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The CRIV Sheet

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The CRIV Sheet

Editor's Corner

Welcome to another new volume of *The CRIV Sheet*. As has been the case in the past, our first issue of each new volume focuses on events at the AALL Annual Meeting and Conference. In addition to the educational programs at Boston, I found the conference filled with opportunities to tweak my skills as a law librarian. Whether it was an informal discussion with a colleague or vendor, or a more organized group of acquisitions librarians discussing issues of common interest, the Conference always provides a variety of learning experiences.

We start the new volume off with our Conference summaries, and the first is Beth DiFelice's account of the very well received "CRIV Hot Topic: Trends in Legal Publishing." Next comes a summary by a colleague of mine at Indiana University, Jennifer Bryan. I asked Jennifer, our documents librarian, to let us acquisitions types know what is new in the world of U.S. government documents. She does this by reporting on the program, "The Virtual Federal Depository Library Program: A Reality for the 21st Century." Larry Meyer, of the Law Library for San Bernardino County, is next with his summary of "Creating and Maintaining Legal History Collections: Collections Development and Analysis Issues for the

Law Librarian." Tom Gaylord, of the Chicago-Kent College of Law, follows with his view of the CRIV-sponsored program, "Let's Make a Deal: Strategies to Avoid Paying List Price," and CRIV Past-Chair Margie Axtmann completes our summaries with a review of the program, "Legal Information Microform Materials: The Gold Standard for Legal Collections, Research and Preservation."

This new volume will be the first to follow a recently revised *Editorial Policy and Procedure* document that was approved by the AALL Executive Board in July. Special thanks go to the subcommittee that revised the document and to all the members of last year's committee. Special thanks must also go to last year's co-editor Lucy Moss for all her hard work. Lucy's assistance throughout the entire newsletter process was invaluable. I am also very happy to announce that Carmen Brigandi, of the California Western School of Law Library, will be serving as the assistant editor this year and will take over as editor in 2005-2006. Finally, let me conclude by making my usual plea for feedback from our readers and request that anyone interested in writing an article please contact Carmen (ceb@cwsu.edu) or me (rvaughan@indiana.edu).

Ellen Strbak Administrative Office of the U.S. Courts, Washington, D.C.

From the Chair

Fostering effective communications with the publishers of legal information is probably one of the most important and interesting challenges that law librarians face. Whether negotiating with a publisher sales manager for the purchase of a new product, working with customer service representatives on a particular issue or question, or handling a billing question with accounts payable, communications are key for both librarians and publishers to identify and understand each other's business needs. With the introduction of more and more electronic products, continuing consolidation in the publishing world, and changes in publishers' structure and business systems, the arena has fast become complex indeed.

Help is available for AALL members to work through this complex maze. The CRIV is here to respond to your questions and concerns and to work with both librarians and publishers to help facilitate these communications to enable both parties to gain a better understanding of each other's processes, policies, goals, and needs. Please feel free to contact

me directly with any questions, issues, or concerns by phone or e-mail or by using the Request for Assistance Form on the CRIV's Web site, www.aallnet.org/committee/criv/publisher_communication/request_form.htm. One of us on the CRIV will respond as quickly as possible.

The CRIV members monitor a number of discussion lists to keep abreast of the issues facing law librarians daily. As many of you have experienced and read about, issues relating to shrinking budgets for the purchase of legal resources, the continuing shift from print to electronic products, license agreements, projecting annual price inflation, and perhaps most noticeably, dealing with unusually high price increases, continue to challenge law librarians. The CRIV helps to represent the issues to legal publishers and advocates for fair business practices through personal conversations about both general and specific issues. The CRIV members may provide feedback directly to an individual librarian and will often ask the publisher to develop a message to be sent to a wider audience via a CRIVGram.

CRIVGrams provide an electronic means to disseminate information about specific issues or practices to a widespread audience in a timely manner. Once an issue is discussed with both librarian and publisher, a CRIVGram may be issued. Occasionally a publisher may request that the CRIV post a CRIVGram on its behalf. The CRIV will do so only if the topic concerns content or customer service issues. The CRIV will not post promotional messages or, if such language is unavoidable, will disclaim the promotional content in order to maintain credibility with librarians.

The CRIV continues to work with AALL's Fair Business Practices Implementation Task Force to promote use of the *AALL Guide to Fair Business Practices for Legal Publishers* (www.aallnet.org/about/fair_practice_guide.asp). Librarians are encouraged to use the principles outlined in the *Guide* when communicating with publishers, and publishers are encouraged to evaluate their business practices against the standards put forth in the *Guide*.

To provide librarians with further assistance in communicating with publishers, the CRIV provides a group of tools via the CRIV Web site, www.aallnet.org/committee/criv/resources/tools. A CRIV Tool is a document, such as a checklist, sample form or letter, guidelines, or tips, intended either to aid acquisitions and serials librarians in the performance of routine tasks or to assist them in solving commonly occurring problems. This year, the CRIV plans to revise and update these tools and welcomes any suggestions you might have in this area.

