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The CRIV Sheet

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Editor's Corner

With this issue, *The CRIV Sheet* begins its second quarter-century of service to the members of the American Association of Law Libraries. Created in 1978 as the *Publications Clearing House Bulletin*, a typed newsletter for members of the AALL Committee on Relations with Publishers and Dealers, the newsletter's name was changed to *The CRIV Sheet* in 1988 when the committee's name changed. With the name changes, the Association wisely decided to publish each issue as an insert in the Association's newsletter, a move that increased the subscription base from 350 to 4,200 individuals. Today more than 5,000 readers are able to benefit from the insight and information that each issue brings to the legal information community.

As we begin the twenty-sixth volume, we are happy to begin service as co-editors. Lucy started last year, while this is Dick's first issue as a co-editor. Some of you may recall that Dick served as the editor back in the mid-1990s, but much has changed since then. The work of the Committee on Relations with Information Vendors has expanded with the development of our very successful Web site, *The CRIVPage* (<http://www.aallnet.org/committee/criv/>), our regular "CRIV Notes" column in *AALL Spectrum*, and our occasional *CRIVGram* e-mail announcements. Still, *The CRIV Sheet* remains a vital part of the committee's commitment to communicating library-vendor concerns and issues to the entire membership.

This issue begins with several summaries of educational programs from the Seattle Conference. Jill Porter, a law librarian employed by a publisher, provides us with an insightful look into the world of vendor business systems. Ken Svengalis, the original editor of *The CRIV Sheet*, outlines his views as to when it is appropriate to cancel standing orders of secondary materials. Committee member Beth DiFelice reports on the CRIV-sponsored New Product Award, while the co-editors ask a few questions of Anne Poulter, the editor of the Association's *Price Index for Legal Publications, 2d*.

As for future issues, we have a few ideas but are always open to suggestions. If you have an idea for an article, feel free to contact either of the co-editors (rvaughan@indiana.edu or lmoss@kentlaw.edu). Even if you don't have a specific idea but think you might like to write something, contact us and maybe we can suggest a topic. We can't end without thanking *The CRIV Sheet's* most recent editorial team, Stephanie Edwards and Lovisa Lyman. We will try to live up to their commitment and quality. We also want to thank Maya Norris, who assisted the previous editors of *The CRIV Sheet* in her role as AALL director of publications.

**Margaret Maes
Axtmann**

University of St.
Thomas, Schoenecker
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Minneapolis, Minn.

From the Chair

Twenty years ago I chaired the predecessor to the CRIV. Been there, done that? Not really. The past decade has seen enormous, well-documented changes in legal publishing and information delivery. Our business relationships have changed, too, as mergers have left us with fewer but more complex companies. Business correspondence is seldom conducted by formal written letters and is more often handled through e-mail and phone calls. It is safe to say that today's legal information industry bears little resemblance to the publishing world that I encountered 20 years ago, but the lessons of library/vendor relations that I learned in my early days as a committee chair are still valuable.

We sometimes have to work a little harder to maintain cordial and effective communications with each other in this fast-paced world, but courtesy and common sense are still key elements of a healthy business relationship. Librarians, publishers, and vendors must work together to keep communication flowing in the face of the rapid change we are all experiencing.

Fortunately, the committee is in a great position to help AALL members meet the challenges presented by this environment, thanks to the leadership of past chair Carol Rogers. I am grateful to her and the outgoing committee members for their dedication and hard work, and I thank them for making the

transition an easy one. We have an equally strong committee this year, and we have outlined an ambitious agenda of new and continuing work.

We've changed the name of the Mediation Subcommittee to the Publisher Communication Subcommittee to more accurately reflect the first line of our charge, which states that the CRIV "shall facilitate communications between information vendors and the members of the Association and the Executive Board in matters relating to provision of information in any format." I am chairing the subcommittee, and the other members are JoAnn Hounshell, Ellen Strbak, and Marcia Zubrow. We will continue to respond to inquiries from librarians and publishers, follow listserv discussions, post *CRIVGrams*, and provide assistance as requested.

The CRIV Sheet will be published three times this year, under the co-editorship of Dick Vaughan and Lucy Moss. Jill Porter and I will assist in this effort, and other committee members will pitch in as needed. Because the printed newsletter has a significant time delay, we will consider moving toward an electronic newsletter in the future. Watch for your opportunity to have input on that decision.

Our Web site, *The CRIVPage*, continues as a resource for CRIV activities and other vendor relations information. Webmaster

Stephanie Schmitt and committee members Kevin Butterfield and Beth DiFelice will be working hard to keep the pages up to date and to enhance the content. Work on a Web page is never done, and we'll do our best to make sure that we maintain a dynamic Web presence.

To that end, the Tools Subcommittee, chaired by Karen Douglas, will review all the resources in our Web-based toolkit. They will update, replace, or add new tools as necessary. Karen's subcommittee includes Jan Anderson, Beth DiFelice, Craig Garrett, Gail McCain, and Ellen Strbak.

The CRIV will continue to recognize publishing quality and innovation through the New Product Award (see New Products Award article in this issue). Beth DiFelice will chair this effort, and she will be assisted by Gail McCain and Marcia Zubrow.

We also hope to provide more educational opportunities at the 2004 Annual Meeting; the committee has submitted three program proposals for Boston. Thanks to Jill Porter, Karen Douglas, and Kevin Butterfield for shepherding the proposals and meeting the deadlines. By the time this newsletter appears in print, we will know the results of their efforts.

Our Site Visits Subcommittee includes JoAnn Hounshell (chair), Karen Douglas, and Ellen Strbak. We will announce publisher site visits as plans develop.

