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[www.aallnet.org/committee/criv](http://www.aallnet.org/committee/criv)

# The CRIV Sheet

## Editor's Corner

I have had the good fortune of receiving positive responses to my invitations to write articles for *The CRIV Sheet*. This issue features articles on unsolicited shipments, publication format changes, and the role of law librarians in product development—topics that have elicited concern and discussion among law librarians.

In these articles, the authors reflect on vendor practices. Robert Myers asked publishers, “What is the business reason for format changes?” and “How might librarians become apprised of format changes?” among other questions. Tiffany Paige suggests responses to unsolicited shipments. I asked vendors how they engage law librarians in product testing during the development phase. Each of these

articles reminds the reader that CRIV works on our behalf to develop and maintain good relationships with publishers and other vendors, raising concerns and seeking understanding and resolution.

If there is a topic or a writer that you consider suitable for this publication, I hope that you will contact me. Has it been a while since you last visited the CRIV Page, CRIV’s primary offering of news and resources? Please take a look at [www.aallnet.org/committee/criv](http://www.aallnet.org/committee/criv). The CRIV Page and Tools Subcommittee has been updating pages and adding content to meet CRIV’s goal for the website as “the law librarian’s first choice among resources to consult for information about the world of legal information publishing.”

Robert Myers Case Western Reserve University School of Law

## From the Chair

I’m having a difficult time writing this column. It is Thanksgiving weekend and the tryptophan from the leftover turkey is making me very sleepy. I’m also having a difficult time writing this column because my deadline for submission is next week but the column will not be published until February. At that time, many of CRIV’s accomplishments to date will be distant memories, and we will have focused on a host of new issues over the next three months. Christmas and New Year’s will be behind us (Happy 2011, everyone!), and it remains to be seen whether the economy for libraries and publishers will have improved. With that said, I will try to keep this column relevant to February 2011, but please excuse any not-so-new “news” I may cover.

As it is November, I would be remiss if I didn’t give a shout out to Margie Maes, AALL’s newly hired vendor liaison, who took over the position on November 1. Because the vendor liaison (VL) and CRIV will work closely together, I was fortunate to be appointed by AALL president Joyce Manna Janto to serve on the VL Hiring Committee. We had top-notch candidates in the final round of interviewing, and I would have been eager to work with any of them.

Maes brings to the position an impeccable resume, an incredible understanding of the legal publishing industry, and wisdom. Above all, she has a sense of tactfulness that I know will allow her to excel in the

position. All of the current CRIV members are excited to be working with Maes.

While not a CRIV-orchestrated event, another noteworthy item I would be remiss not to mention is the upcoming Law Librarians and Legal Publishers Colloquium to be held February 28–March 1. Again, I was fortunate that Manna Janto appointed me to serve on the planning committee for the Colloquium. While CRIV is not formally involved, the members of CRIV are constantly picking up news of happenings within the publishing industry and the effects on their law libraries. This information bubbles up from the AALL membership through interpersonal conversations, online discussion forum postings, emails, blogs, etc., and is discussed during our monthly CRIV conference calls. As such, I am in a good position to bring these concerns and ideas to the Colloquium Planning Committee. Steve Anderson, chair of the planning committee, is doing a remarkable job leading the committee and is keeping an open mind to ideas so that the colloquium will be as informative as possible. I’m honored to have served as a conduit for the membership’s thoughts via CRIV.

As it will be February when you are reading this, your thoughts will likely be focused on registering for the 2011 AALL Annual Meeting in Philadelphia. CRIV will once again have an active agenda at the Annual Meeting. As customary, CRIV will have a table in the

Exhibit Hall, and I encourage you to stop by and visit. CRIV will also have a table at the CONELL Marketplace on Saturday, July 23, for those attending CONELL and will also be presenting the CRIV Vendor Roundtable from 12 to 1:15 p.m. on Monday, July 25. The roundtable is open to all members, and CRIV is actively seeking ideas from the membership for topics to discuss with vendors at the event.

This year, CRIV submitted two educational programs and co-sponsored submission of a third program. We took a slightly different approach this year in proposing and co-sponsoring three related programs concerning electronic resources and license agreements, with each of the three programs building off one another. The Annual Meeting Programming Committee accepted all three of the proposals in what I deem a perfect trifecta. (Please excuse my exuberance, but I am really happy that all three programs were accepted and are being presented in a particular order so that interested attendees can come to all three if they choose.)