CRIV members are available and ready to serve. Let us know your successes—what communication strategies are working for you? And let us know the pitfalls, too—what nagging problems seem to persist? How can we encourage publishers to provide more information to help librarians manage their budgets and changing collections, while still meeting their users' needs? Consistent with the theme for the 2005 Annual Meeting and AALL's planning initiative currently underway, let's *strategize!*

Boston 2004—Educational Program Summaries

Editor's Note: The handouts for these programs, and all the Boston educational programs, can be found online at <http://aall.omnibooksonline.com/2004>. Recordings of the programs are available for purchase at www.aallnet.org/products/products_educational.asp.

Program B-2: CRIV Hot Topic: Trends in Legal Publishing

Speakers:

David Jastrow
Simba Information, Inc.

Bob Oakley
Georgetown University Law Center

Kay Todd
Paul Hastings Janofsky and Walker

The CRIV Hot Topic took place before a full house on Sunday morning. "Trends in Legal Publishing" was chosen from the many topic ideas submitted to the CRIV. David Jastrow, a senior analyst at Simba Information and the lead author of *Simba's Publishing for Professional Markets*, was the primary presenter. Simba Information is a market intelligence firm specializing in the publishing industry. It was recently acquired by R.R. Bowker.

Simba's customers include the "Big 4" legal publishing companies: BNA, Reed Elsevier, Thomson, and Wolters Kluwer. A panel of librarians reacted

to Jastrow's remarks and commented on how the legal publishing trends Jastrow identified affect law librarians. Panelists were Bob Oakley, director of the Georgetown University Law Library and AALL's Washington affairs representative, and Kay Todd, a librarian at Paul Hastings Janofsky and Walker LLP and chair of AALL's Fair Business Practices Implementation Task Force.

Analysis of Current Trends

Jastrow gave an objective industry analysis of current trends in legal publishing and legal markets, including a number of interesting facts and figures. In 2003, the U.S. professional publishing market generated sales of \$15.53 billion, and \$5.57 billion of that was generated by the U.S. law publishing market (35.8 percent). Following legal publishing were the science/technology, medical, and business publishing markets.

Jastrow posed the following question: Is the legal publishing market saturated? His answer surprised me and probably most members of the audience. In Jastrow's opinion, the legal publishing market has cooled but is not saturated. Information is the lifeblood of any legal practice; law publishers are finding new ways of growing their businesses, and new technologies provide new opportunities for growth, he said.

What is the largest piece of the legal publishing market? Not surprisingly, the answer is books, which

encompass 42.9 percent of the U.S. legal publishing market, with \$2.39 billion in revenue last year and a 2 percent growth from 2002 to 2003. Online legal services are the fastest growing market—it grew 6.4 percent in 2003 to be 27.3 percent of the U.S. legal publishing market, with \$1.52 billion in revenue. The market for newsletters and looseleafs is declining and represents only 15.8 percent of the legal publishing market. Law journals are experiencing a slight growth, now representing 2.6 percent of the legal publishing market and 8.4 percent of all professional journal titles. Intellectual property is the hottest law journal subject area. The *ABA Journal* was the most circulated professional journal in 2003 with a circulation of 387,632. The *ABA Journal* is the only legal journal on the list of the top 10 professional journals. Science, technology, and medicine dominate the professional journal market.

Just how much revenue does the “Big 4” bring in? Thomson had the most, reporting \$3.14 billion in revenue last year. Reed Elsevier was second at \$2.43 billion. Wolters Kluwer had \$1.41 billion, and BNA had \$242.5 million. How are Westlaw and LexisNexis faring? Thomson West’s online revenue growth has been declining, and LexisNexis’ online revenue growth is increasing.

Jastrow also listed what he thinks are the current trends in legal publishing. He sees that legal publishers are seeking growth beyond the content of their products and growth globally. He also noted that the number of lawyers has leveled off—in 2000, there were 1.048 million U.S. lawyers, and in 2002, there were 1.050 million U.S. lawyers.

What’s hot in the legal publishing industry according to Jastrow?

- Knowledge management is a growing market.
- Publishers are creating enhanced search features, such as Westlaw’s StatutesPlus.
- Scholarly legal textbooks are hot to some legal publishers. Last spring, Cambridge University Press bought the *Law in Context* series from LexisNexis UK and is considering additional legal textbook acquisitions, if the opportunity fits.
- Small-scale mergers and acquisitions are occurring. Examples include Cambridge University Press’s acquisition of *Law in Context* and Thomson’s purchase of Glasser LegalWorks (a producer of legal seminars and events) and Andrews Publications (directory database service).
- Publishers are going global. For example, Wolters Kluwer recently acquired the German online publication Verlag Praktisches, and LexisNexis

recently hosted a delegation of Russian law librarians. Germany, the United Kingdom, China, and Russia are the growth legal markets.

- Then there’s “blogosphere,” which the Oxford English Dictionary added as a new word. There are currently hundreds of legal blogs, some by well-known law professors.

On the Horizon

What about the future? Jastrow forecasted that the U.S. legal market will grow 10 percent between 2004 and 2007 to \$6.32 billion. Online publishing will grow at the fastest rate. Journals will show some growth (less than 2 percent) and will continue to be the smallest part of the market. And the newsletter and looseleaf market will decline, but not go away. The largest growth will be in global markets.