We plan to touch base periodically with related groups and assist them with any vendor relations matters. Kay Todd, chair of the Fair Business Practices Implementation Task Force, met with the CRIV in Seattle, and we discussed some opportunities for mutual cooperation. We also will communicate with the Technical Services SIS Preservation Committee, the Price Index to Legal Publications Advisory Committee, and the Licensing Principles for Electronic Resources Special Committee on issues of common interest.

And finally, the CRIV's overarching goal is to keep our communications with librarians and information vendors civil and constructive. Librarianship and publishing might have changed a lot in the last 20 years, but the CRIV message remains the same.

We welcome your thoughts on these activities and your ideas on new ventures. The CRIV stands ready to serve, and I look forward to hearing from you.

Seattle 2003 – Educational Program Summaries

Program C-6: Connect with Vendors: Partner for a Strategic Advantage

Speaker:
Terri L. Lawrence
Thompson & Knight LLP

My guess is that no one has ever referred to Terri Lawrence as a wallflower. As director of library and information resources at the Dallas firm of Thompson & Knight, Terri is known for her proactive approach to everything from marketing her library to her "knock-your-socks-off" approach to service. In Seattle, Terri enthusiastically shared some of her ideas about how and why librarians should work to develop strong relationships with their vendors. While Terri spoke from a firm librarian's perspective, her tips can easily be followed by librarians in any type of law library.

Speaking from experience, I know that many library/vendor relationships are born out of conflict. Most vendor representatives do drop by the library and introduce themselves, and I don't hesitate to contact them when I have a particular concern. But, more often than not, our relationship does not truly develop until a real problem arises. Unfortunately, once that happens, the relationship is almost always confrontational. Terri forcefully argues that you can't wait for a problem to arise before you get to know your vendor. It is her contention that librarians need to cultivate their relationships with their vendors—"relationships don't just happen." So how do you go about connecting with your vendors? Here are a few of the themes of Terri's talk.

Research, Research, Research

Even before you have contact with a vendor, get to know the company and their services. Terri recommends keeping abreast of legal vendors by reading the publications they read, reading what they publish, and reading what has been published about them. This may mean reading trade publications like *Law*

Technology to learn what new products/services are being introduced or just reading company Web pages. Likewise, glance at the periodicals that your patrons (attorneys, judges, students, faculty, etc.) read to see what new products and services are being advertised. Learning how a company is positioning a new product in the marketplace can tell you a lot about how the company views the future. Ask your vendor contacts if they have published anything—many do publish in company newsletters and trade publications, and they are usually thrilled to share their work with others.

Although they're not always easy to find, Terri tries to learn what strategic plans are being developed by each of her major vendors. Mission statements and annual reports can reveal a great deal about a company's future, as can Securities and Exchange Commission filings (found on the SEC Web site). Terri likes to try to find out if a company is considering merging with another company before it is announced to the world, and she does not hesitate to let her vendors know when her library is going through its own major organizational changes. She will even share her mission statements with her vendors so they can have a better understanding of how her library, and her parent institution, are evolving. When both the library and the vendor know a little about the goals and objectives of the other, they can better serve each other. Much of this information can be obtained simply by asking, but Terri also profiles her vendors via traditional business research methods. In fact, as an annual routine, Terri conducts a Dun & Bradstreet profile of all her major vendors.

Talk and Listen

Researching your vendors takes time, but it can be tremendously beneficial. Still, the best way to learn about your vendor is to ask questions in person. Terri recommends meeting with your major vendors at least twice a year. In addition to setting up a formal meeting to discuss contracts and go over detailed account data, she recommends holding a more informal meeting where the two of you can brainstorm about your needs and consider how the vendor might be able to help. If her representative suggests they get together over lunch, Terri offers to pay and then interviews the representative about his or her view of the future of the legal industry. Terri doesn't hesitate to ask her vendors for help, and her experience has shown that most are happy to assist in staff training, library promotions, and arranging speaking engagements.

When attending trade shows (like AALL), Terri walks the floor of the exhibit area to see what new products and services are being offered and to talk to vendors about what the future holds for them. Even when she is satisfied with a particular product, Terri will take the time to check out competing products to see if they have been able to refine and improve their concepts.

Whether you are meeting at a conference or at your library, let your vendors know what they are doing right as well as what they are doing wrong. Experience has taught Terri that you need to praise your vendors when they are providing you with the service they promised. Tell them in person, tell them in writing, but tell them! And don't be shallow; make sure your praise (as well as your criticism) has substance. Terri views *her vendors* as part of *her team* and feels strongly that a relationship based on respect will benefit both sides.

Documentation

As you can tell, one of the key components of Terri's relationship with her vendors is her practice of communicating her expectations to them. She does this both verbally and in writing. Terri actually draws up a service contract between the

vendor and her library. She gives the "contract" to clearly communicate her policies on how the vendor should do business in her library (i.e., to whom they can speak regarding a new purchase, to whom they can give passwords, etc.) The document not only provides the vendor with information that will help him or her conduct business to advantage, but it also provides a point of reference should problems arise.

Similarly, whenever Terri meets with a vendor in person or on the phone, she tries to take notes to document the key points of the discussion. In the meeting, she will often repeat to the vendor what she thought she just heard, and even after that she might e-mail the vendor the next day to be sure her notes were accurate or to get clarification. All of this paperwork then goes into a vendor portfolio that she can refer to later in order to track service commitments and product trends.

Honesty Is the Best Policy

Finally, Terri stressed that it is essential that you be polite and respectful with your vendors, and above all else, be honest with them about your time, your money, and your needs. Despite what is often bantered about on the Internet, most vendors are not trying to make your life difficult. They want to help you, and they appreciate it when you can help them. Tell them why a particular product does not fit your library so they don't waste their own time trying to get you to purchase it. When negotiating with a vendor, know what *you* are willing to concede and, at the appropriate time, let them know. Experience has taught Terri that when both sides know where the other side stands, a mutually beneficial deal can be reached much more quickly and usually with less confrontation.

