

**American Association of Law Libraries
Committee on Relations with Information Vendors**

**REPORT: LexisNexis Site Visit
November 16-18, 2005**

Introduction

Larry Meyer
Law Library for San Bernardino County,
San Bernardino, California

During the summer of 2005, the CRIV Site Visits Subcommittee approached a number of legal publishers regarding the possibility of hosting a site visit. Cindy Spohr, senior director of the librarian relations group at LexisNexis, graciously agreed to host a visit by the entire CRIV and AALL Executive Director Susan Fox at its Dayton, Ohio, headquarters.

After arrangements had been finalized, CRIV Chair Kevin Butterfield sent an e-mail to various law librarian discussion forums to announce the upcoming visit and to solicit comments from AALL members regarding the company and its products. The comments generally fell into five main areas. Each of those areas received attention during our trip. LexisNexis executives responsible for those areas to be discussed were brought in to respond to the questions and comments our members had. We also used the opportunity to share with the appropriate personnel the *AALL Guide to Fair Business Practices*, as suggested by Kay Todd, chair of the Fair Business Practices Implementation Task Force, and Merle Slyhoff, our Executive Board liaison.

The accompanying articles by members of the visit team are organized to reflect those five general areas covered during the visit. As might be expected in a visit as intense as the one we had, some questions needed to be answered with additional information. Those questions and their answers can be found at the end of the site visit report.

As chair of the subcommittee, I would like to take a moment to thank the members of the CRIV who joined me in braving the cold temperatures of Dayton the week before Thanksgiving: Chair Kevin Butterfield, Rochelle Cheifetz, Marjorie Crawford, Charles Finger, Thomas Gaylord, Kammie Hedges, and Tracy Thompson, as well as AALL Executive Director Susan Fox. I would also like to thank Cindy Spohr, assisted by Senior Librarian Relations Consultant Michael Saint-Onge, and her team for being gracious hosts and for organizing a very productive meeting.

Thanks also to the AALL members who took the time to share their questions and comments and the many people from LexisNexis who took time from their busy schedules to meet with us.

Computer Data Center

Charles Finger
Cornell University Law Library,
Ithaca, New York

Entering the Computer Data Center of LexisNexis in Miamisburg, Ohio, was an exciting experience. Security cameras and monitors were everywhere, with signs

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warning that no cameras were permitted in the area. All cellular telephones with that capacity were carefully placed in storage in the security office.

We then entered the Computer Data Center, which is about the size of two football fields. The center consists of 45,000 square feet of raised floor, which holds 10 large mainframe servers, which are running 22 MVS (Multiple Virtual Storage, from IBM) operating systems images. In addition, there are more than 300 mid-range UNIX servers and nearly 1,000 multi-processor NT (New Technology, although originally it meant Northern Telecom, from Microsoft) servers, which are all networked and cumulatively have access to more than 198 terabytes (or trillion characters) of data storage capacity.

The vast majority of the storage capacity is used for internal services, with around 32 terabytes used for the online LexisNexis system. Average response time for a LexisNexis search is within six to 10 seconds. Considering that the online services include around five billion documents, the response time is impressive. The service is available 24 hours a day every day of the year, and LexisNexis reported that the number of customer searches is more than 800 million annually.

LexisNexis also states that it averages greater than 99.99 percent for availability and reliability. There is built-in redundancy in all the equipment and connections, and full-time staff is always present to maintain the systems. If you are wondering about an electrical power failure, the facility appears to be very well covered.

We saw pictures of rows upon rows of batteries available to run the equipment. Of course, the batteries are only needed to cover the system until massive diesel generators automatically begin to power the complex and keep the data flowing. In 2004, LexisNexis opened a remote data center and development facility in Springfield, Ohio.

The Springfield facility, in conjunction with the Miamisburg facility, serves as both a backup and a disaster recovery center for each other. The Springfield center operates with more than 100 servers and manages more than 100 terabytes of data storage. This Springfield center, while not as large as the center at Miamisburg, still contains more than 60,000 square feet of space, with more than 20,000 square feet available for raised floors.

