

VALL Review

Vancouver Association of Law Libraries

Volume 25, No. 3

In this issue:

The President's Desk	1
From the Editors	2
VALL Programs: 2012-2013 in Review	3
Feature Article : Ensuring Business Continuity Through Knowledge Transfer	4
Joint BCLMA/VALL Workshop: The Case for Making a Business Case	8
CALL 2013 Conference Report: Peter Bark Bursary Report	11
Vetting an Expert Witness with InfoAction	12
News from the Courthouse Library	14
Conference Call with Legislative Counsel and the Registrar of Regulations	15
Vendors Corner	17
Member Announcements	18
Submission Guidelines	19

The President's Desk

As another year at VALL draws to a close, I would like to say a huge "thanks very much" to the outgoing members of the executive, who have been wonderful to work with: **Katherine Melville, Christina Tribe, Carolyn Petrie, Tracy McLean, and Gabriella Barsoum**. The VALL membership has benefitted greatly from their focus, energy, and bright ideas.

Above and beyond the usual administrative tasks (such as organizing the lunch seminars, producing the VALL Review, and administering the Peter Bark fund), the VALL executive undertook a couple of projects this year. Our starting point was the survey from June 2012. The major themes were increasing mentorship opportunities, creating a more welcoming environment for new members, and providing more variety in programming format. Each of these themes was considered carefully, and what we came up with seemed best to us, within the limits we have to work with (what with us having day jobs!). In a sense, we rolled the three themes into one main program. We decided to provide opportunities to participate in VALL beyond the lunchtime seminars. We had a couple of coffee mornings and a couple of drinks evenings as well. In addition, we have a plan and a committee in place to increase our social media presence. We're pleased with the results so far, and hope you are too.

Another activity that members want to see from VALL is advocacy. There's plenty of scope for that, but the question is always, "which battle to pick?". We chose the decrease in quality and timeliness of *QP Legaleze* and *B.C. Laws*, in particular of the regulations. As president of VALL, I sent a letter to **Rod Fehr, the Registrar of Regulations**, expressing our concern. Both he and **Amar Sihota** from *QP Legaleze* got back to me promptly, and Rod, **Sarah Sutherland**, and I discussed it further at a conference call. You can find the notes from our call in this issue of the VALL Review.

Stay tuned to VALL to hear about the executive for next year, and what's cooking! In the works already is a session on the new *Limitation Act*. Before then, may your summer be sunny and warm.



Sarah Munro
VALL President
2012-2013

VALL Review

VALL Executive

President

Sarah Munro
Singleton Urquhart LLP

Past President

Katherine Melville
Farris LLP

Vice President

Sarah Sutherland
CanLI

Membership Secretary

Tracy McLean
Courthouse Libraries BC

Treasurer

Stephanie Karnosh
McMillan

Programs Committee

Bronwyn Guiton
Lawson Lundell

Joni Sherman
Justice Canada/VPL

Christina Tribe
Harper Grey LLP

VALL Review Editors

Gabriella Barsoum
Fasken Martineau DuMoulin LLP

Carolyn Petrie
Bull Housser & Tupper LLP

From the Editors

Gabriella Barsoum, Fasken Martineau DuMoulin LLP and
Carolyn Petrie, Bull Housser & Tupper LLP

Capturing and sharing the tacit knowledge of each of your colleagues is a daunting and often over-looked task, but it has never been more important, with the Boomer generation retiring in greater numbers, and new professionals entering the workplace. In our feature article, June seminar speaker **Jenny Lewis** shares tips for developing a knowledge-sharing culture within your organization, helping you proactively put tools and processes in place to prepare for staff change and retirements.

As noted by our President, VALL has been active trying new programming and advocacy efforts; the results of these are summarized in this issue. **Bronwyn Guiton** reviews this year's events, and explains how the Programs Committee implemented your feedback from last year's Membership Survey. **Sarah Munro** summarizes a recent conversation she and **Sarah Sutherland** had with **Rod Fehr**, Legislative Counsel and Registrar of Regulations, where they discussed concerns VALL members have about the currency of QP LegalEze.

You'll also find an update from **Courthouse Libraries BC**, a report on the 2013 CALL Conference from Peter Bark Bursary recipient **Rebecca Slaven**, information about **InfoAction's** new expert witness vetting service, and a recap of the Joint VALL/BCLMA Workshop on building an effective business case. As usual, we've also included information about our newest VALL members.

We hope you enjoy this summer issue of the VALL Review, and we welcome suggestions and contributions for future issues.

Enjoy your summer, and see you in the fall!

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.

ISSN 1712-065X

Vancouver Association of Law Libraries

PO Box 48663, Bentall Centre
Vancouver, BC V7X 1A1

VALL Programming – 2012-2013 in review

Bronwyn Guiton, Librarian
Lawson Lundell LLP

This year, the VALL Programs Committee organized four lunchtime seminars, one joint workshop with BCLMA, and three casual socials. Coming up on Wednesday, July 17th at 4pm, VALL members are invited to a final **summer social** at the Vancouver Art Gallery restaurant. No registration is required.

The addition of **casual socials** was in response to the **2011-2012 VALL Member Survey**, where a desire was expressed for more mentoring, more casual networking opportunities, and a more welcoming atmosphere for new members.

Socials took the form of early morning coffee meet-ups and an evening at a local bar. VALL members were invited to come chat over coffee at the Waves Coffee House near the Courthouse Library on Wednesday, September 19, 2012 and Wednesday, January 30, 2013. Turnout was light and consisted of at least 50% executive members. On Thursday, November 29th, 2012, members were invited to come by the Railway Club's back room, where VALL provided some appetizers and most folks took advantage of the bar. Turnout was significantly higher at this event compared to the two coffee mornings.