While not all of us have the experience or dynamic enthusiasm of a Terri Lawrence, by following just a few of her tips we can all improve our working relationships with our vendors. Thanks, Terri!

Dick Vaughan, co-editor

Speakers:

Brenna Louzin
Heller Ehrman White
& McAuliffe LLP

Kermit Lowery
LexisNexis

and

Lisa Smith-Butler
Nova Southeastern
University

Program H-5: Negotiating License Agreements: Revisited

As a follow-up to last year's informative program on the same topic, the three speakers in this session—an academic law librarian, a law firm librarian, and a vendor—focused on the challenge of purchasing electronic subscriptions and databases and the elements of digital license agreements, noting which are required and which are negotiable.

Brenna A. Louzin of Heller Ehrman White & McAuliffe LLP opened the session and discussed how she approaches the licensing of electronic resources for a branch law firm library. While a branch librarian focuses on the branch population's research needs, it is important to maintain a firm-wide perspective as well. Branch librarians can effectively manage their use of firm-wide electronic resource purchases by obtaining copies of contracts to review terms of use, by working with vendors to determine if specific branch needs can be met,

and by understanding terms such as enterprise-wide licenses and seat licenses. Branch librarians should support local needs in the firm-wide collection development process and when working with vendors on firm-wide and local purchases.

Ms. Louzin provided a license negotiation checklist for the branch library that included the following: 1) Review collection development policy; 2) Review budget; 3) Clarify geographic scope of license; 4) Define site, seat, number of attorneys; 5) Inform library director of local needs and negotiation details; 6) Keep apprised of publisher activities and solvency; 7) Share local use information with library director and branch peers; 8) Advocate for peers who want to test subscriptions in other offices and try for reduction in subscription costs if additional offices purchase; 9) Use a zero-based budgeting approach when considering renewals; 10) Be cautious with private firm data;

and 11) Build negotiation skills. To keep this all straight, Ms. Louzin recommended education about electronic resources held locally and firm-wide; communication about new licenses and those due for renewal or cancellation; and the use of spreadsheets, project plans, and portal groupware or calendar tools.

The second speaker, Lisa Smith-Butler, associate law library director, Nova Southeastern University, stated that digital publishing poses new challenges and opportunities for libraries, because libraries primarily acquire access and not ownership to electronic resources. Many issues must be considered in the areas of: 1) Collection development—is the electronic format appropriate and will it replace or complement a print subscription?; 2) Access—who will have access and how?; 3) Equipment—does the new product require new software/hardware?; 4) Content—is archival access available?; and, 5) Product Support—is vendor training and on-going support available?

Ms. Smith-Butler stressed that it is important to determine the library's non-negotiable issues prior to discussing the purchase of an electronic subscription with a vendor. Issues such as type of access (individual passwords, IP-recognition) and how the library will pay for the subscription (per transaction, unlimited use) can often be negotiated. The ultimate purchase contract should contain names of parties of the agreement, definitions of authorized use and users, compensation, warranties, and rights and obligations of both parties. Once a resource is purchased, the librarians' role involves providing access through the library catalog and/or internet resource page and providing training to patrons on use of the product.

The final speaker, Kermit Lowery of LexisNexis, provided the vendor's point of view when reviewing license agreements and contracts, focusing on required elements and what is negotiable. Mr. Lowery stressed that licensing electronic resources provides users with access but not ownership of the materials. LexisNexis enters, formats, and sequences data into its systems, providing links to other cases, etc. Licensing protects copyrighted materials; the vendor's licensors impose

this on them. LexisNexis needs license agreements to satisfy requirements of licensors who provide most of the data. License agreements don't allow users to download entire databases or use e-mail distribution lists. License agreements prohibit users from licensing one seat in a firm and then providing access to everyone on the firm's local area network. License agreements also balance privacy concerns (e.g., social security numbers are not available to all subscribers).

Mr. Lowery cited common problems with licensing agreements. When a customer tries to draft a license agreement, the focus is often lost. The license agreement and contract must focus on the licensing of online information services and data. Customers must recognize that the vendor has restrictions on use. Mr. Lowery also noted that customers tend to ask for copyright advice (e.g., number of copies to be made; explanation of such terms as fair use). Vendors cannot provide this advice, because they are third-party providers.

Mr. Lowery provided an explanation for the provision of limited warranties. LexisNexis aggregates data from multiple sources and therefore cannot be responsible for errors, omissions, etc. A vendor cannot provide a warranty of merchantability, because he or she does not know how users are using the service. Mr. Lowery stressed that license agreements are flexible. At LexisNexis, his charge is to develop creative solutions for difficult problems. He understands that there are certain provisions that some agencies cannot accept under law and LexisNexis makes changes accordingly (e.g., jurisdictions). Mr. Lowery's final message was: vendors are flexible; they will negotiate license agreements and contracts.

Ellen Strbak
Administrative Office of the U. S. Courts

Editor's Note: At this year's annual meeting in Seattle, the Association expanded the format for educational programs to include 30-minute program sessions. These "mini-sessions" were designed to offer more flexibility in creating programs suited for testing creative presentation formats and/or technology demonstrations. Here are highlights from two.

Program K-6: 30 Sites in 30 Minutes: Favorite Acquisitions Web Sites

This session, on the afternoon of the last day of the conference, was attended by a large crowd who saw screen shots of the presenters' favorite sites. Here is a partial listing of the sites. The complete list is available in the conference materials book.

Vendor Resources

AcqWeb

Maintained by Anna Belle Leiserson, collection development librarian, Vanderbilt Law Library, this was rated the best acquisitions Web site by both presenters, who consider it the acquisitions librarian's encyclopedia. Collection development policies, general reference sources, cataloging, and serial resources are also included.

