Volume/Tome 39 (2014) No. 1 ISSN 1180-176X

CANADIAN LAW LIBRARY REVIEW

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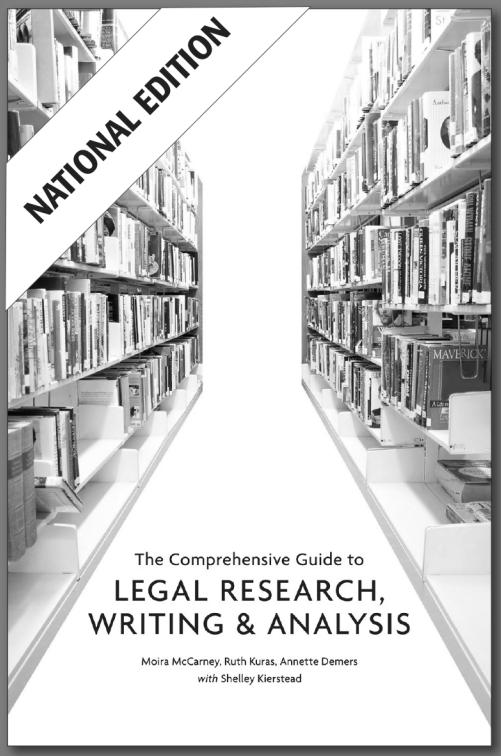

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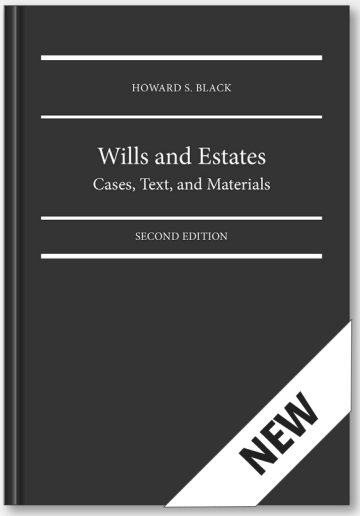

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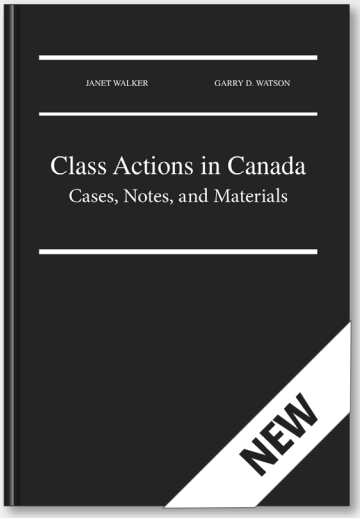

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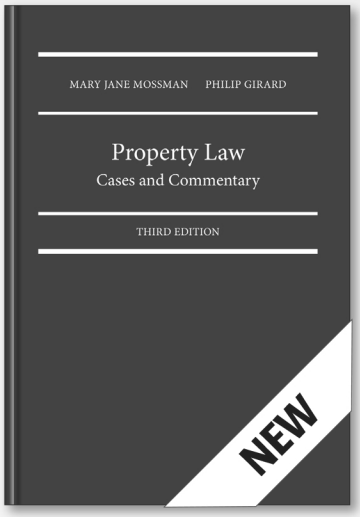

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Librarian
Hamilton Law Association
E-mail: mkearnspadgett@hamiltonlaw.on.ca

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Canadian Law Library Review
Volume 39, No. 1

