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Book Reviews-Monographic Musings

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From the Reference Desk from page 45

Encyclopedia includes entries on the authors and texts that are recognized as having built the tradition of utilitarian thinking as well as on the issues and critics that have arisen at every stage of the development of that tradition...

Earlier this summer, **CQ Press** published annual editions of two standard sources that librarians and others interested in politics and the inner working of the nation's capital have come to rely on.

- **Politics in America 2014** provides "in-depth profiles of all 535 members and 6 delegates of the 113th Congress ... and essential contact information; State-by-state and district demographics; Profiles of each congressional; ... Information on partisan caucuses and standing committees; and Maps, campaign finance interest group ratings, and unique facts and figures about the 113th Congress."
- **Washington Information Directory 2013–2014** (978-1-4522-8322-7, \$173) provides "more than 10,000 listings ... for information on U.S. governmental and nongovernmental agencies and organizations... including most contacts' direct phone numbers and email addresses instead of just general agency contact information. It also includes reference boxes, organization charts, and other helpful extras." These titles are also available on the **SAGE Knowledge** online platform.

In fall 2013 **ABC-CLIO** is poised to publish a number of titles including

- **American Civil War: The Definitive Encyclopedia and Document Collection** (9781851096770, \$625; eISBN: ISBN: 978-1-85109-677-0, call 800-368-6868 ext. 2 for pricing), edited by **Spencer Tucker**, provides a "multidisciplinary examination of the Civil War period ranging from pre-Civil War developments and catalysts such as the Mexican-American War to the rebuilding of the war-torn nation during Reconstruction... this encyclopedia includes all significant battles and skirmishes; important figures, both civilian and military; weapons; government relations with Native Americans; and a plethora of social, political, cultural, military, and economic developments..."
- **Consumer Survival: An Encyclopedia of Consumer Rights, Safety, and Protection** (9781598849363, \$189; eISBN: 978-1-59884-937-0, call for pricing), edited by **Wendy Reiboldt** and **Melanie Horn Mallers**, is a "two-volume, alphabetically arranged reference covering a broad array of topics related to consumer rights, including those of interest to often-overlooked populations such as older adults, veterans, and the homeless. Specific entries address critical areas including food and product safety, housing, health care, the financial industry, the automobile industry, and telecommunications..."
- **Food and Drink in American History: A "Full Course" Encyclopedia**

(9781610692328, \$310; eISBN: 978-1-61069-233-5, call for pricing), edited by **Andrew F. Smith**, "comprises two volumes containing more than 600 alphabetically arranged historical entries on American foods and beverages as well as dozens of historical recipes for traditional American foods; and a third volume of more than 120 primary source documents. Never before has there been a reference work that coalesces this diverse range of information into a single set..."

July saw **Oxford University Press** publish another in its series of specialized encyclopedias spun off from the **Oxford Companion to United States History**.

- **The Oxford Encyclopedia of American Business, Labor, and Economic History** (9780199738816, \$395), edited by **Melvyn Dubofsky**, is a scholarly effort that "offers students and scholars access to information about the concepts, institutions/organizations, events, and individuals that have shaped the history of economics, business, and labor from the origins of what became the United States in an earlier age of globalization and the expansion of capitalism to the present."

And in case you missed it, May 2013 saw the addition of six new titles to the Oxford Quick Reference online collection including **A Dictionary of Economics** (4 ed.); **The Concise Oxford Companion to English Literature** (4 ed.); **The Oxford Dictionary of Music** (6 ed.); **New Oxford Rhyming Dictionary** (2 ed.); **An A-Z Guide to Shakespeare** (2 ed.); and **A Dictionary of Social Work & Social Care**. 🌿

Book Reviews — Monographic Musings

Column Editor: **Debbie Vaughn** (College of Charleston) <vaughnd@cofc.edu>

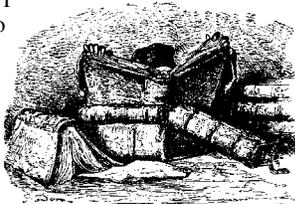
Smallwood, Carol, Jason Kuhl, and Lisa Fraser, eds.

Time and Project Management Strategies for Librarians.

Lanham, MD: The Scarecrow Press, 2013. 978-0810890527. 308 pages. \$55.00.