Preliminary results from the **2012-2013 VALL Member Survey** show that respondents who attended any of these three socials were generally happy with them, and that the evening at the Railway Club was a particularly positive experience. When asked why they did not attend one of these socials, 70% of respondents cited "scheduling conflict or timing." When asked what time of day they would prefer socials to be scheduled for in the future, 48% of respondents preferred "after 4PM," 18% said "at noon," and 16% said "before 8am." With these statistics in mind, we can assume that low turnout for the two coffee mornings was due to an overwhelming preference for not getting out of bed early (I'll cop to that!).

Lunchtime seminars have long been a staple of the VALL calendar. This year we hosted four seminars in October, December, February, and June. We also jointly hosted a longer **workshop with the BCLMA** in **March**. (A summary of that workshop is covered separately in this issue.)

In planning these lunchtime seminars, the Programs Committee tried to address the diverse feedback the membership expressed in the **2011-2012 VALL Member Survey**. In that survey we heard everything from a desire for having "at least one [lunch] simply be social with no speaker" to "scrap the lunch and just do seminars ... [with] no lunch component" to wanting "a shift from socials to content in the seminars." While it was difficult to address these diverse desires, we were lucky that our membership was also forthcoming with ideas for topics for future seminars. Each of the four topics the Programs Committee brought forward this year were directly inspired by survey feedback.

Our **October seminar** at the Shangri-La was titled "**The New Family Law Rules**" and it was presented by lawyer **John-Paul Boyd**. Membership had expressed an interest in hearing about "more topics of law" and Mr. Boyd gave us an overview of the new *Family Law Act*, the successor to the *Family Relations Act*. The new Act reshaped every aspect of the law on domestic relations in this province, from the care of children to the division of property and debt. Preliminary results from the **2012-2013 VALL Member**

Survey show that he was by far the favourite speaker of the year, with an engaging and confident approach to the subject matter.

Our **December seminar** was titled “**Tips & Tricks from the Vancouver Law Library Community**” and it was presented by librarians **Debbie Millward, Kat Siddle, and Teresa Gleave**. This seminar was organized in response to a desire to hear about “social media in [the] legal workplace,” “local tips & tricks,” and “60 things in 60 minutes.” The speakers shared some of their favourite websites, gadgets, research tools, and library-related cool things. In a break with recent tradition, this seminar was held at The Four Seasons as opposed to the Shangri-La. While the on-site service and food was excellent, it was determined that the price and the pre-event communication were better at the Shangri-La.

For our **February seminar**, we returned to the Shangri-La and librarian **Sarah Sutherland** gave a presentation titled “**Professional Relevance & the Evolution of Law Library Work**.” This seminar was organized in response to a desire to hear about the “future of law firm libraries,” “comparisons between publishers’ services,” “specific continuing education opportunities,” and to hear from “SLA types.” Sarah talked about some of the changes happening in law libraries and the practice of law and what they mean for law libraries. She talked about ways for library and knowledge management staff to look for opportunities and seek out professional development opportunities pre-emptively as a way to maintain relevance and professional interest.

Our **June seminar** featured two HR professionals, **Jenny Lewis and Michelle Sharp**, in a presentation titled “**Knowledge Sharing, Transfer Strategies, & the Generational Shift**.” This seminar was organized in response to a desire to hear about “strategic planning” and “succession planning.” They talked about knowledge transfer strategies that ease employee transitions in law libraries. They also shared methodology that can be easily implemented in law libraries to mitigate knowledge loss risk.

As we look ahead to programming for the 2013-2014 year, I am excited to take the lessons I learned this year into planning seminars, socials, and networking opportunities for our membership. If you have any words of wisdom for your Programs Committee, please don’t hesitate to seek us out at the next event.

With the 2012-2013 year winding down, I am looking forward to a final evening social at the Vancouver Art Gallery Restaurant. Please join me and the rest of the Programs Committee on Wednesday, July 17th after 4pm to toast the year gone by.

Ensuring Business Continuity Through Knowledge Transfer

Jenny Lewis, Partner, Reinventing Retirement Ltd.

For the last decade, we’ve heard about the upcoming exodus from the workplace - the ship is now well on its way. This is just the beginning. Boomers are retiring, and while some are staying longer for various reasons, many are ready to seize opportunities for the next chapter in their lives. To add to this, we now have two people leaving the workforce for every individual entering. This will only increase as a huge population of Millennials move in to the workplace, and millions of Baby Boomers move out. The younger generation have been raised (ironically, by Boomers) to have great expectations, and when the job experience isn’t what they thought it would be, they move on.

This is a strategic change initiative and life transition like no other. How prepared is your organization? How about the individuals retiring and the employees staying? This raises a multitude of challenges for organizations – loss of organizational knowledge and wisdom; less capacity to deliver during transitions; change in relationships, recruiting, and training/mentoring; and generational differences, to mention a few. The loss of knowledge as people leave organizations has far reaching implications.

***Knowledge-Transfer-in-
Succession-Planning!***

*Knowledge-seekers-must-be-the-
recipients-of-the-institutional-
knowledge-of-the-organization-&-
individual-knowledge-of-their-
predecessors-and-colleagues!*

This change is often underestimated and therefore preparation is inadequate. Leaders and managers know this change is upon us, but many do not have the know-how to manage it, are reluctant to address it due to the potentially high costs associated with knowledge transfer programs, or are simply uncomfortable undertaking this work.

