CALL 2009 Conference Report

Submitted by Annamarie Bergen and Phyllis Thornton

Introductory Remarks

CALL 2009 was held in Halifax, Nova Scotia from May 24 to 27. Attendance was down slightly from previous years overall and there was a noticeable reduction in the number of law firms and corporate law departments represented.

Business Meetings

Private Law Libraries Special Interest Group

In addition to the usual discussion of program topics and chairpersons for next year, we considered how to make the webpage more useful. We moved to discussion of the economic downturn on law firm libraries. Changes mentioned were:

- A close scrutiny of all costs including staff costs
- Labelling expensive books with the cost
- While only a few mentioned staff reductions in Canada it was mentioned that Abovethelaw.com lists law firms that are cutting lawyers and staff.
- Those with reduced staff mentioned finding the scheduling of vacations very tough.
- The representative from AALL said that with the economic downturn firms in the U.S. have moved away from rolling online costs, etc. into the lawyer's rate and some who had done that previously had gone back to disbursing the costs.

Vendors Liaison Committee

Discussion focussed on the guidelines for the open forum, appropriate use of the CALL listserv and maximizing the webpage. It was suggested that librarians should write publishers at the end of the year to tell them what went right that year. We are quick to tell them what went wrong but often don't tell them what went right. Members of the committee were asked to promote the use of publisher RSS feeds in our local library communities so that publishers will see the value in them and continue to update the feed content.

Knowledge Management Special Interest Group

Discussion focussed on topics and co-chairs for next year. Phyllis Thornton will be co-chairing the SIG with Suzanna Duke from Stewart McKelvey.

Publishers Forum

This session was recorded and is available on the Vendors' Liaison Committee webpage on the CALL website.

Federated search capability of publishers:

- HeinOnline and CANLII allow their content to be used in a federated search and CCH's new platform will allow access
- Canada Law Book is still looking at the issue
- LexisNexis and Carswell are concerned with how federated search would affect the value-added components of their websites (like internal linking) and their data integrity. However, Lexis in the U.S. does have some products that integrate with a federated search but they are not available in Canada.

QL RSS feeds:

- Concern was expressed that old data is sent out in a new feed because minor changes have been made. It was suggested that a publication date field be added so that the feed could pick up information with only a new publication date.
- Some people mentioned that they receive information multiple times. This could be due to having subscribed to more than one the feeds from LexisNexis and the same information going out on multiple feeds.

Binder Quality:

- Concern was expressed about the binder quality for new LN Butterworths and Carswell products. They have the same supplier for binders. The publishers said that they have looked into the issue and it is being addressed.

Transparent pricing for electronic products:

- Each publisher explained their pricing model. With QL's announcement of a new pricing structure all are based on some variation of the number of lawyers or users in the firm. For details for each vendor please contact your sales representative or listen to the recording of the Vendors' Forum.

QL Newsletter:

- They will reorganize the content for future issues so that additions and deletions appear close to the top so that they are easily accessible.

Counter-compliant statistics:

- A request was made of the vendors to consider "Counter compliant" statistics so that clients can readily understand usage and compare services. "Counter" is used in academic settings to monitor online journal usage. The Vendors' Liaison Committee informed everyone that this is a current focus of the committee and that they will be working with vendors and representatives of AALL to develop a model for usage statistics that is standardized and useful to clients. The vendors expressed interest in working with the VLC on this initiative.

Dealing with your sales representative:

- Attendees were reminded that CALL has a tip sheet of best practices for working with your representative.
- In response to whether the publishers had personnel available for library audits: Carswell and Canada Law Book will work with you upon request. LexisNexis doesn't have designated people for this but is moving to a single point of contact customer service model which may facilitate a better integration of services for your library.

Vendor Presentations

Please contact your sales representative to find out what new products and services were announced at CALL as they are too numerous to detail in this report. Also, most suppliers were offering some kind of sale prices applicable to about June 15, so check it out.

Plenary Sessions

Canada's Immigration and Refugee Policy

Speakers: M. Lee Cohen and Paul Calandra Moderator: Dr. Marguerite Cassin
The speakers shared many statistics and insight into the need for immigrants to Canada and the obstacles in our immigration system. We were informed of the steps being taken to streamline the foreign credential recognition system and the action plan to facilitate faster immigration of qualified individuals. We learned the difference between refugees and immigrants and some of the challenges and heart-wrenching trials facing them. We also learned that an immigrant's confidence in our public institutions declines the longer they are in Canada. All participants agreed that we must not let the media drive our discussions on these important issues.

