

NEWSLETTER

Vol. 20 No. 2
May 2009

*This newsletter is published
four times a year*

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*"OSALL aims to link and support everyone interested in Law
Librarianship in South Africa"*

FROM THE CHAIR

I would like to take this opportunity to congratulate Gill Rademeyer (Librarian at Cliffe Dekker Hofmeyr, Sandton), who will be representing OSALL at the British and Irish Association of Law Librarians Annual Conference to be held in Manchester, United Kingdom, 18th – 20th June 2009.

The theme of the conference is Locks and Keys - Safeguarding Legal Information will consider among other issues how the developing technologies of Web 2.0 such as wikis and blogs are affecting the operation of libraries, legal information services, knowledge management and legal publishing. Users have an increased appetite for free and easily accessible resources. The conference will examine how this demand can be met while safeguarding legal information assets - from books to databases.

Regards
Fanus

EDITORIAL

Welcome to the May 2009 edition of the OSALL Newsletter.

In this issue Elizabeth Bourne of Bowman Gilfillan shares her insights on the implications of a law firm merge for the library. Mergers involve a great deal of hard work, but also present opportunities. Technology enabled two libraries in two different cities to share and bring their resources to the desktops of their attorneys. Danielle Botha shares some personal anecdotes relating to her recent library move.

This newsletter also includes a contribution on the FLARE Index to Treaties, a fully searchable database indexing and listing over 1 500 multilateral treaties. Interestingly the database has been made available using Inmagic's DB/Text and Webpublisher Pro database software, software many of us are familiar with.

As always many thanks to regular columnists Mary Bruce and Nico Ferreira for their loyal contributions.

Kind regards
Diana

NEWS

DATES TO DIARISE

OSALL AGM – 6 Aug. 2009 (venue to be announced)

Please note that the renewal of OSALL membership fees has been delayed until after the AGM as an Early Bird Special which will be announced at the AGM. Kindly do not pay your fees until August.

IMPLICATIONS OF A LAW FIRM MERGE FOR THE LIBRARY

Elizabeth Bourne
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Library life will be easier or harder as a result of a law firm merger; whichever it is, it will definitely be different. No merger is easy; the achievement of harmony is always hard-won and depends on a lot of give and take. Positives for the library will include more staff which should mean more heads to tackle problems and the ability to draw on different strengths. If both libraries have the same software, a merger should be easier to deal with. There will be one of two different management scenarios: if two firms in one location merge their operations, their libraries will merge. If two firms merge but operate in different places, the two libraries will be independent to a greater or lesser degree.

Bowman Gilfillan (BG) has experience of a merger of two firms in one location (Sandton) and a merger of two firms which created practices in different places, namely Sandton and Cape Town. The intellectual property (IP) firm of John & Kernick merged with BG in 2004 and the new firm moved into new offices with a new library. The IP library was small and specialised and was incorporated into the BG library as a new subject area. The incorporation of the materials was not difficult – just time-consuming. A cataloguer was hired to re-catalogue everything to BG specifications. What was very difficult indeed was the merger of the library management systems, e.g. serials management and circulation systems. This could directly be attributed to the different corporate cultures

When BG merged with the CT firm of Findlay & Tait, management decided that the libraries in CT and Sandton would be autonomous but run in tandem with each other. Below is a discussion of certain areas in which the libraries either co-operate or go their own ways.

Library intranet portal

The library intranet pages are accessed by both Sandton and CT practitioners. The intranet has to a major extent become the face of the library. It has also been a way of uniting the libraries. Diana Riley of BG in CT has written a separate article on the intranet entitled 'Two libraries, one library portal'.

Library software – catalogues

Sandton and Cape Town maintain their own catalogues. However, both libraries use InMagic and the services of the same InMagic consultant. User access is via the intranet and InMagic's WebPublisher. There are separate search screens for Sandton and CT users but the resultant hit lists are very similar in appearance. It is easy for users in one centre to identify resources held in the other.

We have a joint catalogue of journal articles. Certain journals are catalogued in CT and others in Sandton. From the intranet there is a single search screen: 'Journal article catalogue'. The hit list appears in two sequences: Sandton and Cape Town. Users are able to request the full text of any article either directly from their own library or via e-mail from the other library.

Currently the CT book issue is semi-online and Sandton entirely manual. However books and bound law reports and journals in both libraries are now bar-coded. The change to electronic issue will be implemented soon.

