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The CRIV Sheet

Editor's Corner

In a *CRIV Sheet* tradition that stretches back at least to last year, the assistant editor has taken on the role of doing the work of getting out the final issue for the year as a sort of practice run. I think you will all agree that Mary Jenkins has risen to the task admirably and will be a great editor for what promises to be a very important phase of vendor relations in our law library community. Even in this era of multiple instant communication possibilities, it is still important to have venues in which relatively current events are mulled over a little more roundly

than can be accomplished in 140 characters or from the perspective of 10 minutes ago. We've all been reading and hearing about WestlawNext, Lexis Office, Nolo Press e-books, and vendor swag in the instant-analysis world. Here we offer a slightly longer view on these topics, as well as a review of the newest edition of a perennially important book in our profession. Please let us know if you have any comments about this issue, past issues, or future issues, and, as always, the *CRIV Sheet* welcomes and encourages your contributions.

Amy Eaton Perkins Coie LLP

From the Chair

As I write this column, we have heard about the upcoming release of WestlawNext and Lexis® for Microsoft Office. Lexis is also planning on a major revision of Lexis.com, so we find ourselves in the midst of some major changes in the fee-based online research arena. It reminds me of the purported ancient Chinese curse: May you live in interesting times!

New products are both exciting and scary. Until we understand how they work, we are uncomfortable using them. It takes considerable time to learn how to use Westlaw and Lexis to achieve search results that are both comprehensive and cost effective. Now both services are fundamentally altering how we will achieve these goals in the future. Brand new services appear every year. Last year, my firm added a new patent research product. The product has great depth and impressive features, but practitioners still struggle with understanding the ins and outs of pricing and search scope. Fortunately, the vendor listens to us and has made changes to the product based on our comments.

When a vendor comes to me to discuss a new product, I expect them to fulfill these objectives:

1. Understand the pricing. I am going to ask you how much the product costs. I am also going to ask you how I will be able to recover those costs. Be prepared to discuss this. Be able to discuss in detail the retail rates as well as the tools that you offer for cost recovery through client billing. Understand the pricing issues from my end as well as your own.

2. Understand my world, the private law firm, and how it operates. It is great to hear that corporate legal departments love your product. However, I do not

work in a corporation. Help me understand how your product will give my attorneys a competitive edge. We have hundreds of online subscriptions, databases, and fee-based web products. How does yours help us work faster or provide better service to our clients?

3. Tell me how this product is unique. In this time of budget constraints, I can't add a new product simply because it has a spiffy new platform. Does it duplicate a resource we already have in print or electronic form? Where is the value in this new product?

4. Understand that, in a time of flat budgets, adding a new product involves lengthy trials, building a business case, and getting the support of firm management. Give me time to make these calculations. Understand that I may need to conduct a detailed assessment of our current content in this area. Any unplanned costs will have to be reviewed by management and shown to be a good investment of our limited funds. Don't show me your product and then give me a quote that expires in three weeks. The bigger the investment, the more time I need. Think in terms of months, not weeks.

When these objectives are met, the librarian has the necessary information in hand to move forward in the product assessment and review, and ultimately to secure purchase approval. When the vendor and the librarian partner together, we are more successful in making sure our users have the best products for their needs and that our libraries are running efficiently and cost-effectively.

If you have any comments you would like to share, please do not hesitate to contact me at aeaton@perkinscoie.com.

Interview with Mark Schiff, Vice President of Product Marketing at Thomson Reuters regarding Launch of WestlawNext

On February 24, I had a phone conversation with Mark Schiff, vice president of product marketing at Thomson Reuters Legal (TRL), to learn more about WestlawNext. WestlawNext is the new generation online research platform that TRL launched at Legal Tech in New York earlier this month.

My first question for Schiff was why did TRL decide to develop a new platform? Westlaw.com is a successful and heavily used research tool. Why tinker with that? Schiff says TRL felt it was operating from a position of strength as Westlaw.com is preferred nearly two to one. But in talking with customers and viewing and analyzing the search logs, TRL discovered there were opportunities to make substantial improvements to the legal research process.

For example, when starting on Westlaw.com, users are asked to choose a database to search. Some viewed this as a stumbling block because it requires the customer to know where the answer is.

