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CRIV Blog

crivblog.com

The CRIV Sheet

Editor's Corner

I am very excited to begin my tenure as editor of *The CRIV Sheet*. I would like to take a moment to thank the outgoing editor, Alexa Robertson, under whose guidance *The CRIV Sheet* went green and transitioned into an online publication. Robertson was a model of calm and patient leadership and I will strive to live up to the example that she set. I am pleased to begin working with Alana Bevan, Glida Chiu, and C.J. Pipins on *The CRIV Sheet* this year, as well as with CRIV's Chair, Diana Jaque. We hope to continue to bring you informative, interesting articles that will be of use and interest to all members of AALL.

For this issue of *The CRIV Sheet*, we have continued the longstanding tradition of an AALL Annual Meeting & Conference wrap-up issue. Included within, are summaries of several vendor relations-themed programs. If you missed this year's meeting in

Chicago, were unable to attend a program due to scheduling conflicts, or are looking for a quick refresher, you will find these recaps valuable. Last year, CRIV began holding semiannual calls with four legal publishers: Bloomberg BNA, LexisNexis, Thomson Reuters, and Wolters Kluwer. The recaps from the calls that took place in May and June 2016, have also been included. As a reminder, these recaps are also published in the [CRIV Blog](#). If you would like to contribute to *The CRIV Sheet*, share ideas for articles, or share your ideas on improving vendor relations, please contact us. Your comments, letters, suggestions, and submissions are always appreciated. We love to hear from our readers.

Please email any member of *The CRIV Sheet* subcommittee with suggestions for articles: [Valerie Carullo](#), [Alana Bevan](#), [C.J. Pipins](#), or [Gilda Chiu](#). [View](#) our editorial policies.

Diana Jaque University of Southern California Law School

From the Chair

This issue marks the beginning of *The CRIV Sheet* for 2016-2017. Last year, *The CRIV Sheet* entered modern times as a "green," online-only publication. Perhaps the most significant benefit of this change is electronic delivery of *The CRIV Sheet* into each AALL member's inbox. Looking back on the transition one year later, it has been a huge success. The smooth transition was largely due to the tireless work of Alexa Robertson, the 2015-2016 editor of *The CRIV Sheet*, and her subcommittee—Valerie Carullo, Gilda Chiu, and C.J. Pipins. To all of them, I offer my sincerest thanks.

Last year, CRIV underwent a huge transition taking on new tasks including four CRIV Vendor Liaison positions. The 2015-2016 CRIV Chair, Jacob Sayward, worked hard to incorporate these new roles into CRIV's already established workflows. Thank you,

Jacob, for bringing your boundless energy and enthusiasm to this endeavor.

Moving forward, CRIV stands ready to assist members. Please feel free to [email me](#) or submit a member assistance request. In addition, please remember that CRIV provides numerous resources online such as the CRIV Tools and the [CRIV Blog](#). CRIV Member Cindy Hirsch will be coordinating our blogging efforts this year. CRIV Committee members are looking forward to a very active year of blogging.

Valerie Carullo has ably taken over the editorship of *The CRIV Sheet* for 2016-2017. I am certain you will enjoy reading this issue containing numerous AALL Annual Meeting program summaries as well as the most recent set of CRIV Vendor Liaison reports. Happy Reading!

AALL 2016 Chicago: Annual Meeting Educational Program Summaries

C.J. Pipins

Thurgood Marshall Law Library, University of Maryland Francis King Carey School of Law

Crowdsourcing a Skill Set to Manage the Legal Information of the Future

Speakers: Melissa Beck (UCLA School of Law); Sara Campbell (State of Oregon Law Library); Mark Giangrande (DePaul University College of Law); Wendy Moore (University of Georgia); Ashley Moye (Charlotte School of Law); Megan Von Behren (Fried, Frank, Harris, Shriver & Jacobson LLP)

As legal information and its mode of access continue to change, librarians who once felt like experts are finding themselves faced with new challenges. This program brought together a diverse group of librarians to discuss the tools necessary to meet these challenges. Speakers described ways to identify and develop important skills, and then invited the audience to work in small groups to come up with additional skills upon which the panel could comment.

The first speaker was Ashley Moye who described the harsh reality of constant change. Change is inevitable; we all know this. Moye observed that even though we are all experiencing change frequently, it still causes many of us enormous stress. She also broke down change into a series of phases, and asserted that emotional intelligence is the key to traversing the phases of change more quickly and in a way that will minimize stress. There are two “buckets” that make up emotional intelligence: intrapersonal and interpersonal. Intrapersonal was described as self-awareness, self-regulation, and motivation. Interpersonal emotional intelligence is comprised of empathy and social skills. One of the most wonderful aspects of emotional intelligence is the fact that it is a trainable skill that we can develop. Moye provided a list of favorite videos, books, and articles the audience could use to jumpstart their emotional intelligence development, and suggested that the audience continue to build on that list with favorites of their own.

