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# The CRIV Sheet

## Chair's Column

Taking over as the chair of the Committee on Relations with Information Vendors is an enormous challenge. Even after a year on the committee witnessing Chris Graesser's adept leadership, I was not prepared for the complexities of the position. A most apparent resource, however, is the tremendous level of commitment, expertise and talent the other committee members bring to the CRIV. For an incoming chair, this wealth of experience still seems overshadowed by the myriad of problems librarians face when they deal with powerful legal publishing conglomerates.

So it is back to basics. For me, the committee's foundation is built on the following words from the CRIV charge: facilitate communications; monitor complaints; provide constructive suggestions; foster a cooperative working relationship; and keep members informed of developments in legal publishing. The final sentence in the CRIV charge states that "the committee represents the interests of all librarians, and neither it nor its members will represent or advocate for the benefit of any one publisher or information vendor." This seemingly negative statement prohibiting publisher advocacy suggests the obvious alternative — that the CRIV advocates for **law librarians** in their relationships with legal information vendors.

The CRIV charge directs mediation — one of the CRIV's major tasks. Mediation is an underlying theme of this issue of *The CRIV Sheet*, which includes a biography of current CRIV Mediation Chair Carol Rogers, members' contact for requesting mediation assistance. Another article by former Mediation Chair Stephanie Edwards gives great insight into the volume and specificity of the requests members bring to the CRIV for mediation. To respond to this task, the CRIV assigns several members to the mediation subcommittee, so monitoring vendor complaints can be divided more equally between the members. Mediation is a task that CRIV members try to discharge with sensitivity, respect, fairness and accuracy so that future communications between legal publishers and librarians are improved.

Insofar as mediation is concerned, the CRIV charge includes some of the following mediation activities:

**Facilitate Communications.** Obviously, without communication, there would be no CRIV mediation. The CRIV attends to both direct and indirect communications by providing contacts and by monitoring listservs. Members employ direct communication methods by contacting the CRIV chair or the CRIV mediation chair and/or by using the CRIV contact option on the CRIVPage on the Web or the mediation form on the CRIVPage. Indirect communications occur when CRIV members monitor listservs to scrutinize real publishing issues that are affecting law librarians. For law librarians resolving disputes without the CRIV's intervention, the CRIVPage has sample complaint letters as well as a contact grid with publisher contact information.

**Monitor Complaints.** The CRIV's essential stakeholders are law librarians. However, law librarians are a diverse group.

Thus, the CRIV strives to represent all types of law libraries in its committee makeup. This gives equal standing to complaints arising from any type of library. The CRIV ultimately defines a course of action that may include referring a member comment or complaint to the specific CRIV member assigned to the publisher involved. When a librarian contacts the CRIV, a member of the mediation committee will respond by suggesting a strategy — which may include intervention — and will ask for follow-up.

**Provide Constructive Suggestions.** This aspect of the CRIV charge also relates to facilitating communications. Though the primary stakeholders are law librarians, the CRIV seeks to respect the perspective of legal publishers as well. This involves establishing a mutually beneficial dialog so that constructive communications can occur. Misunderstandings and misinterpretations can be costly for all parties. When a librarian fails to properly identify a particular problem, the publisher may waste many hours trying to find a fix. Likewise, when the publisher advises the law librarian improperly or does not adequately correct an error, the ramifications can be very costly to more than one staff member in the law library. The CRIV tries to intervene with a publisher when complaints about the same issue recur. With the CRIV involved in problem resolution, there is a good chance that the publisher will try to resolve an adverse issue so that a CRIV broadcast message can get the word out to other law librarians with a similar problem.

**Foster a Cooperative Working Relationship.** Working relationships depend on mutual respect and trust. Legal publishers must recognize that law librarians and the CRIV provide valuable input. The CRIV must have the experience and ability to accurately represent the issues and interests that concern law librarians. The CRIV looks for ways to strengthen its relationship with legal publishers. Publishers appreciate that, when librarians go directly to the CRIV with problems, the CRIV's mediation process has the potential to reduce the number of embarrassing messages that might appear on the listservs. The goal is to keep the publishers in a listening, problem-solving mode, achieving quick problem resolution.

**Keep Members Informed of Developments in Legal Publishing.** The CRIV employs many methods besides mediation to satisfy this aspect of its charge. The CRIVPage has many resources that keep members up to date. With regard to mediation, certain outcomes and responses are broadcast to the membership when the information relates to a specific publisher problem with widespread impact.

**Advocacy.** The CRIV is an advocate for the issues, interests and concerns of law librarians. The CRIV does not advocate for the interests of a particular publisher or vendor, and CRIV members sign statements promising to avoid conflicts of interest regarding legal publishers. Nonetheless, there is power in developing a good working relationship with legal publishers. Through good communication, mediation and the many other projects the CRIV

undertakes, all of the CRIV's activities reinforce each other for the benefit of members. These combined resources benefit law librarians as they individually or collectively relate to legal publishers.

In addition to mediation, the CRIV plans many activities during the 2001-2002 year. The CRIV proposed formal education programs for the Orlando Annual Meeting. By the time you read this issue of *The CRIV Sheet*, we will know if any will reach members next July. The CRIV is also known for very productive vendor visits. In Minneapolis, the Committee met with Aspen and West. Both meetings went quite well and substantive issues were discussed. As a follow-up, Aspen is very interested in a reverse CRIV visit to library locations in the New York area. The CRIV will also request further discussions with West regarding its Business System Initiative. Another CRIV subcommittee will focus members' attention on specific new products and solicit their input for the best New Product Award for 2001-2002. The CRIV Tools Subcommittee is planning to add another important

resource: the list of legal publishers formerly maintained by Rob Richards at the University of Colorado Law Library. Look for an announcement on this soon. The CRIV is working with the new Special Committee on Fair Business Practices and plans to provide input. The CRIV is also assessing the need to focus committee attention on licensing, and a two-year study is underway to develop this topic further. As always, the CRIVPage is available on the Web. The page contains news announcements, valuable resource tools, and methods for contacting the CRIV.

