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Issues in Vendor/Library Relations -- Law Librarians Take a Positive Step

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Trends in Book Pricing

Pricing of Simultaneously Published Paper / Cloth Editions

by **Tom Loughran** (Manager Approval Systems, Blackwell's Book Services, 6024 SW Jean Road, Bldg. G, Lake Oswego, OR 97035; Phone: 877-270-4338) <tom.loughran@blackwell.com>

Over the last decade or so, many cost-conscious librarians have been stretching book-buying budgets by purchasing paper editions of monographs whenever possible. This strategy works well for back-listed titles for which many more paper editions exist, but how effective is it for newer titles, such as those covered on academic approval plans?

During the last fiscal year (July 2002 through June 2003) **Blackwell's** treated 5,799 titles on the US approval plan that were published in "simultaneous" paper / cloth editions. It would probably be useful at this point to define what is meant by "simultaneous." For purposes of the approval plan, simultaneous paper / cloth edition titles are 1) announced as such before publication by the publisher; and 2) both editions are actually received from the publisher within sixty days of each other. After waiting sixty days for an announced simultaneous edition, if the alternative edition is not received, orders for it are cancelled and the available edition is supplied.

What does this mean in practice? Does the librarian who wishes to make the most of the book budget need to sacrifice speed for price? The answer is: sometimes. During the July / June period of this study, only 10% of paper / cloth pairs were received within the same (first) week. Within a one to two week period following the first week, however, an additional 43% of paper / cloth pairs were treated, and during the period covered by the second to third week, an additional 36% were received. Only 10% of titles that were received within the 60-day window were treated after the third week.

Although 5,799 titles only represent 13.9% of all approval titles treated, how much potential savings do they represent? The average price difference between a paper / cloth pair was \$41.36, but as the accompanying table shows, the difference varied between a high of \$53.03 for titles falling into the LC T classes to a low of \$26.82 for titles in the Z classes. And, while the relative number of paper / cloth pairs published in the usually high-priced Q, R, S and T classes was low, sometimes the savings on an individual title was stunning. For example, *The Human-computer Interaction Handbook: Fundamentals, Evolving Technologies and Emerging Applications* / **Julie A. Jacko**, editor (Lawrence Erlbaum : 2003) was published in cloth at \$295.00 and in paper at \$95.00. Some other titles, usually from university presses, differed in price by only seven or eight dollars. These were exceptions, as was the \$295 title mentioned above.

Almost as important as the price difference itself is the relative number of paper / cloth pairs

available in a given LC class. Even with the hefty \$53.03 average price difference in the T classes, only 3.24% of titles published in them were paper / cloth pairs. The Social Sciences tend to be much more helpful in this regard, as evidenced by the nearly one-third of titles in the J classes that were published in both paper and cloth. Many other Social Sciences classes had a fifth or more paper / cloth pairs published during the year.

An analysis by publisher type, is equally revealing; 2,499 (or 43%) of paper / cloth pairs were published by university presses, while 3,093 (or 53%) were published by trade presses. 207 additional titles (4%) were published by "other"

entities, such as societies. As a percentage of publishing output during the period, 24% of 10,456 university press titles were published in paper / cloth, while only 10% of 31,555 trade press titles were.

So, are there substantial savings to be realized by opting for paper editions instead of cloth? The answer is certainly yes if paper is substituted in every case where it is available. University press plans will probably yield greater savings than non-university press plans, and plans covering the Social Sciences will realize greater savings than those covering the Arts, Sciences or Technology.