“Best Practices for Evaluating a New Electronic Resource” will be held on Sunday, July 24, from 1:30 to 2:45 p.m. On Monday, July 25, from 2:15 to 3:30 p.m., we will offer “Anatomy of a License Agreement.” A program titled “Getting to Yes for Your Library: Negotiating Vendor Contracts in Your Favor,” submitted by Connie Smith and Jane Baugh and co-sponsored by the Private Law Libraries Special Interest Section and CRIV, will be held on Tuesday, July 26, from 9 to 10:30 a.m. If you are interested in electronic resources and license agreements, I encourage you to attend one or—better yet—all three of the programs. While the 2011 Annual Meeting will

be a busy one for CRIV members, I know we are all looking forward to it.

I have a note in my outline for this column to speak about the advocacy issues CRIV has been working on the past three months. While I question the relevancy of discussing individual issues members had three months ago, I can say there have been a number of issues raised, and CRIV has been effective in resolving some, but not all, of the issues. Where we have not been able to resolve a particular issue, we have at least been able to present the publisher’s reason for making a policy change or explain why it is doing something in a particular way. Many of the issues that come to CRIV relate to pricing, either generally or with regard to a particular product.

As an FYI, I must point out that CRIV does not address issues concerning vendor’s pricing of products. As a committee organized under AALL, we run the risk of violating antitrust and trade regulation laws should we engage in economic issues. Our individual libraries and the vendors we deal with operate in the free market. Librarians must act on their own with regard to pricing. Negotiate with the vendor, and, if you don’t like the price your library is offered, you are under no obligation to purchase the product, but that decision is your library’s alone to make.

Having said that, you are probably wondering what type of issues CRIV does get involved with. The articles on the following pages will help illustrate a few. For further information on the types of issues that CRIV does address with vendors, please see AALL’s *Guide to Fair Business Practices for Legal Publishers*, available at [www.aallnet.org/about/fair\\_practice\\_guide.asp](http://www.aallnet.org/about/fair_practice_guide.asp).

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**Tiffany R. Paige**    Mississippi College School of Law

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## **No Solicitations on the Premises**

*Editor’s note: The reader may find it useful to refer to CRIV Tools at [www.aallnet.org/committee/criv/resources/tools](http://www.aallnet.org/committee/criv/resources/tools) for additional guidance in responding to common problems.*

As librarians, it is our responsibility to ensure that our libraries are equipped with the most up-to-date resources and information in order to meet our goals and missions. An important goal and mission of the library is to serve the needs of its patrons. Collection development is a vital part of the library’s daily function. It is through collection development that a librarian decides what to add or delete from the library’s holdings. This process involves examining the library’s collection to identify areas where gaps need to be filled and purchase materials based on that

assessment, as well as what is suitable for the rest of the collection.

This seems easy enough, but collection development is not an overnight process. How time-consuming the collection development process is depends fundamentally on how large the collection is, which in turn depends on whom the library serves. In order to make sure all bases are covered, normally collection development is better accomplished by involving the librarians who are knowledgeable about the library’s holdings and aware of patron needs.

Looking outside the members of the staff, librarians may seek indirectly the input of vendors to assist in collection development.

Libraries are in the business of buying materials, and vendors are in the selling business. As such, the two work well together. Publishers are usually better equipped to match their titles with a library's collection because many libraries have long-term relations with these vendors. Therefore, vendor representatives have a more thorough and extended look at what purchases have been made with their companies over time and often will send out mailings tailored to the specific needs of their library customers. They can inform libraries of the new editions of previously purchased texts that have been or will be released or new titles in areas that have been covered before. Vendor representatives may also make suggestions of titles they feel would fit well within the collection. Libraries may often find this helpful, as it is virtually impossible for librarians to keep up with numerous new publications that have been released in addition to the various other components of running the library.

The question then becomes what happens when vendors go from sending out emails, catalogs, or other informational material announcing new updates to taking it a step farther by sending out materials that have not been ordered. These items do not include complimentary copies of newly released works that the publisher would like for you to review—items that are yours to keep regardless of whether or not they are added to the collection or given away. These are strictly items that have not been ordered but are sent by the vendor with an invoice attached. This could also include add-ons to items that have been ordered. If these items are kept, the publisher expects that the library will pay.

Often, these shipments will come with an invoice. Usually, the terms of these invoices require that materials be returned within 30 days of the invoice date. Keeping the materials past 30 days means that the library agrees to the terms of the invoice, which includes making payment on the invoice. Depending on the library's receiving and check-in procedures, materials may be stamped with the library's information before realizing that the items were not ordered. In these instances, the materials can be returned but cannot be resold.

