

are concerned, otherwise they will lose unfair dismissal claims on a technicality no matter how good their essential case is.

Tribunals are already reporting that large numbers of employees have been barred from bringing claims as they

have not first lodged grievances. Tribunals in different regions have adopted different interpretations of what the rules mean.

All of this is fantastic news for lawyers, but perhaps is not so good for employers!

Legal Information Management, 5 (2005), pp. 255–258

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doi:10.1017/S1472669605001015

From our Own Correspondent.... Selection Criteria for the Purchase of Legal Sources: a Model from the Netherlands

Paul Bartelings and Elizabeth Bok from the Het Overleg (Dutch Law Firm Librarians Foundation) explain the theories and practices they have developed in co-operation with the Holland Consulting Group to produce a tool which will help us to compare similar legal resources offered by competing legal publishers and other providers.

Competition in the information market

At present, the big legal publishers are competing with each other with overlapping products without looking properly at their customers' needs for legal information. Each year, law firms, small and large, spend enormous amounts of money on keeping up their legal collections. Legal publishers understand very well that lawyers are curious and do not want to lag behind the competition. But this is changing. Publishers are currently marketing so few distinctive products that lawyers are starting to question whether they should really buy that new journal which was introduced by sending them a lot of spam.

Being critical

Recently, various alerting services have been created through the internet for all fields of law. These services provide - some free of charge and some for a fee - an overview of all the legal



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news, legal market news and news in the field of professional skills, which is indispensable to a lawyer. In short: a reason for lawyers to get nervous. A better alternative is to be more critical.

The more sources that are offered, the more discerning selection should be. The time that everything could be purchased is really over. Library budgets must be managed wisely.

For lawyers or information professionals, who have to decide whether or not to purchase or keep a legal source, Het Overleg, a Dutch foundation that aims to promote the professional competence of the legal information professional, has developed a practical model in cooperation with the Holland Consulting Group. Based on a number of concrete selection criteria, this model provides a tool for making a careful comparison between competitive legal sources.

Focus is necessary

Before discussing the selection criteria, it is advisable to briefly consider current developments within law firms. More and more firms are formulating a corporate strategy. This means that firms will focus on certain market segments and fields of law. The aspiration is for a firm to work more efficiently than the competition. This also means that a closer look must be taken at the collection of books and magazines. This is not only because of the expensive space that a library generally takes up, but also because of the question of what the (information) value of an investment in certain sources (hard copy or digital) is.

Right balance

These developments in the market mean that there is a need for a method that can be used to substantiate the decision to dispose of or purchase legal sources. Firms need a *fixed and transparent* testing policy.

Het Overleg has taken the initiative to develop such a model (cf. Figure 1). This article outlines the model. The model has four main categories, each with its own criteria. The weight attached to an individual criterion can differ for each firm, or even for each practice group within a firm. That is not a problem since all information sources, whether currently purchased or being considered for purchase, can from now on be assessed consistently, based on the model. That assessment takes place in a practical manner, based on filling in pluses and minuses for each criterion on a standard form. Obviously, the opinion of the end user(s) will always be taken into consideration, but this is not the only factor. The starting point of the model is that the office budget is limited and has to be optimised.

Main categories

- A. Traditional and emotional aspects
- B. Substantive and information value
- C. Costs
- D. Practical considerations

We have outlined below some of the factors to be taken into consideration within each category. These factors do not form an exhaustive list but they are meant to give an indication for each category. The information professional should amend the suggested list to reflect the needs of his particular firm.

A. Traditional and emotional aspects

From a business point of view these aspects may be subjective and based on force of habit, but in practice

these considerations are often decisive in whether or not a certain information source, such as a book or magazine, should be purchased. A few examples are set out below, together with the rationale or thinking used, to explain a purchase:

- habit and therefore presumed ease of use
- being afraid to miss anything (new)
- better to have too much than not enough
- “my father used it before me”
- “I used it at my previous firm”
- lack of knowledge/competence/comfort in the use of digital sources
- it was used when I was at university and therefore it is good

As soon as these considerations predominate, it becomes impossible to make an impartial evaluation of existing sources and alternatives that might be more efficient or relevant.

We regularly find these habitual aspects in law practices and they should be given less weight than the other factors we will discuss in this article. We also discovered that the overall approach, in which you explain the various aspects, make purchase or cancellation decisions a lot more convincing.

B. Substantive and information value

This category should be decisive for the purchase. However, the actual information value of an information source is not always easy to determine. For this purpose, Het Overleg has listed the following indicators:

- Authority of the (chief) editors and the annotators
- The source is recognised in its field
- Duplications with other sources
- Duplications with other media (hard copy versus digital)
- Topicality, publication frequency, update frequency (strange as this may sound, digital supply currently does not always provide the most up-to-date information)
- The end user needs the information
- The source also provides relevant information outside the legal field
- Reference to and comparison with other legal sources
- Concise review of the government’s legislation policy
- Are summaries used or very short alerts?
- The source is compatible with the firm’s goals and strategies, either generally or in specific practice areas
- Reliability
- Is the information in-depth and scientific, or mainly theoretical?
- The information covers a (too) broad scope
- It is demonstrable that readers use the source in daily practice
- The source provides complete information or only a few essentials

As stated above, it is not easy to determine the information value of a source. The quality of the content is often difficult to determine as well. The solution for this is that the librarian of each firm compares the various sources with each other based on the same valuation factors. For that purpose, a selection can be made from the above list. This way, the librarian can submit a rating for a new magazine or compare existing sources with a potential new purchase. Such a rating can be different for each firm because firms follow different strategies and value the various factors differently. One firm might prefer topicality to technical or academic value.

