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Frank G. Houdek (Chair)  
Southern Illinois University Law Library  
houdek@siu.edu

### Preferred Practices Subcommittee

Frank Houdek, Chair

### The CRIV Sheet

Richard Humphrey, Co-editor & Chair (Ex-Officio)  
Indiana University School of Law Library  
rhumphre@iupui.edu

Michelle Wu, Co-editor (Ex-Officio)  
George Washington University  
mwu@burns.nlc.gwu.edu

### CRIV Page

Janeen Heath, CRIV Webmaster & Chair (Ex-Officio)  
Baker & McKenzie  
janeen.m.heath@bakernet.com

Chris Graesser  
Anne Myers  
Betty Roeske

### Mediation Subcommittee

Chris Graesser, Chair  
Brown Rudnick Freed and Gesmer  
cgraesset@brfg.com

Michael Beard  
Stephanie Edwards  
Claire Engel  
Rosanne Krikorian

### New Product Award Subcommittee

Lorna Tang, Chair  
University of Chicago D'Angelo Law Library  
l-tang@uchicago.edu

Carl Mitchell  
Stephanie Edwards

### Program Subcommittee

Marian Parker, Chair  
Matthew Bender & Co., Inc.  
marian.f.parker@bender.com

Lori Hedstrom  
Frank Houdek  
Frosty Owen  
Susan Skyzinski

### Site Visits Subcommittee

Frosty Owen, Chair  
Hunton & Williams  
fowen@hunton.com

Claire Engel  
Marian Parker  
Betty Roeske

### CRIV Tools Subcommittee

Rosanne Krikorian, Chair  
Whittier Law School Library  
rkrikorian@law.whittier.edu

Michael Beard  
Lori Hedstrom  
Carl Mitchell  
Anne Myers  
Susan Skyzinski  
Lorna Tang

# The CRIV Sheet

## Editor's Corner

Well, as the saying goes, "All good things must come to an end." This issue marks the end of my term as *CRIV Sheet* editor. I think, all in all, that it has been a "good thing." I hope that our readers agree. I do know that this has been a good thing for me, for not only has it given me worthwhile writing and editing experience, but it has also afforded me the opportunity of developing lasting friendships and collaborative relationships with many wonderful law librarians across the country. The value of such rewards, in my humble opinion, cannot be measured. If you have not yet experienced the joy and fulfillment of working on an active, productive, and fun AALL committee, I hope that you will seize every opportunity. You won't be disappointed.

So now I pass the reins to Michelle Wu. Michelle has been extremely helpful this year as my co-editor and I have every confidence in her ability to direct *The CRIV Sheet's* progress. Over the past few years, the CRIV has continued to build a bureau of capable authors and columnists, some of whom have never served as CRIV members. Our goal in this endeavor has been to illustrate that all law librarians have a stake in the work of this committee, and anyone who has any interest in encouraging, negotiating, and/or reporting on librarian/publisher relationships has a voice in this publication. Michelle is waiting to hear from you. Please don't let her down.

The bulk of this issue is devoted to our recent site visit to Aspen Publishers in New York City. We visited them on March 15-17, 2000, and every member of the CRIV came away feeling that we had accomplished our mission. Although many of the problems that law libraries have been experiencing with Aspen will hopefully be rectified by its implementation of a new computer system, Aspen's personnel were quick to admit that some of these problems came about as a result of their not knowing how Aspen's internal decisions affect the law librarian community. They were happy to listen to our explanations of how different law libraries operate and were eager to hear our suggestions for mutually beneficial compromises. But before I divulge too much of our activity, I should tell you which members of the CRIV are reporting on specific aspects of our visit. I should point out that there are significant areas of overlapping information in the individual reports, based on the fact that each CRIV member picks up on different issues. Rather than risk losing any important points, all the overlapping data have been included.

Following the Editor and Co-Editor columns, CRIV Chair Frank Houdek reports on the progress of an Aspen-CRIV discussion on "best practices," both from the law librarian and the legal publisher perspective. CRIV has been working on developing a "best practices" tool for the past several years and we have offered each publisher that we've visited an opportunity to dialogue with us on these important issues. The staff at Aspen was very pleased to participate in this discussion and offer their insights from the publisher side.

Anne Myers and Mike Beard provide an overview report on the organizational structure of Aspen Publishers. Anne and Mike's report not only details Aspen's current operational framework, but also outlines the historical development of the company and the progress it has made as it has grown into the organization we know today. Some of the problems that exist in the way Aspen deals with individual libraries have arisen as a result of rapid growth. Aspen is well aware of this difficulty and is working at rectifying these problems.

In the next article, Stephanie Edwards furnishes an overview of Aspen's customer service operation, detailing in particular the CRIV's discussion with Aspen's personnel on the operations of different types of law libraries and the ways publisher decisions affect what law libraries do. Aspen staff members were quick to admit that much of this dialogue provided new and useful information that would influence their future operational decision-making.

Chris Graesser, chair of the CRIV's Mediation Subcommittee, reports on specific law librarian customer problems with Aspen and suggests constructive ways to overcome them. Most of the problems outlined are composites of actual complaints reported to the CRIV prior to our site visit. If there are other problems that your particular library is experiencing and you don't find them reported here, please advise Chris and her committee and they will help you to resolve them. Aspen is very willing to work with individual libraries and in fact, some of the specific problems we discussed with Aspen appeared to be isolated incidents that it asked the CRIV to investigate further and assist in resolving.

Stephanie Edwards and Claire Engel's article covers the topics of accounting and billing, looking more directly at Aspen's internal operation regarding these issues and detailing the CRIV's comments to Aspen's personnel, based on the concerns that law librarians have expressed. Aspen staff members explained its accounting and billing process, pointing out the fact that all of this operation will be subject to change when its new computer system is implemented. Although Aspen has high hopes for the new system solving many of the problems, it is also realistic in its expectations, admitting that constant monitoring will still be necessary.

Anne Myers and Mike Beard also furnish a report on pricing, new editions, and shipping charges. Here too, members of Aspen's staff were helpful in explaining the criteria that drive their decisions. They particularly highlighted the details of Aspen's pricing structure, based on the cost of printing and the high demand in some markets for annually updated materials. They were also interested in discussing the CRIV members' concerns regarding escalating prices.

