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**CRIV Web Site**

- www.aallnet.org/committee/criv
Editor’s Corner

Welcome to the last issue of Volume 28 of The CRIV Sheet. I must say the time has flown by, and here we are just two months from our St. Louis Meeting and AALL’s 100th anniversary celebration. What exciting times we have ahead!

The CRIV has been extremely busy this year, especially the Site Visits Subcommittee, and this issue is almost solely devoted to site visit reports. This past November the Site Visits Subcommittee descended on LexisNexis for a very informative and intense two-day visit. We start with an overview of the entire visit in Kevin Butterfield’s “From the Chair” column. Next Larry Meyer, Site Visits Subcommittee chair, provides an introduction describing how the visit came about and what the committee did to prepare for it. Charles Finger then covers the Computer Data Center. Talk about high tech, high security, space age stuff. Wow! Next Rochelle Cohen Cheifetz and Marjorie Crawford discuss the approach to market aspects of LexisNexis in two separate articles. Tracy Thompson brings us an account of the operations/fulfillment department, including a discussion of the customer service department, which is near and dear to us all. Tom Gaylord talks about “Upcoming Products: Content and Functionality,” with the focus on Web products. Then Cindy Spohr, senior director of librarian relations group, rounds out the site visit articles as she responds to questions that the CRIV put to LexisNexis.

Next I have included a reprint of an article Regina Watson wrote for the July/August 2005 issue of the MALL Newsletter that covered last year’s AALL Workshop on Electronic Licensing. This workshop covered electronic licensing from acquisition to access and is most appropriate in a venue with a wider audience, such as The CRIV Sheet. Lastly, Leslie Bonacum outlines the merger of Wolters Kluwer, CCH, Aspen, LoisLaw, and KLI. The article certainly clears up many of my questions regarding exactly what happened and who is who in the new organization.

This concludes my last issue as editor. The CRIV is full of dynamic people, and it has been an honor to serve on the committee. As I hand over the editorship to my very capable assistant Tracy Thompson, I want to thank Ellen Strbak for having faith in me when she appointed me assistant editor last year; Kevin Butterfield, who gave me encouragement and constructive responses to my many queries; all the CRIV members who worked on the various subcommittees and wrote articles; Tracy Thompson for her dedicated assistance on The CRIV Sheet; and Julia O’Donnell at AALL Headquarters for her support. I want to thank all of my authors for getting their acts together to make me and The CRIV Sheet look good. And remember, The CRIV Sheet is always looking for topical ideas and articles relating to legal publishing, vendor relations, and acquisitions themes. Send submissions to Tracy Thompson (your new editor!) at tracy.thompson@yale.edu.
From the Chair

We've come full circle to the final edition of The CRIV Sheet for the 2005-2006 committee year. This issue completes another volume of informative and educational articles. I would like to thank Editor Carmen Brigandi and Assistant Editor Tracy Thompson for their hard work.

The CRIV focused on several activities this past year. We continued to respond to requests for assistance from AALL members and to work with publishers and vendors to resolve issues of concern. There were a large number of requests this year, and not all were easily resolved. However, we continue to monitor discussion lists, keep abreast of the issues, and advocate for fair business practices with vendors.

We have worked with the Fair Business Practices Implementation Task Force to promote the AALL Guide to Fair Business Practices for Legal Publishers. CRIV incorporated the guide into our internal and external policies as well as our communications with vendors. We also added references to our sample letters and resources in the CRIV Tools section of the CRIVPage. These linkages reaffirm the Guide as the standard by which the CRIV operates.

The CRIV was quite busy last fall, as evidenced by the collection of articles in this issue, conducting a site visit with LexisNexis in Dayton, Ohio. The amount of work that goes into preparing an effective site visit occurs behind the scenes and often goes unnoticed. The CRIV thanks our Site Visits Subcommittee and its chair, Larry Meyer, and Cindy Spohr, senior director of LexisNexis' librarian relations group, for their excellent work. Despite our age of instant communications, the importance of these face-to-face engagements between vendors and librarians remains. We look forward to continuing our dialog with LexisNexis concerning issues raised before and during the visit. We also strongly encourage other vendors to consider joining in the site visit process. The visits are an educational and informative endeavor, not an adversarial one. All participants benefit from sharing ideas and perspectives.

