

The LLMC-Digital Newsletter

Issue 19

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Subscriptions, The “Lifeline” Program

At its recent meeting in Ann Arbor, Michigan, the LLMC Board of Directors authorized a major adjustment to the *LLMC-Digital* subscription schedules. The goal of this change is to expand the opportunities for participation in at least parts of the *LLMC-Digital* program.

A major benefit flowing from the existence of *LLMC-Digital* is the opportunity it affords libraries of recapturing shelf space now devoted to the storage of little-used titles. Even better, along with providing searchable substitutes for the hardcopy, LLMC also offers a serious and credible print preservation program, thus relieving many libraries of their concerns in that area. For some libraries this space-recovery aspect of *LLMC-Digital* outweighs even the digital-access features, especially for titles that likely will receive minimal use regardless of access format.

To make this space-recovery option available to as many libraries as possible, LLMC has restructured the non-law-school, non-law-firm, non-court-system portions of its annual subscription schedule. The main innovation is a new “Lifeline Rate” enabling non-academic institutional libraries to subscribe to in-library use of *LLMC-Digital* for a flat annual subscription fee of \$1,000.00. This Lifeline Rate will enable subscribing libraries interested in space recovery to provide in-house access to discarded texts superior to that it now provides for their print equivalents.

Of course, some libraries eligible for the Life-line Rate will prefer to explore the possibility of providing controlled *remote* access to their patron base. The new Lifeline Rate program provides for that enhancement possibility, either now or in the future, on the basis of per capita charges added to the Lifeline Rate. ([Endnote # 1](#))

Revised LLMC-Digital Fee Schedule

Category A = \$6,380

- U.S. law schools (includes IP access to the whole parent institution)
- Mega-law-firms (over 750 lawyers; includes IP access throughout firm)

Category B = \$4,310

- Non-U.S. law schools (includes IP access to the whole parent institution)
- US circuit libraries & associated dist. libraries (includes remote IP access to all personnel)
- Large US state appellate court systems (includes remote IP access to all personnel)
- Very-large-law-firms (300 to 750 lawyers; includes IP access throughout firm)

Category C = \$2,850

- Mid-sized U.S. state appellate court systems (includes remote IP access to all personnel)
- Large-law-firms (150 to 300 lawyers; includes IP access throughout firm)

Category D = \$1,910

- Small U.S. state appellate court systems (includes remote IP access to all personnel)
- Mid-sized-law-firms (75 to 150 lawyers; includes IP access throughout firm)

Category E = \$1,300

- Smaller-law-firms (10 to 75 lawyers; includes IP access throughout firm)

Category F = \$860

- Small law-firms (under 10 lawyers; includes IP access throughout firm)

Category G = \$250

- Individuals (incl. IP access in office and home)

Category H, The Lifeline Rate = \$1,000

- In-library use for institutional libraries not covered in the previous categories. (IP or other controlled remote access to the library's constituent patrons is available on a negotiated per capita basis. Contact LLMC for details.)

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Our Evolving Partnership with Michigan

As mentioned in the previous newsletter, a major reason for holding an LLMC Board meeting in Ann Arbor at this time was to review our partnership with the University of Michigan. To that end Board members spent a full day meeting with the main actors and supporting staff in Michigan's digital library publishing program.

Board Members were treated to presentations from those Michigan staff members

directly responsible for results in the four prime areas of LLMC/ Michigan collaboration:

- OCRing: converting our digital images to searchable text files
- Interface maintenance and development: providing a usable format for presentation of the data
- Access authentication: restricting access to our customers
- Serving: “broadcasting” our data to the universe of eligible users.

The Board was happy to hear that in all of the above areas the overall systems were functioning smoothly; most operational difficulties having been worked out in the first years of the project. It goes without saying that there is always room for improvement. That applies to everything in this field. So LLMC will always be seeking system enhancements, particularly in the interface department. But Board Members were gratified to find that there were no major outstanding problems in any of the above categories.

One big area of possible longer-term concern is the question of image durability. This is a basic preservation question inherent in all media; but especially clouded in the digital arena due to everybody's inexperience. The possibility exists at some indeterminate level of risk that image quality in large aggregations such as ours can degrade over time or as a result of the mandatory periodic migrations. This is not the most sexy of subjects, and the countermeasures needed to guard against degradation are achingly difficult, both to implement and to describe. Suffice it for now to report that the Board has long had this issue on its radar screen. Some time earlier we asked our Michigan partners to run tests to determine the extent of any discoverable problems. The good news is that the final test results, which were presented and discussed during our Ann Arbor meetings, show that our images appear to be quite robust. While a small percentage of our tiffs failed to actualize in the first go around, this was determined to be system related. Subsequent tests on the now operative Linux system produced essentially no “no shows.” While that is encouraging, this is an area where constant vigilance is imperative. LLMC already runs checksum tests on every single tiff before it leaves Kaneohe. In combination with Michigan, we are now working on programs that will permit economical and regular batch processing of these fixity tests at regular intervals in the future.