Carl Mitchell reports on the marketing and sales aspects of Aspen Publishers' operation, emphasizing the areas of this component that have concerned law librarians who

communicated with the CRIV. Aspen explained that many of the decisions it makes are based on the desires of specific markets and it has realized that what appeals to one market does not necessarily appeal to another. This realization has caused it to rethink some of its marketing strategies and align them more closely to the demands of specific customer groups.

Betty Roeske and Lorna Tang provide a “quick and dirty” recap of customer service issues, looking specifically at bottom line resolutions to these problems and how to achieve them. Betty and Lorna bring much insight to these issues, as they both are serving on a current librarian panel sponsored by another legal information publisher. Several of Aspen’s personnel expressed their interest in developing a mechanism for similar advisory input.

The final piece in this issue is a detailed list of Aspen’s out-of-print titles. Hopefully this list will help to alleviate some of the confusion law librarians are experiencing over which products have actually been deleted from Aspen’s publication list.

Once again, the CRIV would like to express its sincere appreciation to Jane Butler, Executive Vice President of Aspen Publishers, and all the other Aspen staff members who so graciously took time out of their busy schedules to meet with us and discuss the concerns that have been raised by our organizational members. We felt that this was a mutually productive and helpful meeting.

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## Co-editor’s Corner

This past year of working as a co-editor of *The CRIV Sheet* has been an enjoyable one. I would like to express my appreciation to Richard Humphrey for showing me how to hound people for articles (though some would say that I needed no help in that area); how to meet deadlines that seem impossibly short; and how to do it all while staying sane.

In the coming year, one of my main goals is to involve a larger part of the AALL community in the development of *The CRIV Sheet*. First, I encourage anyone to contact me with suggestions, whether they be ideas for topics that would be useful in vendor/library relations or pleas to revive old CRIV features that have been valuable in the past (and could be valuable in the future). For example, someone has already mentioned reviving

a past practice of small publisher profiles to provide librarians with key information about these small vendors.

Second, I strongly encourage anyone who has developed special techniques for dealing with vendors, or who has ideas on how to improve vendor/library practices, to write an article for *The CRIV Sheet*. Aside from the fact that the CRIV always welcomes new writers and new ideas, all of us can learn from the experience of others. By submitting an article to *The CRIV Sheet*, you can help another librarian avoid the hassles or the pitfalls that you may have encountered when dealing with a vendor.

With luck, and a bit of assistance from all of the potential authors out there, I will be able to continue editing a quality product for the CRIV and AALL.

**Michelle Wu**

*George Washington  
University Law Library  
Washington, D.C.*

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## From the Chair

### “Best Practices”

Elsewhere in this issue of *The CRIV Sheet* you will find a complete report on the CRIV’s site visit to Aspen Publishers in March of this year. Well, almost complete. One of the more interesting “side” conversations that occurred during that visit is not covered in the report. It concerned a topic near and dear to my heart—establishing a set of “best practices” for publishers and librarians to follow in their dealings with each other. While the group discussing the topic did not reach any final conclusions, we made headway toward reaching a goal that has proved elusive at best during the past two years in which I have served as chair of AALL’s Committee on Relations with Information Vendors. Enough headway that—despite my usual hesitancy at going public prematurely—I thought it would be an appropriate subject for my final column as CRIV chair.

During the visit, a small group consisting of four CRIV members and four representatives of Aspen met in informal, roundtable fashion to broach the always-sensitive subject of the

expectations that librarians have of publishers—and vice versa. I say sensitive because there are few publishers (or librarians) who don’t feel that they are already doing everything they possibly can to work effectively with “the other side.” The suggestion that there might be a “better practice” often produces defensive postures more than constructive ideas. Nevertheless, when Aspen officials suggested including a general conversation on publisher-librarian relationships on the agenda, we jumped at the chance it gave us to continue our efforts to document the *reasonable* expectations that librarians and publishers have for each other.

Over the course of nearly three hours, we explored many aspects of the publisher-librarian relationship, but our primary focus remained on trying to articulate a vision of the “perfect publisher” and the “perfect librarian.” While we all agreed that neither actually existed (or ever would exist), we still felt that trying to reach consensus on the characteristics and practices of such ideals was worth the effort. There was value for us in the

**Frank G. Houdek**

*Southern Illinois  
University Law Library  
Carbondale, Illinois*

very discussion, because it pushed the group to confront issues that neither side would ordinarily have been willing to consider. And there is value for the larger community of publishers and librarians because if and when we do reach consensus, we will have a list of behavioral expectations that can serve not only as a “moral guide,” but also as an invaluable tool for instructing new members of both professions on what is needed to maintain a productive, mutually beneficial publisher-librarian relationship.

So where did we come out? Without suggesting that the following is anything more than the *beginning of a dialogue* on this important subject—made doubly important by the FTC’s recent action rescinding its *Guides for the Law Book Industry* (see CRIVGram, January 20, 2000, available at <http://www.aallnet.org/committee/criv/ftc/rescission.htm>)—here are a few of the “best practices” we would expect a “perfect publisher” or “perfect librarian” to follow:

**A perfect publisher would:**

- Establish, maintain, and publicize the existence of multiple methods that librarians may use to communicate effectively with the publisher, including both traditional (phone, mail, fax) and non-traditional (e-mail, Web site) means
- Provide opportunities for librarians to have “one to one,” ongoing relationships with representatives of the company
- Ensure that all parts of the company have ready access to the same information about the customer
- Provide documentation or confirmation to the librarian of customer complaints and their resolution
- Develop and maintain a well-trained, efficient customer service operation
- Establish a librarian relations position or group within the company
- Create and utilize a well-supported Web site.

**A perfect librarian would:**

- Identify payments accurately

- Include invoices when returning books to publishers
- Explain to a publisher how the library’s acquisitions procedures work
- Inform library staff members and other individuals in the institution how “cold calls” are to be handled.