On a final note, as this committee year comes to a close I encourage everyone to attend the CRIV-sponsored program “Legal Publishers and Business Practices: AALL's Ongoing Role in Monitoring the Information Industry” at the Annual Meeting in St. Louis. It will be the first in what we hope will become an annual program where the groups charged with advocating with vendors and publishers on behalf of AALL members will report on their activities.

LexisNexis Site Visit Report

Introduction

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

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

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

As might be expected in a visit as intense as the one we had, some questions needed to be answered with additional information. Those questions and their answers can be found at the end of the site visit articles on page 8.

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

**Computer Data Center**

Charles Finger
Cornell University Law Library, Ithaca, New York

Entering the Computer Data Center of LexisNexis in Miamisburg, Ohio, was an exciting experience. Security cameras and monitors were everywhere, with signs warning that no cameras were permitted in the area. All cellular telephones with that capacity were carefully placed in storage in the security office.

We then entered the Computer Data Center, which is about the size of two football fields. The center consists of 45,000 square feet of raised floor, which holds 10 large mainframe servers, which are running 22 MVS (Multiple Virtual Storage, from IBM) operating systems images. In addition, there are more than 300 mid-range UNIX servers and nearly 1,000 multi-processor NT (New Technology, although originally it meant Northern Telecom, from Microsoft) servers, which are all networked and cumulatively have access to more than 198 terabytes (or trillion characters) of data storage capacity. The vast majority of the storage capacity is used for internal services, with around 32 terabytes used for the online LexisNexis system.

Average response time for a LexisNexis search is within six to 10 seconds. Considering that the online services include around five billion documents, the response time is impressive. The service is available 24 hours a day every day of the year, and LexisNexis reported that the number of customer searches is more than 800 million annually. LexisNexis also states that it averages greater than 99.99 percent for availability and reliability. There is built-in redundancy in all the equipment and connections, and full-time staff is always present to maintain the systems.

If you are wondering about an electrical power failure, the facility appears to be very well covered.
We saw pictures of rows upon rows of batteries available to run the equipment. Of course, the batteries are only needed to cover the system until massive diesel generators automatically begin to power the complex and keep the data flowing.

In 2004, LexisNexis opened a remote data center and development facility in Springfield, Ohio. The Springfield facility, in conjunction with the Miamisburg facility, serves as both a backup and a disaster recovery center for each other. The Springfield center operates with more than 100 servers and manages more than 100 terabytes of data storage. This Springfield center, while not as large as the center at Miamisburg, still contains more than 60,000 square feet of space, with more than 20,000 square feet available for raised floors.

**Approach to Market**

Rochelle Cohen-Cheifetz
Dechert LLP, New York

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

The LexisNexis marketing initiative to the law school student is discussed in the following article, so we’ll jump right into the other targeted markets.

LexisNexis creates a separate market initiative for each facet of the legal world. Not only does it have a state and local government market group, but it also divided that group even further, with special attention given to smaller agencies, the courts (with a representative specifically for the Federal Court Circuit), and the prison systems. One of the fascinating tools provided by LexisNexis is the Prison Kiosk, a mobile unit where inmates, using simple point-and-touch technology, can fill out forms, look up information (which is updated quarterly), and print to central stations.

Another service, Live Chat (which is currently available for the law student market), is being provided to the judiciary in a pilot program.

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

The only change that is new for the law firm market is the LexisNexis Total Practice Solutions (TPS). LexisNexis is presenting TPS as a new corporate strategy aimed at firms’ broader needs in the business and practice of law, including the increased roles librarians have taken in the many aspects of their law firms’ practice. TPS is presented in four categories, each combining different resources available throughout the ever-growing company and making them available in one package. Client development, which provides networking and marketing resources; research solutions, providing research products; and practice management, which provides the services and tools aimed at improvement of firm productivity and profitability, are each aimed at different markets within the law firm. Given all the acquisitions made by LexisNexis during the past few years, this approach centralizes the varying products into a cohesive and logical menu. The last component, litigation services, presents the Total Litigator, a technology platform that is being developed to mirror the litigation process.