Bob Oakley responded with two points. First, legal publishing is a highly concentrated industry with two primary legal publishers, which is very different than the situation 10 years ago. Second, in response to Jastrow’s opinion that the legal publishing market is not saturated, Oakley stated that although the publishers are growing new product lines, such as knowledge management, most law librarians would agree that the legal publishing market is saturated. Discussing price increases, Oakley theorized that when one publishing company acquires another, the company thinks it has to raise its prices to justify the huge expense of buying that company. Price increases have been excessive and more than the market can bear. The legal publishing market is saturated because our institutions can no longer pay publishers’ huge prices and are starting to make cancellations. Oakley ended his remarks by stating that if the market was acting normally, there might be more room for smaller publishers.

Kay Todd compared the small growth in the number of lawyers to the projected growth of the legal publishing market. These statistics tell us that publishers will have to sell more things to the same people. She then asked Jastrow for the factors accounting for the recent price increases. Jastrow guessed that the price increases are caused by intense competitive pressure and the transition from print to electronic—product development is expensive for publishers, and they are trying to recoup their costs.

Beth DiFelice

Arizona State University Ross-Blakley Law Library

Editor’s Note: David Jastrow’s Power Point presentation can be downloaded from the CRIV’s Web site at www.aallnet.org/committee/criv.

Program C-2: The Virtual Federal Depository Library Program: A Reality for the 21st Century

Speaker:

Bruce R. James

U.S. Government Printing Office

As public printer of the United States and CEO of the U.S. Government Printing Office, Bruce R. James is responsible for reorganizing an obsolete facility into an agency at the cutting edge of the latest technologies. The Government Printing Office (GPO) produces and distributes information products and services for all three branches of the federal government, and more than 250,000 document titles are now available to the public via the Internet at www.gpoaccess.gov.

In April 2004, James revealed “the strategic plan for the future of the GPO as the government’s primary resource for gathering, cataloging, producing, providing, and reserving its published information in all forms.” He said, “GPO is at the very epicenter of technological change that is influencing virtually every aspect of federal information policy.”

James came to Boston to discuss this strategic planning process, no-fee public access to U.S. government documents through the Federal Depository Library Program (FDLP), and his plans for a fully digital database of all past, present, and future government documents.

He began by tracing the history of GPO, whose roots go back to 1813 when Congress passed a series of laws stating that every government document must be made public. Technology for creating printed products has changed over time, and the GPO has been at the forefront of new information formats. Computers, the Internet, and desktop publishing have all had an impact on the creation, dissemination, and preservation of U.S. government information. “GPO has faced the breakdown of government information and publishing standards,” James said, “and this has deprived the public of the uniform and predictable availability of official government documents.” Also threatened is an accurate record of the work of our government.

Welcome to the 21st Century

President George W. Bush asked the public printer to move the GPO out of the 19th century and into the 21st century. James’ first response was to engage in a strategic planning process. He understood the rich history of GPO in government printing, but also realized that it didn’t characterize what GPO is about today.

James said that GPO as a facility, the largest printing and information processing facility in the world, is totally obsolete for its purposes. GPO has continued through the years to think of itself as a print-centric organization, as opposed to understanding that its customers (the courts, Congress, and executive branch agencies) do not look at information as their mission; the information surrounding them is secondary to their missions. The GPO is the only agency in all of government, he said, that thinks about the information that is created and what is needed to disseminate it and maintain it into perpetuity.

Computers, he said, have had an enormous impact on the production and dissemination of government information in the last 10 years. In 1994, GPO produced its first online publication, *The Congressional Record*. Today more than 268,000 publications are now available online through GPO Access, and more than one million documents are downloaded every day through its Web portal. “More than 50 percent of our documents are born digital and will never be printed, except on demand and as needed,” he said. “This calls for a different type of information dissemination system, one that can deal with versioning, authentication, and preservation of the American government in perpetuity.”

The most stunning aspect of this trend for librarians is the issue of authentication, James said. When you download a publication from the Internet, you have no way of knowing whether it’s an authentic government document. He believes that the most interesting part of the process is how to authenticate information—a “chain of custody” issue. Where do we get control of an electronic document where we can encapsulate it, lock it, and pass it down through the chain so that everyone knows it’s an authentic government document? The issues are really business issues, not technological issues, he said. It’s a matter of how to set up a system that’s flexible enough to change as technology changes. GPO currently has tests running to authenticate portions of the *Federal Register*, and this will be an important part of GPO’s future strategy. He also noted that a new 21st century GPO style manual will be produced in the future.

The Future is Digital

James noted that 10 years ago 35,000 people subscribed to the *Federal Register*; today there are fewer than 2,000. “If those changes continue,” he asked, “how long can GPO continue to print the *Federal Register*?” He anticipates that in 10 years, the *Federal Register* probably will not be printed, because GPO will not be able to afford it, which means access will have to be electronic.

James wants to digitize every government document going back to the *Federalist Papers*. The plan is to locate every federal document possible, digitize the documents, and put them into a searchable database. He recognizes that this will be a lot of work and will require cooperation and partnership with the regional federal depositories and research university libraries. GPO is communicating with directors of large libraries to discuss sharing particular pieces that they have.

