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Larisa Titova (May 200<mark>4-Jul. 2</mark>004), *Blake, Cassels*

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The VALL REVIEW is the official newsletter of the Vancouver Association of Law Libraries. VALL is composed of members of the law library community interested in discussing issues and sharing ideas. Opinions expressed in the newsletter are those of the authors and do not necessarily represent VALL policy or position. Unsolicited submissions are welcome. VALL reserves the right to edit submissions.

http://www.vall.vancouver.bc.ca

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VALL Review Volume 16, No.3 (June 2004)

THE PRESIDENT'S DESK

Joanne Lecky

It is hard to believe that it has been a year since we embarked as an Executive for the 2003-2004 VALL term. It is a good time to reflect on what we've been able to accomplish this year, as we prepare to hand over the reins to next year's Executive.

New VALL Executive

I would like to thank – and welcome -those VALL Members that have volunteered their time to work on next year's team. These individuals include: Valerie Grace (President), Jane Evans (Treasurer), Elena Timoshchouk and Steven Matthews (Program Coordinators) Jane Evans (Secretary), Alaina Buckingham (Membership Secretary), Jean Chong and Christina Tribe (VALL Review Editors), Andy Froese (Webmaster), Lisa Coco (Luncheon Coordinator) and myself, Joanne Lecky as Past President.

Year in Review

We really wanted the results of the June 2003 Roundtable/Survey to guide us in our programs and in our actions as an Executive this year – and I feel that we have been very successful in listening to our members and developing programs you wanted to see.

For the 2002-2003 VALL term, the program that members were most satisfied with was the presentation by Chris Wilson on Copyright and the Law; members seemed to enjoy hearing from lawyers on "hot" legal issues. So this term, 2003-2004, we had Christopher Lee (Associate in Lang Michener's Information Technology/Intellectual Property Law, Privacy Law and Business Law Practice Groups) provide us with an overview of Canada's new privacy law for the private sector.

John Lundell - a partner with Lawson Lundell's corporate commercial group and well- recognised as a leading Canadian lawyer in this area - joined us at the September luncheon for a lively discussion of the new Business Corporations Act. A few of our notable accomplishments for 2003-2004 VALL year:

- Members were in favour of making the December luncheon a social luncheon with no formal program. We followed through with this request
- The VALL Directory is now solely accessed online through the VALL website.
- VALL members wanted to see an official liaison formed between VALL and VALA and we were able to solidify such a relationship this year. VALL members are now able to join VALA and the newly formed Knowledge Management subsection. We are excited to see how this new relationship develops and be of benefit to the VALL members that were interested in joining.
- Rising costs are always a concern. There are often costs and expenses associated with attracting and securing valuable speakers to participate at VALL luncheons. To help combat rising costs and to encourage monetary contributions to VALL, the Executive has developed the VALL Educational Program Development Fund (VEPDF). The VEPDF was established "to enable the Program Coordinators to seek and provide relevant educational programs presented by expert speakers to the VALL membership."

I feel, and I am sure that many VALL members would agree, that the luncheon programs have been excellent this year. Very sincere thanks to Gillian Crabtree and Elena Timoshchouk for all of their efforts in coordinating the programs, and to the rest of the VALL Executive for their involvement in ensuring a smooth execution of the luncheons. I would like to thank Kathy Barry for doing such a great job of managing the VALL Finances; Alaina Buckingham for doing an excellent job as the Luncheon Coordinator, a newly created VALL Executive position that will be continued with by next year's Executive; Susy Caird, for always rushing through her lunch at the VALL Executive meetings as she prepared to take the meeting minutes, for which she has always done an excellent, thorough job; to Frances Wong for her astute updating and maintenance of the VALL Website; to Brenda Wong and Larisa Titova for coordinating the VALL Membership responsibilities; to Shawna Ford and Jean Chong for their efforts in the production of the VALL Review; and last, but most certainly not least, to Tammy Hargreaves, for overseeing the Peter Bark Bursary and for successfully filling the plate for next year's VALL Executive.

Every member of this year's VALL Executive has done an excellent job in fulfilling the responsibilities of their position, and I would like to give a big thank you to each and every one of you.