Reviewed by **Debbie Vaughn** <vaughnd@cofc.edu>

Full disclosure: it was a colleague and friend of mine, regular **ATG** contributor **Jolanda-Pieta "Joey" van Arnhem**, who asked if I would consider reviewing the subject of this month's **MM**, **Time and Project Management Strategies for Librarians**. Joey and I had been communicating about teaching online classes — something we both do for the **College of Charleston** — and the subject of asynchronous communication came up (no surprise there). She mentioned that she and her co-author, **Jerry Spiller**, had written a chapter on that very subject for **Time and Project Management Strategies for Librarians**, recently published by **The Scarecrow Press**. I told her I would be delighted to review the title, and went about requesting a review copy. Embarrassingly, once my review copy arrived, it sat on my desk for a few weeks. My youngest child, just learning to pull up and grab things off of table-height



surfaces, would frequently pull the book to the floor and, in his baby way, rifle through the pages, which would remind me that I hadn't yet taken the time to examine it, and I would promptly put it back on my desk. That was my first mistake; I should have immediately immersed myself in this book, because once I did, I was motivated and re-charged like I hadn't been in a while.

Many of you are likely at least somewhat familiar with the blog (and/or books) **Lifhacker**; its tagline reads, "tips and downloads for getting things done." **Time and Project Management Strategies for Librarians** is the Lifhacker for librarians and library support staff.

At the same time, reading this book is what I imagine it must be like going to a **TED Conference**, if there were a **TED Conference** held at library land: it offers "ideas worth spreading" from folks who work in the field, it is engaging

and entertaining, it isn't cumbersome, and it provides practical information that is useful to your professional life (and, let's face it, your professional life bears a relatively significant impact on your personal life). So, **Lifhacker** and a **TED Conference** rolled into one book... how could you resist?

Here's the lowdown: **Time and Project Management Strategies for Librarians** is divided into eight major categories: Management Strategies; Working with Staff; Students, Volunteers, and Interns; Monitoring Time and Projects; Getting Organized; Using Technology; Work-Life Balance; and Professional Development. Each section includes several chapters, none more than ten pages. Chapters cover topics on both macro- and micro-levels, from library-wide prioritizing using Six Sigma tools to personal productivity, and from staffing various service points to stress reduction. Authors represent the full spectrum of library professionals and those who work with a library in some capacity: school librarians, public librarians, academic librarians, special librarians, library school faculty, library volunteers, trained librarians working in industry, non-library faculty serving on library committees, and more. This rich cohort of contributors demonstrates that all of the ideas,

continued on page 48

Legally Speaking from page 47

be **Judge Chin's** comment when he rejected the **Google Books** settlement in 2011. At that time, he flatly declared: "**Google** engaged in wholesale, blatant copying, without first obtaining copyright permissions." 770 F. Supp. at 679. Perhaps his view of **Google's** conduct will soften when he immerses himself in the nuances of the fair use doctrine in Section 107 of the **Copyright Act**.

* * *

If **Google** hopes that its use of copyrighted works via digitization will be deemed a "fair" use under the **Copyright Act**, **Apple Inc.** must surely be hoping that it will be able to undo a finding by the district court in New York that **Apple** engaged in seriously *unfair* conduct by conspiring with various publishers to fix the price of eBooks. After a three-week trial in June of this year, **Judge Denise Cote** — hearing the case as the fact-finder when the parties waived a jury — ruled that **Apple** conspired to restrain trade in violation of Section 1 of the **Sherman Act** and relevant state statutes. *United States v. Apple, Inc.*, Case 1:12-cv-02826-DLC, Dkt No. 326 (S.D.N.Y., filed July 10, 2013).

As **Charleston Conference** attendees may recall, the story of how **Apple** came to be dubbed a "price fixer" is classic. When publishers started offering eBooks, **Amazon** jumped into the business with a killer of a marketing plan: **Amazon** would retail all eBook bestsellers at \$9.99 for use on its Kindle e-reader (even if the print version sold for a lot more). Publishers weren't happy, and neither was **Apple**, which had plans to include an e-reader program on its iPad (scheduled to be introduced in 2010) but needed prices to be higher than \$9.99 in order to make a profit.

Book Reviews from page 46

suggestions, findings, and tips (1) generalize across the spectrum, and (2) speak to issues and needs experienced across the spectrum.

Get this book for your library ASAP! For institutions and organizations supporting a library school or program, a copy for the circulating collection is a must. All libraries, though, should consider acquiring several copies to distribute among library personnel. If administrators, librarians, and other staff could take just ten minutes a day to read a chapter or two, they could easily finish the book within a month. Individual chapters or even the book as a whole could serve as a strong basis for dialogue to improve services and productivity, and overall to "do more with less" — a road that all organizations are navigating. To provide even more bang for the buck, staff could employ some of the communication and project management strategies to organize such dialogues. Happy reading and happy library-lifehacking, everyone! 🐼

The publishers and **Apple** began meeting in December 2009 and, by January 2010, "agreed to work together to eliminate retail price competition in the eBook market and raise the price of eBooks above \$9.99." Opinion at 11. According to the opinion **Apple** was the lynchpin in the conspiracy between and among **Apple** and the publishers: "It provided the Publisher Defendants with the vision, the format, the timetable, and the coordination that they needed to raise eBook prices." *Id.*

Apple executed individual "agency agreements" with each of the publishers under which **Apple** would act as an "agent" in selling eBooks at a retail price set by the publishers (which were \$3 to \$5 higher than **Amazon's** \$9.99 retail price).