GPO intends to back up its digitized documents with hard copies and is discussing the best way to do this with experts from around the world. As it scans the documents, GPO will record them on film and store the film in a dark archive. On its public access system, the GPO Access portal, it will simplify the search engines. When it comes to data-mining, GPO would like to license the latest and best technology for distribution to depository libraries at no cost. James envisions a continual training program for depository librarians with an emphasis on how to deal with electronic information and, in particular, how to use the tools that GPO will develop. According to James, GPO will continue to enhance the skills of documents librarians, who are the experts in understanding government information, and GPO will be supported by Congress.

He doubts, however, if GPO will continue to support the 53 regional depositories as it has done in the past. "It is getting too expensive for the libraries involved," he said. "Once we get to the point that people will believe in the integrity of the electronic database, then GPO will have four super-regional depositories around the country to maintain paper copies, and there will be two dark archives." GPO will partner with the National Archives for one of those dark archives while the other will be located in another part of the country. The dark repositories are the ultimate in protection for the collection, James said.

GPO will publish fewer and fewer documents in paper. Judy Russell, superintendent of documents, is working with the library community to decide which documents to keep in print and for what period of time. James has set a five-year horizon where certain documents will remain in print for at least five years.

Money, money, money

At the end of the day, economics come into play, and James is worried about the numbers. He noted that printing all these documents "creates a tremendous burden on taxpayers." He also admitted that it doesn't always make sense as to which publications are printed and which are published electronically. "I think," he continued, "we need to have a base number of titles that we all agree are absolutely important, that we are not going to give those up at this point, and that we are going to continue to pay the price, no

matter what it is, to produce those. But then [as to] the rest of [the titles], I think that we are going to have to wean ourselves off of paper and move to electronic."

GPO gets two appropriations from Congress. One is for Congressional printing and binding, while the other is the superintendent of documents "sales and expenses" account—which is used to run the FDLP. Congress supports the FDLP and continues to fund the account, which represents only about 15 percent total revenue of the GPO. The rest comes in the sales of GPO services to agencies and from the sales of documents to the public. Document sales have fallen from nearly \$100 million to under \$30 million in the last 10 years. Congress will not supplement it, and the sales program is losing millions of dollars a year out of GPO's revolving fund and cannot go on.

James is looking for ways to bring in revenue, including the possibility of building revenue from the Internet. But librarians should not panic, he said. Anything that is on the Internet now for free will remain free. GPO might partner with the private sector to put special packages together for special-purpose users, charging fees for it. "At the end of the day," he said, "depositories will have all of that information for free."

Question and Answer

Some of the most interesting information from the public printer came during the question and answer session. I asked James how GPO could compete with companies like Hein Online and LexisNexis—companies that are already digitizing historical document collections and that provide databases with better search functionality than GPO Access. "It's an interesting business when you build a business based on government inefficiency," he answered. "You do so at your own risk."

He said that the private sector will always have resources to bring to the table and will have ways of looking at things that are more advanced and faster than the government. He expects that the increasing use of electronic information will increase the importance of the private sector. GPO is not looking at how to compete against the private sector, but rather how to partner with the private sector in instances where both will have things to bring to the table. The bottom line, he said, is that all the information created by the government should be available to the public without charge. Any value-added repackaging, however, may require user fees.

I also asked him if he had any plans to upgrade GPO Access' servers. James admitted that he was embarrassed to be associated with the technology that he has today. The good news is that he is doing something about it. Specifically, he has put together

an innovation and new technology group, headed by a chief technical officer, which is designing the next generation of government information systems. "What we download today," he said, "will change rapidly over the next few years. The next generation of government information systems will include the ability to incorporate video and sound. When people look back 100 years from now and want to understand what this law was all about, we want to give them the context—and that's what computers do. Government information will take on a whole different form and shape in the next generation."

Jennifer Bryan
Indiana University School of Law Library

Program D-4: Creating and Maintaining Legal History Collections

Speakers:

Laura Bedard
Georgetown University Law Center

Karen Beck
Boston College Law Library

Mike Chiorazzi
University of Arizona College of Law Library

This program had originally been scheduled for the 2003 convention, but due to the unavailability of one of the speakers, had to be rescheduled for Boston. The panelists provided a quickly moving, informative, and thought-provoking session.

Laura Bedard, special collections librarian at Georgetown Law Library, opened the session by discussing some of the many reasons why all types of law libraries should develop special collections. She noted that she had surveyed the Web sites of AALS schools and found that 97 percent of those with their course offerings posted offered at least one course with a legal history component. She gave various examples of the courses as well as other reasons for developing a historical collection.

Bedard went on to mention a wealth of materials that she uses and recommends, some of which she described as the "usual suspects." Included in that listing were basic American primary materials; state, territorial, and colonial materials; commentaries; and the *Century Digest*, among others. She also spent some time discussing some of the finding tools, such as Morris Cohen's *Bibliography of American Law (BEAL)*, and English material, including the *Old Bailey Collection*, parts of which can be found online for free.