Succession planning is high on organizations' radar, but many programs are poorly developed or even non-existent, particularly below the senior executive level. When executed well, succession planning

ensures that your organization will have the talent it needs over the next two, five or ten years, and that key positions and roles will be filled by qualified and effective individuals. Typically, succession plans focus on senior management and executive positions and specialist roles. This is all well and good when you can anticipate individuals leaving due to retirement, but with Gen X and Millennials, it's almost impossible to predict who is going and when. This often leaves organizations with little time to ensure relevant knowledge is captured and transferred, creating a tremendous amount of time spent searching for information once that person is gone. This takes time away from delivering customer service or running an effective business... and hence the case for reframing succession planning as business continuity planning.

Business Continuity Planning (BCP) "identifies an organization's exposure to internal and external threats and synthesizes hard and soft assets to provide effective prevention and recovery for the organization, while maintaining competitive advantage and value system integrity. A business continuity plan is a roadmap for continuing operations under adverse conditions such as a storm or a crime." If you're thinking that the risk of knowledge loss is relatively high in your organization, this could be the brewing of the perfect storm! The loss of the knowledge that comes with experience and insight could be walking out the door. From this perspective, it's a disaster!

***If-you're-thinking-that-the-
knowledge-loss-risk-is-relatively-
high-in-your-organization-this-
could-be-the-brewing-of-the-
perfect-storm!!***

What can organizations and leaders do?

1. Make knowledge transfer an everyday practice at all levels in your practice
2. Start holding pre-retirement conversations so you can plan ahead

Active knowledge transfer at all levels

An organization's culture and potential is influenced by how people interact at every stage of their careers and at every level. Organizations need to think beyond development and knowledge transfer only for executive- or senior-level talent. Long-service employees at all levels have a wealth of knowledge and experience that can be transferred to younger workers. Knowledge needs to be diffused AND used....it's not a one-time training event!

When thinking about "knowledge" it's helpful to break it down as follows:

Knowledge comes as the result of learning. It is understanding gained by actual experience. If it resides in one's head, it is referred to as tacit knowledge. If you capture the tacit knowledge so that others can learn from it, it is referred to as explicit knowledge. In theory, once that knowledge has been captured, it becomes information for others to use.

Information is data that makes a difference and has been endowed with relevance and purpose (data by itself has little purpose). Information is contextualized, categorized, calculated, corrected, and condensed.

Data is a set of discrete facts about an event or a structured record of transactions. Data is stored in corporate systems such as CRM, accounting, payroll, etc.

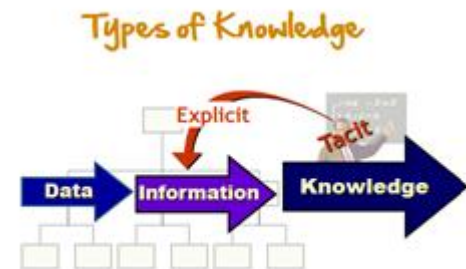
Here's another way to look at it. One of my favorite recipes is seared ahi tuna. The key ingredients (data) are tuna steaks, sesame seeds, and olive oil. The preparation (information) involves lightly brushing olive oil on the steaks and coating them in sesame seeds, and placing the steaks on a hot BBQ for two minutes on each side. After playing with this recipe many times, we discovered that black sesame seeds are preferable over white seeds (knowledge). Sharing it with other people who have acted on this recipe and rated it online (as 4 out of 5 - people would do this again), it has become explicit knowledge.

Why is it important to know the differences between these three elements? Because each piece is managed differently – it's fair to say that we are great at managing data and information, which is what stays with the organization when people leave. What goes is what's in their head, the 'tacit' knowledge. The result is that organizations spend too much time looking for information and reinventing what was once available.

While you may already have some knowledge written down and accessible, the biggest issue is having undocumented relevant knowledge or knowledge that is unique to one person in the organization. For example, a senior librarian is planning on retiring in a year and has an innate ability to anticipate lawyer requests based on the cases they are working on – she is the go-to person for other librarians in the firm. When she goes, so goes this tacit knowledge!

Some questions you can ask to mitigate knowledge-loss risk in your practice are:

1. What knowledge is relevant to current practices and strategic direction?
2. What is the "flight risk"?
3. Does anybody else have that knowledge?



4. Is it written down and current?
5. Which knowledge transfer techniques work best to capture this knowledge?
6. What is our plan for mitigating the knowledge-loss risks?
7. How will we ensure the plan is implemented?

The Knowledge Risk Assessment tool is a quick and easy way to identify high areas of knowledge-loss risk by department, function, or position. For each employee, list their activities, who else knows how to carry them out, and assign a risk rating (high, medium or low). Set priorities and plan transfer knowledge activities based on this assessment. This is very practical as you can start at any level within the organization.

Knowledge Risk Assessment Tool

DEPARTMENT									DATE
NAME	#-OF-YRS- IN-ORG	#-OF-YRS-TO- RETIREMENT	#YRS-TO- NEXT- TRANSFER	AREAS-OF- EXPERTISE	BACKUP-OTHER- EXPERTS-IN- ORGANIZATION?	%-EXPLICIT- &-CURRENT	%- TACT	RISK-FACTOR- (HIGH,-MED,- LOW,-NONE)	KNOWLEDGE- TRANSFER- INTERVENTIONS

Once the highest risks have been identified, you can start the process of transferring knowledge through a variety of methods such as coaching, job shadowing, training, or learning events. Use collaborative methods to capture best practices, communities of practice, and process maps. Store information in easily accessible locations where staff can find recorded knowledge as needed (shared network drives, shared folders on e-mail, central repositories/libraries, hardcopy central files, databases, the intranet, etc.). Start thinking about an active corporate memory/knowledge base that is refreshed continually and where content is managed on an ongoing basis.

