

## The LLMC-Digital Newsletter

### Issue No. 22: November 2006

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### **Maritime Law Association Signs On**

During LLMC's filming era, one of the jewels in its crown was its provision of both the backfile of, and a subscription service to, the document series of the Maritime Law Association of the United States (MLA). ([Endnote # 1](#)) The MLA is the lead organization in the U.S. coordinating the development of our national system of maritime law. It also serves as the U.S. branch of the *Comite Maritime International*, the international confederation that performs the same service worldwide.

We are happy to report that the MLA Executive Board recently decided to ramp up their partnership with LLMC by authorizing us to migrate the collection to *LLMC-Digital*. They also authorized us to provide current documents online as they are issued. This decision will mean that this scholarly research material is made available to a far broader audience on an even more timely basis.

After much consideration the Board also decided to make their sole archival copy of the documents available so that LLMC could do the scanning from the original paper. This will result in the best possible images for the digital archive of this material. LLMC will begin work on this project next month. The scanning will proceed from both ends, chronologically, of the backfile. In December we will scan eight recently-issued documents which have accumulated awaiting this decision. Thereafter we will scan all currently-issued documents immediately after receipt. The retrospective work, starting with the earliest documents, will begin early in 2007 when the original papers begin to arrive in Kaneohe.

### **Our Paper Masters Head to the Mines**

As was alluded to in the last Newsletter (Issue #21, p.3), LLMC has been looking for an economical but safe place to store the disbound paper originals used in our high-speed scanning operations. Our reasoning is that, since many law libraries are using the availability of the digital versions as a rationale for thinning out their paper copy holdings, many of these titles may quickly become exceedingly rare or even completely unavailable. Nobody can confidently predict where the digital revolution is heading. Decades from now it may become, either necessary, or at least highly desirable, to reformat these materials. LLMC wants to preserve its options by ensuring that its paper masters will be assembled and vetted should reformatting occur. Therefore it has resolved to retain its paper masters for at least enough time for the reformatting decision to be resolved one way or the other. ([Endnote # 2](#))

The facility which we have chosen for this program is operated by a company called

Underground Vaults and Storage, Inc. (UVS) and is housed in massive salt mines located an average of 650 ft. below ground level near Hutchinson, Kansas.

([Endnote # 3](#)) While exclusive vault

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areas are available, we have chosen as sufficient for our purposes the least expensive option, classed as "Common Storage." This means that our boxes are tracked by bar code and will be interfiled, so to speak, anywhere in the common storage areas where empty space happens to be available. Our initial contract is for 10,000 cubic feet at a fixed annual cost for twenty years of \$20,000 per year. UVS computes that this space will accommodate roughly 200,000 volumes. Our more conservative estimate is ca. 160,000 volumes. Using our figures computes to a per-volume-per-year (pvpy) cost in the first year of \$2.00, declining rapidly thereafter, with a pvyp figure when we reach capacity of thirteen cents. In-processing fees are \$.50 per box for the first five years, with modest raises predicted thereafter. Retrieval costs are \$2.75 per box for the first five years, also with modest raises likely thereafter. ([Endnote # 4](#))

## Bar Libraries Offer Remote Access

We are happy to report that two of our subscriber libraries have successfully experimented with providing remote access to *LLMC-Digital* for their lawyer members. The law libraries of the Association of the Bar of the City of New York and Hennepin County, Minnesota are now providing this service to their 24,000 and 4,000 members respectively. LLMC worked out subscription agreements with both libraries that are constructed as follows. Both libraries start with our basic Lifeline Rate package of \$1,000 for in-library use on an unlimited number of stations. They then pay an additional ten cents per member per year. In result their annual subscription fees are \$3,400 and \$1,400 respectively. LLMC invites other subscribers with a membership structure to explore this avenue of providing their patrons with vastly enhanced access at very low cost.

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### Ownership versus Assured Access

We recently received a puzzled query from one of our loyal subscribers. She expressed satisfaction with the product, but wondered why, since her library had paid for *LLMC-Digital* for the previous three years, it had nothing physical to show for it. While she still wanted to subscribe, in her view her library should receive ownership of all of the content developed to that point. ([Endnote # 5](#))

The idea of an ownership model sounds alluring, and there are several familiar models out there. So one is moved to ask, what if LLMC followed the tack of the marketers of *The Making of Modern Law* or of the *Serial Set*? With those products libraries nominally "own" the title. But there are significant hidden strings attached. The more obvious is that the ownership model requires exceedingly high upfront acquisition costs to secure the "ownership" claim. In addition, there are perpetual annual maintenance fees to support the hosting of the content. ([Endnote # 6](#))