The second speaker was Megan Von Behren, who discussed maintaining a passion for the profession throughout a long career. One method is to take on a project or responsibility for which you have little or no knowledge or expertise. This fearless method keeps work interesting, stimulating, and exciting. It also requires one to incorporate existing skills into the process of developing new ones. Often, further projects are born out of this intense learning phase.

Von Behren closed her presentation with five tips/tricks for finding and/or maintaining passion:

- Reclaim your excitement and remember why you went to library school in the first place.
- Reconnect to your strengths and identify what you bring to the table.
- Network with colleagues and share ideas. You can borrow enthusiasm from others.
- Dare to be uncomfortable. Fearlessness is exciting.
- Find passion within, and inspire yourself.

The third speaker, Melissa Beck, set her sights on catalogers and introduced her notion of mindful metadata mastery. She developed this idea as a response to the apprehension and worry about the future of cataloging and the myriad variables—both known and unknown—changing the nature of catalogers’ work. Metadata mastery is developed by concentrating on key, urgently needed skills, planning for the future appropriately, and turning the unconscious tone of apprehension and worry into one of curiosity and learning.

Sara Campbell took the stage and encouraged everyone to “trade your cookie recipe.” No, she wasn’t telling everyone to offer baked goods in their libraries of the future, though it is an idea worth exploring. Instead, Campbell was analogizing a list of ingredients used to make cookies with a list of resources/tools that librarians have found to be indispensable in the execution of their duties. She urged the audience to share that list with colleagues. She also gave the audience a number of places where this list of tools can be cultivated, allowing information professionals to self- and then group-teach with other members of their organization.

The importance of collaboration between technical services and research departments was the message shared by Mark Giangrande. His approach to dealing with the changing environments facing libraries includes creating a workflow to accomplish goals in which both departments are invested in the outcomes. He doesn’t suggest that there will be a point at which the work of the departments is completely interchangeable, but libraries will be much

more agile if technical services and reference have a deep appreciation for the skills and work that each must accomplish. Giangrande encourages shadowing and teaching between the two as a way to achieve this.

Last but not least, Wendy Moore spoke about the skills needed to create effective elevator pitches. Too often, librarians are unprepared to discuss the work, accomplishments, and ideas that come from the library. Those are missed opportunities that could certainly have an effect on the library, particularly if management assumes the library's role is irrelevant because its importance is not communicated. This is marketing friends, and these elevator pitches are the ultimate weapon in the librarian's marketing arsenal. To create an effective pitch, follow the three C's:

concise, customized, and conversational. Moore also shared a message map template to help us think through and identify the ideas we want to pitch. That way, when a chance presents itself, you will be pitch perfect.

During the final section of the program the audience was asked to develop a list of skills that they thought librarians will need to become the legal information managers of the future. Highlights included: learning a new industry to better empathize with our clients, strategic planning, space planning, and proactive approaches to technology. With so many ideas packed into a one hour session, attendees no doubt left with a renewed sense of enthusiasm and a few new skills to explore.

Jim Gernert Social Security Administration Library

Are People Even Using This Database?: E-Resources and Statistics

Speakers: Anna Lawless-Collins (Boston University); Tim Devin (New England Law | Boston); Kris Martin (HBR Consulting); Shannon Hein (William S. Hein & Co., Inc.); Daniel Rosati (William S. Hein & Co., Inc.); Jacob Sayward (Fordham University Law Library)

One of the most interesting programs at the recent AALL Annual Meeting, "Are People Even Using This Database?: E-Resources and Statistics," kicked off the regular Sunday morning programming. Judging from the packed room, the issue of gathering appropriate electronic resources statistics is one that's important to many in the law librarian community.

The program began with a presentation by Anna Lawless-Collins on the results of a survey that she had carried out with AALL members on their use of database statistics. One of the first questions in the survey asked why members were collecting statistics, and not surprisingly, the answers generally related to organizations' budgets. As part of the e-Resource Life Cycle, librarians need to do a periodic review of database usage to determine to what extent they are being used, and sometimes to help with the difficult choice when deciding which databases to cut. Usage statistics can also show our stakeholders that we're subscribing to valuable resources and using our budgets responsibly. However, it can be hard to make accurate comparison between databases if usage statistics from different vendors aren't comparable.

Lawless-Collins went on to do a brief review of the four main types of statistics:

- COUNTER Complaint
- Vendor Defined

- Self-generated
- No statistics

Of these, COUNTER compliant statistics are generally the most useful, since COUNTER strives to be "consistent, credible, and comparable." These factors help make it easier to make cross-database comparisons, and also to automatically generate reports (COUNTER works with SUSHI, among others).

