



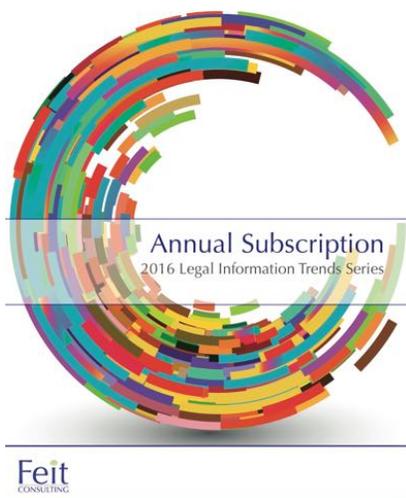
The Sole Provider Playbook



The **Market Trends Legal Information Series** has been developed with the intention of providing objective guidance to large and medium law firm administrators on best practices relating to the management of legal information resources. The series provides critical insight, analysis and guidance not available elsewhere. Making informed decisions regarding legal information options is nearly impossible without outside advisement, largely due to the secretive nature of legal information pricing.

To create the reports in this series, Feit Consulting regularly conducts telephone interviews and analyzes online survey results to obtain data from a majority of midsize and large law firms.

In each report, the collected data is synthesized with knowledge from leaders in the legal information market, with a goal of providing clear, reasoned counsel. Each report covers a current topic, arming law firm administrators (or law firms) with pertinent and relevant information to the management of the firm's legal information resources. Collectively, the Market Trends Legal Information Series explores the most important components integral to a large law firm's legal information strategy.



The current reports in the Series are:

Westlaw & Lexis: Path to Commoditization

The Sole Provider Playbook

Evaluating Legal Information Pricing

Beyond Virtualization: Transforming the Law Library

Firms subscribing to the series will be given an opportunity to participate in the development of all future reports. Subscribers will receive legal information contract reviews, whereby we contrast your contracts to our current benchmarks (Up to 5 legal information contracts). Additionally, all subscribers will be entitled to five hours of consulting from Feit Consulting to be used within one year.

THE SOLE PROVIDER PLAYBOOK

Confidentiality

This document contains work product that is legally privileged and confidential. As a reminder, to receive this product you have agreed to Feit Consulting's Terms of Service which prohibits the dissemination, distribution or copying of this information to or for any unauthorized individuals.

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About the Author

Michael Feit brings over 25 years of experience and knowledge of the legal information industry.

After a brief stint as an attorney, Michael found his true calling in legal information, joining Westlaw in 1990 as an Account Representative. A diehard Westlaw enthusiast, he quickly advanced in the company. By 1995, he was Westlaw's Regional Director for the Midwest, achieving the highest revenue growth in the US from 1995 to 1998.

In 1998, Michael became Senior Director of Large Law for Westlaw. He managed a portfolio of nearly half a billion dollars and, through an array of strategies, achieved double-digit revenue growth. In his role, Michael had access to all of Westlaw's law firm contracts, for each product. With a keen ability to understand both corporate and client needs, Michael successfully developed and implemented strategies to achieve balanced vendor-client relationships.

The Thomson purchase of West Publishing in 1996 shifted the primary focus at Westlaw from customer satisfaction to profitability. Pricing became random and highly disparate. The increasing disparity in price and varying contract terms amongst large law firms, along with a heavy emphasis on profitability, led Michael to leave Westlaw.

In 2001, Michael founded Feit Consulting, providing law firms with services related to the management of their online legal information vendors. Since its founding, the secretive nature of legal information pricing (whether from Westlaw or Lexis) has been the main reason firms have sought Feit Consulting's counsel.

From 2008 to 2009, coinciding with the Recession, Feit Consulting was engaged exclusively by LexisNexis Large Law Strategy Group, to assist them in developing a tailored approach to customer retention for large law firms which Lexis deemed "at-risk." The engagement provided Michael with a global view of all Lexis brand product pricing across US law firms.

Since its inception, Feit Consulting has worked with over 100 law firms, assisting each one in better understanding best practices in legal information. In the process, Feit Consulting's clients have benefited from increased efficiencies and savings totaling in excess of \$150 million. (*Learn more about Feit Consulting on page 118*).

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Section I

Introduction & Purpose

Vigorous debate continues regarding the viability of a large law firm successfully operating with just Lexis or just Westlaw. However, for the first time since the early 1990's, retaining just one of these vendors has become the norm. Today, nearly 51% of large law firms have opted to retain only one vendor.

An evaluation of the sole provider option has become necessary for law firm administrators. Whether or not a firm chooses to go sole provider, the evaluation in itself provides an opportunity for a firm to review, revise and refine its legal information strategy and potentially save significant money.

In a perfect world, Lexis and Westlaw would publish retail pricing, and firms could pick and choose which products they wanted based on their practice needs and budget. This ideal world does not exist today, as both vendors have discontinued standardized pay-as-you-go retail pricing. Instead all they offer is secret pricing and terms that vary greatly from firm to firm.

The idea of transitioning to sole provider can be daunting considering the many individuals and processes that might be impacted. There are a great number of elements to examine, from contracts to content, not to mention the strong reactions of users to fundamental system changes. Lexis and Westlaw have both successfully infiltrated law firms' cultures and infrastructures over their many years of service.

Yet, the pay-off in taking a deep look at these factors can be exceptional. A mid-size US law firm with favorable pricing will spend well over half a million dollars annually to retain both vendors. There was a time not long ago when firms could pass through online legal information costs to clients, making Lexis and Westlaw essentially free. That is no longer the norm. We have entered into a new paradigm.

This is what inspired us to write the *Sole Provider Playbook*. It is intended to empower you and your firm to break free from the vendors' shackles. In a world where every law firm is searching for efficiencies, the *Playbook* presents a clear path to savings. Our team of experts has carefully examined each step of the process, and we aim to provide a range of solutions to any obstacle whenever possible. Meant to be an all-encompassing guide, *Playbook* will provide your firm with it tools to quickly determine the viability of the sole provider option and how to actually execute it.



Michael Feit, December 2016

Section II

Report Process/Methodology

The step-by-step process outlined here was developed by a diverse team comprising experienced librarians who have themselves evaluated and/or implemented the sole provider decision, former vendor representatives, and change management experts.

Several tools were utilized in obtaining data for this report. To capture the full-market view of the sole provider trend, Feit Consulting collected and analyzed data from midsize and large law firms, with greater emphasis on large law. For the purposes of this report, midsize law firms are defined as firms with 40-99 attorneys. Large law firms are defined as firms having more than 100 attorneys.

Firms who retain both Lexis and Westlaw with fixed fee pricing are referred to as *dual provider firms*. Firms who have chosen to retain only one of these legal information providers are referred to as *sole provider firms*. The *sole provider option* refers to the decision to retain one vendor, either Lexis or Westlaw.

This report has been a collaborative effort with subscribers' concerns steering our research. The *Playbook* is an ever-evolving tool as we learn more, and the market dynamics change. We will update our subscribers with any pertinent changes or corrections as discovered. We appreciate feedback and continued dialog with our readers.

Market Research Approaches

Data was collected through the following methods:

- *Phone Interviews*: Conducted from March 2016 through November 2016, with 105 firms. These interviews focused on the firm's current legal information purchasing strategy and sentiments toward vendors.
- *Surveys*: Four surveys were conducted from March 2016 through December 2016 that provided the data shared in this report. Surveys and respondents are as follows:
 - Associate Westlaw/Lexis Preference Survey, 238 firms responding.
 - Westlaw/Lexis Sentiment Survey, 127 firms responding.
 - Sole Provider Surveys (Customer Experience Survey & Concerns Survey), 116 firms responding.
- *Sole Provider Playbook Module*: 13 dual provider firms participated in the Module, allowing Feit Consulting to capture and investigate further more specific details related to concerns, questions, and hurdles associated with the sole provider option.

Via the combination of methods described above, Feit Consulting was able to collect data on

roughly 98% of the large law firm market.

Accuracy

Feit Consulting has taken additional steps to ensure accuracy through random verification checks and auditing surveys. In the verification, Feit Consulting followed up with firms who had previously been interviewed or surveyed. Any discrepancy was reviewed, corrected or excluded.

The legal information market is in a state of constant flux. With new contracts being negotiated monthly, data will change continually over time. Allowing for these changes in contracts and other inconsistencies in survey results, the data provided in this report, as it relates to firms that have chosen a sole provider, is as accurate as possible.

Confidentiality of Clients

To protect the confidentiality of all our clients, data has only been included using the methods described above. No data was utilized directly from any specific Feit Consulting engagement, although clients of Feit Consulting were offered the opportunity to participate in surveys or interviews.

Section III

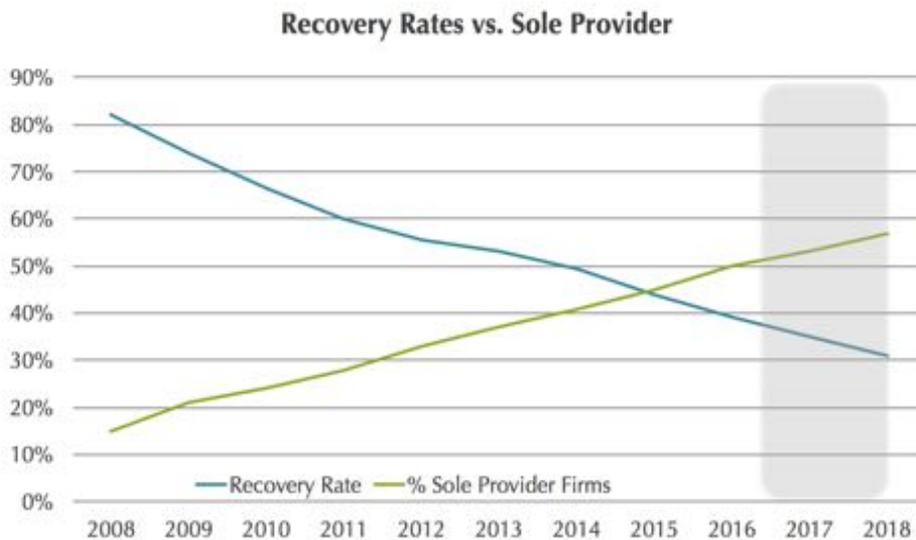
Sole Provider Trend

Imagine if Lexis and Westlaw were new products today, offering your firm the same subscription price you already have. Would you really purchase both? Most would argue that these products are far too close in total content to need both. Yet, many firms still have both of these vendors. This duopoly paradigm has been in place since the early 90s, and has become the norm in law firms.

Historically, nearly all firms retained both Lexis and Westlaw because the majority of costs could be passed through to clients. The recession forever changed the dynamics of the online legal information market for both vendors and firms. Firms started to see their sophisticated corporate clients closely scrutinizing costs and refusing to pay for online legal research. Now that recovery rates have greatly diminished, firms are being forced to evaluate their need to retain both vendors.

Recovery Rates

Recovery rates have plummeted since 2008, falling from over 80% to roughly 38% today. Although there are likely several factors driving firms to choose a sole provider, there is a demonstrable inverse relationship between the ability to recover online legal information costs and the movement to sole provider. Since recovery rates began decreasing in 2008, the percentage of sole provider firms has been increasing correspondingly. The chart below illustrates this trend and our future forecast.



Forecast: Recovery Rates

Based on the following factors, Feit Consulting is forecasting further decline of recovery rates to continue at ~4% annually, falling to 31% by 2018:

- More firms indicating eventual shift of all online costs to overhead over the next few years.
- Law firm administrators no longer wanting to invest effort/time in policing the entry of client identification for research sessions.
- Attorneys realize they could get away with not passing-through costs.
- Corporate clients continuing to realize that they can push back on these costs.

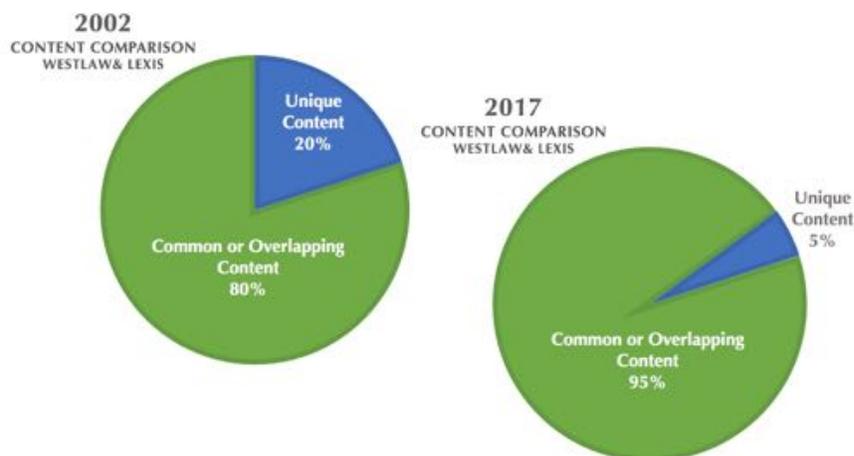
Pricing

The current secret nature of legal information contracts has put firms in an uncomfortable situation of never truly knowing whether their contract is favorable or not. The option of pay-as-you-go pricing has been completely eliminated. Feit Consulting has conducted Lexis and Westlaw audits for over 60 law firms over the last two years. These audits show that >20% of the market has substantially unfavorable legal information contracts with Lexis and Westlaw.

Redundancy

Up until fairly recently, service provided by Lexis and Westlaw's account management was top-notch, highly focused on teaching users the respective benefits of exclusive content and features. Approximately 15% - 20% of a large law firm's usage was on content unique to just one vendor.

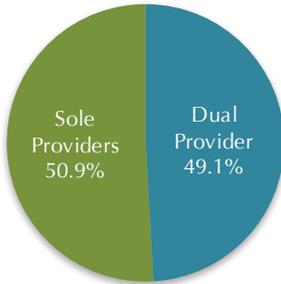
Times have changed and the vendors are cutting back. There are far fewer firm visits, and attention to usage has been completely abandoned. Westlaw no longer provides reports on exclusive content utilization, claiming they can no longer track this usage. Lexis does provide reports, but these reports are becoming less helpful with little insight into usage. Most importantly, the amount of content used that is unique to one vendor has dropped to ~5% of firm's total usage. This makes the redundancy notion very compelling and might explain why Westlaw is extremely reluctant to share usage reports.



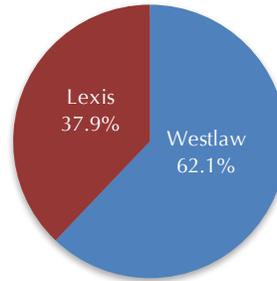
Current Market

For the first time since the early 1990's, retaining just one of these vendors has become the norm. Today, nearly 51% of large law firms have opted to retain only one vendor.

**Dual vs Sole Provider Firms
Large Law**



**Sole Provider Firms
Large Law**



There are roughly 400 law firms with over 100 attorneys in the US. Within the last year, we were able to collect data on 389 of these firms. The majority, 51% (198), now only have one vendor. 75 large law firms have eliminated Westlaw and 123 eliminated Lexis. The table below fleshes out the data by firm size and vendor choice.

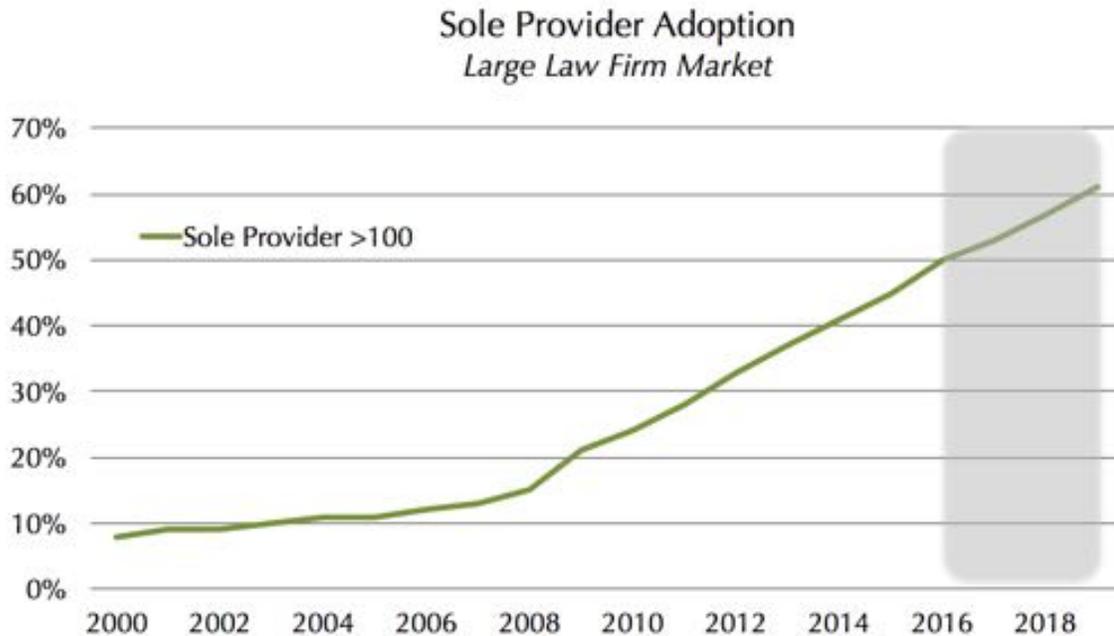
Sole Provider Adoption Rate: Large Law Firm

Firm Size	Firms in Segment	Firms*	Dual Provider	% Dual Provider	Sole Provider	% Sole Provider	Sole Provider: Westlaw	% Sole Provider: Westlaw	Sole Provider: Lexis	% Sole Provider: Lexis	
	100-199	197	182	59	32.4%	123	67.6%	81	44.5%	42	23.1%
	200-499	111	111	53	47.7%	58	52.3%	34	30.6%	24	21.6%
	>500	96	92	79	85.9%	17	18.5%	8	8.7%	9	9.8%
Large Law	Total >100	404	389	191	49.1%	198	50.9%	123	31.6%	75	19.3%

*Firms = Total number of firms data was collected on through Feit's market research.

Sole Provider Adoption Rate

The historic growth of the sole provider trend amongst large law firms has been growing rapidly from ~10% in the early 2000s to 50.9% in 2016. As a greater number of large law firms continue to move in this direction, the validity and viability of this option has been reinforced.



The Sole Provider Option has been adopted more rapidly by smallest of the large law firms.

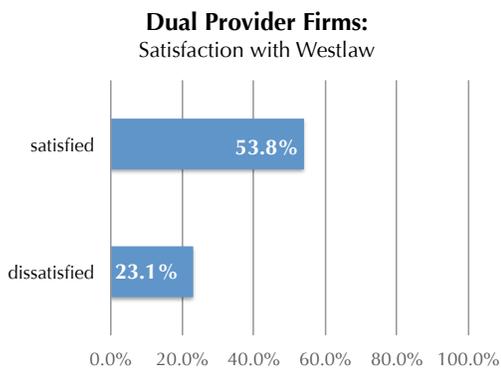
More than 60% of firms with less than 300 attorneys have already chosen a sole provider.

Sole Provider Adoption Rate:
Midsize & Large Law Segments

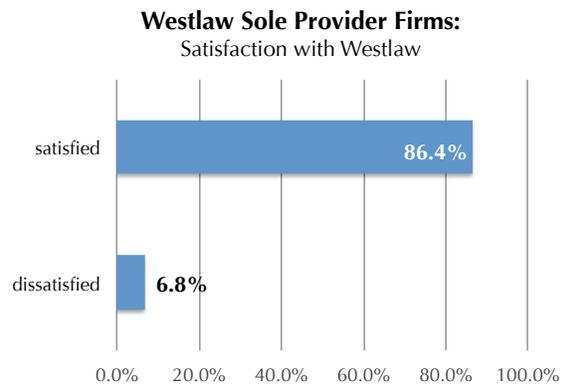
Firm Size	% Sole Provider
50-99	69.1%
100-199	67.6%
200-299	62.1%
300-399	43.2%
400-499	37.5%
500-749	24.4%
>750	11.8%

Sole Provider Satisfaction

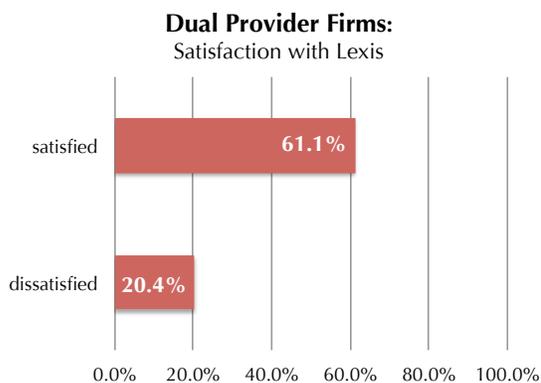
Overwhelmingly, firms are satisfied with the sole provider experience and happier about their relationship with the surviving vendor. Feit Consulting's Lexis/Westlaw Sentiment Survey, with 127 participating firms, showed that on average, sole provider firms have a satisfaction rate of ~85%. In contrast, only 54% of dual provider firms reported satisfaction with Westlaw and 61% with Lexis.



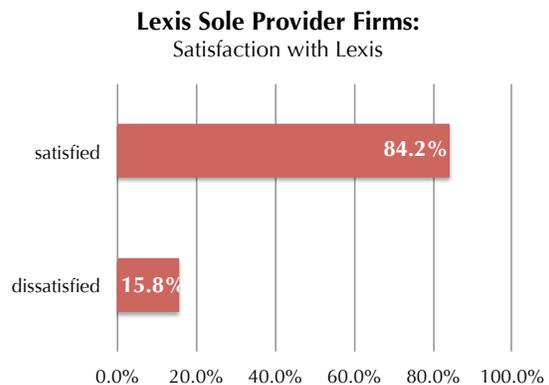
23.1% of respondents answered neutral for this question.



6.8% of respondents answered neutral for this question.

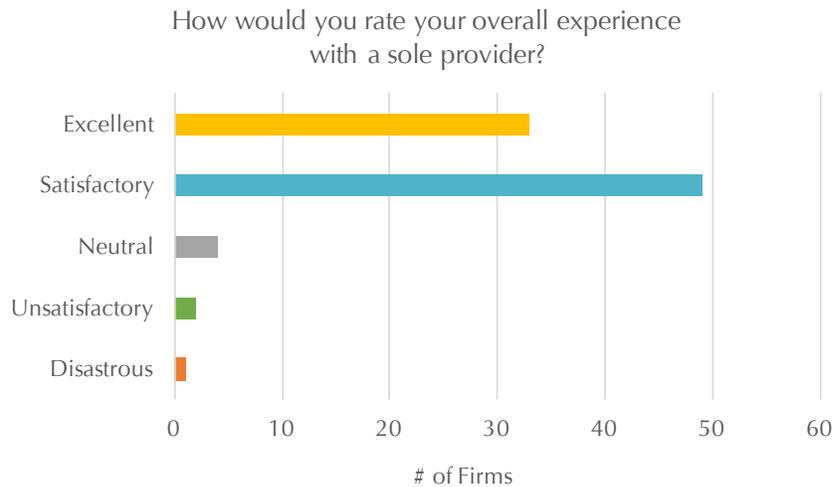


18.5% of respondents answered neutral for this question.



0% of respondents answered neutral for this question.

Out of 89 sole provider firms surveyed, 82 characterized their experience as excellent or satisfactory (better than neutral). Satisfaction rates illustrate success in execution of the sole provider option. Only 3 firms characterized their experiences as less than neutral. The surprisingly strong satisfaction rate at sole provider firms drives home the point that firms can operate exceedingly well without having these two duplicative vendors.



Forecast: Sole Provider Adoption

Feit Consulting is forecasting that the sole provider adoption will continue to grow at a rate of ~5% annually, increasing to 61% by 2018. (See Sole Provider Adoption graph on page 13.) 85% of firms retaining both Westlaw and Lexis indicate they will consider elimination. The growth of this phenomenon is somewhat moderated by three-year contract cycles and by firms who manage to achieve best in market pricing with one or both vendors.

It is important to note that the sole provider adoption rate would likely be even greater if not for firms that we call Reinstators. Reinstators are those firms that went sole provider in the past three years, and then brought the eliminated vendor back after gaining a reduction in combined online costs ranging between 25% and 75%. The largest of large law firms have had the greatest success with this, often reinstating after achieving near best in market pricing. This is why less than 20% of firms with more than 500 attorneys are currently sole provider.

Section IV

Vendor Elimination Process

Vendor elimination is an exercise in change management. It is recommended that firms approach this process and decision agnostically, setting aside all preferences and preconceived notions of either vendor. With an open mind, take into consideration all the factors: cost, popularity, who you want to partner with long-term, ease of transition, etc. Vendor elimination is worthwhile only if at the end of the day the firm has improved its legal information infrastructure and/or achieved substantial savings.

The process for vendor elimination has four phases:

- Phase 1: Evaluation of Sole Provider Viability
 - Business Plan Development*
 - Presentation*
 - Management Decision*

- Phase 2: Developing & Executing a Work Plan
 - Form Taskforces*
 - Vendor Strategy*
 - Conduct Gap Analysis & Hurdle Assessment*
 - Formulate Replacement Strategy & Budget*
 - Obtain Buy-in*

- Phase 3: Transition
 - Purchasing New Products*
 - Alerts Transferred/Re-created*
 - Training*
 - Support Structure in Place*
 - Soft shut-off*

- Phase 4: Implementation
 - Additional Purchasing*
 - Follow Up Firm or Practice Group Meetings*
 - Training*
 - Evaluation*

Time Commitment

Often before beginning, the big question is, “How long will this take?”. There are two approaches to vendor elimination. The first is the “pull off the Band-Aid” approach, whereby management buys-in and then the decision is announced with no planning or re-resourcing of content. Let the chips fall where they may. This approach may work well in certain circumstances, but it is not the approach we recommend.

The approach that Feit Consulting advises aims to make the transition to sole provider as seamless and painless as possible. Our preferred approach requires strategic planning, stakeholder management, time and commitment.

The complexity of this process is largely dependent upon the intricacies of each firm and the length will vary accordingly. Today, eliminating Westlaw is a much more difficult task than that of eliminating Lexis. In the process of a Westlaw elimination, gaining associate buy-in will likely consume the greatest amount of time, but minimizing associate push-back will ensure success. Therefore, the timeframe to eliminate Westlaw is significantly longer than that of Lexis. The complexity of this process is largely dependent upon the intricacies of each firm and the length will vary accordingly.



