February 2012

If Rumors Were Horses

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Against the Grain

"Linking Publishers, Vendors and Librarians"

Preserving History and Demonstrating Library Excellence at Historically Black Colleges and Universities

by **Shanesha R. F. Brooks-Tatum** (Project Coordinator/Writer, HBCU Library Alliance, 1438 West Peachtree Street NW, Suite 200, Atlanta, GA 30309) <sbrooks-tatum@hbculibraries.org>

The success stories of the more than 100 participating Historically Black Colleges and Universities' libraries involving nearly 300,000 students in 22 states are being captured through the Atlanta-based **Historically Black Colleges and University (HBCU) Library Alliance's** "Preserving Our History" project. The two-year effort is funded by a \$70,000 grant from the **Andrew W. Mellon Foundation**, the first grant awarded directly to **Alliance** in January 2011. The goal is to document and disseminate the **Alliance's** history, highlight member success stories, contribute to the literature about libraries and **HBCUs**, and provide a model of collaboration for other libraries, particularly in Africa and the Caribbean.

The **HBCU Library Alliance**, the center for academic library growth and reflection, was established in 2002 with support from

LYRASIS, then **SOLINET**, and has continued to provide an array of training and development opportunities for member institutions, including photographic preservation, reports, assessments, and leadership workshops.

The project involves nine success stories. We will focus in detail on seven: **Clafin University** (Orangeburg, SC); **Delaware State University** (Dover); **Fayetteville State University** (NC); **Savannah State University** (GA); **Southern University and A&M College** (Baton Rouge, LA); **University of Maryland Eastern Shore** (Princess Anne); and **Virginia State University** (Petersburg). The other two stories feature the **Atlanta University Center** and the **University of the Virgin Islands**, and are printed in the January/February 2012 edition of *American Libraries*.

For more information, visit hbculibraries.org.

*Shanesha R. F. Brooks-Tatum is project coordinator/writer for the **HBCU Library Alliance** in Atlanta, GA. She holds a doctorate from the **University of Michigan** and is a former postdoctoral fellow at **Atlanta University Center Woodruff Library**, where she taught research methods and writing. She is the author of several scholarly articles and co-editor of a collection of scholarly essays, **Reading African American Experiences in the Obama Era: Theory, Advocacy, Activism** (Peter Lang Press, 2011). She is currently a visiting scholar at the **Interdenominational Theological Center** (Atlanta, GA) where she is working on a book on Christian hip-hop music and will teach a graduate course on gender, race, and religion in hip-hop.*

If Rumors Were Horses

The awesome and fantabulous and smiling **David Nicholas** has been appointed Adjunct Professor in the School of Information Sciences, College of Communication and Information, at the **University of Tennessee Knoxville**. The new adjunct professor of merit will work with SIS faculty and the Center for Information and Communication Studies on research studies, especially those focusing

on scholarly communication, mobile information, and behavior in the digital space. **Dave**, who will continue to be based in the UK, will be seeking grants in partnership with people like the incredible how-does-she-publish-all-that-she-

does **Carol Tenopir**. <http://www.ciber-research.eu>

Wonder what happened to the vivacious, enthusiastic **Diane Kerr**? Just found out via the **Bookseller** that **Diane** has been appointed Managing Director of **Blackwell Library Services** as of 11 July. **Diane** has been "tasked with making **Blackwell Library Services** more customer-focused while accelerating its eBook strategy."

<http://www.thebookseller.com/news/kerr-new-md-blackwell-library-supply.html#>

Was talking to the energetic and vibrant **Vicki Cohn** (Executive Vice President & Managing Editor, **Mary Ann Liebert, Inc.**, publishers) the other day. She reminded me that her son, **Kevin Cohn**, works at **Atypen** as Director of Operations. **Kevin** has spoken at the **Charleston Conference** several times!

Photo of **Kevin Ricords** and **Jackie LaPlaca Ricords'** new baby, **Easton Matthew**.

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From Your (SEWEing) Editor:

February in Charleston is exciting because we host the **Southeastern Wildlife Exhibition** which is reportedly the largest wildlife art/nature event in the nation. SEWE happens once a year in Charleston. Even though we had rain on Sunday ☹ we made the most of it and worked on this issue of *ATG* instead! **Preserving History and Demonstrating Library Excellence at Historically Black Colleges and Universities** is the subject of the eight feature articles in this issue guest edited by the able **Shanesha R. F. Brooks-Tatum**. Articles explore initiatives at **Claffin University, Delaware State University, Fayetteville State University, Savannah State University, South University and A & M College** in Baton Rouge, **University of Maryland Eastern Shore** and **Virginia State University**.