A huge assortment of collaboration and social networking tools are available on the market to enable the ongoing collaboration of virtual teams. They include instant messaging, wikis, blogs, web meetings, twitter, discussion threads and, of course, e-mail. Use the tool that works for your culture. Capture knowledge nuggets, categorizing and storing them in your knowledge base.

A recent McKinsey study of 77 companies and over 6,000 employees concluded that “the most important corporate resource of the next 20 years will be talent—smart, sophisticated business people who are technologically literate, globally astute and operationally agile.” Start small, be creative and look for every opportunity. Start holding conversations with your whole team, not just pre-retirees, and develop a culture of everyday knowledge sharing and collaboration to ensure your organization’s continued success in the future.

For more information, contact Jenny at <http://www.retirewithintention.com>

BCLMA/VALL Joint Workshop Report

Dave Macdonald, CMA, of Yupana Consulting, on The Case for Making A Business Case

Christina Tribe, Library Technician
Harper Grey LLP

I thought that this workshop would be mostly about the dollars, the “Show Me the Money!” approach to getting management to approve your requests. As it turns out, this was a practical workshop, which outlined simple steps to make a formal written business case and not at all focused solely on the bottom line. Dave endeavoured to teach us how to effectively tell the story of our project in a way that will garner understanding and support. Dave’s consulting niche in the start-up world is business planning. Turns out making a business case is much like a small scale business plan. It is a conceptual idea that addresses the need for a initiating a service or acquiring a commodity, as well as the supplies needed, and the personnel available for the project. A business case is mostly an outline of “why” and “how” with some “when,” “who” and “where” covered, in addition to some limited financial analysis.

Executive Summary

Dave’s method of compiling the business plan was broken down into seven steps. The first part of presenting & selling your business case is the written executive summary in your presentation package. It should be followed the introduction, situational analysis, project outline, risk analysis, implementation plan, and finally the outcomes and conclusion. In my further research of this subject, I came across some articles and informal blog postings discussing “how to make a business case.” Many authors stated that it had to be done to move forward, but found it frustrating that no one actually read them in their entirety. “Most often the executive summary gets read, but nothing else,” many of the authors complained. And indeed, Dave said as much as well. It was listed as his first point under Executive Summary: “assume that this may be the only section of the project plan that is read.” With that in mind, keep the summary to less than one page, ¾ of a page being ideal.

Still, it’s best to be prepared. The second point Dave made in regards to executive summaries was to “introduce the project by describing the challenges based on experience, research, and interviews of discussions with other staff members (even in point form).” This part of the plan seems easy, but will take up most of your time. Then, briefly outline the return on investment from a cost perspective, and break that down into “tangible items that mean something to the decision makers.” Finish with a general project timeline for when the returns will be realized. Everything beyond the executive summary is for more detail.

Introduction

The introduction, the second part of your formal written plan, should briefly outline the project, and list the outcomes. This is where you include your numbers, and shareholder experience. Beware of hidden costs/savings of salaried labour overhead. For example if someone else can do a task in less time, it doesn’t mean they are necessarily more efficient – as they are still getting paid the same amount. The caveat then, is that management may decide to reduce hours or give additional tasks. However keep your eye to the future – if you end up making efficiencies and reducing people’s time on specific tasks, think about what innovations you can plug into that new free time, and have a plan for that occurrence. The introduction should also consider the risks of doing nothing. Combining the two aspects of the

business case (the cost of doing something and the cost of doing nothing) should justify the need for the project. If you detail the costs, explain the time-labour savings, and note what you could be doing instead.

Dave recommended defining success by assigning values to the anticipated outcomes. First and foremost know your investment, and the return on your investment. The key here is knowing what your return on investment is at the 1, 2 and 5 year marks, and knowing what is relevant to the decision makers (managers, partners). If the return on investment takes five years, but the results are only relevant to your partners in year one, your plea will not garner support.

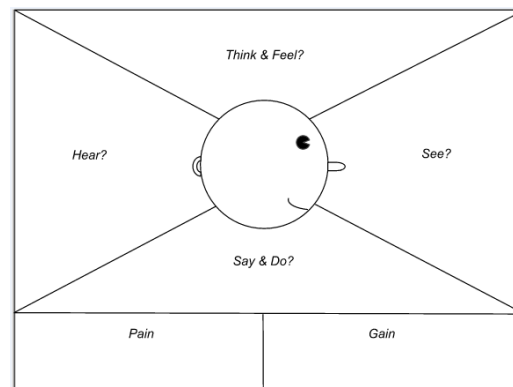
Situational Analysis

The situational analysis will be the bulk of the business case. It is the where the current working situation is outlined. It will list all your stakeholders: strategic partners, vendors, end-users, library staff and even decision makers. Keep in mind that the stakeholders working on the project (i.e. library staff) will feel the brunt of the implementation of the business case, so will need to be engaged and encouraged.

Include details about the “losses” or inefficiencies, also known as “pain points.” A pain point is business jargon for anything that annoys or causes a loss in productivity / something displeasing about a project or service. Pain points may be small and insignificant to some, but to others they may add up over time to create a bigger problem or illustrate a glaring inefficiency. Dave pointed out that if you can solve a pain point with a manager or a partner, you will often win buy-in or support for your own projects. Determine which decision makers and stakeholders are the influencers, and focus on getting to know their pain points. Meet with the library friendly partners first, and ask open ended questions about their user experience. Find questions that support your prospective outcomes and try to use these questions to identify potential risks. People will support you if you engage them, so listen to their complaints. Getting perspectives from many different angles helps you make a more objective case. It’s important to maintain relationships that will also help you get honest feedback on ongoing basis. For back up, have more than one “key person relationship,” just in case your go-to person goes. Besides, if you endeavor to have more than one key person, you and your business case will be more likely to have support. Remember pain points do not exist in isolation, but rather many people will likely have the same problems. Once you understand stakeholder and decision maker pain points, you can build support for library projects. You may want to start taking accountability for the “low hanging fruit” – those nice to have features that you can actually do something about quickly and easily. Keep in mind that you will need to manage the scope of what you can do.