<u>Main Steps</u>	<u>Time Commitment</u>
Business Plan Development	3 months
Presentation & Follow-up/Decision	1-2 months
Gap Analysis, Replacement & Workarounds	2-4 months
Buy-In (Westlaw elimination)	6-12 months
(Lexis elimination)	1-4 months
Transition	3-6 months

Total Time Commitment: Westlaw elimination: 15-27 months
Lexis elimination: 10-19 months

Preliminary Steps

1. Understanding Your Firm's Recovery Rates

In terms of passing on Lexis and Westlaw charges to clients, you'll need to consider anticipated recovery rates before you address the viability of a vendor elimination. If your firm is still recovering the vast majority of its legal information costs, the business case to eliminate is less compelling.

For the majority of firms that still pass through costs, the true cost is not what you are paying to Lexis or Westlaw. Instead, the true cost is what the firm was unable to pass through to clients.

Find out from finance the firm's recovery rate on Lexis and Westlaw. Recovery rates often vary by vendor dramatically. A historical review of your firm's recovery rates over the last 2-3 years could provide valuable insight on future recovery rates depending on your firm's client base.

Generally speaking, if a firm is forecasting future recovery rates >80% for either Westlaw or Lexis the business case will show that elimination is unadvisable. Anything less, we would recommend that a firm utilize the business case contained in this report.

2. Forming a Sole Provider Viability Committee

Once recovery rates are verified by finance to be low enough to substantiate the viability of going to a single provider, the next step would be to establish a Committee responsible for developing and presenting the business case to firm management. Ideally, the Committee comprises members from the firm who are responsible for overall leadership, finance, technology and, of course, library services/knowledge management. Having representatives from these essential cornerstones of firm management will add greater value to discussions and the development of the business case.

In addition to firm leadership, the appointment of a Project Manager to the Committee is essential. Should the firm decide to eliminate either Lexis or Westlaw, the Project Manager will oversee the entirety of the project from start to finish. The Project Manager will manage expectations, goals, timeline, and deliverables. It is imperative he/she understand the magnitude of a sole provider decision and be open minded to the entire process. It will be critical for this person to be a champion of this project at every step along the way. The Project Manager should be able to balance the firm's need to enhance work product while reducing costs and creating new efficiencies.

3. **Outside Expertise**

The difficulty of eliminating a vendor at a firm that has traditionally had both Lexis and Westlaw can be mitigated by bringing in outside expertise. Consultants have a broad view of the market and provide an unbiased outside perspective at any point during the sole provider consideration process (shameless plug). Furthermore, consultants can serve as the voice of reason when dealing with the angst and concerns of associates. A consultant serves as a neutral party in the process, one that has no preference for vendor and is not tied to any cultural biases within the firm.



Section V

Evaluation of Sole Provider Viability

Developing a sole provider viability business plan is a rare opportunity to pause and take a deeper look at the firm's strategy regarding legal information resources. The process as defined here will walk you through the steps to gather the most important information needed in order to make a solid and well informed decision. The goal of the sole provider viability business plan is to provide an objective assessment of the firm's legal information resources, and to make a recommendation to firm management on the sole provider option.

We recommend approaching the business case agnostically, letting the data and your specific firm culture/circumstances guide the outcome. The components to include in your sole provider viability business plan:

- A) Overview of the market
- B) Financial review
- C) Preliminary Gap Analysis: Content & Non-Content Hurdles
- D) Workarounds & Replacement Costs
- E) Recommendation

Business Plan Component: Overview of the Market

Sharing the factors that are driving this trend will provide management with a big picture view. This is important not only for the Taskforce to understand but also for the presentation to firm management, as most legal professionals are not likely aware of the impetus for this change throughout the legal market.

Key market points to incorporate into the business plan and presentation:

- Declining recovery rates from >80% in 2008 to ~38% in 2016.
 - Projected to fall ~4% annually.
- Redundant content, currently ~5% usage is of unique content.
- Relative low replacement and workaround costs.
- Currently 51% of large law firms >100 attorneys retain just Lexis or just Westlaw (estimated 206 firms).
- ~20% of the large law firm market has reinstated an eliminated vendor, or flipped to the other vendor.
- A majority of users utilize the vendor that they were introduced to first, and only a handful actually use both vendors.
- Tremendous opportunity to free up resources to purchase more complementary products.
- 82 of 89 sole provider firms surveyed describe being satisfied with this choice.

Financial Review

The financial review includes reviewing Lexis and Westlaw contract(s) costs and recovery rates. This step could quickly inform the firm NOT to eliminate either vendor. The closer a firm is to passing through and recovering 80% of the costs, the opportunity for savings derived from the elimination of a vendor is essentially eradicated.

With confidentiality clauses in place, it is nearly impossible to know whether your firm has favorable legal information contracts. Obtaining market intelligence can be very beneficial in the financial review. For example, if you were to find out that your firm has best in market pricing for both Lexis and Westlaw, how would this change the decision regarding sole provider?

Provided here are the specific steps to help you understanding your firm's true costs related to its core legal information vendors.

1. Compile all legal information contracts tied to Lexis and Westlaw for all office locations. Be aware that Lexis and Westlaw contracts may contain peripheral products that are billed separately. Peripheral contracts could potentially impede viability of an immediate vendor elimination. For example, the firm may have three remaining years on an expensive Knowledge Management (KM) contract with the potential eliminated vendor.
2. Determining your core Lexis and Westlaw contract costs.
 - a. *Monthly Guarantees*: A simple contract pull may suffice, however there could be billing errors and it might be worthwhile to pull recent invoices as well.
 - b. *Out of Contract Costs*: To get a full understanding of outside contract charges, review Lexis and Westlaw invoices going back at least six months. Outside contract costs tend to vary month to month at most firms. To determine your firm's excluded costs, use an average of the last six months to capture the most recent trend accurately. If excluded costs vary or if there was a significant period whereby excluded costs were higher than normal, consider expanding the scope of your invoice review to twelve months.
 - c. Add the monthly guarantee to the monthly average of outside contract charges to determine total vendor cost.
3. Determine the firm's Lexis and Westlaw recovery rate percentage by working with finance. These tend to vary significantly by vendor, so check both. For example, news research associated with Lexis is often billed back to the firm for marketing and client development.

Below are two scenarios that show how varying recovery rates impact the true cost to the firm. In Scenario 1, recovery rates are low resulting in a true cost of that is relatively high to the firm. Whereas, the second scenario shows high recovery rates, translating to substantially lower costs to the firm.

Scenario 1

True Cost Calculations	Lexis	Westlaw
Monthly Guarantee	\$50,000	\$110,000
Outside contract charges	\$2,500	\$5,000
Total Monthly Costs = Monthly Guarantee + Outside contract costs	\$52,500	\$115,000
Recovery Rate	25%	40%
True Costs	\$39,375	\$69,000

Scenario 2

True Cost Calculations	Lexis	Westlaw
Monthly Guarantee	\$50,000	\$110,000
Outside contract charges	\$2,500	\$5,000
Total Monthly Costs = Monthly Guarantee + Outside contract costs	\$52,500	\$115,000
Recovery Rate	65%	80%
True Costs	\$18,375	\$23,000

The firm depicted in Scenario 1 clearly has considerably more cost exposure than the firm in Scenario 2. In Scenario 2, notice that the true costs of both Lexis and Westlaw are relatively close due to the high recovery rates, despite the fact the Westlaw contract is nearly double that of Lexis. In this second scenario, the costs to replace content and build workarounds, coupled with the hassles involved, would likely negate much of the benefit of going sole provider.

Preliminary Gap Analysis

A preliminary gap analysis is an informed assessment, made by the firm's legal information team, of the significant hurdles the firm could face should it choose to eliminate a vendor. These hurdles fall into two categories: content and non-content.

The first step for the team is to create a well-informed list of major content deficits that need consideration. It is unnecessary at this point in time to bring up every little detail or database/library. It is recommended to lay out just the major content losses that may cause concern for users. A more thorough Gap Analysis can be conducted later if firm management chooses to proceed with the transition to sole provider.



As mentioned above, both vendors historically provided detailed content utilization reports which allowed firms to drill down and understand the firm's usage in databases or libraries that were unique to that vendor. Today, Westlaw claims that due to WestlawNext, it is no longer possible to track usage by database. Lexis provides reports, but they are lacking in detail and insight. Consequently, understanding content loss now requires the legal information staff to rely on their best guesstimates.

Review content by vendor, and answer the following:

- ✓ What exclusive content would be lost if either vendor is eliminated?
- ✓ How much of the eliminated exclusive content would be inconvenient to live without?
- ✓ How much of the eliminated exclusive content is truly essential, taking practice group needs/firm processes into consideration?

To quantify the impact that the loss of a particular content set would have on your firm, consider the likely number of users and whether there is a viable direct linear replacement(s) for that content on the surviving vendor. For example, Federal Practice and Procedure, Wright & Miller versus Moore's Federal Practice & Procedure.

To complement institutional knowledge, Feit Consulting’s Content Hurdle List located in Appendix XX is an excellent reference tool for legal information managers to quickly identify important content sets that are unique to either Lexis or Westlaw and are pertinent to their firm.

Examples of Commonly Used Content Exclusive to Westlaw
RUTTER GROUP
Federal Practice and Procedure, Wright & Miller
Newberg on Class Actions, Newberg and Conte
Williston on Contracts
Couch on Insurance, Russ and Segalla
McQuillin: The Law of Municipal Corporations, McQuillin
McCarthy on Trademarks & Unfair Competition
Bogert's Trusts & Estates, Bogert
Callmann on Unfair Competition, Trademarks & Monopolies, Altman
Lindey on Entertainment, Publishing and the Arts, Lindy and Landau

Examples of Commonly Used Content Exclusive to Lexis
Moore’s Federal Practice
Collier on Bankruptcy
Law of Advertising, Rosden, MB
Corbin on Contracts (Corbin, Perillo and Murray) MB
Weinstein on Evidence
Holmes Appleman on Insurance
Milgrim on Licensing
Gilson on Trademarks
Milgrim on Trade Secrets
Nimmer on Copyright

It can be enticing to eliminate a vendor simply based on the potential savings. However, there are many processes that could be impacted, and substantial resources may be needed to develop appropriate workarounds. These vary by firm depending on practice area and how deep a vendor has been incorporated into the firm’s infrastructure.

The second part of the preliminary gap analysis is to identify the major non-content-related hurdles that are likely to arise. Remember, at this point we are in the initial phase of information gathering, this is before talking with practice groups and heavy users. Again, use your best guess. When delving into hurdles, think big picture, non-specific. Don't get caught up in the nitty-gritty. The goal at this time is to provide a general awareness and sensibility of what the firm will need to address should the decision be made to go sole provider. Any potential obstacles will be delved into in greater detail once the decision is made.

Examples of Common Non-Content Hurdles

- ✓ **Print:** New print costs that will occur if the core contract is deleted. Often Westlaw's library maintenance agreements (LMA) or if the firm has general print discounts that are based on maintaining a specific vendor.
- ✓ **Firm Culture:** Consider the firm's culture and what the road might look like in gaining buy-in firm-wide.
- ✓ **Change Management Resources:** Does the firm have the capacity and resources to direct and support the change management process required in eliminating a vendor?
- ✓ **Intranet:** Large law firms tend to have populated their intranets with newsfeeds from Lexis and Westlaw. Some librarians have spent a lot of time populating their firm's portal with information from vendors, and intranet adjustments can become a significant task should the firm choose to go sole provider.
- ✓ **Alerts:** With the many alerts set up, having to transfer alerts from one service to another requires time. Prior to vendor elimination all users need to download the alerts they want to keep and will need to transfer.
- ✓ **KM Transition:** For firms that have implemented KM from either vendor, there will be downtime to get KM up and ready on the other vendor. A significant amount of time is needed for restarting KM on the chosen vendor.
- ✓ **Other Potential Processes Impacted:** Competitive Intelligence, Conflicts, Client Development/Marketing, and Dockets may have processes set up that involved utilization of one of the vendors.

Hold a Taskforce meeting to identify and review hurdles and inefficiencies. Examine examples provided throughout this *Playbook* to see if any apply to your firm. Then brainstorm what other hurdles and inefficiencies will exist at your firm with the elimination of a vendor. This diligent approach will allow the firm to consider the time, effort and cost associated with each potential obstacle.

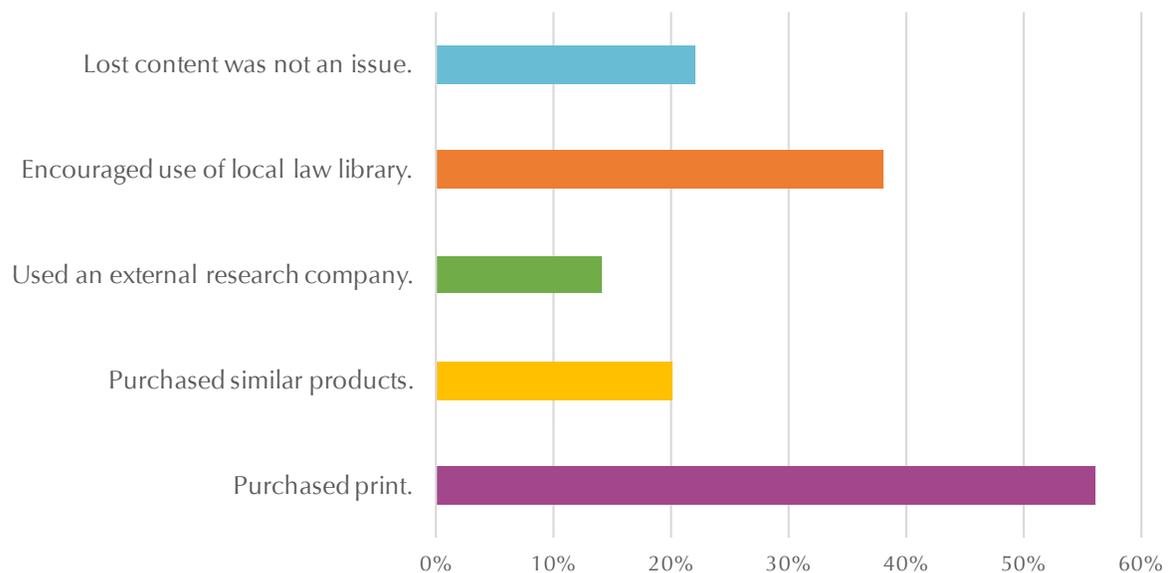
Workarounds & Replacement Costs

Workarounds are solutions to the hurdles that were identified in the preliminary gap analysis. Some obvious workarounds, such as transitioning of your intranet configuration and the KM system, were touched on above. Again, the burdensomeness of these workarounds varies greatly from firm to firm. As for workarounds to content hurdles, you will have the following options:

- ✓ **Purchase print:** If similar products on the surviving vendor are deemed inadequate, firms will purchase print from the eliminated vendor. Obviously print is a much less desirable platform for research.
- ✓ **Local law libraries/Interlibrary loans:** If a resource is so rarely needed, tap into resources available at public local law libraries and consider interlibrary loans from peer firms. While less efficient, the cost associated with lost billable hours is considerably less than purchasing print.
- ✓ **Backup research/library service:** Consider engaging a backup library service who has access to both Lexis and Westlaw. Many of these have programs geared towards helping firms transition from one vendor to another. A backup library service can verify information and direct users towards content sets on the surviving vendor that are comparable to the content that was lost with the eliminated vendor.

In Feit Consulting's *Sole Provider Experience Survey*, 50 firms responded to the question, "How did you handle lost content?". Surprisingly, only 56% of firms needed to purchase print and 22% said lost content was not an issue.

When sole provider firms were asked,
"How did you handle lost content?"



Eliminating a vendor does not necessarily create full savings from all the costs associated with that vendor. Actual savings will often be offset by workaround and replacement costs. At this point in the business plan development phase, it is recommended that the firm use a fairly high but conservative estimate to calculate replacement costs. At least in theory, the more expensive the vendor contract, the more exclusive content has been utilized. In our experience, we have found that using 30% of total contract costs is a good placeholder when estimating your budget for replacement costs. Obviously, this percentage varies with the favorability of your contract versus market. True replacements costs will be calculated after the decision to go sole provider is made and a full-blown Gap Analysis is completed.

Making a Recommendation

This sole provider evaluation process affords firms an opportunity to fully consider their short and long term legal information strategies. The Taskforce has the responsibility of reviewing all the elements developed in the business plan to make a recommendation to management. Whether the firm is ready to take on a large change management project may influence this decision. In most situations today, the biggest payoff is to eliminate Westlaw.

At the end of the day, this will be a cost/benefit decision. Are the savings sufficient enough to offset any potential hassle or hurdle? For a firm that has two extremely favorable contracts, the hassles and low savings associated with vendor elimination might make this option less compelling. Similarly, firms who are recovering 75% or more will likely find it less expensive to keep both vendors, as the replacement/workarounds costs would quickly eat up much of the savings.

All firms evaluating the sole provider option need to understand their break-even point. At some point, it becomes disadvantageous to eliminate a vendor. If savings are not substantial after factoring in replacement costs, elimination is probably not worth the hassle. Due to the required time and commitment in implementing new processes and workarounds, conducting trainings and revising processes, some cost savings do not outweigh the advantages of an elimination.



Next Steps

Should the Taskforce reach the decision to eliminate a vendor, developing a presentation to management is next. Incorporating each element shared in the business plan into the presentation will walk management through the process, and will set the stage for them to understand the current market conditions, anticipated difficulties for transition, and most importantly the bottom line cost/benefit analysis. The presentation should be contextualized in a manner that tells your firm's story, capturing the nuances, culture and needs unique to your firm.

Additionally, the presentation should include an estimated timeline for the elimination process. The more time, the better. We would recommend 15 to 27 months for a seamless Westlaw elimination and 10-19 months when eliminating Lexis. For smaller firms and/or firms with a homogenous practice group(s), the timeline could be substantially shorter.

In the presentation, questions could arise that the Taskforce may not be able to answer. It is likely the decision to eliminate will not be made in one meeting. Follow-up meetings will probably be needed to answer questions and share solutions to concerns addressed. This discussion is a necessary part of the process and is not cause for alarm. Questions should be seen as engagement in the process (a good thing!).

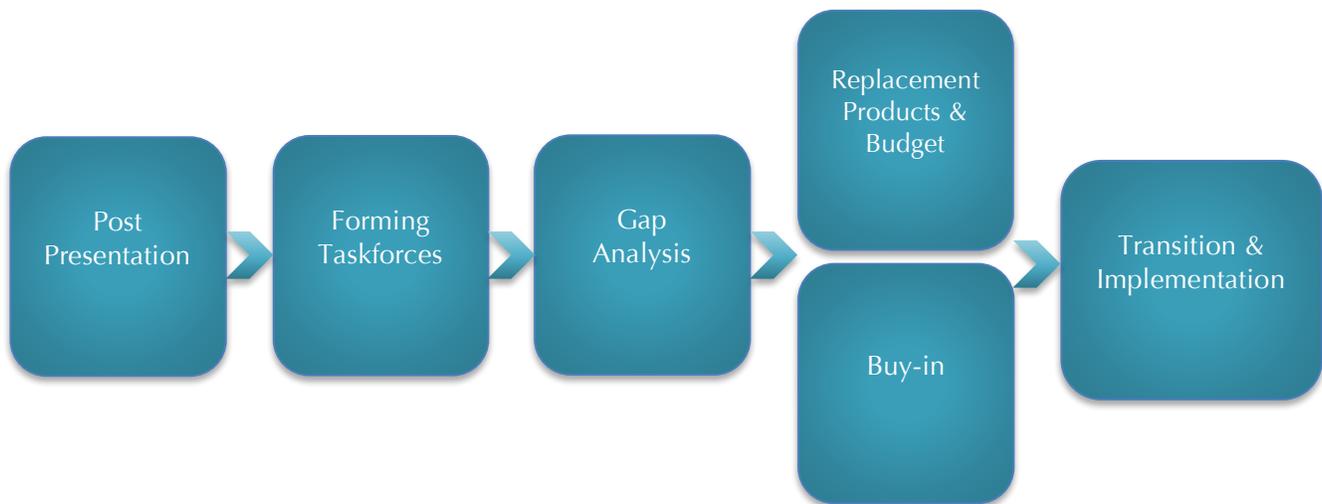
An outline to guide the development of your presentation can be seen in the Appendix. Additionally, an example presentation template is provided in a separate attachment sent with the *Playbook*. This serves as a template to be customized to your firm's individual circumstances.



Section VI

Developing a Work Plan

Whether management has made the decision to go sole provider, or the decision to continue the exploration of this option, this section walks you through the next steps for developing and executing a work plan. Input and involvement is critical for successful execution. Each step outlined here discusses how best to communicate or involve input in the process.



Outcomes After Business Case Presentation:

There are various outcomes from the presentation to management, and each outcome requires a slightly different approach and communication to the firm.

- Continue to retain both Lexis and Westlaw.
In this outcome, the Taskforce and management should agree on a date (2-3 years out) to re-evaluate sole provider viability.
- Move forward in considering the sole provider option.
In this outcome, management is seeking additional information that may include associate input, surveys, specific complementary products to purchase should either vendor be eliminated, a detailed budget for replacement costs, etc. The introduction of more opinions adds new layers of manageable complexity.
- Eliminate, but unsure which vendor.
In this case, the firm might seek extensive input from users to factor into the decision of which vendor to retain. Beware, associate involvement tends to skew outcomes towards Westlaw unless diligently managed, due to the currently overwhelming popularity of Westlaw.

- Eliminate.
When a specific vendor is chosen for elimination, the transition can be easier because the focus is centered only on hurdles associated with that vendor, and gaining buy-in.
- Prefer not to eliminate, but pricing will dictate outcome.
This outcome still requires all the following steps as a fail-safe should the firm not be able to obtain its desired pricing in the next round of negotiations. Having the information obtained in this process is worth the time, energy and resources, as it will prove to be valuable leverage in negotiating. In this scenario, the goal is to utilize the threat of eliminating a vendor to optimize pricing.

When to Announce Firm's Intent/Decision

Moving to a sole provider is a significantly complex decision, requiring different approaches depending on the situation. Every firm has a different culture which impacts timing and messaging of the announcement by management to the firm. Sharing this too early could create a level of angst management is not prepared to handle. Furthermore, a premature announcement could undermine future negotiations with vendors and cause a revolt amongst associates. Be aware that sharing too late in the process could also be problematic, as it could result in diminished trust between associates and management. Ideally the firm can make the announcement of intent/decision after the vendor strategy and user strategy have been established.

If the firm has made the decision to eliminate, announcing will diffuse speculation and rumors. The firm announcement is also the first opportunity to gain buy-in, which is best achieved through trust, transparency, and highlighting the positive. Key aspects to incorporate into the firm announcement:

- Present the Evidence (utilizing parts of the business plan)
- Fully explain the reasons why the firm has made this decision (whether it is cost, content redundancies, increased efficiencies or a combination of these factors).
- Clearly outline the benefits of the change. For example, attorneys would love to hear that management has decided to move online costs to overhead eliminating the need to bill out research sessions to clients.
- Let people know that there will be opportunities for everyone to voice their concerns, and become involved in the entire process through various taskforces.

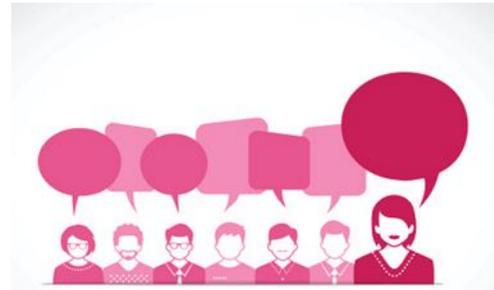
When the firm announcement is made, anticipate a great deal of pushback, especially if you are a dual provider firm eliminating Westlaw or a Lexis only firm flipping to Westlaw. Passionate users will be alarmed by the decision and may attempt to have the decision reversed. Associates will start talking to their vendor representatives. Be prepared! Westlaw has a lot of ammunition on why their product is better. Westlaw will provide associates with specific talking points to persuade management against elimination.

In general, no one likes change. Change is difficult. Essentially, this change requires individuals to adjust to a different interface and a completely different research experience. It can be scary. The plans and steps shared in the *Playbook* have been developed to diffuse pushback. The Gaining Associate Buy-In section will walk your firm through the process for gaining buy-in.

Taskforces

The more inclusive a change management process is, the easier the transition and better the outcomes are for everyone. It is even more difficult if people feel their concerns are being ignored.

One such way to offer opportunities for involvement is through the utilization of Taskforces. The Sole Provider Viability Committee will lead the development of taskforces. The size and number of taskforces will depend on the corresponding size and complexity of the firm. Each taskforce should comprise roughly 2-4 people, including librarians, associates, information technology, and/or firm administrators. Consider including heavy users.



The responsibilities of each taskforce may vary and overlap from firm to firm depending upon the complexity and the specific nuances of the firm. The following are examples of taskforces for the largest/most complex firms, and serves as a template for customization based on your firm's needs.

At times, a taskforce's activity might become dependent on another taskforce's work, and it is not uncommon for taskforces to blur into one another. Below are examples of possible taskforces. As you can see, many of the responsibilities and activities are intertwined. Each taskforce will meet to discuss objectives, and layout the timeline for completion of its duties. The findings and recommendations of the taskforces will form the work plan for transition.

Vendor Strategy Taskforce:

- Sets the timeline for the entire process bouncing out of vendor negotiation schedule.
- Determine the contract price point necessary to retain.
- Determine what additional products may be valuable to obtain from retained vendor.
- Ensure all peripheral contracts of eliminated vendor are negotiated well in advance of firm announcement.
- Negotiate with vendors to optimize pricing and product retention, ideally allowing time for soft shutoff.

Content Hurdle Taskforce:

- Conduct gap analysis to identify content loss.
- Quantify importance of content loss.
- Develop workarounds.
- Interview and survey as needed.

Non-Content Hurdle Taskforce:

- Conduct gap analysis to identify what processes are affected. (i.e. Intranet, KM, Conflicts).
- Develop workarounds.
- Interview and survey as needed.

Purchasing Taskforce:

- Utilize results of gap analysis to develop a purchasing strategy for workarounds to content and non-content hurdles.
- Create wish-list of complementary products to enhance legal information resources.
- Develop a corresponding budget.
- Interview and survey as needed.