LC Class	As a % of class	Average P/C Differential
A Classes	16.67%	\$51.35
B Classes	20.41%	\$43.56
C Classes	20.17%	\$42.93
D Classes	15.69%	\$41.31
E Classes	20.20%	\$38.65
F Classes	20.00%	\$34.14
G Classes	20.21%	\$43.91
H Classes	19.99%	\$43.41
J Classes	32.99%	\$42.05
K Classes	10.81%	\$41.84
L Classes	31.29%	\$40.02
M Classes	11.60%	\$42.84
N Classes	7.15%	\$37.61
P Classes	15.03%	\$37.15
Q Classes	7.09%	\$51.41
R Classes	8.18%	\$44.30
S Classes	7.57%	\$40.35
T Classes	3.24%	\$53.03
U Classes	11.47%	\$37.93
V Classes	6.41%	\$34.02
Z Classes	5.92%	\$26.82

Issues in Vendor/Library Relations — Law Librarians Take a Positive Step

by **Kay Todd** (Senior Legal Researcher, Paul, Hastings, Janofsky & Walker LLP, Atlanta)

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In the 1970's the **Federal Trade Commission (FTC)** issued guidelines for a number of industries to ensure that consumers were protected from the most serious improper business practices. Among the businesses covered were nurseries, advertising, and sales of used and re-conditioned automobile parts. Law librarians, unlike those in every other walk of library life, were fortunate enough to enjoy the protection of a federally mandated set of best practices, since the legal publishing industry was one of those overseen by the **FTC**.

Guides for the law book industry addressed the sale of legal reference materials and described marketing, supplementation and billing practices. In 2000, however, the **FTC** rescinded all of its industry guides, including those for legal publishing. Prior to the rescission, the agency received a significant amount of comment from the **American Association of Law Libraries (AALL)** and its members. The **FTC** followed through on the decision to rescind, but in doing so invited "[A]ssociations

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such as AALL . . . [to] adopt guides of their own to educate sellers and purchasers about the information purchasers of legal reference materials need to make purchasing decisions." The Commission further noted that eliminating the guides might "provide the incentive for these Associations to develop their own guide that addressed their members' most important concerns."

Law Librarians responded with the *AALL Guide to Fair Business Practices for Legal Publishers*, approved by the **AALL Executive Board** in November 2002. The Guide was developed after an extensive comment period and a careful drafting process. It enumerates five major principles, amplified by subprinciples and examples of both good and bad practices.

The AALL for many years has had a **Committee on Relations with Information Vendors (CRIV)**. Like other such committees, it tries to encourage good practices, as well as to mediate individual librarian complaints. In recent years CRIV has been the mechanism for sending alerts to members when publishers became aware of a problem, such as with binding or billing. In addition, the Committee has made site visits to publishers to gain a better understanding of some of the technical and practical issues facing publishers as they attempt to resolve customers' concerns. The new *Guide* is an extension of these activities.

Publishers' Views

The special committee that drafted the *Fair Business Practices Guide* engaged in a dialogue with several of the major legal publishers and received written comments from some as well. Those comments were important considerations in drafting the final *Guide*. **Frank Houdek**, Law Library Director and Professor of Law, **Southern Illinois University School of Law**, chaired that special committee and speaks positively about the value contributed by the publishers who reviewed and commented on the early drafts. "The comments we received from publishers provided not only important background information for the special committee but also served as an important 'reality check' during the drafting process. We wanted to produce a guide that addressed the areas of greatest concern to librarians but avoided provisions that interfered with particular business models. This would have been very difficult without the feedback we received from the publishers." In some cases, publisher comments related to the costly process of retooling, of changes in billing or advertising, or in issuing and maintaining a catalog under certain formats or methodologies. In the final draft, the committee was careful not to require of publishers any specific process or format. However, according to **Houdek**, many of the law librarians' requests called for clarity on statements and invoices, and for other improvements that many publishers, in fact,

could achieve, or could consider building into future systems.