As librarians, we have more than likely had to deal with these issues on more than one occasion. A few of the questions that may come up when vendors knowingly send—and libraries unwittingly receive and accept—unsolicited materials may be: Is the

library responsible for ensuring that the materials are returned in a resalable condition? Can the library keep the materials without paying for them? How does the library get around the payment issue without damaging its relationship with its vendors? Under what circumstances will the vendor be able to recover payment?

### **Things to Consider**

Does your library have a policy in place? A great way to deal with these materials is to have a statement spelling out what protocol to follow when the materials arrive. The procedure may call for the person who handles the materials first to determine if these items are unsolicited or if they are intended to be a part of the collection. As stated before, these shipments usually come with an invoice and often may actually state that they are solicitations and only have to be paid for if the items are kept. From this point, the materials would go to a supervisor to determine what steps should be taken next, i.e., contact the vendor for return shipment labels or, if appropriate, add the items to the collection.

Still, there may be times when the items get property stamped. Carol Ebbinghouse, law library director at the California Second District Court of Appeal, reports that her library does not offer to send the materials back, whether they have been property stamped or not. Instead, the library has a form letter that they send to vendors concerning unsolicited items. The letter references both California Civil Code sec. 1584.5 and 39 USC 3009(a) *et seq* informing vendors that the materials will be treated as donations because they were not ordered and will not be sent back.

There is always the possibility that the items may be useful to the collection and can be added. In these instances, the issues can easily be resolved simply by processing the title and paying the invoice. Even if this is the course you choose to take, however, you do not want to leave the door open for more unsolicited shipments. It may be a wise idea to contact the vendors and let them know your policy on unsolicited shipments.

We as librarians are running a small business. There is a lot to get accomplished without having to constantly keep watch for unsolicited shipments. Putting a policy in place will ensure that regardless of when or what types of items arrive, there will always be some consistency. The surest way to cut down on having to put so much thought into this issue is to communicate your policy to your vendors. While we want to keep vendor relationships in good standing, we should not feel pressured to accept unsolicited materials.

## Reasons behind the Rise of Print Format Changes Implemented by Thomson Reuters and LexisNexis

The idea for this interview article came in response to concerns posted by an academic librarian on an online discussion forum regarding the proliferation of format changes to print materials published by Thomson Reuters and LexisNexis. The firm librarians who responded to the post expressed some concern about format changes but were more concerned that they could not identify how much material in an annual pamphlet or loose-leaf supplement had changed from the previous year to justify the cost.

Sharing both the academic and firm librarians' concerns, I felt this was an issue CRIV should address. In an effort to make the publishers aware of these concerns in a more formal way than a mere call to customer service, I contacted the library relations staff at each office and asked if they would be willing to participate in either a telephone interview and/or written interview regarding the format changes. Cindy Spohr at LexisNexis referred me to Susan Slisz, vice president of print products, who agreed to participate in both a telephone interview as well as written responses to the questions. Anne Ellis at Thomson Reuters Legal referred me to Toni Kasperek, senior director of print and advanced media, who supplied me with written responses to my questions. In an effort to be balanced and to ensure accuracy, I decided to only publish the written responses submitted by both publishers' representatives.

I was somewhat surprised by Slisz and Kasperek's answers, as I had shared the view of the librarian who originally lodged the complaint—that most customers do not desire the format changes. In my own mind, I was suspicious that the changes and update practices might have more to do with selling more product than addressing customer preferences and needs. The answers, however, are logical and, I do have every reason to believe, credible after speaking with Slisz.

I walked away from the experience realizing that, as an academic librarian, my view is heavily influenced by the needs and desires of my own academic library experience. While I have been an academic librarian for more than eight years, I worked in three firm libraries for 15 years prior to my current job. When I put myself back in the position of a firm librarian, the answers and actions taken by the publishers make some sense. When I stepped back further and realized that many—perhaps a majority—of LexisNexis and Thomson Reuters' print product customers probably do not have librarians or libraries, the format changes made sense.

I have come to realize that I operate in the vacuum of an academic library with all its trappings—like books cataloged in an OPAC according to Library of Congress classification with call numbers on the spine; a serials check-in clerk who rightfully demands a new bibliographic record whenever a title changes format; and a plethora of student workers to file loose-leaves, pocket parts, etc.