Also, when searching on Westlaw.com, you need to use precise syntax and linking tools, which sometimes makes it difficult to find answers immediately. With WestlawNext, TRL created a dramatically different search process called WestSearch. In a literal search, document results are tied to a database selection and the words typed into the search box. WestSearch lets the searcher use simple descriptive terms and eliminates the need to choose a database. Because it uses a search algorithm (behind the scenes) that leverages West's Key Number system, Key Cite, headnotes, and indexes, the most relevant documents still appear in the results.

While the search algorithm takes into account customer usage, Schiff says this is only a small part of the algorithm and that it places greater importance on customers doing something significant with the document (e.g., e-mailing or printing). The algorithm uses aggregated usage across the entire professional customer base to further understand connections and associations between documents.

Schiff explains that WestlawNext still allows for terms and connectors searching. However, TRL feels WestlawNext will offer a dramatically improved search as it takes advantage of the relevancy ranking and filtering within the program.

This led me to a question about the continuing role of reference attorneys. Schiff agrees that oftentimes reference attorneys are asked questions regarding

which databases to search. While TRL remains committed to reference attorneys, Schiff thinks that in the future a lot more of their interactions with customers will be related to the organization of research within WestlawNext.

WestlawNext allows users to organize research within the platform by allowing them to highlight and add notes to documents, and then store them in folders within WestlawNext. The documents you put in folders remain there forever—they are never deleted.

I asked Schiff whether this folder system would raise security and privacy concerns. Schiff says TRL has enhanced its security and privacy policies, meaning the information would be kept incredibly confidential. WestlawNext's interface is also much less cluttered than Westlaw.com.

All of Westlaw.com's content is accessible through WestlawNext, although certain content sets, such as public records, are not available within WestlawNext—users must instead access them on Westlaw.com. Schiff also indicates that not every content set will make use of the WestSearch algorithm (e.g., public records).

Next, we discussed the rollout. Schiff indicates that WestlawNext will be an add-on service sold to firms, corporations, etc. He feels that trialing WestlawNext is a critical part of the sales process. There will not be one set trial offer but rather several different flavors of trials, with firms and corporations working with their Westlaw account teams to determine what method of trialing is best for them. Customers will have simultaneous access to WestlawNext and Westlaw.com, and Schiff says TRL recognizes that the migration will take time.

With regard to the rollout plan for law schools, Schiff says TRL has not yet cemented a plan. However, it has started giving passwords to some law school faculty and law school librarians. TRL very much wants feedback from the librarian community as to the best way to roll out WestlawNext to the law schools. Once a plan is finalized, TRL will communicate it to the librarian community.

Our next topic was training on WestlawNext. Customer-facing employees of TRL received passwords when the product was in beta and then underwent training and a certification process. Schiff thinks this training was, in some ways, easier than training for Westlaw.com because of the simplified

search process. As far as training for the librarian community, Schiff says that West Librarian Relations will be sending out invites to webinars geared to meeting the specialized research needs of librarians. In addition, Anne Ellis, senior director for librarian relations at TRL, is also reaching out to engage the product development department to further assist the librarian community. In terms of generalized training, Schiff points out that within WestlawNext, there is a Quick Start video and that the help function has been significantly improved with video tutorials.

Finally, we discussed the general pricing structure. Schiff indicates that while TRL believes transactional is the more natural model and aligns best with price and value, WestlawNext would also have an hourly pricing option.

Westlaw.com has 18 different prices for transactional searching. WestlawNext has a single price for transactional searching and that cost will always be an included cost within your plan. There is no charge for perusing delivered results sets. When you click on a document and view it, however, you will be charged, and the charge will be included or excluded from your plan depending on the terms of your plan and the content you are viewing. When you put a document you viewed in a folder, there is no charge and you can continue to view that document at no additional cost for one year. After the year is up, the document will still be in the folder, and, if you view it, you will be charged another transactional charge. If you put a document into a folder without first viewing it, you will not be charged until you view the document. There will also still be printing, e-mailing, and downloading charges.

If you choose the hourly pricing structure, your hourly rate will depend on where you are in WestlawNext. If you are on the home page or browsing off the home page, there will be one hourly rate and that will always be an included charge under your plan. Perusing the result set list will create a different hourly charge, which will also be an included charge under your plan. Then, when viewing a particular document, there will be a different hourly rate depending on what you are viewing, and it will be included or excluded depending on your plan.

