

PUBLICATIONS and WEBSITE ADVISORY COMMITTEE
Minutes of the meeting of Tuesday, February 8, 2011

Present: Fred Baker, Pat Crowley, Gerard Mantese, John Runyan, Francine Cullari, John Tatum, Beth Baergen, Sarah Cahill, Sarah Alden, Josh Ard, David Cohen, Steve Conley, John Hanselman, John Juroszek, Richard Kraus, Nelson Miller, Larry Shoffner (nice article this month!), Chris Trudeau, Linda Novak and Nick Krieger.

Absent: Steve Savickas, Steve Cooper, Marc Melamed, Bill Fleener, Elmer White, and Brian Draper (all with advance notice and excuse).

1. Minutes of October 28, 2010, were approved, as corrected to reflect that John Tatum also is on the ad hoc committee to review the general/theme issue policy (not the free subscription policy, as erroneously indicated in the summary of the minutes of the meeting of May 5, 2010, set out in paragraph 1 of the minutes of the 10-28-10 meeting).
2. We scheduled meetings of the Short Story Book and General/Theme Issue subcommittees. (See minutes attached to notice of February 8 meeting and those of the meeting of May 5, 2010). I proposed telephone meetings of these subcommittees on February 15, 2011, at 4:30 and 5:00 pm, in succession (committees have overlapping membership, and I chair both), and that date was approved. Minutes of those meetings are set out at the conclusion of these minutes, below.
3. We discussed whether we should we establish a "Speaker's Corner," a la Hyde Park, for our members on the website. The letter to the editor attached to the meeting notice (which will not be published in the Journal, because we try to confine letters to the editor to reader response and comment on the Journal's contents) was a thoughtful, if somewhat inflammatory, commentary on the Michigan Supreme Court. The problems involved if such a "corner" were established are obvious, and could implicate larger considerations, including possible defamation claims and lunatic letters. Sorting out what to include and what to reject, if the policy were to be less than all-inclusive, would pose a headache for our lone editor. I was not enthusiastic, for that reason alone, but brought this to the Committee for its consideration at the suggestion, and with the approval, of Ex. Dir. Welch, whose comment, after agreeing with our editorial conclusion that the attached letter was not appropriate for the Journal under our policy (above) was, "it's worth thinking about where and how there might indeed be a virtual Speaker's Corner for our members." The discussion concluded with a consensus that plenty of outlets exist for the expression of opinion, and that we are not interested in pursuing this possibility at this time for the reasons cited above, as well as because of the extra work it would entail for our "staff" (Linda).
4. A proposal to publish a series of articles about Michigan lawyers in history was discussed. (Samples were attached to the agenda). The articles were written by Carrie Sharlow, SBM administrative assistant in the Governmental Relations Division. I think we should run these, but we need to decide whether to publish them all at once, as a sort of theme issue, or distribute them as features over several issues. I inclined to the latter approach, but asked Linda to tell us what works best in light of the current theme schedule and the tentative decision to schedule multiple general issues in late 2012 to attack the general article inventory problem (see below). After discussion, and Linda's recommendation that we scatter them over selected issues, we adopted that approach.

5. Licensing proposal from EBSCO, as described in the exchanges below, was discussed, and the Committee agreed that we should pursue it, with F.B. to proceed with negotiations. I did so, explaining to EBSCO our concerns about possible copyright issues for our occasional reprinted articles included in the Journal and the need for indemnity, and asked for clarification of how their service functions. The reply was unsatisfactory, with EBSCO saying, essentially, (1) you tell us what not to include and we won't, and (2) they sell access to the entire Journal, but were somewhat ambiguous about individual articles. I am preparing a response that modifies their proposed form of agreement to include the kind of language and provisions that we have insisted upon and negotiated in the past in other licensing arrangements, and plan to have an agreement negotiated and ready for the committee to consider at its next meeting (after my term is concluded, unless we meet again before then). If desired, I can make myself available to follow through on this if the discussions with EBSCO extend beyond the end of my term, but only if I am designated PWAC's "Envoy Plenipotentiary" for that sole purpose. That's humor folks. As Johnny Carson said on his last day as MC of Who Do You Trust before moving to the Tonight Show, "what are they going to do, fire me?"

On 1-10-11, "Mari Bergeron" wrote:

Dear Ms. Novak:

A few years ago someone from the State Bar of Michigan spoke with one of my colleagues from the Content Licensing department at EBSCO Publishing. At that time, they decided not to include the Michigan Bar Journal the EBSCOhost (tm) database system because it was already included in Westlaw, Lexis, and HeinOnline.

I am calling on you now to present our offer again because we believe that we still offer you a valuable opportunity to gain more exposure to interested researchers. We propose to include your Journal in the Academic Search Complete™ database as well as in our Legal Collection™, which will increase readership of your articles among undergrads and business students, among others.

Benefits to you for partnering with us include:

- Your content will receive broad exposure.
- Users who were not familiar with your publications will find your articles as results to their keyword searches.
- We add a live link to your website and other contact information to each article, so that users can go to you directly for further information or to subscribe

We seek a non-exclusive license to reproduce your articles, so you will continue to hold all rights in your materials.

There will be no cost to you for partnering with us, and you will receive royalties.

EBSCO is a better opportunity now than ever. Our databases receive 400 million hits per month through the EBSCOhost interface. We include more than 200,000 publications from nearly 10,000 publishers.

Please e-mail or call me to let me know whether you would like to discuss this opportunity in detail.

Thank you,
Mari

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Staff have no clear recollection of why this proposal was declined when it was initially raised, other than perhaps that Heinonline was proving to be a sufficient distraction at that time. I was unaware of it until now, but, as I am always enthusiastic about cultivating new revenue sources, and I see no reason to suppose that this agreement would cut into revenues from our other license agreements, which, in any case, are nonexclusive I think we should consider this proposal. So I bring this to you with a recommendation that we explore this possibility further. If you agree, I would like to designate someone to do so and report back to us in May.

6. Linda asked that I solicit ideas for the April 2011 directory cover. She would like some fresh ideas. I have some Daumier prints that are public domain, including "gens du justice," a lawyer consoling a widow and orphan, but that might be boring. I suggested the Big Four portrait, to which getting the rights would be a snap, and, no one having any better suggestion, that is what Linda got. Justice Cooley, Campbell, Christiancy and Graves now grace our 2011 directory issue.

7. Theme and general issue scheduling. The ACES have requested a theme, which would be set for 2012. I asked if anyone was interested in working with the Arts, Communications, Entertainment, and Sports Law Section -- they are always creative and fun to work with! As usual, Francine volunteered, but I conditioned my acceptance of her offer on Chris Trudeau working with her so he can get some experience at theme issue work from a seasoned hand. Please let him do some of the work, Francine! It is set for September of 2012. The section has been notified and I have provided sample theme issue organizational emails to everyone on the committee for future use and improvement.

Also, as noted above, I have suggested to Linda, who has a raft of inventory articles ready (17?) and more that have come over the transom, but are not yet reviewed and approved, the idea of tentatively scheduling general issues for the remaining months in 2012, with the understanding that they might be bumped forward if any time-sensitive theme issues are proposed in the interim. Your reactions? (The theme issue schedule was set out below for convenient reference). Linda has taken this in hand with the committee's approval and modified the schedule accordingly.