On the other hand, two of the three firm libraries I worked in did not have cataloged collections. Materials were arranged on the shelves by practice group. It was not a big deal if a title changed format. We did not have to re-catalog, reclassify, re-label, or revisit circulation rules. We were ecstatic if a loose-leaf became an annual pamphlet because it was one less thing to file. The new annual pamphlet went on the shelf, the loose-leaf in the recycle bin and, at most, we had to create a new check-in card. For small firms and solo practitioners, even less effort goes into assimilating a title change. If I were a solo practitioner, I would not want to spend my time updating loose-leaves—I'd much rather just put an updated volume on the shelf.

I ask that you read the following responses by the publishers with this expanded view in mind. If you do, I think that you will find that the publishers do have the majority of their customers' interests in view when they undertake a format change. It appears market demand is at work.

As to the second issue—whether publishers could make greater efforts to clarify what exactly has been updated from year to year—both publishers make the case they are already doing this to a large extent. In fact, Section 3.3 of the AALL *Guide to Fair Business Practices for Legal Publishers* states, “Product supplementation should be issued only when a significant change in the law has taken place, or when substantial additional content is provided.” I'm certain all of us have seen the cards and/or pages providing the summary of changes that LexisNexis and Thomson Reuters provide with nearly all their updates to titles. While I agree that a bit more detail could be given, in fairness, I rarely check the sections listed and simply take it on faith that they are substantial and merit the price on the invoice.

In 2009, a librarian contacted CRIV to report that the new edition of *The Law of Juries 3d* contained little, if any, changes from the prior edition. Amy Eaton, then-chair of CRIV, reported it to Anne Ellis, citing

the *Guide to Fair Business Practices*. Ellis looked into the issue and discovered that, due to a publishing error, the content of the second edition had been accidentally published in the new third edition. The difference between the two editions was 334 pages in the erroneous third edition versus 415 pages in the third edition revised. Thomson Reuters quickly reprinted the revised third edition with the proper content and shipped the volume at no charge to all libraries that had received the erroneous third edition. As busy librarians, we rarely take the time to check how much of a section was affected. It is incumbent upon us to do so.

### **1. What is the main force that drives a decision to change a publication's print format to another print format?**

#### **LexisNexis:**

The most common format changes are integration of supplements into a bound volume, transition from bound volume to loose-leaf, and print to electronic only.

The most common reason we make changes is to accommodate customer requests and/or when there is a great deal of legislative change within the practice area or jurisdiction. For example, we changed the font size of our Collier pamphlet so that we could include additional requested content (e.g., Federal Rules of Evidence) while at the same time maintaining the portability of the product.

We have a customer feedback process, which includes annual surveys, in-person visits, advisory boards, etc., to make sure we understand the needs of the customer for both the content as well as the format.

#### **Thomson Reuters:**

We capture input from customers, authors, publication editors, and our field sales reps to guide our decisions on publication formats. We typically will survey customers about their needs and preferences, and also capture anecdotal feedback from the field. We also interview authors and editors to ensure that the format best meets publication objectives.

Over the years we've received significant input from customers regarding pamphlet and loose-leaf updating. Customers have indicated that they prefer pamphlets to loose-leaf formats for their ease of updating; pamphlets also help mitigate filing errors and the need to hire temporary help to update volumes.

### **2. How are titles selected to undergo a format change?**

#### **LexisNexis:**

At LexisNexis, we focus a great deal on gathering customer feedback on a title-by-title basis. We conduct interviews, gather input from authors, and take care to listen to the customer feedback that we

receive from our innovation team, our customer support team, and our advisory boards.

For example, we had several authors and customers comment that the Virginia Forms would better serve our customers as a loose-leaf rather than a case-bound book. Many customers wanted to copy the forms to create their own annotations and find this easier in loose-leaf formats. In addition, the loose-leaf format allowed our authors to provide more frequent updates.

#### **Thomson Reuters:**

Baseline thresholds for loose-leaf updating include one- to three-volume titles that are updated annually, or one- to two-volume titles that are updated twice per year. Also, customers have indicated that they prefer loose-leaf formats for forms products. We also talk with authors and editorial teams to see if pamphlet updating would best serve the specific needs and purposes of each title.

Because this is currently a pilot, it is possible that these criteria may change over time.