Karen Beck, curator of rare books at Boston College Law Library, spoke about the ins and outs of rare materials. She commented that since more and more regular

collections seem to mirror one another, special collections have become that much more special. One example of setting up a special collection that she mentioned involved the development of the French collection at George Washington Law Library. Law libraries should work together as they develop their special collections, she suggested. Each collection can then be unique and compliment those of the collaborators.

Beck emphasized that a collection development policy for legal history materials should be developed by the law library. In addition to books, she suggested that policy could include the collection of a myriad of other materials. Among the suggested items were pictures and papers.

Mike Chiorazzi, director of the law library and professor of law at the University of Arizona, began by emphasizing two points. First, as law librarians, all of us can do something in creating and maintaining legal history collections. Second, we can and should read, research, and write in this area. He followed up his two points by discussing the forthcoming publication of the research guide of pre-state materials for the 50 states as well as Washington, D.C., and New York City.

Chiorazzi also suggested that law libraries are the natural location for the development of a collection of a law school's history. The law library can collect and digitalize material. Efforts in this area can bring recognition to the law library.

While the three speakers came from academic settings, much of what they said could be applied to any type of law library. Many of the people present left with a new appreciation for rare books and legal history materials that might already be in their collections. They also left with information on resources and methods to help with the conscientious collection of legal history material. Further information can be found at the Legal History and Rare Books Special Interest Section Web site on AALLNET, www.aallnet.org/sis/lhrb.

Larry Meyer
San Bernardino County Law Library

Program F-2: Let's Make a Deal: Strategies to Avoid Paying List Price

Speakers:

Linda Will
Dorsey and Whitney

Greg Lambert
Amigos Library Services

Diane Frake
Vermont Law School, Julien and Virginia
Cornell Library

During “Let’s Make a Deal,” attendees were presented with the strategies law librarians in three different settings (private firm, government, and academia) rely upon to lower costs when negotiating with vendors for both print and electronic subscriptions.

Firm Libraries Dos and Don’ts

Linda Will, director of information resources at Dorsey and Whitney LLP, speaking from the perspective of a law firm librarian, presented some important rules. First, everything is negotiable, and second, never stop negotiating. For instance, vendors are quick to want to renegotiate a contract when a firm adds attorneys, so firms should do the same when their needs change (for example, if a firm adds or subtracts a practice area). It’s also important that you know the vendors’ competitors. The ability to effectively bargain with a vendor is greatly enhanced when you’re familiar with what the competition has to offer.

Also, do not let the vendors bundle together products that your clientele do not need. Start unbundling the items not used, negotiate for a core group of services and subscriptions for a flat rate, and add premium content when and where necessary. If your library serves multiple locations, don’t settle for by-location pricing; negotiate on a per-user basis.

Will added some negotiating tactics that would be reminiscent of anyone in the market for a car. First, remember that there’s always an alternative; know when to walk away. Second, feel free to play good cop/bad cop. The vendors (and car salesmen) do it; you can, too. Third, get accounting involved. A large firm with a financial analyst can crunch the numbers the vendors give you and let you come back to the table with solid numbers for a five-year plan. Finally, keep all of your notes, drafts, conversations, etc., for the next negotiation.

Government Library Experiences

Greg Lambert, information resource/records manager at King and Spalding, followed by leading the presenters in a skit depicting his experience with the Oklahoma Supreme Court Library. Lambert entered the position as the first librarian in some time to run the operation and was presented with a more than \$800,000 contract for Oklahoma primary law on CD-ROM to serve the 77 county libraries (only two of which had full-time library staff, which would thus require judges and/or their secretaries to load the CD-ROMs at their locations). The contract had been negotiated with no coordination with the librarian or among the other counties. Much to the vendor’s chagrin, Lambert refused to sign. As the only librarian for 75 of 77 counties in Oklahoma, and with many of them remotely located, Lambert opted for online access rather than CD-ROM (this was in 1999).

Next, Lambert gave tips for negotiating with vendors on behalf of a statewide government library. Before beginning negotiations, you must evaluate the needs of the patrons, which in this case, included the state bar, *pro se* litigants, and judges. Second, have defined budgetary goals. One might not have much of a choice, depending upon who’s controlling the purse strings.

In Lambert’s case, Oklahoma went to centralized purchasing because the local counties had indebted themselves to vendors, many by maxing out the budget to first-year deals that by the second year greatly exceeded allocations. This indebtedness actually became a benefit to Lambert’s negotiating position, as he was able to renegotiate the amount owed. It is most crucial, however, to have the “undying support” of the administration. He needed at times to rely upon justices of the supreme court to back him on purchasing decisions against the wailing of an occasional local judge upset that his library was being messed with.

Two necessary qualities for the negotiation are patience and tenacity. However, Will’s admonition to “know when to walk away” was tempered by Lambert’s *caveat* to know how “no” affects your patrons.

He finished with two additional bits of advice. If possible, learn what makes your vendors’ sales people hungry—know how they’re paid. In Lambert’s case, he knew that one rep would get commissions on new sales; thus, when necessary, Lambert was able to drop an underused subscription and add a new one at the same price. Finally, *never* limit yourself to one vendor. Lambert had public access terminals for Westlaw, Lexis, and Loislaw. When one threatened to raise prices, he could threaten to drop it in favor of the others.