Perhaps the biggest question on our Directors' minds when they went to Ann Arbor was the University of Michigan's massive joint project with Google, and how that might impact on our own relationship with Michigan. Despite the constraints of non-disclosure agreements covering most portions of the Google enterprise, our partners at Michigan probably were as generous as they could be with background information. In any event, they told us enough. There is little question that the Michigan/Google project will be very very big. Everything in the University's library system, including the Law Library collection, will be scanned. The only likely limitation would come from the federal courts, which may prevent copyrighted titles from being included in the scanning. Michigan's payoff for its massive cooperation

will be a free digital copy of everything Google scans. The University Library's long-term goal is to use its copy of those tiffs to expand its own digital library outreach.

Given the plans of both Google and Michigan itself, there can be little doubt that at some point our interests and theirs will diverge. In three or four years both Google and Michigan will be “broadcasting” much of the same data now being provided by LLMC. The difference will be that both Google and Michigan will be offering their data free, with their funding coming from elsewhere, while LLMC follows a subscription model that is inherently self-supporting. There are ways in which that

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might be made to work, but not with Michigan and LLMC serving from the same platform and utilizing the same interface. A separate source of foreseeable conflict between Michigan and LLMC is the growing drain on psychic and physical energy. We have some difficult sailing ahead of us and there will be plenty of hazards. Piloting those shoals may be possible with some deft maneuvering, but it will take sustained and focused attention, something LLMC won't be able to expect from Michigan in the longer run, as the sheer enormity of the Google program makes its demands on the limited UofM infrastructure. We will all be competing for finite attention and energy. These will inevitably and justifiably gravitate toward Michigan's core interests. No shame in that, it's natural. But the LLMC Directors wouldn't be doing their job if they didn't look ahead and start to envision viable alternatives.

Fortunately, our current relations with our Michigan partners are amicable and mutually useful, and the Google enterprise, at least to the extent that it begins to overlap with us, will take some years to unfold. So there is no need for haste. Therefore, the disengagement is likely to be gradual, and we should have ample time to feel our way. The important point for now is that our Board has made the basic decision that in the longer term the maturing of Michigan's new ventures with Google likely will create conflicts of interest, making a long-term Michigan/LLMC partnership awkward. Over the next year the Board will begin to explore options for reconceived partnership arrangements. As to the details, the Board does not feel constrained to follow any particular model. It could well be that we don't even go the partnership route, but rather merely outsource functions that don't pertain to our core mission.

As the Board explores its options, it will be guided by those bedrock principles which it believes to be of foremost importance to our unique user community; namely that, as to the main body of literature entrusted to our care, legal materials in the public domain, we will

- Retain ownership
- Attend to long-term preservation
- Ensure the option of low cost access

Other Board Actions

Along with the major items discussed above, the Board also discussed and moved on several fronts of more than usual interest to the membership:

— **Elections:** Two seats on the Board of Directors will be open at the time of our next membership meeting in St. Louis in July. Following long-established practice, the current Board has recruited two candidates willing and able to serve four-year terms. One Board nominee will be Dr. Richard Amelung, currently Acting Univ. Librarian at the Univ. of Saint Louis. By the time of our July meeting Richard will be back at his real job in technical services at the St. Louis Univ. Law Library, in which position he also guides the cataloging effort for *LLMC-Digital*. The other Board nominee will be Prof. Chris Simoni, Dir. of the Northwestern Univ. Law Library. Members should know that additional nominations are in order. Anybody wishing to nominate an additional candidate should ensure that that person is willing and able to serve a four-year term. Anyone wishing to publicize a candidate's availability in this newsletter should contact Jerry Dupont at 800-235-4446 no later than June 15, 2006.

Recruitment: Since Exec. Dir. Dupont has now gone down to 80% time, and will be cutting back even more in future years, the Board will soon embark on a national search for a replacement. Dupont plans to work part-time for at least several more years, and the Board decided that the best use of his remaining time would be in guiding the bibliographic development of *LLMC-Digital*. With that front covered for the near future, the Board felt that it could look farther afield in the range of qualifications it will be seeking in a new executive director. Thus the pool of acceptable candidates is likely to extend beyond people currently working in law libraries; with demonstrated technological, production and management skills being at a premium. The Board's Personnel Committee was charged with coming up with a search strategy along these lines by the time of the Board's July meeting.