### **3. If a format change is based on customer feedback, what is the process for collecting and evaluating customer feedback?**

#### **LexisNexis:**

LexisNexis has a dedicated team that engages with customers to invite feedback on a wide range of topics including product delivery methods. We connect with customers through surveys; they are invited to meet for panel reviews and demos; and we meet with them one-on-one on sales, training, or customer service calls. Another excellent source of feedback is our authors who guide product development as members of advisory boards. As advisory board members, these author panels guide decisions from areas of focus to delivery formats.

LexisNexis often adds additional formats rather than replacing. This ensures we give options to customers when it makes sense. For example, LexisNexis introduced a loose-leaf version of our casebooks for law school students. They are priced at 40 percent less than the case-bound price. It offers students the lower price as well as the flexibility to carry only those sections that they are working on in class and the ability to put them in their own binders with their notes. The positive response has been significant, not only from students who benefit in a variety of ways, but also from professors who have made adoption decisions in favor of our books over competitors based on this availability (it makes them look more sympathetic to student economic concerns by making this choice).

#### **Thomson Reuters:**

We capture customer feedback through a variety of

methods including capturing anecdotal information from the field, customer feedback forms/reply cards, and formal market research.

**4. Is there a place on your website where librarians can find out ahead of time about upcoming format changes (and the likely date the change will take place)? If not, would you consider creating such a place (e.g., a cataloger's corner)?**

**LexisNexis:**

While we currently do not have an area that consolidates change, we do notify subscribers of major revisions prior to implementation, usually via letters but in some instances we reach out directly to our customers prior to finalizing the changes.

We are currently enhancing our e-commerce site to include future product enhancements and will absolutely consider an area that highlights upcoming changes.

**Thomson Reuters:**

This is still a pilot program so there is not a list of proposed titles on our website. That said, format changes are reflected in our online store ([west.thomson.com](http://west.thomson.com)) as soon as they are made.

**5. Is a list of titles that have undergone format changes or will be undergoing format changes presently available? Would you be willing to supply a copy of the list?**

**LexisNexis:**

Unfortunately, we don't have an aggregated list at this time but would be happy to supply additional examples if needed.

**Thomson Reuters:**

This is still a pilot program so we have not created a formal list. Approximately 450 of our titles meet the criteria we've established, and to date 33 titles have changed from loose-leaf to pamphlet updating.

**6. If there is not a list, is there a way for libraries to determine which titles may be undergoing a format change (i.e., any title that is not already a multi-volume loose-leaf set will become a loose-leaf set in the case of LexisNexis, or any title that is a loose-leaf with annual supplement will become an annual pamphlet in the case of Thomson Reuters/West)?**

**LexisNexis:**

Integrating pocket part supplement into a bound volume: The decision to fold, or integrate, a supplement into a bound volume and release a new bound volume is based on two factors: the physical page size of the supplement and the age of the associated bound volume. When we release a new bound volume, in addition to updating affected sections, incorporating the supplement updates, we will take advantage of the opportunity to clean up

and organize value-add content, citation patterns, etc., resulting in a cleaner, more consistent, and more up-to-date set.

Adding a bound volume: Within a particular binding style, we are limited by the size of that binding. When a topic of law has significant growth, we occasionally have to split a volume to accommodate the growth in that area and the binding format.

Bound to loose-leaf: The decision to change format from bound to loose-leaf is an ease-of-use decision. Bound volumes are usually updated annually. If legislative activity in the area changes so that more frequent updates are required, a bound publication might be moved to loose-leaf.

**Thomson Reuters:**

Libraries can look to the baseline criteria to determine whether or not a title is a candidate—baseline criteria for loose-leaf updating include one- to three-volume titles that are updated annually, or one- to two-volume titles that are updated twice per year. We would add that, because this is currently a pilot, it is possible that these criteria may change over time.

**7. Would it be possible to disclose exactly what has been updated in a revised edition, supplement, or loose-leaf update? (There are ways this could be done, including a more detailed explanation of sections affected/content added in the filing instructions, or by requiring publishers to give an estimate of the percentage of new content in a given update.)**

**LexisNexis:**

We currently provide notes in all of our titles that outline changes to a publication. As mentioned above, we will work to incorporate them into our bookstore to make it easier for customers to view what has changed. We also have been working to supply checklists to help customers know that their collections are complete and current. We'll be adding this as well.

**Thomson Reuters:**

We have an editorial obligation to be sure our subscribers get the full benefit of their subscription. We therefore evaluate each publication against 16 specific criteria to ensure that our print titles meet customer, author, and editorial standards. These include making certain that our publications are comprehensive, up-to-date, and free of error. Also, we commonly include inserts with a summary of key changes when we ship the books.