Our **Op Ed** is by **Bob Holley** who talks about the potential demise of traditional collection development (I say no way!), our **Back Talk** by the retired but still working **Tony Ferguson** is about, guess what, The Unemployed Librarian. Our profiles are from **Rick Lugg** and **Ruth Fischer**, **Amy Hoseth**, and **Roula Awad-Harb** and our interviews are with **Tracey Armstrong** of **Copyright Clearance Center** and **Rick Lugg** and **Ruth Fischer** and their new venture, **Sustainable Collection Services**. We have a couple of publisher profiles as well. Our book review is about **Michael Gorman's** book, *Broken Pieces*. (He was the only **Charleston Conference** speaker to get a rousing standing ovation!). We have copyright questions and answers by **Lolly Gasaway**, legally speaking by **Bill Hannay** covering

the eBook price-fixing lawsuits in the courts, a **Biz of Acq** regarding **ERMS**, a **Booklover** about **Tomas Gösta Tranströmer**, **Xan Arch** writes about E-textbooks and the technologies that the library uses in contrast to those used by campus IT departments, **Tom Leonhardt** has a charming column about book people he has known and **Bob Nardini** talks about the virtual and physical worlds.

It's quit raining for a minute and I want to head to the SEWE finale so I am off! Remember, Spring is not far away. Happy March!

Love, Yr. Ed. 🐼

Letters to the Editor

Send letters to <kstrauch@comcast.net>, phone or fax 843-723-3536, or snail mail: **Against the Grain**, MSC 98, The Citadel, Charleston, SC 29409. You can also send a letter to the editor from the *ATG* Homepage at <http://www.against-the-grain.com>.

Dear Editor:

Just a short letter to thank you for your continued excellence in your publication, *Against the Grain* which I read faithfully.

Second, I write to let you know that I have just been elected an officer of the **William Morris Society** in the U.S. My position is vice president for public relations and membership, and I would be thankful if you would point your many readers to our Webpage www.morrisociety.org.

Finally, I write to say how much I enjoyed and agreed with the **Op Ed** article by **S. David Mash**, "The Death of the Bookless Library," which appeared in the December 2011-January 2012 issue of *ATG*. I recall a meeting I had at least 15 years ago with a colleague at **Blackwells** who was telling me the wonders of his then new, and most up-to-date e-reader.

To quote him: "Jack, it is just wonderful. On this little machine I can read any of 10,000 books while I am on vacation in Mexico." To which I replied: "That's just great, but I take along about five paperbacks on my vacation, and that's about all I can read at once!"

All the best, **Jack Walsdorf**

<jackjuno@teleport.com> 🐼

AGAINST THE GRAIN DEADLINES VOLUME 24 — 2012-2013

2012 Events	Issue	Ad Reservation	Camera-Ready
MLA, SLA, Book Expo	April 2012	02/24/12	03/16/12
ALA Annual	June 2012	04/05/12	04/26/12
Reference Publishing	September 2012	06/22/12	07/13/12
Charleston Conference	November 2012	08/22/12	09/12/12
ALA Midwinter	Dec. 2012/Jan. 2013	11/09/12	11/30/12

FOR MORE INFORMATION CONTACT

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Rumors from page 1

Just learned that the quietly brilliant **Heather Miller** is retiring from **SUNY Albany** this February 29 and the **Charleston Conference** for which she has been a Director for over 25 years! **Heather's** husband **Norton** died in November and she is moving to New Hampshire where she and **Norton** had planned to retire. She says that she has to clear out and remodel her current house of 29 years (can't imagine!) and learn how to live as a retired person. **Heather's** son **Andrew** (a veterinary pathologist) and his wife **Allison** (an equine veterinarian), and **Natalie** (their nine-month-old happy, agreeable baby, pictures upcoming in a future *ATG*!) live in Southborough, Massachusetts. The other morning **Heather's** staff presented her with a beautiful handmade quilt and cross-stitched card. (**Heather** says she does enough of that sort of thing to understand the magnitude of the commitment of time and effort that these gifts represent.) Y'all, this news brought tears to my eyes! **Heather** says her email address will remain in effect after she retires, one of the perks of emerita faculty status, so she will not be out of touch. We certainly hope not!

