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The CRIV Sheet

The Editor's Corner

By this point I hope all of you are surviving the winter months without undue discomfort and are encouraged in the knowledge that spring is just around the corner. This year promises to be a busy one for the CRIV as we continue to monitor vendor developments and pass the news of these issues on to you. We hope that 1999 will be as productive and successful a year for the CRIV as 1998 was. We also hope for fewer controversial issues and greater cooperation with the legal information vendor community.

This issue continues our efforts to advise you of ways to foster good relationships with legal information providers and to provide you with useful tools for achieving this goal. While we as a committee realize that every conflict may not reach a mutually amenable conclusion, we also know that much of the unpleasantness that arises from these conflicts can be diffused by keeping an open mind and a willingness to work at resolution. In keeping with our charge, we continue to look for ways to assist you in these endeavors.

Frank Houdek devotes his "From the Chair" column to a comprehensive reporting of the recent law-lib discussion on CALR versus Internet research. The quotes from law librarians, attorneys, and legal information providers make for an informative and thought-provoking article, reminding us how fortunate we are to have such diverse and mutually supportive colleagues within our profession.

Following Frank's column, Chris Graesser updates us on the activities of the Complaint Resolution Subcommittee. Chris's subcommittee has been considerably busier than in past years, since it has undertaken the task of monitoring law-lib and other law library-related listservs in order to be better informed of vendor issues and complaints.

Janet Reinke, with the able assistance of some of her colleagues at the University of Miami Law Library, furnishes an insightful article on the transition from print sources to Internet sources, including some observations on the advantages and disadvantages of migrating to an electronic format.

In this issue, the CRIV is also pleased to present two new CRIV Tools. The first is a beginning glossary of vendor-related terms compiled by Lovisa Lyman, former CRIV Vice Chair. In forwarding this article to me, Lovisa remarked that much of this information was probably "old hat" to most law librarians. But in reading it, I learned some new terms myself. Hopefully you will, too. The second CRIV Tool, contributed by Rosanne Krikorian, Chair of the CRIV Tools Subcommittee, and her colleague Brendan Starkey, provides helpful advice on dealing with telemarketing tactics by legal information vendors. Rosanne and her subcommittee are developing a number of these implements to assist us in our daily encounters with the

legal information vendor community. I'm quite sure that Rosanne and her subcommittee members would welcome any suggestions or comments you might have regarding these helpful recommendations.

In addition to the two CRIV Tools, we also have an article by Kathie Sullivan, former CRIV and CAPLL Chair and current Vice Chair/Chair-Elect of the PLL-SIS. Kathie's article, originally published in *PLL Perspectives*, recommends vital acquisitions sources for private law firm librarians. Besides Kathie's recommendations, the article also includes informative comments from Margie Axtmann, editor of the *AALL Price Index* and Vice President/President-Elect of AALL. Special thanks to Kathie and the PLL-SIS for allowing us to re-run this article.

Elizabeth Rhodes, CRIV Site Visit Subcommittee Chair, announces the upcoming trip to LEXIS headquarters in Dayton, Ohio, and provides some insight into the types of issues that the Committee will be addressing on the visit. Learning from the experience of previous site visits, Committee members continue to hone their skills at gathering the kinds of information that help all law library personnel better understand the inner workings of the legal publishing industry. We anticipate that this will be an enlightening and successful trip as well.

Janeen Heath, former CRIV Chair, updates us on the monumental task she has been performing in redesigning the CRIVPage. Janeen's hard work has resulted in an award-winning Web site that has already received rave reviews from many users in the law library community. Janeen deserves kudos and our vigorous thanks for a job well done.

Calling All Writers

In an effort to expand the knowledge base of *The CRIV Sheet*, we are actively seeking additional writers. If you have particular interests in legal information vendor issues, helpful suggestions on dealing with particular vendor related problems, or if you have ideas for other columns that might be of interest to our readers, please let me or another member of the CRIV hear from you.

We are particularly interested in establishing a writers bureau that would be passed along to future editors of *The CRIV Sheet*, allowing them to depend on the support of independent authors, in addition to members of the committee. Please send e-mail (rhumphre@iupui.edu) or call me (317/278-1793) if you have the desire to participate or know someone else who might be interested.

We hope this issue provides some food for thought, as well as useful information for dealing with day-to-day law library issues. As always your comments and suggestions are more than welcome at rhumphre@iupui.edu. Happy reading!

From the Chair

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CALR vs. The Internet: A Law-Lib Discussion

In early December 1998, Beth Mrkvicka (Reference Librarian at the law firm of Katten Muchin & Zavis in Chicago) posted a "lightning-rod" question to the law-lib discussion list. She asked for advice on how to encourage attorneys to use WESTLAW and LEXIS-NEXIS in the face of an increasing enthusiasm for Internet sources as a "free alternative to pulling cases from WL/LX or photocopying from the reporters." She stated that "while there may indeed be times when finding a case on the Internet makes sense, we [the librarians at Katten Muchin & Zavis] want to stress to the attorneys here that the nominal fees charged for Finds or Lexsees far outweigh most reasons to pull a case off the Internet." As Beth later told CRIV: "I was overwhelmed by the response."

This response first consisted of many private replies sent directly to Beth that she quickly summarized in a single public posting to law-lib. The appearance of the summary spawned a large number of follow-up comments that created a fascinating thread on the value of WESTLAW and LEXIS-NEXIS as compared to resources available through the Internet. In the interest of sharing this wide-ranging discussion with as wide an audience as possible, the CRIV is pleased to provide selected excerpts, beginning with Beth's summary of the responses she received from her initial inquiry and followed by some of the commentary that ensued from publication of the summary. We thank Beth Mrkvicka and the other participants who are quoted for allowing us to publish their remarks in *The CRIV Sheet*.

Several days after posting her original question, Beth Mrkvicka offered the following summary of the responses she had received.