Revue canadian des bibliothèques de droit
Tome 39 No. 1

From the Editor de la rédactrice


Susan Barker

This has been a hard winter for most Canadians; we have weathered snow storms, ice storms, power outages and record breaking low temperatures but, as I write this, I am happy to say the days are getting longer, the sun is beginning to shine and soon the "Winter of 2013/2014" will be a faded memory. One distraction from the pains of winter has been the Sochi Olympics; national pride, medal counts, hockey supremacy and stories of sporting heroism have all been welcome diversions. But the Sochi Olympics have not been without controversy. Prior to the opening of the games, Russia's anti-gay propaganda laws received worldwide attention which resulted in calls to boycott the games. While a full boycott did not happen, there was both overt and covert protest of Russia's anti-gay stance in Russia as well as throughout the world. As there are heroes in the sporting world, the battle for gay rights also has a particular set of heroes. In Canada, these heroes are the many individuals have been willing to take a risk and fight for equality in the courts. Within that context, it is timely that this issue of the *Canadian Law Library Review/ Revue canadienne des bibliothèques de droit* features Andrea Battiston's Legal History of Same-Sex Marriage in Canada. This article traces the evolution of marital rights for same-sex couples in Canada from suppression to entrenchment, through case law and legislation; the article is not only historically interesting but a good starting point for further research into the topic.

This series as a whole has been a wonderful window into the history and evolution of the Association.

Speaking of historically interesting, this issue also contains the final instalment of Janet Moss's continuing history of CALL/ABCD. *Part IV: Relationships and Conferences*. This series as a whole has been a wonderful window into the history and evolution of the Association. With *Relationships and Conferences*, Janet focuses on how the Association had made and continues to make connections with law and general library associations throughout Canada and the world. She also looks at how our relationships with vendors have evolved in the last twenty-five years and the role the Vendor Liaison Committee played in that evolution. Lastly, we learn all about the conferences, the fun, the programs and B.A.C.C.H.U.S. You will have to read the article to find out what that acronym stands for!

... the Letter from Australia as well as the Notes from the UK and Developments in US Law Libraries highlight not only the differences but the similarities between our respective jurisdictions...

I want to take a moment to thank our contributors from overseas who put a great deal of time and effort into bringing the world to our doorstep. Although Margaret Hutchison is absent from this issue as she was "somewhere in Orlando, wearing mouse ears and waving [her] Harry Potter wand" at the time of the deadline, her *Letter from Australia* as well as the *Notes from the UK* and *Developments in US Law Libraries* highlight not only the differences but the similarities between our respective jurisdictions; questions like should court proceedings be televised or should witnesses be allowed to wear a niqab while testifying in court will be familiar to all of us I am sure. Issues like changes in the process of legal education and even the value to law librarians of good writing skills are also timely and familiar.

While on the subject of good writing skills, our final feature article by Adam Lamparello and Charles E McLean, *Beyond the Rules: Creating Great Writers – Not Just Legal Writers*, provides a number of tips for writers who aspire to go beyond good writing to great writing. I think we can all benefit from that.

And finally, my mother who has a saying for practically everything will often say to me "remember, pride goeth before a fall,' and she is right. When the last issue of the Review went out I was sure it was perfect, error free and accurate in every way, given that it had been edited to exhaustion. But I was wrong; we are not perfect yet. Balfour Halévy, who has a prodigious institutional memory, pointed out to me that Phillip Cohen of Oceana Publishing was incorrectly identified as Morris Cohen in our summary of Margaret Bank's interview. I apologize for the mistake.

L'hiver a été dur pour la plupart des Canadiens. Nous avons traversé des tempêtes de neige, des tempêtes de verglas, des pannes de courant et des records de froid; cependant, en écrivant ces lignes, j'ai le plaisir de souligner le fait que les journées s'allongent, que le soleil commence à briller et que l'« hiver 2013-2014 » sera bientôt un vague souvenir. Les Jeux de Sotchi, notamment, nous ont fait oublier les rigueurs

de l'hiver; la fierté nationale, la récolte de médailles, la domination au hockey et les récits d'héroïsme sportif ont été pour nous des distractions bienvenues. Toutefois, les Jeux olympiques de Sotchi n'ont pas été exempts de controverse. Avant l'ouverture des Jeux, les lois russes liées à la propagande homophobe ont suscité une attention mondiale qui a entraîné des appels au boycott de l'événement. Même s'il n'y a pas eu de boycott complet, la position homophobe de la Russie a été contestée ouvertement et implicitement, en Russie et dans le monde entier. Tout comme le milieu du sport a ses héros, la lutte pour les droits des homosexuels compte ses propres figures héroïques. Au Canada, ces héros sont les nombreuses personnes qui assument des risques et se battent pour l'égalité devant les tribunaux. Dans ce contexte, la publication d'un article d'Andrea Battiston portant sur l'histoire juridique du mariage entre personnes de même sexe au Canada, dans le numéro courant de Canadian Law Library Review/ Revue canadienne des bibliothèques de droit, tombe à point nommé. Cet article retrace l'évolution des droits conjugaux des couples de même sexe au Canada de la répression à la constitutionnalisation, en passant par la jurisprudence et la législation; non seulement est-il intéressant sur le plan historique, mais il constitue en outre

