

Report of the *Law Library Journal* Review Special Committee
March 7, 2016

Members

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PURPOSE: To create a sustainable model for the continued publication of *LLJ*.

CHARGE: To make recommendations for the migration of *LLJ* to a digital format while preserving the option of print-on-demand for subscribers who prefer print copies and for a limited run of reprints for contributors; to make specific recommendations for a hosting platform or service to be the official digital repository of *LLJ*; and to make specific recommendations that will reduce the net cost of publishing *LLJ* without compromising its role as the scholarly journal of law librarianship.

Summary of the Special Committee's Recommendations:

That AALL enter into an agreement with William S. Hein & Co., Inc. to provide access to all AALL members to the *LLJ* digital library on HeinOnline with search capabilities and active links to content cited within each article for the relatively low cost of sacrificed payments of any royalties from Hein in excess of \$1,500 annually.

That AALL provide an open access digital archive (PDF files) of *LLJ* Vol.1 to present on AALLNet for the one-time cost of foregone royalties from William S. Hein & Co. in the amount of \$3,700.

That AALL offer print subscriptions to members at a reduced rate of \$35 per year, and to institutional subscribers at the current rate of \$125 per year.

Recommendations Overview

Digital *LLJ* library on HeinOnline – Access to this library will be available as a benefit to AALL members, and accessed through the Members Only Section of AALLNET. (Please note that due to Hein contractual obligations with commercial publishers, they will be unable to provide links to the following four collections: American Law Institute, Kluwer Law International Journal Library, United Nations Law Collection

and Hague Academy of Collected Courses Online.) As payment for this content, AALL royalty payments will be set at a flat \$1,500 annual payment. (Current payment is about \$4,000 per year.)

Open Access Digital Archive - Hein has agreed to provide AALL with a digital archive (PDF files) of LLJ for all content prior to 2000 (1908-1999) that AALL can post as open access on AALLNET. As payment for this content, AALL will forgo its royalty payment from Hein for the period Jan.1-Dec. 31, 2015. (\$3,700)

LLJ Print Version - AALL will continue printing LLJ through its current printer, at a reduced print run of 500 copies. These copies will be made available to authors and by subscription to members and subscribing institutions or non-members.

Annual Budget Implications

This FY2014-15 ended on Sept. 30, 2015. LLJ had income of \$25,387, and expenses of \$112,250 producing a net cost of \$86,863.

This proposal, if adopted should reduce the overall cost of LLJ to approximately \$40,200. This cost is \$33,600 less than the projected cost for the current fiscal year.

Estimated Budget for Proposal

Anticipated Revenues

Advertising	\$ 7,000	
Royalties	\$ 4,800	
Subscriptions	\$16,000	(100 institutional @ \$125 and 100 members @ \$35)
Total:	\$27,800	

Anticipated Expenses

Production	\$56,500
ALA Fee	\$ 9,500
Ad Commissions	\$ 2,000
Total:	\$68,000
Net Cost:	(\$40,200)

Projected 2015-16 Net Cost:	(\$73,800)
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Overall Projected Annual Savings Through Proposed Changes: \$33,600

AALL *LLJ* Review Special Committee Proposal Background and Supporting Documents

I. Background, Charge, and Timeline

The AALL Executive Board passed a motion for appointment of a Special Committee at a virtual meeting on August 24, 2015. This motion amended a July motion for appointment of this Special Committee by expanding the number of committee members from three to five:

That the Executive Board amend a previous motion adopted at the July 16, 2015 Executive Board meeting, to create a Task Force on the Future of *Law Library Journal (LLJ)*, by substituting the following motion:

That the president appoint a five-member special committee comprised of a chair selected from the *LLJ* Board of Editors and four others members of the Association. The current editor of *LLJ* will serve ex-officio.

The special committee's charge is to make recommendations for the migration of *LLJ* to a digital format while preserving the option of print-on-demand for subscribers who prefer print copies and for a limited run of reprints for contributors; to make specific recommendations for a hosting platform or service to be the official digital repository of *LLJ*; and to make specific recommendations that will reduce the net cost of publishing *LLJ* without compromising its role as the scholarly journal of law librarianship.