**Approach to Law School Market Report**

Marjorie Crawford
Rutgers University Law School Library, Newark, New Jersey

Recognizing that students are new to the law and legal research process, LexisNexis introduces its content, features, and solutions to students through task-oriented communications and training. Throughout lexis.com, relevant information resources have been grouped together by areas of law to meet the research needs of users. Regardless of the area of law selected by a researcher, the look of the interface page is consistent throughout lexis.com. This design enhancement of the interface has made searching in LexisNexis more convenient and easier for users.

Within the law school market, the introduction of the “incentive to learn” certification program has been another successful innovation. This certification program was designed to aid students in gaining confidence in their abilities to perform research tasks competently, efficiently, and economically. Students who complete this program are able to enhance and master competent online searching skills in various areas of law, such as securities, tax, and other
substantive areas. To be certified, a student is required to demonstrate competency and mastery of a particular area of law. According to Scott Koorndyk, senior director of law schools and federal courts, potential law firm employers are now requesting confirmation of certification from LexisNexis when they see a certification listed on the resume of a law graduate.

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

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

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

**Questions and Answers**
At the conclusion of the law school presentation, a vigorous question and answer session followed. Some of the questions asked by the CRIV, along with responses from LexisNexis, are included in “LexisNexis Responses to CRIV Questions” on page 8.
management tool that was previously unknown to most of the CRIV team, yet seemed to hold a great deal of potential for acquisitions librarians. Dianne Greco and Scott Moore walked us through the site and gave us the vision for the service.

Through the Print and CD Service Center, account holders can perform a wide variety of key account management functions, including:

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

Two recently added features enable users to:

- perform subscription maintenance
- skip or cancel “notices” online.

Additional functionality planned for implementation in the near future includes e-mail notification to customers for processing and tracking, the ability to check the process status of a pending order, and an online demo view of the Print and CD Service Center for new users.

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

**Order Fulfillment and Customer Service**

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

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

Gottlieb also talked with us about the manufacturing side of the business. Overall error rates within LexisNexis content are very low. He credits success in this area to the LexisNexis quality control program, which has good auditing processes in place. He likens the quality of the LexisNexis manufacturing process to that of the commercial printer.

The CRIV team raised several specific fulfillment questions. The first related to the timing of new code shipments to customers. Gottlieb explained that the goal of LexisNexis is to integrate the new code sections as soon as they become effective and to get the print volumes out as soon as possible thereafter. This results in a great deal of activity in this area in November and December when many codes become effective. The availability of the code online will occur in a timelier manner, as LexisNexis moves toward posting the content as it is received. The CRIV team also suggested that topical code products might be of interest. Gottlieb promised to convey this suggestion to the publishing team.

The group also posed questions about the Michie standard, which required a new volume to be issued anytime a pocket part exceeded 96 pages, and about how long expired legislation will be available online in its original form. LexisNexis agreed to report back to the group on these questions, and their responses can be found in “LexisNexis Responses to CRIV Questions” on page 8.
Upcoming Products: Content and Functionality

Thomas Gaylord
Chicago-Kent College of Law Library, Chicago

The final agenda item during the CRIV Site Visits Subcommittee’s LexisNexis site visit concerned upcoming products, including both new products and enhancements to existing ones, as well as improved functionality. The focus was primarily on Web content rather than on print items.

The session also included a discussion of the LexisNexis product development philosophy, which LexisNexis described as being committed to customer needs, and with a dedication to streamlining the development process to provide faster speed to market. All of this is part of the development of the LexisNexis total practice solutions concept of integration of all of its resources into an interconnected system.