Beth Mrkvicka (Katten Muchin & Zavis): "Before I go into the multitude of reasons I received for using LX/WL, a few people did mention that getting cases off the Internet may be useful if it is for personal interest, background, or CLE. But the overwhelming majority of responses I got say it's hard to beat LX/WL for the following reasons:

- *Timeliness & Comprehensiveness of Content:* lo and behold, not everything is on the Internet; many state courts are not even automated; while some of the Supreme Court sites get cases online quickly, that is usually not the case and both WL/LX aim to get things posted from most courts within 24 hours; searching capabilities are rarely as powerful or sophisticated; no headnotes; no way to Shepardize or Keycite.
- *Format & Printing:* with WL/LX, you know what your prints will look like—dual column—which some courts are now requiring; no high speed offline prints from the Internet; cases must be printed one at a time.
- *Reliability:* who is checking the accuracy of cases on the Internet? which version of a case is the most current and accurate? you can't cite court opinions from the Internet, must use reporters or WL/LX cites.

- *Speed & Time Considerations:* at the rates attorneys (& librarians!) charge, it's obviously cheaper to get most cases off WL/LX; if one has time to spare, it's "fun" to see if a case can be found on the Internet ... but probably not very cost efficient."

Beth concluded by posing the following suggestion to librarians faced with the problem of encouraging attorneys to approach the use of Internet resources with some skepticism.

"A few questions to ask your attorneys:

1. Considering the above, do you want to base your client's case on caselaw you find on the Internet?
2. Can you find—and be assured that what you find is current and accurate—a case on the Internet faster than you can do a Find or a Lexsee?
3. How are you going to cite the case you find on the Internet? How will you Shepardize or Keycite it?
4. How are you going to differentiate between the various versions of a case you find on the Internet?
5. What are you going to do if your Internet access goes down?
6. Is time a luxury? Do you like to do research on a trial-and-error basis? If so, the Internet may be for you!"

Comments began to appear on law-lib within an hour or two of the time Beth's summary was posted. One of the first was from the Webmaster of a law school site designed to meet the needs "of the public, and for the large numbers of lawyers, accountants, and other folks who need access to legal materials and cannot afford the online services."

John P. Joergensen (Rutgers University Law School): "As a provider of cases on the Internet, I feel I should respond to this post. I think a few things should be made clear about what most people publishing legal material on the Internet are up to.

"First and foremost, I would be surprised if anyone publishing on the Internet considers themselves to be in any real competition with WESTLAW or LEXIS. Over time, we will probably add more and more value to our sites ... but it will be years before the Internet comes close to the tools available from the online services. As such, it is indeed a bad idea for anyone to consider the Internet as a replacement for WESTLAW or LEXIS.

"Having said that, there are reasons why even a lawyer at a firm large enough to have a librarian should consider Internet legal sites as a useful additional source. There are some sites that are, in fact, more timely than WESTLAW or LEXIS.... So, if you need a very new decision, there are some sites that are useful to know about.

"At Rutgers and at the New Jersey Department of Education Web sites, we are publishing New Jersey administrative decisions. Right now, the future of their publication in print or online by

anyone else is tentative and uncertain at best. Barclay's abruptly canceled its print publication of these decisions, and the scope note for LEXIS indicates that publication there ceased in September 1997 (although some more recent decisions do appear to be available on LEXIS). In any case, this is something that I am sure is going to be an increasing phenomenon as the megapublishers continue to squeeze the industry for profits.

"As to authenticity, of course, you have to evaluate each source individually on the Internet. Again, it is not a substitute for WEXIS. But for a reasonably intelligent librarian, there are lots of sites out there that can provide a good trustworthy secondary source of information. Why not use it?"

This comment provoked several responses, pro and con.

Cindy Chick (Graham & James): "I think you make some excellent points. However, I question the assumption that evaluating each source for court decisions individually is a cost-effective way of conducting research. If it's within your own state, then you probably use the site frequently, and you know if it's reliable and current. But there are so many different sites, and so many different jurisdictions, in the time it takes to find and evaluate the source, I could print the case from LEXIS or WESTLAW ten times. And too often I've had attorneys assume that the Internet site for a court had the most current cases, when in fact, they were weeks or months out of date. Unless you're already familiar with the site, it can be a waste of time trying to pull the case from the Internet."

Carol Gruenberg (Miller & Chevalier): "If you know a case that you want to retrieve, and it fits within the date parameters of what's included, [then using the Internet is] fine. But, printing can really vary and you probably won't get your star pagination included.

"But to do real searching—it's too dangerous. When using LEXIS or WESTLAW you have a much more sophisticated search engine available to you, and you don't have to second-guess what's included and what's not.

"Where [Internet] sites become less than 'free' is when you have to spend a lot of time trying one or more sites (or one or more searches) to try to make a back-door approach to something that could be done swiftly and efficiently on LEXIS or WESTLAW. Then, it's not 'free' anymore—don't forget, you need to bill your research time spent on the Internet."

Nora Cannon: "I'm a lurking lawyer who serves on the library committee for a state government law firm. My S.O2 is that the Internet is a heck of a lot better and easier for really current stuff or for detail on the context of a particular case. I get pushed through my e-mail Supreme Court opinions and the decisions of our state courts within an hour or so of release; it can be up to a week before the state decisions arrive on CALR. Also, some of the courts have outstanding Web sites that give you much more context than the opinion alone—things that matter in forming a prospective strategy."

Gayle M. O'Connor (Versuslaw, Inc.): "[W]e entered this market to assist those who could not afford the Big Two. The

Internet was created to expand access to information and we are simply trying to help achieve that end.

"It's all about choices, verification, and reliability.... I think choices are a good thing, always giving you additional options.... The Internet is simply another choice. Searching the Internet is a skill which must be honed and cultivated. The more you use it, the less time you'll spend looking for what you need.

"You may find that the Internet doesn't have the sources you need in a timely and efficient manner. [F]or you, a better choice may be a fee service.... The Internet is simply a bigger store with a ton of new bargain tables."