Electronic publications – licensing

Electronic publications (and their licensing) are both very easy and very difficult to discuss. BG subscribes to the LexisNexis and Juta intranets which are available to all users from icons on the library intranet pages. The problem with these large "multibases" is that the content must be to the satisfaction of users in both centres and the users, being different, have different needs and wants. A large amount of compromise has been required to choose a mix of products to everyone's satisfaction.

Some other large databases such as Sabinet and Westlaw are easy to deal with because no choice of products is required: either we require the databases or we don't. Such large databases are expensive but the costs are shared precisely in proportion to the number of fee-earners in each cost centre. It is obvious that fee-earners in the smaller cost centres benefit from being part of the larger entity. There are smaller databases, the costs of which are shared and yet other databases specific to practice areas, e.g. Maritime and IP, the costs of which are borne by specific cost centres. It can be imagined that the library budgeting process is complex and time-consuming.

Current awareness services / Library newsletters

Some current awareness services are shared and some are compiled for dissemination only in CT or Sandton. There is a shared subscription to Attorney Alert (Government gazette and journal article information) which is delivered electronically. A link is put onto the intranet and sent out to practitioners. Each library puts out a list of its new resources on the intranet. Current awareness alerts are sent to the different practice areas as and when necessary. The librarians keep each other informed of any matters which they think will be of interest in both offices.

Library training

The librarians in Sandton and CT run their own training programmes – within the parameters set by BG management. Each centre produces a training manual – within the BG house style. Outside trainers are called in whenever the librarians feel that it is necessary: for Westlaw training, for instance. Training guides are available on the library intranet pages.

TWO LIBRARIES, ONE LIBRARY PORTAL

Diana Riley

The merger of Cape law firm Findlay & Tait and the Sandton-based Bowman Gilfillan involved a merge of two libraries in two different cities. Mergers involve a great deal of hard work and many challenges, however they also present numerous benefits and opportunities.

Technological change has increased the ways by which geographically distant libraries within a firm can connect, coordinate and share. The firm-wide BG intranet enabled the Cape Town and Sandton libraries to create a library portal linking both libraries and attorneys across geographical distance. Attorneys in Sandton and Cape Town all have access to a single library portal with unified content. The library portal brought the library to the desktops of our attorneys.

The portal was created with the help of the BG IT staff, but is updated by the librarians of both libraries. It remains a work-in-progress constantly growing and evolving.

Currently the library portal is segmented as follows:

Practice area pages

- Practice areas include Corporate, Employment, Litigation and Maritime, Real Estate and Conveyancing and Taxation.
- The practice area pages link attorneys to legislation, hot of the press and hard to find judgments and other

publications and resources which are considered essential to a particular practice area.

What's new

- Juta's Weekly Statutes Bulletin
- New Publications alerting attorneys to new publications in both libraries

Library catalogues

- The BG libraries have the same library management software, Inmagic. This enabled the libraries to host their catalogues on the intranet. Although the two libraries maintain separate catalogues, attorneys have desk-top access to both catalogues. This has the benefit that the librarians and attorneys are able to determine whether a publication is available from either of the firm's libraries.

Electronic resources

- The library portal offers easy access (IP recognition) to the libraries' major electronic resources. LexisNexis, Juta Law, Sabinet and Westlaw which are available firm-wide and to all fee earners.

Internet links

- The library portal also facilitates access to the libraries' internet subscriptions such as DeedSearch, IRNetwork and Legal Information Systems as attorneys are able to link directly to these subscription sites. The relevant usernames and passwords have been made available on the intranet.
- The intranet also offers easy access to free websites such as SAFLII.

Electronic newsletters

- This section of the library portal includes the full-text of electronic newsletters such as the Attorney Alert (Lexinfo) and the various Sibergrammes.
- The Attorney Alert (formerly the Lexinfo Bulletin) is published weekly, and includes references to the past week's Government Gazettes, new legislation, case law, journal articles and book reviews. The Bulletin serves as the libraries' current awareness bulletin to the attorneys.

Contents pages

- The contents pages of both libraries' journals and law reports are available on the library portal.
- Attorneys also receive emails alerting them to new contents pages and are encouraged to request copies of the articles they wish to read.

Admission, Conveyancing & Notarial exams

- The questions and answers to past papers of the Attorneys Admission, Conveyancing and Notarial exams are available full-text on the library portal.

Library training

- The librarians have developed shared training materials for use by the librarians and attorneys.

The BG library portal offers our attorneys easy access to the libraries' resources from their desktop and it serves to bring the resources of two geographically distant libraries to attorneys firm-wide. One of the benefits of the merger is that the librarians and attorneys have access to resources to which they would otherwise not have had access. The former Findlay & Tait library, being the smaller of the two libraries, has definitely benefitted most in terms of access to library resources as the Cape Town office now has access to many more local and international electronic resources.