**8. Are publishers aware—or is any consideration given—to the budgetary impact format changes have on libraries and library staffs? (The impact is limited not just to the cost of the material but also includes time and money involved with cataloging, labeling, and processing the new material and withdrawing or labeling the prior material "superseded" or "not current.")**

**LexisNexis:**

Absolutely! At LexisNexis, we understand that shelf space, filing, and physical appearance are all important to the librarian community so they can maintain a great experience for their patrons. We consider this, along with the feedback and request for changes to content, and try to accommodate all needs of the customer.

**Thomson Reuters:**

We are. Our first priority is to ensure that our print volumes contain the most current information for our subscribers, regardless of updating format. The pilot program is based on customer feedback—we frequently hear from customers that loose-leaf updating is more cumbersome and costly than pamphlet updating and factor this customer input into our format decisions. Customers also have indicated that pamphlet updating gives them confidence that the most current information is reflected in the print volume.

**9. Is there any other information you would like to share that would help librarians understand the need and rationale for changing a title's format?****LexisNexis:**

At LexisNexis, we are very focused on listening to

the customer and understanding where the industry is going. We often add format options rather than replace. For example, LexisNexis has been working to introduce eBooks, which will offer customers another choice when determining how they'd like to use our content. To learn more, visit [www.lexisnexis.com/eBooks](http://www.lexisnexis.com/eBooks).

**Thomson Reuters:**

We appreciate that our customers care about our products and provide good feedback that can help shape format, content, and usability. Your feedback ultimately helps us to provide the best possible products for you.

**10. Thomson Reuters has included a customer survey questionnaire when shipping a new pamphlet-formatted title. While this is appreciated, it seems to put the cart before the horse as the product has already undergone the format change. Will Thomson Reuters actually revise a product back to its previous format if it receives enough negative responses?****Thomson Reuters:**

We are comfortable that we capture enough customer, author, and editor feedback before any title undergoes a format change and are confident that this feedback effectively reflects customer preferences.

# Librarian Involvement in Product Development Testing

We thought that our readers would be interested in the role that law librarians play in product development of legal information resources. I posed the following questions to staff at LexisNexis, Thomson Reuters/Westlaw, and Fastcase. Ed Walters, CEO, responded on behalf of Fastcase, Inc. Molly Miller, vice president of customer discovery and innovation, and June Doyal, director of user experience, responded for LexisNexis. Mike Dahn, chief marketing and product development officer, offered responses for Thomson Reuters/Westlaw.

## 1. At what stage in product development are law librarians invited into testing? Do you involve law librarians in early concept testing?

**Fastcase:** Law librarians are involved in the complete lifecycle of testing at Fastcase, from concept through launch in beta, and throughout the life of our products. Law librarians tend to care the most about the issues we hold dear, so they're a terrific sounding board for innovation.

**LexisNexis:** Law librarians are included in our product development cycle from the very start. In fact, we include librarians in the process of establishing ideas and forming them into concepts. Law librarians are invited to participate in problem discovery sessions in which we generate innovative concepts to pursue. These problem discovery sessions are the genesis of many of our concepts.

**Thomson Reuters:** Yes, we always collaborate with law librarians on new concepts. For example, law librarians participated in our earliest studies of the WestSearch™ algorithm more than five years ago and were recruited for studies throughout the development of WestlawNext™. Law librarians played an integral role in informing feature development, information architecture, and design layout.

## 2. How do you control the usage environment (where the librarians test and under what circumstances)?

**Fastcase:** We tend not to "control" the environment—we like for law librarians to use Fastcase the same way they do in their offices. That way we get feedback that reflects their normal workflow. (It's also less disruptive to people's busy lives.)

**LexisNexis:** Control of the usage environment varies depending on the stage of the product development cycle. Early on in the cycle, our usage environment is quite controlled with facilitated sessions on a prototype of the system. Later stages—after development but before release (alpha and beta phases)—tend to be less controlled (subjects try out the prototype and complete an exit survey).

**Thomson Reuters:** For studies performed early in the product development lifecycle, we use prototypes that can only be accessed on internal equipment. For testing closer to release, participants can access the beta website from their own computers, smartphones, and tablets.

## 3. Do you engage staff librarians (within your organization), librarians in the field, or both in your testing?

**Fastcase:** All of our testing is with law librarians in the field.

**LexisNexis:** We engage both staff librarians within our organization and librarians from the field in our testing.

**Thomson Reuters:** We actually have law librarians on our product development team. We also work with law librarians from external organizations.

