Contents

Editors' Corner	2
From the Chair	3
Project COUNTER	3
Two Florida Law Schools-One E-Book Collection	5
Working with Nontraditional Information Vendors	7

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CRIV Website

www.aallnet.org/main-menu/Leadership-Governance/committee/activecmtes/criv.html

CRIV Tools

www.aallnet.org/main-menu/Advocacy/vendorrelations/CRIV-Tools

Editor's Corner

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In a scathing June 14, 2010, Law Librarian Blog post prompted by two resignations from CRIV, Joe Hodnicki reprinted in full the letter of resignation of Carin Beiberman, a veteran firm librarian who left CRIV in her first year of service to the committee. In that letter, Ms. Beiberman expressed deep doubts about the continuing value of the committee. Summing up her reasons for leaving CRIV, she wrote, "The long and the short of this is that I feel (as I believe do others) that CRIV no longer is a viable committee due to the appointment of a vendor liaison that AALL leadership seems to want to handle all but the most mundane interactions with vendors."

We want our readers to know that the creation of the vendor liaison did not eviscerate CRIV, nor did it diminish the usefulness of The CRIV Sheet. The current AALL vendor liaison, Margie Maes, communicates beautifully with the CRIV membership and regularly attends the monthly CRIV conference calls. Her job is to represent the interests of the Association. CRIV's job is to represent the interests of the membership. We work together to really understand without fear or favor the effect of anti-trust law on what our committee can and cannot do. This relationship needn't upset anyone.

The pieces we present to you in the current CRIV *Sheet* testify to the importance to our profession of constructive relationships between vendor representatives and law librarians. I am talking about the sort of retail-level relationships that CRIV was set up to facilitate and encourage. We cannot do our jobs well without developing good relationships with information vendors. Vendors cannot stay in

business without us. The librarians represented in these pages are not pushovers, wimps, or sycophants. No one has co-opted them. Sure, they're incrementalists and meliorists. We deeply respect revolutionaries, but librarianship has always been an accretive art. There is definitely room and need in this profession for bomb throwers. As for The CRIV Sheet, we keep our noses to the grindstone just as librarians have been doing since the dawn of civilization to make a future for ourselves.

In this issue, CRIV Sheet Co-Editor Todd Melnick of Fordham Law School Library provides a description of Project COUNTER and shows how it can help level the playing field in a way that benefits both libraries and vendors. Erin Gallagher of Ingram Coutts, Edward Hart of the University of Florida, and Sarah Pearson of Florida State University give an account of their experiences establishing a joint patron-driven acquisitions system for e-books. Jacob Sayward of Fordham University Law Library limns the frustrations of working with information vendors who do not play well with others and talks about how professional collaboration can facilitate good vendor relations.

The CRIV Sheet is only as good as the submissions it receives. Please send us your article ideas and tell us how you got a recalcitrant vendor to see things your way. Tell us how you worked with a vendor and seized an opportunity to further your mission and expand the vendor's market. Let us know how you opened a channel of communication or refused to capitulate. Break new ground, and then tell the world about it. We look forward to hearing from you.

The CRIV Sheet's editorial policy is online at www.aallnet.org/main-menu/Advocacy/vendor relations/CRIV-Sheet/policy-criv.html. Please let Todd or Liz know if you have any comments about this issue, past issues, or future issues.

From the Chair

I write this May 2012 chair's column in the middle of February, less than two weeks before the deadline to volunteer for AALL committees for the coming year. Were this column to be published immediately, I would encourage members to consider volunteering for the CRIV Committee. By the time this column is published, new committee members are likely to have been selected. As those of us completing our service on the committee this year prepare to step down, I am confident that returning and new committee members will carry out CRIV's important mission.