Speaking of **Heather**, did you notice her job description on the *ATG NewsChannel*? <http://www.against-the-grain.com/?s=albany>

The calm and energetic **Deb Vaughn** — *ATG's* book reviewer par excellence as well as **Director of Undergraduate Academic Studies** at the **College of Charleston** — is moving to **Clemson, SC**, where she and her husband **Bo** grew up and their parents still live. **Deb** will be working remotely for the **College** (isn't this virtual business cool?!) and also commuting back and forth until the end of the term. As an added plus, in their spare time, **Deb** and **Bo** are going to have another baby — due in mid-July! They are very excited (especially **Helen**, who is old enough to understand that

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Delaware State University ...
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"LibGuides must be in line with course curricula," **Charlot** explained. **Gretchen Starling** explained that many courses are taught from LibGuides: "No matter what course it is, LibGuides make it easy to show students what resources are available, and it is something that they can easily come back to on their own time." Some LibGuide material is specific to certain audiences, such as the New Student Orientation pages, whereas other guides (such as **Ronald Davis's** "Going Green" LibGuide) are used by individuals all over the world. "It's something that offers a different and contemporary perspective on world issues," stated **Davis**.

Library staff keeps statistics on which LibGuides are used most. The top ten LibGuides are advertised on the main library Website. LibGuides direct students to general areas while staff members search for specialized information to address their queries. "Often, students will find the answers that they are looking for in the LibGuides, which enables us to move on and help other patrons," **Mr. Charlot** explained.

Librarian Ronald Davis assists a student.

LibGuides are not only a way to address short staffing, but also a way to standardize messaging to patrons. "Through LibGuides, we are able to be consistent with our communications," explained **Dr. Rebecca Batson**, Library Dean. Recently, the library staff has been focused on streamlining pages and standardizing them to make sure that they fit the library's mission. "Our mission is to increase student access, and one way to increase student

access is through standardization," said **Charlot**. Library staff engage in LibGuide quality control not only by standardizing the information offered in each guide, but also by unpublishing LibGuides that do not get many hits and by addressing data from feedback forms and surveys.

How does **Jason Library** ensure consistent and accurate messaging? LibGuides are reviewed every semester by librarians to ensure accuracy. Librarians continue to revise them to ensure that the most up-to-date information is publicized. Every semester, the staff runs an in-depth report on the LibGuides that assesses their needs for new ones.

Additionally, new librarians are trained in using and creating LibGuides. "We want to make sure that there is consistency across the LibGuides, even though they refer students to different resources. We also refer to other institutions' LibGuides as we market and create our unique LibGuide branding," explained **Mr. Charlot**.

LibGuides have been especially useful for the satellite campuses (in Wilmington and Georgetown), online students residing in other countries, and students working late at night from their dorm rooms. "We include interactive videos on most of our LibGuides, which explain how to use a database. Students can have private tutorials even at 2:00 a.m.," **Rosamond Panda**, Reference and Public Services Librarian, explained.

What librarians like about LibGuides is the flexibility. The system allows them to update guides on their own time. Variations within standardizations reflect the different personalities of instructors. Some librarians create and upload humorous tutorial videos with skits and jokes that entertain while instructing viewers. **Sarah Katz**, a new librarian, is focused on making her LibGuides user-friendly by including an overview on the

first page and linking to LibGuides in other subject areas.

"LibGuides do not take the place of person-to-person contact," **Charlot** noted. The system acts as a funnel to bring students into the library. Students are often asked to come into the library to address questions that are more detailed. LibGuides enable librarians to dedicate more time to answering higher-level, more rigorous questions. They assist students and faculty in obtaining gateway information more quickly so that they have more time and resources to produce quality work.

LibGuides not only assist in instruction but also provide an outreach tool to help publicize each subject area with which librarians can assist. **Mr. Charlot** explained: "LibGuides also help bring patrons into the library for print resources that they see on the LibGuides. They bring a whole new group of library users."

To learn more, visit <http://www.desu.edu/library>. 🐼

Rumors
from page 6

she will be getting another little brother or sister). And more good news! **Deb's** mom has been released from the hospital and is slowly but surely recovering.

From the Baby Front! See our picture on p.1 of **Easton Matthew Ricords** (**Jackie LaPlaca's** baby) who arrived on Christmas Eve, a month early! Isn't he a cutie! Remember

Jackie of CredoReference and Libraries-Thriving.org? She and her colleague **Heather Blaine** collaborated with **Against the Grain** for a debate titled "Are Libraries Thriving?" during the **2011 Charleston Conference**.

<http://www.librariesthriving.org/home/online-seminars/11-fall-2011/58-fallseries>

More news from **ATG** column editors! The vivacious **Robin Champieux** is now **Scholarly Communications Librarian** at **Oregon Health & Science University**. She and **Steve Carrico** are deciding how to reorient their

column since they are both now in librarian positions! Congratulations, **Robin!**

<http://www.ohsu.edu/xd/education/library/about/staff-directory/robin-champieux.cfm>

And he's not a column editor (yet) but he is planning on guest editing the November issue of the print **ATG** on **Demand Driven Acquisitions/Patron-Driven Acquisitions**. And he is doing a great job of giving us Friday **Hot Topics** for the **ATG NewsChannel!** His name is **Jonathan Harwell** and he is relocating

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Savannah State University ... from page 22

Savannah State as information literate and civically engaged citizens of the world. Librarians are recognized as fellow teachers on campus, assigned to colleges, academic departments, and/or programs on campus through the Library Liaison Program.