The observation that the existence of computer-assisted legal research systems and the Internet offered researchers valuable flexibility was echoed by several commentators.

Bill Taylor (Georgetown Law Library): "I think the question 'which is better, LEXIS and WESTLAW or the Web?' is one of those meaningless questions that can only be answered 'it depends.' The question we need to be able to answer is 'which system meets this patron's needs best in this situation?' or, to generalize, 'what are the strengths and weaknesses, the costs and benefits, of each system?'"

Jerry Lawson (author of *The Complete Internet Handbook for Lawyers*, published by the ABA Law Practice Management Section): "Contrasting the Internet with expensive commercial databases is a classic apples and oranges comparison. It's not that the commercial databases are 'better' than the Internet, or vice versa: they are different. The best researchers will understand their respective strengths and weaknesses and match the tool to the job.

"The commercial databases are frequently (though not always) best for case law. However, to me as a practicing attorney, case law is far from being the be-all and end-all of legal research.... *Legal research* to me is much broader than statutes, regulations, and the cases in the West Reporter System. To take just one other example, the commercial databases have nothing remotely comparable to the Internet's interactive discussion groups.

"When I was a litigator, many more of my cases were decided on the basis of factual issues than fine points of law. When it comes to many types of factual research ... the Internet is frequently the source of choice."

Terry Psarras (Balch & Bingham LLP): "It sounds to me that most can live with the following concept: Internet based resources can coexist with WEXIS.... Did we ever do away totally with anything before? In my firm ... we still have books, CDs, WEXIS, and Internet access, in order to fulfill our information needs. Each has pros and cons which should be taken into account when recommending which resources to use. My typical example is the *U.S. Code*, where between the four major access formats, there are over ten different access points. Which is best depends on many factors, and helping people figure out the best is how I earn what I get paid."

The opportunity for librarians offered by the confusing array of research choices and, especially, the importance of evaluating

the reliability of individual Web sites, was a point that many in the discussion could agree on.

Genie Tyburski (Ballard Spahr Andrews & Ingersoll LLP): "It's clear, I think, that the missions of LEXIS, WESTLAW, and sites like Rutgers differ. What may not be clear to some of our patrons is when to use which resource, and how to evaluate them. This spells opportunity for librarians—a chance to illustrate our skills and knowledge by clarifying these muddy waters."

Christine Stouffer (Ulmer & Berne LLP): "In my experience, [law firms] ... are constantly looking to get the best deal. If that means using free Internet resources instead of WEXIS for some things, great! I can't believe that law firms, which are usually better at watching the bottom line than just about anyone else, wouldn't welcome using free Internet sources if the librarian had thoroughly tested them out and found them to be as current and useful as the fee-based alternative."

Dina Dreifuert (Clements O'Neill Pierce & Nickens LLP): "It's a curious state of affairs. I often joke about *dragging* my attorneys into the 21st century while at the same time trying to keep them out of the 25th! ... I am often shocked to see how little thought my attorneys put into deciding how they are going to search for information. Their criteria seem to be limited to whether they are familiar with the research tool, and/or whether someone else told them it would give them what they need. And that's why they have a librarian, to evaluate resources for them, and influence their decisions."

Nancy McMurrer (University of Washington Gallagher Law Library): "What the commercial electronic sources ... provide ... is one-stop shopping and a consistent search engine. If I use a commercial service to find administrative decisions from one jurisdiction, I know that I will use that same search engine to find court decisions from another jurisdiction. I also find that commercial sources are organized in the same fashion from jurisdiction to jurisdiction."

"What we do when we provide legal information for free over the Internet is try to carve out a manageable piece of a larger world. We then organize the information and provide the best search engine we can (and Web search engines are definitely getting better and better). But our choices may not be the same as those made by our counterparts in other jurisdictions, or even by different parts of the same jurisdiction...."

"Web sites have other strengths such as currency or types of coverage. For instance, many administrative decisions not found at all ... in commercial sources can be located on the Web."

"[M]any who are not themselves legal researchers often do not understand these differences between legal information found for free on the Internet and from commercial sources. We, who are legal researchers, continue our role as educators, making what we hope are the best choices and recommendations for obtaining results along the way."

Complaint Resolution Subcommittee News

CRIV's Complaint Resolution Subcommittee entered a new frontier this year by deciding to monitor complaints posted on law-lib and other law library listservs. In the past, the CRIV had been reluctant to enter this arena due to the lack of formal documentation from these sources. However, the listservs have become the format of choice for publisher complaints and they provide us an opportunity to solve problems immediately, rather than taking weeks or months as formal CRIV complaints often took in previous years. The reaction from AALL members so far has been very positive.

Naturally, the number of complaints the CRIV must handle has increased drastically as a result of this decision. From July 1 to December 1, 1998, the CRIV has documented complaints on 60 separate issues. Some of these issues generated so many law-lib complaints that we did not bother to keep every single complaint, but instead tried to resolve the issues before they got too contentious.

One example would be the confusion surrounding CCH Internet pricing. Through the CRIV's contacts at CCH, we were able to get an explanation of CCH's policy, which was broadcast to AALL members through a CRIVGram.

If a librarian posts a comment or complaint which is either very general (another price increase) or very isolated (only one complaint is aired), we keep it on file and wait to hear more.

If necessary, we will contact the complainants and ask them to keep us informed if other librarians contact them privately with similar complaints or if the problems are resolved with the publisher prior to the CRIV's intervention.

Some issues, like duplicate shipments for example, go beyond dispute resolution and will likely be referred to the Best Practices Subcommittee, which determines what law librarians would consider to be an ideal practice on the matter by vendors. To find out more information about the Best Practices Subcommittee, see Frank Houdek's article in the December 1998 *The CRIV Sheet*.

The Complaint Resolution Subcommittee will handle formal complaints, and we currently have two in progress. The forms for filing a formal complaint are available at CRIVPage (www.aallnet.org/committee/criv/). Members of the subcommittee are also available by phone or e-mail to provide advice on handling vendor problems. If you need assistance with any type of complaint, please contact Subcommittee Chair Chris Graesser (860/509-6549 or cgraesser@brfg.com), who will refer you to a member of the subcommittee.