With vendor-defined statistics, categories and measurements are defined by each vendor, which makes cross-database comparisons difficult. Vendors may also change their method of collection, which makes year-over-year comparisons difficult. There was also a suspicion among some survey respondents that vendor-defined statistics aren't credible.

Some librarians are also using self-generated statistics, primarily from data gleaned from proxy servers. These can be useful to supplement existing statistics or to fill in when other statistics aren't available. However, this can require time and effort from librarians, so each librarian will have to determine if the information is worth it. An alternative is to use a private service to gather statistics for you, but the cost can be prohibitive for many libraries.

Finally, when no statistics are available, librarians can use alternate sources such as Document Delivery requests, Reference Logs, and User Surveys to gather information about usage.

Lawless-Collins concluded by reminding the audience to consider qualitative as well as statistical factors.

Issues such as who is using the database or how it relates to the organization's mission can be important, even when a database isn't heavily used.

The second part of the program featured a panel discussion among librarians Jacob Sayward and Tim Devin, vendor representatives Dan Rosati and Shannon Hein, and consultant Kris Martin.

Tim Devin began the panel discussion with his description of generating his own statistics using a Proxy server. According to Devin, even attempting to gather statistics himself can still leave questions as to how accurate or complete the data is, but it at least provides management with some statistics for review. He also later discussed how he used the statistics he collected, and said that he provides reports a few times per year at critical times in the renewal cycle. In addition to using the reports for budget purposes, Devin also lets reference staff know what they can do to "push" the resources to remind students of their availability.

Jacob Sayward addressed the question of why it can be so difficult for law librarians to get accurate database statistics. In his opinion, legal information vendors are in a somewhat different position than other information vendors, because they serve not just academic customers, but private firms as well. Also, the type of content included in legal databases is not limited to the news/ephemeral content found in many other databases, but includes a significant amount of historical and non-journal type of information as well. Sayward, outgoing CRIV chair, also discussed the role that the Committee has played with regard to working with vendors on statistics issues. According to Sayward, CRIV has historically worked more with specific issues or problems, rather than working with vendors on an ongoing basis to develop consistent statistics. While that is a

responsibility that CRIV might take on, it would require a somewhat different focus than CRIV has traditionally held.

Dan Rosati and Shannon Hein from William S. Hein Publishing discussed the statistics provided by Hein Online. They hastened to state that while statistics may be "vendor defined," they are certainly not "made up." Later in the discussion, Shannon Hein elaborated on his company's attempt to become COUNTER compliant, only to find that after considerable time and money had been devoted to the effort, it was not really possible because of the historical and non-journal information that is included in Hein Online.

Kris Martin from HBR Consulting discussed how a consultant might work with usage statistics. He stated that at times statistics could be useful when negotiating subscription renewals, and also in judging the value of a resource to the client. If usage is going down with a given database, they also try to determine why—is it a question of training, the product platform, a better product, changes in population, or needs of the organization? When comparing usage among databases, his company is also careful to make sure that the data are measured the same.

This program provided a number of interesting perspectives on the questions surrounding electronic resources statistics. As discussed in both the survey results and from the librarian panelists' comments, librarians are under quite a bit of pressure from the management in their organizations to provide usage information to justify their budgets. Unfortunately, for many legal resources, the collection of usage statistics remains largely imperfect, even when vendors attempt to improve the quality of the statistics they provide.

Deep Dive: Cool Tools Café

Coordinator: Kurt Meyer, University of Minnesota Law Library

For the ninth consecutive year, Cool Tools Café served up a helping of new and existing technologies for AALL attendees to sample. Tools ranged from brief-driven case research (CARA from Casetext), to an oral history metadata tool (Oral History Metadata Synchronizer), a game-based learning platform (Kahoot!), and finally productivity and communication tools for staff (Slack and Popplet). There were useful tools for every type of librarian, information professional, technical specialist, teacher, manager, and all-around information geek.

Cool Tools Café's relaxed atmosphere enabled attendees to easily move from one demonstration to the next. Many attendees popped in for a demonstration or two before hurrying off to another session. The Café, held in a large, open room with individual stations, allowed participants to gather in small groups, ask questions, and get feedback from librarians who have implemented these technologies in their workplaces. Coordinator Kurt Meyer reported that attendance was up this year with more than 300 attendees stopping by for at least a portion of the two and a half hour program. The demonstrations that appeared to garner the most attention were CARA, Slack, and Grammarly.

[Case Analysis Research Assistant](#) (CARA) is a new product from Casetext. CARA allows a users to upload a legal document such as a brief or memo, which CARA then scans to generate a list of relevant cases that are not already cited in the document. Pablo Arredondo, vice president for Legal Research at Casetext, pointed out that users do not need to formulate a search query or select a database or jurisdiction. CARA extracts information directly from a legal document presenting cases that reveal additional points of law or uncover hidden legal issues. Once a list of cases is compiled, the user can access the full text of cases from Casetext's case law holdings. Several librarians commented that this tool could be a time-saver not only for attorneys but for professors and students as well.