Project outline

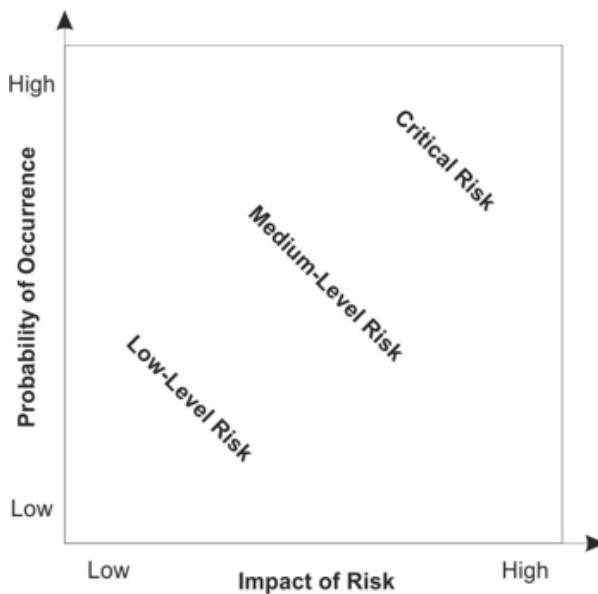
The project outline is where you sell your positive outcomes. Dave broke it down into two areas of concern for products and services. If you have a product you are trying to acquire, list the “description of the project, the cost of implementation and return on investment over a time period relevant to the decision makers.” If you are trying to sell an innovation, list the known improvements and known outcomes. List the ones that will make the biggest impact



for the decision-makers. It was at this point that Dave showed us how to use an ['empathy map'](#), a helpful tool for getting to know the pain points for the decision makers (see image above). As part of business case planning (and later implementation), consider creating a timeline of staff resources on an Excel spreadsheet or in basic project management software. List the things that need to be done, name the people tasked with those items, and the delivery dates of those objectives.

Risk Management

Part five of the business plan is to lay out the risks as part of the analysis on return on investment. When presenting the risks, deal with each one separately, along with how you've addressed each one. If all the risks are grouped together it may seem like there are too many to deal with, and the cynical decision maker may focus solely on the risks lumped together, instead of each one individually with their tailored solutions. Try to find out which risks your stakeholders really can't deal with. It's good to be objective and honest about the risks; if you address the decision-makers perceived risks, it can lead to buy-in.



Remember if the risks are not addressed, that fallout will land on you -- but, how can you address risks without undermining the value of the project? Dave recommended using a [risk management matrix](#) to get a clear idea if the project should go ahead (see image to left). On a white board or flip chart with markers or sticky notes, chart any concerns from an array of stakeholders. Keep in mind there is a difference between perceived risk and real risk, especially where decision makers are concerned. The project will not be approved if the decision makers risks are not addressed. Sometimes the decision makers will see different perceived risks than the business case builder.

Implementation

Implementation requires significant planning. Most often for smaller requests, a simple outline may be enough. However the larger the project, the more of a need for something called a [Gantt Chart](#): a spreadsheet with very specific steps, timelines, milestones and budgets. At this point it may be useful to implement some project management principles. A proper timeline/chart will help maintain good relationships with stakeholders, and a rigorous handle on timelines and costs.

Outcomes & Conclusion

Finally when listing the outcomes in the conclusion it pays to re-state the desired results. A business case should demonstrate that the risks have been addressed and an effective timeline presented. It outlines the effectiveness of a project and provides a concise reference for any stakeholder. Make sure to end the plan on a high note.

On a final note, after you've finished gathering information, ask if there is enough overall push for the project. If your business case does not get approved the first time, bake a better proposal and re-do it. Business cases are living documents that you can update as you go. When the project is finished, you can measure and demonstrate success by asking for anecdotal evidence, getting opinion ratings (i.e. on a scale of 1-10, how would you rate this project) or asking direct yes or no questions. A successful project lays the foundation for better relationships with stakeholders and future projects.

We all want our departments and firms to be sustainable. This means having the right strategies and systems in place to be financially sound, and this workshop illustrated ways to do that. I found that the workshop was not just about the dollars. In fact, it was much more about the "sense."

CALL 2013 Conference Report – Peter Bark Recipient Report

Rebecca Slaven, Client Services Librarian
Courthouse Libraries BC

With the help of the Peter Bark Bursary from VALL, I was fortunate to be able to attend this year's annual CALL/ACBD conference in Montreal. It was a wonderful opportunity to put faces to names, get to know the community, and learn so much valuable information. Also, it didn't hurt that the conference left enough time to enjoy the beautiful city and weather!

While it was difficult to choose between sessions, I kicked off Monday morning with a panel discussion about various professional development opportunities available to legal information professionals. Some of the speakers' experiences included the week long New Law Librarians' Institute, the year-long Master of Studies in Law program at the University of Ontario, and obtaining an LLB by distance from the University of London. The consensus among the speakers was that each of these experiences helped them enhance their level of service enabling them to become better mediators between the information and the patron. For example, they were all able to think of more relevant examples for conducting training sessions. One of the session attendees also suggested taking undergraduate law classes, such as those offered at Carleton and York, if someone is interested but does not want to commit to a whole program.

It can be difficult to lead a valuable session on soft skills and Chantal Westgate, a professor of organizational behavior at McGill, knocked it out of the park with her session, Self-Management Explained. Professor Westgate provided an excellent overview of techniques to help with self-management, and she was very engaging and funny, using real life examples to highlight her points.