The special committee shall deliver a report containing its recommendations to the Executive Board for consideration at its November 7, 2015 meeting.

By September 9, 2015, the committee was appointed, and community resources were created by Headquarters to support the work of the committee. At the time of the appointment of the committee, the chair expressed concern that the work would require a longer period of time than the original charge provided. The work of the committee was extended twice to accommodate the need to conduct research and collect ideas, negotiate options with vendors, and evaluate the options.

II. Charge Part 1: Recommendations for the migration of *LLJ* to a digital format while preserving the option of print-on-demand for subscribers who prefer print copies and for a limited run of reprints for contributors;

The recommendations to the AALL Executive Board are endorsed by the Special Committee as a reasonable and reliable approach for online access with Association member benefits and discounted print subscriptions. Non-member subscribers to the print version would maintain that option for annual print subscriptions, and reprints for contributors would continue to be offered to those who would like them.

The proposal from Hein would improve the online access for both members and for open access version users by extending access back to Volume 1. This arrangement will allow AALL to make a one-time purchase of pdf versions of LLJ issues back to Volume 1 for a reasonable cost of the loss of Hein royalties for 2015 of \$3,700.

III. Charge Part 2: Recommendations to reduce the net cost of publishing LLJ without compromising its role as the scholarly journal of law librarianship:

This part of the Special Committee's charge was the most challenging at least partly because the success of *Law Library Journal* including its role as the scholarly journal of law librarianship is grounded in all of the factors that have been part of its history, including its distribution in print as a benefit to AALL members. The overall committee charge requires significant changes to the status quo including reduction of its cost and a specific call for recommendations "for the migration of LLJ to a digital format." The Committee believes that the William S. Hein & Co., Inc. proposal negotiated by AALL staff in consultation with the Special Committee with preserves many of the factors that likely contribute to LLJ's influential status, to its role as a source of scholarly work that informs law librarianship, and to its support for Association members who wish to publish scholarship regarding law librarianship.

Interests, factors, and further aspects of this recommendation include the following:

1. Reduction in the overall expenditures for LLJ would not likely come from increased revenues for advertising or subscriptions given actual revenue/expense trends. (APPENDIX B-Law Library Journal Revenue and Expenses 2004-2014)
2. Reduction in overall expenses would likely come from the requirement in the committee's charge that LLJ migrate to a digital format; (APPENDIX B-Law Library Journal Revenue and Expenses 2004-2014)
3. Preservation of the influence of *Law Library Journal* as demonstrated by the citation analysis conducted by Fred Shapiro would depend on continued widespread access and discoverability through existing online venues; strong marketing of new hot-linked online issues to association members to balance the loss of the print subscription member benefit; preservation of the reputational benefits still associated with law-related journals that are published in print; and preservation of the current commitment to numbers of issues and pages. (APPENDIX D- Fred Shapiro Citation Analysis of LLJ)
4. Availability of print subscriptions to LLJ for AALL members at a price that is significantly less than the subscription price for non-members would address the expressed preference of many members in recent surveys to