The agreements also included a price parity provision, or Most-Favored-Nation clause ("MFN"), which not only protected **Apple** by guaranteeing it could match the lowest retail price listed on any competitor's e-bookstore, but also imposed a severe financial penalty upon the publishers if they did not force **Amazon** and other retailers similarly to change their business models and cede control over eBook pricing to the publishers.

On April 11, 2012, the Department of Justice filed a civil suit against **Apple** and five of the six largest U.S. publishers. (Thirty-three states filed their own cases against the defendants, which were joined with the DOJ's suit.) On the same day, the DOJ filed a proposed consent decree settling the case against **Hachette**, **HarperCollins**, and **Simon & Schuster**. After considerable fireworks, the settlement was approved by the court, and settlements subsequently followed with the other publishers. Only **Apple** chose to go to trial.

In the court's view, the MFN "eliminated any risk that **Apple** would ever have to compete on price when selling eBooks, while as a practical matter forcing the Publishers to adopt the agency model across the board." Opinion at 48. The MFN clause "literally stiffened the spines of the Publisher Defendants to ensure that they would demand new terms from **Amazon**." *Id.* at 56. And during their negotiations with **Amazon**, the publishers shared their progress with one another.

Since "the laws of supply and demand were not suspended for eBooks" when the publishers increased the prices of their eBooks, they sold fewer books. Opinion at 97. Thus, consumers suffered in a variety of ways from this scheme to eliminate retail price competition and to raise eBook prices: some consumers had to pay more for eBooks; others bought a cheaper eBook rather than the one they preferred to purchase; and still others deferred a purchase altogether rather than pay the higher price. *Id.* at 98.

Analyzing the trial record, **Judge Cote** found that there was "compelling evidence" that **Apple** "conspire[ed] with the Publisher Defendants to eliminate retail price competition and to raise eBook prices" and "overwhelming evidence that the Publisher Defendants joined with each other in a horizontal price-fixing conspiracy." Opinion at 113. **Apple** was "a knowing and active member of that conspiracy ... not only willingly join[ing] the conspiracy, but also forcefully facilitat[ing] it." *Id.*

The circumstances of the publishers' simultaneous adoption of the agency agreement model advocated by **Apple** is itself powerful evidence of their agreement:

[I]n adopting a model that deprived each of them of a stream of expected revenue from the sale of eBooks on the wholesale model, the Publisher Defendants all acted against their near-term financial interests; and each of the Publisher Defendants acted in identical ways even though each was also afraid of retaliation by **Amazon**. [Opinion at 120.]

In finding that **Apple** has engaged in an illegal conspiracy to restrain trade, the district court rejected **Apple's** argument that the court would reverse well-recognized antitrust law if it held that the publishers' MFN clause was illegal. The court emphasized that:

The Plaintiffs do not argue, and this Court has not found, that the agency model for distribution of content, or any one of the clauses included in the Agreements, or any of the identified negotiation tactics is inherently illegal. Indeed, entirely lawful contracts may include an MFN, price caps, or pricing tiers. That does not, however, make it lawful for a company to use those business practices to effect an unreasonable restraint of trade. And here, the evidence taken as a whole paints quite a different picture — a clear portrait of a conscious commitment to cross a line and engage in illegal behavior with the Publisher Defendants to eliminate retail price competition in order to raise retail prices. [Opinion at 132.]

In short, "[t]he totality of the evidence leads inextricably to the finding that **Apple** chose to join forces with the Publisher Defendants to raise eBook prices and equipped them with the means to do so." *Id.* at 134-35. **Judge Cote** even quoted **Apple** founder **Steve Jobs'** own words against his company, pointing out that, on the day of the launch of the iPad, **Jobs** told a reporter that "**Amazon's** \$9.99 price for [a book newly offered on iPad for \$14.99] would be irrelevant because soon all prices will "be the same." *Id.* at 149.

One might think that it is amazing that one of America's most innovative and revered high-tech companies would land itself in such a pickle. But from a review of the testimony and documents quoted in the district court's opinion, it was clear to **Judge Cote** that **Apple's** executives had a totally tin ear and a blind eye to the obvious price-fixing conspiracy that they were orchestrating. The publishers' executives were no better.

The five publishers in the case have already settled the states' claims against them for \$166 million in damages. (Their settlement with the DOJ involved only injunctive relief.) This case also will cost **Apple** a pretty penny in damage claims before all is said and done. And it should also remind American businesses that merely calling a sales term a "most favored nation" clause does not immunize the arrangement from federal or state antitrust laws. 🐼