New/Enhanced Products

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

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

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

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

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

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

Legal Specialization. LexisNexis indicated that it is seeing an increase in specialization in the legal industry and thus has been working to provide new content specific to certain specialties. Among the many mentioned were:
- additional corporate and securities editorial content
- an exclusive agreement with the American Arbitration Association
- an upcoming 50-state survey for insurance law
- increased availability of law reviews
- additional licensed content, including BNA material
- additional Mealey’s content.

LexisNexis Responses to CRIV Questions

Cindy Spohr
LexisNexis, Fort Wayne, Indiana

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

A. Historically, the foundation of the products and services provided by LexisNexis has been centered on online research. By listening closely to our customers and understanding the evolution of their needs, LexisNexis aggressively pursued strategic acquisitions and product development initiatives that now allow the company to provide Total Practice Solutions. These Total Practice Solutions expand beyond research-specific products and focus on helping lawyers and firms achieve excellence in the business and practice of law. LexisNexis Total Practice Solutions are organized in four categories:
- Client Development, which provides industry-leading networking and marketing resources to help grow a practice. Through a combination of LexisNexis products and services, firms will have
the essential tools to increase client referrals, target new business intelligently, develop cost-effective marketing programs, and retain their best clients. Products here include InterAction (a client relationship management tool), LexisNexis Market Intelligence, and Martindale-Hubbell.

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

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

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

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

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

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

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

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

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

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

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

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

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

Q. Will LexisNexis make the administration of passwords easier?

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

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

A. Depending on the jurisdiction, the LexisNexis online service displays expirations in two ways.

1. One online document will contain the expired, current, and future effective language, where applicable, with effective dates clearly marked.

2. One online section will have multiple documents reflecting multiple dates and language.

Again, the different treatment is based on the policies of a particular state’s reviser or legislative commission.

If an expiration takes place well ahead of the print publishing deadline, most jurisdictions will likely display the text with an editorial advisory or caution relating to expiration (for example, “Section 1234 expires 7/1/2012”).

The closer the expiration comes to the jurisdiction’s cutoff date for print publishing, the more likely you are to get a “tombstone,” an editorial advisory relating to expiration. Most tombstones only contain the advisory itself and not the actual language of the section and are common for expired and repealed sections. Of course, LexisNexis won’t “tombstone” something online until it has actually expired or been repealed.

Also, it is not uncommon that sections are reused, so an expiration may simply be stated as a note (for example, “Former Section 1234 dealt with labor relations and expired 5/1/1995”) to the current section.

Online, LexisNexis offers more than 10 years of archived codes depending on the jurisdiction.

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

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

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

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

- Appleman on Insurance Law and Practice
- Bender’s Forms for the Civil Practice
- Bender’s Forms of Discovery Treatise
- California Employment Law
- California Environmental Law and Land Use Practice
- California Forms of Jury Instruction
- California Forms of Pleading and Practice – Annotated
- California Law of Employee Injuries and Workers’ Compensation
- California Legal Forms - Transaction Guide
- California Points and Authorities
- Dorsaneo Texas Litigation Guide
- LexisNexis Practice Guide: Florida Civil Discovery
- LexisNexis Practice Guide: Florida Civil Motion Practice
- LexisNexis Practice Guide: Florida Pretrial Civil Procedure
- LexisNexis Practice Guide: Florida Trial and Post Trial Procedure
- LexisNexis Practice Guide: Pretrial Procedure
- LexisNexis Trial Guide: Civil Motion Practice
- Matthew Bender Practice Guide: California Civil Discovery
- Matthew Bender Practice Guide: California Contract Litigation
- Matthew Bender Practice Guide: California Landlord-Tenant Litigation
- Matthew Bender Practice Guide: California Pretrial Civil Procedure
- Matthew Bender Practice Guide: Federal Pretrial Civil Procedure in California
- Moore’s Federal Practice — Civil
- New York Civil Practice: CPLR
- Ohio Jury Instructions
- Practice Under the California Corporate Securities Laws
- Texas Transaction Guide — Legal Forms
- Warren’s Heaton on Surrogate’s Court Practice
AALL Electronic Workshop

Editor’s Note: The following article was originally published in the Minnesota Association of Law Libraries’ MALL Newsletter, Vol. 11, July/August 2005.