Finally we discussed the future of Westlaw.com. Schiff states that while TRL will continue to add and update content on Westlaw.com, he doesn't believe librarians will see lots of new feature development.

Rather, the long-term vision is for a single platform—WestlawNext. However, there is no retirement date for Westlaw.com, and Schiff believes it will be “years” before that becomes a possibility.

Schiff's final note is that your best source of information for particulars (trials, pricing structure, migration, etc.) is your Westlaw account team.

Q&A with Schiff Regarding State, Court, and County Libraries

After this initial interview with Schiff, the CRIV Committee received several communications from state, court, and county law librarians who had some questions about WestlawNext as it relates to their libraries. I contacted Schiff and had some additional questions answered via e-mail:

Question: Most of the state, court, and county libraries have patron access contracts that provide limited content. Given that WestlawNext searches all content, what will happen when a patron tries to access excluded content?

Answer: We have not yet determined the timeframe for the roll out of WestlawNext patron access. However, it is very much a part of our strategic plan. It is likely WestlawNext will have similar controls on excluded content to that currently offered on Westlaw.com.

Question: When and how will WestlawNext be rolled out to these public libraries? Will there be trial opportunities?

Answer: WestlawNext is available today for “behind the desk” plans used by public law library staff. It is the patron access piece that hasn't yet been rolled out. WestlawNext trial opportunities do exist for “behind the desk” plans and those are made available by the library's Westlaw representatives.

Question: How does Thomson Reuters intend to communicate with the state, court, and county law libraries regarding WestlawNext?

Answer: Local Westlaw representatives are fully informed and ready to speak with state, court, and county law librarians about WestlawNext. Additionally, Thomson Reuters will host WestlawNext “in region” events and will have a significant WestlawNext presence at the AALL Annual Meeting in July.

Interview with Darrell Huntsman, Vice President of New Products at LexisNexis, regarding the Launch of Lexis® for Microsoft Office

On February 23, 2010, Marian Parker and I were invited to attend a demonstration and review of the new product, Lexis® for Microsoft Office (LMO). The demonstration was led by Darrell Huntsman and Jorge Martinez. Also in attendance was Carol Weber, vice president, LexisNexis Library Relations Group.

LexisNexis began developing the product a year and a half ago. The developers asked themselves: what is an attorney's main work product? Their answer: a document. From there, they worked backwards to determine how they could best integrate LexisNexis content into the Microsoft Office suite of products. The resulting product, Lexis® for Microsoft Office, allows users to search and review online legal content while using Microsoft Word, Outlook, and SharePoint. Because the user spends less time switching back and forth between products, he or she can spend more time working in the primary document.

LMO adds a Lexis tab to the ribbon found in Word 2007 (and the upcoming 2010 version). While working on a Word document or an Outlook email, the user clicks on the tab for access to Lexis features such as validation, search, and modes. The validation section allows the user to run a Shepard's check on all the citations in a document or to pull the citations from the document. It creates a side screen that allows you to create citations lists or stack the full text of all the cases.

The search feature has several different options: search, background, and suggest. A drop-down menu also lets you choose where you want to search: Lexis, My Firm (your internal DMS), My Computer, the web, or all. "Search" is a single search box that allows you to enter a free text query. Results are displayed in a window next to the active document.

When using the search feature to search Lexis, the databases searched will depend on the preferences that the user has set up. But in general it includes cases, statutes and related content, and some analytical content. The search process is based on current Lexis.com natural language search algorithms and technology. However, once New Lexis is fully available, LMO will use that technology and search logic.

"Background" is used to obtain information on what Lexis calls "entities," which are found in the text of your document. Entities are people, companies, organizations, terms of art, and cases. If you select

"background," the system scans your document and selects items it believes to be entities. Again, the results are displayed in a window next to the active document. "Suggest" is similar to background but it works on text the user has selected and highlighted.

The third available mode is "Case Mode," which analyzes the text in a document and searches Lexis.com cases databases to pull the most relevant cases related to the text in the document. Similar to Case Mode is "Briefs, Pleadings, and Motions Mode." This action finds the most relevant brief, pleading, or motion within the firm's database across Lexis' database.