The following two aspects will give input for discussions about buying hard copies or digital information sources.

C. Costs aspect

It is often not clear what the costs of information sources are and most firms do not have any insight into such costs. Often there is no realisation of the possible savings which can be made when acquiring a new source. When certain digital sources are purchased, buying the “hard copy” is no longer necessary. That is why it is advisable to draw up a statement that provides insight into the costs from various perspectives. That can only take place in close consultation with the accounts department. Below are listed a few important costs factors which make the comparison between hard copy and digital alternatives possible:

1. Initial costs: purchase
2. Initial savings: no more duplication
3. Repeating costs: subscriptions, licences
4. Ownership: costs of collating loose material and arrangement, user training, storage space
5. Looking up, easy retrieval
6. Structural costs: ICT network, infrastructure, portal costs

D. Practical considerations

To conclude, the purchase of a source should also be influenced by a few very simple practical considerations. For example:

1. A helpdesk or know how team is available
2. It is easier for the users to search for themselves
3. The site is user friendly, with links which readily enable searches in other sources (for example from case law to the corresponding wording of the relevant act)
4. Desired quality of services
5. Information continuously available and updated on-line
6. Personal profiles can be installed
7. Quality of information and the results obtained through searches on the computer screen

Criteria for the purchase of legal sources

8. No longer searching for themselves on the unreliable internet but in dedicated and qualified databases
9. Files can be opened by means of “copy” and “paste”

Diagram

The above shows that various considerations have to be made when purchasing an information source. The diagram below, also referred to as a “mobile”, can provide insight. Essentially, it helps in assessing the value of the information source against cost. That is the first balance proportion that has to be right. This has to be balanced against the practical considerations, which involves the second balance proportion: the effect reached. If this is balanced against emotion, a third proportion arises: the perception. If that is balanced as well, the user will be satisfied. And that’s what it’s about.

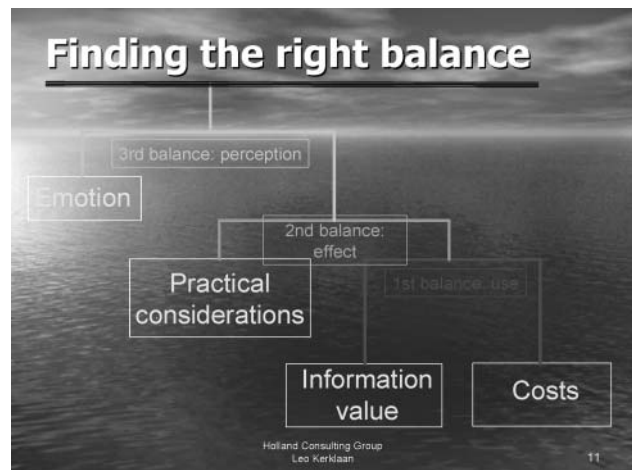


Figure 1. Consideration model for the purchase of information sources (derived from Leo Kerklaan, Holland Consulting Group).

A professional approach

Each law firm which is dealing with making its internal organisation more professional will sooner or later want to present a clear statement of costs, revenues and return on investment. The investment in information sources (books, magazines, digital publications) will have to form part of that. Firms which have chosen a certain strategy will also, rightfully, wonder whether the internally offered information fits in with the demand from practice. The persons responsible for the purchase of information and sources have a good view of the increasing supply of books, magazines, case law, journals and digital sources, and they will make choices and will more and more often have to show that the information sources being purchased fit in with the firm’s strategy, internal needs and budget. The above criteria and the diagram can be useful in that respect.

Fitting in with the customer's needs

Publishers should view these developments as giving them a chance to offer clearly differentiated sources of information which fit in perfectly with the needs of the

legal profession, instead of competing with each other with very similar products for which there is limited appetite in the legal marketplace. In turn, it is the legal profession's job to articulate its needs to the publishers. Given the chance to work more cost-efficiently (to receive the right information on time) and therefore increase profitability, this is certainly a sound investment.

Biographies

Elizabeth Bok (University of Amsterdam, Notarial Law and Library Management) has over 25 years experience as knowledge manager at different major Dutch and international law firms. She is Head of Library and Knowledge Management of Baker & McKenzie Amsterdam NV. Elizabeth is co-founder and board member of the Dutch Foundation of Law Firm Librarians.

Paul Bartelings, lawyer (Free University of Amsterdam) and knowledge manager. Paul has extensive experience in all aspects of knowledge and information management and its use in law firms. He has worked as a CKO and information manager in professional services firms for fifteen years. He is currently Chief Knowledge and Training Officer for Holland Van Gijzen Attorneys at Law and Civil Law Notaries (160 lawyers) in The Netherlands and also responsible for training and knowledge management for the European network of law firms. He is board member of the foundation the Dutch Foundation of Law Firm Librarians.

Legal Information Management, 5 (2005), pp. 258–262

© BIALL Printed in the United Kingdom

doi:10.1017/S1472669605001027

Current Awareness

Compiled by Katherine Read and John Greenhead at the Institute of Advanced Legal Studies.

This *Current Awareness* column, and previous *Current Awareness* columns, are fully searchable in the *caLIM* database (Current Awareness for Legal Information Managers). The *caLIM* database is available on the Institute of Advanced Legal Studies website at: <http://ials.sas.ac.uk/library/caware/caware.htm>

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