I have thoroughly enjoyed the opportunity to serve as this year's VALL President. I feel that there were numerous challenges and experiences that I have learned and grown from, both personally and professionally. I think that we can all be very proud of what we have been able to accomplish this year as an Executive. Thank you.



FROM THE EDITORS

Shawna Ford & Jean Chong

We look forward to ongoing interest by you in our newsletter content. There is a wealth of expertise that exists among the VALL membership and we encourage you to submit your **Tip or Trick** or perhaps send us a blurb on an Internet resource that you have found useful.

We also modified the format of the VALL Review based on a VALL member recommendation. We are always open to suggestions, so please continue to send us your feedback. We won't take it personally...honest!

Thanks to everyone who contributed in this issue. To assist our contributors for future issues, check out our guidelines at the **end of this newsletter** or at the VALL website, under the **FAQ (Freqently Asked Questions)** section at VALL's main home page. As always, please continue to forward your ideas, thoughts and submissions to jean.chong@lss.bc.ca or shawna.ford@lexisnexis.ca.

*Please note that we have lightened newsletter graphics to help you save on printer cartridge costs.



MEMBERSHIP MATTERS

Brenda Wong & Larisa Titova (May – July 2004)

Membership Renewal

It's VALL membership renewal time! This year's fee is \$25. You will find the renewal form at our website: http://vall.vancouver.bc.ca/join.htm. Please note the renewal form confirms your consent to publish your contact information in the VALL directory.

New Members

Paul Kneebone, Sales Consultant. Canadian Institute of Chartered Accountants. Whitby, Ontario. Email: paul.kneebone@rogers.com

Leon Kaye, Global Securities Information, Inc. Benicia, California. Email: Ikaye@gsionline.com



FEATURE ARTICLES:

Notes from "The Supreme Court of Canada Copyright Decision and its Implications" Session— CALL/ACBD Conference, May 16, 2004.

Submitted by Linda Morrison, Head of Information Services., B.C. Courthouse Library Society

This session took the place of the traditional Vendors' Forum. The speakers were Ted Tjaden, Chair of the CALL Copyright Committee, Scott Jolliffe, from Gowling Lafleur Henderson LLP of Toronto, Counsel to the Law Society of Upper Canada and Glen Bloom, from Osler, Hoskin & Harcourt LLP of Ottawa, Counsel to the publishers. Karen MacLaurin, also a member of the Copyright Committee, moderated the session and provided a selected bibliography/webliography. (See pg. 4.)

As we entered the room we found on our seats a single sheet entitled "Are You Copying Fairly?" divided into two columns – "What you can do" and "What you can't do" with a footer at the bottom indicating that the sheet had been prepared for this session and expressed the views of CCH, Canada Law Book and Carswell. As the session proceeded it became apparent that the speakers were unaware of the distribution of this sheet and did not address its content.

Ted Tjaden opened with a comment on the case ("Fair Dealing Clarified: A Case Comment on the Supreme Court of Canada Decision in CCH Canadian v. Law Society of Upper Canada") which can be found on the Copyright Committee's pages on the CALL website: http://www.callacbd.ca/ip0a037e.html#1

Ted also indicated that he wants to raise the profile of the Copyright Committee and expand the content on the Committee's pages on the website. He encourages any CALL member who wishes to join the Copyright Committee to speak to either him or Karen.

The next speaker was Scott Jolliffe who announced that he was speaking as a volunteer and not on behalf of the Law Society of Upper Canada. He spent considerable time summarizing the case and its history. Glen Bloom spoke next and began by saying that he was being paid by the publishers to speak at the session.

Both speakers indicated that their presentations will be posted on the CALL website and I would urge you to read them. At the time of writing, the presentations were not yet on the website. I presume they will be posted on the Copyright Committee's page.