Obviously this list is neither complete nor perfect. But it is a start. As we ended our meeting in New York, we all felt optimistic that, with the CRIV serving as a focal point, librarians and publishers working together might really be able to agree on a set of “best practices” that would clarify expectations for the publisher-librarian relationship in a way that could produce meaningful and positive change. To help us make this a reality, I encourage readers—librarians and publishers alike—to share *your* expectations of this relationship with the CRIV. You may write or e-mail your ideas directly to me or use the CRIVPage Comment/Suggestion Box (<http://www.aallnet.org/committee/criv/suggestions.htm>).

As I did last year when I wrote what I thought at the time was my “final” *CRIV Sheet* column as chair, I wish to publicly salute the members of the 1999–00 Committee on Relations with Information Vendors. Anyone who thinks this is an “easy” job is sadly mistaken. The fact that there is a great deal of work to be done should be obvious simply from the list of subcommittee assignments on the cover page of this *CRIV Sheet*. The workload is only half the story, however, as the assignments are usually performed in an environment of heightened emotions that requires a degree of sensitivity and, occasionally, thick skin. Fortunately, each of the CRIV’s members has risen to the challenge and it is my pleasure, on behalf of all AALL members, to thank them here for continuing the hard-working tradition established by previous CRIV members. Although singling out individuals is always risky (and in this case unfair since *everyone* on the CRIV made valuable contributions), I especially want to acknowledge the outstanding efforts of two individuals completing ex-officio assignments: Richard Humphrey, editor of *The CRIV Sheet* and “CRIV Notes,” and Janeen Heath, CRIV Webmaster and creator of CRIVPage, the Committee’s popular Web site.

**Anne Myers**

Boston University  
Law Library  
Boston, Massachusetts

**Mike Beard**

University of Arkansas  
at Little Rock  
School of Law  
Little Rock, Arkansas

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## Aspen Organizational Structure

Aspen Publishers, Inc. is a diversified company into which several acquisitions have been merged, along with a few titles from several other publishing companies. Aspen is a subsidiary of Wolters Kluwer and part of its U.S. operation. Legal and Tax Publications operations consist of Aspen and four CCH operating companies. A number of Aspen’s titles will be well-known to AALL members, for example, *Wigmore on Evidence* and *Scott on Trusts*.

To start at the beginning, Aspen was founded in 1959 by a group of attorneys at the University of Pittsburgh Graduate School of Public Health who decided—while on a skiing trip in Aspen, Colorado—to compile the laws governing hospitals; thus, the

*Hospital Law Manual* was born. On a different track, Panel Publishers was begun in 1967 by William Casey (former CIA Director) and Irving Schreiber, who were both affiliated with CW Post University on Long Island. Their defining publication: *The Pension Answer Book*. Both companies were acquired by Wolters Kluwer in 1978 and 1982, respectively, and were merged in 1993.

Only one year later, Prentice Hall’s law and business titles were acquired and suddenly the company doubled in size. Coping with the growth brought with it problems of merging accounts, learning new products, distribution and order fulfillment challenges, and many other problems. In quick succession, Little

Brown's professional legal titles (1996) and Wiley Law (1997) were also acquired. Then in 1999, five more companies with a varied portfolio were acquired, including Summers Press with a product line of labor law issues oriented to businesses.

In 1993 the company's revenue was 71 percent from health care titles and 29 percent from law and business. Seven years later in 2000, revenues according to type of product have reversed and are projected to be nearly 80 percent law and business and 20 percent health care publications. Each of these acquisitions brought differing publishing philosophies and different computer systems for customer service, shipping, billing, and account management. Wiley Law and Prentice Hall titles were aimed at practitioners, while many of the texts published by Little Brown had more of an academic focus.

Aspen Publishers, Inc. is aligned in five publishing areas. A law division producing titles geared to lawyers and law libraries is the source of most of the titles of interest to the AALL membership (Aspen's internal name for this division is Law and Business I). Another law division (Law and Business II) produces titles primarily of interest to business-related

professions such as tax professionals and pension consultants (mostly the former Panel titles). The Legal Education division handles primarily the former Little Brown text series, while the remaining two divisions publish health-related titles.

All of these publishing divisions are serviced by common support services in marketing and sales, editorial and manufacturing, customer service, fulfillment (warehouse), information technology, human resources, and finance. Including all fulfillment for all divisions, and customer service, the service divisions of the legal side are in Frederick, Maryland, while the law editorial and sales offices are located in New York City.

Overall Aspen has nearly 500 employees, more than 500 standing order/subscription manuals (many are for the law-related areas), over 110 journals and newsletters, and more than 1000 professional books and textbooks.

The goals of Aspen for 2000 include continuing to grow in electronic publishing and shortening the time involved in marketing, production, and fulfillment. With regard to customer service, it aspires to become dramatically more service-oriented and customer-focused.

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## Aspen Customer Service: an Overview

A survey of our membership on Aspen customer service before our site visit to its New York headquarters demonstrated clearly to the CRIV that, in many cases, the problems librarians were experiencing went beyond the occasional invoice problem or error involving a shipment. Rather, librarians were reporting chronic customer service problems pertaining to multiple accounts, duplicate shipments, billing, cancellations and returns, and notification of new supplements and editions. Many indicated that they had tried repeatedly to resolve problems, only to find that the same problems would later reoccur.

On March 16, 2000, the CRIV met with upper-level executives at Aspen to discuss customer service issues and to gain an overview of how the relevant departments operate. Contributing to our discussions were a number of Aspen's top executives, including Jane Butler (Executive Vice President), Ernie Manzella (Senior Vice President for Publishing Services), Judith McRee (Director of Customer Service), and Pete Rozakis (Director of Distribution). The latter three people had traveled from their offices in Frederick, Maryland, and set aside the day to meet with us at the company's legal publishing center in New York.

The division that includes customer service operations, like the editorial and marketing divisions at Aspen, has seen phenomenal growth through the 1990s. Whenever a new product line has been acquired, the customer service side has responded with the addition of staff and technology. However, after five years of aggressive acquisitions, the company recognized that further changes were needed in customer service. Judith McRee arrived in 1998 as the new Director of Customer Service and developed a plan to improve the

performance of the department. In the two years since her arrival, she has reorganized the department, provided clearer directives, expanded the hours of operation, hired additional staff, and improved training. To see if her department is meeting the needs of customers, she has used surveys, call backs, and other means to measure customer satisfaction. This process is ongoing.

