



Canada and recently for Francophone countries in Africa.

### Development of Safflii

Safflii is intended for all southern African countries forming SADC. At present it has all the primary legal documents gathered by the Wits Law School over the years: all the Constitutional Court cases, the Supreme Court of Appeal cases from 1995, all the Land Claims Court judgments (acknowledging gaps) and SA Law Reform Commission documents. A test was also done to prove that legislation can also go up with ease. In addition, there is a southern African link on Worldlii ([www.worldlii.org](http://www.worldlii.org)) which houses all relevant legal links for the area.

Although the initiative and initial work was done by Wits Law School, we now have a more independent platform upon which to add other primary documents. It is a relative easy matter to create databases for other jurisdictions. For example, Rhodes have indicated that they would like to put the Eastern Cape decisions onto Safflii. I encourage anyone who thinks they have contacts in other jurisdictions to try and set up databases on Safflii.

### Ongoing sustainability of Safflii

The Wits Law School collection was gathered faithfully over the years by dedicated Law School staff and on a shoestring budget. However, this is not a sustainable model. Now that Safflii has been established, we need to consider the following issues:

- Management of the site – a steering committee
- Funding – which model?
- Medium-neutral citation.
- Staffing – volunteers, a full-time position?
- Adding additional databases.
- How to handle

legislation. There is no free access to SA legislation.

### Finally

About a decade ago many viewed the LIIs as valuable but not really viable. Today Cornell is as strong as ever, Canada have an excellent funding model based on taxing attorneys a small percentage, Australian judges are using Austlii's medium-neutral citations, and the number of embryonic LIIs is growing, New Zealand for example. It seems as if the critical mass has been reached and LIIs are now a force to be reckoned with. My sincere wish is that Safflii be part of this.

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## **2004 Legal Technology trends – 1 : Do we stand on the threshold of the next Legal Killer App?**

22 January 2004

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[dmk@denniskennedy.com](mailto:dmk@denniskennedy.com)

<http://www.denniskennedy.com>

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### Introduction

Two legal technology stories in 2003 actually shocked me.

First, according to the latest AmLaw Tech survey, some of the largest and wealthiest firms in the United States still use Office 97, now a full three generations behind Microsoft's current release. I don't know what was the bigger shock: that they still used it or that they would publicly admit to it.

Second, Blaster and similar viruses knocked out networks of some prominent firms. Because the vulnerability Blaster exploited and the fix for it were widely publicized, the impact of Blaster speaks volumes about continuing security lapses at many law firms.

Jerry Lawson has called 2003 the "year of the blawg." The explosive growth of legal blogs, commonly called "blawgs," brought

back an excitement about the use of the Internet by lawyers that hasn't been seen since the mid-1990s. I'll discuss the blawg phenomenon in more detail later, but if you have not seen what is going on in blawgspace, taking a quick look into blawgs should be the first item on your technology to-do list.

2003 was also notable for the slowing of investment in technology by many firms and a marked absence of innovation, if not retreat. In part, this slowdown reflected the economy, but the inertia of traditional law firm conservatism also played a part.

Unfortunately, this trend happened at a time when clients have focused on higher hourly rates and inefficient delivery of services. The stress caused by the gap in innovation between law firms and their clients has begun to open cracks in the structure of the traditional law firm model, with potentially profound implications for the profession.

Despite that, I am upbeat about legal technology for 2004. Great software tools are available. Hardware is powerful and storage is cheap. Wireless has helped deliver the promise of laptop computers. The Internet is back to front-page news due to blawgs and news aggregators. Young lawyers have tons of great ideas for using technology. Most important, we may be on the verge of the next "killer app" for lawyers.

### Seven biggest legal technology trends for 2004

Here are my picks for the seven biggest legal technology trends for 2004, plus a few more developments for you to keep an eye on that I could not resist mentioning.

#### 1. Litigation technology is hot

Lawyers who think that nothing new is happening in technology need to take a look at the litigation tools now available. Litigation technology is the leading area of innovation in legal tech today. In every area of litigation, there are great tools both lawyers and tech-savvy clients should be demanding.

Jurors increasingly expect presentations

to include PowerPoint slides, graphics, and multimedia. Presentation tools let you produce mini-documentaries to illustrate complex issues and aid in expert testimony. Holland & Hart, in Denver, even has a litigation graphics and video department.

