

OSALL

Organisation of SA Law Libraries

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



NEWSLETTER

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OSALL

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Editorial

Welcome to the first issue of the OSALL Newsletter for 2014. Before I proceed further, please accept my apologies for the delayed newsletter.

Our Chair, Meryl Federl reports on the OSALL event held at the Bowman Gilfillan library in Cape Town during February. Shirley Gilmore presented on the free online consolidated project at the event and has also submitted a brief article on the project. Please do visit the website and contact the team, should you have any queries.

Meryl also reports briefly on the various staff movements in libraries. The Superior Courts Act 10 of 2013 has resulted in changes to our court system. LexisNexis and Juta, publishers of The All South African Law Reports and the South African Law Reports respectively, have jointly agreed on a few changes to the high court abbreviations. See p.2 for more on this.

One of my pet peeves at work which crops up sometimes is case translations. Fiona Rennie has kindly shared with us, an article she found on the subject. Mary Bruce sheds some light on social media at work while our regular columnist Nico Ferreira has assisted by compiling important lists of recent journal articles, new books, conferences and symposia.

Thank you to our generous contributors who made the time to submit these informative and useful articles.

Special appeal from the Committee: We desperately need a kind member to sit on our committee as Secretary.

*Kind regards,
Varsha*

News

OSALL event - Cape Town, February 2013

By Meryl Federl

The Bowman Gilfillan library in Cape Town hosted an OSALL event on 7 February 2014. Shirley Gilmore delivered a paper on the Laws of South Africa database which may be accessed at the following link: <http://www.lawsouthafrica.up.ac.za/>

The database consists of consolidated legislation and point-in-time historical versions of Acts and is a partnership between the Law Library at the University of Pretoria and SAFLII, which is now based at UCT.

It was well attended with over 30 people, consisting of OSALL members, Roger Gachado (CEO of SAFLII), Gaile Fullard (Executive Director) of the non-governmental organization, Parliamentary Monitoring Group, staff from the Stellenbosch law library and the National Library of Parliament.

Juta kindly donated two lucky draws. Thanks to Diana Riley and Margaret Cloete at Bowman Gilfillan for kindly helping to coordinate the function and for supplying the guests with delicious food and a wonderful venue.

OSALL would like to continue to host events in Cape Town for its members. If you have any speakers you would like to hear in Cape Town, please let the chairperson Meryl Federl know.

Free online consolidated legislation project - Laws of South Africa

By Shirley Gilmore

Head of the Oliver R Tambo Law Library
University of Pretoria

With the continued support of the Constitutional Court Trust, this project is making good progress. We now have 130 Acts and Regulations - consolidated together with historical versions.

All of this material may be used and shared freely and may be accessed at the following websites:

- <http://www.lawsouthafrica.up.ac.za/>
- <http://www.saflii.org/content/south-africa-index>

Please do take note of the historical versions of the Acts, which is also known as point-in-time legislation. This material should be useful to anyone dealing with a matter that arose at some point in the past.

The historical versions enable one to see what the Act said at a specific "point-in-time". Please contact us (contact details on the website) if you have any queries.

Keeping you informed: staff movements in libraries

By Meryl Federl

- May 2013: Palesa Masilo joined Cheadle Thompson and Haysom as their Librarian
- October 2013: Zuki January joined Webber Wentzel as an Information Specialist
- December 2013: Karabo Moleya joined Bowman Gilfillan as Librarian
- February 2014: Mmathari Malema joined Edward Nathan as an Information Specialist
- February 2014: Margaret Cloete who has worked for Bowman Gilfillan (Cape Town), for five years, has retired.

HIGH COURT ABBREVIATIONS

By Cindy Naidoo

In light of the Superior Courts Act 10 of 2013 and recent correspondence from the high courts, LexisNexis and Juta have discussed and agreed upon a few changes to high court abbreviations, for the sake of uniformity, across Law Reports in both publishing houses.

The changes to be implemented are as follows:

- North Gauteng High Court, Pretoria (GNP) changes to Gauteng Division, Pretoria (GP);
- South Gauteng High Court, Johannesburg (GSJ) changes to Gauteng Local Division, Johannesburg (GJ);
- Limpopo Division, Polokwane (LP) is to be added on;
- Mpumalanga Division, Nelspruit (MN) is also to be added on.

The table below clearly indicates the amendments as of 23 August 2013.