In a nutshell, the speakers seemed to agree that the case had decided the following issues:

- The is
 - Self-service copiers with warning sign not infringement
 - Research was broadly defined
 - Fair dealing was established as a right, not just a defense
 - Great Library's copyright policy was important to the decision
 - Headnotes, keywords and most secondary legal literature attract copyright
 - Retaining copies to build a personal library an infringement
 - Systematically copying decisions from a reporter an infringement
 - The decision is applicable to private as well as "public" libraries

The issues around which the speakers had differing views were:

- Digital copies?
- Whole chapters?
- Multiple copies for routing?
- Copies of cases to keep in a file or give to a client?
- Access Copyright (previously CanCopy) licenses needed?

In short, the session was inconclusive and, at times, contentious. At the very beginning of the session Ted identified the challenge that we face is how to move forward. Karen wrapped up with, "I'm more confused than I was before this session".

The Supreme Court Of Canada Copyright Decision

And Its Implications

A Selected Bibliography/Webliography

(May 13, 2004)

submitted by Karen MacLaurin, Moderator & Chair, CALL Vendors Liaison Committee

(From Karen: Citation errors are entirely the moderator's...be forgiving...and do read these commentaries! From Editors: URLs to recent newspaper articles may no longer be freely accessible.)

- The SCC decision: CCH Canadian Ltd. v. Law Society of Upper Canada , 2004 SCC 13 (2004-03-04) http://www.canlii.org/ca/cas/scc/2004/2004scc13.html (Eng.) http://www.canlii.org/ca/jug/csc/2004/2004csc13.html (Fr.)
- Bloom, Glen. Draft DLR and CPR headnote for the SCC decision, emailed in Word to CALL-L 5/12/2004 5:04 PM. Contact karen.maclaurin@ccla.ottawa.on.ca for email.

At the CALL/ACBD Copyright Information webpage are other documents to consult: http://www.callacbd.ca/ip0a037e.html

Canada. Standing Committee on Canadian Heritage. Interim Report on Copyright Reform. (May 2004) http://www.parl.gc.ca/InfocomDoc/Documents/37/3/parlbus/commbus/house/reports/herirp0 1-e.htm

Freedman, Bradley J. A. Internet copyright infringement - case comment on BMG Canada Inc. v. Doe. CLE of BC.

http://www.cle.bc.ca/CLE/Analysis/Collection/04-12345-bmg

- Geist, Michael. A Low-tech case has high-tech impact. (March 22, 2004) Toronto Star. http://www.thestar.com/ or http://www.michaelgeist.ca/ under Blog archives
- A Gowlings wins landmark victory for Law Society of Upper Canada. Gowlings [media release] May 5, 2004 http://www.lsuc.on.ca/news/pdf/mar0504_gowlings.pdf
- Kapica, Jack. A Supreme Court rules against publishers= copyright group (March 4, 2004) Globeandmail.com http://www.globeandmail.com/servlet/story/RTGAM.20040304.gtcopyrightmar4/BNStory/Techn ology/
- Kratz, Martin P.J. The middle way to originality and copyright. (Special ed. March 2004) Lex Innovate 1-2

http://www.bennettjones.com/images/lex-spring-04-special.pdf

- A Notice to the Profession from the Law Society of Upper Canada. Supreme Court ...copyright decision. (March/April 2004) 8 Ontario Lawyers Gazette No. 2, 6-7. http://www.lsuc.on.ca/news/updates/mar1604_copyright_qa.jsp
- Schmitz, Cristin. A Law libraries: photocopying not breach of copyright: SCC, (March 12, 2004) 23 The Lawyers Weekly 42, 1, 19.
- Tjaden, Ted. "Fair Dealing Clarified: A Case Comment on the Supreme Court of Canada decision in CCH Canadian Ltd. v. Law Society of Upper Canada". Call/Acbd website. http://www.callacbd.ca/papers/2004_04_15_tjaden_CCH_v_LSUC_comment_e.pdf (Eng.) http://www.callacbd.ca/papers/2004_04_15_tjaden_CCH_v_BHC_comment_f.pdf (Fr.)



Life in the Fast Lane for Information Professionals: A Summary

Submitted by Frances Wong, Reference Librarian. Borden Ladner Gervais LLP.