Some of my notes from her session include:

- Apply wisdom to your emotions. For example, when angry, attention to detail is increased. So logically, you should work on a project that requires detailed attention.
- One technique for obtaining feedback from others is to ask them to tell you what you should: stop doing, start doing, and continue doing. This provides a framework that makes it easier and less intimidating for others.
- People remember how you make them feel.
- Ask yourself: How do others experience me? (but don't ask directly how they experience you!).
- The Golden Rule doesn't work. Instead, treat others as *they* want to be treated.
- Reframe your self-talk: focus on the interpretation of the situation and rescript from various perspectives. What are a few of the possibilities for how others may look at this situation?

At Courthouse Libraries BC we are often asked for help in finding Quebec resources, and so I was particularly looking forward to hearing **Carole Mehu**, of Norton Rose, speak about free English sources for Quebec legislation and case law. This session was invaluable and had so much information I wrote a [post](#) for the CLBC website with an overview of the content Carole covered.

Two of the most interesting points Carole included were:

- The Quebec courts render decisions only in the language they were heard in. This means if a decision was heard in English, the court only produces the decision in English, unless one of the parties orders a translation.
- Statutes are drafted in French then translated into English. Though English versions are considered official, judges will refer to the French for intent.

Though my first time attending CALL initially seemed daunting in a new-kid-at-school kind of way, the community was so friendly and welcoming. The many social events made it easy to get to know everyone and there were plenty of familiar Vancouver faces too. If you are somewhat shy, like me, I suggest wearing a pair of eye-catching shoes to CALL. My black and white platforms were a helpful conversation starter. Overall, the CALL conference was such a beneficial experience. I highly recommend attending to anyone who has not done so!

Vetting an Expert Witness with InfoAction

Alyssa Green, InfoAction Manager,
Vancouver Public Library

Most witnesses in a court case are called upon to testify due to their involvement in the case at hand. An expert witness, however, is chosen to be a part of litigation when the subject matter is of such complexity that ordinary people do not have the requisite knowledge base to form a correct judgement on the topic (O'Melia, 1991). An expert witness has the power to greatly influence a judge or jury's opinion of a case by evaluating evidence, forming an opinion about the evidence, and presenting their opinions in an understandable manner (Sapir, 2007).

At a minimum, expert witnesses in Canada are required to have a background report that includes the expert's qualifications, acknowledgement of their duty to the courts, a rationale based on fact and experience that led to the forming of their opinion, and an indication of any data that that is not in their realm of expertise (Arnold & Soriano, 2014; Richard, 2008). However, an increasing number of judges expect that a witness presented to them will have been thoroughly researched above and beyond the minimum requirements in order to verify that the witness possesses the requisite credentials and expertise to act in an expert capacity (Brennan, Dilenschneider, & Robinson, n.d.). Further, the court may hold the witness elector responsible if the expert witness proves unreliable or bears false testimony (Goudge, 2008). Consequently, expert witnesses should be thoroughly vetted before presenting them to the court (Brennan, et al. n.d.).

Vetting an expert witness is the process of researching the individual's background and compiling indicators that may either support or discredit the individual as an expert witness. Such indicators include the witness' education, skill set, experience, knowledge, and/or training. (Sapir, 2007; Belmore 2009).

When looking at an expert's qualifications, it is important to look outside of his or her resume, CV, or other self-serving documentation that may not reflect the witness' true expertise (Sapir, 2007). Further, it is critical to ensure that the witness' expertise in a subject matter relates directly to the case on hand and that the witness has the balance of practical and theoretical expertise expected of expert witnesses by judges (Goudge, 2008; Sapir, 2007; O'Melia, 1991).

Some key areas of the individual's background should be explored in order to ensure their suitability as an expert witness. A biographic profile of the ideal expert witness should be compiled from a range of trusted sources (Brennan, et al. n.d.). All of the witness' publications should be reviewed in order to verify that he or she has not published an opinion that is contradictory to the opinion to which they are testifying (Brennan, et al. n.d.; Sapir, 2007). Professional credentials including education, licenses and associations should be verified, with special attention paid to past disciplinary actions brought against the witness that could discredit his or her testimony (Brennan, et al. n.d.). Finally, any previous testimony by the witness should be reviewed in order to ascertain experience and that no pertinent information has been omitted (Brennan, et al. n.d.).

With the topic of expert witness selection and retention gaining more notice among the law community (Goudge, 2008; Arnold & Soriano, 2013; Richard, 2008), InfoAction, Vancouver Public Library's fee-based division, has introduced a new expert witness vetting service. Librarians at InfoAction are especially qualified to help vet an expert witness' background. With more than 15 years of experience in conducting legal research, InfoAction librarians know the importance of diligently checking facts and reliability of information. InfoAction utilizes a specific methodology when vetting a witness. Developed using criteria from a wide range of sources, from Bar Association reports to law school text books, the InfoAction vetting method is thorough and comprehensive.

For Expert Witness clients, InfoAction creates a custom report that contains the following:

- Summary of professional background
- Verification of education, professional licenses, and certifications
- History of previous testimony and experience as a professional witness
- History of disciplinary action against the witness
- Compilation of teaching, research, and publications
- Summary of news articles about the witness
- Other data as requested.

When selecting an expert witness, it is best not to leave any stone unturned. InfoAction reports provide the background necessary to support the credibility of the witness and demonstrate the due diligence of the witness elector. To find out more about this new service, visit <http://www.infoaction.ca> or call 604-331-3613.