Savannah State faculty members were paid a stipend with an understanding that they would incorporate information literacy into their courses. **Lauren MacMillan**, Collection Development Librarian and Liaison for the Social Sciences, particularly helped spearhead this effort through the assessment of programs. As illustrated in Table 1, the Information Literacy Program has grown tremendously.

Table 1		
Academic Year	Classes	Students
2008-2009	47	852
2010-2011	165	3410

The **Asa H. Gordon Library** applied for a two-year grant as a part of the university's Title III award to implement the program. But first, library staff had to secure university support to apply for the grant. "Think outside of the box when it comes to funding programs," **Fayoyin** suggests. "Everyone is asking for funds. Find seed money to prove that your program is important and needed, and to ensure that it will be successful," she adds. Because of its success, the Information Literacy Program has become institutionalized and is funded out of the university's state budget allocation.

In order to determine the degree of success achieved, library staff engage in continuous multilevel assessment of all programming, initiatives, and special activities at the library. Student learning outcomes are assessed using the Project SAILS (Standard Assessment of Information Literacy Skills) exam. Pre- and post-testing documents students' information literacy skills and proficiency levels and pinpoints areas needing improvement.

Data on user satisfaction are collected through the suggestion board, the comment section of the library Website, surveys, and LibQual, a survey tool created for academic libraries. User satisfaction surveys run continuously, not just at set times during the semester or academic year, and replies are posted to the suggestion board and library Website. "When patrons know that you are honestly interested in what they think and how they feel, and that you are open to receiving their feedback at any time, this builds open, genuine relationships that lead to more innovative transformations," **Fayoyin** remarked.

Some of these transformations include building a café in the library, designing a presentation/collaboration area, providing space for the ReWrite Center, creating a Gallery to celebrate African art, and maintaining up-to-date technology in the library's computer lab, which is open longer than any other lab on campus. To ensure that the technology remains in working order, three staff members — **James Scott, James**

Stephens, and Hunt Luker — agreed to take on the added responsibility of maintaining lab computers. While the library is not able to meet every single need, library staff do their best to compromise by understanding the circumstances informing each request and deciding on what will benefit the most patrons. This helps ensure the delivery of excellent customer service.

Now, librarians at **Savannah State** sit on several campus committees, and **Fayoyin** sits on the Deans' Council. "We have a say in the University's strategic planning and budgeting committees. We're able to affect change in a greater way," said **Fayoyin**.

In this age of swift technological changes and austere economic cuts, libraries cannot continue to do things "the same old way," **Fayoyin** further explained. "We need to continuously critically examine what we are doing and change the ways that we practice librarianship in order to meet the needs of our patrons."

To learn more, visit <http://library.savannahstate.edu>. 📖

Shown below is Ms. Mary Jo Fayoyin as she leads a library instruction session. Photo courtesy of Asa H. Gordon Library, Savannah State University.

Rumors from page 18

in April for a new position as **Head of Collections & Systems at Rollins College** (Florida). See his Star of the Week profile on the **ATG NewsChannel**. <http://www.against-the-grain.com/2011/08/atg-star-of-the-week-jonathan-harwell-georgia-southern-university/>

Just got a copy of **Information Today** (January 2012, v.29, issue 1 which I think I am going to subscribe to finally). There is a full page report on the **2011 Charleston Conference** by

the smart-as-a-whip **Donald Hawkins** (truly, I wish I had written this report). Check it out. And also **Don's Conference Circuit** blog! <http://www.theconferencecircuit.com>

And speaking of **Charleston**, got a note from the on-top-of-it **Roula Harb**! She had read the article that **George Machovec** and I wrote for **Searcher** — **In the Company of Librarians: The Charleston Story** which was published in the latest issue. <http://www.infotoday.com/searcher/default.asp>

And while we are speaking of **Roula Harb**, be sure to read her profile in this issue of **ATG**, p.66.

The magnificent **Digby Sales** (**University of Cape Town**) wrote that he already has the okay to attend the **32nd Charleston Conference**, November 7-10, 2012! Do you? **Digby** says that he had a great Christmas holiday with all of his siblings and most of his nieces and nephews. And since then he has been very busy! There is a new UCT Executive Director, **Ms Gwenda Thomas** who started work at the beginning of November. As one of two acting deputy directors, **Digby** has helped as much as possible in both advising as well as taking on new responsibilities without giving up the old ones! <http://www.lib.uct.ac.za/>

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Virginia State University ... from page 28

Other collections include the papers of **Billy Taylor**, an international jazz artist, and **Yale Lewis**, a local DJ who interviewed renowned musicians. The Library owns the Prince Edward County Virginia Desegregation Case Materials and the Virginia Teachers Association Papers.