DESIGNING AND MOVING A LIBRARY: SOME PRACTICAL ISSUES

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My move in January this year involved moving an existing library to a brand new (two storey) library in a brand new building (of which construction was not fully complete at the time of my move). As my esteemed colleagues have already covered all the details involved in design and moving, I aim to discuss a few personal experiences, general tips and practical problems I encountered during my move.

Although this has been mentioned by many of my colleagues, I cannot stress enough that you need to be involved from the very start. It amazed me how quickly paper plans turned into concrete reality. If you are not invited, invite yourself, if at all possible. Beg, borrow or steal the blueprints/plans as soon as you can. Be positive, curious, enthusiastic, and offer to attend all design meetings (whether you have the time or not). Read broadly about library designs and library moves, and speak to as many colleagues as possible who have experience in these fields. Conduct surveys and ask your users what they want in the new library, as they need to be happy with it. You may be surprised by some of their answers.

You will have to choose your battles carefully, as you cannot win all and don't want to object to too many suggestions made by your superiors. Important aspects include the placing of the library, space allocated, shelving, ventilation and light. Not so important aspects are furniture, placing of the furniture, and computer equipment. In the end, it is their money, not yours, and they have to be happy with the library too. Ask for more space than you need, as your space will probably be cut down a bit as the planning progresses.

My biggest mistake was taking certain things for granted, especially when it came to measurements. Having not done a library move before, I assumed the space planners and carpenters were experts and that their measurements would be correct. The complete opposite was true, and almost no measurements were correct, from shelving to library furniture! What amazed me is that when I mentioned this to other colleagues, it came to light that more often than not the space planner's measurements would be incorrect. Our carpenter had to saw inches off quite a few desks to make them fit. Of course, this meant that I lost working space. At the end of the move, the last library workstation still had to be made, which would house four computers and screens. Having learnt my lesson the hard way, I took to doing the measurements myself this time and measured a computer screen, keyboard and mouse to test whether four computers would fit on this workstation. Surprise, surprise, the planned desk could not even house one computer! I immediately adjusted the measurements and sent the carpenter the correct measurements.

Rechecking every detail of the design is extremely important. Check that shelves don't block the lights that plugs are central and accessible, that you know which windows open and which don't, that sunlight won't touch your books neither in summer nor winter, that computer boxes will have enough ventilation so that they don't overheat. Use masking tape on the floors to mark where your furniture will be placed, so that you can foresee any spacing problems.

Labeling the shelves and making a list of their contents was invaluable. This does not mean I wrote down the title of each book, but I took my classification information and just wrote it down for each shelf. I could then check on Inmagic for the titles.

Packing space for the boxes was a problem. I had 200 boxes, which were stored in various places such as empty offices and the basement. It was a good decision by our firm to move the library first. I was up and running again while the rest of the firm was still packing and another advantage was that the firm could then use the empty library to store all the rest of the firm's boxes.

Something none of us planned on was the rain. It absolutely poured in the two days I moved, and this slowed things down quite a bit. The carpenter could not bring the remainder of the shelf fittings in the rain, the movers had a deadline, which means my books were in the end packed on the shelves and the shelves were then glued together afterwards. An important lesson I learnt was that no matter what, you need to stay focused and continue with the move.

My new library is split over two floors, which brought its own challenges. I put blue stickers on the boxes going upstairs and yellow stickers on the ones to go

downstairs. This worked extremely well as it is impossible to look up on your moving list which box goes where while the movers are moving them in at a box a minute! Unfortunately, I also used orange stickers to differentiate my law reports from my monographs and this seriously confused the movers. When I inquired with the manageress what the problem was, she informed me that men are often colour blind and cannot see the difference between blue and purple or yellow and orange! I ended up having to tell almost each mover if the sticker was yellow or orange. Using normal CNA sticky labels proved to be a mistake, as I spent many wasted hours afterwards (cozily with a bottle of benzene), trying to remove the labels from the wood of my shelves. Magic tape would probably have worked better.

Not using an experienced library mover posed its own problems. The packers packed the books in from front to back, instead of back to front, which meant that the books first had to be placed on the floor before they could be placed on the shelf, as the first books to go on the shelf were right at the bottom of the box. Sorting alphabetically was a nightmare to the packers, and as for sorting government gazettes – by year, month, and then number – even worse. However, we finally managed, but it did make unpacking a very hands-on job for me.

