

Neil Sternthal, Managing Director, Global Large Law & Canada
Steven Assie, Head of Canada
Thomson Reuters
19 Duncan St
Toronto, Ontario
M5H 3H1

May 17, 2023

Dear Messrs. Sternthal and Assie,

Re: Topical Texts and Annotations / Proview Changes

We are writing to you today on behalf of the Vendor Liaison Committee (VLC) of the Canadian Association of Law Libraries (CALL).

As you know, the Canadian Association of Law Libraries is an association of 300+ law librarians and legal information professionals who work with legal professionals in law firms, government, court houses and law schools from across the country.

For decades Canadian law librarians of all stripes have collaborated with vendors, including Thomson Reuters, providing valuable feedback and advice on all matters pertaining to product development, maintenance, and sustainability.

Over the years we have been frustrated in navigating the complexity of Thomson Reuters' various platform migrations and operational changes while also dealing with declining budgets and shrinking human resources. These changes led to a series of discussions, notably the meeting between the VLC and Thomson Reuters executives in November 2021 and subsequent meetings arranged by Thomson Reuters with CALL/ACBD members and customers.

Despite these challenges, many of us continue to purchase from Thomson Reuters Canada.

The Concern

With this context in mind, the introduction of bundled pricing for most Proview titles through Westlaw's "Topical Texts and Annotations" has been of great concern to many of us.

CALL members do not object to loose-leaf content moving exclusively to Westlaw. We see the value in having one platform that features all Thomson Reuters titles. What we do object to is that the introduction of TTA bundles has eliminated our ability to purchase individual information products tailored to our patrons' needs. Our members are very frustrated that due to bundling, they have

to purchase titles that are of no jurisdictional or topical value to their users in order to access the titles that are of value to their users.

It is our obligation as information professionals to spend our budget to meet our users' specific requirements. In recent years, and in recognition of this requirement, some publishers have moved away from bundling in favour of models that are flexible and responsive to their customers' needs, specifically enabling title-by-title selection, sometimes within various innovative models.

Our obligation to spend our budgets to meet our users' specific requirements is even more stark when we face declining budgets. Some of us have received *no budget increases in 15 years*, while others have had to implement *budget decreases* during this period. Choosing our dollar investments wisely is the only tool left in many of our budgetary toolboxes. As such, we ask that Thomson Reuters consider allowing more flexibility in TTA bundling.

Egregious Price Increases

Our members are also concerned about the price increases for the TTA bundles. Some members are reporting receiving quotes with *incentive pricing* of a 25% increase over existing costs, while the majority of our survey respondents are facing increases of 5-20%. This is for content that they currently subscribe to at a lower price. A lack of price transparency has been a complaint of our members for some time now.

Impact on LMAs and LMA Customers

Offering Library Maintenance Agreements demonstrated some understanding, on the part of your Canadian sales team, of the need for predictability in our budgeting process, and many of us have agreed to this arrangement. LMAs resulted from the recognition on both sides that customers merely navigate price increases by cancelling titles and this is a zero-sum game for both sides.

We now learn that Thomson Reuters Canada has no intention of honouring the LMA commitments made. Hiding behind fine print effectively allows the company to void obligations central to those contracts. The legality of this pre-meditated abrogation may well be challenged by some.

For many of our members, the money to pay for bundling will simply be offset by cancelling or not subscribing to other Thomson Reuters content.

For customers who have contracted to receive content via an LMA, the LMA pricing should continue for TTA branded content until the LMA has concluded. And it is not clear to us whether the LMA as a contractual vehicle will even be available after June 2024? Better communication from Thomson Reuters is required on this matter.

Communication

Members report that they have not received clear answers from their sales reps as to pricing, bundling, dates, terms of new Thomson Reuters contracts, etc. Others have only heard about the changes through word of mouth.

With such a massive change rolling out and with so many confused customers, we would highly recommend that sales reps contact every customer by phone to alert them to upcoming changes and discuss the options for these important changes. Emails are likely to be overlooked, disregarded, or end up in spam/junk folders.

Consultations

We also ask that you undertake a more rigorous and good faith survey of and discussion with your stakeholders on this issue. We would like to invite you to consider preparing a well-thought-out approach to dialogue with CALL members, perhaps an online town hall meeting. (Not all CALL members will be attending the annual conference so will not have the opportunity to discuss this with your representatives in Hamilton.)

We hope you will sincerely reconsider the long-term implications of this decision for everyone involved.

Sincerely,

Jacob Ericson, Co-Chair
Alexia Loumankis, Co-Chair

On behalf of the CALL Vendor Liaison Committee