The lively and informative all-day workshop “Electronic Resources from Acquisition to Access,” held on July 16, 2005, during AALL’s San Antonio Annual Meeting, covered six topics.

1. Selection and Acquisition
Janice Anderson, associate law librarian for collection services at Georgetown University Law Library, explored collection development intricacies in a time when free access Web resources must be considered along with subscription databases.

In valuating free access resources, Anderson reaffirmed the basic criteria of relevance, quality/content, ease of use, and stability. She sees librarians adding value through “targeted Web crawling,” consisting of two steps: identification of appropriate Web sites relevant to patrons and “curation of content.” Curation of content involves selecting, organizing, and providing access to resources appropriate to the audience.

Anderson referenced the California Digital Library’s leadership in creating tools to aggregate content tailored to specific clientele.

Even among subscription options, choices become more complex as available packages of information multiply. Options include journal databases, collections, and publisher-specific databases. Journal databases present the further question of single title subscriptions versus aggregate databases, such as HeinOnline, ProQuest, EBSCO, Muse, and JSTOR. Examples of the proliferating electronic “collections” include Making of Modern Law, LLMC Digital, and the Serial Set. Meanwhile, publisher databases, such as BNA and CCH topical offerings, Source OECD, and Congressional Quarterly, remain possibilities or even expectations as lean budgets force many of us to prioritize and eliminate duplication.

Anderson noted the administrative efficiencies gained through such aids as database reviews, subscription agents or middlemen (e.g., Ingenta and EBSCO), and in-house forms. She shared a list of most trusted review agents or middlemen (e.g., Ingenta and EBSCO), and a page-long New Electronic Resource Form.

2. Licensing
Tracy Thompson addressed the nuts and bolts of license agreements based on hard-won experience as executive director and veteran license negotiator for the New England Law Library Consortium (NELLCO).

Thompson laid out helpful principles for addressing the elements that every e-resource license agreement should address: content (nature of purchased rights and their duration), authorized uses of the licensed material, means of authentication and access to the material, copyright and intellectual property issues (preferably permitting rather than limiting fair use), archiving, usage statistics and user privacy, termination and renewal, dispute resolution, and warranties.

Thompson provided NELLCO’s standard e-resource licensing agreement form and a list of other sources of sample license language. However, she emphasized the need to adapt models to fit the individual library’s or consortium’s specific circumstances. She discouraged participants from entering into license agreements prohibiting disclosure of the terms of the license to other institutions. Such secrecy clauses tend to work to the vendors’ overall advantage in the long run.

Workshop participants tested their own issue-spotting skills by breaking up into small groups to analyze sample license agreements. Participants reconvened to discuss the groups’ analyses and glean insights for future license agreements.

3. Negotiation
Diane Frake, associate library director for the Vermont Law School Library, laid out effective negotiation strategies.

Frake acknowledged that many librarians fail to negotiate effectively (or to negotiate at all) due to anxiety, perceived lack of bargaining power, actual lack of skills and training in the art of negotiation, and a general dislike of conflict. Yet she encouraged us to rely on the six foundations of information-based bargaining: personal bargaining style, our goals and expectations, any authoritative standards or norms, relationships, the other party’s interests, and leverage.

While your negotiation style may be that of a competitor, a problem solver, a compromiser, an accommodator, or a conflict avoider, you can improve negotiation outcomes for your library by using four key habits: (1) willingness to prepare before negotiations begin; (2) high expectations as to positive results for the library; (3) patience to listen to others; and (4) commitment to personal integrity.

Frake encouraged participants to remember the importance of attitude, to think win-win rather than just win, to be scrupulously reliable in keeping one’s word, to acknowledge the other party and avoid harm to his or her self-esteem, and to keep practicing the skill and art of negotiation at every opportunity.

4. Management
University of Connecticut School of Law Acquisitions-
Serials Librarian Paul Seeman and Innovative Interfaces Product Manager Theodore Fons spoke on the growing challenge of electronic resource management (ERM).

Seeman raised important threshold questions in considering any ERM.