Dressing for the occasion was important. The first day of the move I wore jeans and a T-shirt – and almost fainted from heat exhaustion! As the new building was still under construction, it didn't occur to me that there would be no aircon – and a building can get really hot without it!

Damage to books is inevitable – I had to remake a number of labels. I also learnt that a hairdryer is a wonderful tool for getting bent plastic back to its original shape! If you can pack your books in such a way that they cannot move, for example stuffing gaps with brown paper, this will eliminate most of the damage.

Although tiring, the move was also refreshing – a nice change from the usual research and filing! I never look back and really love my new library.

Some handy tips to remember are:

- Ask users what they want.
- Do whatever it takes to be involved with the design.
- Do measurements very carefully. Don't trust anyone else to do this.
- Check, check, check and recheck. Make check lists.
- Ask as much advice as possible.
- Compromise is important – you can't have everything perfect.
- Label shelves and boxes very carefully. Cross reference if possible – i.e. get the movers to write the shelf numbers on the boxes.

- Use easily removable labels on shelves!
- Colour-code boxes.
- Pack books in the box back to front, i.e. from the end of the shelf to the beginning.
- Keep important/popular books separate.
- Never stress about the mess!

FIT FOR PURPOSE – THE NEW FLARE INDEX TO TREATIES

By [Steven Whittle](#) and [Peter Clinch](#)

Introduction

[The FLARE Index to Treaties](#) which was launched in March 2009 on the Institute of Advanced Legal Studies web server, was conceived to fill a gap in the range of information finding tools available on the internet for the international lawyer.

It is a fully searchable database indexing and listing over 1,500 of the most significant multilateral treaties concluded from 1856 onwards.

This article describes the background to the development, the various ways in which the service can be used and technical issues in its construction and use.

Why was the FLARE Treaty Index developed?

Two of the most useful indexes to treaties have existed in print form for many years: *Multilateral Treaties: index and current status*, compiled and annotated within the University of Nottingham Treaty Centre by M.J. Bowman and D.J. Harris (London: Butterworths, 1984, tenth supplement, 1994) - hereafter referred to as Bowman & Harris - and the *World Treaty Index*, compiled by Peter H. Rohn (Santa Barbara, California, 1984) - hereafter referred to as Rohn.

Bowman & Harris includes details of about 1,000 treaties concluded between 1856 and 1994. Apart from the very useful information on where the text of the treaty has been published in print form, Bowman & Harris attempted to provide information on the current status of each treaty, a task which cost much research time and effort. This additional information includes a listing of the names of the parties to the treaty, the signatories (with dates of signature), denunciations (with dates) and amendments. Rohn, on the other hand, restricted its task to acting as a bibliographic tracing index, but covered both bi-lateral and multilateral treaties between 1900 and 1980, and so contains over 44,000 entries.

Reviewing the internet for indexes to treaties it was clear that while much energy and time had been expended on sites with classified, hierarchical lists of treaties and links to the text of them on the internet, there was no simple to

use, searchable index to this type of frequently sought material.

Who is behind the development?

[The Foreign Law Research \(FLARE\) Group](#) includes representatives of libraries in the United Kingdom having major foreign and international law collections. It includes, in alphabetical order, the British Library,

Cambridge University (Squire Law Library), the Institute of Advanced Legal Studies (IALS), University of London, Oxford University (Bodleian Law Library) and the School of Oriental and African Studies, University of London and is chaired by IALS. In addition, a seconded member of the Group is Dr Peter Clinch, of Cardiff University, who created the [Foreign Law Guide \(FLAG\)](#) database inventory of the foreign, comparative and international law collections held by over 60 UK universities and the national libraries, located on the Institute of Advanced Legal Studies website and originally developed at IALS through the [UK national Research Support Libraries Programme \(RSLP\)](#) (see feature about FLAG on [LLRX](#)). Between them, the members of FLARE therefore had previous experience of developing successful web indexes to legal materials.

Members gave whole-hearted support to the concept of developing a web database to multilateral treaties, based on the bibliographical material contained in Bowman & Harris, supplemented with information from more recent sources. Given the resources available for the project, the database was restricted to acting as a finding tool, and a decision was made not to include details on the status of each treaty as found in Bowman & Harris. Also, it was recognised that to create an index to all treaties (bilateral treaties included) would have been far too onerous, so the scope of the database was restricted to significant multilaterals only.

Funding for the project was made available through a successful bid to the University of London Vice Chancellor's Development Fund and support of the School of Advanced Study, University of London.

Which treaties are included?