As the new CRIV chair, it is my observation that the CRIV has worked diligently over the past years to successfully meet its charge. This year's Committee is exceptionally talented and hardworking. It is my privilege to work with the CRIV, law librarians and legal information vendors as the important work of the CRIV continues. Your input is most welcome. Please contact me with any questions or comments.

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## The CRIV Meets with West Group, Aspen in Minneapolis

Taking advantage of the opportunity afforded by the 2001 AALL Annual Meeting in Minneapolis, the CRIV initiated meetings with two vendors, West Group and Aspen. The purpose of the meeting with West Group representatives was to get more information about its imminent changeover to a new billing system. The committee wanted to talk to Aspen about the system it launched last year, which is still causing problems for librarians, and also to find out the company's plans for LOIS, which it had recently acquired.

The CRIV recognizes that both West Group and Aspen made special efforts to accommodate the committee in making these meetings a reality. The Annual Meeting is a busy time for both companies, and the CRIV would like to express its gratitude for the time donated by each company's representatives.

### July 14, 2001, Meeting with West Group

Due to the location of the Annual Meeting, West Group was exceptionally busy hosting visitors to its headquarters. Despite this, West did not hesitate to arrange the time to meet with the CRIV. All the major players in West's Business Systems Initiative were there, including Ron Boller, senior vice president for customer operations; Kristine Keller, director of product and pricing services; Christine Naylor, vice president for the Business Systems Initiative; and Mary Ellen Marlowe, director for customer service. Anne Ellis, director of library relations for West, coordinated the meeting with the CRIV.

Important details of this meeting have been published as CRIVGrams, on CRIV's Web site and in *The CRIV Sheet*. This article tries to convey the overall feel and tone of the meeting and what it signifies for librarian relations with this very important publisher.

The CRIV met with West's representatives for several hours on Saturday morning. West had carefully prepared formal presentations, but from the outset, CRIV members were free to interrupt to clarify facts or elaborate on an issue. During the meeting, the CRIV focused on learning more about specific features of BSI, including the new record-keeping documents — e.g., packing slips, subscription notices, statements, user reports, etc. — available on the system. The CRIV asked questions about West's planning for the transition and how it planned to handle the temporary inconvenience the transition entailed for customers. CRIV members commented on the company's advance communications with customers, and offered their willingness to help with future communications.

Discussing the meeting the next day, Committee members agreed that West had done a good job in answering questions. The West representatives demonstrated that they had spent a great deal of time and effort preparing for this transition. The new system represents a huge investment for West, and is state-of-the-art. Eventually, customers should see a significant overall improvement in ordering, billing and account management, and customer-service interactions, but the process is complex and there are certain to be glitches before the transition is complete.

The CRIV came away with the sense that West is very willing to work with the committee on communicating the details of this system transition. Soon after the meeting, some of the practical details were posted at large in CRIVGram messages. Since then, librarians have had problems with the conversion, the CRIV has worked formally as a mediator with West on specific issues. The committee hopes to expand this partnership in a way that will benefit librarians in the future.

*Chris Graesser*  
(reporting on West)

*Brown Rudnick*  
*Freed & Gesmer*  
*Hartford, Conn.*

*Linda Kawaguchi McLane*  
(reporting on Aspen)

*University of Berkeley*  
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One nagging issue remained: why did West not partner with librarians from the very beginning in the creation of this system? For instance, West's librarian advisory panel, which has included CRIV members, received very little information and had virtually no input on specific details of the new system. It was as if the BSI constituted a trade secret. In contrast, other companies have been forthcoming from the outset when planning a major transition, and the results have been favorable for both customer and company.

At the time of this writing, the system has been in place for about a month. Those who monitor Law-Lib know that there has been a flurry of postings complaining about the new peel-off labels. The labels are but one small component of this major conversion, but clearly, for many who have had to adapt to them, it has been disruptive. This is still an early stage in the process (and by the time this article appears in print, the controversy may have died down). Whether it is just a matter of getting used to something new or whether aspects of BSI will require a second look, the initiative might have debuted more successfully if West had tested it more comprehensively with librarians. No matter how much a system is tested internally, the effect on customers remains an unknown unless customers are included in the planning process.

The CRIV needs to recognize that West's investment in BSI was motivated by its customers, who have been demanding a better invoicing system for years. Continue to ask for improvements, if the new system is not everything librarians think it should be. CRIV feedback, even after the fact, can be helpful to the process. Unfortunately, some recent complaints about BSI on Law-Lib reflected a resistance to change by some librarians. In response, Bill Grady, who has been at times a vocal critic of West, posted a plea for librarians to give the new system a chance. I second Bill's sentiments. Of course things look different, but isn't that what librarians wanted? The first month was bound to be the toughest, but I think we will all see an improvement by the time this article is published. If librarians wish for West to listen to them, they need to display some flexibility. Otherwise, West is justified in regarding some librarians as too reactionary to play a constructive role on a planning or evaluation panel.