- **Components**: How and by whom will the data be provided, verified, and maintained?
- **Data presentation**: What types of subscription, free, and/or print resources will be included in the ERM? Will the library attempt to catalog all electronic titles, possibly including hundreds of titles from Lexis and Westlaw databases, and if so, will MARC records be used?
- **Data presentation**: What staff and patron reporting options will be offered? Will patron presentation be through the OPAC, an extension of the integrated library system, or a stand-alone system?

Fons discussed both staff and patron needs addressed by ERM software systems. Staff uses include storage and retrieval of license information, management of license acquisition workflow, compliance management, and analysis of holdings for overlap. Patron-oriented uses include basic access as well as information on license-imposed restrictions on patron use. Thus some functional requirements for ERM systems include representation of bibliographic entities and packages (with views of relationships among bibliographic items, holdings data, and packages); custom data elements permitting local control; security mechanisms protecting sensitive data such as passwords and recognizing a hierarchy of access privileges; reports in batch, ad hoc, and/or tickler methods; patron views including contextual information; staff management of resource and license data; and facilitation of selection/acquisition tasks such as database trials.

Fons referred participants to Cornell University’s Web Hub (www.library.cornell.edu/cts/elicensestudy/home.html) for further workflow. The site includes a link to documents produced by the Digital Library Federation Electronic Resource Management Initiative (DLF ERM) (www.diglib.org/standards/dlf-erm02.htm). The DLF ERM’s 2004 report, a free download, lists “common specifications” for the management of license agreements, related administrative information, and the internal processes associated with licensed electronic resources.

Seeman referenced in-house ERM projects at Boston College (www.bc.edu/bc_org/avp/ulib/staff/erm/erm-db) as well as Cornell (www.library.cornell.edu/sweb/eresources/ERMMWeb/ermprojectsite.htm) and listed current ERM products and services: CARL/Gold Rush, Dynix/Horizon, Endeavor/ Meridian, Exlibris/Verde, Innovative Interfaces ERM, Sirsi/Unicorn ERM functions, VTLS/VERIFY, EBSCO Journals Service, Harrassowitz/HERMIS, Serials Solutions AMS, and TDNet ERM.

### 5. Authentication and Delivery

Stephanie Davidson, reference and electronic services librarian at Yale Law School Library, gave background information on IP/networking and authentication issues and what she termed “other technobabble.” She covered the popular authentication methods of library- or vendor-assigned passwords (which may be single, individual-specific, and/or rotating); identification dedicated terminals through particular IP addresses; identification of membership in an authorized group through recognition of a range of addresses, sometimes incorporating virtual private networks or proxy servers; and common credentials.

Trends lean toward credential-based individual authentication, shibboleth (mechanism for sharing authentication credentials between trusted systems to create a single sign on for users), and central authentication (typically a sign on through one system that gives every other system being accessed a yes/no response regarding the user’s authorization).

### 6. Evaluation (Usage Data)

Dennis Brunning, e-resources manager for Arizona State University Library, focused on obtaining and analyzing reliable usage data for specific e-titles and databases. He emphasized that data available from vendors often do not match the purposes to which these data are put, and the cost of collecting and evaluating such data can be substantial.

“Usage statistics” for online resources become a highly time-intensive, frustrating aspect of serials management, and librarians must ensure that data gleaned from such efforts are reliable, reasonably transparent, and worth the cost. Help comes from Project COUNTER (Counting Online Usage of NeTworked Electronic Resources) (www.projectcounter.org), a standards initiative undertaken by libraries and publishers to facilitate the recording and exchange of online usage data with consistent meaning and format. As of mid-2005, approximately 42 vendors are COUNTER compliant, at least in terms of basic monthly reporting of full-text requests by journal.

Brunning encouraged participants to assist the cause by requesting COUNTER-compliant data from vendors. Other usage-statistic initiatives include ARL New Measures (www.arl.org/stats/newmeas/index.html), Iocolc Guidelines (www.library.yale.edu/consortia/web stats.html), and NISO StandardZ39.7 (www.niso.org).