Negotiating Tips for Academics

Diane Frake, associate director at Vermont Law School Julien and Virginia Cornell Library, implored the audience to learn negotiation skills—in fact, she insisted that it’s fun! Negotiation, she said, is like public speaking; one might not enjoy it at first, but it becomes easier each time one does it. Frake also urged us to develop relationships with vendors, the gist being that negotiation does not have to be a zero-sum game; both sides can emerge as winners.

Frake’s presentation focused on the acquisition of electronic resources. When a potential purchase comes along, Frake generally makes a quick determination as to its usefulness. Often, a seemingly unreasonable price or the lack of IP authentication will doom a product at the outset. Frake also suggests using a “tracker,” a document to track the negotiations from first contact to finality.

Frake strongly suggested building consortia to obtain group deals and highlighted Vermont Law School’s

success in that regard. Vermont Law School belongs to four consortia, including ones with non-law schools (this could be especially helpful for stand-alone law schools with no undergraduate library or law schools affiliated with schools that do not have a strong humanities program at the undergraduate level, such as institutions with a technology bent).

Frake emphasized building trust with your administration by showing them the negotiating pains taken to get the most out of the budget. Doing so has allowed her library, in recent years, to get all that it asked for in the budget. Frake also offered some angles to work in negotiations with vendors. First, educate them on alternative pricing models. Most of them are not educated and, unfortunately, many are not interested. Second, work the “getting all schools on board” angle. This is helpful if your library is one of the last holdouts for purchasing a product (conversely, you might strike a deal by arguing that by being the first “domino” to purchase, other schools will follow suit). Third, work the “addiction principle.” Students who become familiar with a product in school are more likely to want to purchase it when they enter practice. Finally, as a last ditch effort, go for the first-year incentive. It doesn’t always pan out, but if it does, perhaps a year down the road the vendor will be less interested in getting full price than in avoiding a large drop in subscriptions.

Frake concluded by offering up some negotiation anecdotes, both with and without happy endings (the names of the vendors were kept confidential). She also relayed the story of Cornell’s law school, which secured a faculty senate resolution decrying the inflation of a particular vendor’s subscription rates. Cornell ultimately cancelled 270 of that vendor’s titles, saving \$250,000, with the resolution calling for more cuts.

The question-and-answer period was highlighted by statements regarding high prices and how to recognize real gouging when all of the prices appear to be artificially high (i.e., electronic much higher than print).

Tom Gaylord
Chicago-Kent College of Law

Program G-5: Legal Information Microform Materials: The Gold Standard for Legal Collections, Research and Preservation

Speakers:

Troy C. Johnson
Creighton University

John W. Pedini
Social Law Library

The speakers for this program had a mantra not often heard in this era of increasing reliance on digital

resources. *Microform is good*. Not only is microform good, but it should be promoted as the “gold standard” for preservation of legal information, the ultimate back-up for both print and digital formats.

Troy Johnson, electronic services librarian at Creighton University School of Law Klutznick Law Library, outlined the benefits of microform:

- it is analog, not digital, so no conversion is necessary to read it;
- the longevity is at least 100 years, and some studies show it could be stable up to 1,000 years;
- if it is linked to high quality print or electronic finding aids, it is easy to use; and
- new technology makes it possible to retrieve text from microform in order to download, e-mail, fax, or convert it to a digital form.

Microfilm is a long-term analog format that provides both access to and preservation of print and digital materials. Any material that a library wants to keep for more than 100 years must be in microform, and digital materials are the highest priority for microform preservation because they are in the most danger of disappearing due to obsolete technology.

Unfortunately, not enough of our legal literature has been filmed. Some notable major microform collections are *19th Century Legal Treatises* (15,000 American and British works); the collections of the Law Library Microform Consortium (7,500 titles); Hein’s filming of the *AALS Law Books Recommended*, 350 legal periodicals, session laws, and a variety of other government publications; and the CIS *U.S. Serial Set, U.S. Supreme Court Records & Briefs*, and other major federal publications. While these sets are large in scope, they are only a small percentage of the legal information that needs to be preserved.

Johnson advocated finding a method by which librarians can determine easily what materials are not preserved in a long-term format. He mentioned the Legal Information Preservation Alliance and its new preservation inventory project as a starting point for this effort, but he also acknowledged the difficulty of presenting the information in a database. Ideally he would like to see catalog records flagged to indicate that items are a high priority for microfilming and preservation, but currently there are no projects underway that would accomplish this.

Microfilming Projects

John Pedini, director of media services at the Social Law Library, discussed his experiences overseeing major microfilming projects and facilitating access and use of microforms in a library setting. When managing a filming project, it is important to identify where

material will be located at every step of the process. Who is the custodian of the information? Who will have access to it during filming or digitizing? You must take steps to eliminate or minimize the time during which materials will not be available.

