



## Tips from the Trenches

### Best practices for working with publishers

By Jaye A. H. Lapachet

**A**s law firms consolidate, vendor management and contract negotiations are increasingly moving from the local level to the national level, mirroring the central purchasing departments of corporations. These corporate departments handle the acquisition of equipment and supplies for the entire organization. This model can save money, build experience, and foster positive vendor relationships. Law firms are just starting to implement this model in certain purchasing areas, such as supplies and food. The library/research resources required to support a law practice, however, can make the calmest purchasing professional screech in frustration. These purchasing managers may throw up their hands in despair after trying to deal with annual loose-leaf updates, LMAs, pocket parts in the same subscription as hardcover volumes, and digital newsletters.

Our materials are complicated. That doesn't mean that we can't learn from these professionals and expand their horizons, as well, but it does mean that our knowledge of the variety of formats and types of materials is valuable and relevant.

Knowledge about vendor management is shared at conferences, via webinars, and informally. There are courses that touch on it, but practical tips are best learned in the trenches. I have attended librarian meetings focusing on one publisher or a group of content providers vis-a-vis a specific problem, such as contract negotiations, new technology, features or interfaces, etc.

In the course of my work managing vendors and negotiating contracts, I have created my own set of guidelines for working with publishers. Although they are constantly evolving, my basic best practices follow.

#### Be a Good Neighbor

I lay out my guidelines when I meet with

a new account manager or representative for the first time. I also ask if they can live with the rules. If they can't, no harm, but I ask the company to assign someone else. Just because I had a good relationship with a predecessor doesn't mean I will automatically have a good relationship with the new representative. I don't know the new person, and we both have to work to build our relationship.

Nobody likes a used car salesman, the quintessential stereotype of a horrible sales experience. Most librarians will assume a vendor rep knows what he or she is talking about if this rep does not assume a librarian is ill-informed. Mutual respect is the start to building a relationship. Contracts have good relationships at their foundation.

#### Everyone is Busy

Everyone is busy, so, along with being prepared, both librarian and publisher need to respect each other's time. Let the other person know your agenda in advance of the meeting. Get to know your counterpart well enough to establish whether to get straight to the point or talk about your kids and pets first. Regardless of which way you go, stick to the allotted time and be mindful of whether your counterpart starts to get antsy.

#### Customer Service is Everything

The principle of customer service is so wedded to retail that people don't often think of the concept as applying to libraries. Of course, it does. Someone is paying us to give them something (a product), and we want our attorneys (customers) to return for more service and information (purchases). Great customer service, by my definition, has to be at the crux of our relationship. Great customer service means that I call you back when you call me and that I give your new products a fair shake.

Great customer service means that you provide me with usage reports in a timely manner, that you don't wait until the last minute to give me a draft contract, and that we meet regularly. I don't want to meet with everyone working for every company, but I want to meet regularly with the people who will be working with me on our account. Basically, I'll do what you ask if I see value for the firm as long as you do what I ask in an efficient and professional manner. This should be the foundation of running a library as well as how vendors and librarians must work together. This principle is also the bottom line of how I want to be treated and how I treat everyone with whom I work.

#### Vendors are my Partners

At the end of the day, vendors and librarians both want to keep their jobs. We may not always agree, and we certainly don't always understand the pressure the other party is under. However, our goals are the same. If I don't give my attorneys the products and services they want, they will show me the door. If my vendors don't give me the products and services I want, I won't buy from them, and their management will show them the door. We are mutually dependent and share success.

#### Work in Teams

Vendor-librarian relationships function best if they are organized around teams. I want to know and work with a core team—representative, product support, accounts receivable. I don't want to hear that the representative who called is from a different "subsidiary." Usually two teams are best where one person on each side is the team leader. On the firm side, the team leader is the library manager. He or she filters everything up to firm management, down to practice groups, and out to the vendor. On the vendor partner side, one person, usually a senior account manager, acts as the clearinghouse for information that others in his or her organization want to get to the library manager. This organization means that I know what is happening around a certain vendor's products, and the client manager knows exactly what is happening from our end. This should include new product information, any problems with the account, and any issues with contract negotiations. This requires a level of trust that must be built before any product presentations to management or contract negotiations can take place.