Comments and questions about the work of the Complaint Resolution Subcommittee may be directed to Chris Graesser or to CRIV Chair Frank Houdek.

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Electronic Products: Publications Go Internet

In recent years, law librarians have witnessed an "evolution" (some cynics might call it a "regression"), in which print materials have been updated or replaced by electronic products. Some of these electronic products exist as Internet Web sites. Others consist of e-mail messages sent to various individual subscribers. What are some of the problems that a library can encounter when the publications to which it subscribes "go electronic?" What are some of the benefits of changing to an electronic format?

Some examples of electronic products/publications are: CIS Universe, BNA Newsstand Publications and Twenty-First Century Banking. Let's take a look at some of their problems and/or advantages.

CIS Universe

CIS Universe, a user-friendly product that won the AALL New Product Award last year, provides access to U.S. legislative information. CIS Universe goes a long way toward eliminating the drudgery of using CIS hard copy publications. The user can search the full text of Congressional publications. One can search for members of Congress and committees; in fact, members of Congress are even searchable by "personal characteristics"! However, CIS Universe does not replace the hard copy volumes, since its coverage does not go back as far as the beginning of the U.S. legislature. CIS Universe's URL is <http://web.lexis-nexis.com/congcomp>.

BNA Newsstand Publications

Many BNA publications can be accessed at <http://www.newsstand.k-link.com>. The BNA Web site is a subset of "KnowledgeLink Newsstand," which also represents three other publishers of electronic resources (Adis International, American Banker-Bond Buyer, and BRP Publications, Inc.). After entering a password, the user clicks on the publication he or she wishes to read. One difficulty with this site is that it includes cases that lack parallel cites. It also offers no help screen and no guidance for formulating queries. However, there is a toll-free customer service number designed to aid in searching BNA's CD-ROM products and its Internet products (with the exception of its Tax Management title, which provides assistance directly from its technical support people). Summaries of publications are sent to designated individuals through e-mail. The e-mail contains hot links to the Web site.

21st Century Money, Banking and Commerce

21st Century Money, Banking and Commerce is a publication that is updated electronically. The publication itself is a book, but its updates are located at a Web site, accessible only by a password. If patrons who use the book want to go to the Internet site, some public libraries and law school libraries do not provide public Internet access. Now that this publication and others like it are updated on the Internet, do these libraries become obligated to provide public Internet access? And how do libraries overcome the password issue? Should publishers include the password within the text or will libraries become responsible for password management?

Issues Raised by Electronic Publications

Let's take a look at some of the other issues that affect libraries converting to an electronic format. While some issues will affect all libraries, others will impact varying numbers depending upon their user bases, budgets, and technological competence.

Archiving. When publishers present their publications on Web sites, how long will the digital information be posted? Will all electronic releases be available at all times, or will older releases be replaced by newer ones, in order to keep the database at a "manageable" size? In other words, what have the publishers done about archiving electronic records for future researchers? And if they do archive information, is access to "historic" information included in current use subscription fees?

Pricing. Some publishers of electronic information do not quote a concrete price. Instead, they assert that they will "tailor" the product (and the price) to the needs of the individual library. As this occurs, will some libraries pay different fees than others, merely dependant on their ability to negotiate? If so, is it also possible that larger libraries might get better deals than smaller, less affluent libraries which may have smaller consumer bases?

Technology. Electronic publications raise a host of technological questions. Does the library have sufficient technology to continue accessing the material in an efficient and timely manner? If Internet access is extremely slow, due to outdated equipment, why waste the library's budget on Web-based products that become virtually unworkable? Even if the available technology is up-to-date, what happens when there is no computer "guru" to solve technical problems? If technical problems render the publications unusable, how will libraries justify the expenditure for useless resources?

Training. What will happen when patrons do not know how to use the different electronic products? Staff hours allocated to teaching patrons can be extremely expensive and time consuming, especially if patrons have limited knowledge of computer, Internet or e-mail skills. Who will be assigned to train the patrons? Who will "fill in" at reference desks or cataloguing stations while patrons are being trained? Will electronic product vendors provide training for the trainers?

Logistical Considerations. When publishers send information through e-mail, who should receive the e-mail? Do faculty and/or attorneys have access to e-mail and the expertise to use it? In a public law library, how would the patrons access this e-mail? Probably, the e-mail messages would not be offered to the public. Should electronic products be cataloged? Should they be classified? Should there be a note regarding who can access the materials? (Under some publishers' license agreements, materials can only be accessed by particular groups of users. For example, in most law school communities, the general public cannot access materials under the law school's educational license agreement.)

Future Trends

While much of the electronic product market is in a constant state of flux, it remains to be seen what trends will be beneficial to libraries. Some publishers seem to be moving away from issuing user names and passwords and moving towards the use of IP addresses. While this practice lessens the burden on libraries to manage passwords, many products offer limited numbers of IP addresses. This trend has a definite impact on law schools with large enrollments. If only limited IP addresses are available, access to the product by all students becomes extremely problematic. Future trends in the development of these products must include the input of librarians if vendors hope to maintain library support and implementation.

Benefits of Electronic Products

In some cases, an electronic product is more helpful than the print version. This is especially true with products like CIS Universe that give the patron more access points. Electronic publications can lead to cost savings because filing is not needed. Also, less processing is required. If patrons access Web pages and e-mail, routing is not needed. This avoids the problem of individuals who "sit on" publications routed to them. Finally, electronic publications cannot be lost or mutilated.

I would like to thank Tica Stanton (Collection Development Librarian) and Martha Spring (Head of Technical Services) at the University of Miami Law Library, for their input on the subjects discussed in this article.