In my first chair's column I noted that CRIV's purpose is to "facilitate communications between information vendors and the members of the Association by monitoring complaints and providing constructive suggestions to vendors of information in any format," and to "educate members on constructive ways to communicate with information vendors." (The complete statement of CRIV's purpose and charge may be found on AALLNET at www.aallnet.org/ main-menu/Leadership-Governance/committee/ activecmtes/criv.html.) To this end, CRIV has continued to communicate with vendors about problems encountered by librarians regarding those vendors' products and practices. CRIV engaged in a useful dialog with Law Journal Press concerning invoicing and customer service issues. We continue communication with Thomson Reuters regarding issues such as the ongoing switch from loose-leaf to annual softbound editions, overly full binders for Merten's Law of Federal Income Taxation, orders

being charged to library accounts without library approval, and unwanted Key Rules pamphlets automatically being sent to libraries. We are in the process of checking and updating the CRIV information available on AALLNET, the CRIV Tools section in particular. By the time this column is published, we hope to have an online form available for members to submit requests for assistance. We continue to work with the vendor liaison to share information and sort out responsibilities in the vendor relations area. Finally, our New Product Award Subcommittee is currently evaluating nominees for that prize.

Looking ahead to the fast-approaching Boston Annual Meeting, several CRIV-related activities are worth noting. The CRIV annual meeting for incoming and outgoing members will be held Saturday, July 21, from 4 to 5 p.m. The meeting is open to the general membership. The CRIV-initiated program G4: Antitrust Considerations and the Association will take place Monday, July 23, from 2:45 to 4 p.m. As always, we will have a presence in the Exhibit Hall and at the CONELL Marketplace.

Please contact me with any concerns or suggestions related to AALL member education and advocacy or regarding vendor-related complaints and communication. Information regarding requests for CRIV's assistance in complaint resolution is available at www.aallnet.org/main-menu/Advocacy/vendor relations/request-assistance.

Todd Melnick

Fordham University School of Law

Project COUNTER

How many articles in law librarianship's professional literature have started with the phrase, "In this era of shrinking budgets . . . "? Let's call a moratorium on the premise that everything we do now is a function of the economic downturn. In both lean times and fat, law librarians ought to make acquisitions and retention decisions based on evidence rather than on conjecture, intuition, or tradition. Librarians should be able to demonstrate that every expenditure contributes to the core mission of their host institutions. Let's not spend any time being nostalgic about the more genteel past of our profession. It's not enough to "market ourselves better." We must be indispensible. To be indispensible, we must know exactly what we add to the overall enterprise (court,

law firm, law school) and jettison whatever contributes less than it costs.

There are many ways to quantify a library's return on investment. We can start by determining whether and how much the information resources we purchase are actually being used by patrons. When library materials were primarily paper-based, usage was difficult to assess. Most printed materials in law libraries do not circulate much. But as more and more library resources began to be accessed online, credible usage data became easier to harvest. Vendors of electronic information have always taken advantage of the usage data made possible by technology. They use this information to develop pricing models and

to identify areas of user demand. Over time, many vendors developed their own internal standards for the particulars of usage (e.g., what is a hit, a search, or a download) and for how to count them. Until very recently, they did not share this information with their customers.

Vendors and librarians did not come together to discuss universal standards for measuring usage of electronic resources until 2002, when Counting Online Usage of Networked Electronic Resources (COUNTER) was founded with the mission of ensuring that vendors supply usage metrics that accurately measure what they purport to measure and statistics that are comparable from vendor to vendor. Since January 2003, COUNTER has released three versions of its Code of Practice for Journals and Databases and one version of the Code of Practice for Books and Reference Works. Release 3 for Journals and Databases and Release 1 for Books and Reference Works are currently in force. An integrated Release 4 is in draft form.

Beginning with the third release of the *Code of* Practice for Journals and Databases, COUNTER compliance has required that content providers allow usage data to be harvestable using Standardized Usage Harvesting Initiative (SUSHI), a standardized protocol (National Information Standards Organization [NISO] standard Z39.93) for automating the gathering of COUNTER data. Prior to SUSHI, librarians were required to regularly visit the website of each vendor to download usage data. SUSHI ensures that COUNTER data can be gathered automatically so it can actually be used.

Release 4, a new Code of Practice integrating standard for journals, databases, books, reference works, and multimedia content, was published in draft form in October 2011. The COUNTER Executive Committee will soon consider comments on this draft in preparation for the definitive publication of this release. To understand what is new in Release 4, I contacted Oliver Pesch, the chief strategist for EBSCO's e-resource access and management services, who currently serves on the Executive Committee for Project COUNTER and is co-chair of the SUSHI Standing Committee of NISO. He said that one of the most important new developments is that Release 4 is an integrated Code of Practice covering journals, databases, books, and other electronic resources, "a simplification welcomed by many content providers, particularly those that offer books, journals, and databases on the same platform."