Cette série dans son ensemble offre un formidable aperçu de l'histoire et de l'évolution de l'Association.

un bon point de départ pour une étude approfondie de la question.

À propos d'intérêt historique, le présent numéro comporte le dernier volet de l'histoire continue de la CALL/ ACBD, par Janet Moss (partie IV : Relations et congrès). Cette série dans son ensemble offre un formidable aperçu de l'histoire et de l'évolution de l'Association. Dans le volet Relations et congrès, Mme Moss met l'accent sur la manière dont celle-ci a établi, et continue d'établir, des liens avec les associations de bibliothèques de droit et de bibliothèques générales au Canada et dans le monde entier. En outre, elle examine l'évolution de nos relations avec les éditeurs au cours des 25 dernières années et le rôle du Comité de liaison avec les éditeurs dans ce contexte. Enfin, elle aborde tout ce qui touche les congrès, le plaisir, les programmes et B.A.C.C.H.U.S. Vous devrez lire l'article pour connaître la signification de cet acronyme!

...sa « lettre d'Australie », ses « notes du Royaume-Uni » et son article portant sur l'évolution de la situation dans les bibliothèques de droit des États-Unis mettent en évidence non seulement les différences, mais aussi les similitudes entre nos territoires de compétence respectifs...

J'aimerais prendre un moment pour remercier nos collaborateurs de l'étranger qui n'ont pas ménagé leur temps ni leurs efforts pour nous amener le monde à notre porte. Même si Margaret Hutchison n'a pas contribué au présent numéro, puisqu'elle était « quelque part à Orlando, avec des oreilles de Mickey Mouse sur la tête et agitant [sa] baguette d'Harry Potter » à l'heure de tombée, sa « lettre d'Australie », ses « notes du Royaume-Uni » et son article portant sur l'évolution de la situation dans les bibliothèques de droit des États-Unis mettent en évidence non seulement les différences, mais aussi les similitudes entre nos territoires de compétence respectifs; les questions de savoir si les procédures judiciaires devraient être télévisées et si le port du niqab devrait être autorisé pour les personnes qui témoignent devant les tribunaux ne sont étrangères à personne, j'en suis sûre. Les questions liées, notamment, aux modifications touchant le processus de formation juridique, et même la valeur des compétences en rédaction pour les bibliothèques de droit sont également opportunes et familières.

À ce sujet, notre dernier article de fond, intitulé *<< Beyond the Rules: Creating Great Writers – Not Just Legal Writers >>* (Au-delà des règles : Former de bons auteurs, et pas seulement des rédacteurs juridiques), par Adam Lamparello and Charles E .McLean, offre quelques conseils aux rédacteurs qui veulent améliorer la qualité de leurs textes. Je crois que cet article peut nous être profitable à tous.

Enfin, ma mère, qui a un dicton pour pratiquement toutes les circonstances, me dit souvent « n'oublie pas, l'orgueil précède la chute », et elle a raison. Lorsque nous avons publié le dernier numéro de la Revue, je croyais qu'il était parfait, exempt d'erreurs et exact en tout point, puisqu'il avait été révisé jusqu'à l'épuisement. Mais je me trompais; nous ne sommes pas encore parfaits. Balfour Halévy, qui possède une mémoire institutionnelle prodigieuse, m'a signalé que nous avions erronément appelé Phillip Cohen, d'Oceana Publications, « Morris Cohen » dans le résumé de l'entrevue de Margaret Bank. Je vous prie d'accepter mes excuses pour cette erreur.