No one likes to be criticized. The history of West and libraries has been a contentious one in recent years. Librarians have been vocal in their criticism and West's response has been, to a certain extent, to circle the wagons. Like it or not, West Group is a major player in the law library world. The CRIV's role is to facilitate communications between companies and librarians, and the committee will continue to encourage a dialogue with West. The CRIV does not expect things to be perfect, but it is better to talk than not to talk. Think of how much harder it would have been to adapt to this new system if the CRIV had not been available to meet with West to voice its concerns and ask the many questions that needed to be asked.

#### **July 16, 2001, Meeting with Aspen**

The CRIV met with representatives from Aspen Publishing during the Annual Meeting in Minneapolis. This was the first time the

two groups have had a chance to follow up on the site visit in March 2000, and many things had happened since then.

In attendance from Aspen were Jane Butler, president and CEO; Gerry Centrowitz, vice president, marketing and sales; Annemarie Cocchia, director of marketing, law and business; Michael Cronan, director of marketing, Loislaw; Marc Jennings, publisher, Loislaw; Rick Kravitz, executive vice president; Jim Nolan, director of account sales; Judith McRee, director of customer care; Stuart Mowat, chief information officer; and Kyle Parker, executive director, business development, Loislaw.

Aspen updated the CRIV on changes they made in the past year. A new VISTA account management or "fulfillment system" was implemented in July 2000. Aspen has also been busy converting the accounts of companies it has acquired, such as Loislaw, Resources for Educators, Emanuel and Harcourt Brace's professional line.

Chris Graesser, then chair of CRIV, graciously requested that the committee focus discussion on ongoing customer-service issues, instead of a more detailed discussion of the Loislaw acquisition. Many of these same customer-service issues were discussed during the Aspen site visit. (For a detailed background on everything relating to the Aspen visit, see <http://www.aallnet.org/committee/criv/news/sitevisit/aspen2000>.) Unfortunately, the new fulfillment system has not resolved many of the complaints that librarians had, such as multiple accounts, duplicate shipments and duplicate invoices.

*Multiple Accounts.* This has been a common complaint of librarians. Multiple accounts can result when Aspen acquires a company with which the library already had an account, or when library staff members, attorneys or professors call Aspen to order a product and don't know the existing account number so a new account is created. At one time, customers were told that accounts could not be consolidated, but since the implementation of the new system, they can be.

Judith McRee, director of customer care, reports that all consolidation requests have been processed (approximately 1,500). If a library still has multiple account numbers, the librarian should call the law librarian's phone line (see below) to request consolidation. Depending on the size and complexity of the library's accounts, the process can take anywhere from a couple of hours to a few days. Once it is completed, the library should get one statement for its consolidated account in the next billing cycle. However, there is one thing to keep in mind: any accounts with outstanding balances cannot be consolidated until either the balance is paid or the products are returned.

*Law Library Phone Line.* Aspen now has a special phone number for law librarians: 877/LAW-LIBR (or 877/529-5427.) This is the best number to call with any account, billing or invoice questions. The Customer Care staff is best equipped to handle these types of problems. Sales reps will respond to these requests, but they do not have a direct link to the system to make the corrections and adjustments themselves, so it is more efficient to call Customer Care directly.

*Automated Response Unit.* Librarians can call 800/234-1660, 24 hours a day with their account numbers to request account balance and payment information, lists of standing orders, return labels and duplicate invoices, information on how to purchase books or request complimentary copies of books, and the status of orders.

*Customer Relations Software.* Aspen anticipates launching new "customer relations software" in June of 2002. The new software will replace the current fragmented system — that is, all Aspen employees will be able to see the same account information. It will provide better internal coordination because each transaction will be entered into the system and tracked. However, it will still be quicker to call Customer Care, rather than the individual sales rep to request changes to an account.

In addition, Aspen is currently looking at further enhancements to the automated response unit.

*Loislaw.* Aspen stated that publications will eventually link into the Loislaw database. It is not planning to drop any CD-ROM products at this time.

### **Conclusion**

In conclusion, the CRIV is encouraged by the cooperation of legal publishers in communicating with us about issues affecting law librarians. The committee plans to continue its efforts to organize site visits to publishers, reverse-site visits by publishers to libraries, meetings at the AALL Annual Meeting and any other means by which AALL can let publishers know what librarians are thinking.

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## **Report of the CRIV Mediation Subcommittee Chair, 2000–01**

From July 2000 to July 2001, the mediation subcommittee documented and resolved more than 70 individual complaints involving a range of vendor practices or customer-service issues — including unsolicited shipments, misapplied payments, billing policies and practices, fulfillment problems, pricing, software problems, insufficient technical support, editorial description and content, and incomplete filing instructions. Most of the complaints affecting customer accounts were completely resolved within a matter of days, although some required more time due to their complexity. It was gratifying to find that the high priority that the CRIV accorded to problems that came our way was fully matched by the efforts on the part of many of the vendors whose help was enlisted.

Successful resolution of problems between librarians and publishers often comes down to the effectiveness and expertise of contacts within the companies. I would like to commend the work of the librarian liaisons employed by publishers such as BNA, CCH, LexisNexis, Practising Law Institute and West, who have made such a positive difference in the interactions between these companies and the law library community in the past few years. Although many librarians may not be aware of their existence, attendees at the CRIV-sponsored program in Minneapolis ("Who Ya Gonna Call? Librarian Liaisons in Legal Publishing") came away better informed about the important input these liaisons have in editorial and marketing decisions as well as in helping to resolve customer-service issues affecting libraries.

