AALL GUIDE

TO FAIR BUSINESS PRACTICES FOR LEGAL PUBLISHERS

FOURTH EDITION

AALL
YOUR LEGAL KNOWLEDGE NETWORK™

beta testing
The final stage in the testing of a new electronic product before its commercial release, conducted by testers other than its developers.

communication
Any transmission or exchange of written, oral, or electronic information between publisher representatives and customers.

customer
Any individual or institution, including an employee or representative of a library, who has business dealings with a publisher.

customer service
Assistance provided by a publisher to enable a customer to receive the best possible value for the product by minimizing the amount of time the customer needs to spend in answering any questions about, or resolving problems concerning the product.

electronic product
Information that is sold or delivered in an electronic format, or a product that relates to the management of information in an electronic format.

fair dealing
The conduct of business with full disclosure.

MARC record
A record designed to describe a bibliographic entity or communicate authority or holdings information, and formatted with MARC tags and codes following national standards and conventions. MARC stands for Machine Readable Cataloging.

material information
Information that would be important in making a decision about a transaction.

product
A tangible item, not limited to a print publication that is distributed commercially for use or consumption.

publisher
Any corporation, partnership, government entity, or person that is in the business of providing legal information for sale. This includes those who act as agents

PRINCIPLES FOR FAIR BUSINESS PRACTICES OF LEGAL PUBLISHERS

The AALL Guide LV EDVHG RQ “YH PDMRU SULQFLSOHV 7KHVH SULQFLSOHV VK
together with their subprinciples and supporting comments and examples.

PRINCIPLE 1: TRUTHFUL AND ACCURATE COMMUNICATION 05

Publishers of print and electric products should engage in truthful and accurate communication with their customers or potential customers.

PRINCIPLE 2: DISCLOSURE 06

Publishers should provide full disclosure about their products, services, retail prices, and terms in order to enable customers to make informed purchasing decisions.

PRINCIPLE 3: FAIR DEALING 08

Publishers should engage in fair dealings with their customers in all aspects of the business relationship.

PRINCIPLE 4: CUSTOMER SATISFACTION 11

Publishers should seek to ensure customer satisfaction by training customer service employees, honoring representations, answering questions, and resolving complaints and disputes in a timely and responsive manner.

PRINCIPLE 5: PRODUCT QUALITY 13

Publishers should create products that are capable of withstanding reasonable use by customers.

1.1 TRUTHFUL ADVERTISING Publishers should engage in truthful advertising of their products and services regardless of format. Their advertising and marketing should not make deceptive or misleading representations or fail to include material facts.

1.1(a) Publishers should be able to substantiate any express or reasonably implied factual claims made in their advertising or marketing. Reasonable substantiation should exist prior to disseminating any claim.

1.1(a) PRACTICE TO AVOID: Beta testing on an electronic product is not completed prior to an assertion in an advertisement that the product has undergone successful consumer testing and is ready for general distribution.

1.1(a) PRACTICE TO FOLLOW: Upon request from a potential or existing customer, a publisher provides substantiation of all claims about the product and identifes the nature of the relationship if names of other companies or people are quoted.

1.1(b) Publishers should not mislead customers by creating a false impression of sponsorship, endorsement, popularity, trustworthiness, or product

2.2(g) PRACTICE TO FOLLOW 2: Upon request by an existing or prospective customer, a publisher provides supplementation costs for the current and at least two preceding years.

2.2(h) If ofered in multiple formats, a full description of each available format, including any diferences in scope, price breakdown, frequency of update or supplementation, and license restrictions, and

2.2(h) PRACTICE TO FOLLOW: Review the AALL Principles & Practices For Licensing Electronic Resources. These *PrinciplesPrinciples* of uate or01 (updD (t f)9.7(en-US)/duncluding le)0.5 (mentn-US)/LanyT (rialli lc10 I97(or)0.5 (ri63 5 (a)10 (t)0.5 (ion,d/Lang (en-U

PRINCIPLE 3: FAIR DEALING

3.1 CUSTOMER CONSENT Publishers should obtain the customer's consent prior to making a shipment or initiating a transaction, unless such shipment is part of a standing order or subscription to which the customer has previously consented. Publishers should seek customer consent prior to shipping materials that fundamentally alter, enhance, or augment a product or subscription. Unsolicited merchandise may be disposed of without permission, without an attempt to return, and without payment, pursuant to federal statute (39 U.S.C. § 3009). In all cases, publishers should offer a simple procedure for returning products and canceling subscriptions.

3.1 PRACTICE TO AVOID 1: Without consent, a publisher mass mails a new product to customers who have previously purchased an existing product.

3.1 PRACTICE TO AVOID 2: Without consent, a publisher ships or makes available to a customer unsolicited print or digital material and then later sends an invoice for the title.

3.1 PRACTICE TO AVOID 3: A publisher requires that a customer pay postage when returning an unsolicited product.

3.1 PRACTICE TO FOLLOW: Publisher provides annual notice of all existing standing orders and subscriptions; alternatively, publisher provides online account management platform that lists and allows for management and cancellation of all active standing orders and subscriptions.

3.1(a) Where the content of a new product or supplement that is published as part of an existing subscription or standing order bears no direct relationship to the content of the standing order or represents a substantial expansion of the topic or purpose of the original subscription or product, the publisher should seek customer consent prior to shipment.