Release 4 for the first time creates standards for usage of multimedia collections and for usage by mobile devices. In addition, Pesch said that for Release 4,

the yearly audit that each vendor must undergo to remain COUNTER compliant will look more closely at the vendor integration of COUNTER with SUSHI, "ensuring consistency in implementations of both COUNTER and SUSHI. In a parallel effort, the NISO SUSHI maintenance committee is publishing a COUNTER SUSHI Implementation Profile that will serve as a guide to both developers and auditors to help inform that consistency." According to Pesch, "Content providers must comply with Release 4 by the end of 2013 to retain COUNTER Compliant status." The COUNTER website (www.project counter.com) provides details on Release 4.

What must a vendor do to become COUNTER compliant? It can go to www.projectcounter.com and download a document called "Counter Compliance: Step by Step Guide for Vendors." The codes of practice for Release 1 for Books and Reference Works and Release 3 for Journals and Databases, as well as the draft of Release 4, are also available on the COUNTER website. In a nutshell, to become COUNTER compliant, vendors must adopt the relevant codes of conduct depending on which sort of content they publish. Each code of conduct contains a glossary of standard definitions for a large number of key bibliographic and usage terms such as "article," "search," and "turnaway." The codes also mandate which type of usage report must be generated for each information format. For example, depending on a number of qualifying criteria set forth in the code of conduct, publishers of online journals are required to provide one or more of the following reports: number of successful full-text article requests by month and journal, turnaways by month and journal, and number of successful full-text article requests by year, and journal database vendors must provide one or more of these reports: total searches and sessions by month and database, turnaways by month and database, and total searches and sessions by month and service.

Next the vendor must develop a process for converting its raw logfiles into COUNTER usage reports. COUNTER support staff will advise vendors on how to accomplish this if necessary. COUNTER staff then review the usage reports for compliance with the standards articulated in the codes of conduct and make recommendations for remediation if necessary. Once the review is complete and the vendor has paid a \$500 fee, the vendor will be included in the Register of COUNTER Compliant Vendors. To maintain compliant status, the vendor must undergo an independent audit within six months of being added to the register and then must be audited annually by a CPA, chartered accountant, or equivalent.

As of January, approximately 131 electronic publishers and vendors of information were COUNTER compliant. This list includes a number of vendors whose material is heavily used in law libraries, such as Berkeley Electronic Press, Cambridge University Press, EBSCO Publishing, JSTOR, OCLC, Oxford University Press, ProQuest, Sage Publications, and Springer-Verlag. However, the preeminent publishers of legal information are conspicuously absent from the list.

What, if anything, can law librarians do to ensure that the vendors they do business with are or will become COUNTER compliant? Pesch told me that some major legal publishers are currently in discussions with COUNTER: "COUNTER is providing both encouragement and guidance [to these vendors] on becoming COUNTER compliant." Pesch added, "Publishers tend to listen to the market need and will provide services if the customers ask-or, in some cases, demand. Law library administrators can help by making it clear to publishers that law librarians expect to get COUNTER reports."

Serials librarians and others with acquisitions responsibilities should negotiate COUNTER compliance with all of the information vendors with which they do business. In our conversations with vendors, we can help them see that COUNTER compliance benefits them, as well. Vendors know as well as librarians that acquisitions budgets are being slashed. Without reliable usage data, libraries will have no recourse but to make acquisitions and retention decisions based on unreliable data or no data at all.

Pesch put it this way: "As library budgets continue to be strained (law libraries being no exception), serials professionals are looking for ways to ensure they are making the most effective use of their collection budget. The 'cost-per-use' measure is becoming a mainstay of that evaluation. And, since that measure relies on usage data, the ability to gather accurate usage statistics is paramount. Publishers that provide COUNTER usage statistics have a better chance of having their products fairly assessed. When usage statistics are not available or difficult to come by, busy librarians may resort to guessing and the outcome may not be what the publisher desires." When vendors and librarians alike know exactly how usage of electronic library materials is being assessed, and every resource is being assessed according the same criteria, everyone benefits.

The economic models for law school, private law practice, and state government are changing. It will never again be acceptable, nor should it be, for libraries to build their collections heedless of the return upon the investment made in those resources. Librarians know in their bones that libraries have real value, but they are increasingly being called upon to quantify that value. Information vendors must cooperate with this effort lest they help to destroy the market they serve. Librarians and vendors will have to work together to demonstrate the value of their shared product to the entire legal enterprise. COUNTER is a positive step in that direction.