Much of the work of the mediation subcommittee is done by following up on complaints posted to law library listservs when it is determined that CRIV can assist in achieving a quick resolution to a problem. Librarians continue to send more formal requests for mediation using the contact form provided at the CRIV Web site at <http://www.aallnet.org/committee/criv/mediation/requestform.htm>, as well as requests by e-mail and old-fashioned first-class mail (especially if invoice copies or other documentation is involved). A "Request for Mediation" form is provided in this issue of *The CRIV Sheet* for the reader's use or to keep on file.

It is worth noting that CRIV received several requests for help from new librarians this year, as well as librarians new to law acquisitions who were trying to untangle problems of long-standing that predated their arrival and were thus difficult to document. Newer librarians may want to familiarize themselves with the handy "tools" available at the CRIV Web site — such as sample vendor letters, customer-service tips and a list of divested titles. Even for those who have been working with legal information vendors for years, keeping up with mergers, consolidations and reorganizations within the industry continues to be a challenge. The subcommittee continues to post timely information about new developments on the listservs to aid in this purpose in the form of CRIVGram messages. From July 2000 to July 2001, 45 CRIVGrams were issued. A complete archive of CRIVGram messages from September 1998 forward is available on the CRIV Web site at <http://www.aallnet.org/committee/criv>.

The number of complaints involving Aspen Publishing in particular remained high throughout the year. Many of these were related to duplicate accounts. As Aspen managers explained to the CRIV during its site visit to Aspen in March 2000, the company's new system brought over all existing accounts with any address variations, since it was too large a task for the company to identify multiple accounts that were not wanted and to clean them up before the conversion. During the CRIV site visit and again later in the year, Aspen expressed its willingness to work with customers to weed out duplicate accounts. Subsequently complaints about this problem decreased in late 2000. However, the problem began to resurface in spring 2001, even among librarians who had already been successful in consolidating their Aspen titles into a single account. Multiple accounts were beginning to proliferate anew, this time not because they were floating around as a relic of the old system, but because Aspen was sometimes generating new accounts instead of assigning new orders to existing accounts.

*Stephanie Edwards*

*Roger Williams  
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This topic was discussed at length in a meeting between the CRIV and Aspen at the AALL Annual Meeting. Judith McCree, Aspen's director of customer service, noted the concern and has promised to look more closely at why this may be happening. She was not personally aware of these complaints and did not have a simple explanation. At the CRIV's suggestion, the company agreed it might be a good idea to monitor a number of active law library accounts (CRIV suggested a sample of 10) to try to isolate the source of problems like this and to monitor overall service quality.

The inconvenience extra accounts can cause has been well-documented on law library listservs and in roundtable discussions at AALL.

An example was reported to me in a chance encounter in the AALL exhibit hall in Minneapolis. A librarian from a large academic law school told me that a complaint to her Aspen sales representative about the sudden proliferation of accounts had resulted in the cancellation of a long list of standing order titles. Apparently the sales representative was responsible for this error, albeit unintentionally. When someone at her library called Aspen to ask why materials had stopped arriving, she was informed for the first time of the cancellations. Aspen told her she should supply a list of titles if she wanted them to be reinstated!

Luckily, this conversation took place not far from the Aspen booth in the hall, and we were able to enlist the immediate help of Aspen's Jim Nolan (who actually manages the sales force) to straighten out the situation. A little more than a month later, the librarian said that the supplements missed in the spring had arrived, the standing orders were reinstated, and last, it was assigned a new sales representative.

According to Aspen, none of this should have happened, since the sales force normally places any account problems that are reported in the hands of customer service. However, the CRIV is aware of other examples of a "disconnect" in communication between Aspen sales and customer-service departments. Aspen has explained that sales representatives do not have full access to customer account information, so they are limited in the help they can themselves provide when it comes to service or account problems. Therefore, it is strongly recommended that customers always contact Aspen's Customer Care department for information about their accounts except when placing new orders.

Concerns about other publishers both large and small were predictable in one sense only — namely that they centered on companies that were undergoing or recently underwent significant reorganization. Customers anxious about LexisNexis' new integrated billing system for Matthew Bender, Michie and Shepard's voiced concerns on Law-Lib and other listservs about upcoming changes. Happily, no one to date has reported problems resulting from the new billing system that could not be handled by account representatives with a minimum of hassle.

American Lawyer Media, Inc. continues to grow as a company and to acquire books, newspapers and other titles in a range

of formats. Last year, its circulation operations were significantly disrupted for several weeks while it moved from one location to another, with the result that it was difficult for some customers to enter new subscriptions or to renew those that were expiring. The new circulation office is now up and running. However, some have reported that it is difficult to contact customer-service personnel at the different divisions within the company, a concern the CRIV will continue to address with the company.

Kluwer Law International titles (formerly handled in the United States in Cambridge, Mass.) were transferred in the past year to Kluwer Academic Publishers. Both companies are owned by Wolters Kluwer in the Netherlands. The CRIV was asked to mediate an ongoing grievance by the manager of library services at a firm that became a victim of Kluwer Academic's lack of familiarity with the KLI product line. In January 2001, the firm's library ordered a set with the title *Business Law of the Middle East: The United Arab Emirates* from Kluwer's Norwell, Mass., office. The set was published in 1999 and is kept up to date. The correct ISBN was included in the order. The company's Web catalog listed it at \$687. The customer-service department at Kluwer confirmed that it was available, and that he could expect it shortly.