<http://acqweb.library.vanderbilt.edu/>

Vendors for Foreign Law Materials

Maintained by Mary Ertl, University of Iowa Law Library, and Harold Moren, Harvard Law Library, this site is also available through AcqWeb (above).

<http://www.uiowa.edu/~lawlib/vendors/>

International Documents

Maintained by Northwestern University Library, this site provides links to the official Web sites of national governments.

<http://www.library.northwestern.edu/govpub/resource/internat/foreign.html>

Speakers:

JoAnn Hounshell
Chicago-Kent College
of Law Library

Julie R. Stauffer
University of Chicago
D'Angelo Law Library

Moderator:

Lisa Arm
Boston University

Verification

OCLC FirstSearch (the only site listed here that isn't free).
<http://newfirstsearch.oclc.org/>

National Library Catalogs Worldwide

Maintained by the University of Queensland Library, this is useful for finding publications that are not in the usual sources.
<http://www.library.uq.edu.au/natlibs/>

Karlsruhe Virtual Catalog

Maintained by Ernst Rotzinger, Universitaat Karlsruhe (TH), this site allows simultaneous searching of several union and national catalogs as well as a few book trade catalogs.
<http://www.ubka.uni-karlsruhe.de/hylib/en/kvk.html>

Discounts

Half.com

This resource offers popular and textbook titles at half the publisher's price; users can post a wish list for hard-to-find titles (requires credit card payment).
<http://half.ebay.com/index.jsp>

Out-of-Print Materials

AddALL Book Search and Price Comparison

This site searches more than 40 sites; also includes a used book section.
<http://www.addall.com/>

BookFinder.com

"Over 40 million new, used, rare, and out of print books at your fingertips."
<http://www.bookfinder.com/>

Other Acquisitions Resources

ACQNET The Acquisitions Librarians Electronic Network

You can search the archives without subscribing to this moderated discussion list.
<http://www.infomotions.com/serials/acqnet/>

Law Reviews section of JURIST

"Listings of all American law reviews that currently have a substantial presence on the Web, plus other information for law review authors, editors, and readers."
<http://jurist.law.pitt.edu/lawrev.htm>

Representing the Interests of Law Librarians

CRIVPage (Committee on Relations with Information Vendors) Resources include a Divested Titles list, Dealing with Telemarketers, Negotiation of Internet Subscriptions, sample letters, Legal Publishers List, and Vendor contact Information and the CRIV member liaisons.
<http://www.aallnet.org/committee/criv/resources/index.htm>

Receipt of Unsolicited Materials

United States Postal Service

The U.S. Postal Service has a one-page information sheet that informs consumers of their rights and obligations when unsolicited merchandise is received. You can refer to the CRIV Page for a sample letter on unsolicited merchandise and a cite to the U.S. Code.
<http://www.usps.com/websites/depart/inspect/merch.htm>

License Agreements

General information may be found at these sites:

Association of Research Libraries Principles for Licensing Electronic Resources

<http://www.arl.org/scomm/licensing/principles.html>

LibLicense-L (moderated at Yale University)

Model license agreements are available, as well as access to discussion list archives.
<http://www.library.yale.edu/~llicense/index.shtml>

International Coalition of Library Consortia (ICOLC)

A statement of preferred practices for purchasing of electronic materials
<http://www.library.yale.edu/consortia/statement.html>

Licensingmodels.com

Model agreements for academic and corporate libraries.
<http://www.licensingmodels.com/>

Collection Development Issues

University presses and most major publishers outside the Thomson Group have a notification service for e-mail alerts. For sample collection policies, AcqWeb is the quickest source.

Lucy Moss, co-editor

Speakers:

Karen B. Douglas
Georgia State University
College of Law Library

Christine Graesser
Brown, Rudnick, Freed
& Gesmer

Moderator:

Jill Porter
Practising Law Institute

Program M-4: The Money-Go-Round: What to Do When Payments Go Astray

This panel presented a session on how to effectively work with vendors when payments are not properly credited and tips for preventing such situations. The session opened with three short skits entitled "Clueless Vendor," "Clueless Librarian," and "The Ideal Situation" in which both librarian and vendor are competent. Each skit dramatized a phone call from librarian to vendor concerning checks that had been sent but not credited to the correct account. Clueless Vendor highlighted an inadequate vendor response. Clueless Librarian initiated a phone call to the vendor with inadequate information in hand and unreasonable

expectations. Ideal Situation demonstrated a productive conversation between librarian and vendor.

The panel then discussed nine tips for ensuring library payments are applied properly:

Know your accounts. Know what you receive from which vendor and what your account numbers are. If you are new to an organization that hasn't kept good records in the past, contact vendors for help. If the vendor has a library relations director, that is a good place to start.

Pay defensively. Just as you practice defensive driving to save yourself from the misguided driving maneuvers of others, learn to pay defensively to protect yourself from the misguided payment maneuvers of vendors.

Befriend your accounts payable department staff. Encourage them to include account and invoice numbers on every check. Attaching back-up paperwork is great, but including your account and invoice numbers on the check is even better. Don't go to extremes and try to arrange to personally check every outgoing payment.

Consider how your organization pays its bills. Does it bundle invoices and pay vendors once a month? If so, you may receive second invoices for items received early in a payment cycle. Discuss your organization's payment cycle with the vendor. Small vendors that can't wait for university payment cycles may need special arrangements, which may include getting a check cut just for them. Some vendors have a "lockbox" arrangement, where payments go directly to a lockbox at the vendor's bank, much like mortgage and utility payments. Lockbox arrangements save 3-5 days.

Does your organization have a central payment group that is responsible for cutting checks for all your organization's branches? If so, ask that separate checks be cut for each branch rather than bundling all branch's payments on one check. It may cost your organization a bit more, but it will also help eliminate the risk of payments being applied to the wrong account.