The Library uses Twitter, a Special Collections and Archives blog, and a Facebook page to market its collections. "Utilizing social media outlets is very important in letting the world know about the valuable materials we have at VSU," **Weatherington** stated. Through rigorous and innovative digitization efforts, **Virginia State University** ensures the preservation of not only its institutional history, but also the achievements of African Americans in education, the arts, public policy, and other arenas.

For more information about the VSU Special Collections and Archives Department, visit http://library.vsu.edu/special_collections.html. 🐼

A student studies in the library. Photo courtesy of Virginia State University.

Rumors from page 24

Someone was asking me the dates of the **2012 Charleston Conference** — November 7-10, 2012. However, if you forget, the dates of conferences through 2017 are posted at the bottom of the conference Website. Should we move them up to the top of the page?

<http://www.katina.info/conference>

I was **reminiscing with my husband**

recently about going down King Street to a branch of the Bank of America (something else is in the building now, I think a shoe place, but shops come and go so quickly), anyway, like I was saying, I was reminiscing about walking to the Bank of America on my lunch hour and setting up a bank account for **ATG**! That was 25 years ago! And now **ATG** has a **NewsChannel**! I have to say! I hope you are accessing it! If you have a print subscription to **ATG** you get the online version totally free! People want IP access but we have yet to figure that out. ☺

Still, the **ATG NewsChannel** is linked from the **Charleston Conference** Website and vice versa. Are you keeping up with all the news? For example, did you see the news of the **Phablet** — a phone with a screen big enough to be used as a tablet. **Samsung** is coming out with this **Android**-powered smartphone with other extra features. Will this be the next big device? <http://features.techworld.com/mobile-wireless/3338767/era-of-phablet-doing-everything-with-one-mobile-device/>

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Op Ed from page 30

students don't arrive in the library with lists of what they want to read or what they need for their school assignments. They also don't use the catalog to select among the available eBooks. According to my school librarian spouse, some high school students suggest books, but I expect that, for most of them, their interests are elsewhere than choosing books for the collection in either type of library.

Public libraries will also need to continue to build collections that meet the needs of their patrons as they walk through the door. Except for the large public research libraries and some users in other public libraries, people arrive with the goal of having their questions answered right then or of taking something interesting home to read from what is currently available. The public library must have the right stuff on-hand and also anticipate high demand for popular items. Services exist that can supply bestsellers automatically and eBook collections might meet some needs, but the person wanting to have a good mystery is most likely going to expect to find it on the shelf rather than having to ask for its purchase. In this sense, they are a bit like the undergraduate students above who want to browse among available materials and not wait for a special order.

As for teaching collection development, what should I do? I think that my course,

which does include increasing emphasis upon digital resources of all types, remains relevant for all types of libraries except some academic research libraries. For these libraries, I have several thoughts on the subject. First, many students wind up working in libraries that weren't their first choice so that the students headed for an academic research library might find themselves working someplace else. In this economy, casting a broad net for all types of jobs is a good strategy. Second, I could try to find alternate content for these groups. Last semester, one of the groups pretending to be a large research library was expected to buy materials for the undergraduate library as well as the graduate research library. Third, I also teach the academic libraries course and

could work with the other instructors to make sure that the remaining collection development aspects, mostly digital resources of all types, get covered in that course. I am concerned that some key aspects taught in collection development such as identifying and serving patron needs and socialization issues such as intellectual freedom remain important enough to be reaffirmed in as many parts of the curriculum as possible.

I've never seen such a rapid period of change in my forty-year career as an academic librarian and library science professor. Perhaps the pace of the change will slow down, but other events such as the rise of eBooks as the new publishing model will most likely reward the nimble for the foreseeable future. 🐼

Rumors from page 29

Talking of reminiscing, I got an email from a person by the name of **Steve Johnson** <stevejzoo@gmail.com> (also <steve@arlis.org>) today. Some of you may remember another **Steve Johnson** who was head of acquisitions and gifts at **Clemson** (and who was a student at Georgetown with **Bill Clinton**). That **Clemson Steve Johnson** was the first layout person par excellence for *Against the Grain*, back in 1989 when it was only 10 pages. **Steve** had his own

beer newsletter and regional beer guides so he knew all about publishing and laying out a newsletter. In fact, **Clemson Steve** used to bartend a beer-tasting evening for **Charleston Conference** attendees. Those were the days! Anyway, **Clemson Steve** retired several years ago and moved to Costa Rica with his wife whose family lives there. The other **Steve Johnson** (should I say the "new" **Steve Johnson**) who I just got an email from tells me that the **Clemson Steve** blogs at <http://crgardening.blogspot.com>. And I have it! Instead of the new **Steve** I am going to call this **Steve** the

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Rumors

from page 31

Alaska Steve since he lives in Alaska and tells me it's cold up there in the north!

