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Project COUNTER

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From the Chair

I write this May 2012 chair's column in the middle of February, less than two weeks before the deadline to volunteer for AALL committees for the coming year. Were this column to be published immediately, I would encourage members to consider volunteering for the CRIV Committee. By the time this column is published, new committee members are likely to have been selected. As those of us completing our service on the committee this year prepare to step down, I am confident that returning and new committee members will carry out CRIV's important mission.

In my first chair's column I noted that CRIV's purpose is to "facilitate communications between information vendors and the members of the Association by monitoring complaints and providing constructive suggestions to vendors of information in any format," and to "educate members on constructive ways to communicate with information vendors." (The complete statement of CRIV's purpose and charge may be found on AALLNET at www.aallnet.org/main-menu/Leadership-Governance/committee/activecmtes/criv.html.) To this end, CRIV has continued to communicate with vendors about problems encountered by librarians regarding those vendors' products and practices. CRIV engaged in a useful dialog with Law Journal Press concerning invoicing and customer service issues. We continue communication with Thomson Reuters regarding issues such as the ongoing switch from loose-leaf to annual softbound editions, overly full binders for *Merten's Law of Federal Income Taxation*, orders

being charged to library accounts without library approval, and unwanted Key Rules pamphlets automatically being sent to libraries. We are in the process of checking and updating the CRIV information available on AALLNET, the CRIV Tools section in particular. By the time this column is published, we hope to have an online form available for members to submit requests for assistance. We continue to work with the vendor liaison to share information and sort out responsibilities in the vendor relations area. Finally, our New Product Award Subcommittee is currently evaluating nominees for that prize.

Looking ahead to the fast-approaching Boston Annual Meeting, several CRIV-related activities are worth noting. The CRIV annual meeting for incoming and outgoing members will be held Saturday, July 21, from 4 to 5 p.m. The meeting is open to the general membership. The CRIV-initiated program G4: Antitrust Considerations and the Association will take place Monday, July 23, from 2:45 to 4 p.m. As always, we will have a presence in the Exhibit Hall and at the CONELL Marketplace.

Please contact me with any concerns or suggestions related to AALL member education and advocacy or regarding vendor-related complaints and communication. Information regarding requests for CRIV's assistance in complaint resolution is available at www.aallnet.org/main-menu/Advocacy/vendor-relations/request-assistance.

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Project COUNTER

How many articles in law librarianship's professional literature have started with the phrase, "In this era of shrinking budgets . . ."? Let's call a moratorium on the premise that everything we do now is a function of the economic downturn. In both lean times and fat, law librarians ought to make acquisitions and retention decisions based on evidence rather than on conjecture, intuition, or tradition. Librarians should be able to demonstrate that every expenditure contributes to the core mission of their host institutions. Let's not spend any time being nostalgic about the more genteel past of our profession. It's not enough to "market ourselves better." We must be indispensable. To be indispensable, we must know exactly what we add to the overall enterprise (court,

law firm, law school) and jettison whatever contributes less than it costs.

There are many ways to quantify a library's return on investment. We can start by determining whether and how much the information resources we purchase are actually being used by patrons. When library materials were primarily paper-based, usage was difficult to assess. Most printed materials in law libraries do not circulate much. But as more and more library resources began to be accessed online, credible usage data became easier to harvest. Vendors of electronic information have always taken advantage of the usage data made possible by technology. They use this information to develop pricing models and

to identify areas of user demand. Over time, many vendors developed their own internal standards for the particulars of usage (e.g., what is a hit, a search, or a download) and for how to count them. Until very recently, they did not share this information with their customers.

Vendors and librarians did not come together to discuss universal standards for measuring usage of electronic resources until 2002, when Counting Online Usage of Networked Electronic Resources (COUNTER) was founded with the mission of ensuring that vendors supply usage metrics that accurately measure what they purport to measure and statistics that are comparable from vendor to vendor. Since January 2003, COUNTER has released three versions of its *Code of Practice for Journals and Databases* and one version of the *Code of Practice for Books and Reference Works*. Release 3 for *Journals and Databases* and Release 1 for *Books and Reference Works* are currently in force. An integrated Release 4 is in draft form.

Beginning with the third release of the *Code of Practice for Journals and Databases*, COUNTER compliance has required that content providers allow usage data to be harvestable using Standardized Usage Harvesting Initiative (SUSHI), a standardized protocol (National Information Standards Organization [NISO] standard Z39.93) for automating the gathering of COUNTER data. Prior to SUSHI, librarians were required to regularly visit the website of each vendor to download usage data. SUSHI ensures that COUNTER data can be gathered automatically so it can actually be used.

Release 4, a new *Code of Practice* integrating standard for journals, databases, books, reference works, and multimedia content, was published in draft form in October 2011. The COUNTER Executive Committee will soon consider comments on this draft in preparation for the definitive publication of this release. To understand what is new in Release 4, I contacted Oliver Pesch, the chief strategist for EBSCO's e-resource access and management services, who currently serves on the Executive Committee for Project COUNTER and is co-chair of the SUSHI Standing Committee of NISO. He said that one of the most important new developments is that Release 4 is an integrated *Code of Practice* covering journals, databases, books, and other electronic resources, "a simplification welcomed by many content providers, particularly those that offer books, journals, and databases on the same platform."