LexisNexis and others are using artificial intelligence software such as [DolphinSearch](#) to decrease dramatically the time required to review discovery documents while increasing the likelihood of finding the most relevant materials, all at a fraction of the cost of the traditional "throwing a bunch of associates at it" approach.

Software allows you to manage discovery materials, get transcripts in real-time and, using [CaseMap](#), map out your strategies, assess strengths and weaknesses in your case, and prepare useful summaries for you and your client.

The courts are very serious about moving to e-filing, and judges want to get attorneys moved to electronic systems. Wireless networking has also provided an alternative in older courts where wiring was an expensive or impossible option.

Finally, computer forensics and electronic discovery tools have become standard tools for some of the best litigators. Increasingly, the evidence you may need exists in the form of e-mail or was never printed out onto paper.

## 2. Stopping the waste of technology Dollars

What the heck has your firm's IT department been doing with all the money you have spent in the last few years on technology? As technology takes a larger share of law firm budgets, many firms sadly have no idea of what their dollars bought them or what they could have instead.

How can your firm be wasting money? Let me count the ways.

I discuss seven of them in an article at [abanet](#). Lack of direction and priorities, projects that linger on long after you should have pulled the plug, "pet" projects, buying new software when you already have software that would do the same thing if you only knew about it, lack of awareness about less costly or better-suited alternatives in the legal software market, failure to use vendor licensing and discount programs, and more. There might, in fact, be fifty ways to waste your money.

While it is crazy to continue any process that wastes your money, it is the height of insanity to keep spending a large chunk of money only to end up with inadequate tools for you, your attorneys, your staff, and, increasingly, your clients.

Just stopping the bleeding would be an accomplishment in 2004, but the leading firms will be taking the next step and aligning technology projects with business goals and applying return on investment analysis, portfolio management, and other common business practices to save money, make money and set priorities. If you do not have a couple of management committee members on your technology committee, your technology projects and your business goals may well be at odds, and you will pay a price for a lack of alignment, focus and priorities.

## 3. Big firm lawyers go small

Many tech-savvy big firm lawyers are questioning whether practicing in a big firm makes sense anymore. Expect to see more lawyer departures and spin-offs than we have seen in quite a while.

Leasing, other payment plans, and the continuing drop in technology costs make it possible for big firm lawyers to equip themselves with better technology than they currently have at their firms, for a very small initial outlay of capital. As a result, the financial barriers to moving to a solo or small firm practice have been greatly reduced. Both quality of life issues and future income potential may well be better outside, rather than inside, a big law firm.

With clients looking to control costs, lawyers able to leverage technology, reputation, experience and skills while offering clients alternatives to hourly billing

may find some excellent opportunities in 2004. The trend of departures will damage big firms in two other important ways. First, it will hollow out these firms by taking away the core of the next generation of leadership. Second, it will reduce technological innovation and competence because the departing lawyers probably pushed technology improvements.

Part 2 of this article to follow in the May newsletter.

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## **Congratulations to Charmaine Bertram**

Dear Osallites

We proudly announce that Charmaine Bertram, Library Manager of Deneys Reitz, has been selected as this year's OSALL representative at the BIALL conference in Edinburgh in June.

Congratulations Charmaine and we know you will be a dynamic representative for OSALL!

We would like to thank Academic Marketing Services together with Thomson Legal & Regulatory/Sweet & Maxwell for their sponsorship.

Danielle Heij  
OSALL Chair

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## **Stalking the Elusive Guru Mary Ellen Bates' Tip of the Month**

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[mbates@BatesInfo.com](mailto:mbates@BatesInfo.com)  
<http://www.BatesInfo.com>

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We know about the problems of finding information on the "invisible web" --

that portion of the web that search engines cannot or will not spider. But there is a deeper, truly knowledge residing in the brains of experts. The web, and email, enable us to identify those gurus... the people who have in-depth knowledge and who are thought-leaders and influencers.

Unfortunately, web gurus are bombarded with unsolicited email -- not only with the spam and viruses that we all get, but also with an astounding number of requests that go far beyond what is appropriate to ask. As an info-entrepreneur, I am always amazed to get emails that ask me "How much do you make a year? I want to figure out if this is a viable business for me, so please tell me your salary." And search engine gurus like Chris Sherman and Danny Sullivan regularly get requests such as "Can you please contact all the major search engines for me and explain to them that what I'm doing isn't spam?" What is particularly annoying is that sending email is so quick and easy, people often send queries to experts with no real expectation of a response.