The Technology of Law

Speaker: Bernard J. Hibbitts
The speaker confirmed that legal institutions have a limited grasp of technology. He encouraged a conceptual rather than functional approach to teaching neteracy (internet literacy) so that people can work, think and express themselves effectively in cyberspace. It is not good that our clients are more comfortable in cyberspace than their lawyers. Professor Hibbitts broke the necessary skill set into three parts: reading, writing and thinking.

Reading encompasses locating, assimilating and assessing ideas in multiple formats. It requires skills in gathering, filtering, scanning, navigating, comprehending and evaluating the information found on the internet.

Writing online requires a different skill set than writing for the printed page. It requires verbal and visual expression and we have to learn how to exploit it. Some of the skills required for writing include composing, designing and constructing. Compositions are a form of storytelling which needs to be short, highlighted and bulleted with the important point up front. People need to learn when to hyperlink, what to hyperlink and what to link to. Designing deals with the look and feel and must recognize that the internet provides a social and aesthetic activity. By constructing writing properly you can tell lots of stories over time.

Thinking related to the internet is non-linear, holistic (verbal and non-verbal), interactive, collaborative, based on narrative, adaptable and creative.

Professor Hibbitts method of teaching is to work on a website (JURIST) under professional guidance. His students are required to regularly read the internet for serious legal research purposes, evaluate what they find and write with hyperlinks. They must communicate and react online in real time. He believes that librarians would be the best one to oversee this learning although his particular course was developed by professors and not librarians.

Planning for Palliative and End of Life Care

Speaker: Professor Jocelyn Downie, Jeanne Desveaux, Leah Hutt,
Professor Downie highlighted several issues in this area including withholding treatment, withdrawing treatment, the difference between these two, assisted suicide and euthansia and distinguished the areas in which the law is clear from the areas in which it is unclear. She also pointed out the differences between the way the law is written and how it is actually practiced. She touched on the role of advanced directives and what determines competency. Specific questions submitted anonymously were also addressed. The other participants spoke to the issues from their experience of working in the field. One point that was stressed by all speakers was that a bad decision does **not** equal incompetence.

Concurrent sessions

Embedded Librarians: Our Future or Our Fear?

Speaker: Judith Siess

Libraries without librarians – no, but librarians without physical libraries is quite possible according to the speaker. She believes physical collections will continue to exist for archival materials and reference works not available online but most of what is needed daily will be online eventually. The real value is how the information is made accessible by the librarian. We should want to see this happen because it saves times, money and is what our customers' want, particularly new customers who are digital natives.

The downside is that there is a loss of a physical presence so there is no longer a gathering place – a safe, neutral, free place to study. For some this means a loss of identity as a profession (we are the only profession named for a building) and loss of our jobs. Online information is expensive and navigating online is like swimming in water where you can't see. However, we don't have a choice.

Librarians will still be needed because the users do not know where or how to search and do not want to learn. Not everything is online and not everything online is good.

Embedded librarians can perceive needs before questions are asked and can answer them even if they are not asked. It means getting out of the library and into the company or work environment as often as possible and is often associated with "reference by walking around". The embedding can be physical – sitting in the area of the customer group full or part-time; organizational – where the librarian is part of the management and supervision of a group who funds that subject; or virtual – where there are webpages and electronic reference assistance for each specific client group.

Librarians can be embedded in all sorts of libraries including law firms. The key is to form partnerships so that the knowledge and staff of the library are indispensible.

How to embed:

- Promote skills NOT tools and define what those skills are.
- QUIT WHINING. The problem is not the changing workplace but the unchanging librarians
- Lead the organization in adapting to change.
- Take risks.
- Innovate – show what can be done not what is being done.
- Stop preaching to the choir. Get articles into the publications that your clients read, like bar journals.
- Ensure that users can find you
- Attend as many high level meetings as you possibly can.
- Start a blog or twitter and set up an RSS feed
- Push information, such as recently answered questions
- Embrace continual professional development, i.e.: http://embeddedlibrarian.wordpress.com; http://embeddedlibarian.blogspot.com

Life After Librarianship

Speakers: Sue Rigney, Suzan Hebditch, John Murchie

The speakers were all former librarians who had changed careers.