Release 4 for the first time creates standards for usage of multimedia collections and for usage by mobile devices. In addition, Pesch said that for Release 4,

the yearly audit that each vendor must undergo to remain COUNTER compliant will look more closely at the vendor integration of COUNTER with SUSHI, "ensuring consistency in implementations of both COUNTER and SUSHI. In a parallel effort, the NISO SUSHI maintenance committee is publishing a COUNTER SUSHI Implementation Profile that will serve as a guide to both developers and auditors to help inform that consistency." According to Pesch, "Content providers must comply with Release 4 by the end of 2013 to retain COUNTER Compliant status." The COUNTER website (www.projectcounter.com) provides details on Release 4.

What must a vendor do to become COUNTER compliant? It can go to www.projectcounter.com and download a document called "Counter Compliance: Step by Step Guide for Vendors." The codes of practice for Release 1 for *Books and Reference Works* and Release 3 for *Journals and Databases*, as well as the draft of Release 4, are also available on the COUNTER website. In a nutshell, to become COUNTER compliant, vendors must adopt the relevant codes of conduct depending on which sort of content they publish. Each code of conduct contains a glossary of standard definitions for a large number of key bibliographic and usage terms such as "article," "search," and "turnaway." The codes also mandate which type of usage report must be generated for each information format. For example, depending on a number of qualifying criteria set forth in the code of conduct, publishers of online journals are required to provide one or more of the following reports: number of successful full-text article requests by month and journal, turnaways by month and journal, and number of successful full-text article requests by year, and journal database vendors must provide one or more of these reports: total searches and sessions by month and database, turnaways by month and database, and total searches and sessions by month and service.

Next the vendor must develop a process for converting its raw logfiles into COUNTER usage reports. COUNTER support staff will advise vendors on how to accomplish this if necessary. COUNTER staff then review the usage reports for compliance with the standards articulated in the codes of conduct and make recommendations for remediation if necessary. Once the review is complete and the vendor has paid a \$500 fee, the vendor will be included in the Register of COUNTER Compliant Vendors. To maintain compliant status, the vendor must undergo an independent audit within six months of being added to the register and then must be audited annually by a CPA, chartered accountant, or equivalent.

As of January, approximately 131 electronic publishers and vendors of information were COUNTER compliant. This list includes a number of vendors whose material is heavily used in law libraries, such as Berkeley Electronic Press, Cambridge University Press, EBSCO Publishing, JSTOR, OCLC, Oxford University Press, ProQuest, Sage Publications, and Springer-Verlag. However, the preeminent publishers of legal information are conspicuously absent from the list.

What, if anything, can law librarians do to ensure that the vendors they do business with are or will become COUNTER compliant? Pesch told me that some major legal publishers are currently in discussions with COUNTER: "COUNTER is providing both encouragement and guidance [to these vendors] on becoming COUNTER compliant." Pesch added, "Publishers tend to listen to the market need and will provide services if the customers ask—or, in some cases, demand. Law library administrators can help by making it clear to publishers that law librarians expect to get COUNTER reports."

Serials librarians and others with acquisitions responsibilities should negotiate COUNTER compliance with all of the information vendors with which they do business. In our conversations with vendors, we can help them see that COUNTER compliance benefits them, as well. Vendors know as well as librarians that acquisitions budgets are being slashed. Without reliable usage data, libraries will have no recourse but to make acquisitions and retention decisions based on unreliable data or no data at all.

Pesch put it this way: "As library budgets continue to be strained (law libraries being no exception), serials professionals are looking for ways to ensure they are making the most effective use of their collection budget. The 'cost-per-use' measure is becoming a mainstay of that evaluation. And, since that measure relies on usage data, the ability to gather accurate usage statistics is paramount. Publishers that provide COUNTER usage statistics have a better chance of having their products fairly assessed. When usage statistics are not available or difficult to come by, busy librarians may resort to guessing and the outcome may not be what the publisher desires." When vendors and librarians alike know exactly how usage of electronic library materials is being assessed, and every resource is being assessed according to the same criteria, everyone benefits.

The economic models for law school, private law practice, and state government are changing. It will never again be acceptable, nor should it be, for libraries to build their collections heedless of the return upon the investment made in those resources. Librarians know in their bones that libraries have real value, but they are increasingly being called upon to quantify that value. Information vendors must cooperate with this effort lest they help to destroy the market they serve. Librarians and vendors will have to work together to demonstrate the value of their shared product to the entire legal enterprise. COUNTER is a positive step in that direction.

Two Florida Law Schools—One E-Book Collection

Erin Gallagher of Ingram Coutts, Edward Hart of the University of Florida, and Sarah Pearson of Florida State University

Recently, Strozier Library of Florida State University (FSU) and the Smathers Libraries of the University of Florida (UF) entered into an agreement that established a shared patron-driven acquisition (PDA) program for e-books. Such a program calls for the loading of catalog records of e-books into the schools' integrated library systems with links to the books on the vendors' websites. Patrons then "trigger" the purchase of the e-book when they view the e-book. Based on an earlier state-wide vendor agreement with Ingram Coutts, the e-book program allows for the same discounts we have for purchase of print books and uses Coutts' MyiLibrary platform.

The shared PDA targeted graduate- and research-level titles but excluded law titles. Because both law libraries of these institutions, FSU's Law Research Center (FSU Law) and UF's Lawton Chiles Legal Information Center (UF LIC), recognized the need to expand their own electronic resources, we negotiated a shared e-book PDA that, while separate from the main libraries, dovetailed with their profiles by including law-specific titles.

Both of our law schools already had access to e-books purchased by our universities' main libraries, but rarely were they law related. In addition to offering an increasingly electronic collection, we want to offer books that might otherwise not have been selected. This program allows us to test our users' needs and desires for e-books as well as provide valuable feedback on our current collection development