After a month, he did receive a set from Kluwer, but it was not the one ordered. It had a similar title, *Business Laws of the United Arab Emirates*, vols. 1-4, but had an earlier publication date and a different ISBN. In fact, the set that was shipped to him was listed as out-of-print on Kluwer's Web site. An invoice for \$900 — listing the title and ISBN of the current set he had requested — accompanied the shipment. When the librarian complained to Kluwer customer service, he was told that an order would be entered for the correct set, and that a UPS call tag would be issued for the set that had been sent to him in error. As to why the wrong set was shipped, the explanation was that the staff found it in the warehouse and shipped it — presumably, not being familiar with KLI titles or looseleaf works of any kind.

The librarian packed up the set and left it in the firm's mail room with a note on it "Awaiting UPS call tag from Kluwer." One week later when he visited the mail room, it had apparently gone out. However, the replacement order never arrived. When he called to complain, Kluwer stated that it could not ship out the new order until the other set had been returned. He explained that he never wanted the latter in the first place, that it had been shipped back, and that his attorneys were asking why the current set was being held up. Then he learned that Kluwer had not in fact reordered the correct set as promised, and that it would have to be assembled in the Netherlands, which would take some time. This material, which had been ordered in January, did not reach him until April. When it arrived, it was accompanied by another bill for \$900.

Kluwer did not ever locate the set that was shipped back to Norwell. As late as July, it continued to insist that the customer pay the \$900 invoice for a set that was confirmed to be out-of-print and, in any case, had never been ordered, although the customer had already overpaid for the current set since the Web

site listed its price as \$687, not \$900. By the time the librarian contacted the CRIV, he felt that a resolution was not possible because Kluwer had refused to “go the extra mile to help” him. He was considering a phone call to the legal counsel at Kluwer.

The CRIV stepped in and asked Jane Foster at Kluwer to get involved. Foster had been with Kluwer Law International for 18 years and at that time was working on a part-time, temporary basis through August 2001 to oversee the transition from the Norwell office. Although she had only a few weeks left working for the company, she assured me that she would investigate what had occurred and how customer service had broken down at almost every stage of what should have been a simple transaction.

Foster acted quickly to credit the library for the shipment of the out-of-print title, and also, as a good-will gesture, for the first supplement that was received for the current set, a cost of about

\$400. This more than compensated the firm for the apparent overcharge on the main set. Thanks to her willingness to correct the situation and “go the extra mile to help,” Kluwer recovered the good will and future business of a very discouraged customer.

Foster explained to the CRIV that the Norwell office was short-staffed and that it had been truly overwhelmed by the work that was transferred over from the Cambridge office. It is worthwhile highlighting this story because librarians know this scenario is common in the aftermath of publishing mergers and reorganizations. How logical it seems that in these circumstances normal operations would be hampered, and customer service would suffer. It cannot be reiterated enough that companies need to hear from librarians about how their business decisions directly affect their customers, especially when everyday service to those customers has broken down.

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## CRIV Educational Programming

*Michael Saint-Onge*  
*LexisNexis™*

The CRIV sponsored two educational opportunities at the AALL Annual Meeting in Minneapolis in July.

The first, Program I-6, was an educational program, “Who Ya Gonna Call? Librarian Liaisons in Legal Publishing.”

Because legal publishers recognize the important role librarians play in the marketplace, several publishers have created librarian-relations programs to help build or strengthen their relationships with this significant consumer group. The program panel featured Leslie Bonacum from CCH; Anne V. Ellis from West Group; Kamla King Hedges from BNA; Jill L. Porter from Practising Law Institute; and Cindy Spohr from LexisNexis.

The session began with each participant describing her company’s program, her job and responsibilities. The librarian-relations programs themselves vary widely — several publishers have just one representative devoted to the program, while one publisher has many as 15 staff working directly with the librarian market — but all the panelists agreed that the programs have proven to be successful in establishing better relations with librarians.

Following that discussion, each panelist had the chance to illustrate ways that she had made a difference inside her own company: their roles in product development, marketing and testing. Several panelists mentioned that they had been successful in helping their employers see their products and services through the eyes of librarians, which has improved the products significantly.

The participants then had the opportunity to describe in some detail the impact they or their programs have had on the librarian community as a whole. They provided some specific examples of how they mediated with librarians to solve problems and how they have worked with librarians to create

advisory panels or boards. In addition, there are many other benefits of these programs to the librarian community, including the availability of scholarships and specialized educational programming, such as Lexis’ Teaching Research in Private Law Libraries and West’s Information Innovator’s Institute.

Last, the audience had the opportunity to ask questions of the panelists. Questions included future plans for librarian-relations programs, the handling of inquiries when several representatives are involved, and when to escalate problems to the next level.

Handouts included in the program proceedings provided specific numbers to call. Each of the profiles of the individual companies — reprinted from the CRIVPage at <http://www.aallnet.org/committee/criv/resources/tools/vendors> — were included in the handouts.

To order tapes of I-6, visit [www.aallnet.org/products/products\\_audio\\_tapes.asp](http://www.aallnet.org/products/products_audio_tapes.asp).

The second educational program sponsored by the committee was the CRIV Open Forum. The topic was Electronic Licensing, and the speakers were Pat Swords of BNA; Kevin Robert of CCH; Margaret Maes Axtmann from the University of St. Thomas, representing academic libraries; and Carol Rogers, from Latham & Watkins, representing law-firm libraries. Axtmann began by describing the elements of electronic licensing that were important to academic librarians; Rogers described the elements of interest to law-firm librarians. Then the two vendors had the chance to respond.