Citations:

1. Arnold, E., & Soriano, E. (2013). [The Recent Evolution of Expert Evidence in Selected Common Law Jurisdictions Around the World. Campbell Valuation Partners LTD](#)
2. Belmore, N. (2009). [Expert Witness: From Proper Retention to Cross-Examination..](#)
3. Brennan, M. Dilenschneider, M.L. & Robinson, J. (n.d.) [Selecting and Retaining an Expert Witness.](#)
4. Goudge, S.T. (2008). [Inquiry into Pediatric Forensic Pathology in Ontario.](#)

5. O'Melia, S.J. (1991). [The Expert Witness](#)..
6. Richard, J.D. (2008). [Expert Witnesses in the Federal Courts](#) A Discussion Paper of the Federal Courts Rules Committee on Expert Witnesses.
7. Sapir, G.I. (2007). [Qualifying the Expert Witness: A Practical Voir Dire](#).

Courthouse Libraries BC News

Drew Jackson, Director, Client Services

New Library Catalogue

In June, we went live with a new Integrated Library System. Our previous system, Horizon, was no longer developing in ways that met our needs, so we switched to Soutron, a flexible system that was created for special libraries. The new catalogue is integrated into our Courthouse Libraries website search much the way our old one was, so you won't see the new catalogue until you're looking at an item record. This is a beta launch and your feedback will help determine the direction of our first upgrade. Later this year, we plan to upgrade to the newest version of Soutron, which will improve usability and add extra functionality for our clients, like simple self-serve renewals, holds, and more. We hope that you'll send any feedback or questions about the new catalogue to librarian@courthouselibrary.ca.

Asked & Answereds

The Asked and Answered collection on our Courthouse Libraries website provides answers to tricky or common legal information questions. We continue to add new Asked & Answereds to our website, and update older ones, on a regular basis.

Some recently added A&As are:

- What is leave to appeal (civil)?
- Which court forms can be filed electronically?
- Where can I find the requirements for preparing a book of authorities?
- Where can I find the opinions of the United States Supreme Court?
- What is finder's law?
- How do I obtain evidence from foreign jurisdictions?

Standing Orders for Court Rules & Practice Directions

To make it easier to stay on top of changes to court rules, practice directions, or even all regulations, we provide a standing order service for law firms. We receive all of the regulations weekly from the Registrar of Regulations in Victoria, and have set up regular standing orders with a number of firms. If you'd like to receive a weekly email from us with all regulations that have come in, or just at select times when the court rules are amended or as practice directions are issued – just let us know! We charge \$10 each time we fill a standing order. If we don't receive anything, we don't charge you.

Meanwhile, if you are just looking for changes to the court rules, try out our new Court Rules Amendment Tracker on our Courthouse Libraries website in the Training & Tutorials section under Guides.

Legislative Counsel and Registrar of Regulations

Notes from a conference call with Rod Fehr, Sarah Munro and Sarah Sutherland | June 12, 2013

Sarah Munro, VALL President

In response to concerns expressed by VALL members about the currency and reliability of **B.C. regulations**, I wrote to **Rodney W. Fehr**, the new **Legislative Counsel and Registrar of Regulations**, expressing our dismay and frustration. In addition to his written response, Rod arranged for us to have a conference call, along with **Sarah Sutherland**. In general, I would say that the call was a way for us to get to know each other a bit. Rod was interested in obtaining some specific feedback and will continue to solicit that from us in the future, I believe. From VALL's perspective, I was left with the general impression that the Legislative Counsel office is still very much focussed on the complications of producing the originating documents and the print publications.

These are the notes from that call.

- Rod asked for a bit of background information on VALL. He worked with **Gail Nash**, who had spoken of the association over the years.
- The Legislative Counsel office is where bills, regulations, and Orders-in-council (OICs) are drafted. Being Registrar of Regulations is a small portion of his responsibilities. The office was restructured after Gail retired. Now, for the first time, a lawyer is Registrar of Regulations
- The *Queen's Printer* (QP) has addressed some concerns, such as adding the header on regulations to warn people to use the *Cumulative Regulations Bulletin* to bring the regulations up to date.
- Rod asked if our firms subscribe to the loose-leaf regulations (Sarah M. – no; Sarah S. – former firm does)
- As I understood it, the QP LegalEze version of the regulations is tied in with the loose-leaf consolidation, but the QP LegalEze version does get published earlier than the print. He gave the example of the next print consolidation being due in September, but the regulations should be on QP LegalEze already,

The work flow for the print is:

- After deposit of the regulations, they start work on the consolidated version, doing things like changing the footer dates. There are hiccups in the software, with good features and bad.
 - The consolidation goes through two proofs before printing.
 - The office must also make changes to the Table of Contents, the instruction sheets, etc., and check the filing instructions.
 - Once the regulations have been through the proof stage, they are okayed to go on QP LegalEze.
- I asked if they looked at online sources of legislation from other provinces, such as *eLaws*, kind of as an example of currency. He said they are on the radar, but that producing regulations like that requires more resources than producing a paper version, and that online regulations like that would be a challenge from the resource side.

- He sees regulations in a web format as being challenging. Ontario's regulations are not his favourite style for web format. He prefers the formats that the federal regulations are available in, though feels that there are search limitations with the federal regulations.
- I asked if they had considered surveying users, like librarians (and lawyers). As I understood it, the short answer is "no". Rod talked about the balance involved, for example, the publication arm is through the QP, so there might be toes to step on. As well, they wouldn't do any surveying at the moment because they are still trying to catch up. They are trying not to get side-tracked.
- I asked if lawyers had contacted him with concerns (about currency). He said some had, but he thinks that most probably go through the QP, so what comes to him is diluted.
- There has been significant turnover in the department in the last few years, in addition to Gail's retirement.
- I asked if they and their funding were affected by the election or the election cycle at all. They are not. What can affect them is the annual cycle of government. The staff in the office are involved in more than accepting deposit. For example, they edit regulations before they're made. That can have a significant effect on workflow generally, and involved a significant volume of work. He gave the example of the "perfect storm" this spring, with changes to the Court Rules, the PST, and others, some of which have future effect dates.
- **Rod** did say that they have extra resources at the moment, and a temporary staff member. This appears to be helping them to catch up.