User Buy-in Taskforce:

- Review the messaging to associates about the sole provider option.
- Develop a strategy on how and when communication is sent.
- Work closely with the most vocal and concerned users.
- Create a game plan to alleviate concerns of associates through meetings, interviews, trainings, new products, etc.

Section VII

Vendor Strategy

The *Vendor Strategy Taskforce's* main goal is to maximize the value received from the firm's legal information resources. Their first and perhaps the most important task is determining when contracts are scheduled to expire, so that a timeline for the entire process can be established. If the firm is undecided between the two vendors and is engaging in a full-blown beauty pageant, establish deadlines the firm will stick to in order to potentially enact a soft shutdown prior to termination of a vendor.

Second, the Taskforce needs to come up with the price point at which the hurdles related to elimination are no longer worth pursuing. Utilizing the business plan, the Taskforce will review the potential savings in order to have a clear picture of what price points are necessary for continued retention of both vendors.



Next, ensure all peripheral contracts of the eliminated vendor are negotiated well in advance of the firm announcement of vendor elimination. Both vendors currently offer stand-alone contracts for most of their peripheral products or sister companies' products. However, there are rumors in the market that the possibility of keeping a separate contract for popular products, such as Law360 or PLC, may go away.

Therefore, as soon as the firm has made the decision to go sole provider, it makes sense to secure new/extended terms with the important other products of the eliminated vendor.

Work with the retained vendor to sweeten the contract and/or suite of offerings delivered to your firm. For example, ask for complimentary new products from the vendor and enhanced discounts on all other products purchased. Vendors offer many products that will enhance productivity and help the firm's bottom line. Management should not approach the sole provider decision with blinders on, rather embrace the possibilities for process improvement within the firm at every step along way.

For example, if the firm does not already have a KM System in place, this may be the time to consider one with the retained vendor. Another example would be to get a reduced rate from the vendor on the library print collections. Review the print collection, and inquire if there is a good reason to retain both print and online.

Section VIII

Gap Analysis

Discovering content loss and assessing for impacted processes is achieved through a gap analysis. During the development of the business plan, a preliminary gap analysis was conducted, which was a list of major content deficits that could occur as a result of the elimination of a vendor. The purpose of a full-blown gap analysis is to go deeper, examining each content set in detail in order to develop solutions and workarounds early on. This ensures nothing has been missed, and leaves no surprises to be discovered during the associate push-back phase.

The *Content Hurdles Taskforce* begins the full gap analysis with a review of the content loss analysis developed in the preliminary gap analysis to determine if more information is needed. Once again, review the full list of exclusive content on both vendors. Additionally, make sure to review and list all other peripheral contracts.



The next step is to drill down and collect detailed information directly from users and practice groups through one-to-one interviews and/or surveys. Both provide an opportunity for individuals to become engaged in the process. In both interviewing and surveying, it will become clear which users are most concerned and passionate about the sole provider decision. It is highly recommended to invite passionate users to participate more intimately in the process, such as joining a taskforce.

Surveys are an excellent tool for supplementing the list of critical content that was established in the preliminary gap analysis. Additionally, surveys provide an opportunity for stakeholders to voice their concerns about the sole provider decision. Understanding all the concerns and hurdles early in the process will be beneficial in diffusing and overcoming potential issues.

While important, surveys can also stir up emotions and provoke discord about the sole provider decision. Once a survey is sent out, attorneys may become very nervous. Be aware and prepared for potential outlash. Individuals who really care will come out fighting, and these are the ones to focus on post-survey. Interviewing these individuals after the survey will help to diffuse anger. Surveys bring everything to the forefront, and will alert you to fires that need to be addressed. If you want to avoid any surprises, this is the way to do it.

In the Appendix are three survey templates for surveying Administrators, Attorneys, and Information Technology.

Factors to consider before surveying:

- Surveying is most effective once there is full buy-in from management. If management is not yet on board, it is not advisable to conduct firm-wide surveys.
- Survey everyone or only a few? Depending on firm culture, preferences and adaptability to change, consider which approach would be most effective for gathering input and information.
- Prior to surveying, understand who the top users are of both vendors and consider interviewing these individuals.
- Make sure survey messaging is clear and consistent with firm strategy. For example, "The firm has decided to go with a sole provider. The reasons include," or, "We are surveying to gather information on content, preferences and to learn in detail your work processes."

Provided here is an example of a survey email portraying the firm's goals as described above.

You have been selected to participate in S&P's Lexis Sole Provider Viability Survey.

Background

S&P is currently engaged in negotiations to renew both its Westlaw and Lexis contracts. Our Westlaw contract is extremely expensive and has become unfavorable as usage has dropped 70% over the last three years. The firm has engaged consultants and they have further informed us that our Westlaw contract is substantially higher than it should be. At this point in the negotiations, Westlaw has refused to reduce its pricing. Conversely, the Firm's Lexis contract is favorably priced.

The firm's Westlaw contract expires on March 31st. S&P will not renew with Westlaw unless improved pricing can be achieved by that date.

More than 50% of law firms with more than 100 attorneys have made the choice to eliminate one vendor. This trend is growing because of the difficulty in recovering costs from clients.

Your Opinion

We wanted to provide you with this background information in anticipation of you completing this survey so the firm can better understand your concerns and determine how we can best facilitate a transition should the firm choose to move to a Lexis-only environment on April 1.

With these factors in mind, please take a few minutes to answer the following questions as candidly as possible.

Please provide us with your thoughts on this survey **no later than [date]**.

Survey Monkey is an excellent online tool for collecting responses. Resource: <https://www.surveymonkey.com>

Interviewing is a good follow up to surveying. It can be conducted with all stakeholders. These are all the people who have an interest in the outcome. More realistically, interviews will focus on specific people, such as the heaviest users, or the users who have expressed the most passion or concern over the loss of a vendor.

Interviewing offers the opportunity to delve deeper into specific user's research processes, to truly understand what might be implicated and where workarounds are necessary. Often users do not know what the content they are using is called. Interviewing with directed questions allows the interviewer to gather granulated, nuanced details that are not likely to surface in surveying alone.

Going into the interviews, it is recommended to review the user backgrounds, know how much they use, read their survey responses, and be prepared to ask questions specific to their practice group. The main goal of interviewing is to diffuse fires. Find out what the issues truly are, what concerns exist, separate emotion from reality. The interview serves as a platform to get users to accept/feel good about the change. If you interview someone who is upset, first listen and then calmly and rationally explain the business case. Share that they are not alone and that the firm will do everything possible to ensure a smooth transition with extensive trainings and transitional support plans. Continue to interview with stakeholders until passions/concerns have been effectively addressed or you have reached a point where you have done all you can.



Interviews are conducted by the *Content Hurdle Taskforce* in conjunction with the *Non-Content Hurdle Taskforce*, if both of these taskforces have been established at your firm. Alternatively, you may want to utilize a consultant for this phase. The interviewer(s) should be individuals who have a sensitivity to change management and also knowledge of legal research and information.

If a separate *Non-Content Hurdle Taskforce* has been created, it will utilize the information obtained in the gap analysis and interviews to assess/identify how the firm's intranet/portal and firm processes will be potentially impacted. They will want to talk with various departments within the firm, such as KM, Competitive Intelligence, Conflicts, Client Development/Marketing, and Dockets. This will ensure the right resources are identified to fill important gaps. The goal of the *Non-Content Hurdle Taskforce* is to make sure every process that could be implicated has been considered.

Section IX

Replacement Strategy

The great benefit of choosing to retain a sole provider is substantial savings. However, the savings are not absolute. There could be substantial costs related to replacing necessary lost content and building other workarounds. Consider what different and new resources may more appropriately complement the retained vendor.

There are various replacement strategies a firm can take:

1. *Militant* – The philosophy is that the firm can survive with only one vendor, and no additional purchasing is necessary.
2. *Wait & See* – Initially, purchase only the essentials. Then, wait for users to make purchasing requests before purchasing additional replacements. While this may inconvenience some in the beginning, in the long run it is the most prudent, allowing firms to see what is actually needed.
3. *No Risk* – Purchase all lost content.
4. *Insurance Policy* – Engage backup/transitional research or legal information service.

Depending on your firm's approach, the *Purchasing Taskforce* will develop a purchasing plan starting with the information gained in the full gap analysis. This taskforce will also brainstorm other solutions and, if necessary and/or beneficial, interview heavy users for additional input. The taskforce will then be responsible for researching the replacement costs of each workaround solution.

It wasn't long ago that legal information moved a majority of resources to online. For some, it may seem logical to resort back to purchasing print for all lost content. But purchasing print no longer makes sense in a world that is trending digital. Wherever possible, transition users to resources on the retained vendor that are adequate replacements. Don't go on a print purchasing spree right away. You may be surprised by how little new content is actually needed.



Don't go on a purchasing shopping spree right away. You may be surprised by how little new content is actually needed. Develop a quantifiable plan and budget. Consider not purchasing new print until specifically requested. Some firms have a policy whereby they won't purchase anything until it has been requested by multiple users.

Many firms have already downsized their libraries and do not have the real estate to add more print. Rather than purchasing print for the library, consider having new print purchases kept in the office of one of the requesting attorneys with the understanding that it will be shared with others. Make users accountable for resources they feel are needed. Set up a plan for how resources are shared, using a tracking method that allows the firm to constantly evaluate the actual need for each publication.

Section X

Gaining Buy-in

Gaining associate buy-in could very well be the most difficult component of successfully executing the sole provider option. Often the heaviest users are litigators, who are notoriously your best arguers. Legal information vendors have done an excellent job infiltrating legal researchers' processes, cultivating user preferences so much that users have become loyal to a particular vendor.

Establishing the *User Buy-In Taskforce* aids in developing trust and gaining buy-in. The *User Buy-In Taskforce* is a small committee comprised of practitioners who are among the heaviest users in the firm. Include practitioners who are influential enough to derail the project. It is also strongly encouraged to include representatives from your firm's research services team and information technology team.



The general intent of the *User Buy-In Taskforce* is to create inclusiveness as the firm navigates through the sole provider process, and to bring forth and discuss any issues related to vendor elimination. The issues will need to be addressed in a timely manner.

The *User Buy-In Taskforce* creates a game plan to alleviate concerns of associates through meetings, interviews, trainings, new products, etc. For example, consider creating a wish-list of new products to purchase that will pacify the crankiest of users. Additionally, the Taskforce reviews messaging to associates about the sole provider option, and develops a strategy on how and when communication is sent.

If a firm-wide announcement about the decision to eliminate a vendor has not yet been made, this is the first task of the *User Buy-In Taskforce*. It is worthwhile to have the Sole Provider Viability Committee, who developed the business plan, present the business case for going sole provider, walking the associates through the process of understanding the market, the financial costs and benefits. Additionally, the taskforce that the gap analysis can present findings highlighting content issues and workarounds. At the end of the announcement, invite associates to join the *User Buy-In Taskforce*.

The *User Buy-In Taskforce* is tasked with the duty of securing buy-in from the masses, collecting and listening to concerns, documenting trepidations, and developing strategies to diffuse. This can be done by holding user meetings where individuals can voice their concerns. This is an excellent way to get the most vocal individuals to come forward. Ideally, collect the concerns at one meeting and hold a follow-up meeting to share solutions. This ensures that the *User Buy-In Taskforce* is presenting the most accurate solution to each concern. The taskforce can also

conduct interviews with the heaviest and/or most vocal users. While interviews may have been completed earlier in the process, it is imperative that the *User Buy-In Taskforce* continues to connect with these users, listening and providing solutions to their hurdles. Each concerned user is a hurdle in itself.

A 'working' spreadsheet is an excellent tool, whereby concerns are continuously added, with columns indicating who is on board with each vendor, which users require follow up or have specific issues that the retained vendor needs to address and which attorneys are going to champion the sole provider cause. Champions can influence peers and are the best marketing tool for delivering the message. The spreadsheet can also be used to track which attorneys have been "touched" or connected with. This will allow you to see who still needs to be contacted, who needs one-on-one convincing, and who requires practice chair or management intervention.

This taskforce should be cognizant of the top users and whether they were diligent in passing through charges to clients. In some instances, firms going through the sole provider implementation process have discovered that the biggest objectors turned out to be the users who rarely passed through online research costs to clients. Since cost is the primary motivation for eliminating a vendor, this information could provide useful insight to gaining buy-in.

Throughout the process, the *User Buy-In Taskforce* will continue to listen and respond to associates, and share the importance and benefits of this major change. Users need to understand why the firm is going sole provider, and they need to feel that they are being listened to and are part of the decision-making process. Their issues and "what if" questions need to be resolved to make them understand they can continue to research and support client needs. If negative attitudes are not nipped in the bud with solid information and messages, the negativity will spread quickly, become pervasive and progressively more difficult to overcome.

Partners

Dealing with partners can be tricky. Many partners have not done legal research in years, and they will trust what their associates tell them. Make sure equity partners who have exclusively used the eliminated vendor will not be too discouraged or burdened by the change. Work with them individually to alleviate concerns and fears of using a different platform. Provide specific solutions to their chief concerns and arrange for personal training sessions with vendor representatives.

Personal discussions with influential partners as well as associates can forestall most complaining and resistance. It is time consuming, especially at very large firms, but it is still recommended. Individualized communication and hand-holding wherever possible will go a long way in easing the angst of the transition.

Combatting Vendor Preferences

More than 85% of users in firms with both Westlaw and Lexis prefer Westlaw. For a majority of Westlaw users, it is what they learned in law school and have become comfortable with the platform. Overcoming vendor preference is best achieved through developing trust, being transparent and getting users involved in the process. Being upfront and clear about the steps of the process at each step along the way will ensure greater buy-in. If you can spin the change in a positive way that shows the benefit of the decision, stakeholders will be more willing to listen and give their opinion. To obtain firm buy-in, it is critical to keep users informed through continuous updates about the transition process to a sole provider.

Beyond content and vendor preference, there will be a variety of things that will deflate associates' spirits about the move to a sole provider. Anticipate concerns regarding difficulty in change, functionality, research costs, service, and vendor issues. Associates need to feel their voices are heard. Be prepared to first listen, and answer later.

Through Feit Consulting's various surveys, we strived to unearth every possible hurdle and concern. Along with specific content by vendor, our full list of concerns/hurdles with corresponding solutions is shared below and in the Appendix.

Sample Schedule of User Buy-In Taskforce Meetings:

Meeting 1 - Discuss purpose and timeline for meetings, activities, and what is needed to address and alleviate concerns of users.

Meeting 2 – If a survey was conducted, review survey input. Appoint a point person to summarize results and distribute concerns to fellow taskforce members to research possible solutions.

Meetings 3, 4, and 5 (additional meetings as needed) – In-depth discussion of solutions to issues raised.

Meeting 6 – Develop a presentation to share concerns and solutions to firm stakeholders.

Meeting 7 (after the firm-wide presentation) – Discuss any outstanding issues, and next steps to resolve.

Section XI

Transition & Implementation



By this point, the various taskforces have addressed a majority of concerns and developed plans that will be used in the transition. If it has not yet come together naturally, form a Transition Team of curated individuals who have been instrumental during this process.

Ideally, the transition time occurs once concerns and hurdles have been addressed and the work of the various taskforces is complete. There may be some concerns or hurdles that will not be resolved until the firm has fully transitioned to the sole provider; know that this is okay. Allotting three to six months is preferred. The Transition Phase involves the following key elements:

- *Vendor Support*
- *Support Structure*
- *Purchasing New Products*
- *Alerts Transferred/Recreated*
- *Trainings*
- *Soft Shutdown*

Vendor Support

During negotiations, the firm should be working with the retained vendor on plans to support the transition. The retained vendor will be ecstatic to be chosen as the sole provider for your firm and typically will do whatever is necessary to preserve the relationship. This vendor is likely to go out of its way to ensure a smooth transition, often providing one-on-one trainings to make everyone feel ready. If not offered, inquire about training sessions or presentations specific to practice groups. The vendor may showcase products that are not yet in use firm-wide and are being considered for purchase. Determine if the firm has identified any potential transition vulnerabilities and discuss with the retained vendor. Additionally, determine how the vendor might be able to better support the firm before and after cutoff.

Support Structure

Establish a support structure for practitioners. Have a clear transition plan in place of what support will be available to attorneys before, during and after transition:

- Test platforms.
- Trainings.
- Live/online support (firm help desk).
- FAQs, etc.
- Your firm's Information Technology personnel is there to provide technical solutions to streamline adoption.

Purchasing New Products

Review the purchasing plan developed by the Purchasing Taskforce to finalize priorities and purchases. Ideally, purchases would be made early enough for any necessary training to occur prior to cutoff of the eliminated vendor. Utilize the purchasing plan as a basis for conversations with various practice groups, associates, and partners. You should involve your firm's IT personnel in these conversations to ensure new purchases can be smoothly integrated into your firm's network.

Alerts Transferred/Recreated

Work with users who have utilized alerts to ensure that they have downloaded and captured all the alerts they want to keep. This is a good time to review alerts in place and delete those that are no longer necessary. If assistance is needed, the chosen vendor should offer assistance with transition alerts. If necessary, work with IT to ensure firm-wide alerts have been transferred to the retained vendor, or recreated as needed. Plan for training of new alerts.

Training

Beyond vendor training, hold additional one-on-one training for associates until they feel comfortable and confident with content and platform. It should be clear from interviews what specific trainings are needed. Users often appreciate further training on favorite tabs, foldering, and alerts. Addressing these needs early on will make for a more seamless transition to a sole provider. This works best when management and practice group leaders are enthusiastic about training.

"If one attorney is unable to service a client on the day we switch to Sole Provider we will have failed no matter how much money we saved the firm."

Soft Shutdown

Allow for an extended transition period to give practitioners sufficient time to adjust to, and accept change. It is recommended to enact a soft shutdown three months prior to the eliminated vendor's last day of service. This helps take the pressure off the firm when the vendor is actually gone. During this soft shutdown, monitor usage via QuickView or PowerInvoice to see what is being used.

If the firm is still considering retaining both vendors, enacting a soft shutdown is a strong negotiating tactic. This tells the potentially eliminated vendor the firm is serious about elimination, leading to more favorable pricing and terms.

Implementation

Implementation occurs the actual moment the eliminated vendor's services are turned off. Most of the hard work has been completed. There will still be some surprises, but hopefully these will be minimal. Insuring that a vendor representative is on site at the firm for the actual moment on implementation day, through the first week, is extremely helpful. Spot check heavy users to make sure everything is going well. Deal with any immediate problems head on and be certain time will correct the few small hiccups you may encounter.

Depending on how extensively integrated the eliminated vendor was on the firm's intranet, it may take time for the IT/library personnel to populate the intranet with content and tools from the retained vendor. Plan and communicate accordingly. There may also be downtime with firm-wide alerts until they have been successfully transitioned to the remaining vendor.

Monitoring usage, concerns, and content needs are the main focus post shut-off. Provided here is a checklist to follow:

- ✓ Monitor usage:
 - Check to see who is actually using the retained vendor. Compare current usage list to prior usage lists to ensure that previous users of the eliminated vendor are now using the retained vendor.

- ✓ Monitor concerns:
 - Talk with the most concerned users and continually follow up.
 - Ensure everyone, especially concerned users, are transitioning okay. Make sure everyone is comfortable with the new system.
 - Check in with bigger stakeholders for concerns, issues or hold-ups.
 - If needed, hold practice group meetings and training sessions on content and functionality.

- ✓ Monitor content needs:
 - Listen to concerns regarding lost content. Maintain a list of requested products. Utilize the purchasing strategy that was developed by the Purchasing Taskforce.

Both Lexis and Westlaw are incredibly intuitive. There should not be a great need for significant additional training at this point. Nevertheless, continue to monitor the needs at your firm and utilize vendor support to address any remaining issues.

Lastly, as with any major change management, evaluate progress. Have all hurdles been adequately addressed? How do we solve outstanding hurdles, if there are any? If successfully implemented, congratulate yourself and the team for this major change management task accomplishment!



Section XII

Personal Accounts from Firms

Below are comments from firms who participated in Feit Consulting's Sole Provider Customer Experience Survey.

Positive Comments

"Ability to support new and/or low cost providers/products."

"No longer need to bill research to clients--best ever!"

"Due to the cost savings (almost \$1M per year), we were able to switch to a billing model where we do not bill back the cost of legal research."

"In the end it's all about the money. There has been tremendous change in the industry since we moved to a single provider. Users are requesting news resources; we now need to review news aggregating services. The legal primary source battle is over; we won't ever have dual access again."

"Lexis has become a true partner, providing a suite of products for free."

"No issues."

"We're saving almost half a million dollars over the course of the three-year contract."

"We saved significant dollars over the life of the multi-year contract yet we added expensive content formerly outside of contract along with bright shiny objects like mobile WSJ and free e-libraries to enhance user experience. We freed up dollars to purchase content from other vendors like PLI and Bloomberg with the money we saved by moving to one provider but not increasing online budget."

"Attorneys stopped complaining when we made online overhead."

"Cost savings generally quieted any user opposition."

Issues Encountered

"Initially, librarians had to prove material was accessible on single vendor, when researcher had citations to other service only."

"Lawyers hate change."

"Passwords and training classes."

"There are some items that are only on Westlaw - getting access to those now that we only have Lexis can be problematic."

"There was some disruption and there continues to be complaints about usability and functionality. But aside from those surface and less important difficulties, we have found Lexis's primary law content to be unreliable on a regular basis."

"There were some who strongly opposed going to only Westlaw. However, after training almost all of them supported the change."

"We have been a sole provider but switched from Westlaw to Lexis. A lot of attorneys were not happy, but Lexis is much cheaper, and the content is similar."

"Lexis is hiking up our costs for all our print and online services they own that we subscribe to."

"There was some workflow disruption as training was needed for some people, but not major."

"We had some opposition and content issues, but I would not consider either significant."

"We lost access to a few items such as firm-wide Wall Street Journal access and Chisum on Patents. It really hasn't been an issue though."

Section XIII

Conclusion

The Westlaw/Lexis duopoly has broken down. Most firms no longer accept the notion that there is a need to have both vendors. Vendor elimination may come with some initial hassles and inefficiencies. However, when properly managed and successfully executed, the hassles associated with vendor elimination quickly fade and an abundance of new efficiencies are created. This is a rare opportunity for firms to free up considerable resources, allowing for the purchase of new and exciting complementary products.

When Feit Consulting first started writing *The Sole Provider Playbook*, our view was that at a majority of large law firms, the sole provider option would not be truly viable. After diving into the factors contributing to the sole provider trend, we have changed our minds. With most firms recovering less than 50% of their legal information costs, it no longer makes sense to have both vendors. When you consider the redundancy, coupled with the mounting evidence that large law firms are successfully making the change – the case becomes clear. The sole provider option is not only viable at most firms, including the largest, but it is actually becoming the norm. And, perhaps, surprisingly, the vast majority of firms that have made the change are happier.

While eliminating either Lexis or Westlaw is not appropriate at all firms, we believe that every firm must at least entertain the idea as part of regular due diligence and good business practices. Assessing sole provider viability provides a firm an opportunity to review, revise and refine its legal information strategy and potentially save significant money. Unfortunately, even at firms wishing to remain dual provider, the short-term kick-out of a vendor might be the only way to achieve reasonable pricing.

It is hard to imagine a law firm emerging today choosing to purchase both Lexis and Westlaw, given unreasonably high pricing for redundant products. Similarly, there is no reason for your firm to feel imprisoned by the traditional dual provider model. Implementing the change to sole provider can be a challenging process, but the payoff can be tremendous.

If you enjoyed *The Sole Provider Playbook*, reserve your copy of our next report now *Optimizing Legal Information Pricing*, the third report in Market Trends Legal Information Series.



Synopsis:

Each firm has a unique contract for their legal information needs, coupled with unique pricing. Firms understand their legal information needs, but how should they evaluate pricing? The third report in the Series provides an in-depth perspective on Westlaw and Lexis legal information products and what pricing benchmarks we consider important and appropriate. Feit Consulting outlines various metrics firms should take into account when evaluating vendor relationships and negotiating mutually beneficial contracts.

Every law firm needs context to help them ascertain the value they seek to achieve in new contracts. By signing up for this module, law firm administrators will have the opportunity to work directly with our experts. Feit Consulting will provide essential benchmarks and guidance on how to obtain the most value in legal information contracts. Specifically learn how your contracts compare to our Feit Consulting's benchmarks.

Included:

- Full contract review (up to five products). Feit Consulting will compare the value of your firm's contracts with our benchmarks.
- Final presentation by one of our experts providing tips and strategies for future negotiations.
- Evaluating Westlaw and Lexis Pricing: whitepaper report and survey results.

Release Date: May 2017

Visit feitconsulting.com/trend-reports/ to purchase this report today!

APPENDIX I

Business Plan Presentation Outline

Below are the elements to specifically address in the presentation to leadership. Appendix II provides a business plan presentation for customization.

A.) Market Overview

B.) Financial Review

- a. Costs
- b. Contract Details: Affected contract discounts, etc.
- c. Peripheral Contracts
- d. Replacement Costs
- e. Recovery Rates & True Costs to the Firm

C.) Potential Hurdles & Answers

D.) Anticipated Inefficiencies & Solutions

E.) Timing opportunity

F.) Hassle measure: how deeply rooted is the to be eliminated vendor within the firm culture, intranet and processes.