[Slack](#) was another popular demonstration with attendees filtering in and sticking around to ask a range of questions. Slack is a communications tool that harkens back to the days of chat rooms, but with extra muscle. Many of us struggle to keep up with new email, search our archives for past information, or figure out who was, or was not, copied on important content. Slack aims to cure these email woes by allowing communication and collaboration

in real time among team members, departments, and even entire organizations—all with a powerful search tool included. Slack can be used as a one-to-one messaging system, an interactive group chat, or even as a live video conferencing tool. Slack also allows users to create private channels with limited access. Slack is particularly useful in an organization with a distributed workforce. Teleworkers can quickly and easily join meetings, post documents, or share their computer screen with a click of a button.

One of the most popular demonstrations was [Grammarly](#), presented by Scott Uhl of the University of Minnesota. Grammarly is an automated proofreader that goes far beyond standard spellcheck. Grammarly comes in both a free and paid version. The free version, which can be used on the Grammarly website or installed as a Chrome or Safari browser extension, checks for more than 150 types of spelling, grammar, and punctuation errors. The browser extension enables the proofreader to check writing online, including Gmail, Facebook, Twitter, LinkedIn, and Tumblr.

After learning of Grammarly at Cool Tools Café, I now use it regularly. In fact, I'm using it even as I write this article. I like the fact that Grammarly not only highlights a possible error but also provides the grammar rule and a brief explanation so that I can make an informed decision about changing the text. As with many people, I'm guilty of writing emails in a rush and I frequently overlook errors that basic spellcheck is not programmed to review. Grammarly has certainly improved my email communication skills.

Grammarly Premium is a paid subscription version that checks for more than 250 types of errors, provides vocabulary enhancement suggestions, detects plagiarism, and provides citation suggestions. The premium version includes Grammarly for Microsoft, which checks writing in Microsoft Word and Outlook. The fee for an individual subscription may be worth the cost for those whose written work is frequently evaluated or graded. Enterprise-wide subscriptions are available for organizations, educational institutions, and companies. Clearly, Grammarly could be useful in a wide range of legal settings.

Cool Tools Café is a "must-see" program at AALL and this year was no exception. The demonstrations are clear and concise and presenters offer excellent advice. The format provides attendees with the flexibility to stay for an hour or squeeze in a demo or two between other AALL sessions. The Café is truly a program that has something for everyone.

Tools demonstrated in the Café included:

Case Analysis Research Assistant—CARA (Pablo Arredondo, Casetext, Inc.)

Clio (Jason Zarin, University of Richmond School of Law)

Elucidat (Becka Rich, Nova Southeastern Shepard Broad College of Law)

Grammarly (Scott Uhl, University of Minnesota Law School)

Kahoot! (Katie Hanscke and Janeen Williams, North Carolina Central University School of Law)

LibWizard (Eliza Fink, Lincoln Memorial University Duncan School of Law)

Neota Logic (Jesse Bowman, Northwestern University Pritzker School of Law)

Oral History Metadata Synchronizer (Kris Turner, University of Wisconsin Law School)

ORCID (Christine George, University of Buffalo Law School)

Perma.cc and Page Vault (Deborah Ginsberg and Clare Willis, Chicago-Kent College of Law)

Popplet (Jenny Zook, University of Wisconsin Law School)

Scanner Pro 7 (Catherine Biondo, Northeastern University School of Law)

Slack (Kenton Brice, University of Oklahoma College of Law)

UX Tools (Sara Pic, Law Library of Louisiana)

Cindy Hirsch Donald L. Garbrecht Law Library, University of Maine School of Law

Negotiate with Confidence

Speaker: Alan Boudreau, Northern Illinois University College of Law

“Negotiate with Confidence” taught attendees to (1) identify key strategies and skills needed to negotiate, and (2) how to work with tools and techniques. Librarians are uniquely qualified in four basic skills—research, planning, creativity, and curiosity—giving us an advantage in negotiations.

Many people approach negotiation expecting to divide the pie, assuming an even split. Instead we were encouraged to consider the parties needs and interests in advance. Negotiation is a discussion aimed at agreement. Two myths are associated with negotiation skills. First, that negotiation is an innate talent and second, that negotiations result in winners and losers.

Before entering negotiations it is critical to plan:

- Identify and understand your general needs and interests. Don’t take just one position. Fixed positions are not conducive to meeting wants or goals or to solving a problem.

- Consider what might be your best alternative to a negotiated agreement (“BATNA”). Determining your BATNA recognizes that you may leave negotiations without an agreement.
- Repeat Steps 1 and 2 for the other side. This step requires research and may help you identify missing information and questions to ask. Use this to start negotiating.