Carswell's HR Manager of Training and Development, Jayne Jackson, came out to Vancouver and gave a one day workshop for information professionals in April. Workshop goals were: to understand the nature of personal change, to explore our personal responses to change, and to develop a personal plan for strengthening one's

ability to manage change. Class size was limited (13 attendees) and provided an environment conducive for sharing and group participation.

We discussed the seven dynamics of change and in particular, we looked at the change model by William Bridges. His theory is that change happens in three phases and that all phases must take place although the amount of time spent in each phase may differ. First phase is the ending of things as they were (with emotions range from denial to disenchantment), followed by the neutral zone where people are neither here or there, and then moving towards a new beginning (acceptance of new change). We all took turns sharing changes we were going through, either at work or personally, and indicated whether they were positive or negative changes and whether they were self-initiated or initiated by others.

Change doesn't just happen so if we are able to recognize the symptoms of stress, we are then able to do something about it. Stress symptoms included thought processes (such as lack of concentration, indecisiveness when making decisions), emotions (resentment, low morale etc.), actions (tardiness, haste and impulsiveness etc.), health (headaches, difficulty sleeping etc.), and relationships (poor communication, family abuse etc.).

One's ability to take in high levels of change while maximizing productive behaviour is one's resilience level. We did an exercise to discover our own baseline resilience, that is, the level of resilience we currently possess. We answered questions regarding how positive, organized, focused, flexible and proactive we were. These are the five basic characteristics of resilience. By charting these characteristics, we were able to see where we need to work to improve our resilience levels to better prepare ourselves for change.

We ended the day with a game aptly named "Chaos." Cards printed with bits of information were given out to the teams and the task was to try to answer a posed question by piecing together the larger picture. This involved much teamwork and problem solving skills and was a fun way to apply some of the skills we had learned.

It's difficult to summarize a whole day's workshop into mere words for this article. I found the class to be quite informative, applicable and would recommend taking it if the workshop is offered again!



COURTHOUSE NEWS

Submitted by Linda Morrison, Head of Information Services & Sarah Munro, Reference Librarian B.C. Courthouse Library Society

New on the BCCLS Website - http://www.bccls.bc.ca

Table of Local and Private B.C. Statutes

In response to numerous requests, Vancouver reference staff has prepared a listing of all B.C. private and local acts and unconsolidated public acts. The table includes acts that are in force as well as those that are no longer in force together with amendments from 1872 to December 31, 2003. Here you will find listed statutes such as the Mosquito Control Act (a section allows you to substitute "gopher" for "mosquito" throughout the act!). The table also includes all of the acts incorporating municipalities, hospitals, religious institutions, railway and power companies and various other corporations as well as a complete listing of the amendments to the Municipalities Enabling and Validating Act, which was last consolidated in 1960.

The table is available in PDF on the BCCLS website under the LEGISLATION button on our home page. Please feel free to print out the table for use in your library.

B.C. Legal Literature Index

The Verdict has just been added to the B.C. Legal Literature Index. *The Verdict* is published by the Trial Lawyers Association of B.C. and includes articles and biographical information on lawyers and judges. The index includes selected articles beginning with issue 16 in 1982 and is current to the latest issue received by the Vancouver Courthouse Library. The full text of all articles in *The Verdict* is available in the Vancouver Library.

We are also indexing the section papers of the Canadian Bar Association, B.C. Branch. Indexing is ongoing; we are up to 1998 and expect to be complete by the end of the summer.

Please contact the Vancouver reference staff at 604-660-2841 or for further details on either the Table or the B.C. Legal Literature Index.

Collection News

Recent hot tamales at the B.C. Courthouse Library Society:

- What Can You Do with a Law Degree? A Lawyer's Guide to Career Alternatives Inside, Outside & Around the Law was requested a number of times before it even made it onto the shelf.
- The perennial favourite, *Bullen & Leake & Jacob's Precedents of Pleadings*, is now in its 15th edition. Apparently the reason the last two editions came out so close together is that the 15th incorporates developments from the *Civil Procedure Rules 1998*.