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— **New corporate web site and LIPA:** The Board reviewed and gave final approval to a redesign of LLMC's corporate web site, www.llmc.com. As explained in previous newsletters, we had this redesign underway for our own internal purposes; not least to replace our paper catalogs by aggregating our bibliographic and sales data in one place. Later we realized that our new format could be tweaked

with relative ease to serve the print preservation mission of the Legal Information Preservation Alliance (LIPA). So we worked out the last details of the redesign in concert with them. We plan to launch the redesigned web site on June 15. A special issue of this newsletter, explaining the joint LIPA/LLMC print preservation program, will accompany the launch.

— **Google request to crawl LLMC texts:** We have received a request from Google, via Michigan, to allow Google to crawl the *LLMC-Digital* image database. Contrary to what we may have stated in the past, this is now technically possible, although, even at the most basic level, it would still cost LLMC some modest development money. However, the LLMC Board's concerns went beyond expense. Given that, contrary to JSTOR, LLMC does not tag down to the article level (and, with our literature, probably couldn't), the Board was not satisfied that Google would have anything relevant to point to. They didn't see how any of the Google result displays proposed (title page of book, first page of case, snippets, etc.) get around the irrelevant and/or misleading answer problem. Given this uncertainty the Board has asked Google to do some more thinking, and perhaps experimentation, to clarify these questions before LLMC commits to serious cooperation.

Bibliographic Notes from All Over

As a general rule, this newsletter lacks the space or time to offer reviews of new legal publications. However, we feel that some notice is due when a new book fortifies an existing LLMC mission. This happens to be the case with the superb new title *Prestatehood Legal Materials; A Fifty-State Research Guide, Including New York City and the District of Columbia*, by our colleagues Michael Chiorazzi and Marguerite Most. The work is brilliant in conception and scholarly in the execution. It fills a lack from which we suffered for years as we developed the LLMC fiche collections. *LLMC-Digital* subscribers should know that any of the pre-1923, or otherwise public domain, titles mentioned in this work are *ipso facto* candidates for inclusion on our web site. Gifts or loans of such materials for scanning are ardently solicited.

On another front, an alert reader took issue with our “wimpy” description (Issue #18, p. 3, ftnt.1) of a recently scanned text, *Malleus Maleficarum* (The Witches' Hammer) as “an incunabulum and an early Canon Law classic in criminal procedure.” He writes that Dan Brown in Chap. 28 of his ubiquitous block-buster *The Da Vinci Code*, describes this work as being “arguably...the most blood-soaked publication in human history.” Pace Mr. Brown, the competition for the latter distinction is intense, so we take no side. However, we note that our original description, while perhaps a bit too anodyne, is accurate insofar as it goes. More rare texts on this theme from George Washington Univ. L.L. will follow.

Endnotes:

1.) Example: An enhanced Lifeline Rate was just ne-gotiated by LLMC with the Library of the Association of the Bar of the City of New York, a pioneer in off-site delivery of electronic services to its members. The Library currently serves a base of 23,000 members. It has negotiated a rate of \$0.10 per member, which, added to the Lifeline base of \$1,000, results in an annual subscription for off-site delivery to all members of \$3,300.00. This is about half of what the Library would have paid under the old *LLMC-Digital* fee schedule.

Libraries already subscribing to *LLMC-Digital*, and which qualify for coverage under the new Lifeline Rate program, are invited to reexamine their subscription status. LLMC will assign them either the new or their old rate, whichever is less.

2.) Issues #12, pp. 2–3; #14, p. 2; #15, p. 4, para. 1; & #17, pp. 1–2.

3.) As evidence, JSTOR, which is technically similar to us, as recently announced, is now doing it: “JSTOR Crawl Site Update: As was announced in December, JSTOR has released a new crawl site to enable search engines to index the scholarly literature in the archive. This crawl site is available to public search engines who sign a license agreement with JSTOR and contains the full-text or optical character recognition (OCR) files for the majority of journals participating in JSTOR. Our first crawl site partner is Google. Google participated in a pilot with JSTOR to develop the crawl site during 2005. Now, more than 2 million of the full-length articles and book reviews archived by JSTOR are searchable in both Google and Google Scholar. We look forward to indexing and making searchable an increased amount of material as the scope of the project and the number of crawl site partners expand.”

4.) 1,500 pp. in 2 bks, Binghamton, NY, Haworth Information Press, 2005, \$149.95

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