We tried an exercise in identifying five needs/ interests, possible outcomes, including BATNA, for our “side” and then applying the exercise to the other “side.” When you have identified the other side’s needs and interests, you can appeal to what the person reacts to, which is not necessarily negative or positive. Thus, how you frame things is critical.

Contract Review: Considering the Vendor Relationship and Key Terms

Coordinator/Speaker: Ramsey Donnell, John Marshall Law School

Speakers: Noor Abid (Sidley Austin LLP) and Lisa Snyder (Sidley Austin LLP)

On the very last day of the 2016 AALL Annual Meeting, a terrific program took place: “Contract Review: Considering the Vendor Relationship and Key Terms.” It must have been extremely pertinent for many law librarians as the room was packed with attendees. As the main point of contact for my library in the contracting process, my hope was to receive a general overview of contracting terms and to see if there were any new tips or tricks for making the contract review process run more smoothly. The program was outstanding and did not disappoint.

The speakers began by determining how many in the audience worked for a law firm and how many for an academic institution. While law firm librarians comprised about two thirds of the audience, the presenters worked hard to provide content that would be relevant for both library types.

The program’s general overview pointed out that contracts are not static, but changing and evolving every day. Contracts have become more and more important in all types of workplaces—especially libraries. As law librarians, nearly everything that we touch is a contracted service due to the fact that law libraries rely heavily on licensed content and content provided for a fee.

It’s not surprising that a program devoted to contract terms might actually begin with a disclaimer. Noor Abid, a procurement staff attorney from Sidley Austin LLP, did exactly that before beginning the substantive content of her presentation. She not only posted the disclaimer on the slides, but actually took the time to read it aloud to the audience. She cautioned that contracts are constantly changing and the important considerations of today may not be what we consider important tomorrow, or even what was considered important yesterday.

Lisa Snyder, a strategic sourcing manager from Sidley Austin LLP, provided a description of the framework for contract review. She began by considering the context of the contract and encouraged the audience to think about the vendor as well as the product or service before sitting down to examine the contract.

Snyder encouraged us to begin by looking at the price and its impact on the budget. Then to determine if the vendor is someone you have worked with in the past. If your library has had a positive relationship in the

past with a particular vendor, that may encourage you to contract with them again. Snyder also listed a series of questions for libraries to consider: Is the product new? Would it merely be nice to have or is the product essential? Does the product provide something unique to your organization? Does your organization have any leverage to negotiate pricing and legal terms? How will your users access the content? Is content pushed out to users or accessed online? If access is online, is it via IP authentication or by unique user logins? Who benefits most from the contract? Is it a small practice group only? How will users share the resource? Will the resource be used in work productivity? Will it be sent to clients? What is the planned use of this resource? What will happen if the contract goes awry? What is the risk for your institution? All of these questions form an excellent checklist for a library determining whether or not to contract for a particular service or database.

Snyder also indicated that the analysis must continue at contract renewal. At renewal, it is important to consider usage reports and determine if there are repeat users. If so, she advised that we determine which practice groups they are from.

Last but not least, Snyder strongly suggested that we carefully reflect on what will happen if this service fails. A contract should include sample service levels as well as remedies if the level of service is not maintained.

Abid began the next portion of the program by listing the top five critical contracts terms: license grant, term and termination provisions, purchase price, confidentiality and non-disclosure, and risk allocation.

License Grant

The license grant defines who makes up the product’s users and how the product may be used. When negotiating this term, Abid strives to have the user definition be as broad as possible. For example, at her firm she negotiates to include not just lawyers, but also employees, partners, contract attorneys, summer associates, and affiliates. Ramsey Donnell, director of library and technology services at John Marshall Law School, added that in the academic context the license grant should include all categories of academic users such as students, faculty, adjunct professors, staff, and walk-in patrons. Also, if the database is for academic use, the contract should include permission for scholarly sharing such as ILL in addition to permitting faculty to send articles to colleagues at another institution.

Term and Termination

For Term provisions, the speakers discussed factors that should be considered when contracting for multi-year agreements. Attendees were advised to think about the incentives offered by the vendor. Typically, vendors will offer a pricing discount, flat rates across the contract term, or lower inflationary increases in exchange for a contract spanning several years. In years when renewal rates are increasing substantially, the multiyear agreement can furnish a significant benefit. However, if pricing trends are downward, a flat fee contract for three years would not provide substantial cost savings. Also, be careful to make certain that the multiyear agreement does not include an auto-renewal clause. Some multiyear contracts can automatically renew for a single-year or a multi-year period.

Termination rights become extremely important when a product does not perform as contracted. The speakers offered suggestions of language to be incorporated into the termination rights section of a contract. It may be helpful to include termination as an option if there is a degradation of service. One suggestion is to be as specific as possible and state that service must be up and providing access/service 99 percent of the term, or the vendor pays a penalty. Carefully look at the contract language for when the vendor may terminate or suspend service. If the vendor terminates, what options will your institution have? It is important to also think about early termination and what rights each party has. There may be a right for your institution to obtain a refund of pre-paid fees.