Interestingly, in many of the Aspen complaints sent to the CRIV, library customers go out of their way to compliment outstanding individual customer service and sales representatives, despite high levels of frustration with ongoing problems. We felt compelled to bring this apparent contradiction to light in our discussions with Aspen. It seems to reflect, in a nutshell, the commitment we witnessed to quality customer service on the one hand, and on the other hand, the problems endemic in the systems it has inherited (especially the shortcomings of the computer system on which it presently relies).

Aspen executives noted that discussions with CRIV members had given them a better understanding of the expectations and requirements of law libraries. By the end of the visit, it was very apparent to them that we represented many different types of libraries, all with different needs. Among other ideas for serving library customers better, the CRIV suggested that Aspen consider training a special group of customer service staff to assist libraries or appoint someone to handle Library Relations as other legal publishers have recently done. The CRIV has discussed how we might keep the dialogue with Aspen going, possibly through a Librarian Panel, which we have seen to be a productive model with one of Aspen's competitors.

*Stephanie Edwards*

*Roger Williams  
University School  
of Law Library  
Bristol, Rhode Island*

## Customer Problems—Getting Results

A common thread running through the comments the CRIV received from librarians about Aspen was how long it took to get problems corrected. During the CRIV's visit to Aspen, we made a point of asking about ways to avoid and solve problems. This article is intended to help librarians solve their problems more quickly. Because of difficulties inherently related to growing pains and inadequate systems within the company, there is no guarantee that problems will cease altogether. However, librarians can reduce the frequency and duration of problems.

### Account Problems

To sort out your accounts, contact your account representative. Large firms have been assigned a national account representative. Smaller firms, academic, and public institution libraries are assigned a regional account representative. If you do not know who your account representative is, you can call Customer Care, which should be able to put you in contact with the person who handles your account. There are plans to post the information on Aspen's Web site, so you can check there as well.

Cultivate a relationship with your rep. According to the account representatives the CRIV spoke with, they are highly motivated to solve your problems as quickly as possible, so you will have someone who is personally accountable (pardon the pun) to your library. Account representatives are based in Aspen's New York office and have access to the various databases that now exist for Aspen, Wiley, WG&L, Little Brown, Panel, and other imprints. They should be able to help with specific problems such as eliminating sales tax charges from tax-exempt libraries, making sure cancellations stay cancelled, and getting the real story on phantom credits.

### Billing Problems

If you plan to make some sort of alteration to an invoice, notify your account rep first for advice on the best way to make the alteration stick.

Ever notice how long it takes to get a problem solved, but when it comes to a bill, a company is "Johnny on the Spot" with those past due notices? That's because it is easy to program a computer to spit out a past due notice at 30 days, while it takes a real person to sort out situations that don't conform to a procedural norm. This may go against the grain, but try to ignore those 30-day past-due notices. Just as it takes a while for bills to run through the hopper in your organization, so it does at Aspen. Aspen advises you not to be concerned until you get the 60-day notice.

### Multiple Accounts

Company acquisitions over the past six years have caused some of the multiple accounts. However, customers have contributed to the problem by not always taking care to instruct Aspen to charge to the proper account number. Librarians can avoid this by designating a particular account number to be used in all orders, correspondence, and other communications. If your

library staff is large, any librarians who do acquisitions should know the correct account number(s) to use for transactions. These account numbers should be documented in your formal procedures and covered in your training of new staff.

### Cancellations and Returns

Always send documentation when cancelling a subscription/standing order. The documentation should include a copy of the company's invoice or renewal notice, plus a letter stating exactly what you want the company to do. (See the CRIV Tools sample letters at the CRIV's Web site.) Do not forget the account number.

Aspen's Web site has instructions for returning items to ensure proper crediting of your account. In addition, include a letter with instructions. When returning, be sure to use a delivery service that provides tracking. These may seem like elementary procedures, but believe it or not, Aspen does have trouble with customers returning items without the packing slip, invoice, or any other information. Just as a publisher should not expect you to guess about an invoice, neither should you expect it to read your mind.

### The Statement/Invoice Conundrum

Aspen statements are sent to a lock box at a bank, where the statements are separated from the check and ultimately tossed. Nobody eyeballs the statement for any changes you might have penned in. The result is unapplied credits, particularly if the payment does not exactly match the amount on the statement. If your statement is incorrect, ask your account rep to make the changes and send you a corrected statement so you have it in writing.

Invoices, on the other hand, are processed individually and kept on file. So, if at all possible, avoid paying by statement. Under Aspen's current system, waiting for the statement could delay the payment process to the point where problems could occur. If your accounting department pays by statement, see if you can persuade it to change the procedure. If you have a history of prolonged problems with Aspen, you can argue that the department could save itself a lot of headaches by bending its own rules.

### Conclusion

Of course, now the account reps will be inundated with calls. So be it. If librarians do their part to minimize problems, the rest is up to Aspen.

During the CRIV's visit, Aspen executives emphasized their awareness of the problems. They appear to be working hard to solve them. However, we should not expect miracles from the new system. We all know that with any new system, it will take a while to work out all the bugs. Aspen is a relatively small, young company, open to communication. Librarians should take advantage and let Aspen know what it's doing wrong AND what it's getting right.

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## Accounting/Billing

The complaints the CRIV received from librarians prior to our site visit warranted an inquiry into how Aspen Law & Business has been handling its Accounts Receivable operation. During our visit, the Committee attempted to get a better understanding of how the operation functions in general, and also to address very specific areas of concern, including: subscription renewals, invoice design, duplicate billing, sales tax, misapplied payments and credits, and past-due notices. As a related matter, we also discussed with upper-level Aspen Law & Business staff the confusion some librarians have experienced with cancellations and returns. We directed our questions to Jane Butler (Executive Vice President), Ernie Manzella (Senior Vice President of Publishing Services), Mike McIntyre (Vice President, Chief Financial Officer), Judith McRee (Director of Customer Service), and Pete Rozakis (Director of Distribution). What follows is a summary of the responses we received to our questions, together with CRIV's recommendations to library customers based on the information we received.