Other titles you might find useful include:

- Offshore Trusts: Tax Rules & Trust Concepts
- Canadian Medical Law: An Introduction for Physicians, Nurses and Other Health Care Professionals
- *Medical Negligence* (3rd edition)
- Pregnancy, the Workplace and the Law
- Employee Obligations in Canada
- Elder Law: Issues for an Aging Population
- Bequest Management for Charitable Organizations
- MacGillivray on Insurance Law. Relating to All Risks Other than Marine

Additional books are listed in the New Books list on the BCCLS website (www.bccls.bc.ca) - updated monthly. We also occasionally highlight individual titles in the website's What's New section.

Finally, we have recently received **B.C.** *Orders in Council* from 1872 to 2000 on microfilm. We have also bought the indexes to the microfilm, but Vancouver reference staff has not yet had a chance to evaluate them. It will also take us some time to process the microfilm for the collection; however, if you would like to use these new materials before we catalogue them and file them into the microform cabinets, please let us know. Contact the Vancouver reference staff at 604.660.2841 or e-mail to bccls@bccls.bc.ca.

TIPS & TRICKS

A RSS Service – Real Simple Syndication from Bloglines

submitted by Joanne Lecky, Research Librarian. Bull, Houser & Tupper

Set yourself up with Bloglines (www.bloglines.com) to manage library and news subscription services that have a rss feed (ie. tvc alert, Ilrx, lawlibtech, bespacific, etc).

The article in the April 14, 2004 edition of LawLib Tech provides an excellent overview of the Bloglines service and offers tips and tricks on how to manage your RSS feeds. (http://www.lawlibtech.com/archives/000129.html)

I've done it, I'm using it, and I highly recommend it! No more clutter in your email with the feeds and not getting to items on a timely and regular basis. When you have the time, you can log into your Bloglines account and check your feeds and link to items of interest. Don't be scared of RSS - it truly is "really simple syndication!"

For On-Site Library Users at UBC Robson Square Library –Save Some Money

submitted by Alaina Buckingham, Library Technician. McCarthy Tetrault

Looking for that elusive article? You've located it at UBC but want to save some money? Did you know you can visit the UBC Robson Square Library and friendly, helpful staff will assist you in locating the article in UBC's Electronic Journals, providing it is available in the E-Journals in full-text? It is FREE. All you need is a photocopy card to pay for copies and your UBC Library card!

HOT TOPIC

"Has the Internet Changed Your Skill Set? And if Yes, How?"

VALL Member, *Gabrielle Camousan, Library Technician* from Fasken Martineau DuMoulin LLP, responds: "When I took the Library Technician Diploma Program at Langara in the early eighties, there was no Internet, at least not one that we knew about. Since then, I've studied web design and have developed and continue to maintain a library website for our lawyers. I've learned not only how to search the Internet, but how to deliver our catalogue via the browser, to write raw HTML in a text editor and to apply simple javascript to our webpages. I've discovered my inner programmer."

VENDORS' CORNER

NEWS from Andernot Consulting

Off the Press

Inmagic, Inc. has recently released Inmagic Genie, a new web based Library management solution. See http://www.inmagic.com/solutions/products/genie/genie.html for more details.

Inmagic Partner, Andornot Consulting Inc., is co-sponsoring several webinars to introduce this new product:

- Thursday, June 24 10:00 am PST (1:00 pm EST)
- Wednesday, July 14 10:00 am PST (1:00 pm EST)

Please register at: http://www.inmagic.com/onlineseminars/partner/andornot.html or contact Andornot info@andornot.com or phone 604-269-2525.

NEWS from LexisNexis Canada (www.lexisnexis.ca)

Quicklaw

We are pleased to share with you Quicklaw service enhancements announced at the Canadian Association of Law Librarians (CALL) annual conference, held in Quebec City from May 16 to 19. Below is a summary - for more details please visit http://www3.quicklaw.com/cgi-bin/LNC-prod/announce.pl

- 1) Enhanced Document Delivery
- 2) Links to Law Journals
- 3) Summaries in Full-Text Cases
- 4) Links to Administrative Tribunal Decisions
- 5) Enhanced Canadian Law Symposia Index
- 6) New QuickCITE(TM) Case History Terms

For a demonstration of or more information about these enhancements, please call Customer Service at 1-800-387-0899 or email mailto:service@quicklaw.com.