COURT	*ABB
Eastern Cape Division, Grahamstown	ECG
Eastern Cape Local Division, Bhisho	ECB
Eastern Cape Local Division, Mthatha	ECM
Eastern Cape Local Division, Port Elizabeth	ECP
Free State Division, Bloemfontein	FB
Gauteng Division, Pretoria	GP
Gauteng Local Division, Johannesburg	GJ
KwaZulu-Natal Division, Pietermaritzburg	KZP
KwaZulu-Natal Local Division, Durban	KZD
Limpopo Division, Polokwane	LP
Limpopo Local Division, Thohoyandou	LT
Mpumalanga Division, Nelspruit	MN
Northern Cape Division, Kimberley	NCK
North West Division, Mahikeng	NWM
Western Cape Division, Cape Town	WCC

*Abbreviation

Source: E-mail sent to OSALL listserv on 28 February 2014 and reported in this newsletter with permission from Lexisnexis and Juta.

Court decisions may be lost in translation

By Julius Melnitzer

Reference:

<http://business.financialpost.com/2012/07/17/court-decisions-may-be-lost-in-translation/>

(Kindly shared with us by Fiona Rennie)

"Decisions rendered in French are rarely translated, so the rest of Canada doesn't benefit from them even if they are cases of national interest"

A dearth of English-speaking translations of judicial decisions from Quebec suggests that Canada's legal system may be short changed by La Belle Province.

"Decisions rendered in French are rarely translated, so the rest of Canada doesn't benefit from them even if they are cases of national interest," says Stéphane Eljarrat, a lawyer in Davies Ward Phillips & Vineberg LLP's Montreal office.

Cases of national interest embrace a broad spectrum. To begin with, they include all the areas of law that are within Parliament's law-making authority, including criminal law, constitutional law, and decisions under the Charter of Rights and Freedoms. "Quebec courts render many decisions on federal law, which applies throughout Canada," Mr. Eljarrat says.

By way of making his point, Mr. Eljarrat recalls becoming aware of a pending criminal case in the Supreme Court of Canada in which he had an interest. He contacted the Winnipeg lawyer representing the accused to advise him of the only existing Canadian ruling on the point in issue - an decision of the Quebec Court of Appeal that was decidedly in the appellant's favour.

"I was shocked to discover that the lawyer was totally unaware of the case because it had not been translated into English," Mr. Eljarrat says.

As it turned out, the hearing had been scheduled for the week following the lawyers' conversation. The lawyer asked Mr. Eljarrat to translate the case into French, but he declined, citing a lack of time and a concern that - despite his bilingual fluency - he did not have the qualifications to translate at a level that could be relied on by counsel before the high court.

"I emailed the lawyer saying I would be happy to explain the decision to him but he told me not to bother because he had converted the reasons to English using Google's translation software," Mr. Eljarrat says.

More recently, the Quebec Superior Court, in the Global Fuels case, rendered a Canadian judge's first interpretation of broadened Criminal Code provisions governing the criminal liability of corporations - a matter of considerable concern throughout the country.

"When the decision came out a few weeks ago, I had a number of lawyers across Canada emailing and asking for the English version of the decision, but it simply wasn't available," Mr. Eljarrat says. "And until someone

takes it upon themselves to translate it, that won't change - and even when it does, it will be a non-official version."

Although some criminal cases are translated from their original French to English by legal publishers, there is no obligation on the Quebec Court of Appeal or other courts in the province to translate decisions from French to English except in very limited circumstances.

Quebec's language law allows the use of English or French in court and administrative tribunals, allows them to render judgments in English or French as they choose, and provides for the translation of judgments into English or French at the request of a party to a proceeding.

This framework, however, means that most often an official translation is not available from the court or other authorized source, and even unofficial translations are few and far between.

"There are many cases that could be useful that are not being translated," says Sébastien Grammond, Dean of the Civil Law Section of the University of Ottawa's Faculty of Law. "Lawyers in common law provinces have a tendency not to search Quebec cases, partly because they assume they're in French and partly because there's an attitude that most Quebec cases must be irrelevant because the legal system is totally different than in the English-speaking provinces."

By contrast, Quebec lawyers routinely access English judgments from other provinces. "For the most part, Quebec lawyer have a degree of fluency in English that allows them to draw on English-language precedents," Mr. Grammond says.

Ted Tjaden, National Director of Knowledge Management at McMillan LLP, notes that the case databases most commonly used by lawyers, including a free database of unofficial translations, reveals only 395 translations of French-language decisions from Quebec administrative courts or tribunals.

Writing on the legal blog SLAW, Mr. Tjaden notes that 167 of these decisions originate in the Quebec Court of Appeal, 95 in the Quebec Superior Court, 118 in the Court of Quebec, and a smattering from administrative tribunals.

But this having been said, the fact remains that Ontario courts, for example, are no more encouraging of official translations to French than Quebec is of official translations to English.