Over 1,500 treaties have been selected for the database. Information was harvested initially from Bowman & Harris and has been supplemented from the following:

International Legal Materials (Washington: American Society of International Law, 1962-)

Index of British Treaties, 1101-1988, various compilers (London, HMSO, 1971-1992)

British Yearbook of International Law (London: Hodder & Stoughton, 1921-)

Bulletin of International Legal Developments/Bulletin of Legal Developments (London: British Institute of International and Comparative Law, 1966-)

United Nations Treaty Series Index (New York: United Nations, 1946-)

TSO/HMSO Catalogue (London: TSO, searched from c.1990-)

The web sites of international organisations including:

[EISIL \(Electronic Information System for International Law\)](#) created by the American Society for International Law)

[AUSTLII Australian Treaties Library](#)

[Foreign and Commonwealth Office \(UK\)](#)

[United Nations Treaty Collection](#) (subscriber access only)

[International Labour Organization](#)

[Council of Europe \(Treaty Office\)](#)

[European Union \(EUROPA – EUR-lex web site\)](#)

[Organization of American States](#)

What details are given about each treaty?

The entry for each treaty in the database includes the following basic information:

- the official, popular and alternative titles of the treaty;
- the date on which the treaty was concluded;
- the place where the treaty was concluded;
- where the full text of the treaty can be found in printed publications;
- links to where the text is available on the internet – the order in which sites are listed has no significance and no responsibility is assumed by the compiler and provider of the Index for the authority or accuracy of the text contained on those sites;
- information on whether the treaty has been indexed in Bowman & Harris;
- the official languages used for the text of the treaty;
- the name of the state or international organisation acting as depositary for the treaty;

- a link to the entry for each treaty appearing on the [EISIL web site](#)
- a link to details of any developments relating to a Council of Europe treaty or convention posted on its official web site.

Information on amendments and protocols has been included either as additions to the entry for the main treaty, where internet versions incorporate this information with the main treaty or, as additional entries in the database, where internet versions keep the text of the amendments and protocols separate from the main treaty.

How is the Index searched?

It is searchable by any one or a combination of the following:

- keywords drawn from the official, popular and alternative titles which have been used for each treaty – it is possible for treaties and conventions of the Council of Europe and International Labour Organization to enter only the reference number (e.g. CETS 189 or ILO 157) to trace the correct entry;
- additional keywords relevant to the subject matter or organisations associated with the treaty;
- the date on which the treaty was concluded, entered either as dd/mm/yyyy or simply as yyyy;
- the place where the treaty was concluded.

How often will the Index be updated?

We hope to update the Index annually and undertake link checks and maintenance regularly during the year. As at the launch in March 2009 the database was correct to mid-Autumn 2008 with link checks to March 2009.

How the Index database is built - Technical background

The Flare Index to Treaties has been created and made available freely on the web using [Inmagic's](#) DB/Text and Webpublisher Pro database software (currently version 11). In the UK, both applications are marketed by [Soutron limited](#) with options to purchase annual software update releases and additional telephone support. DB/Text runs on the Institute of Advanced Legal Studies' Windows 2003 web server and is networked to staff PCs to provide database design and creation facilities. Webpublisher Pro is installed on the same server to publish a number of IALS created web service databases, now including the Index to Treaties, to the

web via a virtual directory in conjunction with Microsoft Internet Information Server (IIS).

Following the model established with the successful FLAG Foreign Law Guide project, an initial working database for the Index to Treaties was designed in Microsoft Access to provide a ready and easily exchangeable means of collating the treaty data. Periodic copies of the data were exported from Access and loaded into a DB/text database with matching field structure on the IALS web server.

How the web interface is structured – Using the Flare Index to Treaties

The Index to Treaties web interface comprises: a search screen, results table and individual record display.

Search screen

The search screen is a simple form designed to help locate relevant treaty details from as much or as little initial information as a user has available. You can type any word, combination of words or phrase in a free text search box which covers key fields in the database such as official title, popular title, other title and keywords.

There are also separate search field options to search by words known to be in the treaty title, or the year or date when the treaty was concluded or the place where the treaty was concluded.

Once you have prepared a query, you just click on the Submit Query button or press the Return/Enter key to perform that search. A Reset button clears the form to start a fresh query.

In the example below, the only information known is that Nice is the place where the treaty was concluded.

More complex queries

A Help option offered by the question mark button at the foot of the search form offers guidance on constructing more complex queries. Boolean search functionality, truncation and proximity searching is available within individual fields to expand or narrow the focus of a particular search. Within a field the Boolean logic operators AND, OR and NOT are represented by the characters &, /, ! to connect search terms. Additionally, Boolean search functionality is provided between fields in the database structure. Dropdown menus ahead of each field enable you to select the connectors AND, OR or NOT and combine searches involving several fields at the same time.