Develop policies for payment of non-library purchases. Is your organization or the individual purchaser responsible for payment? Don't get stuck with someone else's bill because there is no policy in place to prevent it. In a law firm, arrange for the managing partner to tell attorneys if they order, they pay. Make sure all library staff knows not to order over the phone from a

telemarketing publisher and that law school faculty know they must go through the library for purchases if the library is to pay for them. Vendors typically open separate accounts for such telephone purchases, and this can complicate your payment situation.

Find a good contact at each vendor who understands your situation. A "good contact" knows how your payments are sent out and the time cycle involved. A vendor's librarian liaison is a great place to start if you don't already have a good contact. Otherwise, it's trial and error to find a good contact. If the publisher wants you to just use any customer service representative and you aren't satisfied with the outcome, ask to discuss the matter with his or her supervisor.

Address problems promptly. Don't sit on invoices and statements hoping the problems will resolve themselves during the next billing cycle. They rarely do, and chances are your problems will only compound over time. One panelist cautioned that every overdue bill is not a crisis. Some vendors continue to send notes when the check is on its way. With some experience, you get a feeling for this.

Use the CRIV Tools. The tools available on the CRIV Web site are time-tested techniques that help you avoid problems with vendors. And remember, if you've exhausted all possibilities of solving a payment problem on your own, CRIV can help. CRIV members have additional vendor contacts that can be helpful. This is a more direct approach than posting your situation to a discussion list, such as a law-lib.

Lucy Moss, co-editor

Want to learn more about one of these or other educational programs? Annual Meeting Handbooks, audiotapes, and CDs of all educational programs are available for purchase. To learn more visit: http://www.aallnet.org/products/products_educational.asp

What You Should Know About Business Systems

Jill Porter

*Practising Law
Institute
New York, N.Y.*

It seems that every few months or so, one of our vendors announces that his or her company is putting a new computer/business/accounting system in place. As librarians, we are alternately hopeful (will I finally be able to understand my statement?) and wary (how many accounts will I end up with now?). It is difficult for us, the hyper-organized data-literate, to understand why it is so hard for our vendors to keep their information straight. If we are particularly jaded, we might even feel that our vendors charge us what they do so they can pay for their latest systems.

But have you ever really thought about what might be involved in selecting and maintaining a business system? Close your eyes and think about your favorite vendor for a moment. Once you have the company clearly in your mind, consider these points:

- **Their lines of business.** How many do they have? Have they changed over the past five years? Are they likely to change in the near future?
- **Their customer base.** Is it large or small? Homogenous or heterogeneous? Don't just think about their library customers, but all of the company's customers.
- **Their business rules policies.** Are they cut and dried (as far as you know) or is there some flexibility in what the vendor can do for you?
- **Their employees.** Do they have a lot, a few? Are they available to customers only during certain hours or all the time? Are they available via phone, e-mail, Web?
- **The role of technology.** What kind of effect might changing technology have on vendors?

As you thought about these issues, I'm sure it became clear that there are many variables for companies to consider and that these variables are constantly in a state of flux. The primary reason for implementing a new business systems initiative is to gain or maintain a competitive edge. Companies aim to be more

efficient in how they target customers, relate to customers, reflect customers' needs, and relate internally. The constant state of flux makes achieving the companies' goals that much more difficult. Changing the technology, e.g. the business system, is sometimes the only way to achieve the optimal competitive advantage.

In general, a company's overall business system encompasses four different types of interrelated systems. The most basic is the actual office system, the stuff we all deal with regardless of our jobs. For practical purposes, this includes an organization's networks, its workstations, the software on its workstations, and, taking it a step farther, its overall communications systems, such as voice mail and Web servers.

The second aspect of the business system, and the most important to the customer, is the operations system. This system, or the components of the system that are somehow tied together like the ones you (don't) see in IBM's "then it hits you" ads, tracks such routine customer-oriented information as orders and receipts, as well as an organization's internal information like payroll and inventory. It is also the system that most of the customer service representatives with whom you communicate work with, whether it is in a Web-based or traditional software form.

The third part of the system is the management system—a veritable "paper factory." This part of the system generates reports: sales reports (by product, by geographic area, by customer type, by discount, etc.); accounts receivable reports (how the money is coming in); accounts payable reports (how the money is going out); and marketing reports (how a particular advertisement/brochure/catalog/e-mail/Web page is doing at generating more sales). Basically, if specific variables can be identified and need to be compared, a report to fit those needs can be generated.

For an information junkie, the management system is where the "good stuff" resides. Different information nuggets from different parts of the company can be pulled together to provide a more comprehensive picture, e.g. what the sales of a particular book are (information that stems from sales and marketing) and how quickly the revenue is coming in (information that comes from accounts receivable). This information can be used to add or drop products, raise or lower prices, target particular customers, or target whatever decisions need to be made to increase revenues, cut costs, make boards and shareholders happy, and optimally allow companies to best align themselves with their customers' needs.

The last part of the system, the strategic planning component of the system, is the most sophisticated, the most complicated, and the most difficult to get right. Ideally, this part of the system would allow a company to plug in some variables from the management system, add a "what if" scenario, and accurately predict the future. For example, a vendor wants to determine what sales in a particular database might be in five years. One way to do this is by looking at past sales and the number of practitioner/customers in that field and extrapolating the

five-year sales figure based on that. Of course, this is an inexact science, as the dot.com boom and most recent economic downturn have clearly shown. But this strategic information can still serve as a general guide as to where a company might head to maximize its competitive advantage.

Now that we understand what a business system is, let's look at how vendors arrive at the decisions of how that business system is designed and implemented. There are at least five basic areas an organization needs to look at before designing a new system: the strategic direction of the organization; the current system; requirements for the new system; the business and managerial structure of the organization; and implementation of the system and its budget.