Ontario legislation parallels Quebec law in providing French-speaking individuals with the right to a proceeding conducted in French. In such proceedings, a

party may have the court translate a judgment rendered in either English or French to the other language.

What that means is that even the few French-language judgments rendered in Ontario are not necessarily translated, and it's unlikely that more than a handful of English judgments are ever translated into French.

The only province that requires publication of any judgments in both official languages is New Brunswick, but only where the proceedings are conducted in both languages or when the judgement deals with a matter of interest or importance to the general public.

Judgments of the Supreme Court of Canada (since 1970) and of the Federal Court of Canada are routinely available in official versions in both languages.

Dotting the "i" and Crossing the "t"

Making the social media "A" list

By Mary Bruce

Love it or hate it, social media has changed the way the way we interact on a business and personal level and indeed how the world perceives us individually. Advice abounds on how to handle the extended horizons and conduct ourselves in full view of a much larger audience than ever before. I have recently read a few articles that provide practical guidelines on how particular platforms can be used to our advantage and some tips on adjusting settings that could work against us.

One of the forums that cross effortlessly between work and play is Twitter. It is by far the most useful social media platform I use and it is always worth knowing if one can do more to optimize the benefits and give back to the greater community at the same time.

*10 Twitter tips & tricks to keep your followers engaged*¹ was written two weeks ago and offers useful tips on the use of images and types of content, making use of statistics to bring home the author's points, for example: using images has been found to increase the rate of Retweets by 94% while using quotes increases Retweets by 10%.

Three factors the author suggests we consider when deciding on the content of our posts are: will it "trigger feelings", is it newsworthy, and will it surprise our readers? We are also reminded of the importance of participation: Twitter is about interaction, not just

distribution. The article offers practical advice on the use of hash-tags and suggests using software to distribute posts at a time when most followers will see them. It also offers guidelines on the perennial matters of how often to post and how long tweets should be, suggesting that 70 to 100 characters constitute the ideal length.

Have you considered what impact too little tweeting will have on your profile? Among the comments at the end of the article, one reader raises a question about the impact of the background and header image. All in all, this article offers a lot of grist for one's social media mill.

*Developing personality and tone on social is vital: here's how to do it*² focuses on effectively representing one's brand on social media, giving consideration to displaying human qualities and opinions. I suggest that any of us who tweet on behalf an employer read this article and discuss it with relevant colleagues.

*Tips for live tweeting an event: before, during and afterwards*³ appeared on the ever interesting Grubstreet blog during February. This is the most concise advice I've read on the topic, from what information to research and have at hand; keeping up with last minute changes to the programme; who is at the podium; the type of images and links to tweet and includes the conclusion and follow-up.

Moving along to LinkedIn . . .

Try Googling yourself and notice how much significance the rankings give to your LinkedIn profile. Take control of what people will know about you.

*Lawyers and LinkedIn: a necessity for survival*⁴ is written by an attorney in America. He tells us why he thinks "LinkedIn is the best place for an attorney to get his/her feet wet in the world of social media". One of the statistics he refers to in encouraging attorneys to use the platform is this: "Last year, LexisNexis reported that 76% of adult Internet users in the US utilized online resources when hiring an attorney".

This article advises his target audience to use social networks to "build trust and credibility". Within LinkedIn, he joins the chorus of online recommendations to personalise one's URL. He advocates the judicious use of relevant groups, recommends actively participating in these forums, explains how to send meaningful invitations and to whom. The article includes advice on posting updates.

On the matter of taking control of what your audience sees, *LinkedIn settings mistakes people still make*⁵ tells us how to use LinkedIn's auto-update settings to our advantage. Unless one changes the default settings, people to whom we are connected are going to receive a

notification every time we make an amendment to our profile. As one might well make more than one change during an editing session, consider the effect on those receiving updates you may not even be aware were sent.

Unfortunately there is no setting that can prevent individuals from exaggerating the extent of their experience and influence but doing so does not create a good impression with those in the know. The writer also tells us how to hide constant updates from people who know no moderation on the publishing front. She draws extensively on the experiences of Wayne Breitbarth who advises readers "to take a few minutes now, at the start of the year, to make sure your LinkedIn settings are in line with your business and personal strategy".

And now for something forward-looking and rather sobering: *The scary and amazing future of work*⁶. The phrase "the nature of work itself is changing for knowledge workers" near the top of the article caught my eye.

Whether or not you fully embrace the predictions made by the author, his insights are interesting and attracted a barrage of comments. He speaks of a "torrent of information-sharing within companies" but also predicts "the intrusion that companies will increasingly make into our lives and the burnout we will suffer from always being at the beck and call of our employers".