Renewal invoices were singled out by a number of AALL customers as potential sources of confusion. For certain products, including journal subscriptions and looseleaf services billed annually, such as Aspen's *Corporation Service*, a renewal form rather than an invoice is sent. In many cases, the price given on the form is not in fact the amount the customer owes, because it may include sales tax or other charges that do not apply. Customers indicated that if they paid the price listed on the form, a credit for the difference would appear on their next statement, without any explanation. In theory, the customer could avoid this confusion by checking an option given on the form to receive an invoice. In most cases when this option is selected, an invoice showing the correct account number and subscription price will be issued shortly thereafter. However, the CRIV received numerous complaints that Aspen has failed to generate a subscription invoice when requested to do so. Aspen executives could not explain why this may have happened. They advised that they were not aware of lapses of this kind and the extent of the problems it causes for librarians, including lapsed subscriptions. The CRIV has at least succeeded in bringing this problem to Aspen's attention, and it is hoped that as a result of our visit, the company understands that the existing renewal forms are poorly designed, time-consuming, and even impossible for some library accounting departments to handle.

According to Aspen, the journals and other subscription products are to be integrated with the rest of the Aspen product line in the second phase of its computer system upgrade this summer. For the customer, this means that in a few months librarians will no longer have to contend with a separate invoice system or format for renewals, but will instead receive one consistent invoice format that is easy to read and process. Until the new system is available, law library customers who receive renewal forms are advised to ascertain the correct renewal prices and request an appropriate invoice directly from their Aspen Account Sales Representatives.

Comments about the design of other Aspen invoices and statements from librarians included complaints that in some cases, invoice and account numbers are not legible, and abbreviations for titles are well nigh indecipherable. Aspen is confident that the new system will correct these deficiencies. The design of the new invoices should provide more room for identifying the product and edition. Moreover, when the system upgrade is completed, inconsistencies in invoicing that librarians noted (in some cases currently, an invoice is issued as a perforated two-part form, in some as a larger form in triplicate) will be a thing of the past.

Customers should not be overly concerned if a renewal invoice directs them to use one payment address, while other types of invoices feature another address. Both payment addresses used by Aspen are in Frederick, Maryland. One is the address at Aspen, and the other its lock box at the bank. For most standard payments that do not require adjustments of any kind, the customer may use either address.

An invoice and packing slip ordinarily accompanies all shipments from Aspen's distribution center in Frederick, Maryland. However, some law firm, corporate, and library accounts have different "ship to" and "bill to" addresses, and for this reason they have requested that all invoices be sent directly to their Accounts Payable department or some other "bill to" address. This is the arrangement Aspen has made with approximately 20% of its customer base, according to Rozakis. The customer is welcome to select either option.

Several AALL customers notified the CRIV that Aspen suddenly stopped including packing slips and invoices with shipments toward the end of 1999. Aspen confirmed this, but explained at length the distribution process and why this had occurred. If for any reason Aspen arranges to have supplements or other materials drop-shipped to the customer from the printer, no packing slip is included in the shipment, and an invoice will follow by first class mail. This is the exception rather than the rule. It occurs occasionally with rush shipments, and also happens with greater frequency in the months of November and December. This is due to several factors. Like many businesses, Aspen is subject to seasonal fluctuations. Toward the end of the year, the volume of both orders and production tends to be much higher than at other times of the year, sometimes exceeding the capacity of the distribution center to handle. Moreover, any items invoiced prior to December 31 must also be shipped prior to the end of the calendar year. The best solution is to drop-ship on a temporary basis.

One or two institutions have complained that they were billed twice for a single supplement, with consecutively numbered invoices. This was genuinely puzzling to those at Aspen who are most familiar with the accounting system, and they asked for CRIV's assistance in obtaining more detailed information from anyone who has experienced this problem (title, invoice numbers, date). A possibility Rozakis mentioned is that the

**Stephanie Edwards**

*Roger Williams  
University School  
of Law Library  
Bristol, Rhode Island*

**Claire A. Engel**

*Nelson Mullins  
Riley & Scarborough  
Columbia,  
South Carolina*

consecutive numbering might appear in cases where a back-order was placed. In this scenario, the first number would pertain to the back-order and no charge would appear. The second number (differing by one digit from the first) would appear once the back-ordered item was released and billed. The CRIV is contacting the librarians who reported duplicate billing to get more specifics from them.

A number of institutions reported that Aspen continues to charge them sales tax even after they have provided certificates of exemption to the company. In our discussions with Aspen, it was apparent that the larger problem libraries have had with multiple accounts has a direct bearing on this problem. Once a library has furnished proof of its tax-exempt status, the account itself is coded accordingly so that no sales tax will be charged for any item on the account. If a new order is placed using the existing account number, it will not be taxed. However, if an Aspen representative mistakenly keys the order by creating a new account, the library may be charged sales tax. Unfortunately, multiple accounts are often created in this manner unbeknownst to the customer. The CRIV stressed the importance of Aspen customer service representatives taking the time to determine if an order should be assigned to an already existing account so that this and myriad other problems can be averted. By the same token, library customers should be prepared to give their account numbers whenever placing an order or claiming missing items, or to insist that Aspen locate the account number for them.

One of the most common complaints we received about Aspen's accounting system relates to misapplied payments and credits. Aspen representatives assured us that whenever the payment is accompanied by an invoice copy or the remittance advice included with the shipment, or when the invoice number is clearly indicated on the check stub, payments should be applied properly. However, a caution is in order for those customers who like to pay from statements. Remittances accompanied by statements are problematic because they travel to a lock box at the bank, where the statement is separated from the check and discarded. The payment is then processed by the bank's automated system, not by an Aspen employee who can resolve discrepancies or verify alterations. Frequently, Aspen receives checks with no accompanying information, and then attempts to match the payment to whatever charges are outstanding on the library's account. In cases where the library has multiple accounts, the payment may not be applied to either the invoice(s) or the account that the library may have intended. This is how many problems originate.

To reduce the chances of payment problems, Aspen recommended that the customer send a copy of the invoice(s) with the remittance, or that indicate the invoice number(s) on the check stub. Again, it is specifically advised that you send invoice copies rather than statements with the check. If alterations have been made to an invoice, contact your sales representative to insure that the corrections are recorded.

When mysterious credits appear on your statement, insist that an Aspen representative identify the source as specifically as possible, with an invoice number and date. Too often, an unexpected credit may indicate other problems you may not be aware of, such as incorrect tax charges or the publisher's failure to apply payments or credit returns correctly.