Pricing and Commercial Terms

For each resource, it is important to determine how prices are set: FTE, usage, or content. To control price escalation, see if it is possible to negotiate a price cap on future cost increases. Another means of obtaining favorable pricing may be to work with consortia and take advantage of a group discount. Lastly, Abid cautioned that law firm customers should check the language in the pricing term to see if the supplier can increase the price when the firm acquires another firm or a practice group.

Confidentiality and Non-Disclosure

Donnell also discussed the academic law library view of confidentiality and non-disclosure agreements. In general, many academic law libraries oppose non-disclosure agreements. Many law school libraries favor

transparency in pricing, but want confidentiality concerning the user's usage of the product. Abid discussed that most in the law firm community favor non-disclosure agreements and feel that transparency can limit their negotiating power. In addition, a law firm may not want their clients knowing their suppliers. Thus, most law firms include a blanket confidentiality term that specifies that their user searches are confidential, but also that the deal itself remain confidential. This type of confidentiality agreement is generally quite broad in nature.

Risk Allocation

As time was running short, risk allocation was discussed very briefly. In regards to limitation of liability, parties want to balance both the risks and rewards of the deal. The liability cap should be reasonable; for example, fees paid. Abid also cautioned to consider appropriate exclusions from the cap such as breach of confidentiality or IP infringement.

Red Flags and Pitfalls

Speakers warned attendees to be careful when written agreements contain a link to binding terms and conditions online. Also, be watchful that unilateral modification rights may be included within the online terms and conditions. Some contracts may even state that continued use of the products constitutes acceptance of the contract terms. If the contract terms cannot be negotiated, consider any steps for internal mitigation that are possible.

Institutional Review Structure

Lastly, while the speakers discussed several different organizational structures for institutional review, they cautioned that the structure and procedure for institutional review should be something that is followed consistently. Abid and Ramsey shared the processes at their institutions and both of their descriptions underscored how much variation exists from one institution to another.

As we reached the final moments of the session and the question and answer period, it seemed that most attendees agreed that the session achieved its goal of providing practical information about both the contracting process and the most common contract terms. Certainly, those who attended this session will be much more prepared as they embark upon any future contract.

CRIV Liaisons to Vendors

CRIV holds semiannual calls with four legal vendors: Bloomberg BNA, LexisNexis, Thomson Reuters, and Wolters Kluwer. CRIV publishes notes from the calls as

they become available both in *The CRIV Sheet* and on the [CRIV Blog](#). For this issue, we have notes from calls with Wolters Kluwer, LexisNexis, Bloomberg Law, and Thomson Reuters.

Sara Paul Raffel

CRIV/Wolters Kluwer Semiannual Call

On May 17, 2016, CRIV had its second semiannual call with Wolters Kluwer. There were no outstanding requests for advocacy involving Wolters Kluwer products from the AALL membership to discuss.

CRIV inquired about usage statistics, including what is offered, in what format, and what libraries have to do to get them? What is available really depends on the platform. Account managers can provide statistics, and Wolters Kluwer is working on some standardization.

With regard to recent complaints about Transfer Binders being inadequately sized, Wolters Kluwer advised that libraries go back to the vendor and re-size the binder. They can call the customer service line at (1-877-529-5427) with questions and requests for new binders.

The ongoing project to create MARC records for Cheetah and Intelliconnect, which Wolters Kluwer has been working closely with the VRAG group on, is complete. MARC records are [now available](#) free of charge for both Cheetah and Intelliconnect. There are close to 1,000 records, with more to come. Wolters Kluwer reported that working with VRAG was great.

They are working with OCLC to get MARC records in Worldcat, which will be available in the next month, then updated quarterly.

With regard to upcoming changes or developments regarding Wolters Kluwers' products or policies, there are no policy changes. Product-wise, Cheetah has added materials in new areas of law, including tax, banking, and consumer finance. Materials for securities, corporate, IP, antitrust, and litigation have already been incorporated. Pension benefits, labor and employment, government contracts, and payroll are all forthcoming. Wolters Kluwer is also launching a training, consulting, and SED services program. In terms of just-in-time learning, they will be coming out with some shorter videos. There are no plans to phase out Intelliconnect at this time.

There has been no replacement named for Linda Dunton, who retired in February 2016. Doug French, executive director of marketing and Cindy Kaplan will work with CRIV until there is a permanent person in the role. Finally, a roundtable discussion was held Sunday, July 17th during the AALL Annual Meeting in Chicago.

Jacob Sayward

CRIV/LexisNexis Semiannual Call

On May 19, 2016, CRIV had its second semiannual call with LexisNexis. There were no outstanding requests for assistance involving LexisNexis products from the AALL membership to discuss.