While many librarians consider microforms to be an almost obsolete format for information, in fact they are getting easier to use. Technology makes it possible to digitize fiche documents on demand or to put documents in a file format that allows them to be downloaded for digitization. Librarians can facilitate the use of microforms by working more directly with library patrons to increase their comfort with the format and the equipment. Many larger libraries have

40 to 50 percent of their collections in microform, and we can increase use of these collections by providing effective training.

Both speakers also provided information on various models of filming and scanning equipment, which would be of interest to anyone in a library with significant microform holdings.

If you did not attend this program, it would be well worth your time to listen to it on tape or CD. Remember, microform is good.

Margie Axtmann

University of St. Thomas Schoenecker Law Library

Ismael Gullon, Mercer University Law Library, Macon, Georgia
D. R. Jones, Case Western Reserve University Law School Library, Cleveland
Lorna Tang, University of Chicago D'Angelo Law Library, Chicago

YBP Library Services: A Tour

Prior to the AALL Annual Meeting in Boston, YBP Library Services extended an open invitation for law librarians to tour the YBP headquarters on July 15 in Contoocook, New Hampshire. Contoocook is a small town approximately 70 miles northwest of Boston. The three of us were the only librarians to participate in the all-day tour. All three libraries represented in the visit use YBP services, although in different degrees. We saw the tour as a special opportunity to see the operations of the company, to meet YBP personnel, to learn more about YBP services, and to ask questions.

Mark Kendall, national sales director for YBP, picked us up in Boston and drove us to YBP headquarters in Contoocook. On the way, Kendall talked about the history of the company.

History and Organization

In 1971, John Secor founded YBP Library Services as Yankee Book Peddler. Initially, the new two-person company's primary objective was to sell university press publications to public libraries. Shortly thereafter, the company grew and expanded to include trade and association publishers and began serving academic and special libraries. YBP's first approval plan was written in 1974. In 1996, YBP was the first academic bookseller to offer a Web-based interface for ordering and collection development support: GOBI. Then in 1998, YBP Library Services acquired Lindsay and Howes, a UK bookseller that largely exported UK books to North America. One year later, Baker and Taylor, a 175-year-old bookseller, became the parent company of YBP.

YBP has continued to expand in order to provide specialized customer service. It offers approval plans, notification slip plans, firm order services, standing order services, and technical services. Customers include academic libraries, community colleges, research libraries, and specialized libraries, such as medical, theological, and law libraries. YBP serves more than 120 law libraries. Currently, four law libraries receive full cataloging and shelf-ready processing. The most recent law library customer is the University of Denver College of Law, which placed its first order on August 9, 2004.

YBP has participated in an array of partnerships in the last decade. To mention a few, YBP was the first vendor to sign with OCLC to offer PromptCat service in 1994 and joined the OCLC CIP upgrade program in 1996. YBP has partnered with Integrated Library System vendors, such as Innovative Interfaces, Ex Libris, Endeavor, and Sirsi, to effectively interface the YBP GOBI customer interface system with each integrated system. To provide more effective customer service, YBP has partnered with three commercial binders.

In order to ensure quality service, the company has a staff with a wide range of educational levels and backgrounds. In fact there are 20 librarians in management, customer services, sales, and technical services. Out of a total workforce of 300 employees worldwide, approximately 260 are located at its headquarters in Contoocook.

Our Visit

Once we arrived at the YBP headquarters, which is

nestled in the woods outside of Contoocook, we met with Gary Shirk, president and chief operating officer; George Rego, vice president of operations; Linda Gagnon, vice president of sales and marketing; and Bob Nardini, senior vice president and head bibliographer. They provided information about YBP services, and we offered feedback concerning the services we receive. The remainder of the day was very busy as we toured headquarters, met operation managers, and had a chance to speak to our respective library customer service representatives. We were able to hear more about services and new developments, meet personnel involved in the many services YBP provides, and view processes in action.

The following are descriptions of some of YBP's major services, all of which we were able to discuss with YBP personnel during our visit.

GOBI2

This is the second edition of YBP's Global Online Bibliographic Information customer interface for searching a database of more than two million titles, selecting and ordering materials, and tracking information. This interface allows customers to move from a paper selection and ordering process to one that is entirely online. Core features are available to customers free of charge. Advanced features are available by subscription. Two of the libraries whose representatives visited YBP use advanced features, and during our visit we were able to get instruction in usage and learn about new features.

This online process can be set up to provide online selection activities, such as:

- allow selectors to receive notice of new titles via a customizable e-mail alert service (GOBIAlert);
- allow multiple persons to review, select, and make notes regarding acquisitions;
- allow selectors to add internal codes and information for tracking orders;
- allow selectors to forward selection records to faculty for consideration or notification; and
- allow selectors to view orders and acquisitions of consortia members (GOBITWEEN) and peer schools that are YBP customers.

A description of the many facets of the GOBI2 Service is available through the YBP Web site, www.ybp.com. Click on "Library Services" and then on "GOBIWorks" in the "GOBI" pull down menu to see profiles of how some libraries use the service.

Approval Plan, Profiling, Slip Orders

YBP works with a library customer to establish a

customized approval plan for selection of new materials. Part of this process is developing a profile for the library regarding publishers, non-subject parameters, and subject instructions. Experienced bibliographers at YBP select materials for the profiles. While visiting YBP, we met one of the bibliographers (a lawyer himself), who explained the process for profiling books.