If you have ideas for future CRIV-sponsored educational programming, please contact Michael Saint-Onge, chair of the Educational Programming Subcommittee.

Carol Rogers

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Los Angeles, Calif.

## Electronic Licensing Issues for the Law Firm Library

*Editor's note: This transcript is Carol Rogers' speech on licensing for the law library at the CRIV Forum at the AALL Annual Meeting.*

Good afternoon. My name is Carol Rogers and I have been with Latham & Watkins for five years. As information resources coordinator, I spend a lot of time working on various publishers' agreements. Since Latham is such a large firm — we have approximately 1,200 attorneys in 11 stateside offices and seven overseas offices — our first choice for any license agreement is one that will cover all of our offices.

While there are different characteristics in license types, librarians across the board in law firms seem to prefer a concurrent-user clause in the license agreement for anything less than a site or enterprise license. This particular message has been voiced again and again. In case you missed CRIV's BNA site visit report (see <http://www.aallnet.org/committee/criv/news/sitevisit/bna2001>), we talked briefly about different license-type characteristics. As a quick review, we talked about a Library License which is restricted to the librarian where the librarian takes on the responsibility for searching and delivering requests. There is the Specific-User License, which is restricted to named users each with individual IDs. There is the Site License, which gives access for users at specified locations and has a cap as to the number of users. A single ID can be used for the Site License. There is the Enterprise License, which covers all users at any location. A maximum cap is sometimes set and there is only one ID.

I think that most law-firm libraries employ some of each of the different types of licensing agreements. This is not entirely by choice, because it follows what the publishers require. I know that at Latham we use all of the models. For smaller practice groups, we have opted for agreements that include IP authentication with "x" number of concurrent users. Some of the publishers have and employ technology which effectively "blocks" users beyond the concurrent user number. We get a pop-up screen which lets the user know that the maximum number has been reached and to please try later. I've not heard any complaints, so I'm not sure that the maximum number has ever been hit.

We have tried to avoid any licensing agreement that uses a "per seat" or "specific user" model. For a large firm, per seat agreements are an administrative nightmare and are usually not economical. Latham still has a few agreements like this for specialty titles with a very small user population. However, there are still publishers out there that offer this model only. In addition to a specific-user agreement, one publisher we are presently negotiating with offers only a "PC-specific ID". If an attorney wants to use the service from the office and his/her laptop, two IDs have to be paid for and issued!

By far, the most successful and popular electronic agreements I have been involved in are those with IP authentication. Latham has numerous agreements in place, both with and without concurrent users (site and enterprise). From one of our library Web pages, we list our electronic subscriptions by publisher and include the IDs should the attorneys want to do research outside the scope of Latham's network. We've included in our agreements language to allow us to post the IDs on our intranet even for those titles whose agreements are based on a number of concurrent users.

What else do law-firm librarians look for or want in electronic licensing agreements? In a multi-office setting, consolidation of accounts should include all offices' print and electronic subscriptions. Most publishers, if not all, give substantial discounts for "product bundling." Whether a large or small firm, it's just good practice to request an audit of your subscriptions if you are planning to move heavily toward electronic services.

Pricing is, of course, always a major issue. I have reached a point where I hate to hear, "Well how many attorneys do you have at each location and how many locations do you have?" I'm asked this question whether I'm inquiring about a site or enterprise license. My contention is that we have "x" number of attorneys in a particular practice group and the publisher should base their pricing on the actual number of users for their service, not our entire attorney population. Also our attorney headcount is not stagnant and there is a certain amount of fluidity among our offices. I don't want to be restricted to six attorneys at this office and 12 attorneys at that office. I want pricing to be based on realistic numbers, rather than focusing on the headcount of the users in any given office.

If you are working on an agreement that restricts users to specific IDs, request an ID for the librarian "in addition" to the attorney headcount for the agreement. It's generally the librarian who gets questions regarding how to use the service and is most frequently called upon to run searches. If this becomes an issue, ask if the publisher has the ability to track usage and/or see if your technology department has an in-house usage tracking system for Web hits. You can request a clause to renegotiate based on sustained usage over a specified period of time. Be sure to allow yourself enough leeway to cover your summer associates. If you anticipate a large spike in usage for your "summers," ask for a range of temporary IDs. Perhaps publishers need to be reassured that we understand that they want and need to make a profit, and they need to understand that we need access to the services at a reasonable cost and should remember that the librarian's usage of the product is many times that of administrator and instructor.

Training and technical support should also be a part of any agreement. Hours for technical support and contacts should be clearly laid out. Encourage the publisher to set up broadcast

e-mail distribution lists for electronic users so that they can notify you of any technical problems or platform changes. It's also a good way to stay in touch with the users and act as a conduit for further dialog should problems arise.

Is training free, or is there a charge involved? Request that training be an ongoing function and a part of the agreement. A September/October review is the perfect time to catch all of the new fall associates. An agreement to provide ongoing training is a win-win for everyone. It also presents the perfect platform for demonstrating any enhancements to the product.

When looking at a licensing agreement, we should remember that we are not buying the title. We are licensing it. So how do

we archive? Make sure that your agreement gives you the right to download or print newsletters for retrieval later. Under most agreements, each licensed user can download or print an archive copy.

Look at the fine print, but ask for what you want. Ask for IP authentication, concurrent users or unlimited access, librarian IDs, training and tech support, archiving rights, discounts for combined accounts, and print or electronic bundling. If we go into a negotiation setting with a clear idea of what we want and present that idea to the publisher, in most cases we can work together to create an agreement that is satisfactory to everyone involved.