Each talked of his/her own experience. Some of the skills that we possess that very useful in other settings are:

- Organizational skills
- Ability to multi-task
- Knowing how to do a reference interview – it gets you to what people need
- Budgeting
- People skills
- Inventory care and management (it's all cataloguing)
- Marketing skills
- Attention to deal
- Financial management skills
- Ingenuity
- Adaptable to change
- Balanced attitude

To find a new opportunity you must be astute, flexible and nimble. Do your background work and then own your decision. Remember that "stuff" happens in all careers. Live your own version of success.

Going Green in the Legal Environment

Speakers: Colin Piercey, Derek Simon, Jane Gourley-Davis, Kathy Johnson

Why go green? To save landfill space, show forward thinking, be more profitable, have healthier and happier employees (68% agree that this makes a difference), happier clients (91% occasionally consider environmental factors and 16% always do). The issues affect us all. Lawyers use 1 to 2 pounds of paper per day and it costs $500 per employee per year. Email increases paper usage by 40%. It takes more energy to produce paper than any other industrial product. Reducing and reusing is more important than recycling because it takes energy to make recycled goods usable again. However, there are 4 times more jobs created in recycling than in landfill management.

Things we can do:

- Contact your municipality for the correct information on composting and recycling in your area.
- Double-sided printing
- Save things on the document management system and not on paper
- Use paper from recycled sources
- Reuse paper
- Review documents online rather than on paper
- Email documents and remind people not to print the email
- Encourage paperless meetings
- Turn lights and computers off at night and have computers go into sleep mode after a brief period of non-use. IT can send out a message when updates will be done so that those who aren't affected can turn off their computer.
- Have a manageable room temperature year round
- Use energy efficient light bulbs
- Encourage people to bring a litterless lunch
- Encourage the repair of broken items rather than discarding them
- Use a laptop computer rather than a desk model
- Don't drink bottled water, most is just filtered municipal water anyway. Refill water jugs instead. Have water filters plumbed into the taps.
- Travel wiser

    - 90 km/hr is the optimum speed for fuel efficiency for most cars (check your owner's manual)
    - encourage public transit use (passes are a tax free benefit)
    - set up safe ride home programs for those who have to work late or leave for an emergency so that they don't have to drive to work every day
    - encourage active transportation such as walking or cycling
    - sponsor a road safety course for cyclists.
    - car pool
    - use videoconferences, webinars and conference calls instead of travelling to other offices

- participate in the National Commuter Challenge and give local prizes
- Work with the landlord to increase the number of bicycle parking spots indoors
- Make individuals aware that they can purchase carbon offsets

- Consider green leasing and a green purchasing policy. Make suppliers support the claims that they are making.
- Have a box to drop off old batteries from work and home so that they can be recycled properly
- Compost
- Turn lights off in the vending machines
- Get support from the top and get support from all major players including IT and office services. Make being champion of the environmental program part of someone's job description.
- Do an environmental/eco-efficiency audit as shown on the CBA website or hire an environmental auditor
- Do a waste audit of what is in people's garbage now – what percentage is compostable or recyclable.
- Have a sustainability policy and a statement of purpose for the environmental team
- Communicate – contests, lunch and learn, party, green tips in an online newsletter
- Explain what is recyclable and compostable. Have good signage for the bins with both text and picture, preferably colur-coded
- Place bins in high traffic areas, clustered together. Have the recycling bin larger than the garbage can. Reuse old waste bins for recycling bins rather than buying something new. Have a team member stand by the bins once a week at noon to answer questions
- Start small
- Have a supplies party to clean out desks and filing cabinets old supplies and sort them so that they can be redistributed and used again.
- Model the way
- Follow-up and celebrate successes. Monitor your programs. Are people confused? What causes confusion?

Making Some Room: Strategies That Turn New Staff into New Leadership

Speaker: Ryan Deschamps

It is said that the next 50 years will ask organizations to find people for jobs – this will require a strategic plan for each individual for his or her career path. Current leaders in organizations need to not only preserve the wisdom of the old but prepare for the wisdom of the new.