Participants left the workshop well briefed and better armed to tackle e-collection challenges.
The Wolters Kluwer Businesses of CCH, Aspen, Loislaw, and KLI

In 2003, the multinational publisher and information services company of Wolters Kluwer (WK) undertook a reorganization of all of its companies worldwide to align similar businesses around key customer groups to help drive greater customer focus. With that reorganization, the Wolters Kluwer Legal Group was created in 2004, aligning the legal product offerings of the WK companies of CCH, Aspen Publishers, Loislaw, and Kluwer Law International (KLI) into one business unit focused on delivering a broad, deep, and integrated portfolio of legal information and solutions in specialty practice areas for professionals and casebooks and study aids for law students.

While business support processes, such as customer service, were maintained as separate operations, the unit went to work quickly to leverage its many content and technology resources to better serve customers with new and expanded product offerings.

Two years into the strategy, the change most evident to customers is the unit’s offering of new in-depth, specialized product offerings in the form of online integrated libraries. Today, new integrated online specialty libraries in securities, corporate governance, mergers and acquisitions, estate planning, benefits, employment law, health care, and pension law leverage the depth of Aspen’s analytical content and breadth of CCH’s primary source materials, offering one-stop access to comprehensive, in-depth information and workflow tools.

The unit has also undertaken changes to streamline its product fulfillment processes, leveraging CCH’s print-on-demand system for the creation of all loose-leaf products, while transitioning the fulfillment of all book orders to the Aspen facility in Maryland.

While the changes resulting from the strategic realignment were quite evident to employees of the Wolters Kluwer Legal Group, customers may not have been as fully aware of the new strategic and organizational changes. The changes were communicated through press releases, letters, and CRIVGrams, but many things still looked the same to our customers.

In the coming year, it is likely that customers will become more familiar with the fact that the legal offerings of CCH, Aspen, Loislaw, and KLI are all part of the same Wolters Kluwer division. While the unit will continue to maintain separate sales, support, and back-office functions for these entities, it is launching a new identity in the marketplace that will further unify all of these brands under one umbrella and further advance the Wolters Kluwer name.

In January 2006, the Wolters Kluwer Legal Group was renamed Wolters Kluwer Law and Business. It is still composed of the same entities, but, with the new name, customers will also see changes in the unit’s identity. The unit expects it will take between 12 to 24 months to fully transition over to the new name and identity.

While the product or brand names of CCH, Aspen, Loislaw, and KLI will remain in the market as product imprints, the products will be offered by Wolters Kluwer Law and Business. The unit is leading with the Wolters Kluwer name because we want to make it clear that we are part of a global organization that is investing in key information and software solutions for legal practitioners, business compliance professionals, and the law student market.

As Wolters Kluwer Law and Business adopts the new Wolters Kluwer logo, all other brands will shed their brand logos; for example, the CCH logo and the yellow and blue word mark of Aspen Publishers will be retired.

This next step in bringing all of the CCH, Aspen, Loislaw, and KLI legal and compliance resources together under a single, unified organization is a natural progression of how our companies are working today to better serve customers through joint product development efforts, leveraging best practices across our businesses, and investing in meeting your information and services needs. As additional steps are taken to bring together these businesses beyond 2006, we will strive to keep you fully informed of new developments. As we have said since 2003, you can be assured that this is a multi-year strategy that will proceed in a planned and deliberate way to ensure that our customers “today and in the future” continue to receive premium content and services from Wolters Kluwer Law and Business.
About the New Wolters Kluwer Law and Business Identity

- The new identity enables us to present a unified face to the market, leveraging the global strength of Wolters Kluwer and unifying core legal product brands under the single Wolters Kluwer Law and Business name.
- Our new logo represents “Content in Context,” Wolters Kluwer Law and Business’ excellence at creating the highest quality law and business content, software, and workflow solutions for legal practitioners, business professionals, and the law school market.
- The logo represents the next generation of Wolters Kluwer Law and Business solutions: it is technologically forward looking and speaks to the digital age.
- The new identity represents that we are part of a global corporation. All Wolters Kluwer businesses will carry the new wheel image.
- The new identity signifies the support of Wolters Kluwer funding and global reach to invest in products and services to make our customers more successful.