3.1(a) PRACTICE TO AVOID: Without prior customer consent, the publisher of a subscription service ships to subscribers of the service a pamphlet that includes content that has not previously been supplied as part of the subscription, where that content is not specifically or closely related to the topic of the service, and charges customers for the pamphlet.

3.1(b) Where a new product or supplement is published as an addition to more than one existing title or subscription, the publisher should seek customer consent prior to shipment.

3.1(b) PRACTICE TO FOLLOW: When planning to ship identical pamphlets as part of several different subscription services, the publisher gives customers prior notice and the option to receive more or fewer copies of the pamphlet according to the needs of the customer.

3.1(c) Where a new product or supplement published as part of an existing title is substantially redundant of material already contained in that title, the publisher should seek customer consent prior to shipment.

3.1(c) PRACTICE TO AVOID: Without prior customer consent, a publisher ships a recompilation of session laws to customers who have already received the material in the same publisher's advance legislative service to which they subscribe, where recompilations have not previously occurred or been shipped as part of that subscription.

3.1(d) Where a substantial change in the nature, format, or scope of a product results in a significant cost increase, publishers should give customers advance notice before shipping the product, whether or not the customer has a standing order.

3.1(d) PRACTICE TO FOLLOW: A publisher

3.4(b) PRACTICE TO AVOID

4.1 PROBLEM RESOLUTION Publishers should work collaboratively with customers to resolve problems, provide technical support, and improve products and services.

4.1 PRACTICE TO AVOID: A publisher turns an outstanding invoice over to a collection agency prior to contacting the customer in question.

4.1 PRACTICE TO FOLLOW: Customers should carefully document contacts with publishers identifying the date and time the contact took place, name of the person in customer service, description of the problem, and potential resolution.

4.2 CONTACT INFORMATION Publishers should provide customers with easy access to information, including but not limited to billing, access and usability, and technical support, offering a variety of communication methods.

4.2(a) Customer service provided by telephone:

i. Customer service should be provided on a schedule that meets the needs of the majority of the customer base.

4.2(a)(i) PRACTICE TO AVOID: Providing customer service by telephone only between the hours of 8:00 a.m. and 5:00 p.m. Eastern, Monday through Friday.

ii. Automated menus should provide clear options, not have more than two levels, and provide direct access to an employee for problems that do not fit into the options provided.

iii. Publishers should strive to provide sufficient staff to handle the expected level of calls without leaving callers on hold for extended periods of time, and consider offering a call back option to customers who are waiting longer than a reasonable period of time.

iv. Customer service telephone numbers, including direct extensions, should be provided on all correspondence, including invoices, and should be displayed prominently on the website.

4.2(b) Publishers should provide as many alternative electronic options for asking questions as is

4.3(b)(i) PRACTICE TO FOLLOW: The customer service representative should be able to provide a direct contact with the publishing company's billing system to assist the customer.

ii. Customer service employees should be provided timely information about all new products and special promotions.

iii. Customer service employees should have ready access to basic product and promotional reference materials.

4.3(c) Customer service employees dealing directly with customer questions should have access to basic information regarding customer accounts.

4.3(c) PRACTICE TO FOLLOW: Every effort should be made to see that customers are able to get assistance at first contact and do not have to be transferred multiple times or have to repeat their questions more than once.

4.3(d) Customers should be provided with a direct channel for making complaints or commendations, not just a generic address, email address, or phone number.

4.4 TIMELINESS Customer service employees should respond to all inquiries and follow up on unresolved issues in a timely manner, except for circumstances under 4.4(c).

4.4(a) Customer service employees should promptly acknowledge the receipt of all inquiries.

4.4(b) Customer service employees should ensure that their promises to resolve problems are fulfilled in a timely manner.

4.4(c) In situations where a request requires time or research, customers should be regularly updated on

5.1 PRINT FORMAT All print material should have wide enough margins and a binding that makes it easy to reproduce by photocopying or scanning.

5.2 HARDCOVER MATERIALS Since it can be reasonably concluded that hardcover books are purchased for long-term use and may eventually be archived, publishers should meet the following standards in the production of hardcover materials:

5.2(a) ANSI/NISO Z39.48-1992 (R2009) regarding Permanence of Paper for Publications and Documents in Libraries and Archives.

5.2(b) ANSI/NISO/LBI Z39.78-2000 (R2010) regarding Library Binding.

5.3 SOFTCOVER MATERIALS

5.3(a) For softcover materials that are anticipated to remain on library shelves longer than two years, or which may logically be retained by a library for archival purposes (e.g., state codes), publishers should meet the following standards:

i. ANSI/NISO Z39.48-1992 (R2009) regarding Permanence of Paper for Publications and Documents in Libraries and Archives.

ii. Binding that will withstand reasonable use and which has su f cient margins to permit hardcover binding.

5.3(b) Softcover materials and supplements that are replaced annually should have paper and binding strong enough to withstand reasonable use.

5.4 LOOSELEAF MATERIALS

5.4(a) Binders should be heavy-duty and easy to operate.

5.4(a) PRACTICE TO AVOID: A binder provided

AMERICAN ASSOCIATION OF LAW LIBRARIES
105 West Adams Street, Suite 300
Chicago, Illinois 60603
312.939.4764