The Outlook features are very similar. Added buttons include search, background, and suggest, and you may search within Lexis databases, your internal DMS, your computer, or the web.

The first release of LMO is currently in alpha testing within the company. Beta testing with external users is expected to start shortly, and the company hopes for a release before summer. If a user has a contract with LexisNexis for a "reasonable" amount of content, there will be no charge for LMO. LMO will be available only for those with Microsoft Office 2007 and 2010.

Huntsman notes that although Microsoft has developed a version of Word for Mac, LexisNexis has not developed the "add-in application" for this version of Word or for Entourage (Outlook on the Mac) but will consider this in the next release of the Microsoft applications for the Mac, scheduled for later this year. In the meantime, LexisNexis is developing a version that is used in "the cloud." This will be compatible with Macs, although it has not been tested yet. In addition, since all the latest Macs are Intel-based, a Windows environment can be established on Macs, allowing users to access Office 2007 or 2010 with LMO.

The ability to bill back is not currently part of the product—it will be added in the second release and may even make into the first release. Future releases will feature "push pins," which will allow users to mark a case or Shepard's report for forwarding. Another feature to be added later will allow users to convert PDF documents to Word documents. The process will be seamless and easier to use than conventional OCR technology.

Lexis plans a formal roll-out for LMO. Users should contact their Lexis sales reps for timing and information.

Nolo and EBSCO Team up to Offer E-Books via Exclusive Agreement

In February, CRIV discussed the recently announced exclusive e-book distribution contract between Nolo and EBSCO with Sam Brooks, senior vice president of sales and marketing at EBSCO Publishing.

Exclusive licensing agreements between EBSCO and publishers, including most notably Time, Inc., and Forbes, have been reported in numerous print publications and blog posts since January. Because Nolo publications are essential to many of our member libraries' patrons, CRIV is especially interested in the details of the Nolo-EBSCO arrangement. CRIV is committed to constructive dialogue with vendors, so it used this opportunity to seek information and assurances about content and terms, and to raise concerns regarding exclusivity, public accessibility, and affordability for public law libraries. The Nolo titles will be available via EBSCO before this *CRIV Sheet* is published but we hope that this information is useful to librarians who have not yet explored the licensing options.

Brooks verifies the exclusive agreement between Nolo and EBSCO. "We expect all Nolo titles to be available via two new EBSCO products that we expect will be released before the end of March," Brooks says. "The databases are Legal Information Reference Center and Small Business Reference Center. These products will contain content from Nolo, as well as other publishers."

A preliminary look at the title coverage list for each database shows 128 Nolo full-text/PDF format titles included in the Legal Information Reference Center and 56 Nolo titles in the Small Business Reference Center database. Books and periodicals from more than 50 additional publishers and governmental entities are also available in the law-focused product.

In response to a question about pricing models, particularly with regard to libraries that serve the public, including self-represented litigants, Brooks

acknowledges potential concerns regarding pricing, noting that EBSCO intends "to make the products affordable for all libraries, including law libraries." He also indicates that EBSCO is amenable to group pricing arrangements with law library organizations.

As of this writing, EBSCO is reviewing pricing structures and is unable to comment on costs. It seems reasonable to suggest, however, that many law libraries will want to keep Nolo titles in print format for ease of use and circulation by patrons who prefer hard copies or cannot access online material for various reasons. This is likely to result in content duplication and additional expense for law libraries that choose to add EBSCO's Legal Information Reference Center, although the benefits of online access may well be worth it.

For state, court, and county public law libraries and law school libraries that limit public access to certain proprietary databases and other content due to licensing restrictions, EBSCO's comment that "access on public workstations is completely fine and expected" may be refreshing.

Although the issue of exclusive distribution rights necessarily generates legitimate concern from librarians concerned about budgets and patron service, EBSCO seems to acknowledge that the particular needs of law libraries that provide materials like Nolo books to the underserved and the self-represented. If EBSCO follows through on this by offering a reasonable pricing model and terms, public and nonprofit law libraries—and any of us who have suffered significant budget cuts in the past year or so—should be able to consider expanded public access to Nolo titles. The nature of electronic database licensing suggests that attractive initial licensing terms do not last forever, however, which may present opportunities for other publishers.