Results Table

The results of a successful search are presented in a table displaying the title of the treaty, date concluded,

and place concluded, batched in groups of ten entries, with an indication of the number of records the search has retrieved. The treaties are listed by title in date order with the most recent dates first. The occurrence of the search term(s) used is highlighted in bold text in each of the records presented. Buttons to aid navigation between the next and previous set of records are displayed at the top and bottom of the table. Similarly a new search button features at the top and bottom of the table to return to the initial blank search form. Use of the browser Back button allows modification of an existing search.

The Results Table offers a link from the treaty title to the full record entry for each treaty.

Treaty Record

A full record includes: popular, official and alternative treaty titles, details of the date concluded, place concluded, published sources and where the treaty is available on the Internet, the records have embedded links to reliable and stable web versions of the treaty, and where appropriate links to value added information on the treaty offered by the ASIL's EISIL service. The navigation buttons above and below the treaty record again enable you to move to the next or previous record in the set or initiate a completely new search. Search results can be printed using standard web browser printing options from either the results display or full treaty record.

Checking abbreviations

The treaty records include a facility to check the meaning of abbreviations cited for treaty sources, through a link to a secondary database, containing entries expanding the meaning of abbreviations referenced in the published sources field.

Future maintenance and development of the database

Webpublisher Pro software includes URL checking facilities to help us trace broken web links in each of the URL format fields. [123 Log Analyzer](#) software is employed on the IALS web server log files to monitor usage on a monthly and annual basis. Earlier responses to the index have been very encouraging. The index aims to provide a new research tool to complement existing sources, aiding scholars and students, lawyers and librarians in researching international law of treaties – whether they are new or experienced in the field. We anticipate that the Flare Index to Treaties will assist with checking references, writing papers and preparing teaching materials. We welcome suggestions on potential additional content and scope for service development.

How to set-up smart linking to the Flare Index to Treaties

In recent years many of our library system suppliers have developed products to provide context-sensitive links from the traditional library web catalogue to other relevant web-based resources, which can now include the Flare Index to Treaties.

Products, such as Innovative Interfaces Inc.'s WebBridge and Pathfinder Pro, enable a catalogue search to be taken forward to a range of other relevant resources, so researchers can trace library-held print materials or electronic resource subscription services and then go on to find other relevant resources, in this case through links with the Flare Index to Treaties, raising awareness of the full range of available materials.

In this example a title search for "marine environment" on the [IALS Library catalogue](#) is taken forward to a selection of other law resources on the web, presented through the "search other resources" button and WebBridge resource selection panel. Clicking on the Flare Index to Treaties link option performs the search on the Index and open the results table without leaving the original library catalogue screen.

The new generation of library vertical search and discovery platforms like [Primo](#) from [Ex Libris](#) and [Encore](#) from [Innovative](#) will work with this content to offer up front results dynamically from Pathfinder Pro type searches.

Who do I contact with comments, queries and reactions to the Index?

Your reactions to and comments on the Index and suggestions for multilateral treaties which should be included are welcomed and should be sent to Steven Whittle at Steven.Whittle@sas.ac.uk

This article reprinted with permission, was first published April 19, 2009 on LLRX.com at

<http://www.llrx.com/features/flareindex.htm>

DOTTING THE i AND CROSSING THE t

COUNTING SHEEP IN THE STABLE: WHAT THE SADDLE SAW

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Isn't one's subconscious a marvellous beast? – able to problem-solve or do the mental housework while one gets on with day-to-day matters or while away time deep in dreamland. In fact, my only problem with the latter is that my particular subconscious marks most of that nocturnal fruit Not Reportable. It would be nice to know the cause of the big smile on my face some mornings or why I'm overcome with an urge to laugh wildly on sight of a presumably totally innocent acquaintance on other days. Fortunately I'm not inclined to spend time wondering about things that do not wish to be revealed at the time, and why would anyone want to stop a cheerful gift horse's face from smiling by bolting it into a stable until it confesses?

The aspect that interests me most of all is the number of times I've awoken with a clear solution to matters that have sometimes baffled me for days, usually work-related issues that have needed answers that will work from numerous perspectives. It's been one of life's lessons to learn to trust those intuitions and I've now reached the conclusion that one's subconscious is the ultimate tool for problem-solving. While dusting off older information gained from past experience, it throws irrelevancies out with the rubbish (or, more likely being a female, stores them somewhere else in case they're needed one day), washes the various solutions to see if the veneer comes off or chips appear, then arranges them in various combinations and surveys them from all angles to see which will be the most universally acceptable. And by the time daylight breaks the obvious solution is cut and dried, ready to go to work in a lunchbox.