Next Steps

AALL has a Task Force working this year and next to oversee the *Guide*. Members of the Task Force are **Kay M. Todd** (Chair), Sr. Legal Researcher, **Paul, Hastings, Janofsky & Walker LLP**; **Michael Beaird**, Director & Associate Professor, **University of Arkansas at Little Rock**, Pulaski County Law Library; **Kamla Hedges**, Director, Library Relations, **The Bureau of National Affairs, Inc.**; **Linda Kawaguchi McLane**, Head of Acquisitions, **University of California School of Law Library**; **Judy Lauer**, Sr. Law Librarian, **New York State Supreme Court Library**; and **James Mumm**, Acquisitions/Serials Librarian, **Marquette University Law Library**.

The charge to the Task Force is to promote the *Guide* and encourage its adoption and use by both librarians and legal publishers. The Task Force is initially engaged in distributing copies of the *AALL Guide* to legal publishers and encouraging them to use it, publicizing the *Guide* in publications that have an audience of lawyers, judges and others in the legal profession, and alerting other librarians to it. According to **Janis L. Johnston**, President of AALL and Director of the **University of Illinois Law Library**, "The *Guide* has applicability outside of the law book publishing industry. Many librarians in other types of libraries encounter similar issues related to billing, and supplementation and advertising, and many non-law librarians also maintain legal collections within their academic or public library." Copies of the *AALL Guide* are available from AALL Headquarters by contacting <gfp@aall.org>. In addition, the *Guide* is available in an online version on the AALL Website, from the Products & Publications section, at www.aallnet.org. You may contact the **AALL Fair Business Practices Implementation Task Force** by email to <kaytodd@paulhastings.com>.

Common Issues

The *AALL Guide's* five major principles are: 1) Truthful and Accurate Communications; 2) Disclosure; 3) Fair Dealing; 4) Customer Satisfaction; and 5) Product Quality. The depth of the *Guide*, however, is in the subprinciples. For instance, within Principle 1, Truthful and Accurate Communications, Subprinciple 2 indicates that "Advertising and marketing materials should clearly indicate that they represent only an offer or encouragement to purchase."

A closer look at several of the principles shows that they address some of the classic issues that collection development and acquisitions librarians face. Principle 2 asserts that

"publishers should provide full disclosure about their products, services, prices, and transactions." There is a subclause that excepts information protected by contractual agreements, and the publishers' own proprietary information. Within the subprinciples that develop this statement is one specifying that information from publishers should be clear, accurate and easy to find. Another subprinciple requests that the publishers should provide all material information that would enable a customer to make an informed decision, including full title, author, editor, ISBN or ISSN numbers and the actual copyright date. That same subprinciple would require notices as to whether the product is actually derived from other sources and is thus not a new product but a recompilation or reprint. Principle 3, Fair Dealing, requests that

publishers secure the customer's consent prior to shipping material unless there is a standing order or subscription to which the customer has previously consented. This principle also requests that renewal notices be timed so that they relate to the date of the subscription, and include the current expiration date. This subprinciple is supported by a "practice to avoid" that describes a renewal notice sent six months prior to the expiration of the subscription. Principle 4, Customer Satisfaction, addresses the need for customers to be able to contact customer service through a variety of media. It further requests that customer service employees should be fully informed, in order to respond to customers' questions. Principle 5, Product Quality, addresses the issues related to reasonable use, and a product's ability to withstand that level of use. That principle incorporates the ANSI "American National Standard on the Permanence of Paper for Publications and Documents in Libraries and Archives." Elsewhere the *Guide* incorporates by reference the "Principles for Licensing Electronic Resources," which was jointly adopted by AALL, the **American Library Association**, **Association of Research Libraries**, **Medical Library Association**, **Special Libraries Association**, and the **Association of Academic Health Sciences Libraries**.

There is clearly a body of shared library experience in dealing with publishers, leading to shared issues of communication, purchasing and product quality. The *AALL Guide* has much to offer non-law libraries in generally accepted standards of practice. This year, the **AALL Task Force** will be working to secure explicit adoption of these principles by leading legal publishers. The Task Force is hopeful that common customer service issues will diminish, as both librarians and publishers act according to the *AALL Fair Business Practices Guide*.