- have either print or a combination of print and online access to *LLJ*. (APPENDIX A-Excerpts of Email from Kate Hagan re 2014-15 *LLJ* Budget and 2013 and 2015 Member Survey Results Regarding *LLJ*.)
5. Both the open access version of *LLJ* and the member digital version through Hein would be available on AALLNet. In addition, both versions would now include all issues, Volume 1 to present. This expanded access to earlier issues online would increase the accessibility and go a long way to preserve the role of *LLJ* as the scholarly journal for law librarianship at the point of this general migration from print to digital format for the member benefit.
 6. Both the open access version of *LLJ* and the digital version with hot links for members offered by Hein should allow for increased searchability and should be responsive to evolving standards for online journal publication in order to preserve the role of *LLJ* as the scholarly journal for law librarianship in the future. (See Ben Keele, *Improving Digital Publishing of Legal Scholarship*, 34 LEGAL REF. SERV. Q. 199 (2015).
 7. The proposal and recommendations preserve print publication for association members and for others at prices that committee members believe are consistent with many other law journal prices and adequately contribute to cost recovery, addressing the need for net reduction in the cost of the journal without presenting unreasonable barriers to the print format. The option of obtaining a print subscription should be facilitated by its inclusion in the regular dues payment process.
 8. The proposal produces a significant reduction in the cost of publishing *LLJ* but does not reduce the cost to zero, and the committee believes this approach offers a compromise that is reasonable in light of other trends in scholarly publishing, advocacy of some law librarians, pressures on the association to reduce expenditures, and the association's commitment to sustainability. (See DURHAM STATEMENT ON OPEN ACCESS TO LEGAL SCHOLARSHIP, at <https://cyber.law.harvard.edu/publications/durhamstatement>)
 9. The proposal addresses a longstanding concern about the cost of publishing *LLJ* in print as a member benefit. (APPENDIX D-Excerpts from Klinefelter Email Summarizing of Frank Houdek Email Regarding mid 1990's Budget Concerns Regarding *LLJ* and BNA's Underwriting of *LLJ*).
 10. Continued publication of *LLJ* in print for purchase provides print copies that can be part of the print archival collection for AALL in support not only of the role of *LLJ* as the scholarly journal for law librarianship but also as component of the print archives of the association now held at the University of Illinois.
 11. To make members aware of the publication of each digital issue and to promote the role of *LLJ* as the scholarly journal of law librarianship, stand-alone email announcements with tables of contents linked to full text should be sent to members.
 12. One committee member advocated for a way for members and others to make donations in support of *LLJ*, and this issue was left for future

consideration regarding tax consequences for the association and for individuals, marketing and other issues.

IV. Charge Part 3: Recommendations for a hosting platform or service to be the official digital repository of *LLJ*

Various commercial and open access alternatives to the current AALLNet hosted version of *Law Library Journal* were considered. Special Committee member Lee Peoples explored a number of commercial options. He found that AALL's servers do not support open source software, so that approach was ruled out. Lee investigated SSRN and BePress but found them to be costly and burdensome to create and maintain. The Social Science Research Network (SSRN) was considered because it hosts a robust collection of legal subject matter ejournals including the *Legal Information and Technology Journal*. Lee reported that SSRN offered to host *LLJ* on their platform for an annual fee of \$2,600. Lee also explored reliance on the Berkeley Electronic Press (BePress) which offers a platform specifically designed to host law journals. Many AALL member law schools utilize this platform to produce and host their journals. The *Journal of Legal Education* published by the Association of American Law Schools is produced and hosted on the Bepress platform. The annual cost for this platform is \$7,180. Both platforms would provide open access to the contents of *LLJ*. No login or subscription would be required. Both platforms could host the entire historical run of *LLJ*. However, the work of uploading articles and entering bibliographic data was not included in the quoted prices and would have to be performed by AALL staff or AALL member volunteers. SSRN and BePress were both asked to provide these platforms at a reduced cost or no cost to AALL because so many AALL members are employed by institutions that are customers of SSRN and/or BePress. Both vendors declined to provide a discount.

Ultimately, the committee endorsed the proposal from William S. Hein that provides members access to the *LLJ* digital library on HeinOnline, and provides AALL with PDFs of *LLJ* from Vol. 1 to 2000, all for a relatively low cost of some lost royalties that vary in amount each year but which might be estimated at about \$2,000 to \$3,000 annually.

Interests, factors, and further aspects of this recommendation include the following:

1. The Special Committee does not recommend utilizing a commercial vendor as the official platform of *LLJ*. The annual fees charged by these vendors are significant and would reduce the savings achieved by migrating.
2. Self-hosting on AALLNet is already successfully indexed by search engines.
3. The committee recommends the association consider whether increased activity on AALLNet for *LLJ* will increase the need for bandwidth or otherwise create costs for AALL that are not yet factored into this proposal.