Two Florida Law Schools-One E-Book Collection

Erin Gallagher of Ingram Coutts, Edward Hart of the University of Florida, and Sarah Pearson of Florida State University

Recently, Strozier Library of Florida State University (FSU) and the Smathers Libraries of the University of Florida (UF) entered into an agreement that established a shared patron-driven acquisition (PDA) program for e-books. Such a program calls for the loading of catalog records of e-books into the schools' integrated library systems with links to the books on the vendors' websites. Patrons then "trigger" the purchase of the e-book when they view the e-book. Based on an earlier state-wide vendor agreement with Ingram Coutts, the e-book program allows for the same discounts we have for purchase of print books and uses Coutts' MyiLibrary platform.

The shared PDA targeted graduate- and research-level titles but excluded law titles. Because both law libraries of these institutions, FSU's Law Research Center (FSU Law) and UF's Lawton Chiles Legal Information Center (UF LIC), recognized the need to expand their own electronic resources, we negotiated a shared e-book PDA that, while separate from the main libraries, dovetailed with their profiles by including law-specific titles.

Both of our law schools already had access to e-books purchased by our universities' main libraries, but rarely were they law related. In addition to offering an increasingly electronic collection, we want to offer books that might otherwise not have been selected. This program allows us to test our users' needs and desires for e-books as well as provide valuable feedback on our current collection development

policies. We liked the arrangement because our patrons would have access to a broader selection of law materials than our libraries otherwise would offer with individual PDA programs. It is important that we maintain some control over the collection and expenditures in order that the program be sustainable, but, at the same time, we expanded the parameters of our PDA profile to include topics and areas of law not normally a priority at our respective institutions. Our first challenge was to agree on a profile that met the goals of both institutions.

Hammering out the Profile

Both law libraries already had profiles for print titles with the jobber Ingram Coutts. FSU receives notification slips only, and UF receives notification slips and approval books from university presses. UF did not want to duplicate the print editions received through the approval plan with e-books. Additionally, UF LIC acquires study guides that FSU Law did not due to faculty preferences. We used these profiles for print materials as a starting point for creating our PDA e-book profile. We both agreed to include the entire range of LC classification K (Law General), KF (U.S. Law), KFF (Florida Law), and KZ (International Law), with the exception of university press titles. FSU Law recommended eliminating annuals since some of these titles were already received on standing order.

Both schools agreed to include non-Florida state law, foreign law, textbooks/casebooks, and study guides. One of the intents of the PDA was to allow for areas that we would not normally have purchased. Neither school purchased non-Florida state law unless requested by a patron. The PDA profile allows for more publishers of foreign and international law. Books published since 2008 were included. Comparative reports were run to eliminate any titles already owned by either university. Our publishers list was also based on our print profile; however, it did not include Wiley, Elsevier, Oxford Scholarship Online, or Springer because these publishers do not participate in consortia e-book programs. It was our hope that by carefully defining our profile, we could avoid the errors of over-inclusion that had caused other PDA programs to quickly exhaust their funds.

Let's Make a Deal

Each law library contributed \$20,000 from its monograph budget, giving us an initial deposit of \$40,000. We entered into an agreement with Ingram Coutts for a six-month minimum participation in an e-book PDA program based on our profile. At the program's conclusion, any unspent monies could be used to either continue the PDA or for firm orders.

Pricing models for e-books typically include a

percentage markup of list cloth price for each book. Our price would also reflect the discount we receive under a statewide contract with Ingram Coutts. Our contract allows for unlimited access to the table of contents, three concurrent users between the two campuses, and 60 pages of printing. Payments are made to Ingram Coutts when e-books are purchased. Purchase of an e-book is triggered by the third visit to the actual text of the e-book. The three triggers and three concurrent uses could be from either or both universities. Based on our profile and after de-duping, Ingram Coutts provided 1,255 machine-readable cataloging (MARC) records for our initial load. Subsequent monthly updates have ranged between 14 and 33 new titles per month.