First step is a strategic plan = process by which an organization envisions its future and develops strategies, goals, objectives and action plans to achieve that future.

This requires:

- Vision – the ideal you. What you strive for. This steers the work that people do.
- Mission – what you do best. Action-oriented. Strives for the Vision. How people can rely on you.
- Values – Who you are. What is important? What is non-negotiable?
- The Rest of the Stuff – Goal setting (what does success look like?); key initiatives; success measures.

You will need numbers as numbers tell a story; remember though, people also tell a story. Once you have your plan, you need to engage people to make that plan happen. Deschamps talks about "Theory U":

1. Co-Initiating – Build common intent
2. Co-Sensing – Observe, Observe, Observe. Listen, Listen, Listen.
3. Presencing – Connect to the Source of Inspiration.
4. Co-Creating – Prototype the new.
5. Co-Evolving – Embody the new.

One method to develop "Theory U" and to attract, keep and allow for the growth of an organization is fishbowl conversations. In this setting, conversations can *only* happen in the fishbowl. Subsequently, if you have a question, idea or comment you must take an empty seat within the fishbowl to express your thought(s). In order to make room for someone to join the fishbowl one member must leave. This rotation will continue as new members enter to express their ideas.

There is etiquette for the fishbowl:

- Focus on what matters
- Contribute your thinking
- Speak your mind and heart
- Listen to understand
- Link and connect ideas
- Listen together for insights and deeper questions.
- Have fun!

A variety of questions were put forward and the fishbowl conversation model utilized for the opinions on leadership, leadership roles, librarianship and succession planning. It was a stimulating and inspiring session.

Best Practices: Training our Users

Speakers: Sam MacKenzie, Karen Neves, Gayle Lynn-Nelson

Telephone training: Onsite visits are preferred when possible but telephone training can be used for all levels. You should do a needs assessment first so that you can customize the training to each person's specific needs.

The pros of telephone training:

- Good for electronic products
- Can reach people in remote locations
- Reduces time spent travelling and equalizes training resources
- Unlike Webex, the client is actively involved

The cons of telephone training:

- Users may not be technologically savvy
- You cannot react to their body language or facial expressions
- Must listen carefully
- Does not work well for groups. You lose the engagement and one person can dominate

Pointers for good telephone training:

- Find out if telephone training is going to work for them
- Verify the contact information that that trainer is to call
- Get a time frame and a time of day plus the amount of time the client wants to spend training
- Use some smaller chunks for unsophisticated users
- Find out their background with the product and what they really want to know
- At the beginning of the session reaffirm that they have the time committed and will not be called away
- Ask questions like “What’s on the four corners of the screen?” “What’s happened on the screen now?”
- Be patient – very patient
- Listen!!!
- Stick to your plan whenever possible
- Teach each step in context
- Thank them at the end
- Get a training evaluation
- Follow up – maybe a month later
- Alert them to any help resources

Teaching with Social Media - be aware of the digital divide. Social Media (wikis, blogs, YouTube, Facebook, Twitter and many more) are what you make of them. Although they may have been designed for one purpose there are no rules and you can repurpose them in many ways. Know your audience. Consider how much interaction you want and how much upkeep is required. It should be as much about learning as teaching because social media allow a dynamic exchange of information. There should be a feedback box on every page. Social media needs a face. If it just facilitates contact with an institution people won’t use it.

If you are looking at single session contact consider YoutTube, a wiki or a blog. For repeat contact try Facebook, a blog or a wiki. For hands on interaction consider Twitter, a web portal (perhaps using LibGuide software) or a wiki. For one on one contact try instant messenger programs, twitter, blogs and wikis. Remember that twitter is often not blocked when Facebook is. RSS feeds don't work particularly well for libraries as they are difficult to keep regularly updated with fresh content.

Generational training – remember that different generations approach learning differently. Remember that you can't appeal to all generations and there will be clashes. Allow enough time for training and try to stretch their comfort zone. For the Millenials (1982 – 2001) have lots of activities with lots of steps. Allow them to be creative. They like reading material to go with lectures, etc Change the activities around. Tap their technological savvy. Assign group roles and foster a team environment. Require participation in each class period through individual and group work.