Four newsworthy items in the last week or so from totally disparate sources are currently churning around in the depths : they are all interesting in their own right, but there's a common thread that eludes me at present. Should it work its way to the Reportable grey matter by morning, it'll become a postscript to this column.

1) European Commissioner's comments on the future Internet¹

The EU has forged a route through this field that makes its opinions and forecasts stand out from other jurisdictions that sometimes appear to be walking in cropped circles of their own. The growth and development of Internet applications over the last fifteen years have laid the foundation by "deeply transforming our approach to social relations, access to culture, education or entertainment". While preserving the right to freedom of speech which is a founding principle of the Internet, EU members are encouraged to take up the issues of regulation and governance and to meet the challenges of "an ageing population, environmental and energy concerns, the scarcity of raw materials, globalisation, and regulation imbalances", among others.

It will be interesting to see if the prediction that outside objects are shortly to be incorporated into the ambit of electronically-connected devices does come to fruition. I've never seen the need for my cellphone to talk to the fridge. Why, just last week a piece of cheese towards the back of a shelf was feeling blue and called out to me directly I opened the door – no demand for wireless conversations there. But the EU speech holds promise of exciting stuff ahead.

The thread bares itself fleetingly :

2) Sergey Brin's "2008 Founders' Letter"²

This missive pulled a lot of ends together. Before reading on, how many websites were in existence in 1992? A piece of trivia but it helped build a picture of a world wide web that grew in a period of six years from 26 websites to millions that by 1998 made an effective method of search imperative. Larry Page's experimental bot set out in March 1998 and on 4 September 1998 Google Inc was registered. Up until then search engines had been ranking results according to the number of times the requested search term appeared on each page. Page (see, the power of punctuation) decided there had to be a more relevant method of returning results and investigated the number of backlinks per page as a gauge (oh my word, poetry too) of the validity of a source.

Did you know that the number of tweaks to Google Search alone came to almost a one a day over the last year?

The letter concludes on a positive note with the expectation of computers becoming 100 times faster and storage 100 times cheaper in the next ten years.

3) The Cookie Monster knows what you did last summer

Still on Google : although public opinion generally coincides with mine that Google Chrome is the best invention since Google Apps since Google itself ..., there has been quite a stir in recent months caused by the proliferation of articles around how much personal information Google can accumulate about individuals, particularly those who use a number of its services and applications, and Chrome has generally been held up as the Evil Canary in the horse-box.

Believing that smoke and fire frequently hang out together, I decided to find out how much heat is on. On the face of it, and assuming Simple Surfer has not applied any of the numerous opportunities to opt out of Big Brother's gaze, bored Google servers may have the information needed to build online profiles of some of its users right at the tips of their hot little synapses.

For example, an article by Robert L Mitchell³ paints a picture of someone who uses Google Search (search topics, URLs, ...), Google Chrome (groan, even incomplete queries in search – more to follow further on), Gmail (contacts and contents), Google Calendar (appointments), Google Latitude (last known GPS location), Google Voice (transcripts of telephone conversations), Picasa (ability to subsequently recognise you and your friends due to face-recognition technology), and Google Books (your reading preferences and habits). The article points out that the information Google collects comes from two sources : user-generated which the individual can manipulate and is linked to one's Google Account ; and, server log data which is collected by browser cookies on the user's computer. According to Google, the former is deleted within 14 days from many of its applications (with exceptions, for example Gmail is 60 days). The information that is collected is not all centralised; much of it stays application-specific.

An obvious concern, especially relating to Gmail, is that the information gleaned is going to make one a target for personalised advertising. This doesn't worry me for two reasons: (i) Google is a business and needs to generate income. As long as it continues to do this from like-minded commercial enterprises and not from me, long may the Ad columns live. Quite a few of my friends have turned the column off; I haven't for reason no.(ii) : I don't even notice the column because my attention is on the results and URLs.

The focus on search in recent years, and not just by Google, has been to personalise results. How is any service going to accomplish that without some record of personal preferences?

Another problem Google will have in trying to build personal profiles, should it want to do so, is that,

particularly on home computers, a number of people use the same machine and ISP account, so any profile will be a jumble of data gleaned from a number of different online habits.

In order to provide automatic updates and (another feature I have only come across in Chrome) restart the URLs that were open at the time of a crash, Chrome needs unique application numbers. No number? Bummer.