President's Letter


Annette Demers

The first term of the new Executive Board is nearing the half-way point; our fall in-person Board meeting will be taking place in November. The year has just flown by!

During the summer, the Board and our new National Office, Managing Matters, were extremely busy migrating and streamlining all of CALL's business. Here are some of our initiatives:

- created a new electronic newsletter to go out on the 15th of each month, to report on all Association business and upcoming dates of interest;
- moved to the use of Basecamp Project Management software <https://basecamp.com/> to facilitate organization, planning and collaboration for the Executive Board, SIGs and Committees;
- significantly enhanced financial reporting from the National Office to the Board which allows us to see, on a monthly basis, all revenues and expenditures for the month, in both a detailed statement of Profits and Loss as well as other reports.

Coming down the pipes:

- a central calendar of monthly events to appear on CALL's homepage;
- an enhanced membership intake interview to understand the interests and needs of new incoming members will be implemented. This is an initiative of the Membership Development Committee;
- comprehensive member needs survey. Stay tuned! All CALL Committees and SIGs have prepared questions for the survey, which is designed to help us better understand member needs. Anne Bowers, Melissa Firth and Louise Hamel of the Membership Feedback Subcommittee (Membership Development Committee) are spearheading this project, which will be rolled out in December or January – your participation is necessary!
- the Education Committee now has a Subcommittee on Law Librarian Competencies, which will make recommendations regarding the adoption of law librarian competencies to help members plan their professional development and to help us streamline our professional development offerings in future;
- further website enhancements;
- many other initiatives by our SIGs and Committees.
- a new design for CLLR.

As always, the Board welcomes your thoughts and feedback!

I would like to thank those people who represented our Association at external events throughout the course of the summer:

- SLA: Jennifer Walker
- AALL: Shaunna Mireau, Connie Crosby and Mary Hemmings welcomed AALL attendees at our booth
- Canadian Bar Association Canadian Legal Conference: Ken Fox, Shaunna Mireau, Yvonne Lynch, Ann Marie Melvie, and Dolores Lines
- IALL: Daniel Boyer
- BIALL: Annette Demers.

Keeping CALL visible and building networks with sister associations is important. There is strength in numbers, and these networks provide us with key information about the global status of our profession, opportunities to enhance our PD offerings, key contacts throughout the globe and the opportunity to raise the profile of our profession with stakeholders. For the most part, members who represented us this summer used their own institutional PD funds to attend, and then agreed to use their time in conference to represent CALL. Thanks everyone!

Annette Demers
President, CALL/ACBD

Le mot de la présidente

Le nouveau conseil de direction se trouve presque à mi-chemin de son premier mandat; la réunion du conseil en personne, prévue à l'automne, aura lieu en novembre. L'année a passé très vite!

Au cours de l'été, au conseil ainsi qu'à notre nouveau bureau national, Managing Matters, nous avons été très occupés à transférer et à rationaliser les affaires de l'ACBD. Voici certaines de nos initiatives :

- la création d'un nouveau bulletin électronique, qui sera publié le 15 de chaque mois, afin de faire rapport sur toutes les activités de l'Association et de communiquer les prochaines dates à retenir;
- l'adoption du logiciel de gestion de projet Basecamp https://basecamp.com/> afin de faciliter l'organisation, la planification et la collaboration pour le conseil de direction, les groupes d'intérêts spéciaux et les comités;
- l'amélioration significative des rapports financiers produits par le bureau national à l'intention du conseil, ce qui nous permet de voir, sur une base mensuelle, la totalité des revenus et des dépenses pour le mois, dans un état des résultats détaillé ainsi que dans les autres rapports.