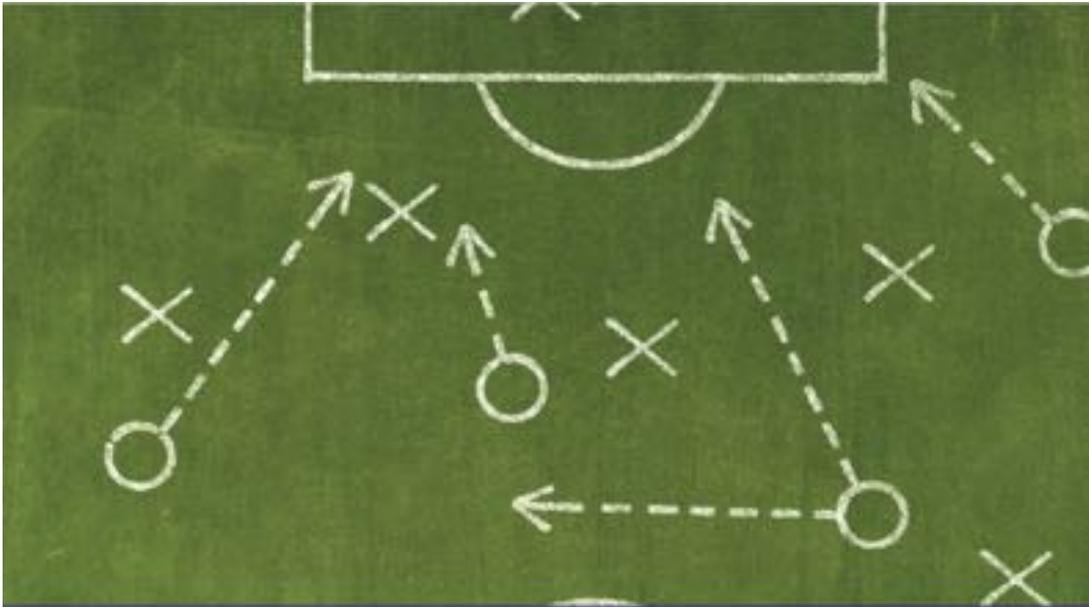
- a. Client vendor preference
- b. Obtaining buy-in firm-wide
- c. Managing the change management process for people and processes

G.) What is the disruption (band aid analogy)

H.) Taskforce Recommendation

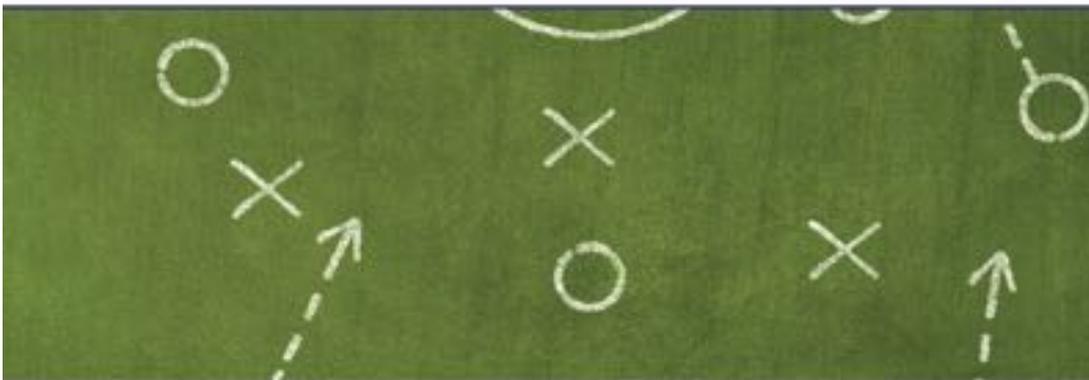
APPENDIX II

Questions & Answers



The Sole Provider Playbook

Questions & Answers



2016-17 Market Trends
Legal Information Series

The questions and answers shown here were provided by the 13 (currently dual-provider) firms that participated in *Sole Provider Playbook* module. The purpose of the module was to uncover all questions and hurdles.

Question	Response/Solution	Report Topic
How have firms been able to keep Matthew Bender customer-user-interface (CUI) if no longer subscribing to all of Lexis.com?	While it is possible to do this, usage must be monitored for out-of-contract costs, which can become exorbitant. We typically would not advise a firm to maintain a CUI with Lexis that includes content not included in their contract.	Content Hurdle
What are general alternatives to replace lost content?	Various methods can be deployed. You can purchase print, find comparable content from another vendor, borrow through interlibrary loans, join librarian listservs, or utilize a back-up research service or document retrieval service.	Content Hurdle
If I receive a request for a proprietary citation on the system to which we no longer subscribe, what are options for procuring the information?	LexisAdvance includes the majority of Westlaw citations. As for other citations, you may need to utilize a document retrieval company.	Content Hurdle
If we delete Lexis, will we lose Law360?	There are currently many firms without Lexis that have Law360. Rumor has it, however, that Lexis is considering limiting access to Law360 to just Lexis subscribers.	Content Hurdle
How can my firm get along without the proprietary content owned by vendor with whom you will no longer contract services?	Every firm must evaluate what proprietary content is being used and what substitutes are available for it. In general, usage of unique content to one vendor is low and comparable substitutes are available. As more than 50% of large law firms have done this, the market is proving that using just one vendors is viable.	Content Hurdle
There is no way we can live without Rutter!	Rutter is very popular, but it should not be the driver of your evaluation of Westlaw. There are similar titles available through Continuing Education of the Bar (CEB) sponsored by the Bar Association of California. The online service is called OnLaw and is a solid low-cost online alternative to Rutter content. If the firm requires Rutter precisely, print can be purchased.	Content Hurdle

Question	Response/Solution	Report Topic
The loss of Public Records on Lexis is huge concern.	It is true that Lexis has an excellent public records offering. But Westlaw is constantly striving to stay competitive in all content areas, including public records. During your firm's gap analysis, it will be important to identify specific public record concerns. Thomson Reuters CLEAR may be one comparable substitute to the Lexis public records/SmartLinx product.	Content Hurdle
The scope of state legislative history materials will be greatly reduced on Lexis.	Both vendors do a good job with state legislative materials. However, depending upon the state, you may find sources <i>outside</i> of both services are as good or better at producing legislative histories.	Content Hurdle
What about restatements?	Restatements are available on both Westlaw and Lexis.	Content Hurdle
Our Firm uses <i>Williston on Contracts</i> , is there a good replacement on Lexis?	Yes. Lexis has an excellent replacement, <i>Corbin's on Contracts</i> .	Content Hurdle
What about American Law Reports (ALR)?	ALR is available on both, except for the older/first series, which is available only on Westlaw.	Content Hurdle
Doesn't Lexis have the best news?	Lexis has important exclusive content in news, including the New York Times and Dow Jones Factiva (which includes the Wall Street Journal). While an online firm-wide subscription to these products are not available without a Lexis contract, any attorney can purchase an individual subscription.	Content Hurdle

Question	Response/Solution	Report Topic
We use Newberg on Class Actions on Westlaw, what would the replacement be?	This is a loss. Newberg is the bible in the field. It is recommended that the library purchase print.	Content Hurdle
Do firms really use back up services to get access to eliminated vendor?	Yes, 14% of firms answering our sole provider experience survey indicated they engaged with an external research company to various degrees. Be certain they are compliant with any Lexis or Westlaw agreements. The need for this type of service should diminish over time.	Content Hurdle
How can I maintain access to ALM if I delete Lexis?	If your firm is not on the ALM 250 large law list, you can gain access directly from ALM's digital membership. Unfortunately, if you are on the list, ALM online is only available with a Lexis contract. Firms can purchase print or engage a research service.	Content Hurdle
Westlaw has PDF version of actual reporter pages not available on Lexis.	This is a loss in moving to Lexis. However, this can be readily attained by copying print at local law libraries. Consider the hassle factor if this is absolutely essential at your firm.	Content Hurdle
Do large firms really eliminate Westlaw?	Yes, nearly 20% of large law firms have eliminated Westlaw.	Current Market

<i>Question</i>	<i>Response/Solution</i>	<i>Report Topic</i>
Have firms been able to negotiate keeping access to Lexis to certain individuals within the firm on a contract basis or pay-as-you-go?	No. Unfortunately neither Lexis nor Westlaw offer pay-as-you-go any longer.	Current Market
Is it true that after moving to a single provider that the eliminated vendor will come back to the firm with a great deal – best in market pricing?	Yes, that is a common occurrence with both Westlaw and Lexis. The larger the firm, the sooner the vendor will re-approach.	Current Market
We are a Westlaw firm, and have been told by my Account Manager that we are in line with what other firms our size pay. This is based on the new “scale” that Westlaw goes by. Is this true, or is this a way for them to hold you to paying what they want you to pay?	It is our experience that no matter what price the firm is paying, the Westlaw Account Manager claims that it is the same or less than what other similar size firms pay. Since your confidentiality agreement with Westlaw prevents any verification of pricing, this is rarely true.	Current Market
What impact will the loss of aggregators and alert systems should the firm be aware of when considering the sole provider decision?	Continual alert systems (such as Alert Management Center) must be replaced and migrated to a new system prior to changeover. Depending on how extensively these systems have been utilized, the firm must allow sufficient transition time to assure no interruption in alerts.	Non-Content Hurdle
We are concerned that the library staff will be overburdened.	If enough time is allocated to transition, the library should not be overburdened. Enact a soft shutdown of the eliminated vendor and utilize training provided by retained vendor.	Non-Content Hurdle
We are concerned that workflow will be disrupted, how can we avoid that?	Some amount of disruption will occur during the transition to sole provider. The degree of disruption will vary depending on practice area and how deep a vendor has been incorporated into the firm’s infrastructure. The more time allocated to the process, the smoother the transition. Over time, any disruptions will go away.	Non-Content Hurdle

Question	Response/Solution	Report Topic
I have a lot of alerts in place on the vendor to be deleted. What can I do?	Download all your current alerts and transfer them to the retained vendor. If you need assistance, the surviving vendor will be making extra visits during this period.	Non-Content Hurdle
Will there be a problem with KM solutions?	Yes. Both vendors' KM products are accessed directly through their own platforms. It generally takes 6 months to migrate from one vendor to the other. This is a key timeline issue that should be handled by your vendor negotiation task force and Information Technology team.	Non-Content Hurdle
My attorneys have a ton of shared folders.	Folders on the deleted vendor will be lost at transition time. Users should be alerted at the start of the process to review all active folders. Though folder contents will be deleted at transition time, all folders can be exported and saved for reference or for transfer to the remaining vendor.	Non-Content Hurdle
The firm will be losing headnotes, which are a valuable legal tool.	Lexis now has headnotes. They may not be as well known as Westlaw headnotes, but they are well researched and legally sound. Lexis headnotes are written by Lexis legal editors drawing directly from language used by the court.	Non-Content Hurdle
The library is concerned that Docket tracking will be impaired.	This is a good time to review the process and work practices for Docket tracking. There are multiple resources available and, if identified early in the process, the transition team can identify substitutes and workarounds.	Non-Content Hurdle
We are concerned that our competitive intelligence process will be impaired.	This is a good time to review your firms CI processes and practices. If identified early in the process, your library can identify substitutes and workarounds can be developed.	Non-Content Hurdle

Question	Response/Solution	Report Topic
Westlaw Key (or West) Connect Line/ Help Line will disappear.	Both vendors supply chat and free 24/7 phone support for assistance with all kinds of issues.	Non-Content Hurdle
We are concerned that cost recovery will decline with only one vendor.	There is no reason for your current recovery rate to be impacted. If anything, cost recovery becomes less important as your firm saves money.	Non-Content Hurdle
How will having one provider impact print collection costs?	How much print a firm must purchase has to be taken into account during negotiations. Your gap analysis will reveal what titles you will need. Generally speaking, we recommend eliminating titles from the retained vendor and expanding titles from the eliminated vendor.	Non-Content Hurdle
We are using both Westlaw and Lexis in combination to keep research costs down.	It is true that some users are able to minimize charges to clients by switching back and forth between vendors. However, by choosing one vendor, usage on that vendor will increase, driving up the firm's effective discount that can be passed through to clients.	Non-Content Hurdle
We value being able to move seamlessly between a vendor's proprietary products such as PLC on Westlaw.	The Transition Team and the firm must determine if these small conveniences offer real productivity gains that offset the savings associated with going sole provider. Many peripheral products, such as PLC, can be accessed on other platforms with just a few clicks.	Non-Content Hurdle
I am very concerned with the loss of productivity when training users to use a new system. How have firms handled this issue?	There will be productivity loss due to the need to train users to the new system. However, with proper planning the retained vendor should be able to provide all training before the eliminated vendor is cut-off minimizing disruption.	User Buy-In
I've heard certain judges' practice standards require Westlaw citations and provide the court with Westlaw opinions; resulting in inability to comply with the Judge's standards if Westlaw was eliminated. How to handle?	This should no longer be happening. If this occurs at your firm, bring to the attention of the vendor immediately.	User Buy-In

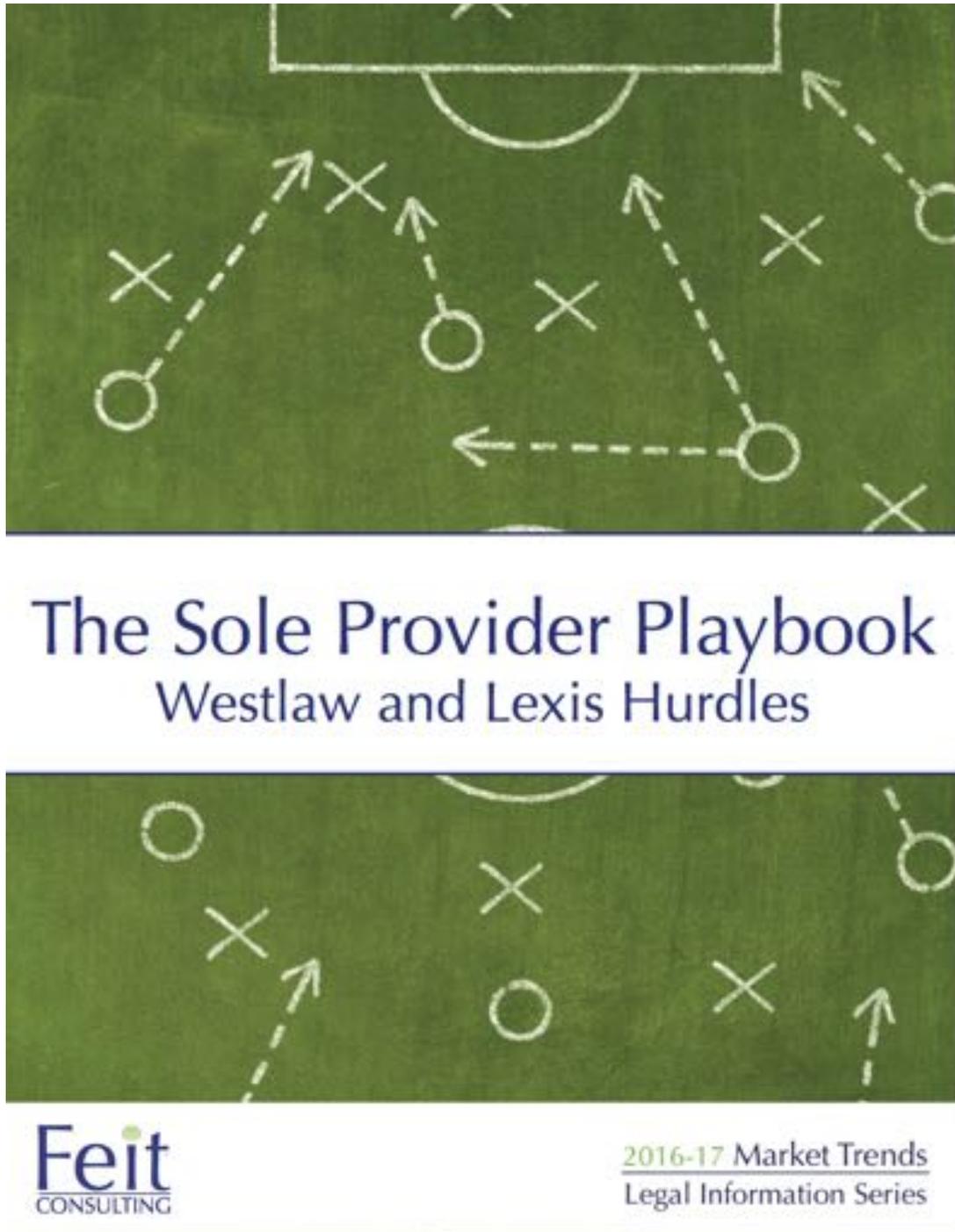
Question	Response/Solution	Report Topic
Attorneys at my colleague's firm were stunned at the news of Westlaw elimination. How do we message positively and mitigate anxiety?	This is a change management process. If you follow the steps in the Playbook, no one will be blind-sided. Associate and management buy-in is one of the most important parts of this process. Communication is key. Be transparent. Make people feel like you are listening to their concerns. Highlight positives, such as savings and new product purchases.	User Buy-In
We have never done this before and there is fear among the library staff.	The transition to sole provider could be challenging for library staff. With proper planning, however, it can also be an interesting and useful process. Focus on the rare opportunity to review old processes and explore new complementary products and services. Rely on the retained vendor for assistance and training. In a difficult transition, consider hiring a consultant to shoulder some of the burden.	User Buy-In
There is concern that Lexis/Westlaw have errors.	Neither service provides a substandard product, but errors do occur. Errors can be easily reported and are usually fixed very quickly.	User Buy-In
We think that in some cases the best/preferred resources are available on one vendor but not the other.	Through time and in response to market demand, the products and services of both vendors have become extremely similar. Some titles/content will never be exactly duplicated, however, the same information can often be found in competitor resources. Refer to the Legal Information Buyer's Guide and Reference Manual for alternatives and options.	User Buy-In
Isn't it true that a thorough litigation search can only be guaranteed on both services?	No, that isn't true. There are methods to check your work to ensure that you captured everything without using every search engine. In our audits, we find that less than 15% of online users actually use both services. However, if concerns about missing important documents persist, consider using a back-up service. These services can provide accuracy tests, whereby they do side-by-side comparisons of search results, alerting firms if important documents are missing.	User Buy-In

Question	Response/Solution	Report Topic
Users have complaints about the differences in vendor platforms and functionality.	Even though Lexis and Westlaw both rank high in terms of functionality and usability, complaints are inevitable. More than half of change management is allowing people to be heard and alleviating their fears. Every single complaint should be discussed, addressed and logged.	User Buy-In
Our attorneys are used to having multiple options to locate legal information.	It is important that attorneys understand the cost of doing business. Sharing cost information can help with developing an understanding of the need to consider a sole provider.	User Buy-In
I am concerned that I won't be able to perform cite checking tasks.	Both vendors provide top-notch cite checking systems that can be used interchangeably. The same alerts can be set up on both systems and the alert results are returned in a timely manner. The reports are easy to understand and use. Both systems report cases within 24 hours and add treatment flags within 48 hours. This is truly a user preference.	User Buy-In
Our client requires that we use one provider even though the other is less expensive.	This is highly unusual and we have not run into this. Feit Consulting is aware of situations where corporations would provide passwords to a particular vendor and mandate all research be conducted on that password. Nevertheless, we would recommend checking in you're your firms finance department and new business committee to ensure there aren't any client engagement letters with pertinent restrictions.	User Buy-In
Should we utilize surveys to determine content concerns?	Surveys are a critical tool in change management. However, they can also stir up emotions and provoke discord. Once a survey is sent out, attorneys may become very nervous. Be aware and prepared for potential outlash.	User Buy-In

Question	Response/Solution	Report Topic
The Firm believes the recently re-vamped Westlaw search algorithm is better than Lexis. Can we compete without them?	75 large law firms are currently successfully operating without Westlaw. Invite vendors to explain the power of their algorithms to dispel any misconception.	User Buy-In
I am unfamiliar with Lexis. Will it take more time to search unpublished opinions?	No. Unpublished opinions on both vendors are relatively easy to find by using title and jurisdiction. Training should alleviate any concerns.	User Buy-In
Attorneys who are not proficient on the chosen provider are concerned about lost productivity.	Both platforms are incredibly intuitive. Proper planning, transitioning and training will bring skills up to speed in short order. Targeted training by attorney and practice group will address individual needs.	User Buy-In
Will we lose pricing leverage if we eliminate one vendor?	No. Leverage is only lost if the firm signs a very long term contract, eliminating all opportunity to exit the relationship. If anything, just threatening to go sole provider should enhance your leverage in contract negotiations. If your firm does end up going sole provider, your leverage with the eliminated vendor will be strong during future rounds of negotiation, as that vendor will be eager to get your firm's business back.	Vendor Strategy
How long should we plan to take to eliminate Westlaw?	With Westlaw elimination you are going to face tremendous pushback from associates. We recommend allocating as much as 2+ years to ensure a smooth, seamless transition.	Vendor Strategy
We still recover the cost of most of our online charges, should we still consider sole provider?	Probably not. Eliminating a vendor is likely not worthwhile at firms recovering the majority of online charges. Generally speaking, if a firm is forecasting future recovery rates >80%, the business case will show that elimination is unadvisable. If you are recovering less, we would recommend an evaluation of the opportunity.	Vendor Strategy

Question	Response/Solution	Report Topic
How long will it take to eliminate Lexis?	Today Lexis is much easier to eliminate than Westlaw. Lexis usage and popularity has declined to the point there is very minimal pushback. We would recommend allocating 10 months to roughly 1.5 years.	Vendor Strategy
We just decided to get rid of Lexis, but we only have 3 months, is it too late?	No, it is not too late. Typically, Lexis is much easier to eliminate than Westlaw. If your firm has decided already, all you need to do is identify hurdles and develop workarounds.	Vendor Strategy
If the firm decides it can't live without Lexis and not go sole provider, what is the best way to negotiate a very minimal firm-wide contract with a very large contract reduction. For our contract, I'm thinking like a 75% reduction?	Lexis is very accommodating right now and are open to all sorts of configurations to retain firms. Specify contract reduction largely depends on how favorable your current contract is. Lexis has specific guidelines on how low of a SPA can be accepted.	Vendor Strategy
If firms have cancelled their entire subscription to Lexis, do they typically buy back print to have access to Matthew Bender content or find alternative materials that satisfy the needs of their attorneys?	Generally, firms will expand Westlaw to include content sets that are most directly comparable to the materials lost on Lexis. Many firms do move back to print or e-books for important Bender titles. Rather than housing new print in the firm library, the purchases can be stored in the office of one of the requesting attorneys with the understanding that it will be shared with others.	Workarounds & Replacements

APPENDIX III
Westlaw and Lexis Hurdles



The hurdles noted were developed with the input of our library team, pulling concerns from firms participating in the module as well as surveys.

Westlaw Top Hurdles

Westlaw Hurdle	Response
Westlaw Overall Popularity	Westlaw's popularity is one of the most difficult hurdles to overcome. However, nearly 20% of the market has eliminated Westlaw and are satisfied with just Lexis and other resources.
WestlawNext	WestlawNext provides superior functionality. LexisAdvance has taken a long time to catch up but has become a viable substitute.
Rutter Group	Rutter Group material is exclusive to Westlaw. There are similar titles available through CEB Continuing Education of the Bar sponsored by the Bar Association of California. The online service is called OnLaw and is a solid low-cost online alternative to Rutter content on Westlaw. If your firm requires content specifically associated with Rutter Group authors, you will need to purchase Rutter in print.
Federal Practice and Procedure, Wright & Miller	Lexis has Moore's Federal Practice and Procedure, which is considered comparable. Firms often already have both titles in print.
Newberg on Class Actions, Newberg and Conte	Lexis has nothing comparable all in one place, but you could maneuver through several titles, such as Moore's Federal Practice-Class Actions, National Institute Class Actions, Certifying Class Actions Settlements, Litigating Securities Class Actions, Mealy's Class Actions, Class Action Playbook 2nd. There are state specific class action books as well, but Newberg is the bible in this field. It is recommended the library purchase a print copy if they do not already have one in their collection.
Couch on Insurance, Russ and Segalla	Lexis has comparable, Holmes Appleman on Insurance. Many insurance practices would have both in print already.
McCarthy on Trademarks & Unfair Competition	Though Lexis offers Gilson on Trademarks, McCarthy is often preferred and purchasing a print version may be necessary.
McQuillin: The Law of Municipal Corporations	No Lexis comparable, purchase this title in print. Considered the bible on Municipal Law and certainly for elected officials.

Westlaw Top Hurdles

Westlaw Hurdle	Response
Westlaw Citations	The only way to retrieve a document with a Westlaw citation is to gain access to that service. There are various document retrieval and legal research companies that can be utilized. LexisAdvance includes the majority of Westlaw citations.
Securities Law Series	Bloomberg Securities Center and Practical Law have comparable content. You can buy this as individual titles in loose-leaf or paperback annual.
Callmann on Unfair Competition, Trademarks & Monopolies, Altman	Lexis has California Antitrust and Unfair Competition Law, Trademark Law- Unfair Competition Law, Essentials of Trademarks & Unfair Competition, Gilson on Trademarks, Matthew Bender Practice Guide- California Unfair Competition and Business Torts, Competition Law of the European Union, Trademark Law- Federal Unfair Competition Law, and more.
Lindey on Entertainment, Publishing and the Arts	Lindey is generally considered the better product, but Lexis has Entertainment Industry Contracts by Farber.
Norton Bankruptcy Law and Practice	Lexis' Collier on Bankruptcy is considered comparable.
Williston on Contracts	Lexis has Corbin on Contracts, which is considered the stronger treatise.
Modern Licensing Law	Lexis has Milgrim on Licensing, which is considered the stronger treatise.
Bogert's Trusts & Estates	The authoritative title on Trusts. There is no Lexis comparable. Purchase print.
Practical Law	Available without a Westlaw contract, however, firm will lose seamless integration and navigation. Uncertain how long Practical Law will be available to non-Westlaw subscribers. Lexis has a competitor product Practical Advisor.
Key Numbers & Digest	Although the Westlaw Key Number & Digest system is recognized as the master index to US law, Lexis has headnotes that are well researched and legally sound.

Lexis Top Hurdles

Lexis Hurdle	Response
American Lawyer Media Pubs	If your firm is not on the ALM 250 large law list, you can gain access directly from ALM's digital membership. Unfortunately, if you are on the list, ALM online is only available with a Lexis contract. Firms can purchase print or engage a research service as a workaround.
Moore's Federal Practice	Westlaw has Wright and Miller's Federal Practice & Procedure, which is considered comparable.
Collier on Bankruptcy	Westlaw's Norton Bankruptcy is considered comparable.
Corbin on Contracts	Westlaw's Williston on Contract is considered comparable.
Weinstein on Evidence	Westlaw offers New Wigmore on Evidence.
Holmes Appleman on Insurance	Westlaw offers Couch. Major insurance practices will likely already have both Appleman and Couch.
Milgrim on Licensing	Westlaw offers Modern Licensing Law.
Gilson on Trademarks	Westlaw's McCarthy on Trademarks is considered the strongest product.
Milgrim on Trade Secrets	There is no comparable product on Westlaw. Purchase in print or as an individual e-book.
Nimmer on Copyright	Although Nimmer is considered to be the superior title Westlaw does offer Patry on Copyright.
Chisum on Patents	Although Chisum is considered the bible, Westlaw does offer Moys Walker on Patents. Consider purchasing Chisum in print.
News	Lexis has important exclusive content in news, including the New York Times and Dow Jones Factiva (which includes the Wall Street Journal). While an online firm-wide subscription to these products are not available without a Lexis contract, any attorney can purchase an individual subscription.
Public Records/ SmartLinx	It is true that Lexis has an excellent Public Records, but Westlaw is constantly striving to stay competitive in all content areas, including public records. During your firm's gap analysis, it will be important to identify specific public record concerns. Thomson Reuters CLEAR may be one comparable substitute to the Lexis public records/SmartLinx product.
Public Utility Reports	There is no comparable substitute on Westlaw. You will need to utilize back-up research service or interlibrary loan.
Matthew Bender	Matthew Bender has many excellent authors and treatises. Some of these have no comparable substitute on Westlaw. Print is available for all titles.
Practice Advisor & Law360	There are currently many firms without Lexis that have Law360 and Practice Advisor. Rumor has it, however, that Lexis is considering limiting access to Law360 to just Lexis subscribers. It wouldn't surprise us if this policy gets extended to other Lexis products.