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## The CRIV Provides Input on BNA's New Electronic Law School Package

*Stephanie Edwards*

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The Bureau of National Affairs, Inc. has marketed its Web services in the past primarily to law-firm libraries. However, this situation has recently begun to change. BNA has made a large-scale effort to accommodate the needs of academic law libraries and to target this market for their electronic products. Just this year the company developed IP-recognition access, which most law-school libraries have made a basic requirement of any license they would undertake with BNA. During the CRIV's site visit to BNA headquarters in March 2001, possible licensing models for academic law library customers were circulated, and BNA signaled its interest in learning more about the specific needs of this group.

Over the past two years, BNA has had some serious discussions about electronic license agreements with some of its law-school customers, including the New England Law Library Consortium, whose membership includes several very large research libraries and all of the Ivy League law schools. During this time, Diane Klaiber, then executive director of NELLCO, initiated talks with BNA about consortium pricing and led the way in representing and clarifying for BNA the technological and legal research needs of students, staff and faculty affiliated with member schools. For this reason, BNA involved NELLCO in the final planning stages leading up to the introduction of its Law School Core Web Package this summer. BNA also welcomed the input of the CRIV, and specifically invited CRIV members from the New England region to participate.

Suffolk Law School hosted the initial meeting of a small group of NELLCO librarians, CRIV members and BNA representatives on May 3 to discuss the development, packaging, pricing and licensing of BNA's electronic products for law-school customers. NELLCO members attending included:

Diane Klaiber, executive director of NELLCO  
Tracy Thompson, Lillian Goldman Law Library,  
Yale Law School

Helen Litwak, New England School of Law Library  
Caroline Walters, Suffolk University Law Library  
Jeannine Uppgard, University of Connecticut School of Law  
Dan Freehling, Boston University Law Library

and CRIV representatives:

Anne Myers, Boston University Law Library  
Stephanie Edwards, Roger Williams University Law Library.

The BNA executives who attended were:

Pat Swords, vice president for subscriber relations  
Richard Montella, manager, sales and marketing  
strategic planning  
Donna Whalen Robinson, manager, pricing and licensing  
Chet Benash, New England regional manager

This was the first of two such meetings organized for this purpose. A subsequent meeting of New York-area and Pennsylvania NELLCO members and BNA representatives took place at New York University on May 31. BNA used the feedback generated at both meetings to determine the final list of titles that would be offered in the core package, the pricing and the appropriate licensing model for the package that was rolled out in mid-summer 2001.

The meeting at Suffolk was, in the words of BNA's Pat Swords, "not a sales call." BNA was especially interested in receiving constructive input from the CRIV representatives and NELLCO librarians. They requested CRIV and NELLCO's close scrutiny of the details to assist BNA in designing a standard package with a license arrangement that will satisfy the needs of most of the law schools. BNA recognizes that most of the schools have similar budgetary constraints with which their commercial customers do not necessarily need to contend. It knows that its looseleaf services and newsletters have real value in the law-school environment. It hopes ultimately to make students and researchers aware of its products and the enhancements or "added value" of the electronic formats.

One significant factor mentioned early on in the discussion is that BNA is renegotiating its contracts with LexisNexis and WESTLAW. It expects to finalize new contracts with these companies soon. In the past, BNA did not receive royalties when its products were accessed by academic institutions through these databases. BNA is committed to changing this. Moreover, although the specifics are unclear at this point, BNA online

content will soon be available only by subscription arrangement with BNA. The rollout of the electronic package for the law-school market this year is timed to coincide with this important change.

The package offers significant discounts on a "core" list of Web subscriptions, with the option of continuing to receive print subscriptions to these titles at a deep discount. Importantly, none of the discounted prices for Web products are contingent on retention of print subscriptions. BNA's Rick Montella explained to CRIV how the "core package" to be offered to the schools was developed. In the selection process for the original 12 titles in the core list, BNA looked at the actual subscription patterns of law-school libraries that get BNA print products. However, the librarians at the meeting noted that several of the titles in the core group were not equivalent in coverage to the print subscriptions their libraries maintain. For example, only the newsletter service (also known as "Current Reports") of *Environment Reporter* and *International Trade Reporter* were offered as core titles. Most law-school libraries surveyed actually subscribe to the full set in print, including reference service and newsletter, and did not feel that the Web subscriptions to current reports only would be appropriate or valuable. For this reason, they asked BNA to substitute some of these core titles with full service Web products, such as *Labor Relations Reporter*. Because of the feedback at these planning meetings, the core list now

consists of six titles — half the number of the original list. Those newsletter services that were removed from the list are available as noncore products, also at a discount.

A frank discussion of licensing issues took place, which included comments about the specific needs of academic users that would entail revisions to the license. These included a definition of "end user" that conforms to the academic environment and clearly worded interlibrary loan provisions. Other topics that came up for extended discussion were archival issues and usage statistics. BNA has promised to take a closer look at both topics. According to BNA, because its model is payment for access rather than for usage, and because of limits in its business system, it is currently unable to generate usage statistics. Klaiber explained the application of these statistics in evaluating and justifying library appropriations for resources and went on to illustrate the benefits of this information from the company's end as well. BNA responded that it will look at the problem of how to generate these numbers in the future. In the meantime, the company did go back to the drawing board and reworked significant aspects of the Law School Package using many of the group's suggestions, but not all of them. Feedback from customers will continue to be useful to BNA in this new marketing venture, and the CRIV has indicated a willingness to play a constructive role.