A change or clarification of strategic direction is often what starts the whole business system initiative. If the current system is not maximizing competitive advantage, something needs to be corrected. It is important that a company be as specific as possible in its strategy so that the system can be designed around those goals. As Dr. Phil says, "You have to name it to claim it." For example, if a company wants to be the industry leader in litigation support systems, it should not have a system whose design is based on another product line, like books. That would be similar to implementing a library system that was great for traditional materials cataloging when your library was changing over to primarily electronic information. The focus for the litigation support company should be on designing a system that will increase sales, identify target customers, and service its litigation support system customers best while encompassing enough flexibility to handle other types of sales, marketing, and service.

The second step an organization needs to take is examining its current system and its business procedures and policies. A company should evaluate its software and hardware to determine if any of these components can be carried over to the new system. Business rules should be examined in depth to determine whether the current system is in alignment with the rules, how the new system will accommodate the rules if the current system is not in alignment, or whether changes need to be made to the rules themselves. This all sounds relatively cut and dried until a company realizes that some of its business rules and policies are not "codified" anywhere, are not up to date, or, because of a merger or reorganization, are conflicting. It is imperative that the organization take the time to clarify these policies before the new system is designed. The cost to make post-design changes can be extremely high, not to mention the very real costs of customer dissatisfaction.

At the same time the organization is analyzing its current system, it is bound to determine what improvements or changes it would like to see in its new system. Perhaps the company's lines of business have expanded from just books to books *and* online databases. It is more than likely that the company's current system was not optimized for handling online database subscription purchases with the requisite passwords, expiration dates, and probable alternate billing methods (e.g. monthly as opposed to a one time sale). Changes in the new business

system will need to reflect these new requirements while retaining what was useful in terms of its book business from the old system. To compound matters, it may also become apparent that the old organizational structure will not work if the desired strategic plan is implemented. The company expanding from books to books and online databases may have thought its existing editorial and publications department could handle the maintenance of the company's online database as well. Closer examination, however, may reveal that the company will be better situated to optimize its competitive advantage if it separates the online business from the book publishing arm. While it seems if a business systems project is primarily one of changing software, some very fundamental organizational changes often accompany a project of this magnitude.

At some point, the rank-and-file employees have to factor into the equation, if they have not had a chance to participate in the needs assessments taking place up until this point. How the transition to the new system is going to be handled is crucial to the success of the new business system, and representative employees from each area should be involved. Some things that need to be considered are:

- **Training.** External or internal?
- **Data conversion.** Who is going to do it? Can all the data be converted to the new system?
- **Testing.** Who is going to test the system?
- **Legacy.** Is the company going to run parallel systems (old and new) and for how long?
- **Staffing.** How is the company going to conduct business as usual during the transition process, if current employees

are assigned to data conversion and testing and/or temporary employees are brought in?

The last thing a company should ever do is dump a new system on its employees without employee testing. Even if it requires longer days and a heavier workload (and it will!), a company needs to involve its "hands-on" employees as much as possible. Early buy-in is imperative.

The last but not least item to be taken into consideration is the cost of a new system. Depending on the amount of new hardware and software that needs to be purchased and licensed, the number of consultants who assist with the project, the number of programmer hours, the number of modifications, and the amount of employee overtime and training, the cost can go straight from manageable to knocking a CEO straight out of his or her seat. Companies often resort to financing in order to manage the overall costs of the project, trying to ensure along the way that the system will pay for itself through increased efficiency and productivity. Companies must also give consideration to ongoing maintenance and future changes to the system. Whether or not a company can rely on its own IT staff to program changes or whether it needs to rely on an outside vendor can make a dramatic difference in the overall cost of the system. Despite hopes that the latest business system will be the last, that is seldom the case.

No company embarks on a business systems initiative lightly. There is too much money at stake—the actual cost of the products, the number of hours spent working on it over one or two years, and the potential benefit it can have on the bottom line. Companies will do their very best to ensure that the decisions that are made will best help them maintain their competitive edge and meet their customers' changing needs.

Law Library Responses to Rising Serials Costs

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Rising costs for legal serials and the inability of library budgets to keep pace with those costs have forced a number of fundamental changes in law libraries' acquisitions policies and practices over the past 20 years. The *Price Index for Legal Publications 2d* (available on the member-only section of AALLNET), which tracks prices for the period 1998–2002, reveals that prices for legal serials (excluding periodicals) have risen a total of nearly 50% in just four years, or at an average annual rate of 10.62%. Thus, the cost of supplementing the 527 titles comprising that portion of the index rose from \$312,725 in 1998 to \$469,843 in 2002. Assuming that prices continue to rise at an average annual rate of 10.62%, the cost of supplementing the same 527 titles will total \$860,905 in 2008, bringing the total 10-year (1998–2008) percentage increase to more than 175%. Or, expressed differently, you can expect serials costs (excluding periodicals) to double every seven years. Comparing these projections with your library's likely

budgetary increases over that period will give you a better sense of the magnitude of the problem.

Faced with these projected increases in costs, law librarians have already taken a number of steps to bring expenditures in line with anticipated budgetary increases. These include outright cancellation of selected titles (e.g. print digests, citators, and reporters), reduction in the acquisition of new titles, and the cyclical purchase of supplementation to secondary sources. Ironically, according to Anne Ellis, senior director of customer programs at West, the reduced demand for West print titles (and, by extension, their supplements) is one of the causes for higher than average price increases, (see *The CRIV Sheet*, Feb. 2003, pp. 5–6), a development that becomes a self-fulfilling phenomenon. Nevertheless, law librarians must respond to these price increases in ways that will preserve collection integrity with limited resources.

