I know exactly what it is that I need and what I want to get out of the conversation—because the call is made on my terms, in my time frame. I'm armed with invoice numbers and dates, account numbers, and bibliographic titles (which often bear no resemblance to the titles in the vendor database, but that's another problem).

What I increasingly find at the other end is yet another new customer rep. Know that customer service isn't the same as sales. When I need to claim a serials issue, I don't want someone to try and sell me a new subscription to the journal, but just to send me what I already paid for. But often we find that the in-house customer reps assigned to our library are really sales people and they have no training in dealing with other account problems. Heads up, though, vendor partners: if you don't provide good customer service, I'm going to be less inclined to renew those serials or place new orders, and will put them instead with another vendor or through a subscription agent just to avoid having to deal with you.

In the past 12 months, I've worked with eight different people at one of my major vendors. It turns out that my real customer service person is someone I'd never talked to and didn't know anything about—nor did she know us. How can that be good service if

we don't even know whom we're supposed to talk to, especially when that person changes several times a year? Is it too much to ask to let us know? I'm okay with having different people for different functions (orders, claims, billing, renewals, etc.) even if it gets confusing. But when they tell you they are responsible for something that they are NOT, it puts questions into limbo and frustration builds.

Then there are phone trees. Don't get me started on the phone trees. Well, okay, since I'm already started... One of the things that makes me crazy is having to navigate through phone trees when I'm calling a vendor. Do I know my party's extension? Do I need tech support help for online products? How about billing questions? Please enter my account number followed by the pound sign. Then I'm listening to some sort of Muzak because "all representatives are busy assisting other customers. Your call is important to us. Please stay on the line for the next available agent"—and then said agent asks me for the account number that I just entered followed by the pound sign. It makes me wonder why I'm bothering to enter anything rather than just selecting zero and hoping for a real person.

It's also very frustrating to call or e-mail someone about a problem only to have a different person respond. I end up re-explaining the whole thing again. Why are there not more notes in the records so I don't have to do that? I certainly keep notes in mine so I can keep track of things at my end.

I know that everyone is taking a hit with the economic crisis. We librarians are cancelling titles that used to be considered inviolable, eliminating format duplication, cutting numbers of copies, and making more careful selection decisions. Vendors have to respond, and one way is by reorganizing and

consolidating staff, including customer service. I totally get that fewer customer service reps with more customers to handle means longer waits on hold, slower response time, and more frequent turnover. But it's hard and it makes it more difficult for me to do my job.

What I'd like in a more perfect world is good working relationships with my customer service reps. I want them to know my account and understand that academic law libraries are not the same as law firm libraries. I want honesty and a willingness to work together to resolve whatever it is that generated the contact. And I want to keep the same people for more than three months at a time.

In my perfect world, all vendors would have customer service contact information clearly listed on their Web sites, not buried in the fine print. There would be phone numbers answered by real people, or at least not five layers down a phone tree. And there would be e-mail addresses for specific functions such as claims@vendor.com and billing@vendor.com—and those addresses would be monitored, logged, forwarded, and answered in a timely way. I like

having a written record of what I submitted and I can include as many words as I need to explain things clearly.

Don't get me wrong. I have wonderful relationships with some of my vendors; they are people I've known for years and a joy to work with. Problems are resolved with understanding and good humor, which keeps the stress levels down on both sides. They know that not all calls are created equal—and they don't make me go through phone trees to reach a real person. Some have online tools for functions like claiming and ordering but, even if they don't, I can do pretty much everything with them via e-mail at my convenience – and know that they will respond. "It's a Good Thing," to quote Martha Stewart. And when I have the chance and a choice, I place new orders with these vendors because I know they will take care of me and give good service.

Vendors need to understand that good customer service goes hand in hand with where we choose to buy new materials and how we evaluate existing titles for retention or cancellation. Work with us on this, please? I promise it will pay off.