Was talking to the smilingly earnest **Thomas Guignard** (Collection Development and Academic Scientific Information and Libraries Support at the **Ecole Polytechnique Federale de Lausanne**) the other day. He presented a paper in **Charleston** a few years ago and I had breakfast with him at the **13th Fiesole Retreat** in St. Petersburg, Russia, in May of last year. His daughter is almost two and **Thomas** says she truly is the sunshine of his and his wife's lives. The other baby currently on the way, **Thomas** says, is his wife's PhD dissertation! The Fiesole group is still hoping to have a future Retreat in Lausanne. <http://people.epfl.ch/thomas.guignard>

And returning to news of **St. Petersburg**, there is a report about **IFLA** in this issue (see p.51) from **Fred Lynden**, remember him? **Fred** used to be Director of Scholarly Communications (back when that was a very new title) at **Brown** a few years back. Well he has now retired and is married to **Irina Lynden** who is Deputy Director of the **National Library of Russia**. In fact **Irina's** boss **Anton Likhamonov** was our gracious host at the **13th Fiesole Retreat** in St. Petersburg last year. What an experience and what a lovely and historic city. **Fred** and **Irina** are even coming to the **14th Fiesole Retreat** in Fiesole

In Memory — Donald Grant Stave

August 17, 1924 – November 29, 2011

by **Scott A. Smith** (Kent State University) <scott.alan.smith@comcast.net>

Don Stave died November 29th, following surgery for cancer. **Don** was a librarian for fifteen years before joining the pioneering American bookselling firm of **Richard Abel & Company**. Following the acquisition of selected assets of the **Abel Company** by **Blackwell's of Oxford** (which created **Blackwell North America**), **Don** continued his career until retirement.

Don was many things — a devoted husband, a keen enthusiast of music in general and traditional jazz in particular, a wonderful raconteur, a great reader, and fundamentally a kind and gentle man.

Most readers of *ATG* today will likely not have heard of **Don**, because he retired

several years ago. Yet any librarian utilizing an approval program is benefiting from his remarkable legacy. **Don**, along with the late **Oliver Sitea**, created the modern approval plan in the 1960s while working for

Abel. Many of the basic elements of the approval program sprang from **Don's** thoughtful and creative mind. Throughout his career **Don** continued to refine and enhance the product — today's Web-based vendor portals, such as **OASIS** and

GOBI, were developed in response to systems **Don** introduced at **Blackwell's**.

Don was patient, thoughtful, considerate, and wise. Those of us who were lucky enough to have known him miss him greatly. 🐾

Italy in April. For more information about the **Retreats** (including many of the papers) visit <http://www.casalini.it/retreat/index.htm>.

Speaking of papers, the **proceedings of the Charleston Conferences** from way back are for sale on **Amazon**. We get a lot of queries and so I like to keep the info out

there! For more info, see this issue, p.67. <http://www.amazon.com>

Exciting news via **Amanda Baker Hirko** and **Beth Bernhardt**! The bam-zowie **Tricia Hudson** has been promoted to the newly created role of **Associate Director of Institutional**

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Cases of Note from page 42

an attorney arguing his own case, a **National Guard Judge Advocate General**, and an owner of **Severe Records**. He has written and produced hundreds of works.

Sevier wrote music and lyrics for "Better," recorded it, and pitched it to big deal recording artists. And **Shanna Crooks** is just such an artist.

And being completely divorced from current pop culture, I had to go to the Web and find she is a hot-looking blonde who sang "Alive" in the *Twilight* series.

Despite being a lawyer, **Sevier** fell into the old oral contract trap and that may very well have launched this whole mess. **Crooks** recorded the song and **Sevier** mixed and edited it. **Sevier** said they were to both hold the copyright, and he "planned" to give her half the royalties.

I mean did they really understand this? And what their respective roles were?

The collaboration worked out so well they did a second recording "Watching Me Leave." **Sevier** wrote the music and the pair wrote the lyrics. **Crooks** peddled the songs to record companies and struck deals with **Rich of Richfella Publishing** and **Muzik Mafia**. As part of this, **Crooks** assigned her copyright to **Richfella**.

Meanwhile, **Severe Records** released the songs through **CD Baby's** online store and told **Crooks** he would account to her for her share of sales. Then, like any hasty marriage, they began to squabble.