If you activated Web History when setting up your Google account, it is going to stay in existence until you turn it off again or delete the history.

Let's turn to Chrome specifically as the poor thing has been forced to gargle fiery coals recently.

Chrome's search box is called the Omnibox because it is, yes, a search box and so much more. The address bar combines with the search box. Unless the user has disabled the Suggest feature, Chrome *is* going to try to complete the line as it is typed. Even incomplete search phrases may be sent back to its servers in order to try to better understand what you are looking for.

A rather nice feature is the default page in a new tab : thumbnails of the nine most-visited pages and a list of recent bookmarks – only possible by looking at trends on that machine – and of way more interest to me than some hotwire in California.

What really put the cat among the pigeons in the stable loft was the wording of Chrome's original license. Use was apparently made of Google's Universal Terms of Service. In some people's eyes Section 11 gave Google the right to re-use anything submitted through the browser, for example blog content, contributions to forums, etc⁴. Google has amended the offending section to read: "you retain copyright and any other rights you already hold in Content which you submit, post or display on or through, the Services"⁵.

The Chrome Privacy Note⁶ includes these statements: "you will always have the option to use the browser in a way that does not send any personal information to Google or to discontinue using it"
"configure Google Chrome not to send cookies"
"you can restrict cookies by setting your preferences in the Google Chrome Options menu"
"using Google Chrome to connect to Google services will not cause Google to receive any special or additional personally identifying information about you"
"Google Chrome records useful information about your browsing history on your own computer. This includes:
▪ the URLs of pages that you visit, a cache file of text from the pages, a list of some IP addresses linked from pages that you visit

- a searchable index of most pages you visit (except for secure pages)
 - thumbnail-sized screenshots of most pages you visit
 - a record of downloads you have made from websites
- You can delete all or portions of this history at any time”.

As far as Incognito mode goes: ”you can also limit the information Google Chrome saves on your computer by using incognito mode. The browser will not store basic browsing history information such as URLs, cached page text, or IP addresses of pages linked from the websites you visit. It will also not store snapshots of pages that you visit or keep a record of your downloads”.

However, Incognito mode cannot walk on water so bear in mind that, quite independently, your ISP keeps a record linking URLs you visit to your IP address ; the target site will record your IP address before responding ; downloaded files stay on your computer.

Freaked out? Me neither. But the fact that Google, like many others, doesn't explicitly guarantee that they will inform you if a court order or subpoena requires your data seems a bit mean.

4) Three people fired locally for flaming on Facebook⁷

A news article late this afternoon referred to three South Africans who recently lost their jobs for making derogatory comments about their employers in Facebook. One in particular was plain rude and objectionable to the point that I cannot help wondering if the boss wasn't meant to see. Stoopid!

This brings me to a point I've been debating this evening. Assume one feels strongly enough about another's bad behaviour to want to vent. Should one use some of these negative traits in a character or two in a future novel, surely the standard "characters bear no resemblance to anyone living" disclaimer will suffice? Does someone whose behaviour is that appalling have a life? In which case, the clause is not out.

PS Got it! Oh yes, I've remembered this time. The walk-in cupboard was filled with acres of them, floor to ceiling: killer heels, ankle straps, boots for all reasons. I need to cry.

Opinions expressed in this column are my own and not necessarily those of my employer.

¹ *Internet of the Future: what policies to make it happen?.* Viviane Reding, European Commissioner for Information Society and Media

<http://www.egovmonitor.com/node/25085>

² *The 2008 [sic] Founder's Letter.* Sergey Brin

<http://googleblog.blogspot.com/2009/05/2008-founders-letter.html>

³ *What Google knows about you.* Robert L Mitchell

<http://news.idg.no/cw/art.cfm?id=30DDFD05-1A64-67EA-E4F6724918775D86>

⁴ *Google amends Chrome license following privacy objections.* Grant Cross

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⁵ *Update to Google Chrome's terms of Service.* Mike Yang

<http://googleblog.blogspot.com/2008/09/update-to-google-chromes-terms-of.html>

⁶ *Google Chrome Privacy Notice*

<http://www.google.com/chrome/intl/en/privacy.html>

⁷ *Facebook slur gets SA worker fired*

http://www.ioltechnology.co.za/article_page.php?iArticleId=5001902

Please send suggestions and contributions for future columns to mary@lawsoc.co.za and/or d.riley@bowman.co.za

QUOTES FUNNIES AND MORE

Marcus Tullius Cicero quoted the following - "If you have a garden and a library, you have everything you need"

PUBLICATIONS NOTED

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