Past due notices were high on the list of Aspen problems reported by libraries to the CRIV. According to complaints we received, dunning letters are being sent to customers for items not even 30 days old. Several librarians indicated that they received dunning notices for items shipped only two days prior to the date the notice was generated! This is obviously a waste of time and paper, both for the customer and for Aspen, since nothing is accomplished except perhaps to subtract from the reservoir of good will that may exist with the customer. More than one customer also reported that a problem with a particular payment has resulted in all of the titles on their account being held or canceled, even when payment has been held up for legitimate reasons, such as a duplicate shipment or a claim for items missing from a shipment. Aspen responded to these concerns by explaining that reminders and past due notices are generated on a set cycle, based on the month, not just the exact date, of shipment. The Aspen accounting system currently generates a reminder automatically at the end of each month, so that *anything* shipped during that month, even if it was two days prior to the date of the notice and is still in transit to the customer, will be listed on the reminder. The intention is to provide reminders for open items after 30 days, 60 days, 90 days, and 180 days (after that, Aspen stops shipping to the account; after 180 days, the charges are handed to a collection agency). Librarians have asked why Aspen cannot adjust existing software to alert accounts only about items more than 30 days old. Aspen assured the CRIV that the new operating system would overcome that problem. The CRIV may need to determine how the new accounting system handles such items, and pursue this topic with Aspen again after its processing system is upgraded.

With regard to 60 and 90 day open charges, CRIV members explained to Aspen that in some academic libraries, it may be difficult for large Accounts Payable departments to cut a check quickly no matter how soon the library processes an invoice for payment. Unfortunately, if a check is late, or if a disputed payment goes unresolved for several months, it may result in the cancellation of dozens of titles, a situation that could prove a nightmare for a library to resolve. The CRIV strongly recommended to Aspen that every effort should be made on Aspen's part to resolve individual invoice problems before cutting off a library account. CRIV's recommendations for librarians who receive confusing dunning notices include communication with Account Representatives or Customer Service regarding shipments and invoices that require correction so that these may be resolved quickly.

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## Pricing/New Editions/Shipping Charges

Several librarians who commented to the CRIV prior to our visit to Aspen raised questions and issues about the frequency of new editions being published, supplements followed closely by new editions, difficulty giving pricing information for new titles/editions, and on the high cost of shipping and handling charges. These concerns were raised with Aspen executives, who gave us some background.

The Aspen product line includes a variety of titles and formats inherited from other publishers. Some of these companies published many looseleaf titles; others, primarily bound volumes with supplements; and still others, what Aspen calls "annual manuals" where a new bound format edition is published each year. Aspen tries, whenever possible, to maintain the original publication format and pattern that was inherited. The company does not maintain an in-house editorial staff to produce this material, relying instead on independent authors, who are professors and legal practitioners. For these reasons, it is impossible to accurately predict when supplements or new editions will be available for publication, or how large these new editions will be.

Aspen publishes approximately 50 completely new legal and law-related titles each year, plus 35 new legal education (law school) titles. In 2000, it will publish eight new editions of looseleaf titles, less than 3% of its active title list. Many of the bound (non-looseleaf) manuals are published in annual editions; in year 2000 nearly 60 new "annual manuals" in bound format will be published.

Base costs of all products increase approximately 4% per year. Supplement costs increase or decrease based on page count and other production cost factors. Budgets are reviewed

approximately six months before prices are set, with increases timed to take effect January 1 of each year.

Aspen's shipping and handling charges are 8.5% of the invoice total. This was the standard policy of Prentice Hall Law & Business and was adopted by Aspen following the acquisition of Prentice Hall in 1993. This rate has never been raised. According to Jane Butler (Executive Vice President), this charge is comparable to many publishing operations.

Postage and handling costs are bundled into the price of Aspen's CD products rather than being separately assessed, since the 8.5% of the larger base price would represent a disproportionate charge for a physically small item. If librarians discover a charge for shipping/handling on these materials, they should contact their account representatives to have the charges waived.

Aspen's current automated system has limited options for what can be charged for shipping and handling; all orders are created with the 8.5% charge automatically applied. The staff member keying an order for a CD-ROM title must purposefully select not to include that charge. With the new system, it will be possible to create a class of products on which shipping/handling would not be charged.

CRIV members reminded Aspen that, over its entire product line that includes many non-law titles, this 8.5% charge may work out well for the company, but for many law librarians, it constitutes a big issue. The policy would be perceived as fairer if charges were assessed by weight, not by price. There was no resolution on this issue, but it was clear that the Aspen executives heard and understood our concerns.

**Anne Myers**

*Boston University  
Law Library  
Boston, Massachusetts*

**Mike Beard**

*University of Arkansas  
at Little Rock School  
of Law  
Little Rock, Arkansas*

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## Marketing and Sales

Aspen aggressively markets and sells its products in many different ways to make sure that products come to the attention of potential customers.

Aspen's sales groups are organized along product and market lines. The law library community is served by the Legal Sales Group. The Legal Sales Group is split into two divisions: National Sales Representatives, and Account Sales Representatives. Every library will have one, and only one, of these representatives supporting it. The top 700 law firms are assigned to National Sales Representatives, and all other libraries are assigned to Account Sales Representatives according to the state in which the library is located. All members of the Legal Sales Group are trained to be familiar with all of Aspen's product lines, and to be particularly knowledgeable about the legal products. This training enables sales representatives to assist librarians with new and existing product questions. The library's Sales

Representative should be the first point of contact for all matters related to the library's account.

During the site visit, the CRIV raised concerns from the membership about the many recent changes in sales personnel and the effect that such changes had had on customer service. Aspen noted that although there have been many changes recently, these were caused by attrition and organizational restructuring, both of which have tapered off within the last few months. The current sales force should be stable for the time being.

The CRIV also expressed members' concerns about marketing practices at Aspen. In response, Aspen explained its marketing practices and why librarians may occasionally get calls from salespersons other than their own Sales Representatives.

In addition to the sales staff, there are a number of sales and promotional activities that the company uses to market products.