As a result, these experts are deluged with what amounts to semi-spam, making it even more difficult to separate the real questions from the "gee, I wonder if I can get Danny to respond to me?"

As someone who both gets these emails and sometimes needs to tap into the knowledge of experts, I have become more and more mindful of the etiquette involved in querying the elusive guru. So, putting my theory to practice, I queried several web gurus and asked them for their thoughts. What would entice them to respond to a random email query? Do they even try to respond? What kind of email do they actually enjoy receiving? And here's what I learned.

\* First, don't send an email until you have thought through why you are contacting the expert. Is your question something that you could answer yourself by looking at the expert's web page or by doing some simple research yourself? Is your goal to respond to an article the expert wrote? If so, your email is more likely to be answered if you have something thoughtful to say, rather than simply "Hey, you're so right" or "Hey, you really have it all wrong."

\* Use an informative subject heading. An email titled "Hi there" or, worse yet, no subject line at all, is likely to get automatically filtered into the spam bucket. On the other hand, a subject line such as "thoughts re: image searching", in response to an article on how to conduct web research for pictures, stands a better chance of getting answered, or at least opened.

\* Keep it simple. As Danny Sullivan, editor of SearchEngineWatch.com, said, "Chances are, anything with a giant, involved question in multiple parts will just sit there unless I can relate it to a story I'm working on or after I've dealt with all the easy stuff. And as more things come in, the complicated question may get further and further behind. Finally, if it's simply too old, too many days gone by, it's one that's slipped through the net."

\* Be polite. Chris Sherman, editor of SearchDay ([www.SearchEngineWatch.com/searchday](http://www.SearchEngineWatch.com/searchday)), told me, "I ignore virtually all email from anyone I don't know that demands or assumes a reply. I also ignore any email that presupposes I'm happy to spend time researching a topic or providing a detailed reply without any offer of reciprocity. Bluntly, I'm not a non-profit operation." All of the experts I queried agreed that flattery, while always nice, doesn't change whether they will respond or not.

\* Be thoughtful. Recognize that the expert's time is limited. Include your phone number with your query, on the chance that a phone call is simpler to respond to. Danny Sullivan commented that the reader emails he enjoys getting are those that help him understand something new, which he may then be able to use to help others through a story. And Gary Price, editor of ResourceShelf.com, is

more likely to answer questions that help test or improve his search skills.

\* Don't expect something for nothing. Gary Price described a jaw-dropping request he received: "I'm preparing a marketing plan to open a sporting goods business. I need the following lists by tomorrow afternoon. Thanks." Wow.

\* Be patient. As Gary Price noted, "Don't assume that I'm willing and able to answer your question right away, for free." Many web gurus are on the road a fair amount of the time, on consulting projects or speaking engagements, and often their time online is limited. That means that they return to the office to face a deluge of email, and your query just may not have priority. Chris Sherman made an interesting observation: "I find it ironic that many people who practice good offline time management skills feel guilty about not replying to email. Somehow, email gets an automatic high priority that's simply not justified in the larger scheme of things."

\* Finally, don't despair if your email isn't answered at all. As Chris Sherman told me, "I hate to admit this, but I don't answer most email -- even 'top priority' messages that I shouldn't put aside (like from my mom)." In fact, one of the web experts I contacted while writing this article didn't respond to me. It's nothing personal; I assume that she was too busy, didn't feel like tackling my email right now, or that it is in her "gee, I should respond to this" pile. I may be pleasantly surprised with a response in a couple of weeks, and that's OK.

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**Would you like to upgrade your professional development?**

Attend the SLIS / OSALL Conference on the 21<sup>st</sup> and 22<sup>nd</sup> July 2004, at the Sandton Conference Centre.

There will be dynamic speakers and an exciting programme! Further details to follow!!

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## Murphy's Library Laws

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[abcaredaro@ozemail.com.au](mailto:abcaredaro@ozemail.com.au)

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The library's most offensive patron will always need assistance when you are on duty at the help desk.

Corollary: The day the kind old lady patron wins the lottery and comes into the library bearing gifts, will be the day you called in sick.

Patrons will only abuse you when your supervisor is within hearing range.

Corollary: Patrons will only compliment you when your supervisor is out of the building.

Bad hair days are most likely to occur on the day your supervisor has arranged for photographs to be taken for the library's new publicity brochure.

Computer terminals die in the order of their public visibility.

The week after you hand in your resignation, you'll find out that the transfer position that you've been waiting 3 years for, is now available.