Approach to Market

Rochelle Cohen-Cheifetz
Dechert LLP, New York

The LexisNexis approach to the market place reflects a realization that the legal industry doesn't come in one size fits all. Law firms come in all sizes and shapes; courts and government agencies have different needs; and then there's that initial seed, the law school student.

The LexisNexis marketing initiative to the law student is discussed in the following article, so we'll jump right into the other targeted markets. LexisNexis creates a separate market initiative for each facet of the legal world. Not only does it have a state and local government market group, but it also divided that group even further, with special attention given to smaller agencies, the courts (with a representative specifically for the Federal Court Circuit), and the prison systems. One

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of the fascinating tools provided by LexisNexis is the Prison Kiosk, a mobile unit where inmates, using simple point-and-touch technology, can fill out forms, look up information (which is updated quarterly), and print to central stations. Another service, Live Chat (which is currently available for the law student market), is being provided to the judiciary in a pilot program.

Law firms come in different sizes and have different needs. LexisNexis is responding to these varying needs by dividing the law firm market into small firms (fewer than 21 attorneys), large law firms (21-150 attorneys), and the national firms (150+ attorneys). At the present time LexisNexis has a pilot program for some small firms, providing a specified number of help calls for a set fee with additional calls on a per call fee basis. Most of the customer support representatives are attorneys, which gives attorneys a "sense of security" that their representative will speak the same language they do and understand their needs. Application consultants are available for visits to firms for research tips and training. Some of the training sessions are CLE accredited, which after a quick lunch, may even entice some attorneys to attend.

The only change that is new for the law firm market is the LexisNexis Total Practice Solutions (TPS). LexisNexis is presenting TPS as a new corporate strategy aimed at firms' broader needs in the business and practice of law, including the increased roles librarians have taken in the many aspects of their law firms' practice. TPS is presented in four categories, each combining different resources available throughout the ever-growing company and making them available in one package.

Client development, which provides networking and marketing resources; research solutions, providing research products; and practice management, which provides the services and tools aimed at improvement of firm productivity and profitability, are each aimed at different markets within the law firm. Given all the acquisitions made by LexisNexis during the past few years, this approach centralizes the varying products into a cohesive and logical menu. The last component, litigation services, presents the Total Litigator, a technology platform that is being developed to mirror the litigation process.

Approach to Law School Market

Marjorie Crawford

Rutgers University Law School Library, Newark, New Jersey

Recognizing that students are new to the law and legal research process, LexisNexis introduces its content, features, and solutions to students through task-oriented communications and training.

Throughout lexis.com, relevant information resources have been grouped together by areas of law to meet the research needs of users. Regardless of the area of law selected by a researcher, the look of the interface page is consistent throughout lexis.com. This design enhancement of the interface has made searching in LexisNexis more convenient and easier for users. Within the law school market, the introduction of the "incentive to learn" certification program has been another successful innovation. This certification program was designed to aid students in gaining confidence in their abilities to perform research tasks competently, efficiently, and economically. Students who complete this program are able to enhance and master competent online searching skills in various areas of law, such

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as securities, tax, and other substantive areas. To be certified, a student is required to demonstrate competency and mastery of a particular area of law. According to Scott Koorndyk, senior director of law schools and federal courts, potential law firm employers are now requesting confirmation of certification from LexisNexis when they see a certification listed on the resume of a law graduate.

Live Chat Service

The live chat functionality has been widely adopted by the law school market. This new Web-based chat help service offers a live professional customer service representative 24 hours a day, seven days a week, to students, librarians, and law school faculty logged into the LexisNexis online service. This chat service augments the support service that is already provided by LexisNexis Customer Support at 800/455-3947.

Enhanced Teaching Tools

Next, the discussion focused on LexisNexis teaching tools that are available at its Web site to legal research and writing faculty as well as doctrinal faculty. LexisNexis pointed out that it needed to do a better job of marketing these teaching tools to law faculty. The suite of new enhanced LexisNexis teaching tools includes tutorials on how to teach *Shepard's* and substantive areas of law, such as administrative, environment, intellectual property, labor/employment, and tax.

Market Research

LexisNexis acknowledged that its product development group has been charged to facilitate "clear decision-making, fast speed-to-market, streamlined, and cost-effective products." Consequently, LexisNexis relies on market research to ask clients what they would like to see in a product. Enhancement solutions are then developed and implemented to meet the research needs of these clients.