APPENDIX IV

Example Firm Surveys

Survey for Administrators

Our firm is exploring the sole provider option for online legal information research whereby we are considering the elimination of either LEXIS or WESTLAW. The sole provider solution presents our firm the opportunity to free up a considerable amount of resources. More than half of the large law firm market has already made this decision.

The first step in considering the sole provider option is collecting questions and concerns from key stakeholders within our firm. Provided here is a brief survey to help our firm obtain important feedback to thoroughly evaluate whether the sole provider option is viable. Your time and input is very much appreciated!

1. Name and Title *(If you wish to remain anonymous, please skip.)*

2. Are you in favor of eliminating: *(Please check one.)*

Westlaw

Lexis

Either Westlaw or Lexis

Neither *(If you answered this, please skip to question 4)*

Comment(s):

3. What are the primary motivations for making such a move? *(Check one for each.)*

	Not a motivating factor	Slightly motivating	Motivating	Strong motivating factor
Save money				
Redundant products				
Low use of one vendor				
Severe dislike of one vendor				
Declining/low recovery rates				
Streamline user training				
Client pressure/preference				

Other (please specify):

4. If you are not considering such a move, what would/might change your disposition?

5. What is the firm's recovery rate on Lexis?

6. What does the firm anticipate the recovery rate for Lexis to be in three years?

7. What is the firm's recovery rate on Westlaw?

8. What does the firm anticipate the recovery rate for Westlaw to be in three years?

9. Please rate your level of concern about a move to a sole provider? *(Check one for each.)*

	Not concerned	Slightly concerned	Concerned	Greatly concerned
Missing content				
Lack of buy in from management				
Lack of buy in from attorneys				
Lack of buy in from IT				
Training				
Managing the change management process				
Loss of leverage in future negotiations				
Errors				

Other (please specify):

8. What processes are in place that may be implicated by eliminating a vendor?

(Check all that apply.)

___ Conflicts

___ Dockets

___ Marketing

___ Competitive Intelligence

___ Other (please specify):

9. What alternative options/work-arounds are you considering so that work is not disrupted?

10. In considering the sole provider option, have you evaluated the anticipated costs?

(Check all that apply.)

Alternative options/work-arounds

Training

Purchasing print

Back-up librarian service

Other (please specify):

11. Often times, individual offices and departments will negotiate contracts with either LEXIS or WESTLAW independently. These individual contracts are known as “orphan” contracts. These legacy “orphan” contracts are often found in Finance, IT, Conflicts, Docket, Marketing, Library etc. and are often found to impact/ affect the ONE Provider decision.

Do you or a colleague have a comprehensive list and contract expirations of all contracts currently in place at the Firm? *(Check one.)*

Yes

No

Unsure

Other (please specify):

12. What other questions, concerns or hurdles do you need addressed to consider a sole provider?

Thank you for your time and feedback! Your input is valuable and appreciated.

Survey for Attorneys

You have been selected to participate in the Firm's Online Vendor Survey based on your usage of either Westlaw or Lexis.

There is a growing trend in the market of firms choosing a sole provider. Nearly 50% of Firms with >100 attorneys have already made this choice. The firm values your opinion and wants to incorporate your feedback into our overall legal information strategy. The purpose of this survey is to identify and understand any and all issues or concerns that will need to be overcome if we choose to eliminate one vendor.

1. Name *(If you wish to remain anonymous, please skip.)*

2. Which best describes your online legal information usage? *(Check one.)*

- Only use Westlaw.
- Use Westlaw most of the time.
- Use Westlaw and Lexis interchangeably.
- Only use Lexis.
- Use Lexis most of the time.
- Rarely use either Westlaw or Lexis.

Comment(s):

3. What are the reasons you use Westlaw? *(Check all that apply.)*

- Functionality.
- Content.
- I was only trained on/only familiar with Westlaw.
- Service/training.
- Pricing.
- Other (please specify):

4. What are the reasons you use Lexis? *(Check all that apply.)*

- Functionality.
- Content.
- I was only trained on/only familiar with Westlaw.
- Service/training.
- Pricing.
- Other (please specify):

5. When was your last Westlaw training? (Check one.)

- Never trained/self taught.
- In law school.
- Within the last 5 years.
- Within the last 3 years.
- Within the last year.

6. When was your last Lexis training? (Check one.)

- Never trained/self-taught.
- In law school.
- Within the last 5 years.
- Within the last 3 years.
- Within the last year.

7. As an attorney and online researcher, what is your greatest concern if your firm moves to a sole provider?

8. If Westlaw is eliminated, what **content** do you need that you don't think is available on Lexis? Please be as specific as possible.

9. If Westlaw is eliminated, what **work processes** would be impacted unfavorably due to the loss of Westlaw? Please be as specific as possible.

10. What can be done to alleviate/address those concerns?

11. If Westlaw were eliminated, how would you rate your level of concern on a scale of 1-10, with 10 being very concerned and 1 being unconcerned. (Circle a number.)



Comments:

12. If Lexis is eliminated, what **content** do you need that you don't think is available on Westlaw? Please be as specific as possible.

13. If Lexis is eliminated, what **work processes** would be impacted unfavorably due to the loss of Lexis? Please be as specific as possible.

14. What can be done to alleviate/address those concerns?

15. If Lexis were eliminated, how would you rate your level of concern on a scale of 1-10, with 10 being very concerned and 1 being unconcerned. *(Circle a number.)*



Comments:

16. Would it be easier for you to make the change to a sole provider if the Firm engaged a back-up research service? Please rate your comfort level, with 10 being very uncomfortable and 1 being very comfortable. *(Circle a number.)*



Comments:

17. What other questions, concerns or hurdles do you need addressed to consider a sole provider?

Thank you for your time and feedback! Your input is valuable and appreciated.

Survey for Information Technology

You have been selected to participate in the Firm's Online Vendor Survey. There is a growing trend in the market of firms choosing a sole provider. Greater than 50% of Firms with >100 attorneys have already made this choice. The purpose of this survey is to identify and understand any and all issues or concerns that will need to be overcome if we choose to eliminate one vendor.

1. Name and Title *(If you wish to remain anonymous, please skip.)*

2. If the firm determines to eliminate either Lexis or Westlaw please share any/all concerns you would have with this decision:

3. Are you aware of "legacy" products/contracts that would make changing your vendor difficult? *(Check one.)*

Yes.

No.

Unsure.

Comment(s):

4. How would you rate the level of service and support from Westlaw? *(Check one.)*

Excellent

Average

Poor

Comment(s):

5. How would you rate the level of service and support from Lexis? *(Check one.)*

Excellent

Average

Poor

Comment(s):

6. Do you have a preference in vendor technical support? *(Check one.)*

Westlaw.

Lexis.

No preference.

Please explain why.

7. Would you consider new/other document management tools as part of transitioning to a single service provider?

Yes

No

What tools?

8. Would you consider new/other knowledge management tools as part of transitioning to a single service provider?

Yes

No

Comments:

9. How does transitioning having either just Lexis or just Westlaw impact the intranet/portal?

10. What other questions, concerns or hurdles do you need addressed to consider a sole provider?

11. What is needed to build your confidence in considering the sole provider option?

Thank you for your time and feedback! Your input is valuable and appreciated.

APPENDIX V

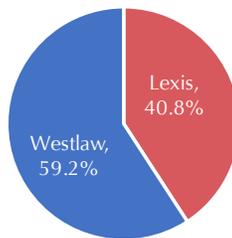
Sole Provider Survey Results

Sole Provider Customer Experience Survey

Survey Question: Does your firm currently have only Westlaw or only Lexis?

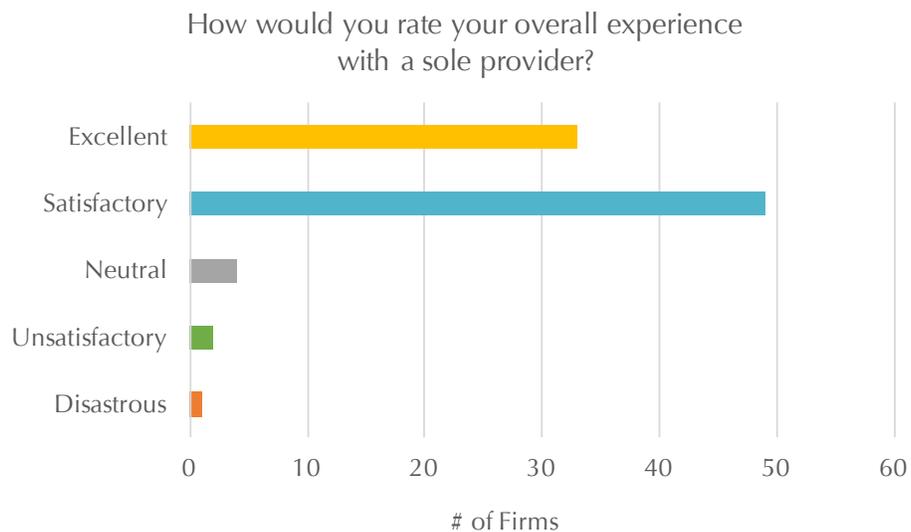
89 Participants

Total Survey Respondents



Survey Question: How would you rate your overall experience?

Out of 89 sole provider firms surveyed, 82 characterized their experience as excellent or satisfactory (better than neutral). Only 3 firms characterized their experiences as less than neutral.



Comments from Lexis Sole Provider Respondents:

"Generally it works out fine. Occasionally there will be a case that's not in Lexis but is in Westlaw - but we find that to be rare and we've heard that folks with One Provider with the West have similar issues. Still, there will always be diehard fans of whatever database you don't choose who are never going to be satisfied with the other."

"Given the legwork performed to determine the feasibility of going sole source we have had no noticeable impact in the services provided to our attorneys or clients."

"I miss the Westlaw treatises and key number searching. I occasionally need a case with a Westlaw cite, but those are easily found."

"It has been successful, after a rocky start almost 20 years ago."

"Experience was positive for firm and users. Firm saved significant money. We were able to add content from provider to enhance one provider experience. For example, mobile WSJ for everyone at Firm including senior partners that do not perform online research but could experience "benefit" of one provider decision. Formerly paid content was pushed out as e-libraries on Firm portal so attorneys could search at no cost. This could be used as a marketing tool in client engagement letters. E-libraries allowed for cancellation of print and filing service fees allowing for ancillary savings. Choosing a sole provider is not a one and done deal, there needs to be a point person to deal with daily issues that arise once provider is in place. One provider makes for a closer firm vendor relationship and I found that provider issues were resolved more quickly once a sole provider contract was in place."

"Major cost savings, infrequent need for materials from "the other" service."

"Most of our legal research needs are being met, but there are occasional content gaps that the sole provider is unable to fulfill."

"No complaints."

"Some litigation professionals aren't happy without Westlaw."

"We have been a single research database firm since 2009 and we were previously a Westlaw only firm. We moved to Lexis only in October 2015 and that's the "disastrous" part. We had no problem (aside from outrageous costs) being a single provider firm with Westlaw. Since moving to Lexis, one of our partners has twice been called out by a federal judge for using outdated caselaw because Lexis did not provide adequate updating and case treatment services. We are now recommending to our attorneys that they double check any information they find on Lexis because our firm has completely lost confidence in their resource. We are also considering a switch back to Westlaw."

"We make it work - it would be nice to have access to both but Westlaw's recent refusal to budge in negotiations - no matter how infrequently we might use their product - means we have to pick

one. And that one is Lexis for now.”

Comments from Westlaw Sole Provider Respondents:

“As far as I know, we've only ever had one provider at a time for our online legal research, although we have used Lexis in the past because of the deal that they were offering at the time.”

“Initially there was some opposition to going to a sole provider, however, after training, there has been no problems.”

“Lexis had very little usage.”

“Most of the time, it's adequate. However, on occasion we need a document from the other provider so we have to contact colleagues to assist us.”

“Single provider provides for all publications we need at a very cost effective price.”

“The buildup to going sole provider was scarier than actually doing it.”

“The cost savings are worth the occasionally inconvenience of not having the other provider.”

“The overall preference of our attorneys has always been Westlaw. When we moved to Westlaw as the sole provider, the majority of our users were in favor of the decision. The support provided by the Thomson Reuters Westlaw team has been excellent and has made our sole provider environment a workable situation for the Firm.”

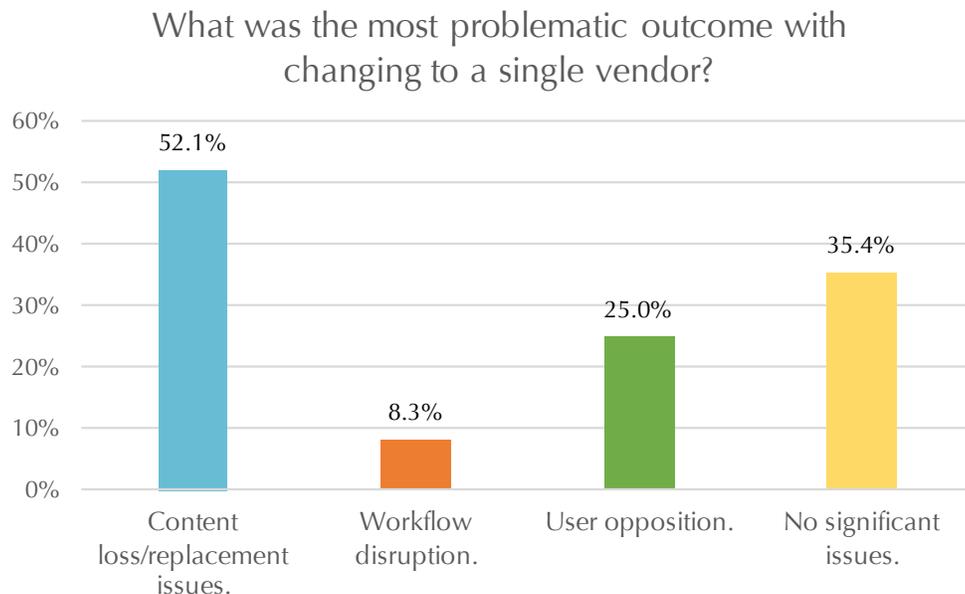
“There has not been any point at which not having Lexis has been a prohibitive issue.”

“Very few people used Lexis so there have not been many issues with not having it.”

“Westlaw has done a great job for us.”

“Westlaw works well for the firm's needs but there are a few times when not having Lexis is inconvenient but not devastating.”

Survey Question: What was the most problematic outcome with changing to a single vendor?



Comments from Lexis Sole Provider Respondents:

"Cost savings generally quieted any user opposition."

"Personnel opposition while constantly addressed during the decision of one provider can rear its ugly head when an associate who ignored every opportunity for training on transition to one provider suddenly is under a tight deadline and can't find what they need or how to perform a search and runs to partner in charge screaming that sole provider decision is prohibiting them from doing their job. You need to closely monitor issues that develop during early stages of adoption to make sure to control personnel opposition that can readily spread."

"Initially, librarians had to prove material was accessible on single vendor, when researcher had citations to other service only."

"Lawyers hate change."

"Passwords and training classes"

"There are some items that are only on Westlaw - getting access to those now that we only have Lexis can be problematic."

"There was some disruption and there continues to be complaints about usability and functionality. But aside from those surface and less important difficulties."

"We have been a sole provider but switched from Westlaw to Lexis. A lot of attorneys were not happy, but Lexis is much cheaper, and the content is similar."

Comments from Westlaw Sole Provider Respondents:

“Again, we've only used one at a time, but we inevitably come back to Westlaw. Our Attorneys as a whole seem to prefer it and they give us exceptional customer service. Switching from one to the other can be a real inconvenience though. They each have their own tools/resources. In addition, we do maintain numerous LexisNexis publications in our Library.”

“ALM access. ALM periodicals are only available through a web subscription for 6 months after publication so Lexis is the only option. Some parts of these periodicals, like the Surrogate Court opinions in NY Law Journal are very poorly indexed and are often impossible to find if you can search Lexis.”

“As a librarian I relied heavily on it for industry periodicals and business development. I can no longer do my job as effectively as I did before.”

“Duplication of resources.”

“Lexis is hiking up our costs for all our print and online services they own that we subscribe to.”

“No one said a peep.”

“There was some workflow disruption as training was needed for some people, but not major.”

“There were some who strongly opposed going to only Westlaw. However, after training almost all of them supported the change.”

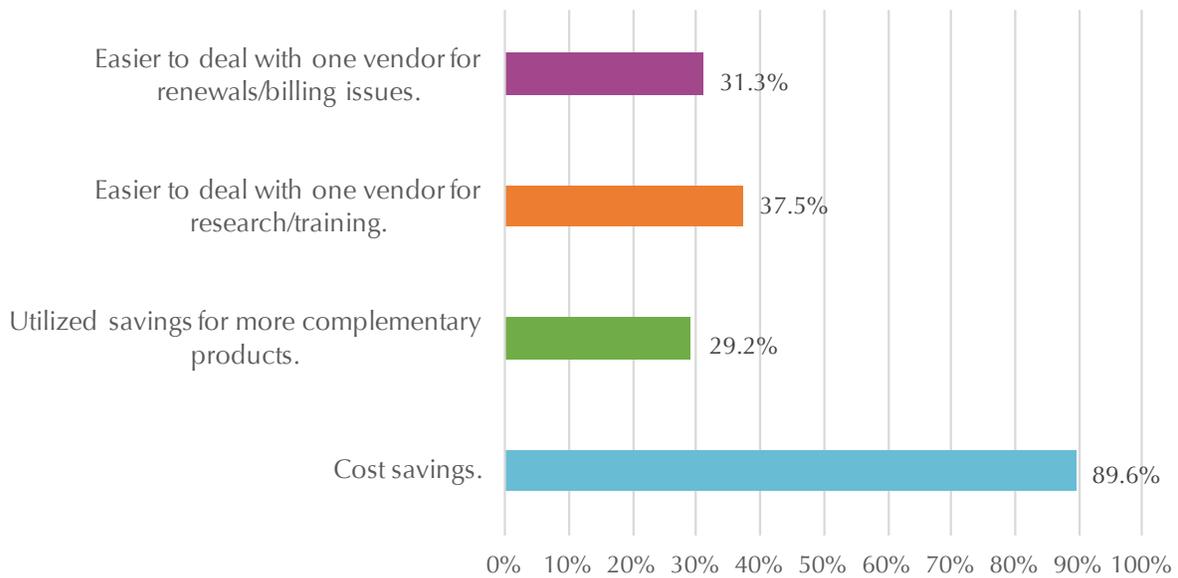
“This arrangement has been in place for 15 years. At that time not as much was available digitally and we still had much of our content in print. We did not have the need to re-purchase any print materials to cover gaps. As time has passed ever so gradually the Lexis / Matthew Bender print content is disappearing for one reason or the other, generally because of disuse, and the loss does not appear to be felt.”

“We had some opposition and content issues, but I would not consider either significant.”

“We lost access to a few items such as firm-wide Wall Street Journal access and Chisum on Patents. It really hasn't been an issue though.”

Survey Question: What was the most positive outcome in changing to a single provider?

What was the most positive outcome in changing to a single provider?



Comments:

“Ability to support new and/or low cost providers/products.”

“Due to the cost savings (almost \$1M per year), we were able to switch to a billing model where we do not bill back the cost of legal research. Another positive of lexis is access to Maryland State Bar Association materials, that we would not have through Westlaw.”

“In the end it's all about the money. There has been tremendous change in the industry are since we moved to a single provider. Users are requesting news resources; we now need to review news aggregating services. The legal primary source battle is over; we won't ever have dual access again.”

“It doesn't hurt to have a little healthy competition when it comes time to renegotiate contracts.”

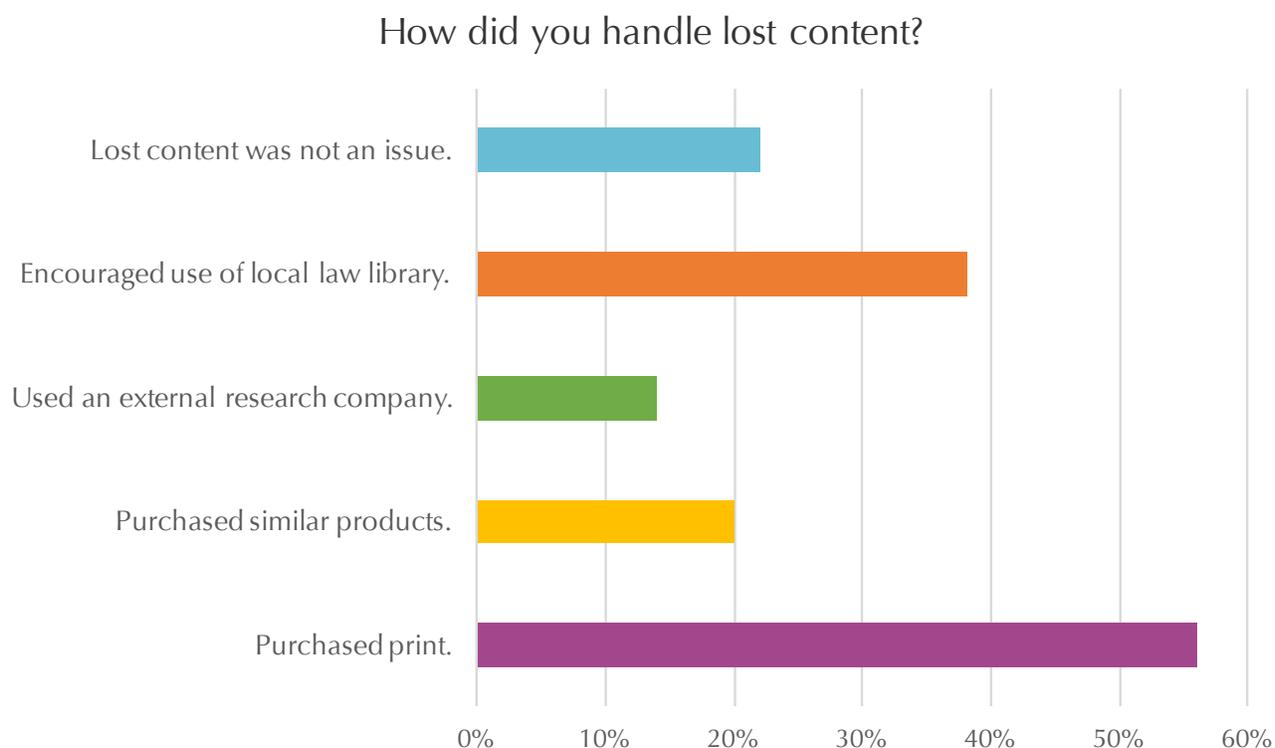
“No longer need to bill research to clients--best ever!”

“We saved significant dollars over the life of the multi-year contract yet we added expensive content formerly outside of contract along with bright shiny objects like mobile WSJ and free e-libraries to enhance user experience. We freed up dollars to purchase content from other vendors

like PLI and Bloomberg with the money we saved by moving to one provider but not increasing online budget.”

“We're saving almost half a million dollars over the course of the three-year contract.”

Survey Question: When sole provider firms were asked “How did you handle print?”



Comments:

“Actually kept necessary print. It is getting harder to encourage use of local law library, because they are moving content online also, if they don't get licensing for visiting researchers then we don't have access.”

“Also utilize colleagues who can provide assistance if necessary. It's reciprocal.”

“Had West print resources for comparable material that we could no longer access online.”

“Purchased NY Law Institute membership.”

“Some content in the sole provider's catalog was equal as industry-standard quality, so that made it easier for the lawyers' immediate research needs.”

“Subscribed to Wall Street Journal and Tax Notes Today directly from the publishers.”

“Very little need to purchase print.”

“We have a membership with the county law library, which allows us to access some Lexis content.”

“We heavily evaluated content across providers to make sure that in our practice areas we did not create content gaps. We surveyed attorneys in practice groups to aid us in making these decisions. We did compare and contrasts between vendors and we had focus groups to address individual concerns of power users.”

“We obtained the most used secondary sources in print. We still realized a significant cost savings over having both Lexis and Westlaw.”

“We purchase print from various vendors, and we use alternative vendors to perform criminal records checks and to do investigate research on individuals and businesses.”

“We spend more on our outside document company than we did before.”

Survey Question: Specifically regarding content, what hurdles did you find most difficult to overcome with having only Westlaw or Lexis?

Response from Lexis Sole Provider Respondents:

"Some vendors won't allow interlibrary loan requests to be filled from their digital resource."

"Citations to content (cases, primary documents) only available on Westlaw especially those that fell outside of our state since our local law library had a WL contract that covered our state but not other states."

"Convincing users who were exclusive to Westlaw that the Lexis content was not a lesser product. Some Westlaw material not available on Lexis had to be maintained/recovered in print because it was too important to not have in the office. Also, trying to obtain Westlaw-exclusive materials from other sources can be challenging or impossible."

"Every once in a while we'd get a West citation that we couldn't locate on Lexis but this was a rare occurrence."

"I've encountered no difficulty."

"Materials published by Thomson. West has greater coverage of trial decisions. materials that are proprietary to either Westlaw or Lexis that they will not license to each other."

"None."

"Not many hurdles honestly. There are some titles that we had to keep in print when we dropped Westlaw - but it was a minimal number."

"Our only real need has been accessing case for which we have only a Westlaw cite, and only on the rare occasions when the case is not available on Lexis."

"Paying for additional print and encouraging its utilization."