Beginning Glossary of Publishing Terms for New Acquisitions/Collection Development Law Librarians

Lovisa Lyman

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A beginning librarian, charged with selecting and purchasing materials for a law library, may be flummoxed by all the unfamiliar words used by publishers and vendors. The following list of frequently used terms will be a good introductory course in "vendor-ese." Although some of these terms will already be familiar, it may, nonetheless, be a good reminder.

Approval Plan—Vendor assumes responsibility for selecting and supplying all materials that fit a predetermined profile. Return privileges are usually honored. Pay for only those items accepted.

Blanket Order—Library places an order for all publications from a particular publisher or vendor.

Blurb—Advertisement from publishers or vendors.

CALR (Computer-Assisted Legal Research)—For law this category includes many resources, primary among them LEXIS and WESTLAW.

CD-ROM (Compact Disc, Read-Only Memory)—One 4-3/4 inch disc will hold up to 250,000 pages of text and graphics, which is equivalent to 500 books.

COM (Computer-Output-Microfilm)—Technology whereby machine-readable data is converted to human-readable information on microfilm or fiche without first making a paper copy.

Continuations—A serial subscription that will continue until it is inactive or canceled. Caution must be taken when ordering continuations because of the ongoing commitment to future budgets. Many sponsoring organizations put a limit on the amount a librarian may commit to a single purchase without approval from the sponsoring organization.

CRIV (Committee on Relations with Information Vendors)—AALL committee charged with facilitating communication between information vendors and AALL's Executive Board and the general membership regarding provision of legal information in any format.

Depository—Academic law libraries may apply for government depository status, which allows them to receive and house primary government documents free of charge.

Duplicates or Dups—Materials that have been determined unsuitable for the collection because there is a copy already in the collection, material has been superseded, or collection criteria have not been met.

EDI (Electronic Data Interface)—Electronic method for transferring acquisitions data, such as electronic claiming, ordering, etc.

Encumbrance—An amount allocated in the budget at the time materials are ordered. If no price can be located, librarians estimate cost on the basis of past purchases or using publications such as Margaret Maes Axtmann's annual *Price Index for Legal Publications*. An amount is also estimated for shipping and handling for each order and added to the cost of each title.

Firm Order—These orders are for separate items that will not be updated.

FTP (File Transfer Protocol)—This method of electronic transfer is a means of acquiring data, which may be either free or provided for a subscription fee.

FTC Guides for the Law Book Industry—Born of complaints by librarians about publishing practices, these seventeen voluntary guides, promulgated by the Federal Trade Commission in 1976, were meant to inform publishers and vendors of the Commission's interpretation of relevant federal statutes. The Guides encourage adherence but do not enforce it.

Interlibrary Loan (ILL)—When titles are needed more quickly than purchasing allows, titles are out-of-print and impossible to locate, or, when copyright allows, titles must be copied, ILL may be the answer.

Internet—More and more legal material is available free or on a pay-for-use basis on Internet Web sites. Of particular value to law librarians are the sites sponsored by the federal government.

ISBN (International Standard Book Number)—Assigned by the Library of Congress upon publication, these unique numbers allow for quick and easy identification of a monograph title.

ISSN (International Standard Serial Number)—Assigned by the Library of Congress upon initial publication, these unique numbers allow for quick and easy identification of a serial title.

Jobber—See **Supplier**.

Looseleaf Services—Materials housed in binders that allow easy removal and insertion of individual pages. This format facilitates updating and supplementation that is usually included in a subscription. The advantage is that the library is receiving current information; the disadvantage is the high cost of purchasing and maintaining the sets.

MARC (Machine Readable Cataloging)—A standardized format developed by the Library of Congress for identifying all elements of bibliographic information in a cataloging record so each element can be uniquely recognized and manipulated by a computer. The format facilitates storage, retrieval, and editing of bibliographic records by an automated system.

Membership—Libraries receive much valuable material, not otherwise available for purchase, as a result of memberships in societies or organizations.

Microforms—This high density information storage media comes in several formats, most commonly microfilm and microfiche. For statistical purposes, film and fiche have been equated to bound volumes—six fiche equals one volume equivalent, and each film equals five volume equivalents.

Monograph—A book or treatise written about a particular subject meant to be a single stand-alone purchase.

On Approval—Telemarketers, publisher's representatives, and published advertising tout the advantages of requesting materials on approval. Because an invoice accompanies these materials when they arrive, however, it is easy for clerks to become confused and assume the titles were ordered. Materials may be stamped before the error is discovered—then, of course, they are no longer on approval but have been purchased. Every bit as dangerous as library clerks are law professors and attorneys who request materials on approval and then misplace them. Again an inadvertent purchase has been made. Avoid on approval unless you are able to monitor arrival, evaluation, and return to sender.

Package Plan—A fee is paid annually and a vendor supplies all titles in a pre-approved plan when published. An alternate pay-as-you-go plan is possible for some package plans.

Pocket Parts—Form of supplementation designed to slip into a pocket at the back of a bound volume. Usually these are superseded when a new pocket part arrives.

Publisher—Individual and/or company whose business is the publishing of informational material. Published information may be in one or several print or electronic formats.

Rare Book—Unusual, old books that are considered valuable due to unique qualities. Gifts or purchases from rare book dealers are major sources.

Renewal—All varieties of continuations may come up for annual renewal, though some publishers prefer the pay-as-you-go method because they don't know how many supplements will be published during the year.

Serial—A publication in any medium issued in successive parts bearing numerical or chronological designations and intended to be continued indefinitely.

SICI Code (Serial Item and Contribution Identifier)—Described in the Z39.56-1991 ANSI/NISO standard, it enables the identification of volume and issue number, as well as each individual article in any given serial publication issue.

SISAC (Serials Industry Systems Advisory Committee)—Scannable barcode on all issues of a serial, which permits the identification of each single issue through the ISSN followed by a formatted data string denoting volume and issue number.

Standing Order—Publisher sends all publications on specified titles or subjects. Orders are paid for individually.

Supplier—An information dealer who buys from the publisher and sells to the consumer. Also known as vendor or jobber. Working with a supplier minimizes the time-consuming procedures associated with item-by-item ordering. Unfortunately, some publishers refuse to work with a vendor.