The process includes preparing a profile for each book. This profiling is done by reviewing the book in hand, which allows a more thorough understanding of the topics that the book covers. The bibliographer can then include a better description and notation of subject related areas than just a mere subject classification. This information is available to the selector in a library.

As part of its profile, a library can designate materials for automatic shipment. In addition, a library can choose to receive slip notification. This notification can be in paper or electronic forms. Selectors can establish customized electronic slip notification (GOBI Alert) and can process electronic slips online through GOBI2. Selectors can organize slips into folders, route slips for review, and add notes and internal codes to slips. They can also order the items through GOBI.

Firm Orders

YBP provides firm order service for librarians to order new and older titles. YBP can process orders through the GOBI system or through other electronic ordering interfaces. Each firm order account has an individual representative assigned to ensure the best service.

Rush Services

While visiting YBP, we previewed YBP's new rush ordering service (RUSH2), which is now available. The new rush service allows YBP customers to order in stock items for next-day or second-day shipment. The customer can order these items through the GOBI system, so no special order or payment arrangements have to be made.

Cataloging Services

We also learned about YBP's cataloging support and were able to observe YBP's careful processing and shipping system. The YBP Technical Services Department provides cataloging support, electronic invoicing, and physical processing for contracted libraries. It also provides several specialized services that we learned about during our visit.

We learned that eight professional catalogers at YBP update the CIP records with books in hand and provide provisional records for materials with no LC copy. For each book that receives "provisional-plus" treatment, the catalogers assign at least one subject heading and a full classification number. These

records are never meant to be full cataloging records. While the catalogers are generalists, some specialize in foreign languages and rare books, and none currently specialize in legal materials. The bibliographic records created at YBP can be sent electronically to the library or sent to OCLC for the PromptCat customers.

Processing

YBP carefully tracks all books as soon as they arrive in the building. At any time, YBP can identify the location of a book (if only libraries could do the same ...). The book pick and packaging areas have efficient assembly line operations. YBP staff picks the requested books from assigned bookshelves according to the "pick list" printed for each library and then places the books in the corresponding library's box on the conveyer belt. Before boxes are sealed, they are reviewed again for errors. There are several levels of

checking to ensure that the right books are prepared for shipment. YBP is extremely proud of its high accuracy rate (99.98 percent) in shipping the correct books to the correct libraries.

The packaging process at YBP is fully automated and set up for maximum efficiency. It packs hundreds of boxes each day, and UPS picks up twice daily for domestic shipments and less frequently for foreign shipments.

In observing the YBP processing and packing services, we learned that if a library chooses to receive its books fully processed, the staff at the YBP Physical Processing Department attaches barcodes, bookplates, call number labels, and security devices to books according to the library's specifications. They also work with three commercial binders to have books bound before shipment. When the books arrive at the subscribing library, they are ready to be shelved. During this tour, we saw that in the bins for each library receiving these services, the specific instructions were clearly written, and examples were given to ensure accuracy of physical processing.

Invoicing

Billing also closely follows a library's request. Both paper invoices and electronic invoicing are available. At the time of shipping, YBP can provide its customers with shipping records in the form of brief MARC-formatted bibliographic records. These records can be enhanced with invoice information and other local data, customizing them to individual libraries' needs. YBP works with most integrated library systems vendors, such as Innovative Interfaces and Sirsi, to ensure that data loads to local systems correctly.

Other Specialized Services

During our tour, we learned about an exciting special service that YBP can provide. YBP can work with libraries to supply an "opening day collection" on a general or focused subject area. They also offer "retrospective collection building" to support new curriculum offerings or gaps in a collection. Other specialized collection services that YBP provides include maintaining a list of "continuation titles for law libraries" on the YBP Web site and supplying volumes from a broad range of law-related series, such as the *Hornbook Series* and *Oxford Studies in Modern Legal History*. YBP also publishes a monthly list of "Forthcoming Law Titles" in its online publication, *Academia*, which can be accessed via YBP's Web site.

Visiting vendors is always a learning experience for both vendors and librarians. These opportunities to build face-to-face personal relationships allow us to better understand vendors' procedures and for vendors to appreciate our wishes and difficulties.

A Word from YBP

Mark Kendall, YBP national sales director (MKendall@YBP.com), organized the tour described in "YBP Library Services: A Tour." According to Kendall, "YBP Library Services believes that to help ensure a successful relationship with the libraries we serve, we must approach each customer as a partner and move beyond the traditional 'arms length' relationship that exists in many library-vendor interactions," he said. "To better achieve this, we frequently encourage our customers to visit our headquarters and learn firsthand about the work we do to support their acquisition, technical, and collection development needs. In turn, we, too, learn from our visitors about how we can best serve the needs of their institutions and, thus, become a better vendor to the libraries we serve. The locale of the AALL Annual Meeting in nearby Boston offered an ideal opportunity for us to offer visits to interested law librarians, and we are delighted and appreciative that several individuals set aside valuable time to visit us in New Hampshire."

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