Putting it all Together

The library staff involved in the negotiation and development of the profile included the acquisitions/collection development librarians at both law libraries. Cataloging librarians were also consulted. The main libraries requested that the Florida Center for Library Automation (FCLA), the central library systems administrative agency for state universities in Florida, be responsible for loading the MARC records into each university's catalog. Though this task would normally fall to the catalogers at the individual institutions, having FCLA load the records would ensure that they were loaded into each school's catalog at the same time. FCLA would also add a tickler file to the record to indicate that it was a shared PDA title and to allow for record retrieval.

FCLA also took on the responsibility of de-duping the PDA records against existing holdings. While this arrangement has the advantage of ensuring equitable access at both universities, at the beginning it created unforeseeable delays in the loading of the records into our catalogs due to a prior commitment by FCLA to other projects. After this initial delay, however, the processing has proceeded in a timely manner. Ingram Coutts agreed to provide both law libraries with a monthly statement detailing purchased titles, costs, and remaining funds, as well as a usage report. We later amended this to every two weeks to better monitor PDA activity.

Issues Along the Way

Our first surprise was the purchase of a book, *Pharmacy* Law: Textbook and Review, in early November, more than a month before the records were loaded into our catalogs. We learned that when Ingram Coutts made the catalog records available for the e-books, the e-books became available simultaneously on the MYiLibrary platform. It was possible for a user to search for e-books on the platform without going through our catalogs. Users could learn of the platform after accessing other e-books held by our main

libraries, which had previously purchased titles on the MyiLibrary platform.

Several other issues presented themselves once the program was underway. At times, an e-book title would be a duplicate for one library but not the other. At that point, a decision had to be made whether to delete the duplicate. Our two law libraries agreed to remove any PDA records that duplicated print or electronic records at either university. If the duplication was caught at the time of upload to the catalog, FCLA would eliminate the duplicating e-books catalog records. If the duplication occurred after the records upload, the cataloging librarians at each institution would coordinate the removal of the duplicative e-book record.

The two institutions also agreed that the e-book purchases should be patron driven only. In the event that a title in the PDA is chosen for purchase by a librarian as part of either library's collection development, it would be purchased, regardless of format, from monograph funds rather than from PDA funds. Librarians are not to intentionally trigger a purchase through the PDA. We want this program to truly be patron driven.

Another issue not completely resolved is how to promote new e-book titles. FSU currently showcases select new print titles either on our website or on a physical display. Our librarians might also forward a new title to members of our faculty if it is relevant to their research. Adapting this procedure to e-books is proving to be challenging. The acquisitions department mailed the list of the first 1,200+ titles to the reference librarians and will continue to mail the list of the monthly updates.

The burden falls on the reference librarians to determine which of the 1,200+ e-book records to showcase and how. It is not the intent of librarians to trigger a purchase but to make faculty and students aware that the titles are available. It has not yet been determined how the e-book titles will be disseminated to the faculty. At UF, the PDA e-books do not show up on the monthly new title list that is distributed to faculty. A method to promote this collection is still in development.

One of the drawbacks we have experienced with MyiLibrary is the unavailability of reports. Though MyiLibrary is able to produce usage reports, the reports have to be requested, and there is a delay of several days. Another inconvenience is that the cutoff period for billing is the 20th or 21st of each month. Since the expenditure reports follow this pattern, our staff is required to take an additional step to separate any purchases made at the end of one month from those made during the following month. Though these inconveniences are minor, we hope that MyiLibrary will develop a more user-friendly method for generating usage and expenditure reports.

In the three months since the implementation of our shared e-book PDA, six books have been triggered for purchase. This is somewhat less than we anticipated based on the experiences of other institutional PDA programs. At the same time, it is too soon to tell if this trend will continue. We attribute the exclusion of the library catalogue partly to our user communities' reliance on other electronic resources. In spite of the initial low numbers, we feel confident that our users are given access to a much broader range of titles. A review of the e-books purchased indicates that it is unlikely at either school that these titles would have been selected for purchase unless requested by a patron.

MyiLibrary provides usage reports that indicate which university triggered the purchase as well as the number of views and pages printed. This information will be useful in determining whether the agreement is equitable to both university law libraries and whether or not our respective collection development policies are in line with user needs. Because Ingram Coutts is able to tweak or update our profile as needed, we have the option of expanding or limiting the selection as needed.