Questions and Answers

At the conclusion of the law school presentation, a vigorous question and answer session followed. Some of the questions asked by the CRIV, along with responses from LexisNexis, are included in "LexisNexis Responses to CRIV Questions" at the end of this report.

Operations/Fulfillment

Tracy L. Thompson

New England Law Library Consortium, Keene, New Hampshire

It was an honor to represent AALL as a member of the CRIV delegation that conducted the LexisNexis site visit in November 2005. The welcome we received and the level of discourse that followed could not have been improved upon. It was a wonderful opportunity for an open and honest exchange by parties on both sides of the table, and it was encouraging to find us all on the same side of the table at many points throughout the day.

One very full day at the LexisNexis campus in Dayton, Ohio, provided the delegates with an inside look at this important mega-publisher. One portion of the day's agenda was devoted to operations and fulfillment. To address these issues, LexisNexis brought in the following people:

- Gordon Gottlieb, Director, Digital Print and Distribution

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- Dianne Greco, Director, Customer Service
- Charlie Marro, Director, Market Planning
- Scott Moore, Manager, Fulfillment Operations.

All of these LexisNexis executives made it clear that they value law libraries as a significant market segment, and they recognize the buying power we represent.

The operations/fulfillment segment focused on three main topics: the print market and LexisNexis Bookstore, online account management via the LexisNexis Print and CD Service Center, and order fulfillment and customer service.

LexisNexis Bookstore

The LexisNexis Bookstore (<http://bookstore.lexis.com/bookstore/catalog>) is primarily an online source for print sales, which, according to Charlie Marro, and despite prevailing claims of the opposite trend, are on the rise at LexisNexis. To support those increasing print sales, the bookstore offers an Amazon-like environment for ordering.

The bookstore can accommodate credit card or purchase order (with existing account) purchases and offers rush or standard delivery options. Recent enhancements to the bookstore include an upgraded server and search engine and table of contents feature for every title. The bookstore also offers access to e-content through a selection of online topic and jurisdiction-based research packages that can be purchased for limited use. LexisNexis is aware of the pending changes to ISBNs, from 10 to 13 digits, slated for implementation in January 2007 and will be prepared to accommodate those changes during that year. At this time, the bookstore is not intended to serve as a customer service point; that function is fulfilled by the LexisNexis Print and CD Service Center.

LexisNexis Print and CD Service Center

The LexisNexis Print and CD Service Center (www.lexisnexis.com/printcdsc) is an online account management tool that was previously unknown to most of the CRIV team, yet seemed to hold a great deal of potential for acquisitions librarians. Dianne Greco and Scott Moore walked us through the site and gave us the vision for the service. Through the Print and CD Service Center, account holders can perform a wide variety of key account management functions, including:

- process renewals
- make payments
- allocate credits
- view statements
- print invoices
- download filing instructions
- order replacement materials or missing pages
- request a refund
- change an address.

Two recently added features enable users to:

- perform subscription maintenance
- skip or cancel "notices" online.

Additional functionality planned for implementation in the near future includes e-mail notification to customers for processing and tracking, the ability to check the process

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status of a pending order, and an online demo view of the Print and CD Service Center for new users.

The CRIV delegates felt that this valuable resource needed more exposure. LexisNexis has invested significant time and money in this online service and needs to promote it to librarians more actively. Suggestions made by the CRIV team include changing the name to make the function more obvious (perhaps to Account Management Center) and adding functionality that would allow online downloading of replacement materials or missing pages. LexisNexis seems very interested in working with customers to make the Print and CD Service Center a full-service account management tool. Any ideas or suggestions can be directed to Cindy Spohr at Cindy.Spohr@lexisnexis.com.

Order Fulfillment and Customer Service

Gordon Gottlieb was the lead person for this section of the discussion. He informed us that LexisNexis received 3,900 customer service calls in fiscal year 2004 concerning poor quality or inaccurate shipments. When sampling months and looking at overall call volume, LexisNexis found that a larger issue had to do with ongoing problems with end-of-the-month statements. In the sample, 14 percent of phone calls were related to product quality or shipment issues, but 30 percent of the calls were related to statement issues.