Amy Eaton Perkins Coie LLP, Vice-Chair, CRIV

CRIV: A Brief History of an AALL Committee

(This article has also been published in *LLOPSCited*, vol. 19, no. 3, Spring 2009, the newsletter of the Law Librarians of Puget Sound.)

In preparation for a presentation I gave at a recent Law Librarians of Puget Sound (LLOPS) meeting, I began reviewing past issues of the *CRIV Sheet* and its predecessor publication. I was curious to see if and how CRIV had changed over the years. To my chagrin, I found that very little has actually changed. The format of information has changed, but the issues librarians deal with in managing the information have not. The vendors have changed, but the relationships we work hard to maintain have not.

In 1978, the American Association of Law Libraries (AALL) formed the Committee on Relations with Publishers and Dealers. The committee was chaired by Marian Gallagher and had 34 members. In the inaugural January 1978 issue of the *Publications Clearing House Bulletin*, the question was posed: Why is there a need for the committee and this Bulletin? The printed response read:

The life of a law librarian, particularly those in the smaller firm, county, or law school libraries, is a lonely and cloistered operation. The daily tasks of selection, subscription, updating, payment, and

the use of the myriad of printed and microform materials is overwhelming when everything is running smoothly and can be depressing when problems arise. Some of these "problems" related directly to the exchange of information between the librarian and the publisher/dealer. It is helpful when the librarian can exchange knowledge and information concerning new ideas in publishing, problems, possible problems, and solutions with other librarians, helpful both in professional support and in the all-important factor of time, money, and effort saved. It is also sometimes enlightening to learn from publishers the reasons for their practices and procedures. This could lead to a sharing of ideas for improving the field of legal publishing. It is for these reasons that the Committee on Relations with Publishers and Dealers functions—to help librarians and publishers/dealers communicate in an atmosphere of objectivity and (it is hoped) benefit for all concerned.

Although the author is unattributed, Penny Hazelton noted during our LLOPS presentation that the voice was clearly Gallagher's. The committee members corresponded with the publishers via mail to resolve issues of concern, focusing on those that violated the

Federal Trade Commission (FTC) *Guides for the Law Book Industry* (16 CFR 256, 1977), and a summary of the correspondence was published in the newsletter. The primary complaints regarding violation of the FTC regulations focused on the reprinting of articles as new books without clearly identifying the work as a reprint. The committee also promoted constructive changes in legal publishing by sending suggestions to the publishers. Gallagher received a suggestion that every other issue of the *Current Index to Legal Periodicals* be “printed on a different color paper to make each issue more easily distinguishable.” Gallagher noted, also in the January 1978 issue of the *Publications Clearing House Bulletin*, that it was a “great idea; however, since the cost would be greater, economy dictates remaining with the standard white.”

In 1988, to more properly reflect the changing nature of information delivery, the committee changed its name to the Committee on Relations with Information Vendors. It was also determined that the newsletter was important enough to be included within the *AALL Newsletter*. Since the *Publications Clearing House Bulletin* had been a stand alone publication, this increased the subscription list from 350 to all 4200 AALL members. The title was also changed to the *CRIV Sheet*. As noted by Kendall Svengalis in the September 1988 *CRIV Sheet*, the committee’s focus remained on the resolution of complaints “from law librarians regarding the practices of information vendors which deviated from the FTC Guides for the Law Book Industry.” The committee expanded its focus to add a new subcommittee on electronic databases.

A sense of *deja vu* came over me as I read a letter to the editor included in the second issue, November 1988. Donald J. Dunn, then the law librarian and professor of law at Western New England College of Law, asked many questions of the publishers, several of which still resonate today:

- “Is there any hope Matthew Bender will ever provide binders that will not have little rings to pull that come off in your hands?”
- “Does anyone ever wonder why some publishers publish treatises in looseleaf format and then send annual supplements that go behind a tab in front of the volume? Isn’t a hardbound book with a pocket part the same thing?”

Over the years, the committee’s focus changed slightly. New columns were added, including one on cost savings tips (maybe it is time to bring this one back!). CRIV introduced the New Product Award in 1994. The first award went to Shepards for the computer-based tutorial “How to Shepardize.” CRIV published a position paper by the Chicago Association of Law Libraries on CD-ROM technology.