The most significant of these involves confronting the issue of supplementation frequency, particularly as it pertains to secondary materials. Dropping standing orders and purchasing supplements on either a cyclical or an as-needed basis can yield significant cost savings. In the "old days," standing orders were the rule of the day and law librarians were hesitant to abandon them. As both initial and supplementation costs began to rise at rates far in excess of libraries' ability to keep pace with them, librarians began to question both the philosophical and practical bases for standing orders. The following are some of the justifications for canceling standing orders for secondary materials:

1. Secondary sources are a starting place for legal research, not the last word on a subject.
2. Maintaining standing orders for each serial title in your collection will sharply curtail your ability to provide at least basic coverage in the form of many additional existing or new titles. For example, buying supplements every third year will allow you to provide basic coverage for three times as many titles than if you maintained standing orders for every title in your collection.
3. Year-to-year changes in supplementation content are usually too insignificant to justify the high relative costs.
4. Publishers have come to rely on the annual revenue stream from each title in their catalog and will produce supplementation even when it is not warranted.
5. It makes far more sense to update the content of legal treatises by using the appropriate jurisdictional citators and primary sources than to provide annual updates for each treatise.
6. Even with a standing order, editorial lag times for print titles will still guarantee that the content of supplements will be three to eight months old by the time they reach the user. Thus, research in the primary sources is still a necessary part of the research process.
7. Lazy researchers, oblivious to the costs, will always prefer to be spoon-fed the latest up-to-date information rather than having to conduct some research in the primary law. The library should not have to support this wastefulness.
8. Supplements are not an "investment" by any stretch of the imagination, merely one of the costs of practicing law or operating a law library.
9. Librarians can always order specific supplements on a rush basis, when necessary, or contact fellow law librarians on the listservs for more up-to-date content.
10. A heavy reliance on standing orders can mask or obscure lack of usage and its attendant waste.

11. The treatise collections of larger law libraries will have significant overlap in subject coverage, thereby providing the basis for rotating updates.

A systematic evaluation of your collection of secondary sources and the appropriate supplementation policy for each title will necessarily involve an examination of the form in which supplementation is provided (e.g., cumulative pocket parts, interfiled pages, etc.), and the assemblage of historic supplementation costs as a basis for projecting future costs. In this regard, the initial costs and history of supplementation costs provided in the Appendix H spreadsheet of the latest edition of the *Legal Information Buyer's Guide & Reference Manual* (Rhode Island Law Press, 2003) provide the most convenient means of gathering this information for nearly 1,400 legal treatise and other specialty titles (supplementation costs for more than 1,000 additional titles are scattered throughout the book). In fact, the book's publication date (June of each year) is dictated by the ability to collect, collate, and publish this supplementation data for the prior year.

Access to initial and historic supplementation cost data is an essential ingredient in making appropriate determinations regarding the frequency with which individual titles should be supplemented. The former FTC Guides for the Law Book Industry (16 C.F.R. 256, rescinded Jan. 19, 2000) specified that publishers were to provide consumers with at least two years' supplementation cost history in their catalogs and flyers. As publishers moved to the Web, however, this essential cost data was conspicuously absent from their online catalogs.

One of most significant provisions of AALL's recently adopted *Guide to Fair Business Practices* (November, 2002) is Principle 2, a measure directing publishers to provide "where possible, historic data on the cost of supplementation for the product" as well as "anticipated supplementation costs." Recent statements by representatives of the leading legal publishers at the recent AALL CRIV Forum in Seattle (including Aspen Publishers, BNA, CCH, LexisNexis, and West) indicated enthusiastic support for the *Guide to Fair Business Practices*. The degree to which these and other legal publishers provide historic supplementation cost data on their Web sites will be one of the best measures of that support. It is critical that the law library community monitor their compliance with this provision of Principle 2.

Armed with this data, you will be in a better position to compare each title's initial cost with its supplementation cost history and make a determination regarding how frequently it should be supplemented as a part of your overall collection management plan.

New Product Award Nominations Sought

Discovered any great new library products this year? If so, let us know! It will soon be time for nominations for AALL's New Product Award.

The New Product Award honors a legal information product that has been in the library marketplace for no more than two years. The product must enhance or improve existing law library services or procedures. Innovative products that improve access to legal information, the legal research process, or procedures for technical processing of library materials may also be nominated. Products that have been reintroduced in a new format or with substantial changes are eligible.

Look at the list of wonderful products that have received this award so far:

- **How to Shepardize.** Shepard's McGraw-Hill, Inc. (1995)
- **Health Law & Business Series.** BNA, Inc. (1997)
- **CIS Congressional Universe.** Congressional Information Services, Inc. (1998)
- **KeyCite.** West Group (1999)
- **IndexMaster.** IndexMaster, Inc. (2000)
- **Hein-On-Line.** William S. Hein & Co., Inc. (2001)

During the past two years, we have continued to see rapid changes in technology and an increasing amount of new product development, yet no award has been presented. We hope to honor a new product this year and encourage AALL members to think about the exciting new information products they are using in their libraries and to send us their nominations. Self-nominations by vendors are also encouraged.

The CRIV's New Product Award Subcommittee screens nominations and makes recommendations to the AALL Awards Committee. To submit a nomination, complete the New Product Award Nomination Form available on the CRIV Web site (<http://www.aallnet.org/committee/criv/news/newproductform.pdf>) and send it to:

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Nominations must be postmarked by February 1, 2004

The Price Index for Legal Publications, 2d: The CRIV Sheet Interview.

Editor's Note: In 1976, Bettie Scott, then a reference librarian at the University of California-Davis School of Law and later at the City University of New York School of Law, began publishing an annual article in *Law Library Journal* entitled, "Price Index for Legal Publications" (1 *Law Libr. J.* 69). The first *Price Index* compared the 1974-75 prices of more than 700 serial titles to the 1973-74 (base year) prices of those same titles. In addition, a selective comparison was made of approximately 2,500 law and law-related treatises published during the same period. The *Index* was "designed to reflect costs for collection maintenance," and over the next 20 years became one of the most anticipated *Law Library Journal* articles of each new year. It quickly became a standard tool for tracking publishing trends and developing budgets. In 1995, the *Price Index* took on a new format when it was published by AALL as a booklet. After 21 years of compiling the *Price Index*, Bettie Scott passed the editorial duties to Margie Axtmann, who produced the last paper edition in 1996.