Rich emailed **Musik Mafia** and other members of the music community, accusing **Sevier** of "illegally selling music." **Musik** then got a lawyer to send a cease-and-desist letter accusing **Sevier** of copyright infringement.

It's an age of email, and soon the emails were flying. **Sevier** said he was a co-author of the songs and had a right to exploit them. And anyhow, **Crooks'** contribution to "Better" was de minimus.

He's a lawyer. They use words like that.

They threatened and sassed each other back and forth, and finally **Rich** taunted **Sevier** to go ahead and sue. Make my day.

Getting ready for that, **Sevier** filed copyright on the two songs in his and **Crooks'** names. **Rich** threatened **CD Baby**, but they wouldn't knuckle under and kept selling the songs. Meanwhile **Crooks** and **Sevier** were spitting at each other. He told her she had "self-entitlement/narcissistic syndrome," and she gave him a "you'll never work in this town again" threat. And **Rich's** accountant chimed in with the same dire warning.

And on it went. More cease-and-desist letters. Accusations of selling bootleg CDs and unauthorized digital downloads. Counter-accusations of defamation, unjust enrichment, quantum meruit, tortious interference with **Sevier's** contract with **CD Baby**. **Muzik** said

Sevier had no right to **Crooks'** picture on **Severe Records** Website; **Sevier** said fair use. Counter-counter accusations of false endorsement under the **Lanham Act** and deceptive business practices under Tennessee law.

Whew. Are you tense and worked up? It goes on.

Sevier switched from **CD Baby** to **IODA** and their licensing agreement with **MySpace** allowed **Sevier** to place digital stores on **MySpace.com** Websites. **Sevier** put a digital store on **Crooks'** Website.

Certainly a nice "in-your-face" move.

Crooks then posted to all her fans that "a guy named **Chris Sevier**" was up to no good, had been up to no good in the past, and the stuff he was doing was "clearly wrong, unethical, and down right dirty." And other insults.

15,000 obsessed fans read this, and as obsessed fans will do, they posted insults and threats against **Sevier**. He emailed **Musik**, **Rich**, and **Crooks** ordering a correction and unqualified apology. And said civil action was right around the corner.

Rich shot back calling **Sevier** a bottom feeder with shady business practices and not one to be trusted by the music giants of the town. And rounded it out with: "Everything about your practices in this town is rather disgusting to us, to be perfectly honest. Keep sending us your humorous emails though, we REALLY enjoy getting those! As always, we wish you the best of luck fighting for your share of the table scraps."

You know, back when you had to write and address a letter and put a stamp on it, insults did not get so frenzied. People would occasionally pause and think about what they were doing.

Any-hoo, **Crooks** told **Apple's iTunes** music store **Sevier** had no right in the songs, and they were removed. Ditto **IODA** removed the songs from all their digital music store connections and cut off the distribution agreement with **Sevier**.

And at last suit was joined. **Sevier** alleged libel, false light, malicious harassment, intentional infliction of emotional distress, interference with contract, and copyright infringement.

Good grief. Emotional distress or "outrage" in legal shorthand requires stress so bad a reasonable person can't sustain it. And behavior completely outside the bounds of civilized behavior. This seems to be business as usual, and everyone had quite a good time email ranting.

But that aside, the copyright claim was the hook that got **Sevier** into the federal court.

Rich et al. moved for dismissal of the copyright claim because (1) **Sevier** failed to allege any acts of infringement, and (2) you can't sue a co-owner of copyright or her licensees.

The district court agreed with this and said as that disposed of the federal matter all the other mess of claims should go to state court.

The Appeal

To protect copyright, the legal owner may bring suit for infringement. **Fogerty v. MGM Grp. Holdings Corp.**, 379 F.3d 348, 352 (6th Cir. 2004). So the two big questions are who owns it, and did someone copy it? **Bridgeport Music, Inc. v. UMG Recordings, Inc.**, 585 F.3d 267, 274 (6th Cir. 2009).

There was nothing in the complaint alleging improper copying by **Crooks**. In fact, **Sevier** conceded that no one copied, but rather defendants prevented him from copying. The Sixth Circuit said they "expressly decline" grossly expanding infringement to "any acts that create barriers to a copyright holder's ability to fully exploit that copyright."

Declaratory Judgment

Sevier also asked for a declaratory judgment as to who owned what in the songs.

The **Declaratory Judgment Act** provides "the opportunity to clarify rights and ease legal relationships without waiting for an adversary to file suit." **Fireman's Fund Ins. Co. v. Ignacio**, 860 F.2d 353, 354 (9th Cir. 1988). It's at the court's discretion and not an absolute right of the litigant to be heard in federal court. **Wilton v. Seven Falls Co.**, 515 U.S. 277, 287 (1995). The district court's refusal to exercise jurisdiction can only be reviewed for abuse of discretion, which is to say the higher court has a real firm conviction that the lower court was wrong. **Paschal v. Flagstar Bank**, 295 F.3d 565, 576-77 (6th Cir. 2002).

i.e. well, whadda ya think?