Aperçu de ce qui s'en vient :

- un calendrier centralisé des activités mensuelles qui

apparaîtra sur la page d'accueil de l'ACBD;
- une entrevue améliorée pour le recrutement de membres sera mise en oeuvre, afin de mieux comprendre les intérêts et les besoins des nouveaux membres. Il s'agit d'une initiative du comité de recrutement des membres;
- un sondage exhaustif sur les besoins des membres. Restez à l'affût des nouvelles! Tous les comités et les groupes d'intérêts spéciaux de l'ACBD ont préparé des questions pour ce sondage, qui a été conçu pour nous aider à mieux comprendre les besoins des membres. Anne Bowers, Melissa Firth et Louise Hamel du sous-comité de rétroaction des membres (comité de recrutement des membres) sont à la tête de ce projet qui sera mis en route en décembre ou janvier—votre participation est indispensable!
- le comité de la formation continue a maintenant un sous-comité sur les compétences des bibliothécaires de droit, qui formulera des recommandations relativement à l'adoption de compétences pour les bibliothécaires de droit, en vue d'aider les membres à planifier leur perfectionnement professionnel et de nous aider à rationaliser nos services de perfectionnement professionnel à l'avenir;
- d'autres améliorations au site Web sont prévues;
- beaucoup d'autres initiatives seront amorcées par nos groupes d'intérêts spéciaux et nos comités;
- une nouvelle conception graphique pour la RCBD.

Comme toujours, les membres du conseil seront heureux de recevoir vos réflexions et vos commentaires!

Je tiens à remercier toutes les personnes qui ont représenté notre Association lors d'activités externes tout au long de l'été :

- SLA : Jennifer Walker
- AALL : Shaunna Mireau, Connie Crosby et Mary Hemmings ont accueilli les participants de l'AALL à notre kiosque
- Conférence juridique canadienne de l'Association du Barreau canadien : Ken Fox, Shaunna Mireau, Yvonne Lynch, Ann Marie Melvie, et Dolores Lines
- IALL : Daniel Boyer
- BIALL : Annette Demers

J'aimerais souligner l'importance de faire mieux connaître l'ACBD et d'établir des réseaux avec des associations apparentées. L'union fait la force, et ces réseaux nous fournissent de l'information clé sur la situation mondiale de notre profession, sur les possibilités d'améliorer nos services en matière de perfectionnement professionnel, sur les personnes-ressources clés à travers le monde et sur les possibilités de faire mieux connaître notre profession auprès des parties intéressées. La plupart des membres qui nous ont représentés cet été ont utilisé le fonds de perfectionnement professionnel de leur établissement pour participer et par la suite ils ont convenu d'utiliser le temps passé au congrès pour représenter l'ACBD. Merci à vous tous!

Annette Demers
presidente, CALL/ACBD

DEADLINES/DATES DE TOMBEE

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no. 2	February 1/1 février	February 15/15 février	May 1/1 mai
no. 3	May 1/1 mai	May 15/15 mai	August 1/1 août
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Canadian Law Library Review is published 4 times a year by the Canadian Association of Law Libraries.
Subscription price (non-members) $90.00
Publications Mail – Registration No. 10282

Revue canadienne des bibliothiques de droit est publié 4 fois par année par l'Association canadienne des bibliothèques de droit.
Abonnement annuel (non-membres) 90.00$
Envoi de publication enregistrement no. 10282

The Legal History of Same-Sex Marriage in Canada *

*By Andrea Battiston***

Abstract
This annotated bibliography traces the struggle for legalization of same-sex marriage in Canada, highlighting key cases and legislation from across Canada as well as selected foreign influences.

Cette bibliographie annotée fournit un portrait des étapes ayant mené à la légalisation du mariage de même sexe au Canada, en soulignant les décisions clés et la législation pertinente à travers le Canada et en mettant en évidence certaines influences juridiques étrangères sur ce débat.

Introduction

On July 20, 2005, Canada became only the fourth country in the world to legalize same-sex marriage nationally (following the Netherlands, Belgium, and Spain).[1] By this point, same-sex marriages were already being performed across the country, with the exception of Alberta, Prince Edward Island, and the Yukon, as a result of a series of court challenges. The first same-sex marriages occurred on June 10, 2003, following an Ontario Court of Appeal decision that declared such marriages legal, effective immediately.[2]

The lengthy legal history of same-sex marriage in Canada begins in 1974, when Richard North and Chris Vogel were refused a marriage license and subsequently took Manitoba's Vital Statistics Agency to court.[3] Over the following decades, the ongoing debate produced a great deal of legislation and jurisprudence, the most significant of which are highlighted below.