Talk of creating a new *Price Index* actually dates back prior to the last paper edition. In 1992, the CRIV created a Price Index Subcommittee in hopes of developing an electronic *Index* that would provide more detailed information. Over the next four years, the subcommittee contacted publishers, gathered data,

and input a limited number of prices into a database, but ultimately no new index developed. Although unable to continue as editor after the 1996 *Index*, Margie Axtmann never gave up hope of bringing the *Price Index* back to life. Thus, when she became president of the association in 1999, she created a Special Committee on Pricing of Legal Publications (chaired by Anne Belle Leiserson of Vanderbilt University) and charged it with investigating the need and viability of creating a new *Price Index*.

Based on that committee's report, the AALL executive board approved the recommendation to appoint an editor and an advisory committee. The Price Index for Legal Publications Advisory Committee (chaired by Anne Poulter) was created in 2001. This advisory committee began collecting and entering price data into a database. In December 2002, the new and improved *Index* debuted as an electronic publication on the "Members Only" section of AALLNET (http://www.aallnet.org/members/price_index.asp). Edited by Anne Poulter, the first release covered the years 1998-2001, while a second release has since added 2002 data.

As we approach the first anniversary of the second edition, *The CRIV Sheet* decided to ask Poulter a few questions about the *Price Index for Legal Publications, 2d*.

The CRIV Sheet: How many titles are included in the *Price Index*, and how were they selected?

Anne Poulter: There are 915 titles in the *Price Index*. We began by looking at titles in the prior index and titles used in the economic survey done by Mark McCabe for AALL (see <http://www.prism.gatech.edu/~mm284/LegalPub.pdf>). We expanded the list of state statutes and digests to include all commercial products. We also added titles contributed by committee members in law firms, especially in the category of newsletters.

The CRIV Sheet: I know you try to get most of the data from the publishers. What happens if a publisher is unable to provide the data?

Anne Poulter: For the sake of consistency, we wanted publisher input as much as possible. When the publisher could not or would not provide the data, we used data from the library records of committee members. For state materials, we solicited input from libraries from the specific states so that we could get "in state" pricing. If the data did not come from the publisher, we tried to get corroborating data from more than one library.

The CRIV Sheet: Have most publishers been cooperative?

Anne Poulter: Most publishers have been very helpful and we appreciate their efforts. Gathering information from prior years was difficult for some publishers. Company mergers often involved mergers of automated accounting systems. Sometimes data was lost or the publisher felt that it was not cost effective to try to retrieve the data. We continue to try and encourage all publishers to contribute to the effort and believe that asking for the data for current information should not be as problematic now. It is in the best interests of publishers to participate so that they will not be misrepresented in the index.

The CRIV Sheet: What happens if there are multiple prices for a single title (i.e., a price for academics, a price for firms, etc.)?

Anne Poulter: We didn't see specific issues between academics and firms that could be explained by the type of library alone. There were pricing discrepancies between libraries that were not necessarily explainable. The possible causes are numerous. Libraries may have reported in the year when an invoice was paid, when a shipment was received, or the date on the invoice. Some libraries may have volume discounts that they are not aware of. Others may have begun their subscription at different times. We tried to get multiple libraries to provide data so that we could take the most common price.

The CRIV Sheet: Are shipping and handling charges taken into consideration?

Anne Poulter: Shipping and handling was not included, if we could separate it out. West, however, includes shipping and handling in their price.

The CRIV Sheet: Why are only paper products included?

Anne Poulter: We would like to include electronic titles in the index and have discussed the topic over the last two years. The issues are complex, and we are not sure we can provide numbers that will accurately reflect costs for comparable products from year to year. Publishers are still experimenting with different models to determine what will sell. Bundling paper with electronic was a frequent option in the early years to help customers get used to electronic resources. Now we are seeing paper products enhanced with electronic updates or paper being replaced by electronic. The committee is working on a proposal to include electronic products for the 2004 calendar year.

The CRIV Sheet: What do you do if a title ceases or is taken over by another publishers?

Anne Poulter: If a title ceases, we will substitute another title that is in the same category (e.g., supplemented legal treatises) and on the same subject. If the title is purchased by another publisher, it is continued in the index with a note indicating the change in publisher. Title changes are reflected in the index under the latest form of the title.

The CRIV Sheet: How do you think the index is being used by libraries? Have you gotten much feedback?

Anne Poulter: The index is primarily used to set budgets for the coming year. Because the data is a reflection of figures for prior years, it is only one tool to try to project budgets for the future. Feedback has been positive. Library managers are appreciative that AALL has resurrected a useful tool. We are still working on getting the data out more quickly after the conclusion of the calendar year so that it is available when directors and budget managers need to respond to their parent organizations.

The CRIV Sheet: The old *PILP* included book prices. Why did you decide to not include them in the new version?

Anne Poulter: Statistics for monographs (by subject) are reported in other resources (see the *Index* for references.) Libraries have more discretion in selecting monographs, and the choices are more varied. The committee did not think that it was a particularly useful statistic to track.

The CRIV Sheet: I've heard the index may become more interactive in the future. Is that true and, if so, how will it change from its current form?

Anne Poulter: The report will stay the same from year to year to provide the consistency that is necessary for an index to be accurate. However, we would like to make the database used for the index more accessible to the membership of AALL. This fall we will be designing an interface to the Web site that will allow specific queries of the database. Hopefully, this will enable a law firm specializing in a particular area of law to refine its data gathering and see the impact of price changes on its budget.