Gottlieb explained that the problem stems from the fact that a month-end close is performed the last Friday of every month, while shipments are sent through the last day of the month. This may result in customers receiving monthly statements for shipments that have yet to be received. A library may not be able to pay on that statement until the product is received. LexisNexis then generates the next invoice on the following last Friday of the month, which may show the customer's account as overdue. Gottlieb assured the group that LexisNexis is well aware of this problem, sees it as a high priority, and is working diligently to resolve it. Again, LexisNexis welcomes customer input (through Spohr) to help find a viable solution.

Gottlieb also talked with us about the manufacturing side of the business. Overall error rates within LexisNexis content are very low. He credits success in this area to the LexisNexis quality control program, which has good auditing processes in place. He likens the quality of the LexisNexis manufacturing process to that of the commercial printer. The CRIV team raised several specific fulfillment questions. The first related to the timing of new code shipments to customers. Gottlieb explained that the goal of LexisNexis is to integrate the new code sections as soon as they become effective and to get the print volumes out as soon as possible thereafter.

This results in a great deal of activity in this area in November and December when many codes become effective. The availability of the code online will occur in a timelier manner, as LexisNexis moves toward posting the content as it is received. The CRIV team also suggested that topical code products might be of interest. Gottlieb promised to convey this suggestion to the publishing team.

The group also posed questions about the Michie standard, which required a new volume to be issued anytime a pocket part exceeded 96 pages, and about how long expired legislation will be available online in its original form. LexisNexis agreed to report back to the group on these questions, and their responses can be found in "LexisNexis Responses to CRIV Questions" at the end of this report.

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Upcoming Products: Content and Functionality

Thomas Gaylord

Chicago-Kent College of Law Library, Chicago

The final agenda item during the CRIV Site Visits Subcommittee's LexisNexis site visit concerned upcoming products, including both new products and enhancements to existing ones, as well as improved functionality. The focus was primarily on Web content rather than on print items. The session also included a discussion of the LexisNexis product development philosophy, which LexisNexis described as being committed to customer needs, and with a dedication to streamlining the development process to provide faster speed to market. All of this is part of the development of the LexisNexis total practice solutions concept of integration of all of its resources into an interconnected system.

New/Enhanced Products

Historical Quotes.

This new gateway allows searching of prices for stocks, bonds, and other financial instruments back to 1970, with data provided by SunGard. Because charges for this service cannot be fenced off to subscribers, this product will not be available to law schools. The January 2006 issue of the LexisNexis *Information Professional Update* newsletter has more extensive information regarding this resource.

News and Business Tab Redesign.

The redesigned News and Business tab on lexis.com makes it easier to find the individual publications regularly used. Content is displayed on the primary source selection screen for more direct access to needed sources. During the past year, LexisNexis received many requests for streamlining this data, and the company spent time testing with librarian customers prior to releasing this enhancement.

Combined Search.

The combined search feature, whereby the user can check multiple databases in which to conduct a single search, has been enhanced to allow the combination of up to 50 sources. Licensing and royalty issues pertaining to certain content prevent some databases from being combined with others. LexisNexis includes a results summary that allows users to distinguish the search result in the individual sources.

Eclipse to Alert.

The LexisNexis electronic clipping service has been changed in name from "Eclipse" to "Alert" and now has new functionality and delivery options. Existing Eclipses will continue to run. Alerts now allow notification to the user of no new documents, updates can be scheduled up to three times a business day, an Alert can be set from a zero result set, and the researcher can select to remove duplicate documents. *Shepard's* Alerts will allow users to define the kinds of treatment of which they want notification (e.g., negative treatment only).

LexisNexis Spell Check.

LexisNexis has released a spell check function so that users may check the spelling of their query prior to running a search, thereby avoiding charges for searching for a misspelled term. Ballentine's *Law Dictionary* and the LexisNexis proprietary legal terminology databases are used for the check.

Ballentine's.

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Leigh Sempeles indicated that LexisNexis is in the process of updating the Ballantine's *Law Dictionary*, which has not been updated in about 20 years.

Legal Specialization.