Some games that might work with training – Dominos – term on one end a definition on the other. Have 20 to 30 cards. Facts in Five – there are five subjects across the top and five letters (chosen by them) down the side. They must fill in a term for each subject that starts with that letter. Jeopardy – give the answer and they have to give the question.

Sharepoint: KM's Swiss Army Tool

Jenny Gray, Joshua Fireman, Gail Rawlings

The difference between Sharepoint and a portal is that information can reside in a portal database or integrate to underlying technologies. It allows for collaboration and can automate workflows. Sharepoint is a platform and not just a single tool. The key points to Sharepoint are:

- You can syndicate content
- Identify the "true source" for content management rather than repeating content in multiple places
- Personalization
- Encourages sharing and not just access
- However, the trust required in Sharepoint usage must be earned and you need to identify the business value
- It has problems integrating with non-Microsoft applications
- It has so many possible tools and uses so don't try to use them all at once.

The Supreme Court of Canada uses Sharepoint to assist posting case information on the SCC case information website. They also use it internally for managing the flow of cases. Bilingualism was a problem for them. The controlled English/French vocabulary was not translating properly in the advanced search. The SCC also tried using Sharepoint as a collaboration tool but has ceased doing so. Librarians brought a lot to the table in the design of the interface.

McGinnis Cooper has just redesigned their intranet using the Sharepoint platform. It now has a flexible design but also a clear and stated purpose. The content is directed by role (associate, partner, etc.) and has search tools. They are using social tagging to capture hidden expertise.

They are considering the use of wikis. Points learned – don't rely on IT to accomplish the design; project planning is key; don't be afraid of your firm; try Web 2.0 technologies.

The session wrapped up with some discussion of how social networking could work together with Sharepoint.

Ready to Retire?

Speaker: Jim Millard

The speaker reviewed the three pillars of retirement income: Government sponsored, Employer/Employee Pension Plans; Personal Savings. He told us how the government system works and how to figure out what you could expect from it. Actual studies show that the Old Age Security system is on solid group. We learned when and how you apply and which additional benefits must be applied for separately. He went on to explain the difference between defined benefit and defined contribution employee/employer benefit plans and then touched briefly on personal savings and why a person would want to consider a Tax Free Savings Account in addition to or in place of an RRSP.

E-Discovery: The Impact of New Rules of Court

Speaker: Thomas P. Donovan, Q.C.

The speaker discussed Rule 16 of the Nova Scotia Civil Procedure Rules. Nova Scotia is the first province to codify the Sedona Principles in a mandatory rule of Court. Sedona, AZ was the location of a think tank of lawyers, consultants, academics and judges who met and produced principles regarding electronic document production.

While Nova Scotia is the first province to codify this principle, others are following suit. This is due to the fact that 99% of new documents are electronic, 70%+ are never printed, and storage systems have 'unlimited' capacity. The legal process has had to dramatically change in response to these changes since digital records are everywhere.

Digital Records are very different from paper as they are:

- More voluminous
- More persistent and virtually indestructible
- Data can be presented in multiple formats and views
- Digital almost always leaves an audit trail
- Digital tracks are everywhere -- is the modern smoking gun!
- Digital doesn't reside in a filing cabinet but on any shared server, home computer, portable device (blackberry, iPod, cellphone) web history, cache, voicemail, text message

The new rules impact how lawyers now work as they specifically require preservation of metadata which is a technical challenge. This has led to the emergence of litigation response teams consisting of a core group (in-house counsel, IT, external counsel), service bureau, e-Discovery consultant, forensic expert and a project manager. This is translating to lawyers having to gain knowledge of the technical. It also illustrates the level of technical knowledge that is required to identify and determine when and if to deploy forensics (eg. Recover deleted files, track web surfing patterns, analyze individual user behaviour, establish the authenticity of a file).

One of the biggest challenges with file management is that of costs. The question will be who should process the data? Should it be the law firm IT or litigation support department or a service bureau? Is the infrastructure available for such processing? Internal governance challenges are inevitable.

In the end, these Rules illustrate the importance of digital management, the education that will be required; that document retention/destruction policies will be key to such management and that new demands will require the expansion of not only records management but the library science role.