The promotion position you didn't apply for – because you didn't think you'd meet the criteria – will be given to someone with lower qualifications and less experience than you.

The least important task you

complete will always receive the greatest recognition.

The first book to go missing will always be the most expensive one.

The book your supervisor wants to borrow will be the only one that you can't find.

The book you told your supervisor was rubbish and would never be borrowed, will turn out to be the most popular book in the library.

Any water leakage will occur over the materials that are most difficult to replace.

The importance of a meeting is inversely proportional to the length of the meeting time.

The one meeting that you really wanted to speak at will be rescheduled for a time when you aren't available.

The ease with which you can answer a reference query is inversely proportional to the importance of the person asking the question.

When making a sign or banner, the chance of making a spelling mistake is directly proportional to the size of the letters.

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## Tralac – The Trade Law Centre for Southern Africa

Lee Padayachee, Researcher for Tralac

[lee@tralac.org](mailto:lee@tralac.org)

<http://www.tralac.org>

The Trade Law Centre for Southern Africa (**tralac**) was established in 2002. Its mission is to build trade law capacity in Southern and Eastern Africa, that is, to enable countries in this region to participate in the international trading system in a more active and meaningful way. Amongst its various projects, **tralac** produces working papers and trade briefs on international and regional issues, holds seminars and workshops on regional issues, prepares opinions for governments in the region and runs numerous short-courses on international trade topics. **tralac** has its headquarters in

Stellenbosch and has country offices in Tanzania, Mozambique, and Namibia.

The tralac website ([www.tralac.org](http://www.tralac.org)) is the main tool for dissemination of international trade law information relevant to the region. The website has a trade news section that is updated daily as well as a publications section which houses all of the working papers and trade briefs produced by **tralac**. Publications are easily accessible and free of charge. The website also seeks to promote discussion in the region on international trade issues, and has set up a forum for discussion through its Advice Centre, which trade law enthusiasts can use to comment on or raise topical issues online. All tralac events – conferences, workshops, occasional seminars and short courses – are advertised on the website. A free weekly newsletter distributes the highlights of each week, in both html and plain text format. The tralac building houses its own trade law library, and is open to students and practitioners.

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## Do you know the meaning of these words?

Submitted by the Librarians at Deneys Reitz

There often seems to be confusion over the following words –

Assented to : an act has been signed by the President

Promulgated : an act has been printed

Proclaimed : an act has come into operation

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## Publications Noted

Nico Ferreira

UNISA Law Library

[ferrenm@alpha.unisa.ac.za](mailto:ferrenm@alpha.unisa.ac.za)

## JOURNAL ARTICLES

ORGANISASIE VAN SUID-AFRIKAANSE REGSBIBLIOTEKE X ORGANIZATION OF SOUTH AFRICAN LAW LIBRARIES X UMKHANDLU WASE NINGIZIMU AFRIKA WEMITAPU YEZINCWADI ZOMTHETHO X MOGKATLO WA LAEBORARI TSA MOLAO WA AFRIKA BORWA X UMBUTHO WAMATHALA EENCWADI ZOMTHETHO ASEMZANTSI X INHLANGANO YEMALAYIBRALI YEMTSETFO YENINGIZIMU NE-AFRIKA X MOGKATLO WA DI LAEBORARI TSA MOLAO TSA AFRIKA BORWA X NHLANGANO WA TILAYIBURARI TA NAWU TA AFRIKA DZONGA X MOGKATLO WA MAKGOBAPUKU A MOLAO A AFRIKA BORWA X NDANGULO YA LAYIBURARI DZA MULAYO DZA AFURIKA X IHLANGANO YAMABULUNGELO WEENCWADI ZOMTHETHO YESEWULA AFRIKA

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#### WEB ADDRESSES NOTED

Doing legal research in Canada – updated, see <http://www.llrx.com/features/ca.htm>

Freedom of information and access to government records around the world, see <http://www.freedominfo.org/survey.htm>

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Human Rights Watch 2003 report on Africa, see <http://www.hrw.org/wr2k3/africa.html>

Up to date researching Australian law, see <http://www.llrx.com/features/australian2.htm>

World Legal Information Institute, see <http://www.worldlii.org/>

Guide to library research, see <http://www.lib.duke.edu/libguide/home.htm>

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### A final thought –

Indira Ghandi said:

“There are two kinds of people, those who do the work, and those who take the credit. Try to be in the first group – there is less competition.”

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