And, of course, a huge area of concern in the 1990s was the never-ending series of mergers between the many legal publishers in the market.

The late 1990s marked a turning point in CRIV’s function as a central forum for vendor-related complaints or concerns. The advent of the law-lib listserv allowed people to post their own complaints and, more importantly, permitted the vendor an opportunity to respond in a public setting. The listserv also gave CRIV the opportunity to post notices alerting librarians to changes in publisher practices and other issues in a prompt manner. CRIV also created a Web page on AALLNET to store archived CRIVGrams as well as CRIVAlerts, customer support links, publisher addresses, copies of site visit reports, and forms to help librarians work with publishers. New issues being addressed included licensing agreements and the complexity of online resources.

A major change occurred when the FTC rescinded its *Guides for the Law Book Industry* (16 CFR 256) in 2000. The FTC felt that industry associations, such as AALL, would be better placed to adopt guides to educate sellers and purchasers about best practices in the legal publishing field. AALL appointed a special committee, chaired by Frank Houdek, to develop a “model code of fair business practices for legal publishers that is an accepted standard in the industry.” After working with publishers and members, the committee developed the *Guide to Fair Business Practices* and published it in June 2002 for comments. A town hall meeting was held at the Orlando Meeting to further the discussion. The final draft was approved by the board November 2, 2002, and distributed widely to AALL members and publishers. The *AALL Guide to Fair Business Practices* was recently updated and is used heavily by the committee when dealing with publisher concerns.

Site visits play an important role in the committee. Site visits began in 1996 when CCH invited the committee to visit its site. It allowed for the publisher and a small group of librarians to talk in an open and honest forum. The early site visits often involved the entire committee, and costs were largely borne by the publisher. Some publishers complained that the visits had become junkets and began to decline participating. A few years ago, however, the committee decided to reassess the purpose of the site visit and began to explore reaching out to smaller publishers, funding some of the costs itself, and sending a smaller group of librarians. A site visit policy was written and approved by the executive board. Reverse site visits occur when a vendor sends its executives to visit law libraries and see first-hand how their titles are processed and used. These can also be very informative for both sides.

As we move forward into the new millennium, CRIV now finds its focus changing again. Our primary goal is to assist members in helping themselves. We hope to create an environment where problems don't escalate and we can work with publishers to create good business relationships. Additionally, the committee has changed from a two-year committee to a three-year committee. The committee charge has also been updated to more accurately reflect our support of the AALL strategic directions on education and advocacy. One of our primary goals is to foster open and constructive communication between law librarians and legal vendors.

In the next year, CRIV hopes to work on a green initiative and to establish a best practices document around green practices for law libraries and information providers. We also plan on conducting another site visit, although a publisher has not yet been selected. The Web site will be revised and updated and parts of it may be archived. We will also continue to host programs at the AALL Annual Meeting, conduct Webinars, and publish the *CRIV Sheet*. Additionally, CRIV is now managing the vendor roundtable at the Annual Meeting and expanding its relevance to all library types. We look forward to another successful year and continued growth and change as a committee.

Joe Thomas Head of Technical Services, Notre Dame Law School Library

Not Your Grandmother's Vendor

Imagine working in an academic law library in 1920. You probably have a few thousand volumes in your collection, and you subscribe to a couple of dozen journals. When you find a new title for your library, you write a letter to the publisher and arrange for the delivery and payments individually.

Your successor fifty years later has more than 100,000 volumes on hand. Her acquisitions operation no longer relies exclusively on individual contact for each purchase. She makes use of a jobber to provide legal periodicals and reprints, and she learns about new titles from another vendor who also receives and sends orders in a systematized way. There are some changes coming involving computerized data—the Library of Congress is producing something called MARC records, and a company called Lexis will soon be offering caselaw via a machine like a TV set sitting right in the library.