Butterworths

The last two months have been extremely active with over 25 new titles published including:

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 On Trial – Advocacy Skills Law & Practice (Adair) 	\$115
Advertising and Marketing Law in Canada (Pritchard)	\$75
Canadian Companies' Guide to the Sarbanes-Oxley Act	\$75
Employment Litigation Manual (Knight/Goodfellow/Overhold)	\$165
Sexual Harassment – A guide to conducting Investigations	\$65
 Law of Evidence in Canada, 2nd Ed. Supplement 	\$65
The Law of Municipal Finance (Ross/Noe)	\$105
• Bidding and Tendering: What is the Law? 3 rd Ed. (Sandra)	\$85
Personal Injury Damages, 2004 Edition	\$135
British Columbia Business Corporations Act and Commentary	\$65
Look for these new titles to be published over the next two months:	
Canadian Brownfields Manual	\$195
 Assessment of Personal Injury Damages, 4th Ed. (Bruce) 	\$115
Independent Medical Examinations for Insurance	
And Legal Reports, 2 nd Ed.	\$75

We are now able to sell directly to our Canadian customers Halsbury's Direct, the online version of this popular and long standing work. This has proved to be a good research tool, especially for those that have canceled their subscription due to cost or lack of shelf space. Please give me a call for pricing details.

The LexisNexis Canada print team will also be selling the Matthew Bender list of titles. Stay tuned for more details.

Contact: Arthur Vaz (604-689-4133, arthur.vaz@lexisnexis.ca)

NEWS from RealNet (www.realnet.ca)

New Real Estate Practice Information Resource

In your firm's Real Estate Practice, RealNet is a key source for unbiased real estate information available from one comprehensive service.

RealNet Canada Inc. is the leading real estate information services company in Canada. Founded in 1995, RealNet's core information product, RealInfo[™] provides coverage in both the commercial real estate investment and residential development markets powering the decisions of firms involved in approximately 70% of market activity.

According to RealNet Canada's Research Department, the number of commercial real estate transactions in the Lower Mainland increased 47% in 2003 relative to 2002; overall dollar volume was \$2.329 Billion over 1,825 deals. Find out how your firm can harness RealInfo[™] to make better informed decisions in a changing market.

For more information, or to schedule a demonstration, please contact Joe Schmidt **jschmidt@realnet.ca** 604-687-3336 or visit **www.realnet.ca**.

NEWS from Community Legal Assistance Society (Vancouver, BC)

Off the Press

 Judicial Review: A Lay Person's Guide. By David Mossop. 2003. 56 p. + appendices (additional 40 p.) Content is B.C.-based. Provides guidance for self-represented litigants and their advocates about judicial review for administrative law practice. Identifies necessary forms. \$35.00

Mail with cheque for prepayment:

Karolina Pawlak, Community Legal Assistance Society 1281 West Georgia St., Suite 800. Vancouver, BC. V6E 3J7 Fax: 604-685-7611 Phone: 604-685-3425.

Community Legal Assistance Society is a non-profit organization that provides legal assistance to low-income individuals.

VALL REVIEW -- SUBMISSION GUIDELINES



Suggested areas of interest:

We welcome short news and articles on library information and knowledge management developments of interest to VALL members with a priority focus on legal information and related issues concerning legal sector. Resources of interest to VALL which would be useful to the legal community and for professional library staff development.

Submission requirements:

- 1) In Microsoft Word, Plain text or Rich-text.
- 2) Maximum of up to 800 words for full articles.
- 3) Single spaced with paragraphs.
- 4) Functional URLs and corresponding footnote bibliographic information for further reading.
- 5) Identification of author, their official position title and parent organization.

Publisher/vendor guidelines:

- 6) 3-4 resources of key value per issue. Title, edition, author and projected price is helpful.
- 7) Of value, would be new product developments not yet publicly released or the vendor would like feedback from its customers.

Note: VALL Review editors will determine on a case by case basis if there is sufficient space to include submissions that exceed guidelines above.

Guidelines are also posted under **FAQ** at VALL's website home page: http://vall.vancouver.bc.ca/vallreviewguide.htm