



NOVA SCOTIA  
BARRISTERS' SOCIETY

## MEMORANDUM TO COUNCIL

**FROM:** Barbara Campbell  
**DATE:** March 2011  
**SUBJECT:** Library & Information Services (LIS) Monitoring Report

**For Approval**   
**Introduction**   
**Information**

### **Recommendation/Motion:**

For Information Only

### **Executive Summary:**

This report provides information about the current state of Library and Information Services (LIS) and identifies any initiatives that the department has undertaken. Comparisons with NSBS and other organizations providing similar services are included.

### **Analysis:**

The Nova Scotia Barristers' Society provides members of the Society with library and information services as part of the Society's mandate to ensure the competency of lawyers.

#### **General services**

LIS provides a current, practical, well-organized and indexed collection of library materials in the most appropriate and accessible format, reference service to members throughout the province, ongoing assistance and training to lawyers in legal research and supports the work of the Society overall by organizing and distributing Society information and maintaining materials that support the activities of the Society.

This year, because of a parental leave, LIS was without one full time librarian. One of the library

technicians took on additional responsibility and a previous employee was hired for .4 FTE. Service hours were reduced by 7.5 hours weekly. Below is a comparison chart of questions answered and books borrowed. I question whether reduction in the number of books borrowed is a direct result of cancelling titles.

	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011
Questions (Total)	1088	1122	1335	1252	1321
Books Borrowed	2780	3035	3290	3660	2544

### **Physical Collection (Print and Electronic sources)**

The print collection consists of texts (loose-leaf and bound) and reference materials (statutes, forms, etc.). The Library no longer subscribes to reports or journals except for a few. The older reports are kept in the library rather than in storage as they once were. These are the volumes most often used in the library as the more current case law is available online.

Cancelling subscriptions has been an ongoing process throughout the past decade but since 2005 we have drastically reduced the number of print materials. This past year necessitated even further cancellations of loose-leaf titles. Volumes were cancelled and reordered after a few months to save money and to keep the collection as current as possible.

The budget for electronic products includes the cost of CanLII. This continues to increase each year. However, I was able to negotiate no increase in the cost of Law Source. All of this takes staff time – cutting back a library collection takes as much time as it does to develop.

It is my belief that the text collection can not continue in this way. Firms are cutting back and the need for a good collection of practical texts is as important as it always was. The collaborative library project that is proposed for the upcoming year has real possibilities in assisting in the reduction of costs while providing better access for all.

### **Web based Services**

LIS provides several web based products for members and the public. These include: [Law News Online](#) and related products, [Nova Scotia Annotated Civil Procedure Rules](#), [Secondary Sources](#) (database of NSBS CPD, CLE offerings, case comments and articles from NSBS publications) and [Best Practices](#) (the research tool based on the Legal Ethics Handbook and additional readings).

Nine resource guides ([Elder Law](#)) that outline the basics to conducting research in specific subject areas have also been created by staff and reviewed by lawyers. These are loaded on the website as PDF documents but will be converted to interactive documents during the summer.

The Society received the Hugh Lawford Award for Excellence in Legal Publishing at the Canadian Association of Law Libraries annual conference held in May 2010 for the *Nova Scotia*

*Annotated Civil Procedure Rules.* The annotations are created in much the same way as the *Nova Scotia Law News* digests, using the roster of volunteers to vet the work of our digesters. Staff process the information and manage the quality. We are very proud of this product and statistics show that it is receiving an average of approximately 3770 visits per month. In this fiscal year (to March 31, 2011) there were 43,117 visits by 18,179 unique visitors.

Of particular note is the cost of maintaining a commercially produced set of annotated Rules. It ranges between \$800 and \$1,000 annually. The NSBS product is electronic, searchable, with an excellent index and more current than the commercial services. LIS staff routinely report inconsistencies in Rules and amendments to the Courts.

The major difference between the Courts version of the Rules and the NSBS version is the value added that is included in our version. The chart below summarizes the differences.

	<b>NSBS</b>	<b>Courts</b>
Searchable (all Rules, sections, index etc)	✓	
Consolidations including amendments - loaded online	Immediately	Delay from date of coming into force
Amendments – in consolidation	Linked to online Royal Gazette	Signing dates listed no link to amendment
Amendments – timing of inclusion in consolidation	As soon as possible	Delay
Forms – format	PDF* and Word *hope to integrate Courts new forms	PDF* forms that can be filled in coming in the future
Forms - linked from enabling section of the Rules	✓	
Annotations	Loaded as cases released and annotated Reviewed by NS lawyers	
Educational notes	✓	
Index	✓	
Table of Concordance (1972 Rules to 2008 Rules)	✓	
Practice Memos – current	✓	✓
Practice Memos – old		✓
Versions of Rules - Original 2008 Rules	2008 with amendments	2008 2008 with amendments 1972

### ***Nova Scotia Law News - products***

For the past ten years, *Nova Scotia Law News (NSLN)* has been prepared by LIS staff and since 2003 it has been distributed as a removable insert in *The Society Record*. *NSLN* purpose is to allow members to keep current in Nova Scotia case law. The major portion of the publication is devoted to recent decisions. LIS staff assign subject heading to the decisions. Only decisions with precedential value are digested. Subject specialists review the digests and subjects. In addition to decisions, the *Nova Scotia Law News* contains educational articles and case comments. Recently, the publication schedule was changed to allow for every second issue to be loaded electronically.

Law News Online is the online database. Decisions and subjects are loaded daily. The list of current decisions listed in *Inforum* is a simple search of this database.