## 4. How do you invite law librarians to participate in testing?

**Fastcase:** It's a pretty informal process. We're friendly with many law librarians in Washington, D.C., and from AALL, so we talk to our friends who can give us the most useful thoughts and advice.

**LexisNexis:** We use a variety of methods depending on the type of testing and stage of our product development cycle to invite law librarians to participate in testing. In the early concept stage, we rely heavily on our teams of role-focused customer advocates. We have a specific focus on librarians led by a former librarian. He meets every day with librarians to get feedback on concepts and explore librarian challenges. We use all sorts of methods to invite participants, including industry forums, LexisNexis law librarian teams, sales teams, and so on.

**Thomson Reuters:** Depending on the type of study, we may use external recruiting companies or our own marketing personnel to contact prospective study participants. The law librarian is one of our key profiles.

## 5. Do librarians test both in your controlled setting and at their own libraries?

**Fastcase:** We like to test in real-world environments and don't find many controlled settings in the workplace! (We test in librarians' own libraries.)

**LexisNexis:** Yes, librarians test in both settings. Most sessions are facilitated.

**Thomson Reuters:** Yes, we conduct studies in the lab as well as in the participants' own work environments. The type of study determines the setting and tools used. For example, eye-tracking has special equipment needs and can only be done in a controlled setting, whereas contextual observations are performed in a legal researcher's own environment.

**6. When you test, do you take into account different work settings, like firms, academic, governmental, etc.?**

**Fastcase:** Yes, each segment of the legal community has different needs in terms of content, functions, and features, and we recruit participants from each user profile.

**LexisNexis:** Yes, our research targets and includes different groups in order to understand user needs in different work settings.

**Thomson Reuters:** Each segment of the legal community has different needs in terms of content, functions, and features, and we recruit participants from each user profile.

**7. Do you involve librarians in tests on pricing models or just product functionality and features?**

**Fastcase:** We've typically just done feature testing—our pricing model is very straightforward and transparent. Our pricing model just isn't esoteric enough for testing (we consider this a good thing).

**LexisNexis:** Our research on pricing models is targeted to decision makers, and law librarians are included in all of our research targeted to decision makers.

**Thomson Reuters:** Yes, we involve librarians in the development of pricing models through a combination of in-person visits, West Advisory Board feedback, and other feedback forums.

**8. Would you please describe a lesson or two learned from testing? Can you give an example of something that changed due to law librarian input?**

**Fastcase:** One of the things we learned is that you can't innovate by taking a poll—to stay ahead of the pack, we have maintained a clear vision for where the Fastcase product is heading. We listen very closely to our users and design with their input, but we're blazing trails that are new, and you can't expect product vision and leadership to come from focus groups, even groups made of very sophisticated users.

Conversely, you can't tell how successful a product is by how much your internal team likes it—if law librarians don't love the product, it's not a success. It's that simple.

One thing that we recently changed based on the input of law librarians is our scope of coverage. The fastest-growing segment of Fastcase sales has been in large law firms, which are using Fastcase to stay competitive for clients who are increasingly cost-sensitive about the pass-through costs of their legal research. This is a relatively new market for us, and one thing that private law librarians told us is that we needed to begin updating federal district court opinions daily.

So we've recently begun updating federal district court opinions daily. This isn't something that our users have requested in the past, but law librarians told us this was a priority, so we've invested heavily in it.

**LexisNexis:** We added "hide" and "show" functionality on the carousel on the landing page of Lexis® Advance. While law firm and university librarians appreciated ready access to their personal folders and recent searches on Lexis® Advance, they told us they needed the ability to hide confidential information from individuals who might see their screens either in their offices or as part of a training session. This led us to change the design and build new functionality into the product.

**Thomson Reuters:** Law librarians and other legal researchers have sent us a multitude of valuable feedback. For example, we received feedback from law librarians that the pending and proposed legislation result lists could be improved by adding more detail. As a response to this feedback, the result list items are now more comprehensive and include sponsor, act title, and a detailed summary.

**9. Do you have a particularly unusual or interesting story about product testing?**

**Fastcase:** One of my favorite stories of user testing is actually about Google. When they first launched the site, Google was just the logo, the search box, and two buttons on the home page. Marissa Mayer did the first user testing, and when they sat the focus group down, they asked them to go to [www.google.com](http://www.google.com) and run a sample search. The users called up the Google home page and just sat there. As Mayer tells the story, this was during the age of dial-up when pages loaded slowly. And because there wasn't anything below the search buttons, the users were simply waiting for the rest of the page to load, dial-up style. And they sat there and waited patiently for more than a minute, until Mayer told them that the page was done and they could search. Soon afterwards, Google added a few links and a copyright notice to the bottom of the page, to let users know that it had fully loaded—and those links remain there today.