4. Committee members recommend that the official repository be updated in terms of format and technologies as relevant standards evolve, and the committee anticipates that Hein and AALL staff can work together on these issues. (See Ben Keele, *Improving Digital Publishing of Legal Scholarship*, 34 LEGAL REF. SERV. Q. 199 (2015))

V. **Resources Reviewed by the Special Committee**

The Special Committee members each brought different experiences and perspectives to the committee discussion. After AALL announced the formation of the committee, some of the members were contacted by Association members with an interest in the work of the committee, and those suggestions and concerns were part of the discussion of the committee. The resources referenced in this report, many attached here as appendices, also informed the discussion of the committee.

APPENDIX A

EXCERPTS OF EMAIL MESSAGE FROM KATE HAGAN RE 2014-15 LLJ BUDGET And MEMBER SURVEY RESULTS from 2013 and 2015 REGARDING *LLJ* October 22, 2015

The AALL financial year-end is Sept. 30 and LLJ ran a deficit of \$87,000. This is about \$10,000 more than last year due to advertising, royalty and subscription income being down year over year. Also of interest to the committee: Of LLJ's total budget, only 20% is supported from advertising, royalty and subscriptions. Of Spectrum's total budget, 80% is supported from those same income sources.

Here are some member survey results that may be helpful to the committee, first number (%) is 2015, the second 2013 (we conduct the survey every other year):

	<i>LLJ</i>	<i>AALL Spectrum</i>
How they rate it:		
Very Valuable	20/24	26/26
Valuable	34/40	43/48
Somewhat Valuable	31/28	25/22
No Value	13/8	4/3
Preferred format:		
Print	35/31	37/37
Digital	34/35	34/33
Both	19/24	22/25
No Preference	12/10	6/6

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APPENDIX B

**LAW LIBRARY JOURNAL REVENUES AND EXPENSES
2004-2014**

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014
Revenues:											
Advertising	\$ 3,213	2,921	5,657	1,388	11,960	\$ 9,367	8,210	13,626	9,585	9,548	10,652
Royalties	\$ 1,603	-	3,949	7,514	7,340	\$ 5,118	7,161	3,833	10,777	7,317	10,656
Subscriptions	<u>33,307</u>	<u>31,650</u>	<u>29,198</u>	<u>27,549</u>	<u>26,614</u>	<u>24,519</u>	<u>20,858</u>	<u>21,322</u>	<u>18,953</u>	<u>14,680</u>	<u>14,592</u>
Total revenues	<u>\$ 38,123</u>	<u>\$ 34,571</u>	<u>\$ 38,804</u>	<u>\$ 36,451</u>	<u>\$ 45,914</u>	<u>\$ 39,004</u>	<u>\$ 36,228</u>	<u>\$ 38,781</u>	<u>\$ 39,315</u>	<u>\$ 31,544</u>	<u>\$ 35,899</u>
Expenses:											
Advertising	-	-	-	-	-	-	-	-	-	-	168
Less commissions	1,209	401	421	446	1,737	1,972	1,431	3,373	1,315	1,887	2,108
Editing	24,330	25,249	31,455	42,784	13,805	4,978	5,481	5,232	5,221	4,480	7,665
Honoraria	11,500	12,000	12,000	12,000	12,000	12,000	12,000	12,000	12,000	18,000	15,000
Fees to ALA	9,200	9,200	9,200	11,500	6,900	9,200	9,200	9,200	9,200	9,200	9,200
Miscellaneous	635	526	973	389	2,215	922	-	-	-	684	-
Postage	15,398	16,525	16,931	32,040	16,201	16,719	24,770	27,615	16,773	17,388	18,042
Editor Search	-	-	-	2,085	-	-	-	-	-	-	-
Printing and typesetting	<u>40,653</u>	<u>44,904</u>	<u>38,148</u>	<u>42,670</u>	<u>57,676</u>	<u>30,591</u>	<u>45,986</u>	<u>49,302</u>	<u>55,338</u>	<u>47,560</u>	<u>50,148</u>
Total expenses	<u>\$ 102,925</u>	<u>\$ 108,805</u>	<u>\$ 109,128</u>	<u>\$ 143,914</u>	<u>\$ 110,534</u>	<u>\$ 76,383</u>	<u>98,868</u>	<u>106,722</u>	<u>99,847</u>	<u>99,198</u>	<u>102,331</u>
Decrease in net assets	<u>\$ (64,802)</u>	<u>\$ (74,234)</u>	<u>\$ (70,324)</u>	<u>\$ (107,463)</u>	<u>\$ (64,620)</u>	<u>\$ (37,379)</u>	<u>\$ (62,640)</u>	<u>\$ (67,942)</u>	<u>\$ (60,532)</u>	<u>\$ (67,653)</u>	<u>\$ (66,432)</u>