The three quantum services: [Personal Injury](#), [Sentencing](#) and Michael O'Hara's [Wrongful Dismissal Notice Period](#) were developed as a result of realizing we could provide additional information for members.

The Courts and CanLII both load decisions online. The duplication seems obvious but the three sites differ in their approach to decisions. LIS staff routinely monitor the decisions released from the Courts for missing decisions and CanLII for a number of quality control issues. This year LIS staff sent CanLII 300 decisions that they had previously missed.

Below is a comparison of the online decision services.

	<b>NSBS</b>	<b>Courts</b>	<b>CanLII</b>
Searchable	*	*	*
Full text decision online	*	*	*
Timeliness	Uploaded as released	Uploaded as released	Depends on CanLII's scheduling
Coverage – Court decisions	January 1990 – present	2000 - present	Should be the same as NSBS
Coverage – administrative tribunals			Varies
Subject Assignment	Consistent Vetted by subject specialists	Inconsistent Not always added or in a consistent manner	Computer Generated (See appendix 1)
Digests / headnotes	*		

	<b>NSBS</b>	<b>Courts</b>	<b>CanLII</b>
Print/Electronic Publication	Issued quarterly Summaries of decisions arranged by subject		
Case Comments	*		
Case Linking in decisions			*
Statutes Considered	Searchable		Linked within decision
Quantum services PID, sentencing, notice periods	*		
Current awareness	Search (daily)  <i>Inforum</i> – sent to members - subject arrangement, links to full text  <i>NSLN</i> - Issued quarterly Summaries of decisions arranged by subject		RSS Feed

### **Society Support**

In the 2010-2011 fiscal year LIS developed Electronic File Management Guidelines for use by all Society departments. In addition to the development, LIS staff trained staff and established a staff committee, to monitor the progress. This work is ongoing. Current awareness is provided daily to Council and senior staff, CPR papers are indexed and made available online by LIS staff, PR decisions were de-identified and the PR current awareness service continues. Reference and research is completed regularly for other departments.

### **Challenges**

Maintaining the quality of the print collection with the limited financial resources has become a challenge. We have made substantial cuts to the print collection in the past few years. Ensuring that we have a quality collection for members is becoming e more difficult.

Quality control remains an issue with free electronic online resources. LIS staff monitor free sites that directly impact our work. It is necessary that legal research training be available to assist members in using the most appropriate resource.

Reaching our members is an issue and the variety of media used to communicate complicates our ability to get the message out. In order to answer questions we need to be sure we know what it is that is being asked. (Librarians routinely assist members in formulating questions.). It continues to prove to be problematic reaching members when most work is done at a distance.

The Annotated NS-CPR is maintained by Lexum for a fee. Any improvements that members or LIS staff identify are not always possible due to cost.

## **Future**

In 1996 the Joint Committee on Libraries Report was released. It addressed the idea of co-operation. It is time to revisit that Report and to take co-operation/collaboration to the next level. Council has approved the initiative to examine a collaborative library system with the Department of Justice, the judiciary, and perhaps the Public Prosecution Services and Nova Scotia Legal Aid. There are many places where services are duplicated or in some cases where necessary services are non-existent.

Libraries are not warehouses of books. This has been true as long as I have been a librarian. Libraries provide services and help users become competent information seekers. It is not only important to find what you need but to understand what you have found and the reliability of your source. Librarians are equipped to help members with this dilemma. In the next year the librarians will shift their training from product specific training to subject specific training – using the research guides as a starting point.

## Appendix 1

### Best of CanLII Headnotes

[Steiner v. Lombard General Insurance Co. of Canada](#), 2002 BCSC 1588 (CanLII) — 2002-11-15  
Supreme Court of British Columbia — British Columbia  
*insured — massage therapy — sexual deviate — physical pain — interrogation*

[McNaughton v. Nova Scotia \(Attorney General\)](#), 1992 CanLII 4527 (NS S.C.) — 1992-08-19  
Nova Scotia — Supreme Court of Nova Scotia  
*employee — servants — contract — prerogative — pleasure*

[Haydu v. Calvin Presbyterian Church](#), 1991 CanLII 499 (BC S.C.) — 1991-05-01  
British Columbia — Supreme Court of British Columbia  
*meat grinder — funnel — members of the congregation — vibrating — bazaars*

[R. v. Baltovich](#), 2008 CanLII 19207 (ON S.C.) — 2008-02-15  
Ontario — Superior Court of Justice  
*ah — um — thought — polygraph test — jury*

[Commission des droits de la personne et des droits de la jeunesse c. Centre à la petite enfance Gros Bec](#), 2008 QCTDP 14 (CanLII) — 2008-05-29 Human Rights Tribunal — Quebec  
*sugar shack — religious — meat — childcare — accommodation*

[Katchin v. Canada \(Canadian Food Inspection Agency\)](#), 2003 PSSRB 24 (CanLII) — 2003-03-13  
Public Service Labour Relations Board — Canada  
*free fire zone — shoot everyone — fantasizing about killing — evidence — conversation*

[C.M. v. York Region District School Board](#), 2009 HRTO 735 (CanLII) — 2009-06-02  
Human Rights Tribunal of Ontario — Ontario  
*pediculosis — lice — publication ban — nits — interim remedy*

[Swankhuizen v. Tirmizi](#), 2008 ABPC 157 (CanLII) — 2008-05-26  
Provincial Court — Alberta  
*dogs — fence — dog — hot tub — scienter*

[Truscott \(Re\)](#), 2007 ONCA 575 (CanLII) — 2007-08-28  
Court of Appeal for Ontario — Ontario  
*evidence — bridge — maggots — archival material — jury*