**Carl Mitchell**

*Community  
Legal Services Inc.  
Philadelphia,  
Pennsylvania*

New products, for example, will get one to as many as three different promotions within the first year of introduction. Further, Aspen has more than 1000 direct mail campaigns each year to distribute mass mailings to existing and prospective clients, targeting librarians, and other professionals. These materials are designed to generate interest in both new and existing products.

The company also mails out trial subscriptions, which are followed by invitations that must be paid if the customer wishes to continue the subscription past the trial period. This, like other negative response option promotions, requires the customer to engage in some action to continue receipt of the product.

Telemarketing is also a significant aspect of Aspen's sales repertoire. This telephone canvassing mechanism is considerably different from the account and national sales program. Telemarketers are usually employed by outside companies with whom Aspen contracts. They have no further contact with the customer beyond promotion and sales during the campaign for which they were hired. However, as Aspen is aware that many law librarians do not appreciate these calls, law librarians have been

specifically placed on suppression lists so that their names do not appear on a telemarketer's list. Upon occasion, a librarian's name may slip through the cracks, and the librarian will receive a telemarketing call. If this happens, and the librarian does not find the service valuable, s/he should ask the library's Sales Representative to place his/her name on the suppression list.

Additionally, Aspen printed 18,000 catalogs in December and circulated them to target account sales customers. As all print catalogs become outdated quickly, Aspen has combated the problem by placing the current catalog on the Internet ([www.aspenpublishers.com](http://www.aspenpublishers.com)). The newly redesigned Web site is updated twice weekly and can be searched by title, keyword, author, etc.

In the near future, Aspen's sales and marketing group will concentrate on the promotion of electronic products; however, it will continue the aggressive development of print material. To date, while electronic products may be available as alternative formats for existing titles, no print products have been replaced by their electronic counterparts.

**Lorna Tang**

*University of Chicago  
D'Angelo Law Library  
Chicago, Illinois*

**Betty Roeske**

*Katten Muchin & Zavis  
Chicago, Illinois*

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## Customer Problems Re-Cap

### **New Editions, Related Titles, and Supplements**

When the CRIV solicited AALL member comments on Aspen's services prior to the site visit, many law librarians replied with complaints about Aspen's automatic shipment of new editions, related titles, and supplements. CRIV members asked about these problems and provided Aspen staff members an opportunity to suggest the causes of these problems.

**New editions:** Eight weeks before a new edition is to be shipped, Aspen sends postcards to customers advising them of the upcoming shipment. In most cases, unless the customer returns the postcard with some indication that the title is not wanted, the book will be shipped automatically. The one exception is that, for government entities, the book will not be sent unless the customer indicates that the shipment is desired. Therefore, Aspen customers should read the postcards carefully and respond quickly if they do not wish to receive the item. If you do not see your desired option on the postcard, please write your desired response on the postcard and return it to Aspen as quickly as possible.

**Related titles (unsolicited books):** Aspen publishes in several different fields, and therefore, has many types of customers. Each of these customer types has different buying habits. According to Aspen, its customers in the accounting and health industries prefer to have related titles of interest sent to them automatically. Based on this market information, when Aspen first took over the Prentice-Hall Law & Business division, it sent many unsolicited books to its new customers. Aspen learned very quickly that practices that are acceptable in one field of research are not necessarily acceptable in another. Law libraries did not appreciate the automatic shipment of related titles, and

Aspen subsequently rescinded this practice in 1995. It no longer sends unsolicited, related law titles to law librarians and has not done so for five years.

**Supplements:** Currently, Aspen's system is designed to send out supplement notices only for certain titles, primarily based on the product line in which the title falls. Aspen intends that its new computer processing system will be able to allow each customer to specify whether or not supplement notices are desired, irrespective of specific product line designations.

What should a law librarian do when unsolicited shipments are received?

1. If a law library receives unwanted new editions, related titles, or supplements, it should advise Aspen that this has occurred as soon as possible. Aspen does anticipate that such shipments will be returned.
2. If a library receives an unsolicited, non-related title from Aspen, it may keep the book as a gift, but should notify Aspen of its intentions. Aspen should then indicate this incident in its records and no further shipments of this nature should be sent.

### **Duplicate Shipments**

AALL members had indicated to the CRIV that they had experienced problems with Aspen regarding duplicate shipments of certain titles. When the CRIV brought these to the attention of Aspen, its representatives indicated that a library may receive duplicate shipments for either of the following reasons:

1. The present system that Aspen uses can generate multiple accounts, depending upon what information your library

has provided when calling Aspen Customer Care or your Sales Representative. If you call without your account number, Aspen will try to locate your account by whichever account name (e.g., Blackstone School of Law Library) you give it. If different names have been provided to Aspen in the past, your library may have more than one account, a separate one under each name that the library has provided. Therefore, if you order a title on one account, and a standing order already exists on another account, this would result in a duplicate shipment.

2. When the Prentice Hall Law & Business, Little Brown and Company Professional Law, and Wiley Law account data were converted to the Aspen system, the conversion sometimes resulted in duplicate shipments. If the old vendor was sending duplicate shipments, then Aspen will also send duplicate shipments. The files of the old vendors were not cleansed before conversion.

What can a customer do to eliminate duplicate shipments?

Whenever you receive duplicate shipments, please contact your Sales Representative with as much detail as possible. You should always provide the Sales Representative with your account number(s) so that s/he can better track and correct activities on your account. The Sales Representative can arrange for the return of the unwanted shipment, and can correct the problem in the system so that you do not receive duplicate shipments in the future.

### **Multiple Accounts**

Many customers have complained of having been assigned multiple accounts in Aspen's database. The CRIV asked for an explanation of how this happened.

Because of Aspen's acquisition of other publishers, it has also received separate customer databases from each of the acquired publishers. Some of these databases were not necessarily clean when Aspen converted them, and the errors that previously existed in them may have been transferred to Aspen's files. Furthermore, the customer lists from these acquired publishers may also contain information which duplicates what Aspen already has.

When a customer places an order with an Aspen Sales Representative, the rep takes the order and passes it to a data entry person who creates the order record in the computer system. Aspen's current processing system has been in use since 1987 and therefore has some drawbacks. Since the Sales Representatives cannot presently access the customer database themselves, they may not write the customer's name exactly as it appears in the database. The data entry person will search for the customer's account, based on the information provided by the Sales Representative. If an "exact" match is not found, then the data entry person automatically creates a new customer account and the new order is filed under this new account number.