With the second quarter of the year looking us in the eye, best wishes for the rest of 2014.

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

Please send suggestions and contributions for future columns to mary@lawsoc.co.za

¹ 10 Twitter tips & tricks to keep your followers engaged. Katerina Petropoulou. 18 February 2014
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⁴ Lawyers and LinkedIn: a necessity for survival. Brad Friedman. 10 October 2013
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⁵ LinkedIn settings mistakes people still make. Cheryl Conner. 25 January 2014
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⁶ The scary and amazing future of work. Vivek Wadhwa. 18 November 2013
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Compiled by:
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 UNISA Law Library

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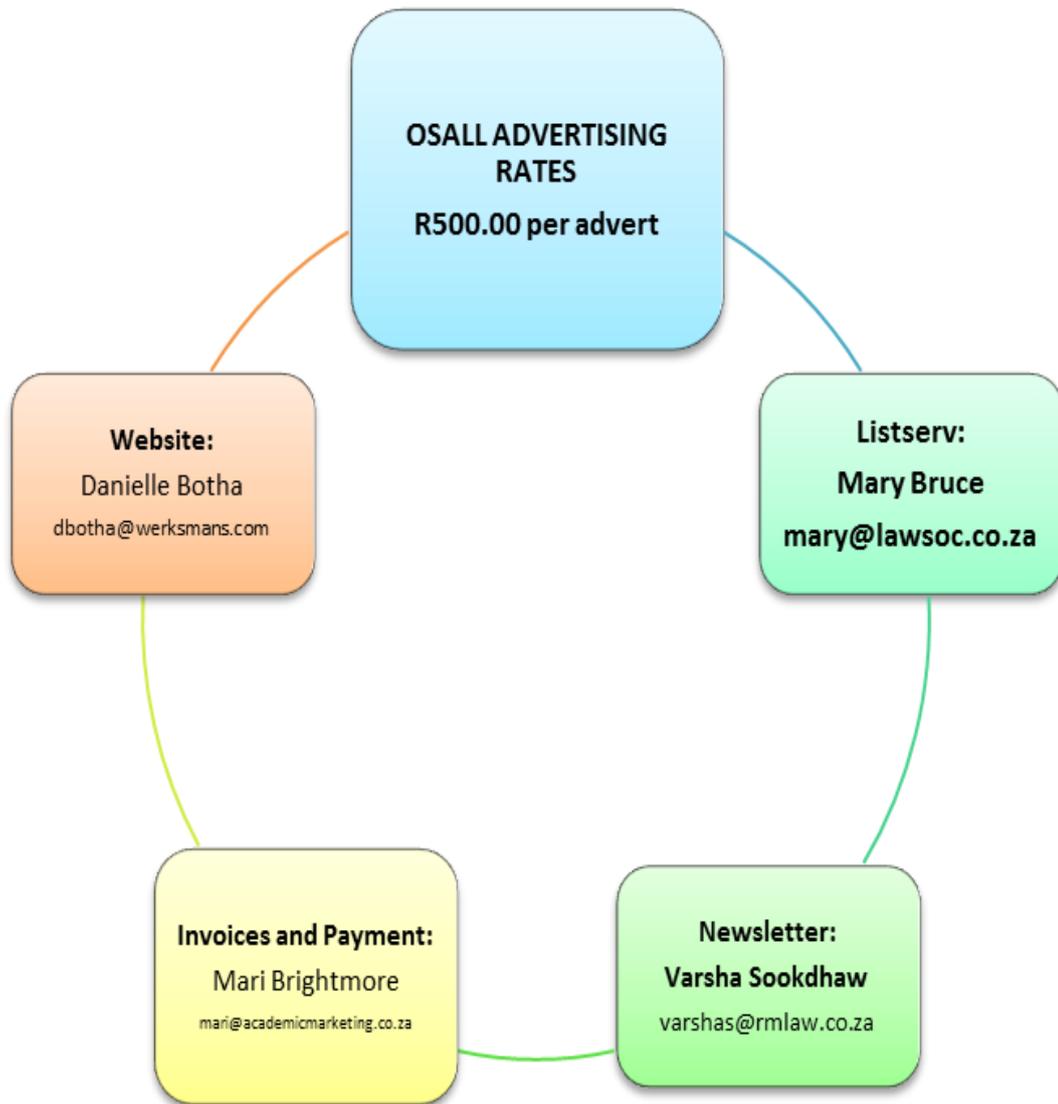
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- Proof of payment must be submitted prior to publishing and or posting of adverts.
- Adverts must be submitted in JPEG format.