"Previously Westlaw was our sole provider, and we switched to Lexis. Training the attorneys to use Lexis was the biggest hurdle and proved to be more difficult than anticipated."

"The hurdles that arose were not difficult to overcome."

"There have been no significant hurdles for our lawyers."

"Nothing to note."

"Training attorneys to switch from one to the other - we used to be Westlaw-only - now we are Lexis-only. Training the attorneys to move from one platform to the other took a while."

"Users were very concerned about updates and annotations to State statutes, regulations and court rules. Litigators were especially vocal in this area. Also we spent a lot of time addressing court

opinions that were only available from one provider or the other. Public records access was also an issue because one provider was powering Conflicts and client intake process and so we needed depth of content, accuracy and up to date information. Firm general counsel attended meetings regarding content so that any firm malpractice issues could be addressed by vendor explanations about what courts expected in terms of firm access. Attorneys were visibly concerned that the day the other provider was shut down they would lose access to necessary content. We spent a lot of time during focus groups proving this would not be the case and addressing what if scenarios by practice groups. What if we need content discussions were a significant part of convincing users that we were making the correct one provider decision. It was important for the attorneys to know we had already thought content issues thru in detail. This was an area we could "control" unlike the debate on which vendor had a better user interface."

"We have not had much trouble here. But we have a very large print collection and most of it was duplicative of what we had access to online."

"Westlaw Treatises."

"When we had Westlaw, the secondary sources were out of plan so we already had those being heavily used in print. The out of plan costs were unpredictable from month to month. When we moved to LexisAdvance, we kept the West print titles but lost the online access to proprietary treatises that we didn't currently have in print. We obtain as needed from document delivery services or from nearby law libraries."

Response from Westlaw Sole Provider Respondents:

"Attorney preference of one vendor's content over another, ability to show equivalent products between providers."

"Attorneys have to be told that we don't have access to particular materials that are found on the competing provider. If there is a particular article, case or document that we know is on Lexis, we will ask a colleague to obtain it. The problem arises when we don't know what else is out there, and we have to rely solely on the content of one provider. In other words, "we don't know what we don't know"."

"Collier on Bankruptcy."

"Finding parallel citations; accessing treatises published by the other provider
Infrequently, someone has only the Lexis citation for something needed. Then we have to call one of the local public law libraries. Some time delay in getting what we need is sometimes a problem."

"Lexis calling our firm every month asking why we only had Westlaw."

"Loss of Matthew Bender multi-volume treatises online - needed to repurchase print for some. Loss of superior news resources on Lexis."

"Loss of Matthew Bender online."

"Matthew Bender and ALM."

"Moving people to the Westlaw equivalent of Lexis titles."

"News and company information has been hard to compensate for. Biggest complaint was loss of our corporate Wall Street Journal subscription."

"No one vendor is self-sufficient. No one vendor has everything. That said, Lexis has a superior Virginia coverage but Westlaw has a broader national coverage than Lexis in my opinion. I would use smaller vendors to supplement any weak areas with WL, which is very small in terms of cost compared to having WL and Lexis."

"None."

"None during my tenure. I believe that having made the decision to go sole provider 15 years ago when print was still very much a part of the collection made it much easier than making the change would be now. Most of us have jettisoned print in favor of electronic and as a result the loss would be felt. That being said, we are very gradually jettisoning the Matthew Bender print content when it appears to have little use. So far no complaints."

"None. Lexis is not popular in our firm."

"Obtaining copies of Lexis Only opinions, and Lexis published treatise citations."

"Online access to Chisum on Patents"

"Searching across a multi-volume treatise can be easier online and more convenient vs. print. Occasionally we will need a case not found within our subscription."

"Some cases are only published in Lexis so we don't have access to them."

"sometimes it's just a matter of what people are most familiar with"

"The main hurdle has been having limited access to certain content within our current Westlaw contract. For instance, court dockets are limited to only 4 users across the firm due to the cost of the content. Trial Court Orders are completely excluded for all users. This is content that is called upon daily for various types of research, both client related and for business development purposes. Ideally, we would like to have all litigation content included so we can do full litigation history research more easily."

"We bought a couple treatises, other than that we have no problems"

"We really haven't had too many hurdles. There is an occasional request for secondary sources that are found only on Lexis such as ALM content but, it hasn't happened too often. Most of the treatises we either have in print or are able to find at a local law library. Everyone agrees the ALM content is not worth subscribing to Lexis again."

Survey Question: Other than content, what hurdles did you face in transitioning to a sole provider?

Response from Lexis Sole Provider Respondents:

"1) Working with the Westlaw-exclusive users on their transition to Lexis. 2) Transactional instead of hourly - the firm had been conditioned from our previous provider contracts for hourly billing research. 3) Adjusting to our sole provider's training schedule (monthly instead of weekly, and no free access)."

"A few vocal users opposed to switching away from Westlaw, which more attorneys were familiar and comfortable with. Nobody likes change."

"Convincing users that the resources were comparable."

"Dealing with initial reaction of attorneys that preferred Westlaw."

"Getting WL users comfortable on the Lexis platform enough to use and trust it."

"Some associates wasted managements' time trying to prove Lexis was inferior with mistakes. Westlaw kept feeding the associates propaganda/marketing type information. These associates were friends with our West reps."

"I would say initially; it was ensuring that our lawyers were trained well on how best to use the service."

"just convincing users to change and trust the vendor they rarely used."

"Lawyers are not change agents. Vendor preference is established the first year of law school. User interface and ease of use were huge hurdles to overcome. We instituted mandatory training sessions for users and did on demand one on one training."

"Our only hurdle has been the unreliability of Lexis's primary resources."

"Perception that Westlaw is a better product."

"The transition happened before my arrival at this firm."

"Training attorneys and staff to use Lexis and stop complaining about losing Westlaw."

"Training/perceptions on behalf of attorneys."

"usability. Westlaw is a more intuitive product."

"User training."

Response from Westlaw Sole Provider Respondents:

"A few Lexis users were wary but they transitioned without a problem. Lexis is saying our print costs will rise because we don't have Lexis online."

"A lot of training was involved but Library staff and Westlaw reps were able to handle it."

"Getting Lexis only users to accept change. They were not really given a choice and once they gave Westlaw a chance they were happy with the switch. The biggest hurdle was getting some to accept the change."

"Increasing the content within our main provider, having a more comprehensive contract."

"Lateral hires that were used to using Lexis at their old firm had to learn Westlaw."

"My attorneys are overwhelmingly Westlaw users and I haven't had any issues when new attorneys join. Most are glad to hear that we are Westlaw only."

"Lexis pricing was getting crazy, we cut the cord and haven't looked back."

"No issues."

"Many of Lexis users are senior partners."

"None."

"Occasional user dissatisfaction, but that decreases over time."

"Our users were heavily in favor of Westlaw so the transition to that service as a sole provider was smooth overall. All hurdles that we encountered were related to content."

"People remembering we no longer have Lexis."

"Reluctance of Lexis users to train on WESTLAW."

"Some end users preferred the other product but once they undergo training, everyone jumps in board."

"Westlaw had completed transition to WestlawNext when we resubscribed, which involved some user training."

Survey Question: Are there any remaining hurdles that have not yet been resolved at your firm related to vendor elimination??

Response from Lexis Sole Provider Respondents:

"no" - as shared by 12 respondents.

"Not really." - as shared by 4 respondents.

"balancing print collection costs"

"Getting rid of other West products. Once you go One Provider the ancillary products of the vendor you dropped become less useful as they can't tie in to the main database - and unfortunately those ancillary product contracts were on a different timeline for expiration."

"It was 20 years ago, whatever issues there were have been overcome."

"On-going training; Lexis is not as easy to use as Westlaw."

"The perception some have that the decision was made lightly or without input from users."

"We are working thru implementation of KM strategies as a result of our one provider decision"

Response from Westlaw Sole Provider Respondents:

"No" – as shared by 22 respondents.

"Not really" – as shared by 4 respondents.

"Awareness of content loss, some users don't use information regularly and ask why we don't have up to date content, when the title has been canceled two years ago with their approval."

"Lack of access to materials on Lexis is a minor frustration - we can work around it, but would be nice to have the convenience of having access to Lexis"

"Lexis print prices have gone up dramatically without a contract.

"None. The switch for us was relatively painless and I don't think anyone really misses Lexis all that much."

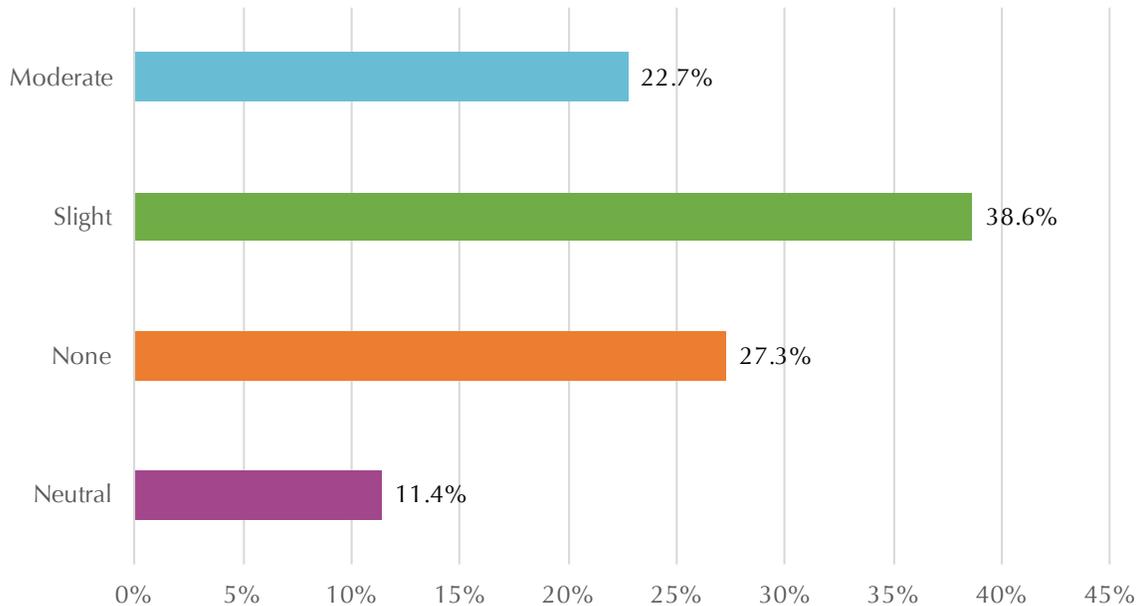
"Not really. The transition was pretty smooth."

"The provider who has been cancelled is no longer willing to give some discounts on other purchases, e.g., print. We've become "persona non grata"."

"The transition went quite smooth with little push back."

Survey Question: What was the level of firm disruption during and after the change to a sole provider (i.e., workflow interruption/efficiency loss, user resistance to change, users' reluctance to train on retained vendor)?

What was the level of disruption to the firm during and after the change to sole provider?



Comments from Lexis Sole Provider Respondents:

“About what we expected - it took about three months for the panic to subside.”

“Our Firm GC's comment on the sole provider experience - If any attorney cannot do their job January 1st when this contract goes into place you will have failed despite any cost savings you brought to the firm. Disruption occurred only for those users who refused training and had to plat catch up”

“the transition happened before my arrival at this firm”

“There wasn't a lot of resistance and most users went through training, which helped.”

“Unsure.”

“We had some researchers who were very upset for about a month. There are researchers who would prefer the other vendor, but they are utilizing our resource.”

Comments from Westlaw Sole Provider Respondents:

“Pretty much all of those when we switched from one provider to the other.”

“Some users were more affected if they lost specific Lexis content they needed, but there were not many. We saw very little resistance and most users transitioned well.

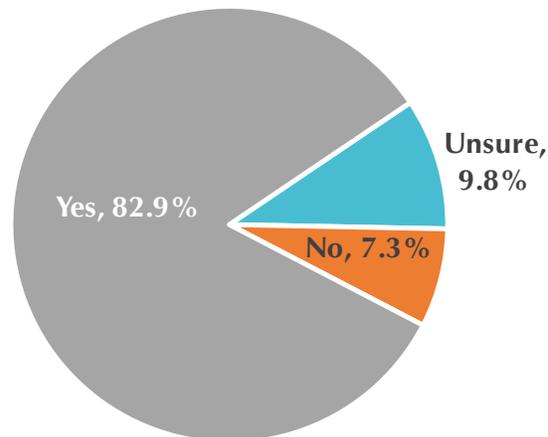
“We provided a lot of training opportunities prior to Lexis being eliminated. I offered one on one training, CLE training, web-ex opportunities and open house style training so that every type of learner was included. Once the last day of Lexis access arrived, all but a few individuals were dedicated Westlaw users.”

“We've always been a one vendor house until merging brought on a second provider. Once that vendor was eliminated, its former users experienced a small rough patch adjusting to the new system.”

“Can't really say, but 15 years ago the landscape was much different so the problems were probably much less acute than they would be if we were doing this today.”

Survey Question: Did the disruption lessen in time?

Did the disruption lessen in time?



Comments from Lexis Sole Provider Respondents:

"But it took about 12 months."

"Continual vendor and library training was put in place. FAQs for one provider were put in place on library portal with who to call solutions and just in time training videos"

"However, some users still struggle to use Lexis because they don't find it intuitive."

"If there was a disruption I would have to say yes as the lack is not felt."

"The disruption was very slight and only for a very few users who waited until the last minute to switch to Westlaw. After a few training sessions with them, I would say there was no more disruption."

"Training was very effecting."

Comments from Westlaw Sole Provider Respondents:

"At this point it would likely be prohibitively expensive to have both Lexis and Westlaw (on top of Practical Law and Bloomberg Law, which are both major expenses as well)
CFO doesn't believe in paying for duplicate services, which he considers Lexis and Westlaw to be."

"CFO won't even consider Lexis product."

"I doubt we will ever go to two vendor system again. Unless, they offered limited content, such as Matthew Bender only treatises at a very reasonable price."

"If they were brought back it would be as a sole provider. The litigation chair has said the savings would have to be VERY significant to make the change."

"Lexis is horrid"

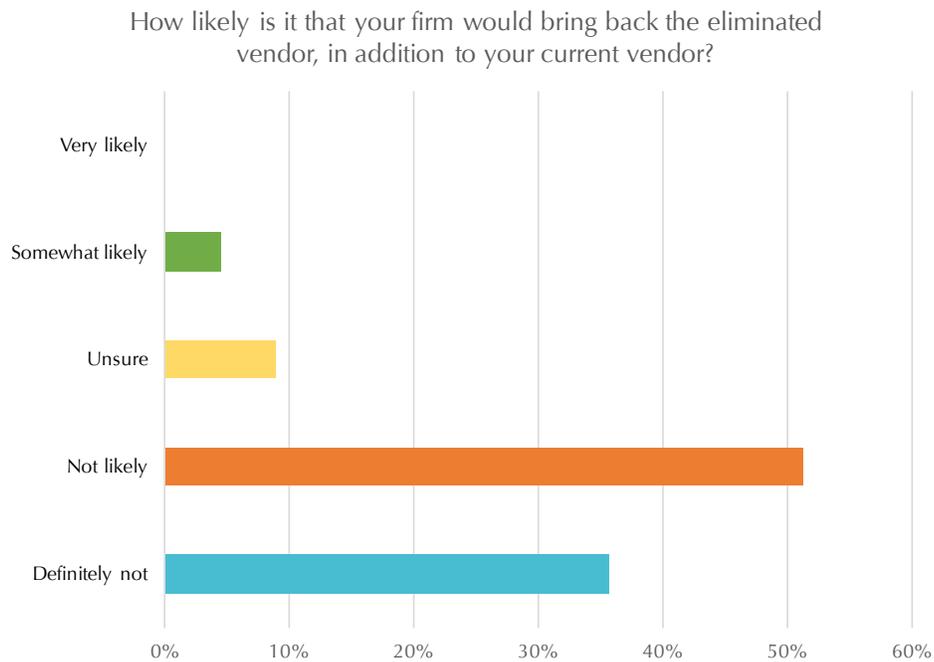
"The decision to move to a sole provider was due to clients' refusal to pay for legal research, and the increasing costs of carrying both vendors. The continued decline in cost recovery opportunities prohibits us from going back to a dual-contract environment."

"Unless they would offer a la cart access (or slices) of materials."

"We recently underwent a trial with the other provider, but chose to remain with our current provider in spite of higher cost."

"We would not use both at the same time."

Survey Question: How likely is it that your firm would bring back the eliminated vendor, in addition to your current vendor?



Comments:

"Because of our difficulties, we are looking at bringing back Westlaw, but I will push to keep both databases because Lexis definitely has materials that are very useful to have access to."

"Lexis and WL seem to be diverging more than ever. In a few years, you might have to have both again for content as well as other concerns. We have been told that some judges prefer/require one over the other. Also, as clients increasingly have one or the other or both and both are building collaborative platforms, clients might drive usage to have both to support collaboration."

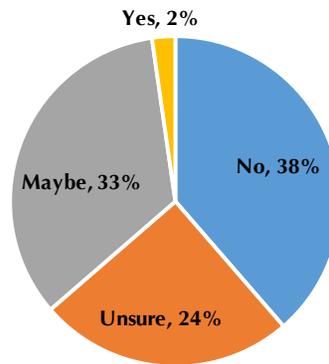
"No way. First of all, it would drive the attorneys crazy to put them through another big change. Second, after the cost savings we achieved, there's no way we would spend more money again. Especially since we recover less and less from clients each year."

"They were unwilling to even discuss pricing - which I found very odd and frustrating. My firm doesn't do litigation but they couldn't offer us any deal that didn't include all of their litigation resources - so unless they're willing to actually discuss these things, we won't be switching back."

"We may swap, if we save money."

Survey Question: If your firm received what you believed to be best in market pricing, would your firm bring back the eliminated vendor?

If your firm received what you believed to be best in market pricing, would your firm bring back the eliminated vendor?



Comments from Lexis Sole Provider Respondents:

"Best in market pricing" is a fantasy. We've learned over time that there is no way to know if we're getting best in market pricing because they hold all the information. We're effectively buying really expensive cars without any access to see prices at CarMax or Kelly Blue Book values. Until vendors are more transparent with pricing there is no way I will ever trust that they are giving me the best pricing."

"Before an opt-out date, we did an RFI with the cancelled vendor and their "best" offer was not competitive."

"I think that we would need to see where things stand when the current agreement is up for renewal."

"Most likely, we would bring WL back when our Lexis contract was up if WL beat Lexis' pricing quote. At that point, we would still be single vendor but it would be the other vendor."

"Once you know you can live without something, it's got to be very compelling pricing to bring it back."

"Our one provider decision was more than deciding an online research provider. The decision set the stage for our Conflicts, client intake and KM initiative. With the cost savings the firm has realized, it would take more than pricing to convince the firm to bring back the eliminated vendor"

"They'd have to offer us an amazing deal at this point to make up for their bad attitude."

"We do not want to give the impression to our attorneys that we can flip flop willy nilly every few

years.”

“Westlaw is missing some crucial content only available on Lexis.”

Comments from Westlaw Sole Provider Respondents:

“Already tried that approach.”

“But then we would drop Westlaw.”

“Can't speak of the future, but as of the present, price wasn't the main consideration with choosing the vendor”

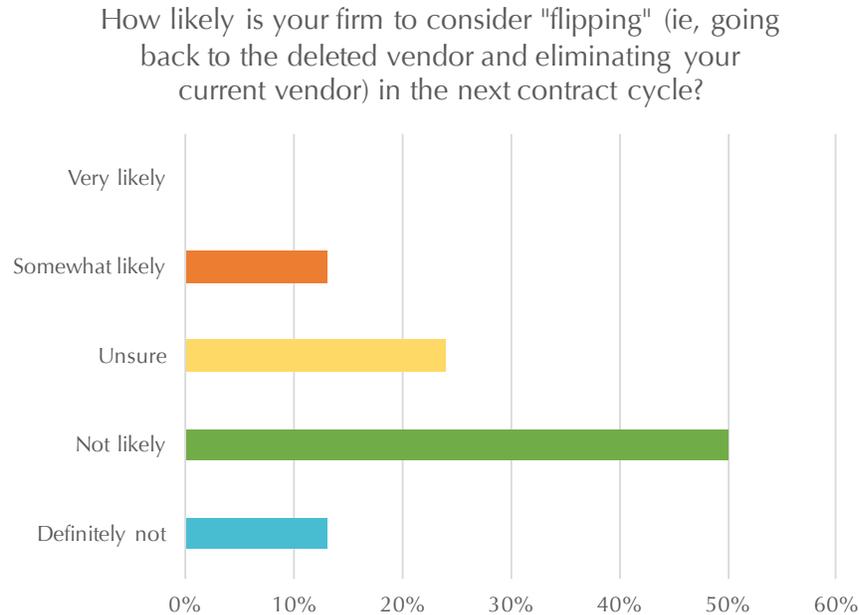
“It would still need to be vetted by the Litigation Dept. Chair.”

“Pricing is important but, the ease of use, customer service and the accuracy of content is also important. We had a lot of technical issues and found a lot of out of date content with Lexis. I spent a lot of time managing Lexis issues including password problems. Our Lexis representatives were also unprofessional and would often be a source of problems.”

“While it is wise to never say never, it would be very difficult to move away from our current sole provider. A large amount of print has been eliminated because of having access to the most popular and important treatises on Westlaw.”

“While pricing is important, it wasn't the sole or deciding factor in our decision.”

Survey Question: How likely is your firm to consider "flipping" (ie, going back to the deleted vendor and eliminating your current vendor) in your next contract cycle?



Comments:

"Again - it would all come down to a) pricing and b) their willingness to negotiate."

"I think Westlaw is the superior product so it would be difficult to give up at this point, though I wouldn't fully rule it out."

"If the content and pricing continue to satisfy our needs, then I would stick with the incumbent."

"Lexis has been very aggressive trying to get our business back. They are cheaper but don't know if it's worth it. We've always been a majority Westlaw firm"

"Lexis would have to improve significantly and we would have to have different representatives from the top to the bottom."

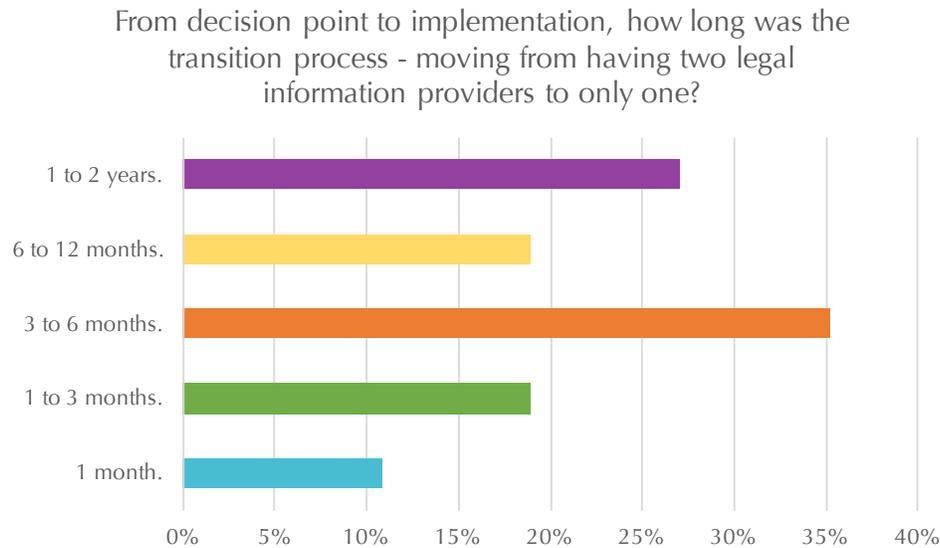
"Only if the price is lower."

"This was originally our plan but due to current circumstances, we might not be able to wait another 2 years."

"Two reasons. First, again, too much change for the attorneys. Second, because of choosing Lexis for our main legal research provider we've purchased many of their ancillary products. Lexis has done an excellent job at tying their products together to make more and more of their content from disparate platforms accessible from the main platform. West has been just awful about doing this. Not only are they more expensive, but their ancillary products are more expensive, and they tie

very little together and have been obstinate about the need to do so. They are arrogant and overvalue themselves.”

Survey Question: From decision point to implementation, how long was the transition process - moving from having two legal information providers to only one?



Comments from Lexis Sole Provider Respondents:

“Do not know as the transition happened before my arrival at this firm”

“It was some years ago and my memory is a bit fuzzy about how much time this took but I think it was around 6 months.”

“Just a guess, it happened 20 years ago.”

“We decided in October and transitioned in February”

“We made the decision in late July and turned off the first vendor October 1st.”

“We started with Finance to address vendor preference in client engagement letters. After that hurdle we started the buzz among associates 18 months out that one provider might happen. The entire process start to finish was 18 months. We started at the end of year one of our 3 year contract for both vendors to start the decision process.”

“We were already single provider (I wasn't at this firm when they originally went from 2 to 1). To go from Westlaw to Lexis was a 1 month process.”

Comments from Westlaw Sole Provider Respondents:

"I'm really not sure, as I wasn't here. My perception from the discussions is that it took about a year to two."

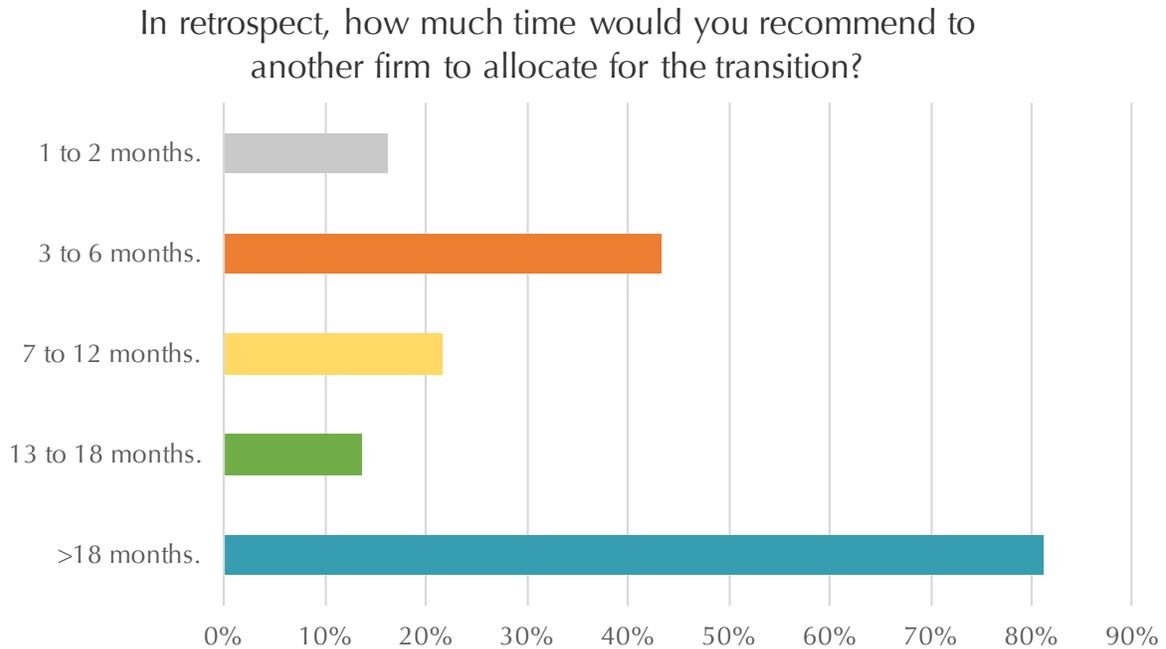
"It was instantaneous."