The Early Stages

Jurisprudence

North v Manitoba (Recorder of Vital Statistics) (1974), 52 DLR (3d) 280, 20 RFL 112 (Man Co Ct).

In 1974, with the *Canadian Charter of Rights and Freedoms*[4] still almost a decade in the future, Richard North and Chris Vogel applied for a marriage license, pointing out that no law specified that marriages must be between individuals of the opposite sex. They were denied, and took the Vital Statistics Agency to court. This judgment upheld the denial of their right to marry, relying on dictionary definitions and an English case from 1866, *Hyde v Hyde and Woodmansee*,[5] to support the limitation of marriage to opposite-sex couples.

Layland v Ontario (Minister of Consumer & Commercial Relations) (1993), 14 OR (3d) 658, 104 DLR (4th) 214 (Gen Div).

In 1992, after the Charter and its equality provisions were enshrined in the constitution, Todd Layland and Pierre Beaulne claimed the right to marry. This judgment of the Ontario Divisional Court, released in 1993, found that marriage was limited to individuals of the opposite sex, and that such a limitation is not discriminatory under section 15 of the Charter:

> One of the principal purposes of the institution of marriage is the founding and maintaining of families in which children will be produced and cared for, a procedure which is necessary for the continuance of the species. ... That principal purpose of marriage cannot, as a general rule, be achieved in a homosexual union because of the biological limitations of such a union. It is this reality that is recognized in the limitation of marriage to persons of opposite sex.[6]

The couple did not choose to appeal this ruling, but groups such as EGALE (Equality for Gays and Lesbians Everywhere) were determined to continue challenging the marriage restriction in court.[7]

Egan v Canada, [1995] 2 SCR 513, 124 DLR (4th) 609.

James Egan and John Norris Nesbit, who had been living together for over 40 years, had applied for Nesbit to receive a spousal allowance under the provisions of Egan's old age pension. Their claim was rejected because the couple did not meet the definition of "spouses" because they were of the same sex. They began an action claiming that the definition contravened section 15(1) of the *Charter*, which they subsequently took all the way to the Supreme Court of Canada.

* ©Andrea Battiston 2013.
** Andrea Battiston is a recent graduate of the University of Toronto's Faculty of Information. Working with Susan Barker on a research guides project for the Bora Laskin Law Library confirmed her strong interest in law librarianship.
1 Sylvain Larocque, *Gay Marriage: The Story of a Canadian Social Revolution, translated by Robert Chodos*, Louisa Blair & Benjamin Waterhouse (Toronto: James Lorimer & Company Ltd, 2006) at 269.
2 *Ibid* at 119.
3 *Ibid* at 15.
4 *Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982*, being Schedule B to the Canada Act 1982 (UK), 1982, c 11.
5 [1866] LR 1 P & D 130.
6 *Layland v Ontario (Minister of Consumer & Commercial Relations)* (1993), 14 OR (3d) 658, 104 DLR (4th) 214 (Gen Div) at para17-18.
7 Larocque, *supra* note 1 at 21.

In this judgment, the Supreme Court upheld the decision and declared the definition of "spouse" constitutional, claiming that it was justified by the fact that "marriage is by nature heterosexual" because opposite-couples are able to produce children.[8] However, this judgment also recognized that "[s]exual orientation is a deeply personal characteristic" that "falls within the ambit of section 15 protection,"[9] thereby establishing sexual orientation as a protected ground under the *Charter's* equality provisions.

Rosenberg v Canada (Attorney General) (1998), 38 OR (3d) 577, 98 DTC 6286 (CA).