Request for Assistance

If you need assistance working with a vendor, please visit www.aallnet.org/committee/criv/publisher_communication/requestform.htm.

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

View from the Booth

As we think ahead to the AALL Annual Meeting in Denver, let's consider this vendor's perspective on swag, tchotchkes, freebies, and vendor-librarian interaction in the Exhibit Hall. This article originally appeared in the fall 2009 issue of WPLLA News, a publication of the Western Pennsylvania Law Library Association and is reprinted with permission. –Joe Thomas, Editor

A few years ago, I was enjoying the reference librarian's vantage point of the exhibits at the AALL conference. Two colleagues, the sages of soliciting tchotchkes, endeavored to show me the ropes. The only reason I was able to get all of my loot home is that one of the vendors, perhaps anticipating this dilemma, gave out rollaway backpacks that year. Back at home, the swag was shared with my fellow library staffers who did not have an opportunity to attend the conference.

Fast forward a few years and I am now on the other side of the freebie festival. As much as we librarians like to say that the vendors are on the dark side, the behavior of some folks in our profession can be darker still. In an attempt to brighten up both sides of the booth, here are some suggested dos and don'ts based upon my experiences as a librarian vendor.

Don't slyly pilfer tchotchkes when you think the rep is not looking. We notice it. It feels about the same as it did when you were a kid and your sibling took some of your french fries when you turned your head.

Do introduce yourself. Marian came up to me, stuck her hand out, introduced herself and the institution that she represented and said, "So what's new?" I asked her a couple of questions about her patrons and their research interests to determine if any of our products would meet her needs, showed her a quick demo, and then gave her one of each of our tchotchkes and registered her for the prize drawing. The entire transaction took about five minutes (let's call this the "rule of five") and instead of averting our eyes the next time we saw each other, we could say hello by name.

Don't be greedy. At one conference, our presenter was using remotes to allow audience participation. Between shows the remotes were lined up on a podium next to the microphone. When his back was turned, someone came over and scooped nearly the entire lot of them into her bag. By the time the presenter reacted, the swag bagger disappeared into the crowd with completely worthless tchotchkes to the librarian, but an extremely expensive loss to the vendor.

Do simply ask the representative if you may take two or three for the people staying at home. Vendors do not want to deny their customers; however they do not want to run out of swag either. This is best done during the closing day and closing hours of the exhibit booth show. Politely inquire if the vendor has any

spare giveaways that you might share with colleagues who could not attend. Most vendors are not keen on carrying extra baggage home and are happy to have customers help assist them in lightening their loads.

Don't assume that you know what a company offers. Companies buy and sell each other in whole and piecemeal often these days. You might miss a product that could save your organization a lot of money or valuable research time. Many law librarians may know that the old Congressional Information Service (CIS) was purchased by LexisNexis, but they may not know that it has retained relative autonomy. Consequently there are products exclusive to divisions such as LexisNexis Congressional Digital Research Collections and Statistical DataSets.

Do show your intellectual curiosity and treat it as a way to gain information as well as gifts. A demonstration might give you ideas wholly unrelated to the product at hand. When I was an academic librarian, a product made for a law firm gave me an idea about how to organize requests made of the research assistant pool. If you are afraid of being sucked in, kindly give the rep your pertinent background information—type of library, your position, and area of interest—and mention that you have just five minutes to spend so, "Tell me, do you have any products that match my profile?" Think of it as speed dating with parting gifts.

Don't monopolize and don't feign interest. I had a student requesting both job search information and help with research on his dissertation. While I did not mind helping him on both accounts, I had several customers waiting who were put out. If you see an application or have earnest questions, ask. Otherwise, it is fine to say that you are not interested or just "thank you for the demo and may I have a gift please."

Do bring your business cards. If you see other people are waiting, give the vendor your card and ask for her to call you. Remember that this is a networking event too. I gave cards to three lovely young women who were looking for jobs, but not one of them followed up with me. Meanwhile, I landed my last two jobs because of contacts that I made on both sides of the booth.

Would you visit the exhibit areas if there were not giveaways? Remember that vendor exhibits and contributions help to lower the costs of conferences. That is a good thing because we know that institutions are not quick to raise librarians' travel allotments. Hopefully these tips will help us to create mutually beneficial relationships, which allow both sides to be in the light.