**LexisNexis:** We held a series of laboratories called “YouLabs” with groups of librarians and divided the sessions between “What is critical for you?” and “What is critical for your library patrons?” We found it fascinating how focused the librarians were on their patrons. Yes, there was a wish-list for their own ‘power-user’ needs, but their greatest concern was to build a ‘must-do’ list for those associates, partners, students, and staff attorneys who depended on their guidance to add value to their organizations every day. The librarians’ focus on making the more novice users more independent and extremely successful at their jobs was enlightening and admirable.

**Thomson Reuters:** During one of our contextual inquiry studies, two of our researchers arrived at a participant’s office. They were surprised to find that the study was going to take place in a gated community and looked around for signage indicating that a law firm was located there. It was difficult to find doors within the gate. When the main gates opened to allow a vehicle to pass through, they walked in. They found the address and knocked on the door. Someone who had clearly just woken up greeted them. It turns out that when the recruiters asked the participant for an address, they were given a residential address rather than a work address. Fortunately, the researchers were able to get the correct address and drove to the participant’s office to conduct their study.

#### **10. Typically, how many librarians would perform beta testing of products?**

**Fastcase:** It depends on the feature but the groups tend to be relatively small. We rely more on the advice of a handful of power-users over broad, poll-based testing.

**LexisNexis:** In the last two years, we have worked with more than 200 law librarians throughout various levels (concept, alpha, and beta) of product/service testing and development. We are working with participants in large law, small law, law schools, government sectors, and corporations.

**Thomson Reuters:** The size and scope of beta testing varies, but law librarians are always one of the primary user groups included in testing.

#### **11. How do you vet participants? What are your typical qualifications/criteria?**

**Fastcase:** We’re pretty tight with the community so we ask people whom we trust and respect—it’s really not more formal than that.

**LexisNexis:** This depends on the goals of the study, but typically we include specific role requirements, require that the participant normally conduct x percent of online legal research (regardless of product) and require that the participant not be participating in any of our competitors’ boards.

**Thomson Reuters:** We seek out participants who perform online legal research as part of their job with usage and demographics varying based on the nature of the study.

#### **12: What disclosure limitations do you place on test participants?**

**Fastcase:** We typically don’t impose any limits. If our friends want to talk about the cool things in the pipeline at Fastcase, we should promote that, shouldn’t we?

**LexisNexis:** Participants sign a non-disclosure agreement. This agreement focuses on protecting what is discussed, shared, or viewed during sessions and covers conflicts of interest.

**Thomson Reuters:** We have our participants sign a non-disclosure agreement.

#### **13: Is there anything else you’d like to share regarding librarian involvement in product development testing?**

**Fastcase:** Yes—if you’d be interested in beta testing new Fastcase features, contact me [Ed Walters] or my co-founder, Phil Rosenthal, at 703/740-5920. More eyes and smarter eyes make better products.

**LexisNexis:** We truly value the input of law librarians. This is a dynamic group of legal professionals and industry thought leaders who help us develop new products and services. Their insight is critical to our success in achieving our goals of delivering an enhanced product portfolio and new innovations to our customers. Many thanks to every past and future research participant.

**Thomson Reuters:** Because our product development process is based on a user-centered design methodology, we will continue to collaborate with librarians and include them in testing. Librarian input is crucial to the continued usefulness of our products.

# Request for Assistance: Committee on Relations with Information Vendors

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

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Library: \_\_\_\_\_

Address: \_\_\_\_\_

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Telephone: \_\_\_\_\_

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Vendor: \_\_\_\_\_

Nature of problem: \_\_\_\_\_

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Please send this form and supporting documentation to:

Rob Myers

Associate Director for Collection Management, Acquisitions and Planning

The Judge Ben C. Green Law Library

Case School of Law

Case Western Reserve University

11075 East Boulevard

Cleveland, Ohio 44106

216/368-8656

Fax: 216/368-1002

robert.myers@case.edu

You may also complete this form online at:

[www.aallnet.org/committee/criv/publisher\\_communication/requestform.htm](http://www.aallnet.org/committee/criv/publisher_communication/requestform.htm)