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## Cost-Saving Tips: ABA Books on Amazon.com

Certain publications of the American Bar Association are available through Amazon.com at a substantially cheaper rate than ABA's price. Not every ABA book is in the Amazon.com database, but the ones that are provide a cost savings. For example, the new 4th edition of the *Attorney-Client Privilege and the Work Product Doctrine* is \$110 from the ABA, plus \$9.95 shipping and tax for residents of the District of Columbia, Maryland and Illinois. The total to purchase this book in District of Columbia would be \$128.85. The book was on Amazon for a price of \$70, with no tax, and shipping rate of \$ 4.98 — for a total of only \$74.98. Even the member price from the ABA is \$90.

For the book *FIFRA, Basic Practice Series*, the ABA price is \$49.95, and the Amazon price is \$49.95. On this item, the only cost savings will be the tax and part of the ABA shipping charges. That is still a savings of between five and 10 percent, for residents of Maryland, the District of Columbia or Illinois, at least.

*Environmental Litigation* by Janet Kole, also turned up a price on Amazon of \$75 with a corresponding price from the ABA of \$109. An added incentive to search Amazon's holdings is the availability of used items. In this case, a used copy was available for \$35.

The entry of Amazon into the used book business and the competition at Ebay's Half.com have created another potential for cost savings for the thrifty law librarian. It does not hurt to check if any of the monographic titles being considered for purchase are available at one of these used outlets. I have bought books for my personal use from Half.com and find the books are in fine enough shape to serve as library copies, at least as second copies or as office copies for attorneys.

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## CRIV Member Profile

### Carol Rogers

**Quick Biography:** Carol Rogers is the information resources coordinator for Latham & Watkins and works out of the global administrative office in Los Angeles. One of her responsibilities at Latham is the negotiation and implementation of firmwide library agreements. Originally from Texas, Rogers is the co-founder of the Dallas Association of Law Libraries and worked in Hong Kong for Hill & Knowlton Asia as information services director before moving to Los Angeles.

"I like lollipops. That may sound like a strange way to begin a CRIV member profile, but one of the vendors I deal with on a regular basis carries lollipops with her. It proved to be a great icebreaker at our first meeting.

"For years I have admired the work the CRIV does and now I am quite pleased to be a part of this very dynamic AALL committee. The CRIV charge states that 'the committee shall facilitate communications between information vendors and the members of the American Association of Law Libraries.' When asked why I wanted to serve on the CRIV, I thought about the CRIV charge and what my responsibilities at Latham & Watkins include. And I concluded that I could bring something to the table.

"As information resources coordinator for Latham & Watkins, I spend a lot of time working with vendors to bring their services to the Latham libraries. Latham is a very large firm

with 11 stateside offices and seven foreign offices. We have a wide assortment of firmwide agreements from both large and small vendors. I help to put these agreements together and see that they are implemented and maintained. I have managed to form some good vendor relationships and have more than once struggled with a vendor to get a particular service up and running in the manner Latham wished. Those struggles have affirmed to me again and again to be very clear about what I want and expect from a service and the vendor. If something is not working the way I need it to, it is up to me to notify the vendor and seek a resolution. Again, this means being clear about my needs and expectations and documenting the steps taken along the way.

"My fairly systematic approach to any problem I have encountered with a vendor seems to mirror those tools set forth by CRIV — see CRIV Tools at <http://www.aallnet.org/committee/criv/resources/tools>. There have been occasions when I have had to escalate my concerns or issues to a more senior person. I have been extremely fortunate in that only three times in a rather lengthy career have I asked for a vendor representative to be replaced. I think dealing with issues in a professional manner usually avoids any unpleasantness.

"I really enjoy my job. Though some may think it twisted, I do enjoy putting deals together and seeing them implemented. I enjoy the relationships I have been able to develop with the vendors. And I like lollipops."

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## AALL New Product Award

The AALL New Product Award honors a new innovative legal information product that enhances or improves existing law library services or procedures. New products may include, but are not limited to, printed material, computer hardware and/or software, or other products or devices that aid or improve access to legal information, the legal-research process or procedures for technical processing of library materials.

A "new" product is one which has been in the library-related marketplace for two years or less.

Members of the CRIV New Product Award Subcommittee solicit and review nominations from vendors and individuals, and then recommend finalists to the AALL Awards Committee for final selection.

Recipients of the award need not be law librarians or members of AALL. Nominations may be made by any member of AALL, including both librarians and legal-information vendors.

To submit a nomination or for further information about the award, contact Subcommittee Chair Michael J. Bushbaum at [mike.bushbaum@valpo.edu](mailto:mike.bushbaum@valpo.edu).

The deadline for submissions for the 2002 Best New Product Award is Feb. 1, 2002.

The 2001 AALL New Product Award winner was Hein-On-Line, an electronic database produced by the William S. Hein & Co., Inc.

## **Request for Mediation: Committee on Relations with Information Vendors**

CRIV's Mediation Subcommittee was formed to assist AALL members in resolving disputes with vendors. AALL members may file a formal request for mediation. The form is available online at <http://www.aallnet.org/committee/criv/mediation/requestform.htm> and may be sent electronically or through regular mail. Complainants will be expected to have made a reasonable effort to resolve the problem by contacting the vendor in writing and by phone. CRIV recommends that librarians in charge of resolving vendor issues for their library keep a publisher log in order to have a detailed record of each transaction.

The request form should be accompanied by documentation of correspondence and conversations with the vendor. Requests for mediation and any general questions about vendor mediation may be addressed to:

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Latham & Watkins  
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