Supplementation—The updating of legal information. It may occur in a number of ways: periodic pocket parts, looseleaf releases, stand-alone paperbacks, or new editions. Currently some sets are augmented or supplemented with floppy discs or CD-ROMs.

Telemarketing—Solicitation for purchase of informational material over the telephone. This is a particularly odious form of solicitation as it usually occurs at an inopportune time and is unexpected. Usually the salesperson asks the librarian to receive a title on approval.

Treatise—Single volumes or sets (often regularly updated) that describe and analyze a limited subject area of the law. May be scholarly, practical, or a combination of the two. Some of the better textbooks may be classed as treatises.

Unsolicited Shipments—Despite FTC regulations, some publishers and vendors continue to send unordered materials, often insisting that their action is a public service since the new title is related to another title actually ordered.

Vendor—See **Supplier**.

Verifying Titles—Checking titles on various systems to clarify exactly what a title is. Titles are often similar, or parts of services have been cataloged individually, or titles have been changed.

Web Site—A location on the Internet accessible by inputting a unique address. Law-related databases on the Internet, both commercial and government-sponsored, are proliferating. All librarians involved in public service should become more familiar with these sources.

CRIV Tool – Dealing with Telemarketers

Acquisitions librarians often receive unwelcome telephone solicitations from publishers' telemarketing representatives. The following is a brief summary of the legal and trade guidelines on this topic.

Federal Law. 16 C.F.R. Part 310 is the Federal Trade Commission's Telemarketing Sales Rule. It defines as an abusive telemarketing practice the initiating of a telemarketing phone call to someone who has previously stated that he or she does not wish to receive such calls. The rule provides guidelines that, if followed, shield a vendor from liability. The creation and maintenance of a list of those requesting not to be contacted is one aspect of these guidelines.

Unfortunately for law librarians, the Rule exempts from its provisions those telephone calls made between a telemarketer and any "business." Although the term "business" is not included in the definitions section of the Rule, most law librarians would probably agree that their libraries are part of business organizations.

State Law. 16 C.F.R. Part 310 allows for state regulation in this area. An acquisition librarian might check the law in this area for his or her home state.

Direct Marketing Association. The Direct Marketing Association maintains a Telephone Preference Service whereby consumers can register to be removed from telemarketers' calling lists. However, the DMA will not register business names, addresses, and telephone numbers. The Telephone Preference System will not affect "calls of a business-to-business nature received at your place of employment." Companies that market to other companies, according to the DMA, do not use this "consumer-oriented do-not-call file." (Quotes from the Direct Marketing Association Web site [www.the-dma.org] or phone 212/768-7277.)

So, what's an acquisitions librarian to do?

There are several informal measures a librarian can employ to lessen the number of telemarketing calls received or shorten the time spent on unwanted calls that do come through:

1. When a telemarketer calls, ask to be placed on the vendor's "do-not-call" list. The vendor might maintain such a list even if not required to do so by law.
2. Be pro-active. If a particular vendor's telemarketing forces are annoying you, call Customer Service and ask to be placed on a "do-not-call" list.
3. Have a stock answer ready and use it whenever a telemarketer calls. Possibilities include: "I'm sorry but we never order merchandise over the phone. If you would like to send me a brochure, I will be happy to look at it." ... "I'm sorry but we deal only with our local representative." (You may have to repeat this one several times, as the telemarketer tries to assure you that your local rep will be absolutely delighted to have you purchase merchandise from the telemarketing representative.)
4. Have your local sales representative, if you have one, intercede on your behalf. Since local sales reps usually prefer that you not be tempted by alternative purchasing opportunities, they will usually do their best to have your name removed from the telemarketing list.

*Rosanne Krikorian
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*Whittier Law School
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Budget and Acquisition Selection Tools for the Private Law Library: CAPLL Recommendations for PLL Vital Reading

One of the goals of the Consumer Advisory for Private Law Librarians (CAPLL) is to share "heads up" type of advice and recommendations with colleagues. The members of the Committee have volunteered for this initiative because they have been more or less successful in their libraries in dealing with publishers, monitoring and adjusting budgets, making informed acquisitions, and in some cases, informed cancellations.

CAPLL is a "blue ribbon" committee, if you will, of firm librarians representing geographically diverse law firms of varying sizes and budgets. The committee members manage budgets ranging from \$150,000 to \$1.4 million—budgets

large enough to have a substantial library but not large enough to have money to waste. They work for firms with up to 200 attorneys in the local office. Since they are often the only professional librarian in the office, if not the firm, their suggestions are a result of being in the trenches and having hands-on trials and tribulations.

Terry Psarras has written about managing the boxes that arrive in our mail every day and how to minimize the unsolicited items. The other half of the story is learning how to make informed decisions in the first place, ordering just the right book and so not having to follow Terry's advice!

*Kathie J. Sullivan,
Vice Chair/Chair-
Elect, PLL-SIS*

*McNamee Lochner
Titus and Williams
Albany, New York*

I polled the members of the committee (hereafter, "we") to learn of their favorite selection tools and to learn how they applied the data from the AALL *Price Index* in their daily work. I was looking for their expertise, the practical and workable suggestions that aided them and allowed them to prepare and monitor budgets and make informed purchases. I wanted the short list of basic and reliable tools that allowed them to be effective consumers and might provide guidance for others to become more effective in their work.