"Question isn't relevant"

"Time for training."

"we have been a Westlaw only firm for a long time"

Survey Question: In retrospect, how much time would you recommend to another firm to allocate for the transition?



Comments:

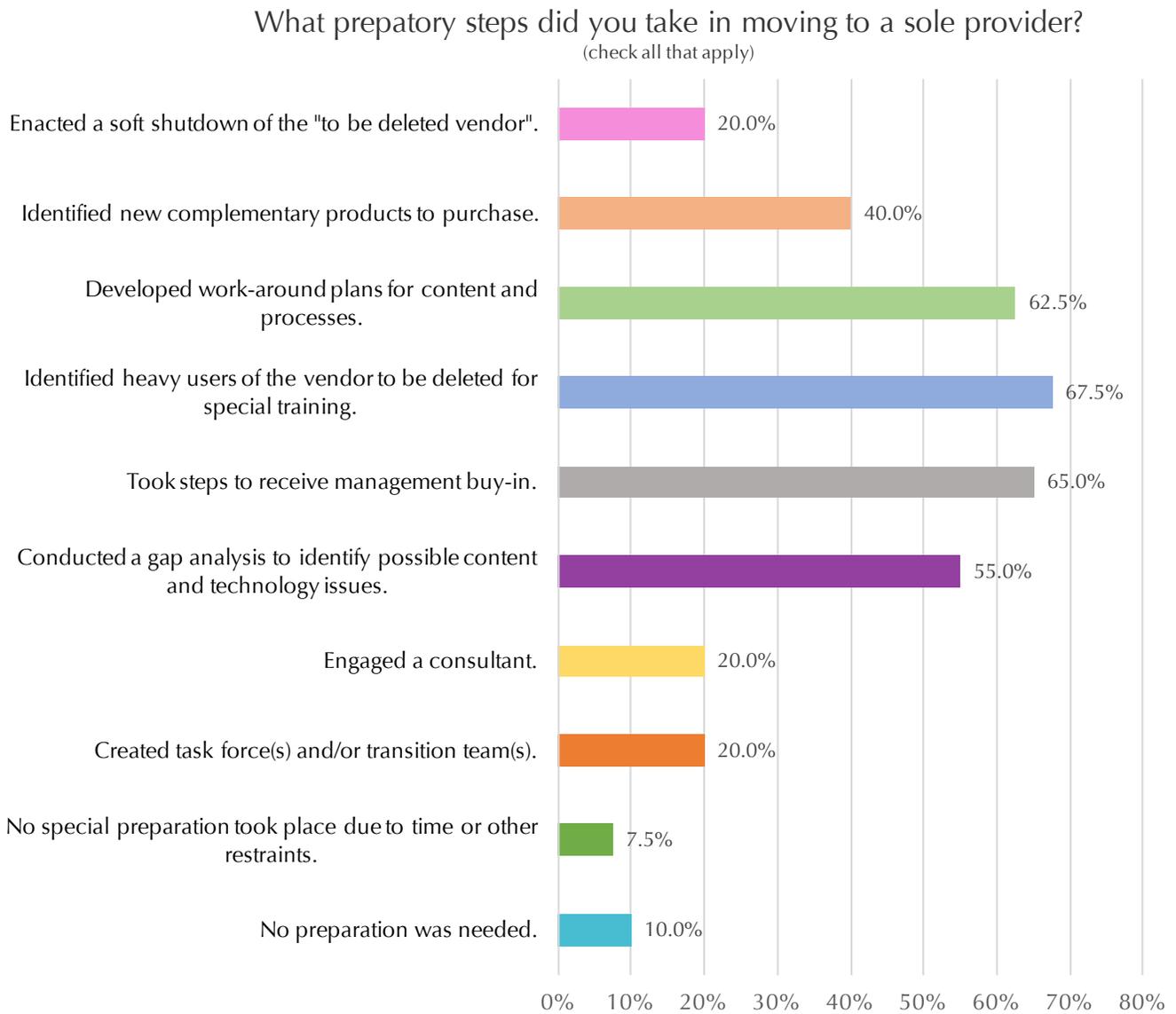
"I think it depends on the size of the firm and their practice areas and what their strategy is in terms of the provider. Is it only an online research provider or does the vendor have tentacles into the Finance IT HR and Conflicts department with additional contracts that need to be looked at and addressed"

"No more than three months, after the decision. You can't leave the possibility that you will somehow get to keep both. I don't think the training and education issue as difficult as it used to be."

"Probably 3 to 6 months directly with training but point of need training and marketing will need to go on for several years to win over infrequent users of the other system."

"This should be enough time depending on cooperation from Sole provider and training assistance."

Survey Question: What preparatory steps did you take in moving to a sole provider? (check all that apply)



Comments:

"Had both vendors for a period of time. Moved alerts over to new vendor. Gave several months notice to users."

"Offered one to one training, practice group training was offered, and vendor was on site."

"All types of assistance was offered, but very little of it was actually utilized by researchers. This is why we should stop being overly concerned about education and training. Make it available, offer opportunities, identify online training snippets, but don't allow it to delay your decision."

“Recruited a group of the heaviest users for a trial of LexisAdvance and administered pre-trial, mid-trial, and post-trial surveys to gather their input and address concerns ahead of any changes.”

“We also conducted internal surveys to see how willing people would be to the change; that was our first step.”

“Really can't say as I wasn't here; although please remember the landscape was much different 15 years ago and digital research wasn't quite as pervasive as it is now. Print still had a more visible place in the library than it does now.”

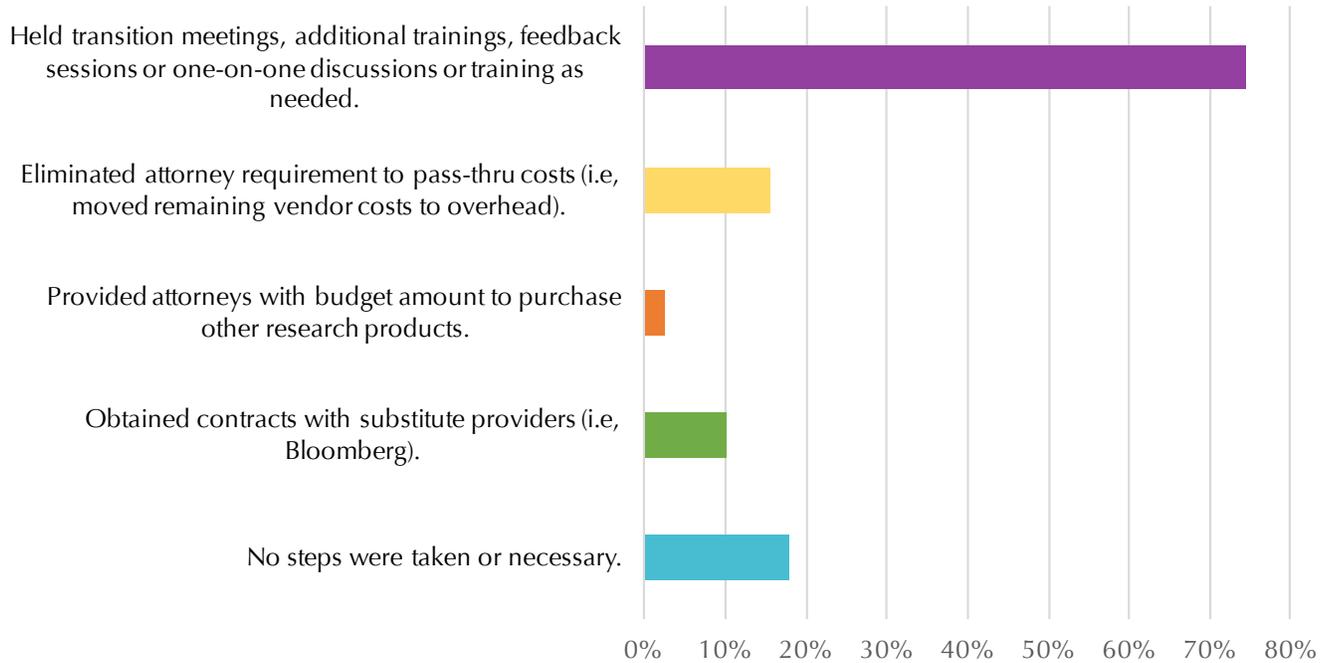
“Scheduled numerous and varied training opportunities to accommodate user learning preferences using library team and vendor representatives. Consulted with other firms that had already moved to the same vendor to get tips on transitioning and sources for replacement content.”

“Training for heavy users of deleted vendor is the most important step to easing the switch.”

“When we renewed our contract the last time, we conducted a trial period through both vendors. We basically went through all of these steps. That whole process took approx. 2-3 months.”

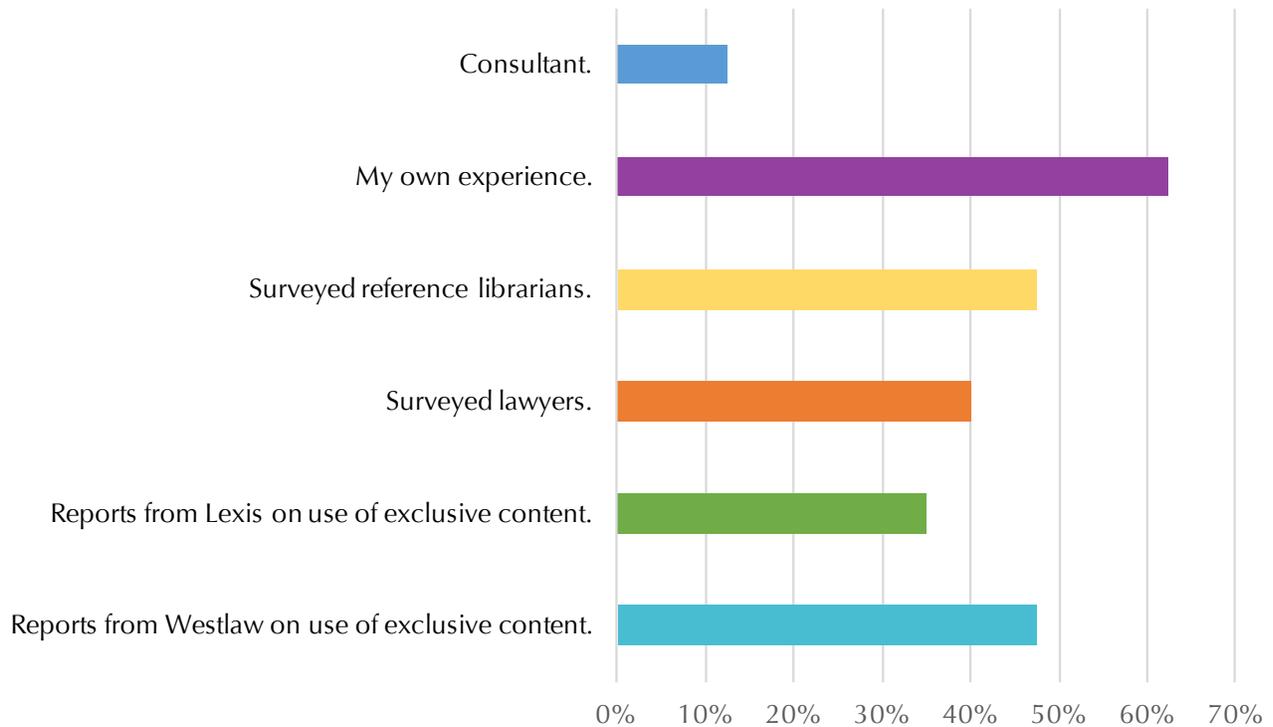
Survey Question: During and after the transition, what steps did you take to minimize worries and/or complaints by users?

During and after the transition, what steps did you take to minimize worries and/or complaints by users?



Survey Question: How did you predict the lost content of the eliminated vendor?

How did you predict the lost content of the eliminated vendor?



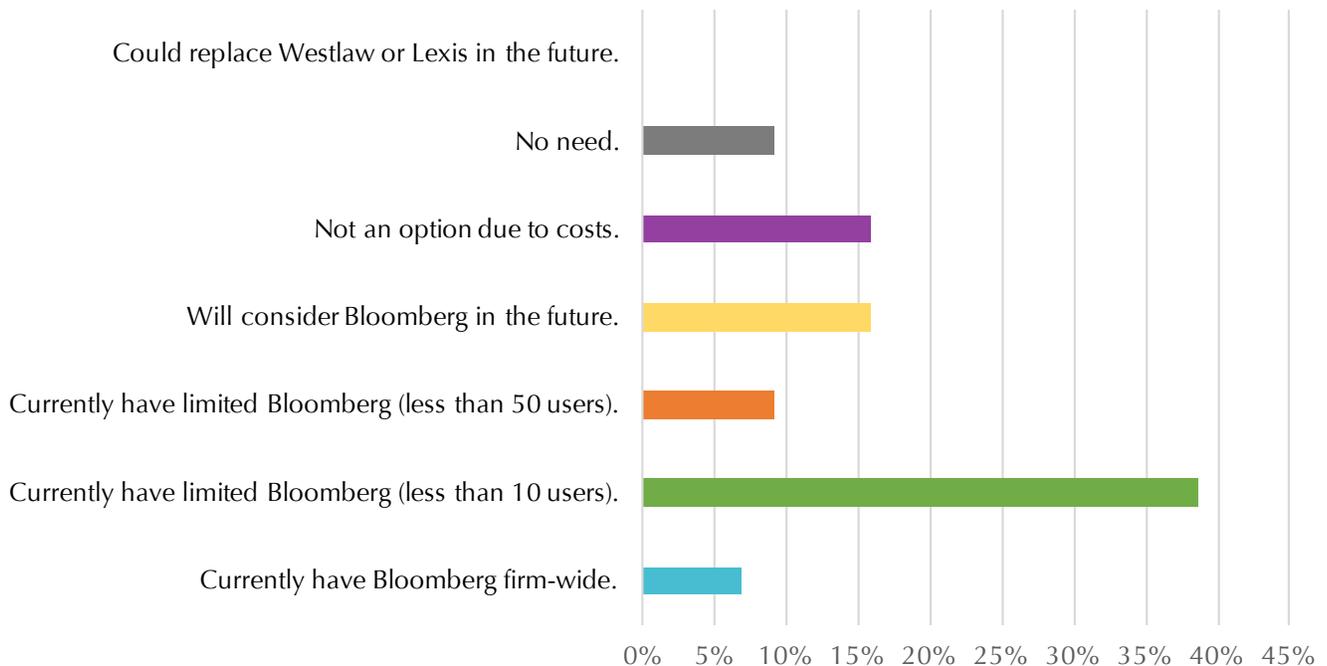
Comments:

"We were fortunate in that we didn't have a lot of exclusive content in our Lexis contract. Any exclusive content was outside contract use and easy to identify."

"We worked closely with practice groups to discuss content choice and options to replace content. Labor group were die hard WESTLAW users and we gave them Bloomberg Labor Library where pass thru costs were eliminated and we never heard another complaint."

Survey Question: How does Bloomberg play into your legal information strategy?

How does Bloomberg play into your legal information strategy?



Comments:

"Can't yet replace Lexis and/or Westlaw - plus at this point even their pricing doesn't compete, but we're keeping an eye on it."

"Currently have BNA's old products that are soon being discontinued. This includes firm-wide access to the Labor & Employment Resource Center and fewer than 10 users on additional older products, such as Tax Management Portfolios, Employee Benefits Cases, etc."

"May have to get limited or firm-wide subscription once they transition individual online newsletter subscriptions to their practice centers"

"This limited Bloomberg access will go into effect in November"

"We don't find Bloomberg as a viable alternative to either Lexis or Westlaw. Is a nice add-on though."

"We have a large number of users on Bloomberg to accommodate specific practice areas, but it is not a firm-wide subscription. I don't think BL could replace Westlaw or Lexis, and given the cost, I'm hoping to eventually reduce our number of users."

"We have library only access as a hedge for the need for Bloomberg BNA content on a one-off basis. There is no current need at an attorney level for full BLaw access. With the impending

pricing change, we will be canceling our subscription when our current contract expires.”

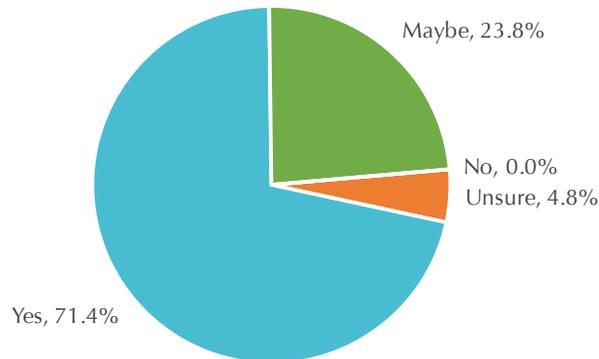
“We only have one user license that is used only by the Library.”

“We would like to have access to Bloomberg Law. There is strong content in dockets and news on this service and the integration of BNA content makes Bloomberg an even more attractive resource. However, Bloomberg is extremely expensive. We moved to a sole provider environment because of costs. Bloomberg’s expense makes it difficult to consider it as an option. However, Bloomberg will sunset the Bloomberg BNA platform in the next year or two. We will be forced to consider some amount of Bloomberg licensed seats in the future because of the loss of the native BNA product.”

“We would love to have Bloomberg, but their price is out of range for us. We are constantly working with our rep to figure out how to bring them in.”

Would you recommend other firms explore the sole provider option?

Would you recommend other firms explore the sole provider option?



Comments:

"All of the large vendors (WL, Lexis, BL) have created bad will with law firms through their lack of transparency and their forced bundling of products."

"All of these tools are susceptible to technical bias and errors and have individual strengths and weaknesses. I would prefer to have at least two so that results could be compared, but that is cost-prohibitive given the reluctance of vendors to allow partial content subscriptions. Having multiple results in too much duplication of primary law. Also, we can access Westlaw from an academic law library within a couple of blocks of our main office if need be. That is the sort of factor that would make a difference in considering such an important decision."

"As mentioned, no one vendor is self-sufficient."

"Having a sole provider has become an economic reality in the law firm world. However, it is not ideal because our attorneys need access to a number of resources. Westlaw, Lexis, Bloomberg and other services do not provide a one-stop shop for all of the information that is needed in serving the Firm's clients. The pricing of these products makes it cost-prohibitive to have everything. There needs to be more flexibility in negotiating the cost these products so that firms can continue to carry multiple resources.

It is difficult to get vendors to understand that we want to have access to secondary content but don't need another source for primary law. Vendors seem unwilling to recognize this as a reality of law firm economics now and going forward."

"Not really, other than BLaw is not a replacement option. It never has been due to their heavy-handed pricing for a third tier product."

"Sole Provider is more than choosing an online legal research provider. This decision can effect a firms strategic plan in other areas like KM and workflow and process improvement. This is a big picture decision and all the decision makers need to be in agreement. As CKO, I made

sure attorneys could still do their job while weighing cost savings. It wasn't always easy to convince the finance folks who saw this decision purely in terms of dollars and sense, you really need to champion your users, keep them happy and able to provide service to their clients. Its a decision that effects everyone at the firm down to secretaries and IT staff"

"Switching from Westlaw to Lexis caused more upheaval than I expected, but mainly because of attorney unwillingness to learn something new."

"This was a whole lot easier than anticipated. Training is the most important tool we used to ease the transition."

"To some degree, sole provider means more demand for Library services so you have to factor in not only monetary savings but increased demand of other electronic and personnel resources."

"Westlaw has bent over backwards for us. Lexis has made our relationship a negative."

"Westlaw has worked hard to include all content that meets the needs of the firm."

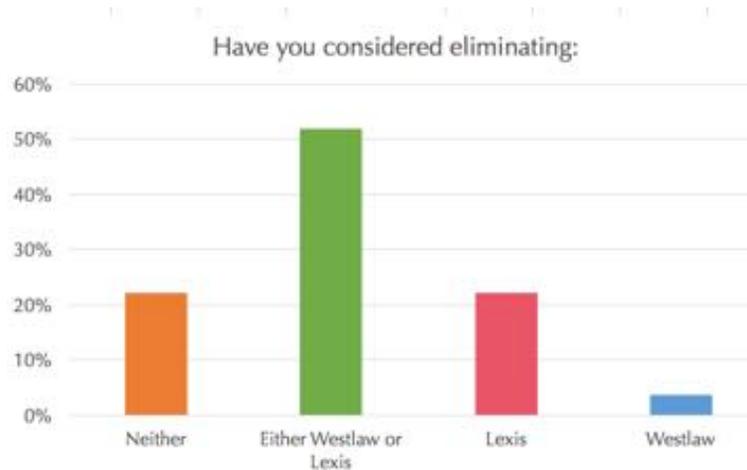
"Westlaw needs to reevaluate its pricing model. It remains a great research tool but is too rigid in its pricing. This is now an overhead expense that clients will not pay for and law firms cannot afford to absorb completely."

"When the one provider decision is made, you should arrange for "free time" during a transition period so that attorneys learning the new platform are given time to learn without worrying about running up costs. Engage a consultant. Yes, you'll have to pay them a hefty percentage of the savings or a flat fee. But the odds of you having any idea of what a "fair price" is are slim unless you've been at multiple firms and have a good perspective on prices different firms have received. The vendors hate the consultants and hate working with them. But, tough. They created the need by being so secretive about their pricing. Dealing with consultants is the consequence of their decades-long approach to preserve this complete imbalance of information."

Sole Provider Concerns Survey

The following answers were provided by the 29 (currently dual-provider) firms that participated in *Sole Provider Concerns Survey*.

Survey Question: Which Vendor have you considered eliminating?



Comments:

"Both have materials that are needed for our attorneys to represent our clients."

"Have considered going sole provider, but content is too different on each."

"Having both is very expensive. We are long time Westlaw users so it's a little easier to give up Lexis than Westlaw."

"Our firm has always been a predominantly Westlaw using firm."

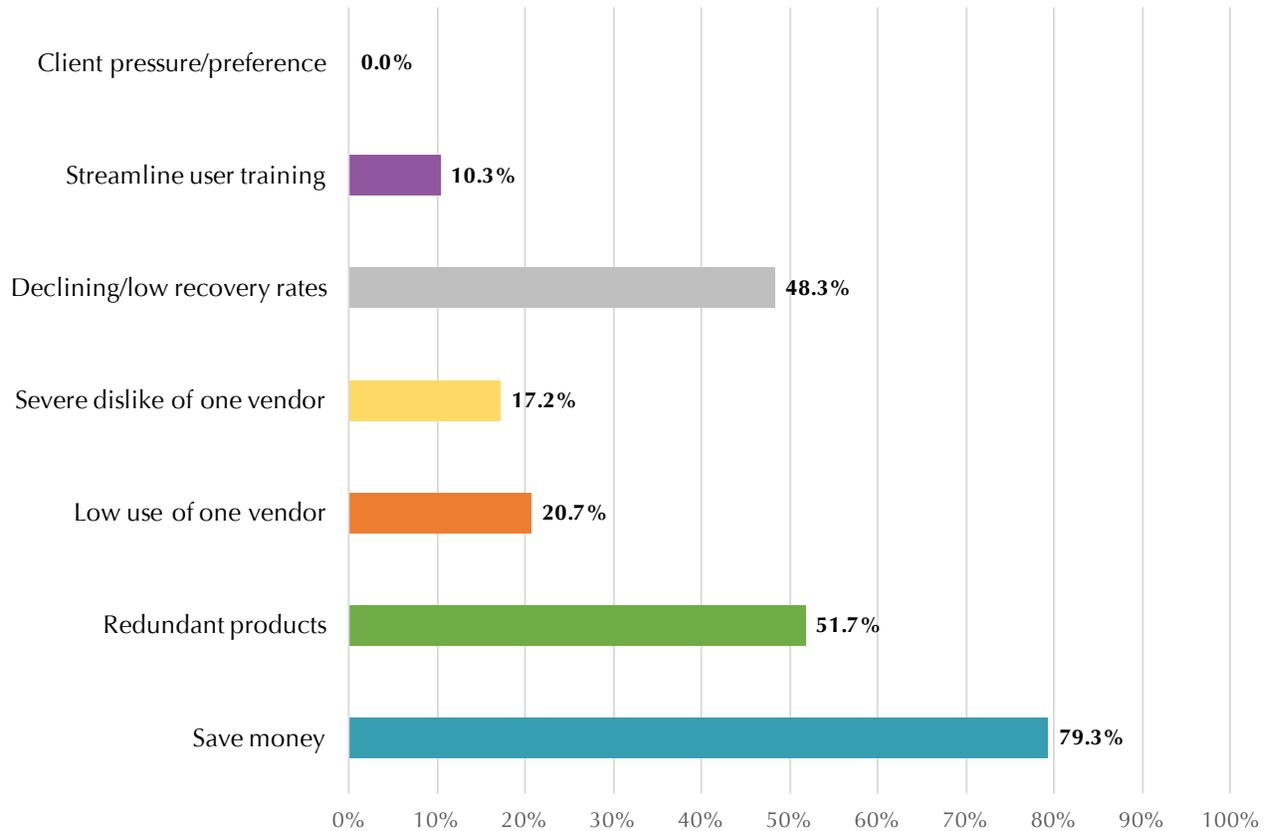
"We are always considering going single provider."