NOTES:

2007 Vol. year had over 20281 pages That is why the cost is higher. We also had the editor search costs
2009 Vol year had fewer pages at 763. That is why the cost is lower.

If you take out 2007 and 2009 as outliers, the avg. cost for LLJ is \$66,575 per year.

APPENDIX C

Citation Analysis of *Law Library Journal*

Fred R. Shapiro, Associate Librarian for Collections and Access and Lecturer in Legal Research, Yale Law School

One way of demonstrating the value of *Law Library Journal* is through citation data. Citations are the best objective measure of the usefulness of a journal. I have been described in the *Wall Street Journal* as the founder of the discipline of “legal citology,” and my experience in that field leads me to conclude that the data for *LLJ* are impressive.

The Washington and Lee Law Library website provides precise and comprehensive citation statistics for legal periodicals. These statistics show that, for the most recent available 10-year period (2003-2013), *LLJ* ranks 366th among all legal periodicals (ahead of many respected law reviews) in total citations received. They also show an upward trend, with *LLJ* garnering 332 total citations in 2013 as opposed to 187 in 2003. In comparison, *International Journal of Legal Information* was ranked 673rd for the 10-year period, with 108 total citations in 2013, and *Legal Reference Services Quarterly* was ranked 916th for the 10-year period, with 36 total citations in 2013.

Another source of data is Thomson Reuters’ *Journal Citation Reports*. *JCR* shows *Law Library Journal* as 36th in total citations among all journals in the Information Science & Library Science category (this covers the entire information and library fields, not just legal information or law librarianship). Here too there is a strong upward trend, with *LLJ* receiving 468 citations in 2014 as compared with 176 citations in 2010. In the Law category, *LLJ* is ranked 54th in total citations, again ahead of many respected law reviews.

Law Library Journal has published many classic articles over the years. By using the searching and sorting capabilities of HeinOnline, I have been able to compile the following list of the all-time most-cited articles from *LLJ*:

William G. Harrington, A Brief History of Computer-Assisted Legal Research, 77 *Law Libr. J.* 543 (1984-85)

54 CITATIONS IN LAW JOURNALS

Daniel P. Dabney, The Curse of Thamus: An Analysis of Full-Text Legal Document Retrieval, 78 *Law Libr. J.* 5 (1986)

42 CITATIONS IN LAW JOURNALS

Wes Daniels, Far Beyond the Law Reports: Secondary Source Citations in United States Supreme Court Opinions Terms 1900, 1940, and 1978, 76 *Law Libr. J.* 1 (1983)

39 CITATIONS IN LAW JOURNALS

Robin K. Mills, Legal Instruction in Law Schools, The State of the Art or, Why Law School Graduates Do Not Know How to Find the law, 70 *Law Libr. J.* 343 (1977)

38 CITATIONS IN LAW JOURNALS

Robert C. Berring, Legal Research: Should Students Learn It or Wing It, 81 Law Libr. J. 431 (1989)
37 CITATIONS IN LAW JOURNALS

Christopher G. Wren, The Teaching of Legal Research, 80 Law Libr. J. 7 (1988)
37 CITATIONS IN LAW JOURNALS

F. Allan Hanson, From Key Numbers to Keywords: How Automation Has Transformed the Law, 94 Law Libr. J. 563 (2002)
36 CITATIONS IN LAW JOURNALS

Patrick Meyer, Law Firm Legal Research Requirements for New Attorneys, 101 Law Libr. J. 297 (2009)
36 CITATIONS IN LAW JOURNALS