Sevier wanted a declaratory judgment identifying the authors of "Watching Me Leave" and declaring **Crooks** not an author of "Better." The district court said **Sevier** and **Crooks** were really fighting over contract rights and not declaration of authorship.

The Sixth Circuit disagreed. **Sevier** brought the action "in reasonable apprehension of litigation" due to all the cease-and-desist letters and the back-and-forth threats. **Rich et al.** repeatedly accused **Sevier** of violation of copyright without regard to his assertion of co-authorship. This makes it a federal question to be determined under the **Copyright Act**.

There is no contract dispute at the heart of the matter. After all the charges of infringement, **Rich et al.** cannot say "But we didn't really mean it," upon landing in federal court on a claim of declaration of non-infringement.

Sevier clung to federal court over the question of ownership of the songs. 🐉

Rumors from page 39

Marketing for Oxford University Press. Tricia is now managing the **Global Institutional Marketing Team** for both journals and online products, which focuses on marketing efforts to key regions and library customers around the world. **Tricia** has over fourteen years of experience marketing academic journals, first at **Duke University Press** and then at **OUP** which she joined in 1999.

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Vital Information

◆ Key Products and Services:

75 products, all electronic; the leading vendor of streaming video and audio to libraries. eBook & Audiobook Distribution Services — Products include: Academic Video Online, Music Online, North American Women's Letters and Diaries, Smithsonian Global Sound, Ethnographic Video Online, Women and Social Movements, and American History in Video.

◆ Core Markets/Cienteles: Academic and Public Libraries

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◆ Number of Collections Published Annually:

We publish 5-10 landmark online collections per annum. In the past two years, these have totaled collectively more than one million pages of text, 400,000 audio tracks (the equivalent of 33,000 CDs) and more than 6,000 video titles.

History and Brief Description of Publishing Program

Alexander Street Press publishes award-winning, online collections for scholarly research, teaching, and learning. Our collections are available to library and educational institutions through annual subscription or a one-time purchase of perpetual rights. We specialize in humanities and social sciences, but have recently begun publishing video collections in science, technology, and medicine.

The company was founded in 2000 in Alexandria Virginia by **Stephen Rhind-Tutt**, **Eileen Lawrence**, and others to bring together the skills of traditional publishing, librarianship, and software development to create quality electronic collections.

We believe that an electronic publication should:

- Be carefully crafted by expert editors around a specific subject or discipline.
- Detail all materials relevant to the subject, whatever their original form or ownership.
- Contain as many of these materials as possible, in multiple formats if necessary.
- Be indexed with controlled vocabularies for precise, exhaustive searching.
- Provide unique ways of searching, viewing, exploring, and analyzing the material.
- Facilitate contributions from scholars and librarians.
- Be priced to enable unlimited exploration by users.

Alexander Street has now expanded to more than 100 staff based in the U.S., UK, Australia, New Zealand, Brazil, China, and Malaysia. And we love what we do! 🌱

Rumors

from page 43

Just got a great email from **Bob Houbeck** (Univ. of Michigan, Flint)! He tells me that there is an article in the *Huffington Post* about the 22 hottest Colleges in the country. The article named **University of Michigan-Ann Arbor** as one of them. They used a picture of the **University of Michigan-Flint** library as the picture for the post — **Bob** says the most gorgeous and best-looking library of all the three **U. Michigan** campuses! Pretty cool! <http://www.huffingtonpost.com/2012/02/27/>

the-hottest-colleges-in-t_n_1303791.html#s728989&title=University_of_Michigan

This issue of **ATG** has some great stuff in it! I always love the **Collecting to the Core** articles by the *Choice* editors. It brings back memories of a Trustee at the **College of Charleston** who was checking out an ancient computer book from the circulation desk. He implored us to never discard the book because it was a classic. That's what **Collecting to the Core** is about and this time the area is **physics**. This issue, p.60.

There has been lots of discussion and controversy on the Web recently about the

Research Works Act just introduced in the U.S. House of Representatives. The always-on-top-of-things, **Greg Tananbaum** fills us in on p.8, **I Hear the Train A Comin'**.

And, finally, before I run out of room, the **invoices for renewal of your ATG subscription for 2012** (v.24!) are in the mail. If you got an invoice and you attended the **2011 Charleston Conference**, you shouldn't have gotten it. Just drop me a quick email so we can be sure (hopefully) not to bill you again. And please accept my apologies!

Much love, Yr. Ed. 🌱