Our 1970s librarian has perhaps encountered something new with the advent of information arriving as a programmed set of x's and o's: an agreement between the library and the vendor as to how that information is to be used. Later, software and information on floppies, and then on compact discs, came with agreements that went into effect upon opening their packages. In some libraries, this represented the first time librarians felt compelled to seek legal advice about the acquisition of their resources. The era of license agreements had begun. Any agreement or contract in the exclusively-print era might involve something as straightforward as a subscription or as complicated as an understanding between the parties regarding special delivery or payment arrangements. But once print resources were

owned by the library, they typically were used at the discretion of the library. Certainly there have always been restrictions based on copyrights and fair use of the material, but there was not much dispute about who owned the information. It was up to the library to decide who could see it, who could check it out, and for how long.

What changed when formats morphed from print to digital that caused this introduction of complex processes involving licenses and sign-off by company or university legal counsel? Information is information, after all. A 1972 article from the *Indiana Law Review* is just what has always been. It first came into your library via a subscription. It was perhaps duplicated as a chapter in a book then reissued again in a microform product, but nothing much changed as far as your ability to access it and use it. What made vendors seek out agreements from libraries about who could or could not access that information?

Digital data has several properties that make it financially dangerous for vendors to offer it without restrictions. For one thing, it is nearly infinitely reproducible. Without a legal understanding restricting its use, the natural tendency for librarians to supply as much information as possible to as many people as possible could soon spread digital information across the country from a single source. The large and lucrative legal databases that could sell to law firms with the expectation that their competitive relationships would keep them from sharing information had less sanguine expectations from the academics who wanted to use their systems. So, agreements about restricting the usage of these

databases to law students and faculty without allowing them to be used at the discounted academic rate by the local bar were devised. Scholars and students in the legal academy gained access to millions of dollars worth of online access at a fraction of the cost. The large legal databases grew new customers in the law schools who then became fully-paying customers after they made the transition from school to firm.

Since the days when law schools, law firms, and other law libraries began to use Lexis and Westlaw, with perhaps a bit of Dialog on the side, the electronic tidal wave has overtaken legal information production. Librarians may now subscribe to a database that includes hundreds of titles rather than subscribing to each title individually, but that convenience comes with cost—costs in money, time, and expertise. A librarian from a couple of generations ago needed to know the book trade, make contacts with publishers and the traveling sales forces who pedaled the wares, and be able to make a budget go as far as possible.

The base skills needed by librarians today are not substantially different, but the objects we deal with require a shift in outlook. A single resource may be provided by four or five different vendors, but it will come as part of a package. So instead of judging the single resource, we must now judge the package. Do we want everything in it? Is it worth the price to get the marginally useful material? Can we make a deal so that our main library will get access and share the cost? And then we must deal with the vendor at an entirely different level: costs are negotiable, access is negotiable, ownership of data is negotiable. What is new, then, is our relationship to the data and therefore our relationship to the data vendor. What used to be a tacit agreement is now often a binding contract.

Our new question is: How are we to manage this change? We already are, of course. Librarians have been working in this environment for years, and there have been numerous programs and classes teaching us new skills and techniques. But it is up to each of us to embrace these changes in order to make them work effectively. It is a goal of the *CRIV Sheet* to be a place where those ideas will have a forum.

Request for Assistance: Committee on Relations with Information Vendors

Note: Prior to filing a request for assistance, individuals are expected to have made a reasonable attempt to resolve the issue at hand. To avoid duplication of effort, please provide a complete account of your efforts to communicate with the vendor. Copies of notes from conversations with the vendor are helpful.

Date: _____

Name: _____

Library: _____

Address: _____

Telephone: _____

Fax: _____

E-mail: _____

Vendor: _____

Nature of problem: _____

Please send this form and supporting documentation to:

Tracy L. Thompson-Przylucki
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Keene, NH 03431
603/357-3385
Fax: 603/357-2075
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You may also complete this form online at:

www.aallnet.org/committee/criv/publisher_communication/requestform.htm