Vendor company structure is not my affair. How my vendor chooses to organize internal groups or different subsidiaries or teams is not my business until I start getting calls from a lot of different people. My time is valuable, and I don't have time to talk to different people from the same company about different products that don't apply to our organization. I like everything to be filtered through one person who spends a lot of time with me and knows our firm well. This is more efficient for sifting out the wheat from the chaff. Know me, know my firm.

### Work Toward Efficient Meetings

A representative from one of my longtime vendors but from a different subsidiary came to see me. It became clear in less than five minutes that he had not taken the time to even look at the firm website, much less talk to our client manager. He was trying to sell us international content. The firm did not do enough international work to buy anything beyond transactional searches very occasionally. Lack of preparation is an easy way to make sure librarians are reluctant to talk to you again. Don't waste my time; I won't waste yours. And be prepared!

### Be Open to Different Ideas and Possibilities

It is understandable that vendors generally don't like long-term trials. It essentially means they are giving away their product for free. However, short trials generally do not give firms enough usage information. In order to get funds allocated for a new system or service, librarians need relevant statistics about usage, and the vendor must provide lots of training and engage in a serious, dedicated marketing campaign. Our varied requirements mean that we both have to take a risk. I will risk paying something every month for a short, cheap contract. This will allow me to gauge interest. If you provide the training and marketing for your product

as well as usage statistics, chances of success improve greatly. Generally, I ask for a no-penalty renegotiation clause in case the product is wildly successful.

### Call Only Me

My attorneys work. They have billable hour requirements, and they have no knowledge of information products. Most firms have problems getting people who are busy and under pressure to meet deadlines to attend training sessions and try new products. Whatever they learned in law school or at their first firm is generally the system with which they are most comfortable and use regularly. They are stuck in their ways. Success will mean new products integrated into the suite of products that our lawyers already use.

Call me with your product offerings, and leave my attorneys alone. They will call me and ask me why you are bothering them anyway. Also, you won't get anywhere with them as I have trained them to pass your information to me. Finally, individual attorneys have no purchasing power. I will find out, and that could be the end of our negotiations. Be upfront and call me.

### Everything is Negotiable

That means **everything** on my side and on your side. Contract negotiations are tricky in general. There are many moving parts before you even get to the language on the paper. I want to get as much of the negotiations done in a non-contentious environment as possible. I want to figure out all the parts we do not have to argue about and get agreement on those right away. I will also identify the parts that require negotiations so you can prepare.

Vendors often bring in the "big guns" to large contract negotiations. This is supposed to show how important my account is and how seriously they are taking the contract. Don't overstaff your negotiations. First, it ruins the dynamic we have created. If the "big guns" are a surprise, you can, at the very least, seriously annoy the library manager.

At worst, he or she may be unwilling to negotiate at all in that environment. Next, the new people probably don't know how the library manager likes to work and could stick their foot in their mouth. Finally, the librarian may feel that you are trying to pull some kind of trick, and you may ruin any headway you made before this meeting. If it is winter, I know those managers are just trying to escape the Midwest and East Coast snow.

I may ask you for things that you have never thought about. Have an open mind, and fight with your shadow people for our business.

### Be Upfront

Playing games is a waste of time. Just tell your counterpart the true deal. He or she will realize that vendors have to talk about certain products as part of their job, but don't waste a lot of time on products you know are not right for the firm. Tell the true story, and move on. Your relationship will be more successful in the long run.

### Be Willing to Walk Away

Both parties have to be willing to walk away from any negotiation. Not every product or every price will work for your firm. If you can't say no, don't start negotiating or the process will end with nobody being happy. If I am not willing to walk away, I would have already requested a check from accounting.

Contract negotiations are not rocket science. Being scared will not help nor will jumping in without preparation. The first step is to establish a relationship and be prepared. Contract negotiations can be daunting at first, but you will learn to build on your success. ■



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