LexisNexis indicated that it is seeing an increase in specialization in the legal industry and thus has been working to provide new content specific to certain specialties.

Among the many mentioned were:

- additional corporate and securities editorial content
- an exclusive agreement with the American Arbitration Association
- an upcoming 50-state survey for insurance law
- increased availability of law reviews
- additional licensed content, including BNA material
- additional Mealey's content.

LexisNexis Responses to CRIV Questions

Cindy Spohr

LexisNexis, Fort Wayne, Indiana

Q. Can you tell us more about the LexisNexis Total Practice Solutions strategy?

A. Historically, the foundation of the products and services provided by LexisNexis has been centered on online research. By listening closely to our customers and understanding the evolution of their needs, LexisNexis aggressively pursued strategic acquisitions and product development initiatives that now allow the company to provide Total Practice Solutions. These Total Practice Solutions expand beyond research-specific products and focus on helping lawyers and firms achieve excellence in the business and practice of law. LexisNexis Total Practice Solutions are organized in four categories:

• **Client Development**, *which provides industry leading networking and marketing resources to help grow a practice.* Through a combination of LexisNexis products and services, firms will have the essential tools to increase client referrals, target new business intelligently, develop cost-effective marketing programs, and retain their best clients. Products here include Interaction (a client relationship management tool), LexisNexis Market Intelligence, and Martindale-Hubbell.

• **Research Solutions**, *which provides exclusive sources vital to client success.* Conducting research is one of the key supporting tasks of the practice of law. Knowing that law firms have all the research materials they need, organized in a logical manner and in a format that is easy to use, gives law firms confidence that their research is accurate, on-point, and complete. Products here include lexis.com, Matthew Bender®, Factiva®, Shepard's, etc.

• **Practice Management**, *which provides services and tools to improve firm productivity and profitability.* With a good front office system, law firms can increase revenue. With a good back office accounting system, firms can keep more of what they earn. And with effective managed network services, law firms can protect critical data. With all of these elements combined in a unified solution provided by LexisNexis, law firms can substantially improve operations and save time. Products here include Cost Recovery Manager and Managed Network Services, such as Disaster Recovery and Data Hosting.

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• **Litigation Services**, which provides strategic insight and greater control throughout the litigation process. Litigation Services is a comprehensive collection of industry-leading litigation information, tools, and services available through an intuitively organized platform—Total Litigator. Total Litigator is a technology platform that dynamically presents litigation information tools and services, mapped to the entire litigation process. It works the way the individual litigator works—providing an attorney with a simplified solution to find vital information that produces strategic insight and advantages. These capabilities will be integrated in phases throughout 2006 and 2007 as LexisNexis builds, acquires, and partners with other providers to expand its offerings.

Q. Some members were concerned that purchase order numbers do not appear on the invoice.

A. If the customer provides a purchase order, it is attached to the order and will subsequently be displayed on the invoice. At the request of a customer, LexisNexis can flag an account by indicating a purchase order is required. If an account has been flagged "Purchase Order Required," LexisNexis will not process any order without the requisite purchase order number.

Q. We believe that at one time Michie had a rule of thumb that supplements more than 96 pages would be converted to stand-alone pamphlets. What is the current standard?

A. The LexisNexis rule of thumb is that a pocket part of more than 96 pages is generally too thick to keep in the back of a hard-bound volume, so when a pocket part reaches that size, it is converted to a softbound supplement. When a softbound supplement reaches a large size—300-plus pages, for example— it is converted to a hard-bound volume. Please note that in some cases, the contract with a state may specify the requirements for pocket parts, supplements, and hard-bound volumes, which may be different from the general LexisNexis rule of thumb.

Q. Will the historical stock quotes be made available in law school subscriptions?

A. Due to the fact that the historical stock quotes are available on lexis.com via a gateway, and LexisNexis is unable to fence off charges to subscribers, this source cannot be made available to law schools.

Q. Any news on providing the full text of the *Wall Street Journal*, and additional Factiva titles, to law schools?

A. LexisNexis continues to work on the issue of ensuring that proper levels of service and support are maintained throughout the expected increase in search volume and capacity demand when this content is released to law schools. No definitive release date has been set.