CRIV inquired about LexisNexis licenses with non-disclosure language so broad that it would prevent libraries from discussing any aspect of the license agreement with CRIV or AALL. CRIV encouraged LexisNexis to adopt more narrowly targeted language to meet its goals, in lieu of language that prevents libraries from bringing potential issues to CRIV or AALL. LexisNexis responded that its non-disclosure language was unlikely to change.

CRIV inquired about LexisNexis's current offerings of usage statistics, referencing [a page on the topic](#) TS-SIS has been curating. LexisNexis was invited to

submit more specific information about its usage offerings for this page.

CRIV invited LexisNexis to contact the [Vendor Supplied Records Advisory Group](#) and work with them on any MARC records LexisNexis provides. A Roundtable discussion was held Sunday, July 17th during the AALL Annual Meeting in Chicago.

LexisNexis informed CRIV that its move to agile development is resulting in more frequent updates and releases for Lexis Advance. LexisNexis encourages libraries to take a look at the visualization tool Legislative Outlook. LexisNexis also encourages libraries to keep an eye out for Search Term Maps, which were rolled out in late summer.

The next call is set for fall 2016.

CRIV/Bloomberg BNA Semiannual Call

On June 9, 2016, CRIV had its second semiannual call with Bloomberg BNA. In attendance were Mike Bernier (BBNA); Joe Breda (BBNA); Kate Hagan (AALL); Diane Jaque (CRIV vendor liaison); and Rick Montella (BBNA).

A new vertical focusing on tax is coming to Bloomberg Law. It will include a new user interface that was developed after numerous interviews with users and incorporates the results from eye tracking studies. Content will include the Tax Management Portfolios, federal and state primary law, and the complete library of tax content currently available on BNA.com. In addition, the resource consists of historical versions of the tax code back to 1913, as well as a comprehensive collection of agency materials and approximately 15,000 international tax treaty documents. This tax resource has been built as a vertical and is available for sale as a stand-alone product, but will be included in Bloomberg Law subscriptions at no additional charge.

In addition, Bloomberg BNA is revamping their Labor and Employment Practice Center on Bloomberg Law, making its content more robust. This fall, all content from the Labor and Employment Law Resource Center will appear on Bloomberg Law as well as additional local labor ordinances and public employee resources.

The Business Development Center on Bloomberg Law is being streamlined and users will be able to build customized dashboards and populate it with widgets covering news, dockets, deals, and more. Dashboards can be published and shared firm wide.

Within representation analytics, they also have introduced a jurisdiction view. By the end of the year, judicial analytics will also be available and users will be able to see how judges rule on certain types of motions and, for example, see how long matters are pending before a particular judge.

Defining ROI: Law Library Best Practices is an AALL digital white paper that is set to be released in the fall of 2016. Additionally, AALL has hired Megan Mall to serve as director of content strategy.

There were no requests for assistance or member advocacy issues with BBNA since our last phone call. One question that came up on the call was whether BNA.com was planning to sunset. At this point, most development efforts are focused on Bloomberg Law. The creation of Bloomberg Law verticals continues in different practice areas and allows end users to buy just the material that meets a practice group's needs. As time goes on, there will be a content gap between the legacy BNA.com legal products and the Bloomberg Law platform. There was no date provided for sunseting BNA.com. Content will be available on dual platforms long enough for users to be adequately trained on the new platform with significant notice to all affected parties. Subscribers to Bloomberg BNA's Privacy and Data Security Resource Center Law who renew after September 1st will receive Bloomberg Law: Privacy and Data Security as part of their subscription with dual access for a time to be determined. The CRIV liaison strongly encouraged that BBNA users be given at least one year's notice prior to sunseting BNA.com.

The Vendor Supplied Records Advisory Working Group for TS-SIS has a page concerning the MARC records supplied by BBNA. BBNA will contact VRAG if content needs to be updated. Ashley Moyer has compiled a webpage listing how to access usage reports for existing legal databases. BBNA will contact Moyer to make corrections as both Bloomberg BNA and BNA are listed. A Roundtable discussion was held Sunday, July 17th during the 2016 AALL Annual Meeting. Topics focused on the vendor's design process for new electronic products.

The next call will be held in late 2016.

CRIV/Thomson Reuters Semiannual Call

The first semiannual call of 2016 between CRIV and Thomson Reuters was held on June 15, 2016. In attendance were Lori Hedstrom (Thomson Reuters); Jeff McCoy (Thomson Reuters); Kate Hagan (AALL); and Gilda Chiu (CRIV vendor liaison).