The author's views from the booth are entirely her own and may not represent the views of other librarians now working on the dark side.

Book Review: Legal Information Buyer's Guide & Reference Manual, 2009 by Kendall F. Svengalis (N. Stonington, CT: Rhode Island Lawpress, 2009)

This book review originally appeared in Law Library Lights (vol. 53, #1, Fall 2009), a publication of the Law Librarians' Society of Washington, D.C., Inc., and is reprinted with permission. –Joe Thomas, Editor.

When I heard that “The Economy and Law Libraries” would be the topic for the fall issue of *Law Library Lights*, I immediately thought of Ken Svengalis’ *Legal Information Buyer’s Guide & Reference Manual* as the obvious choice for the subject of my book review.

There’s really nothing else like Svengalis’ book, which provides both an overview of the legal publishing industry and a compendium of available resources. Svengalis’ own description of his book summarizes its significance for anyone with responsibility for legal resource purchasing decisions:

This book remains the first serious attempt to provide consumers with the kind of information needed to make appropriate and cost-effective purchasing decisions and to bring the costs of legal information under control. The book’s initial premise remains the same: that there is no one “right way” to buy legal materials and that economic concerns need to be balanced against professional needs. Accordingly, I have attempted to provide consumers with substantive and cost information, which can form the basis for appropriate acquisition decisions.

In addition, I have provided numerous cost-saving tips and strategies, which can be utilized in a variety of circumstances and environments.

The first part of the book is the “Buyer’s Guide” portion. The “Buyer’s Guide” provides an overview of the history of legal publishing and a useful how-to guide for legal resource purchasers that covers a wide array of issues from building up core and subject area collections, to dealing with unsolicited shipments, to determining which resources should receive the regular supplement shipments (which can easily exceed the original purchase cost in just a single year).

The second part of the book is the “Reference Manual” portion. The “Reference Manual,” which comprises the majority of the book, is broken up into three sections covering categories of legal publications, key treatises in various subject areas, and state resources organized by state.

The chapters on categories of legal publications include such product types as statutes, regulations, case reporters, digests, legal encyclopedias, and legal reference titles. For each title listed, Svengalis gives publication information,

pricing (including supplementation, noting the increase in supplement costs over a period of years), a description of the resource’s content, and often cost saving tips. For example, for the legal encyclopedia sets *Corpus Juris Secundum* and *American Jurisprudence 2d*, which currently run around \$7,000 annually to supplement, he suggests buying second-hand sets and replacing them on a regular basis to keep the content relatively current. In this section, there’s also a chapter on computer-assisted legal research that discusses the basics of LexisNexis and Westlaw contracts and cost-effective searching techniques, and also less-expensive database products such as Fastcase and Loislaw.com.

I’ve typically relied on the *Reference Manual* for its subject-area chapters, which I’ve frequently consulted when asked for a treatise dealing with a particular practice area or when I’m seeking to supplement an existing collection with additional titles. Sixty-one subject areas are covered, from administrative law to Indian law, military law, and zoning law. I know there have been a few times when a subject area I was looking into was not covered by Svengalis, but the only one I can think of at the moment is canon law. The coverage is not exhaustive, but it is extensive, both in terms of the particular subject areas covered and the titles listed within each subject area.

For each state and the District of Columbia, the state legal publications chapters list the codified and session laws, administrative codification, and sources for regulatory updates, court reports, and other state-specific reference materials and general treatises.

The book concludes with a series of helpful appendices, many of which summarize information that can be found elsewhere in the book. The appendices include a three-page list compiling Svengalis’ cost-saving tips, used law book dealers, typical prices for used law book sets, and charts listing treatise costs. You’ll also find a biography of Svengalis, where you’ll learn that he and his wife “spend their leisure time as a vocal and instrumental duo performing Swedish folk music”—an enjoyable little tidbit to conclude a volume otherwise packed with great content but little entertainment value.

So, to conclude, at a cost of \$149 plus shipping, does the *Legal Information Buyer’s Guide & Reference Manual* deserve a place in your collection (and more importantly, your library budget)? My vote would be an unqualified yes, although you may opt to follow Svengalis’ own advice regarding numerous legal resources and only purchase a new copy every other year or so.