Kristin B. Gerdy, Teacher, Coach, Cheerleader, and Judge: Promoting Learning through Learner-Centered Assessment, 94 Law Libr. J. 59 (2002)
34 CITATIONS IN LAW JOURNALS

Lee F. Peoples, The Death of the Digest and the Pitfalls of Electronic Research: What Is the Modern Legal Researcher to Do, 97 Law Libr. J. 661 (2005)
33 CITATIONS IN LAW JOURNALS

Claudia Zaher, When a Woman's Marital Status Determined Her Legal Status: A Research Guide on the Common Law Doctrine of Coverture, 94 Law Libr. J. 459 (2002)
33 CITATIONS IN LAW JOURNALS

Thomas A. Woxland, Why Can't Johnny Research – or It All Started with Christopher Columbus Langdell, 81 Law Libr. J. 451 (1989)
33 CITATIONS IN LAW JOURNALS

HeinOnline also shows that *Law Library Journal* articles get cited by courts. A very recent spectacular example is John Cannan, A Legislative History of the Affordable Care Act: How Legislative Procedure Shapes Legislative History, 105 Law Libr. J. 131 (2013), which was cited in the 2015 landmark Supreme Court case of *King v. Burwell*, upholding the Affordable Care Act. The Cannan article had previously been cited in the *Wall Street Journal* in 2013.

APPENDIX D

EXCERPTS FROM EMAIL FROM ANNE KLINEFELTER TO THE COMMITTEE SUMMARIZING FRANK HOUDEK'S EMAIL REGARDING Mid-1990's BUDGET CONCERNS REGARDING *LLJ* and BNA's UNDERWRITING of *LLJ*

September 16, 2015

I am summarizing what Frank Houdek shared with me and Janet Sinder regarding a mid-90's focus on reducing the cost of *Law Library Journal*. [...] Janet recalled that BNA had provided support and asked Frank about it...

Frank said that in 1994-95 AALL had budget concerns and

- ...had raised questions about the continuation of *LLJ* as one way to deal with them. FWIW, there is an article from then-Treasurer Judy Meadows about the financial situation of AALL in the June 1995 issue of AALL Newsletter (Vol 26, No. 9), pages 394-397. In it she identifies the reasons members should support a dues increase. She also identifies the possible consequences of members failing to support the increase, including the elimination of two issues of *LLJ* (p. 397). In the report of actions taken at the Spring 1995 Executive Board Meeting published in the May 1995 issue of the AALL Newsletter (Vol. 26, No. 8), the following is found: "If the *Law Library Journal* bylaws amendment does not pass in Pittsburgh, the Board agreed to the recommendation that expenses will be reduced by budgeting for only two issues in FY 1996 and by providing *LLJ* at a full cost-recovery basis, with a maximum three-year proportional subsidy, if necessary."
- BNA offered a respite for the immediate crisis by pledging substantial financial support to help underwrite *LLJ* for two years, 1995-96 and 1996-97. In return, AALL publicized the contribution, including by placing the banner Janet mentioned across the cover of each supported issue (beginning with Vol. 87, No. 3 (Summer 1995), and going through Vol. 89, No. 2 (Spring 1997), a total of 8 issues).
- The contribution totaled \$40,000. According to an article about Executive Board actions in the September 1995 issue of the AALL Newsletter (at page 22): "The most exciting new item was the report of a \$40,000 contribution from Bureau of National Affairs, to be donated over two years to support the publication of the *Law Library Journal*. This gift will enable AALL to continue providing members with the Journal as a member benefit, with four issues each year during 1995/96 and 1996/97. The Board accepted this restricted contribution with deep appreciation and recommended to the membership at the first Business Meeting withdrawal of the proposed *LLJ* amendment until after such time as the Board has the opportunity to explore fully all options for continuing to publish the Journal, taking into account broad member opinion and *LLJ*/Newsletter Advisory Committee recommendations. The Task Force on *LLJ* was discharged and the Board reaffirmed its charge to the *LLJ*/Newsletter Advisory Committee with responsibility for preparing such a plan for the Board's consideration no later than July 1996."

[...]
Anne