

Declaration of Amanda Runyon in Support of Public.Resource.Org

I, Amanda Runyon, declare as follows:

1. I am the Associate Dean and Director of the Biddle Law Library at the University of Pennsylvania Carey Law School. I have personal knowledge of the facts stated in this declaration and know them to be true and correct. I could competently testify to them if called as a witness. The views contained herein are my own and do not necessarily represent the views of the University of Pennsylvania or its affiliates.
2. In 2009 I published a paper in the Law Library Journal titled "The Effect of Economic and Electronic Resources on the Traditional Law Library Print Collection." A copy of this paper is appended hereto as Exhibit A.
3. In that paper I examine the effect of the increasing cost of legal materials, and in particular hard copy printed materials, has had on law library budgets and collection management.
4. During my research, I found that since the 1970s the price of printed legal material has nearly doubled the rate of inflation. (See Exhibit A at 178). The legal information industry had also undergone rapid and extreme consolidation over that same period. (Id. at 179). This has resulted in higher prices and less competition among legal information service providers.
5. Per the U.S. Bureau of Labor Statistics, this trend has continued to date with the cost of legal services more than doubling since 1996, as can be seen in the attached St. Louis Fed graph appended hereto as Exhibit B.
6. To examine this issue, I created a survey to study the development of academic law library print collections over the preceding five years. See Exhibit A at 201. The survey was sent to academic law library directors throughout the country. Thirty-one directors responded.
7. Over the period studied – 2002 to 2007 – I found that nearly all libraries saw a substantial increase in their expenditures on electronic databases. For instance, every survey respondent subscribed to Westlaw and 96.8% of respondents subscribed to LexisNexis. This development was accompanied by a decrease in overall expenditures on print material.

8. Over this same period, there was also a significant increase in the costs of print materials. It is my opinion that this correlation is not a coincidence; rather, the increased cost of print materials pushed library directors to shift their spending toward electronic databases instead. Prior to 2002, all responding libraries had subscribed to annotated codes from all fifty states. However, since 2002 a quarter of libraries surveyed had canceled their subscriptions to print versions of state annotated codes. Over 60% were considering canceling those subscriptions due to budgetary constraints. While libraries who received a smaller budget were more likely to have canceled annotated state code subscriptions, all libraries, even those with larger budgets, reported at least considering cancellation due to constraints.

9. Since publishing this paper, my professional experience has affirmed my 2009 conclusions. As demonstrated in the St. Louis Fed graph, the cost of legal material has continued to rise and this increase in cost has not been met with a proportionate increase in library budgets.

10. In my capacity as Director of the Biddle Law Library, I negotiate with legal vendors for print material and database access, including Lexis and West. Each year, vendors like Lexis and West raise prices for print materials and access to electronic materials. In fact, year over year, fewer materials are included for the price that we pay these vendors. The number of databases we have access to or the number of titles in a given database has consistently decreased. Vendors regularly remove titles from previously comprehensive databases and package them as a separate product. It is my belief that vendors, like Lexis and West, are able to do this because they know that academic law libraries have no viable alternatives to turn to.

11. Regarding official state codes, Penn Law reduced our subscription to include only Pennsylvania, Delaware, New York, and New Jersey. We are no longer a comprehensive collector of print state material because of the increased cost of this material. Even though Penn Law is one of the top law schools in the country, access to these materials is prohibitively costly for us to maintain.

12. Lack of bulk access to official state codifications is a barrier to our faculty and students, who are impeded from broad access to official state law across a number of jurisdictions.

Because we cannot provide this kind of access, it is difficult or impossible to conduct the kind of innovative computational analysis and data mining that such research would require. The restrictions and terms of service on our databases obstructs this type of research because it limits the types of users who can access this data, and otherwise limits what resources are available for access.

13. Finally, at Penn we have a heavy scholarly interest in corporate law. The copyright claim in the UCC has been a barrier to research because it threatens anyone who attempts to rely on the UCC in a way that may violate the copyright. It is my opinion that such a copyright claim is invalid for a code that should be widely and freely accessible to the public.

14. My contracts with Thomson Reuters and RELX include a non-disclosure agreement which prohibits me from revealing the price I pay for their services. Therefore, I cannot know how much Penn pays relative to other schools although I do believe, based on my experience working at other universities and my own recollection, the price varies between schools. It is my opinion that this impedes my ability to negotiate better pricing with both vendors, and allows these vendors to exact supracompetitive profits.

I declare that the foregoing is true and correct.

Executed on July 8/16/2021, 2021 in Philadelphia, Pennsylvania.

DocuSigned by:
Amanda Runyon
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