Q. Will LexisNexis make the cost of research available to law school subscribers?

A. Due to the variety of price plans that subscribers may choose from to support the unique needs of their practices, LexisNexis is unable to provide pricing information to students in a way that would reflect what they would expect to see in practice. An overview of commercial pricing options and some general guidelines for choosing among them has been developed—*Understanding LexisNexis Commercial Market Pricing Options: An Introduction for Students*. AALL members should contact their LexisNexis account representatives or librarian relations consultants for assistance with incorporating this information into their training.

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Q. Will LexisNexis make the administration of passwords easier?

A. LexisNexis has an extensive amount of critical and sensitive data to protect and has taken steps to strengthen access to these materials. LexisNexis is proud to take an industry-leading role to safeguard our customers' and consumers' information. Users who forget their passwords have the ability to click on the "Forgot My Password" link. The link will require the user to correctly answer a security question (that was chosen at the time of the password creation) and a temporary password will be e-mailed to him or her. This process is similar to many other online providers. Users can also call LexisNexis customer support for their password to be reset.

Q. How does LexisNexis display code sections that have expired?

A. Depending on the jurisdiction, the LexisNexis online service displays expirations in two ways. (1) One online document will contain the expired, current, and future effective language, where applicable, with effective dates clearly marked. (2) One online section will have multiple documents reflecting multiple dates and language. Again, the different treatment is based on the policies of a particular state's reviser or legislative commission. If an expiration takes place well ahead of the print publishing deadline, most jurisdictions will likely display the text with an editorial advisory or caution relating to expiration (for example, "Section 1234 expires 7/1/2012"). The closer the expiration comes to the jurisdiction's cutoff date for print publishing, the more likely you are to get a "tombstone," an editorial advisory relating to expiration. Most tombstones only contain the advisory itself and not the actual language of the section and are common for expired and repealed sections. Of course, LexisNexis won't "tombstone" something online until it has actually expired or been repealed. Also, it is not uncommon that sections are reused, so an expiration may simply be stated as a note (for example, "Former Section 1234 dealt with labor relations and expired 5/1/1995") to the current section. Online, LexisNexis offers more than 10 years of archived codes depending on the jurisdiction.

Q. Will LexisNexis improve the functionality of the interface to the congressional products provided by Academic and Library Solutions (formerly known as Congressional Information Service)?

A. The LexisNexis Congressional Redesign Interface was released in December 2005. The new interface provides users with three ways to search and retrieve information: basic search, advanced search, and search by number. Additional information on the redesign is available at www.lexisnexis.com/academic/1univ/2005redesign.

Q. Please provide an update on Matthew Bender indexes online.

A. The indexes listed below are currently available on lexis.com. Additional releases are expected in 2006.

- Appleman on Insurance Law and Practice
- Bender's Forms for the Civil Practice
- Bender's Forms of Discovery Treatise
- California Employment Law
- California Environmental Law and Land Use Practice
- California Forms of Jury Instruction
- California Forms of Pleading and Practice —Annotated
- California Law of Employee Injuries and Workers' Compensation
- California Legal Forms - Transaction Guide
- California Points and Authorities
- Dorsaneo Texas Litigation Guide
- LexisNexis Practice Guide: Florida Civil Discovery

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- LexisNexis Practice Guide: Florida Civil Motion Practice
- LexisNexis Practice Guide: Florida Pretrial Civil Procedure
- LexisNexis Practice Guide: Florida Trial and Post Trial Procedure
- LexisNexis Practice Guide: Pretrial Procedure
- LexisNexis Trial Guide: Civil Motion Practice
- Matthew Bender Practice Guide: California Civil Discovery
- Matthew Bender Practice Guide: California Contract Litigation
- Matthew Bender Practice Guide: California Landlord-Tenant Litigation
- Matthew Bender Practice Guide: California Pretrial Civil Procedure
- Matthew Bender Practice Guide: Federal Pretrial Civil Procedure in California
- Moore's Federal Practice — Civil
- New York Civil Practice: CPLR
- Ohio Jury Instructions
- Practice Under the California Corporate Securities Laws
- Texas Transaction Guide — Legal Forms
- Warren's Heaton on Surrogate's Court Practice