Librarians understandably fret over the high cost of these initial “buy-ins.” They don't know the worst of it. Any accountant could show them that the money that they are paying up front, when viewed from a net-present-value perspective, vastly exceeds what they might be paying under any reasonably priced subscription model. Admittedly, subscriptions would likely also be expensive. But, at the least, with subscriptions libraries would benefit from the discipline of the market. No publisher could risk excessively high annual rates without dealing itself out of the finite annual budget available to most libraries. The point to be made here is that, when these huge “acquisition” expenses are added to continued maintenance fees, the right of nominal “ownership” comes dear indeed. It's unfortunate that libraries are not being offered subscriptions for these products. Perhaps they should be demanding a reasonable subscription option or organizing alternative sources. While the up front payment system may satisfy some primordial tropism toward physical possession, it's hardly the most economical way to acquire a given quantum of content over time. In fact, when rigorously costed, the ownership model carries disturbing parallels to the proverbial “White Elephant.”

LLMC travels a different road. We think of our model as being the ASSURED ACCES route. To merit the ASSURED ACCESS seal, a product should score positive on at least two fronts. First, it should be available at reasonable cost, both up front and over time. Otherwise excessive costs alone will preclude access. Second, subscribers need some assurance of continued access as long as desired. *LLMC-Digital* rings both of those bells.

As to cost, at present we offer texts at “annual rental rates” ranging roughly from \$0.45 to \$0.07 per volume, depending on the subscription plan. ([Endnote # 7](#)) That's already miles below the annual cost of keeping a volume on the average law library's shelf. Next year the rates will be in a range below \$0.30 to \$0.05 per volume. And it will steadily get better thereafter.

As to the second criteria, assured continued availability, LLMC has done about as good as can be done. Perpetual ownership of the content of *LLMC-Digital* has been vested in the Charter-Member subscriber base (basically the majority of U.S. and Canadian law school libraries and some of their U.S. & state-court-

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county research-library peers.) If the day ever comes when that distinguished and savvy bunch of institutions can't devise ways to keep this content available to themselves and others when they collectively own it, then continued access will no longer be something anyone cares about.

#### **Taking Full Advantage of our Cataloging**

A recent inquiry reminded us that some of our subscribers are still not fully aware of

the marvelous benefits available to them through our cataloging partnership with the St. Louis University Law Library. A subscriber wrote:

*Our library subscribes to LLMC Digital, and we would like to incorporate links to the LLMC resources in our catalog. Do you have a list of titles and their corresponding URLs that you could send us so we could add those URLs to our catalog records? We were able to do this with the HeinOnline service (with the note that it is for in-library users or paying subscribers only).*

We responded to them, and would like to again remind all *LLMC-Digital* subscribers that, yes, we do have a Spreadsheet of Titles & URLs describing the *LLMC-Digital* holdings. Furthermore, it is freely available to anyone on our LLMC corporate web site: [www.llmc.com](http://www.llmc.com). Just go to the home page, find the menu under the tab Online Service, and click on Online Holdings. This list is updated monthly as new titles, or additional volumes for older titles, are added to the site.

However, we went on to suggest that the library go the whole mile and seriously consider taking advantage of the low-cost program available because of the partnership between LLMC, the St. Louis Univ. Law Lib. (SLU), and OCLC? Its basis is that no new title goes up on *LLMC-Digital* unless it has been fully cataloged to the highest OCLC standards. The cataloging is done by SLU, which then provide the records to OCLC for inclusion in their WorldCat Collection Sets. By adding a low-cost WorldCat standing order (purchased directly from OCLC) to its *LLMC-Digital* package, a library acquires the capacity to download pre-cataloged records rather than having to catalog items individually. Under its standing order it receives:

- A precataloged set of all the MARC records for every title already up on *LLMC-Digital*
- It also receives automatically a monthly update package for all new titles added in LLMC's regular monthly uploads.
- And it receives automatically, imbedded within the OCLC records, the URL's for each new title.

This economical program saves the library a huge amount of time and money, while improving its service to patrons by:

- Increasing access to and use of its materials by making them more visible to its patrons
- Providing better service and user satisfaction by making these records available more quickly through its local system
- Possibly improving the cataloging quality of some of its existing records
- And, making the library's assets immediately visible to resource-sharing libraries around the world by automatically setting its holding symbol in WorldCat,

## **Our Ships Come In**

Over thirty thousand gift books (fodder for our high speed scanners) arrived in the past eight weeks. After a five month, 11,000 mile voyage via the Panama Canal and LA, a shipment of about 4,500 gift books donated by the Middle Temple and Lincoln's Inn libraries in London finally hit the Honolulu docks. These are mostly

additions to our Common Law Abroad project. The New York law firm of Fried, Frank, Harris, Shriver & Jacobson sent us twenty rare sets, some 23 shelves worth, of early New York court reports. From the University of Hawaii at Hilo Library we received a large partial run of *The Congressional Record*, which complements a similarly large partial run received from St. John's University Law Library; itself only part of a 25,000 vol. gift of books they have in transit to us. Finally, the University of Chicago Law Library sent us 81 boxes containing all their public-domain volumes for the many series of the Pennsylvania Side Reports. On behalf of the *LLMC-Digital* subscribers we extend our sincere thanks to these generous donors for sharing their riches with all of us.