By and large, when asked to purchase books to support a particular practice area, we consult our colleagues who may already be working in the area—someone we know personally or through a list such as law-lib. We still occasionally consult the brochures and catalogs that arrive in our mail and are as likely to have a brochure brought in by an attorney as we are to initiate the inquiry. (Often, however, the full catalog from a publisher is more helpful than a single brochure because it outlines the complete product line in a subject area.) We look at *Legal Information Buyer's Guide and Reference Manual, 1997-98* (Svengalis), as much for selection as de-selection since we use this to prepare budgets as well. Other titles which prove to be of some use are *Specialized Legal Research* (Chanin) although it is limited in areas of practice; *Law Books in Print*; the Infosources Publishing arsenal of *Legal Looseleaves in Print*, *Legal Newsletters in Print*, and *Directory of Law-Related CD-ROMs*; newsletters such as *Legal Information Alert*; *The Legal Publisher* (JK Publishing, \$149 per year, 414/332-1625). A new resource mentioned on law-lib recently is the newsletter *Against the Grain* (Against the Grain LLC, Charleston, SC, \$35 per year), which contains general information about budgets and media format and publishing trends, some of which might be useful to a special library. Mostly, our budgets are too tight to allow for proactive purchases, and we spend a lot of time canceling materials or looking for suitable substitutions for books with spiraling costs. Some purchases are made when new practice areas are added; but in situations like these, the attorneys already know the standard works for their area and simply make requests for specific titles. In some cases we consult our field sales representatives, but they are not a first line resource. Sometimes a resource such as *Legal Research and Law Library Management* (Marke and Sloane) will start us in a right direction. Then we make inquiries of colleagues and ask for evaluative responses from the field.

Not to be overlooked are book reviews to get an idea about the strengths of competing products. Often these reviews are written by practitioners or acquisitions librarians. "Best Reference Books of 19xx" is published in *Law Library Journal*, *New York Law Journal* and probably many other state or local legal newspapers publish reviews. *Legal Information Alert* and *Law Practice Management* (from the ABA section of the same name) also offer book critiques. World Wide Web sources that should not be overlooked are the sites maintained by *Law Journal Extra*, various databases on LEXIS and WESTLAW, publishers' sites, and listserv archives.

Because our budgets are tight, one would think we would welcome a study of legal publishing costs as provided by the

AALL *Price Index* (PI). In fact, CAPLL members were rather lukewarm about the PI, and their feelings are probably representative of the feelings of other private firm librarians. Why? Partly because, in the past, the publication date was out of sync with firms' budget years. Sometimes we are hampered by the bookkeeping systems in place and the inability to transfer the PI categories to a general ledger account. We also find the categories of titles do not match our smaller collections. Some of us collect only a third of the titles used in the PI and find it very difficult to match purchases to the figures provided. Most CAPLL members use the PI to arrive at "ball park" figures, to estimate trends in increases and to see the big picture. But as for applying the specific information to our budget, we don't. We are still working in the microcosm and tend to estimate a percent increase, look at our previous cancellations, look at our own records of costs or respond to a managing partner's direction to "cut \$10,000." We spend a lot of time with attorneys, talking about their research needs, finding out what they can live without, offering suggestions for a less costly title. We are split on whether we even purchase the PI or rely on librarian discussions about it instead.

I asked Margie Axtmann (Assistant Director for Collections and Technical Services at the University of Minnesota Law Library), editor of the AALL *Price Index*, to offer some thoughts on how private firm librarians could better use the *Index*, especially in light of the fact that the titles evaluated have little bearing on what private firms are collecting. Axtmann says, "A price index is a method of showing the relative change in the average price of library materials over an interval of time. To do this, the list of titles used to compile the *Index* must be representative of the range of materials produced by the legal publishing industry, but the list also must remain relatively stable over time. If I were starting over on the *Price Index* (a thought that has crossed my mind), I would use a different list of titles. But the effect would be the same, because the list would still be a sampling of various types of materials from all the major legal publishers."

She goes on to say, "The *Price Index* is not a study of supplementation costs, nor is it a forecasting tool; it is a retrospective look at average prices for a group of publications. Inflation in the prices of library materials can be compared to other standard measurements, in particular the Consumer Price Index. In recent years this was a very useful comparison, as library materials' inflation could be seen increasing at a rate of about 10% per year at a time when inflation for ordinary goods and services was below 5% per year. That's a good figure to have if other institutional budget increases are being based on the CPI."

Axtmann further notes, "I know law librarians in all types of libraries who use the *Price Index* as part of their annual planning and budgeting process, usually as an 'outside source' to attach to the budget request. I even know of law libraries where budget increases are tied to the percentage increase noted in the previous *Price Index*. Still, every law librarian must use the *Price Index* in the way that works with the methods and culture of the institution. A price index is a useful benchmark

against which local costs can be compared, but it is not a substitute for cost data about individual collections. I use the *Price Index* in conjunction with several other sources. These include other price indexes, *The CRIV Sheet*, articles from library literature, articles from legal practice-oriented magazines, and newer sources such as the *Legal Information Buyer's Guide & Reference Manual*. No matter how many other sources I use when writing budget requests or memos on pricing, I always use them with reference to our own collection. AALL is trying to get the *Price Index* out earlier in the year to make it more timely for libraries on a calendar year budget cycle, but there are inherent problems with turning a fiscal year publication into a calendar year one. The upheaval in the publishing industry has made it difficult not only to track prices but also to identify the publishers of specific titles. As the editor of the *Price Index*, I take full responsibility for the content and the publication date, but I am more than happy to receive suggestions for improvements to the publication from librarians

in all types of libraries. We want to be responsive to the price information needs of all librarians managing legal collections."

When I first earned my degree and started working in a firm I had no idea where to start when asked to make a new purchase. I may have known about such tools as *Law Books in Print* but in a panic that knowledge disappeared. As it turns out, and as evidenced from conversations with more experienced librarians, such a voluminous publication may not be the best tool for adding law books to a law firm collection. We are all in a position to be proactive in our acquisitions, not by making arbitrary choices, but by making informed purchases of the best product for the best price. Using all or some of the tools available to us, including using the *AALL Price Index* in whatever manner works for our office, will make all of us better consumers in the long run.

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Site Visit Subcommittee Update

The CRIV has been invited to LEXIS headquarters for a site visit on March 24–25, 1999, followed by an extra day in Dayton for a CRIV business meeting. We are looking forward to a visit as productive as the one to Shepard's.