At the end of the program, we will determine whether to purchase books that had been viewed but not triggered for purchase. For now, we are confident that we have accomplished our primary goal to provide greater access to electronic material and in areas not previously available to our patrons.

Jacob Sayward

Fordham University School of Law

Working with Nontraditional Information Vendors

Like many librarians, I spend much of my workday dealing with "traditional" information vendors. For law librarians, these traditional information vendors include Thomson Reuters, LexisNexis, Wolters Kluwer, and their affiliates and subsidiaries. They also include the smaller, independent legal publishers still out

there, the nonlegal publishers from whom my library buys materials, and the providers of electronic databases and journals to which my library subscribes. These interactions still offer plenty of surprises regularly, but by now there is at least an established playbook for my relations with all of

them, thanks to the wisdom and experience of thousands of my librarian colleagues. Getting the most out of my relationship with nontraditional information vendors is often more difficult.

It is not the most precise definition, but by "nontraditional information vendors," I essentially mean the providers of services that improve our collection's maintenance and access (as opposed to the providers of our collection's actual materials). Cassidy Cataloging Services provides my library with MARC records for a wide variety of holdings. Innovative Interfaces is behind our Integrated Library System. Our A-to-Z Journal List is hosted by and administered through Serials Solutions, and, as the administrator of my library's A-to-Z Journal List for the last four years, I have gained quite a bit of experience in working with Serials Solutions.

An A-to-Z Journal List is a website that serves as a library's portal to its online journals. These journal lists tend to have simpler interfaces (compared with comprehensive catalogs, at least), and they are most effective when they convey the basic information a patron or user wants to know immediately about a particular online journal. Does the library subscribe to this journal in some format? What are its coverage dates? Through what database is the access? Which patrons or users have access?

Within the law library world, these journal lists are, with few exceptions, the provenance of academic law libraries. One of the biggest causes of frustration regarding the administration of our journal list is the fact that such a small subset of my colleagues have experience (or even interest) in the problems involved. In fact, the companies behind these journal lists seem to design them with larger university libraries in mind, so, even within the context of academic law libraries, I know we are, at best, a secondarily targeted customer base.

Problems with nontraditional information vendors often arise when their products necessarily interact with the publications of more traditional vendors. This is what they are designed to do, of course, but the intersection may lead to some poor customer service experiences. Anyone who has ever called a computer technical support line about hardware problems only to be told the problem is with the software (and then vice versa) may be familiar with the experience. I worked with Serials Solutions to create some new access for journals on law schools' LexisNexis subscriptions, and the entire process took more than two years. One company was always complaining that the other would not supply the

necessary information, so I ended up having to get most of the required information and format it myself.

My experiences working with Serials Solutions have taught me a few things about working with nontraditional information vendors. The same patience and persistence that help in so many other matters (including our relations with traditional information vendors) are important. Nontraditional information vendors may also be less experienced with or invested in their law library customers, so it sometimes takes extra effort to get them to take notice or understand our issues.

At the same time, some nontraditional information vendors make up for some of these "inherent" problems by deciding they will be the ones to go the extra mile. Innovative Interfaces, perhaps owing to its long history with law libraries, has one of the largest footprints at AALL's Annual Meeting. Serials Solutions, in contrast, stopped attending our Annual Meeting several years ago.

AALL's members who are not considering CRIV as a potential source of help for nontraditional information vendors in the same way that they consider it for more traditional information vendors should consider changing their mindset. The problem could be that they simply do not believe CRIV's mandate covers their problems, or it could be that they do not make the connection to CRIV because they are not used to seeing CRIV cover these issues. If members consult CRIV or AALL's vendor liaison more often on these topics, the value they receive from CRIV and AALL's vendor liaison will grow.

Similarly, law librarians can try alternative avenues like the new Library Consumer Advocacy Caucus or LISVendor.info for help with nontraditional information vendors. The best course of action with a nontraditional information vendor like Serials Solutions might be to look at some of the success librarians have had organizing among themselves. There have been countless times I have wished that Serials Solutions had its own equivalent of the Innovative Law Users Group so I would have easier access to all the other librarians who could share their Serials Solutions experiences and how they were able to solve problems with the company. As different as our relationships with nontraditional information vendors may be from our relationships with their more traditional counterparts, the best solutions to our problems with many of them will come from the same place: collaboration with our librarian colleagues.