## **Endnotes**

1. This official document series covers the history of the MLA from its founding meeting, held at the Association of the Bar of the City of New York on June 21, 1899. The series now numbers over 783 documents contained on over 450 microfiche.
2. Readers are reminded that this is a completely separate program from the LIPA Print Preservation Program, with which LLMC is cooperating, and which is described at length in Issue 20 of the *Newsletter*, pp. 3-4. The LIPA program is aimed at preserving intact, for historical purposes, a minimum number of complete copies of all volumes of significant Anglo-American titles. LIPA aims to save the intact books and anticipates the possibility that they may need to be read as books. LLMC is retaining only the paper blocks remaining after its books are disbound, and doesn't anticipate that its copies will be used for anything but reformatting purposes. Our materials will not be available on interlibrary loan.
3. Those interested can view representative pictures of the UVS facility on: [www.uvsinc.com](http://www.uvsinc.com). The mines are still in operation, although the portions used for dark storage (roughly 42 acres worth) are located about two miles from the working face. Storage conditions are ideal for our purposes; at ca. 42 degrees of humidity year around and a near constant temperature in the low 60s. Movie buffs may also be interested to know that we are in good company. Most of the major Hollywood studios store their backfiles of films in this facility, and your representatives were awed during their inspection by the sight of literally acres of movies in their signature round cans piled all the way up to the 16ft-high standard ceilings. The only movies which can't be stored at Hutchinson are the early films done on silver nitrate stock, since nothing combustible is allowed down in the storage areas. Fire being the only realistic threat to the materials stored in this facility, every box that enters the intake area is physically inspected inside before being allowed to proceed underground.
4. Several flexibility factors are incorporated into our contract, which allows:
  - the same \$0.13 per-volume rate for any growth should our eventual needs exceed current expectations.
  - us to store other items in addition to our disbound books. Thus, we

could, if it ever proved desirable, subcontract out storage to libraries needing to park books at between \$2.00 & \$0.13 pvpv.

— us the option of utilizing the spare space in the interim for other purposes. One of these purposes will be to park large, low-priority, gift titles that we don't expect to scan for many years, if ever. In fact, LLMC intends to use this newly acquired capacity for one such title in the near future. Over the next three months the University of Pennsylvania Law Library will be packing up and shipping to us a full paper run of the *Federal Register*. As it comes in we will vet the U. Penn. copy for completeness, using a copy offered by Wayne State for possible backup. Once we have the set in scanable condition, we will ship it to Kansas for “free” storage during the ten or more years when that spare space is not being used. Our game plan is as follows. At least one for-profit publisher will soon be, or already is, offering the *Federal Register* online. LLMC has a policy that the mere fact that a for-profit operation has scanned a public-domain title does not give them a monopoly on that title. We retain the right to scan the same title if the commercial publisher is charging far too much or otherwise acting unsatisfactorily (following the TVA analogy), or if the title is not being made available sufficiently widely. But the fact that we retain the right to provide salutary competition does not mean that it is always wise or even convenient for us to do so. Nevertheless, if possible, we should always retain the option. As Oscar Wilde once said: “I don't say that one should be naughty; but one should always look like one could be.” It wouldn't fit into our priorities to scan this Pennsylvania hardcopy of the *Federal Register* in the near future. But, if we let this hardcopy set go, five to ten years from now there may be no other paper sets left. So “parking” this gift set in “free” space for a decade or so preserves our options at no more than it costs to process the title and ship it to Kansas. If a future LLMC Board ultimately decides that they don't need or want to scan the title, they can always just throw it away. Meanwhile we will have preserved our options.

5. Unfortunately, our friend overlooked the fact that her library had paid only roughly 0.0035384% of the development costs of *LLMC-Digital* to that point in time (excluding the annual serving fees we paid the University of Michigan, which are evanescent and don't contribute to the long-range worth of the images.) So her library's “share” of the current content (as of ca. 10/06) would amount to roughly 52.77 volumes. Perhaps we should have offered her a partial set of something like the *U.S. Employees' Compensation Appeals Board Dec.*]

6. These are required because it wouldn't do any good just to give the library a hay stack of disconnected images and tell them, in effect, to find their own needles. The tiffs have to be incorporated into the interface of an intricate serving system. This must be operated, maintained, and regularly up-dated by technically capable people. Since virtually no single library will, or even should, have the capacity to reliably support such a system, they would have to hire others to do it. Those folks must be paid and they don't

come cheap.

7. Figures are derived respectively from our U.S.-law-school-member rate at the high end and the newly-available Lifeline Rate at the low.

**End of Issue # 22**