Rod asked us some questions as well.

- He mentioned the historical note at the beginning of each regulation (I would call this the "consolidated to" note). The QP has added a note to check the *Cumulative Regulations Bulletins*, but to add more information, such as the date the regulations have been consolidated to generally, rather than the last regulation included, is a QP resource issue at the moment.
- Rod asked about importance of having copies of deposited regulations (with the deposit date on them) rather than OIC versions, and suggested we raise it with the QP.
- They are looking at improving the format of the *Index of Current B.C. Regulations*. There appear to be historical style issues and technical issues of formatting that they want to clean up. He also mentioned the way they distinguish between the original regulation and amending regulations.
- Another improvement they are considering is clearly indicating if an amendment has itself been amended.
- Rod also mentioned possibly making some "rare" information (possibly rarely used?) available in a schedule.
- Rod also asked about using the Table of Legislative Changes (TLC) format for regulations (switching from the little historical note at the end of each section). The TLC format would allow them to include additional information, such as effective date and deposit date.

We asked some more questions:

- I asked if he knew about Quickscribe. He is aware of it, but seemed to feel that it is less his concern than the QP's. He did say that *Quickscribe* is doing only one thing, while the QP and his office are doing a whole pile of things.
- Sarah S. questioned subscribing to QP LegalEze if it is not up to date. Rod didn't really address this.
- Rod mentioned that everything is going to be more and more electronic, but that there is still a desire to produce paper (he didn't say whose desire). He said people aren't using the loose-leaf sources as much now, but that there is a strong view to continue producing it (again, he didn't say whose strong view).
- Rod recounted a recent problem with the *B.C. Gazette*. They had two issues virtually ready, but then had problems that required that the issues be completely reassembled. (The problem was that they had decided to exempt some regulations from publication, but then determined that they had to be published, so 150 pages had to be added back in).
- When asked how well his office and the QP were working together, he said that it's a challenge, but they are working together. They have monthly meetings and are in daily contact. Nobody is happy about where the publications are at, and they are trying not to point fingers.

Vendor's Corner

Wolters Kluwer Law & Business

Allison Lau, Marketing Manager, Legal & International Markets
Wolters Kluwer Law & Business, Canada

Wolters Kluwer Law & Business is proud to announce the launch of the *Daily Reporting Suite*. The suite includes daily written reports and analysis on breaking news, court decisions, legislative, and regulatory developments in the U.S. It includes coverage of the following practice areas:

- Antitrust
- Banking & Finance (new as of May 2013)
- Employment
- Health
- Insurance
- Intellectual Property
- Products Liability
- Securities Regulation

For a sample issue, or trial please go to <http://dailyreportingsuite.com/> or contact **Wolters Kluwer** in Canada at cservice@wolterskluwer.com or call 1-800-268-4522.

Member Announcements

VALL has several new members since our last Review, including **Heather Hadley**, Librarian with Courthouse Libraries BC (in New Westminster), and **John Radil**, Customer Service Representative at CLEBC. Other new members are:

Genevieve Cragg is an Account Manager for CCH Canadian, Tax and Accounting, British Columbia. She was recently made responsible for account management for BC law firms, in addition to her continued focus with accounting professionals. Genevieve looks forward to meeting members at VALL and providing resources to law firms to meet their tax and accounting research needs.

Steinunn Benjaminsson recently joined Stikeman Elliott LLP as a part-time library technician. A graduate of Langara College's library technician program, she is pleased to return to the world of law libraries, having completed a month-long practicum at Farris in 2011. Steinunn also works part-time at the North Vancouver District Public Library and will be starting her MLIS through the University of Alberta's online program in September.

Rocio Szwaba has worked with CLEBC for 7 years, starting as a Customer Service Representative and then Customer Service Coordinator for the last 5 years. Rocio has a background in Human Resources Management, Disability and Rehabilitation Management, OH & S, and Leadership Coaching. She is also an Elder Planning Counselor. Outside of CLEBC, Rocio teaches employment skills and workplace health and safety for seniors.

Kaedra Kirilenko works at the Health Employers Association of BC, in a role that includes library and research services, special projects, and knowledge management. Since 2003, Kaedra has held diverse positions in academic, public, and law libraries, and graduated from UBC with her MLIS in 2009. Kaedra is originally from Saskatchewan, but the beauty and lure of Vancouver has her enthralled!

VALL Review Newsletter Article Content Submission Guidelines

Please take a look at the guidelines below and contact the *VALL Review* Editors if you have any further questions. You do not have to be a VALL member to write for us. Anyone is welcome to contribute to the *VALL Review* as long as you meet the guidelines below. Thanks for your support and interest!

Purpose of VALL Review

- To provide 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 the legal sector.
- To highlight resources of interest to VALL which would be useful to the legal community and for professional library staff development.

Authors are advised to submit their draft articles that meet the minimal criteria:

- 1) In Microsoft Word, plain text or RTF.
- 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.

Publishers and vendors should only highlight for submission any new product developments that the vendor has not yet publicly released or that the vendor would like feedback from its customers. (Note: If a vendor has already released public marketing information to all customers on its corporate web site, *VALL Review* editors will exercise rights to determine if there is sufficient space to include the submitted information, in light of other VALL content publishing priorities.)