Site visits provide the CRIV an opportunity to further its charge to "facilitate communications between information vendors and members of the Association," to "provide constructive suggestions to vendors," to "foster a cooperative working relationship between librarians and information vendors," and to gather information with which to "keep the membership informed of developments in legal publishing."

Site visit planning and preparation is a cooperative effort between the vendor and the CRIV. Many hours of planning are invested by members of both groups. First, mutually agreeable dates must be set. Then the schedules of many people from AALL and the vendor's personnel must be coordinated, including some of their highest-ranking executives. Vendors generally arrange rooms for all meetings, including those which will be attended by CRIV members only. Vendors generally manage all travel arrangements and make preparations to insure that CRIV members and their own representatives will be comfortable. Meanwhile CRIV members solicit and consolidate other librarians' suggestions and questions, speculate about which issues they foresee being the most important for future *The CRIV Sheet* articles, and generate proposed agenda topics. Together, vendors and the Site Visit Subcommittee draft the agenda, which is calculated to insure that the best use is made of all available time.

At site visits we have an opportunity to provide vendors with information about the use of their paper and electronic

products. Usually vendors are interested in what works well for users, as well as anything that may present a difficulty. This exchange is invaluable for vendors and the AALL membership. Librarians forget that publishers are not standing over our shoulders and therefore simply cannot anticipate all our users' needs. The CRIV can assist vendors, and on occasion even impact the future of certain products, by supplying vendors with information gained from regular patron contact, and from our own use of their products. We can let vendors know our point of view on what might improve their products.

Nothing can replace face-to-face meetings with vendors. They strengthen relationships between vendors and the Association, despite sometimes divergent opinions and interests. In the larger context, librarians and vendors share an interest in providing high-quality legal information.

We have begun considering topics for the agenda and discussing them with LEXIS personnel. Clearly organizational structure, and the interrelationships between LEXIS online, Matthew Bender, Martindale-Hubbell and LEXIS Law Publishing, formerly Michie, need to be addressed, as does the announcement regarding Shepard's no longer being available via WESTLAW. Other topics currently under consideration include pricing, billing/invoicing, customer service, LEXIS's library liaison program, and future support of LEXIS software vs. LEXIS on the Web.

If you have ideas or topic suggestions for the upcoming site visit to LEXIS, please send them to me at your earliest convenience at erhodes@ubmail.ubalt.edu.

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Baltimore, Maryland*

Janeen Heath

Baker & McKensie
Dallas, Texas

CRIVPage Update

In late November, the CRIV introduced CRIVPage to the law librarian community. Response has been terrific, with hits nearing 2000 as of press time for this article. The Committee appreciates the positive feedback and the many suggestions we've received via the site's comment/suggestion box. We've already incorporated many of your suggestions into CRIVPage and will continue to improve and expand the page.

You'll first notice that the look of the page has changed dramatically. There are also several new features you may want to visit. Under CRIVLinks is a new link to the final draft of Principles for Licensing Electronic Resources, which was prepared by the AALL, American Library Association, Association of

Academic Health Sciences Libraries, Association of Research Libraries, Medical Library Association, and the Special Libraries Association.

In addition, we have more vendor contact information, the CRIVGram and CRIVAlert archives are now easier to use, and the CRIVNews section has expanded to include special customer support links, publisher news and notices, and Committee-specific information.

Come visit <http://www.aallnet.org/committee/criv/> and let us know what you think. Our goal is to make this a useful Web site for you and your suggestions are key to our success.

Industry Announcements

LEXIS-NEXIS Announces Shepard's Changes

In the first of many planned integration actions, LEXIS-NEXIS has announced that the Shepard's Citations Service will be available to online users exclusively on the LEXIS-NEXIS services beginning July 2, 1999.

For a full text of the press release on this topic please see <http://www.lexis-nexis.com/lnc/about/newsrelease/nr242.html>.

CCH Announces New Customer Service VP

Effective immediately, Jerry Pruitt will assume leadership of CCH Incorporated customer service as vice president of customer service and operations.

Hein and Rothman to Merge

William S. Hein & Co., Inc. has agreed in principle to acquire Fred B. Rothman & Co. A committee from William S. Hein & Co., Inc. headed by Richard J. Spinelli, Vice-President of Sales & Marketing, will work closely with a task force of law librarians from the CRIV and other appropriate AALL groups to insure a smooth, customer-friendly transition.

Although Hein intends to consolidate operations over the coming months, it will continue to operate offices in both Buffalo and Denver. The Denver office will be primarily responsible for editorial and bibliographic functions.

CCH Offers Free Customer Service Booklet

CCH INCORPORATED has a new customer service booklet, "Doing Business with CCH." A one-stop reference guide for customers, it covers everything from CCH phone numbers and Web sites for services, to general information about the company and its

business policies. Call 800/248-3248 and ask for "Doing Business with CCH," ACS75928, to receive a free copy. This information can also be accessed on CCH's Web site (www.cch.com, under Customer Support), and in the electronic user guide for its CD-ROM products. For further information, contact Leslie_Bonacum@cch.com.

West Offers Free Return Mailing Labels

The CRIV has noted a thread of complaints regarding the *Federal Tax Guide to Legal Forms* and West Group's apparent refusal to pay for the return of same without returning the *Am Jur Legal Forms* indexes as well. A librarian reported that West told her that, to get a return label for the *California Code Research Guide*, the library would have to cancel its subscription to the *California Code*.

In September, a similar scenario arose regarding *Am Jur 2d* and the shipment of a "companion" pamphlet on tax research. At that time, Mark Witzany from West Group customer service told the CRIV that anyone not wanting the pamphlet was entitled to a postage-paid return label. He also advised that the same policy would hold true for any future shipments of "related" publications.

Witzany further stated that he had spoken to customer service supervisors about this policy. The CRIV has asked him why this problem has come up again. We will keep librarians posted on this issue.

Anyone who has been refused a return label should contact the CRIV's Chris Graesser or Mark Witzany (customer.service@westgroup.com).