What can Aspen do to reduce or eliminate the multiple account problem?

- Aspen can train its data entry operators to do more thorough searches in the customer database and to ask more detailed questions when they are in doubt regarding which account to use.
- The Sales Representatives need to ask customers if they already have an existing account with Aspen. If the answer is yes, the Sales Representative should ask the customer for the account number. By using the existing account number for ordering, the Sales Representative can prevent unwanted new accounts from being created.
- Aspen is preparing for the installation of a new computer system at the end of May. As described above, Aspen's current system automatically creates new accounts when an exact match is not found. The new system should create a new account only if an operator requests it.
- In the new system, the Sales Representative should be able to access the customer database to enter an order. This will hopefully eliminate the inaccuracies that are currently caused by more than one person handling the transaction.

What can Aspen customers do to reduce or eliminate the multiple account problems?

- Whenever you place an order with Aspen, have your account number ready and tell the Aspen Sales Representative which account you would like to be used for placing the order.
- Aspen is aware of the problem, and its representatives are attempting to consolidate accounts before Aspen's new computer processing system is in place. If you want to keep multiple accounts under the same name and address, please contact your Sales Representative immediately and advise him/her of this choice.
- If, during this transitional process, Aspen does not consolidate your accounts, but you would like them consolidated, please wait until after the upcoming implementation of the new computer system in May. After the new system is in place, call your Sales Representative, give the account numbers and the related names and addresses to him/her and ask that your accounts be consolidated or unwanted accounts eliminated.

### **Aspen's Information on Notifications**

Due to an unforeseen computer glitch, Rosanne Krikorian's article on Notifications was omitted from this *CRIV Sheet* issue. Readers may access this article at CRIVPage by entering the following URL on their Internet browsers—<http://www.aallnet.org/committee/criv/sitevisit/aspen2000/notification.htm>

The CRIV will also run a print version of this article in an upcoming CRIV Notes column. The CRIV apologizes to Rosanne and to Aspen for the omission of this article.

## Aspen Law & Business/Panel Publishers Out of Print Titles List

AUTHOR	INY_DESCRIPTION	PUB DATE	OP DATE
PRESSMENT	CHOICE BUSINESS ENTITY AB 99 SUPP	5/16/97	99/10/15
	ALLEN & DAVIS COMPUTER CONTRACTING	0	98/06/24
FELDMAN	ART LAW	0	98/04/03
BERNACCHI	BERNACCHI ON COMPUTER LAW	0	98/04/15
JORDEN	BUSINESS OF LAW REVISED 2/E	0	95/10/27
MATHEWS	CIVIL RICO LITIGATION 2/E (3 VOLS)	0	99/03/09
COLINS	CURRENT PATENT INTERFERENCE PRACTICE	0	96/09/05
	DC FEDERAL COURTS HANDBOOK	0	97/06/24
	DIRECTORY ENTERTAINMENT/SPORTS ATTORNEYS	0	95/11/08
	DIR. OF INTELLECTUAL PROPERTY ATTORNEY 1995	0	97/10/02
	DIRECTORY OF LITIGATION ATTORNEYS 1994_9	0	97/10/02
FEINMAN	ECONOMIC NEGLIGENCE	0	97/11/07
MACBETH	EMERGENCY REPORT REQ ENV REL 2/E	0	96/09/05
EDLES	FEDERAL REGULATORY PROCESS 2/E	0	98/09/22
	ILLINOIS CORP LAW & PRACTICE	0	95/05/25
EPSTEIN	INTERNATIONAL INTELLECTUAL PROPER	0	96/09/05
EPSTEIN	INTERNATIONAL LITIGATION 2/E	0	98/09/22
FREUND	LEGAL EASE	0	98/09/22
DOMBROFF	LITIGATION ORGANIZAT'N & MANAGEM'T 2/E (2 VOLS)	0	96/09/05
HERR	MOTION PRACTICE 2/E	0	98/10/08
BONFIELD	STATE ADMINISTRATIVE RULE MAKING	0	98/04/13
FOLSOM	STATE ANTITRUST LAW & PRACTICE	0	98/09/22
BARNES	STATISTICAL EVIDENCE IN LITIGATION	0	98/09/22
MCCAFFREY	STRUCTURING TAX CONSEQUENCES MARRIAGE	0	97/11/07
CRIMM	TAX COURT LITIGATION 1996 SUPP	0	97/10/03
	TECHNOLAW ROUNDTABLE	0	98/03/31
HOLMER	US CANADA FREE TRADE AGREEMENTS	0	96/09/05
	US COMMON MKT & INTL ANTITRUST (4 VOL)	0	95/09/11
	WHAT MAKES JURIES LISTEN	0	96/08/20
	BANKRUPTCY ANNOT FORMS 2 VOL	0	96/07/17
ANDREOLI	GUIDE UNCLAIMED PROPERTY & ESCHEAT (3 VOL)	0	98/04/28
POSER	INTERNATIONAL SECURITIES REG SET	0	97/02/13
	INVESTMENT COMPANY REGULATION	3/12/97	99/09/16
	LAW OF FINANCIAL SERVICES	0	96/01/29
	MISSOURI CORP LAW & PRACTICE	0	96/02/15
	MODEL BUS CORP ACT ANN 3/E (4 VOLS)	0	97/07/09
	NEVADA CORP LAW & PRACTICE	0	99/08/12
	REVISED MODEL NONPROFIT CORP ACT	0	96/02/26
	TRUTH IN LENDING	0	96/01/29
FEINMAN	ECONOMIC NEGLIGENCE 1996 SUPP	0	97/09/08
CORMAN	LIMITATION OF ACTIONS	0	99/12/02
BARNES	STATISTICAL EVIDENCE IN LIT SET	0	98/01/13
STENSVAAG	CLEAN AIR ACT: LAW & PRACT (2 VOL)	0	99/10/25
PATTON	FIRE LITIGATION SRCBK 2E 2 VOL SE	0	99/10/21
VEITCH	WHAT TO KNOW TO SETTLE W/INS CO PG	0	99/10/14