"We have gone through the process of evaluating both options and will be eliminating Lexis."

"We looked at this as a matter of posturing for negotiations but we haven't seriously considered eliminating either service."

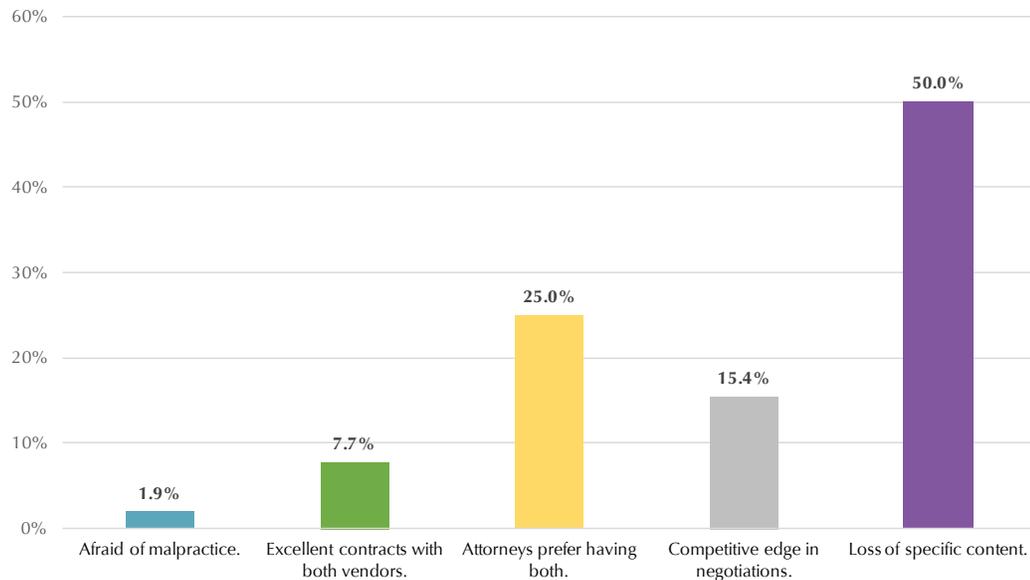
Survey Question: What are the primary motivations for considering elimination of a vendor?

What are the primary motivations for considering elimination of a vendor?
(Percentage of firms that noted "motivated" or "strongly motivated" for each.)



Survey Question: What are your primary reasons for not wanting to eliminate a vendor?

What are the primary reasons for not wanting to eliminate?



Comments:

"Client pressure."

"Content for secondary sources is different enough that it is really good to have both."

"In firms of a certain size, with multiple locations and practice areas, some of the best/preferred resources are available on one vendor but not the other."

"It's not so much that "Attorneys prefer having both", but many attorneys have a strong preference for one or the other, making it difficult to eliminate one, but the primary reason we keep both is for the unique content on each."

"Lexis excels in coverage for state administrative decisions especially as relates to Indiana utilities content. Also, Lexis is the sole provider of certain Intellectual Property treatises (i.e. Milgrim on Patents etc.)"

"loss of productivity when training users to use a new system. Too much drama."

"Most attorneys prefer one or the other, no one uses both. It's nice to let them have the option."

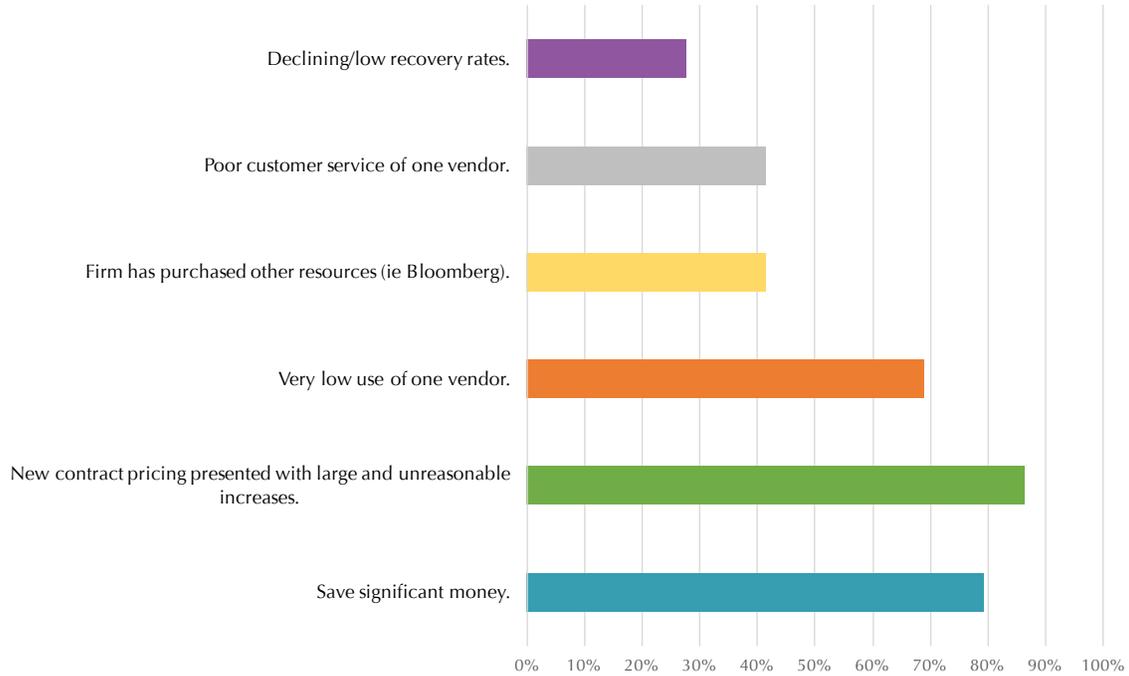
"The firm would be best served in continuing with both. We are diligently pressing attorneys to use online content instead of print. To be successful, we need to continue to have access to both services."

"There is just enough proprietary data on each service that is needed that it would be difficult to

eliminate one. In addition, TR and RELX tend to give better pricing/service to those with contracts for their other resources.”

Survey Question: What could motivate you to change your mind regarding the elimination of a vendor?

What could motivate you to change your mind regarding the elimination of a vendor? (Percentage of firms that noted "motivated" or "strongly motivated" for each.)

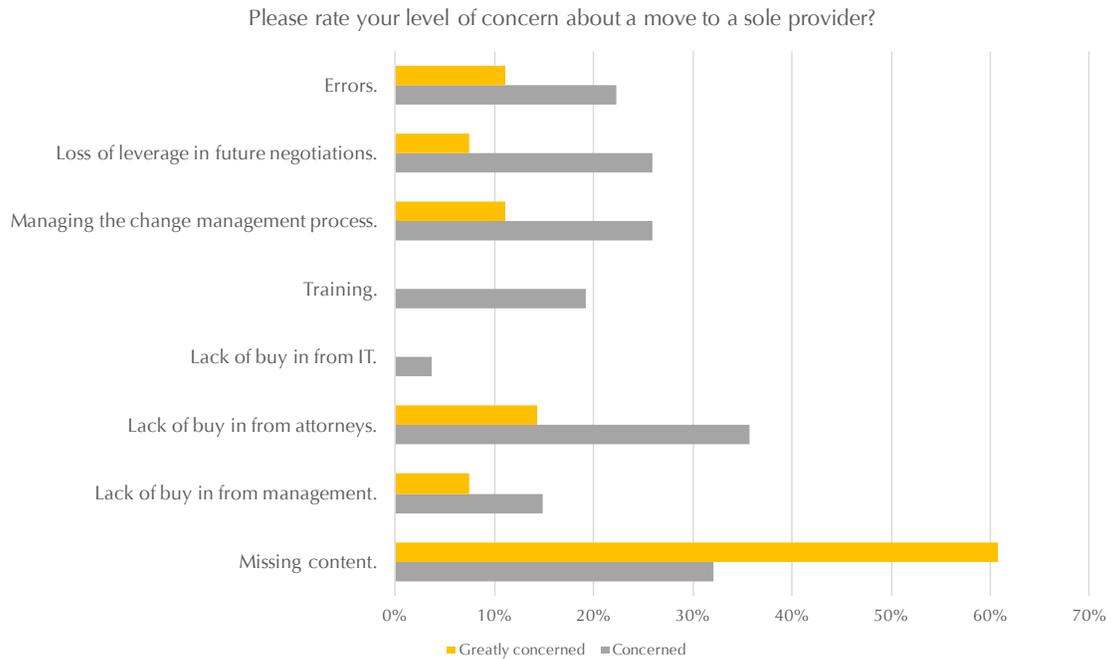


Comments:

“Greater parity on our specific content issues.”

“This would depend on which vendor these options came from.”

Survey Question: Please rate your level of concern about a move to a sole provider?

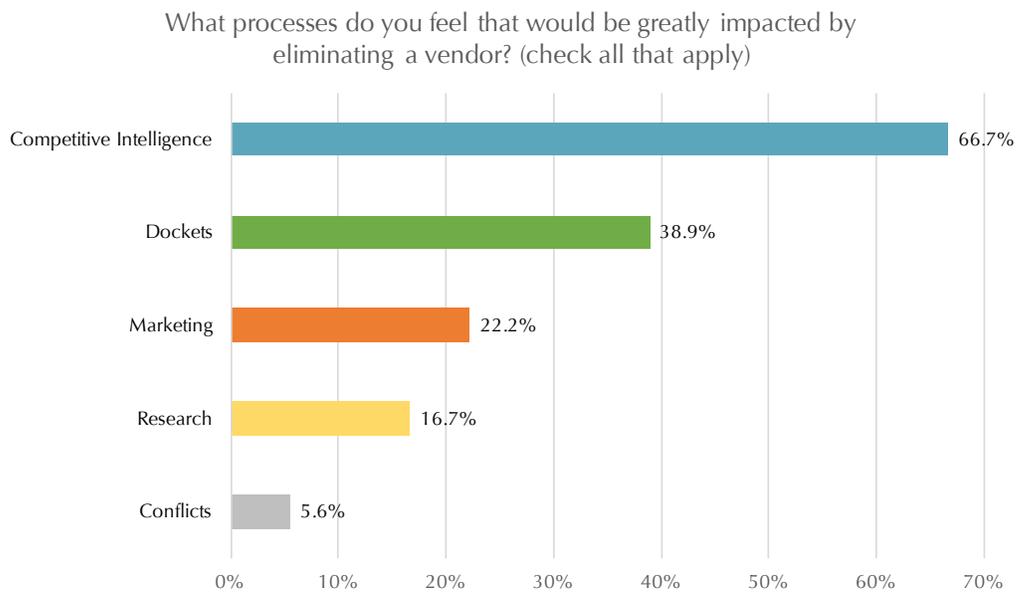


Comments:

“Again, these answers might depend on which vendor we were looking to. For instance, I am only slightly concerned about buy in from attorneys if we switched to only Westlaw. If we switched to only Lexis I would be greatly concerned.”

“We have eliminated providers in the past and made significant switches with no downside.”

Survey Question: What processes do you feel that would be greatly impacted by eliminating a vendor?



Comments:

"Access to online content that is superior or only available from one of the providers."

"Basic research."

"Citation checking and Table of Authorities, Aggregated Newsletters, print buy back"

"General legal research would be impacted."

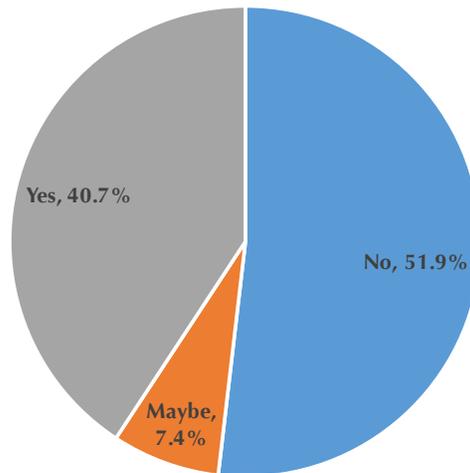
"Research."

"This depends somewhat on which vendor would be eliminated."

"We have a specific practice group which relies on content provided by one of the major vendors."

Survey Question: If alternative options/work arounds were available for most or all content loss, would you be interested in eliminating a vendor?

If alternative options/work arounds were available for most or all content loss, would you be interested in eliminating a vendor?



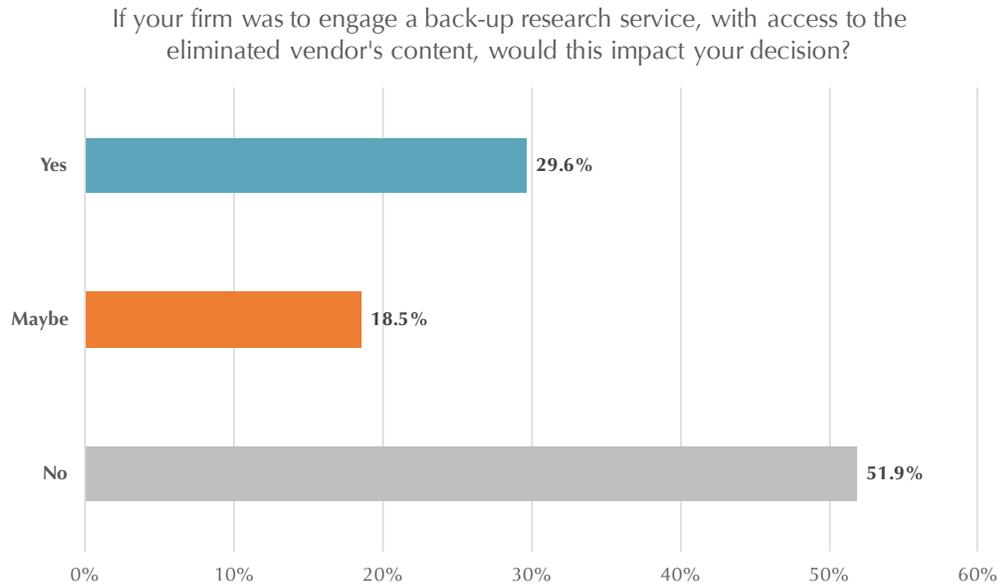
Comments:

“At one time, I would have said yes and we have actually done it before. Having multiple locations to locate information is very hard for lawyers, though They can barely find their way to one product, much less several. Lots of whining and crying.”

“Not really interested in managing an e-library collection.”

“Depends on how annoying the workarounds were and how comprehensive the alternative coverage.”

Survey Question: If your firm were to engage a back-up research service with access to the eliminated vendor's content, would this impact your decision?



Comments:

"I would need more information to make this decision."

"Only if the research was no longer being done in the library or by the attorneys themselves."

"This would be a bit of a long shot as many attorneys prefer to access resources directly rather than have to request them from and third party. Never say never, but mostly no."

"This would be a huge motivating factor."

"This would really depend on how a "back-up research service" is defined."

"That would be amazing"

Survey Question: If Westlaw is eliminated, what content would you need that you don't think is available on Lexis? Please be as specific as possible.

Comments:

"A vast majority of the secondary treatise content."

"Accurate case law and statutes, certain treatises."

"Briefs, Rutter guides, orders."

"Key numbers."

"Key numbers, Thomson Reuters titles."

"Key number digest indexing; certain treatises."

"Louisiana Civil Law Treatise series and Practice series. We would have to repurchase the books." "Prefer the Louisiana Statutes Annotated on Westlaw over Lexis"

"Massachusetts Practice, AmJur."

"McCarthy, CJS, Wright & Miller, Miller annotated patent digest,"

"McCarthy's on Trademark."

"Not sure."

"Ohio treatises that I have already discovered are not available on Lexis."

"Rutter & Witkin for California attorneys; printing of cases in West official reporter format"

"Treatises, ALRs."

"Treatises, Matter Benchmarking."

"Trial court filings, key number digest, practice series, several periodicals and treatises."

"Vernon's, Texas Practice Series, McDonald Texas Civil Practice."

"West treatises such as Securities Law Series, McQuillans, Norton, USCA, Key numbers"

"West Treatises, News Wires."

Survey Question: If Lexis is eliminated, what content would you need that you don't think is available on Lexis? Please be as specific as possible.

Comments:

"A few patent databases (which may not be available on LexisAdvance) and some news resources."

"ALM content."

"Collier's on Bankruptcy, Wright and Miller, Law360."

"Factiva, the "sheets""

"Indiana utility decisions and specific IP secondary content"

"IP databases."

"Mathew Bender" – as shared by 5 respondents.

"Mealey's Newsletters, Law 360, Matthew Bender titles."

"News (Factiva), Treatises."

"News, good public records, certain treatises."

"News, Matthew Bender, Law Journal Press."

"News, PUR."

"Nichols on Eminent Domain, Collier"

"Pratt, ALM, Bender titles."

"public records and news are much better on Lexis. Prefer the expert witness resources. Secondary treatises are much better and easier to use. Our Courtlink contract is tied to the Lexis contract. We love Courtlink. Westlaw dockets stink."

"Public records and news. Westlaw has both but nearly as robust as Lexis."

"Several periodicals and treatises, news coverage."

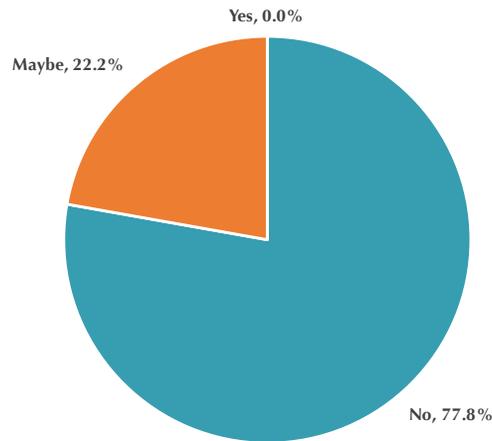
"Shepard's, unpublished District Ct cases, content outside the service like Law 360, Securities Mosaic."

"State-specific secondary resources; Matthew Bender libraries."

"WSJ, Law360, Lex Machina, Intelligize."

Survey Question: Feit Consulting is forecasting by 2018 that 58% of large law firms will have eliminated a vendor. Does this fact influence your decision in any way?

Feit Consulting is forecasting by 2018 that 58% of large law firms will have eliminated a vendor. Does this fact influence your decision in any way?



Comments:

“Every firm is unique and our decision will be based on internal factors.”

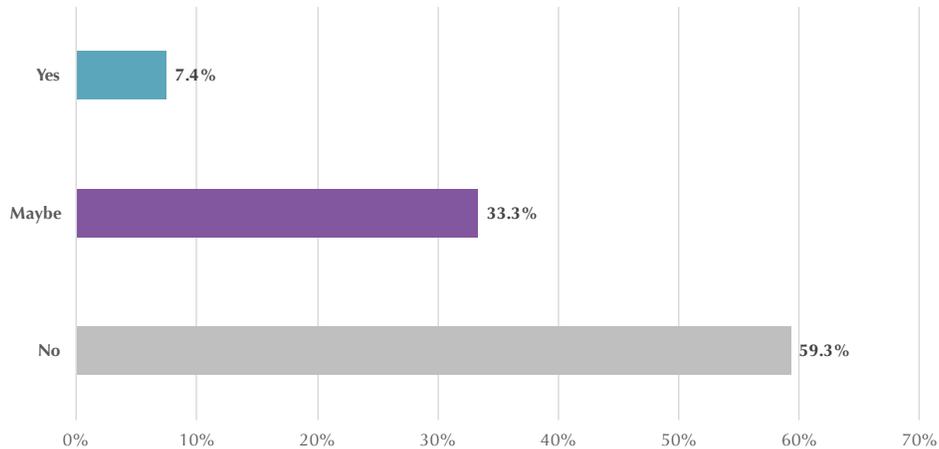
“No, leadership will make the difficult decisions here.”

“We will do what is right for our firm.”

“We've already decided, but it does make me feel good about the decision.”

Survey Question: In 2008, the market average recovery rate was >80%. The current market average recovery rate has deteriorated to 41%. Feit Consulting forecasts a continual decline of 4% annually. Does this information change your mind?

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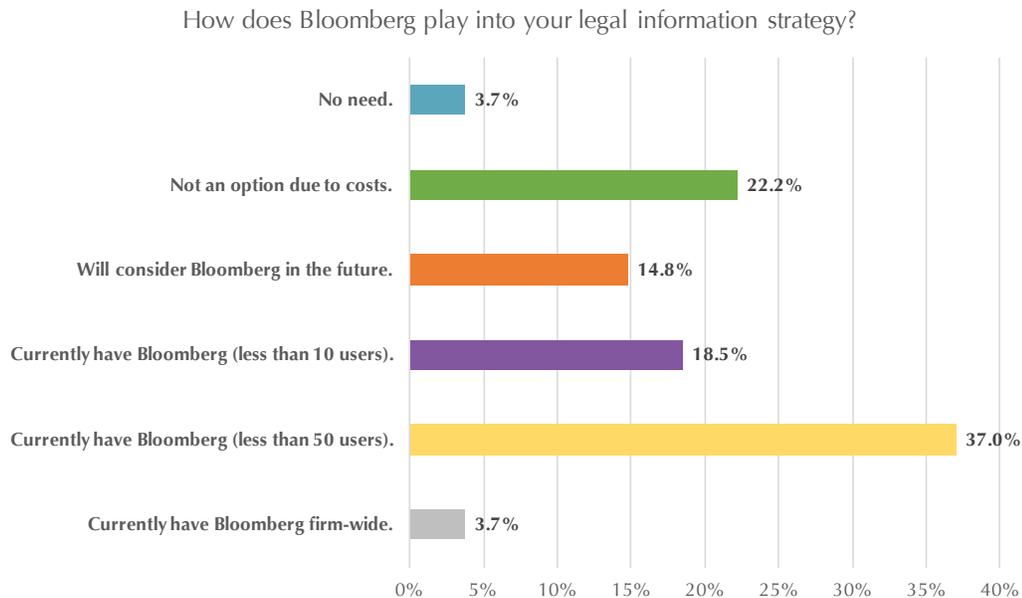
“At some point, the cost will be the determining factor with law firms. Push back from clients and lower profits make expenses like these an easy target.”

“Our recovery rate has already dropped below 30%.”

“We recognize that recovery will likely go away in the near future.”

“We are still recovering over 70%”

Survey Question: How does Bloomberg play into your legal information strategy?



Comments:

"Bloomberg is not an alternative to the content loss of another provider."

"BLAW has NOT become a true alternative to either Lexis or Westlaw. It is not going to be our primary research system. And it is still too expensive!"

"Bloomberg is too expensive - they don't provide enough content to consolidate enough vendors."

"Bloomberg is too expensive to release firm wide."

"currently have Bloomberg for some practice groups and will be looking at it for more as the vendor phases out the "resource centers" we currently have and forces us to use Bloomberg Law proper to keep print materials and online materials."

"Driving force behind possible elimination of Westlaw. We cannot sustain all 3. Bloomberg allows us to cancel an online service as well as many print titles."

"Evaluated Bloomberg, but it is not a real replacement, cost is prohibitive, and search is poor to say the least."

"He have a small tier of Bloomberg Tax."

"Lacks the depth/breadth of content provided by Westlaw or Lexis. Not a contender on that level."

"We have a few single users and may need to reconsider Bloomberg based on recent changes in platform, licensing and pricing."

“We have some standalone practice specific Bloomberg/BNA subscriptions. Evidently these are being migrated to BLAW in the next couple of years. I've met with BLAW reps several times but each time I get a different story on pricing. I'm not alone in this other librarians have the same problem. Case law and statutes aren't that great. Secondary resources are good but again the pricing structure is high and I never get a clear answer from them on anything.”

“We're watching to see what BLAW does, but some of their content is highly regarded and relied on internally. Cancelling BLAW altogether would be a challenge but their pricing models keep changing. Very difficult to manage.”

Survey Question: Is there anything else you would like to add regarding your concerns with moving to a sole provider for the firm's legal information research?

Comments:

"For us, strictly by the numbers. Our usage is about 4-1 in favor of Lexis."

"I don't view them as equal. We need Lexis for certain content and we need Westlaw for different content. Some of the content overlaps, but assuming we can right-size our contracts I will always prefer keeping both."

"I see us as moving towards a preferred provider but not as a sole provider. It is important that we have access to unique resources provided by each vendor. However, I do think one vendor may be pricing themselves out of the market and forcing us to walk away from their very good secondary resources."

"If we eliminate Westlaw, which is much more expensive than Lexis, then our book budget would go up. We're sort of held hostage on the books because we get a huge discount because of Westlaw but they also make us maintain a certain spend threshold to get our discount."

"Moving to a single provider is probably a good financial decision for a law firm that is not in the top 25 of the AmLaw 100. These are considerable spends. This is impacting firm's competitiveness. However, it won't happen because of weak leadership and no communication with library. Not willing to take a long-view or strategic approach to practice of law/research."

"Please keep your eye on this issue as it is becoming increasingly important. We are pressured more and more to go to one vendor in the future."

"Quality of use, not quantity is important but difficult to quantify or measure."

"Seems like the vendors don't have a great grasp on what content holes they have so you are unable to leverage them to make a good decision. I don't understand why some of these large publishers do not have enough content to reduce the need for all the Niche players"

"We did a survey the last time they were both up for renewal. The response was a nearly perfect 50/50 split in preference. However, the Westlaw users were much more loyal. Lexis users seemed to be willing to learn Westlaw, but one Westlaw user summed up the feelings of many of her fellow users by saying, "I don't know how you'd expect me to practice law without Westlaw."

"We do not have a reason to eliminate a resource that adds to our ability to support our attorneys in their efforts to represent clients"

"Would like providers to allow to subscribe to subsets of databases. Have not been productive in those types of negotiations."

Feit Consulting

In addition to the 2016 Legal Information Trend Series, Feit Consulting advises law firms directly on all issues related to legal information. Services are customized uniquely to fit a firm's needs, short-term or long-term. Feit Consulting helps firms look at the full picture, not just the financial costs associated with their decisions.

A selection of services Feit Consulting offers is below:

Online Legal Information Contract Services:

- Legal information contract advising.
- Online vendor audits.
- Contract negotiations.
- Negotiation coaching.
- Market overview.

Full Vendor Elimination Services:

- Cost/benefit analysis.
- Gap analysis.
- Developing workarounds.
- Addressing attorney push-back.
- Obtaining firm management buy-in.
- Transition assistance.

Law library Services:

- Library audit.
- Library modernization.
- Outsourcing.
- Library relocation and virtualization.



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