Many items were discussed during the call. Here are the topics listed in the order that they were discussed:

Changes in LMA Materials Terminology

The issue was raised by some member libraries who noticed changes on their LMA invoices and wanted to know why the language was changed and requested a definition of “Tangible Personal Property.” Thomson Reuters explained that this phrase is a Tax Product Code description. Their Tax Department defined these descriptions based on tax law—each description is tied to a tax code and each of their products has an associated tax code. The Tax team made the change from “Other Items” last year in response to customers’ requests for a more meaningful description. “Tangible Personal Property” comprises any product that does not fall within the “other” Tax Product Code descriptions, which include books and bound volumes, newsletters, and periodicals.

Errors in Published Cases on Westlaw/Print Volumes

I asked for an update and an outline of what has been done to avoid future issues. Thomson Reuters said an internal investigation revealed that approximately one-half of 1 percent of decisions added to their collection during the period in question were impacted. Once they became aware of the issue, they corrected it immediately on Westlaw and are still in the process of correcting, printing, and shipping replacement print volumes. Reprints have reportedly been completed for 55 of the 217 volumes affected (as of June 2016). They expect the process to be done by the end of August. As to the cause of the error, the problem was traced to a new conversion technology that takes opinions from the courts and puts them in a format that can be published on Westlaw and in print. The source of the error has been corrected and additional steps have been put in place to increase testing of the system and to provide additional oversight. For additional information such as a list of the affected decisions and a detailed FAQ that includes more about the cause of the issue, librarians should visit their [website](#).

ICLR Pulling UK Cases from Westlaw

Some librarians have asked for more information regarding ICLR claiming they are removing all of their content from Westlaw, especially since no information about this has been released by Thomson

Reuters. They confirmed that after January 1, 2017, ICLR content will no longer be available as part of their Westlaw International offering for U.S. customers, though it will remain on their UK platform. They will continue to offer alternatives for most recent case law as well as context and insight analysis. “For the last 10 years, 99 percent of the ICLR will be covered with another report or digest. As the supremacy of the ICLR court citation isn’t an issue for American users, the Westlaw UK case analysis document and digest, along with a transcript of the decision and specialist law reports, is still a compelling research offering. While there are no direct replacements for some ICLR cases, many of the decisions are available through other case reports which will continue to be available on Thomson Reuters Westlaw. Many of the ICLR cases which do not have alternative versions available are more than 10 years old.”

Update Costs for Subscriptions

A member library asked us to talk to Thomson Reuters after seeing a particular set they had on subscription increase exorbitantly in price. After discussing the specifics of the member library’s case, Thomson Reuters said the situation being described was unique and that they would notify the library’s Account Manager and have that person help the member library. In regards to the unpredictability of their pricing for subscriptions from year-to-year, Thomson Reuters said the following: “Pricing is determined by a number of factors, including subscription versus non-subscription, amount of content updated, value, cost of materials, and number of subscribers. Sometimes there is year-over-year variability in our shipments, depending on updates to portions of sets or other factors. Each customer’s subscription and pricing structure is unique. Our customers work closely with their sales representatives and account managers to determine subscription arrangements that will best meet their unique needs.

We’ve created a number of programs to help our customers more effectively manage their collections and budgets, including multiyear contracts to provide the assurance that customers will have a predictable monthly invoice. These multiyear contracts not only allow customers to lock in a low year-over-year increase but also provide the assurance that customers will have a predictable monthly invoice.”

Usage Statistics

When asked about any future plans to provide libraries with usage statistics, Thomson Reuters claimed that they currently do not provide that information to libraries, and have no plans for Westlaw to begin

offering that information to customers. They also mentioned that they are not a member of the Project COUNTER group.

MARC Records and Working with VRAG

Thomson Reuters said they are continuing to assess MARC records as they talk to more customers and learn more about their needs. They are currently partnering with OCLC on the creation of MARC records for the specific use of one law firm customer currently participating in a ProView pilot project with EOS, which is Thomson Reuters' partner for LMS integration. As for VRAG, Thomson Reuters' interactions were sidelined by Committee concerns over catalog links disappearing with the sunset of Westlaw Classic, so the majority of their time was spent on efforts on behalf of VRAG on Link Translator, which could apply to nearly any Classic Find, database, or search link.

Recent Changes/Developments Regarding Products or Policies

Thomson Reuters waited until after the AALL Annual Meeting to offer a summary of what they showcased at the conference. "At this year's AALL Annual Meeting, we showcased our new law firm attorney workflow solution, Practice Point, which provides expert resources organized by practice area and task. Bringing together curated resources from Practical Law and Westlaw, it provides needed guidance and tools, integrated in one place. Our Government attendees were able to view demonstrations on Practical Law and Drafting Assistant, both recently added to Patron Access. Academic law librarians were interested in Practice Ready, our new curriculum to enable summer associates and new practitioners to better transition into employment, as well as Practical Law for law school uses, TWEN, and the recent Westlaw enhancements."

The next call is scheduled for late fall/early winter 2016.