About Wolters Kluwer Law and Business

Wolters Kluwer Law and Business, led by Robert Becker, president and CEO, provides research products and tools in key specialty areas for legal practitioners and business professionals, as well as casebooks and study aids for law students. The unit produces hundreds of online, print, and integrated workflow products and enjoys a reputation for authoritative, specialized content.

Key specialty areas include:
- tax and accounting
- securities and corporate governance
- antitrust and trade regulation
- banking and finance
- international law
- pension, payroll, and benefits
- human resources, labor, and employment
- medicare and healthcare compliance
- legal education.

The unit’s markets include law firms, law schools, corporate counsel, and professionals requiring regulatory information. The unit’s major product lines include Aspen Publishers, CCH, Kluwer Law International, and Loislaw. Increasingly, Wolters Kluwer Law and Business products are designed so users can move seamlessly online between Aspen and CCH resources.

The unit has more than 1,000 employees and is based in New York City and Riverwoods, Illinois. Other locations include Van Buren, Arkansas, and The Hague, Netherlands.

Five divisions comprise the unit.

- **Legal Professional.** With roots that go back more than 100 years, the legal professional group provides legal research, regulatory, and compliance tools for professionals in the areas of securities, corporate governance, corporate law, mergers and acquisitions, utilities, trade regulation/antitrust, intellectual property, licensing, franchising, construction, banking, bankruptcy, and government contracting. The group has built a reputation for timely coverage, authoritative reporting, in-depth analysis, and for attracting the most renowned authors.

- **Business Compliance.** The business compliance group is a leading provider of information services, software, and workflow tools to address the evolving requirements of business, healthcare, environmental, and legal compliance professionals. The group sets the standard for research, compliance, and management tools for human resource professionals, consultants, payroll professionals, safety professionals, benefit administrators, corporate departments with compliance obligations, health care providers, and government agencies.

- **Loislaw.** Loislaw offers an easy-to-use online legal research service that includes databases for state and federal primary law, statutes, rules, regulations, and more. The service, tailored to small- to mid-sized legal firms, also provides value-added online libraries in practice areas such as bankruptcy, elder law, and insurance, among others. This unit is based in Van Buren, Arkansas.

- **Legal Education.** The legal education group, under the Aspen Publishers imprint, is the leading provider of legal education resources and essential information to law school students. These resources include required law school casebooks, recommended texts, and legal study aids—such as Constitutional Law, the Emanuel products, and the Examples and Explanations Series—that are relied upon by thousands of students in all years of their studies. The unit also provides books for paralegal students.

- **Kluwer Law International.** Kluwer Law International is dedicated to providing the international law community with top-quality international legal information.
practitioners, corporate counsel, and business executives around the world rely on its products, such as Kluwer Arbitration Online and the Manual for the Handling of Applications for Patents, Designs, and Trademarks throughout the World. Kluwer Law International is based in The Hague, Netherlands.

Ownership
Wolters Kluwer Law and Business is a unit of Wolters Kluwer, a leading multinational publisher and information services company. Wolters Kluwer has annual revenues (2004) of £3.3 billion, employs approximately 18,400 people worldwide, and maintains operations across Europe, North America, and Asia Pacific. Wolters Kluwer is headquartered in Amsterdam, the Netherlands (www.wolterskluwer.com). Its depositary receipts of shares are quoted on the Euronext Amsterdam (WKL) and are included in the AEX and Euronext 100 indices.
Request for Assistance: Committee on Relations with Information Vendors

Note: Prior to filing a request for assistance, individuals are expected to have made a reasonable attempt to resolve the issue at hand. To avoid duplication of effort, please provide a complete account of your efforts to communicate with the vendor. Copies of notes from conversations with the vendor are helpful.

Date: 

Name: 

Library: 

Address: 

Telephone: 

Fax: 

E-mail: 

Vendor: 

Nature of problem:

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