This judgment by the Ontario Court of Appeal, in response to a claim involving private pension survivor benefits for individuals in same-sex relationships, struck down the definition of "spouse" in the *Income Tax Ac*t. The court found that the Act's exclusion of same-sex couples violated section 15 of the *Charter* in a way that was not justified by section 1. This and other related decisions led Parliament to introduce the *Modernization of Benefits and Obligations Act*[10] to avoid the expense and contentious debate of future court challenges.[11]

M v H, [1999] 2 SCR 3, 171 DLR (4th) 577.

This case involved two women, M and H, who lived together as a couple for ten years but had since separated. M sued for alimony under the provisions of Ontario's *Family Law Act*, which required her to contest the law's opposite-sex definition of the word "spouse." The case eventually reached the Supreme Court of Canada.

The Supreme Court found the definition to be unconstitutional and gave the Ontario government six months to amend the relevant act. The court made clear its interpretation that protection from discrimination on the basis of sexual orientation meant protecting same-sex relationships as well:

> The exclusion of same-sex partners ... promotes the view that M., and individuals in same-sex relationships generally, are less worthy of recognition and protection. It implies that they are judged to be incapable of forming intimate relationships of economic interdependence as compared to opposite-sex couples, without regard to their actual circumstances. ... [S]uch exclusion perpetuates the disadvantages suffered by individuals in same-sex relationships and contributes to the erasure of their existence.[12]

The lawyers involved in the case hoped that same-sex couples showing a willingness to accept legal obligations would lead to rights in due course.[13]

Legislation

Modernization of Benefits and Obligations Act, SC 2000, c 12.

In response to court judgments such as Rosenberg and M v H, the government brought in this act to extend federal spousal benefits and obligations to all common-law couples, whether of the same or opposite sex. The Act amended 68 existing federal statutes, from the *Agricultural Marketing Programs Act* to the *War Veterans Allowance Act*, and included the Criminal Code, the *Income Tax Act*, and the *Pension Act*. To appease its opponents, the government included section 1.1, an interpretation provision stating, "For greater certainty, the amendments made by this Act do not affect the meaning of the word 'marriage', that is, the lawful union of one man and one woman to the exclusion of all others."

Litigation in the Provinces

Jurisprudence

EGALE Canada Inc v Canada (Attorney General), 2001 BCSC 1365, [2001] 11 WWR 685.

In this case, EGALE and a group of same-sex couples petitioned the Attorney General of British Columbia for a declaration either that same-sex marriages were not prohibited by statute or common law or that the prohibition violated their Charter rights. The Attorney General referred the question to the Supreme Court of British Columbia.

The resulting judgment found that same-sex marriages were prohibited in Canadian law, but that this prohibition was discriminatory: "There is now sufficient practical similarity between the economic and social consequences of opposite-sex and same-sex relationships that affording one but not the other the opportunity to acquire a legal and formal status discriminates in the substantive sense of the word."[14] However, the judgment continued, such discrimination was justifiable under section 1 of the *Charter*: "Because of the importance of marriage in the Canadian context, past and present, the salutary effect associated with the preservation of its opposite-sex core far outweighs the deleterious effect resulting from the refusal to provide legal status to same-sex relationships under the rubric of marriage."[15]

EGALE Canada Inc v Canada (Attorney General), 2003 BCCA 251, [2003] 7 WWR 22.

In this judgment, the British Columbia Court of Appeal overturned the lower court's decision. The court agreed that limiting marriage to opposite-sex couples is

8 *Egan v Canada,* [1995] 2 SCR 513, 124 DLR (4th) 609 at ¶22.
9 *Ibid* at para5. SC 2000, c 12.
10 Larocque, *supra* note 1 at 29.
11 *M v H*, [1999] 2
12 SCR 3, 171 DLR (4th) 577 at para73.
13 Larocque, *supra* note 1 at 22.
14 2001 BCSC 1365 at para178, [2001] 11 WWR 685.
15 *Ibid* at para 214.

discriminatory and rejected the idea that this discrimination could be justified:

> Civil marriage should adapt to contemporary notions of marriage as an institution in a society which recognizes the rights of homosexual persons to non-discriminatory treatment. ... I do not think that the judgment under appeal can be supported on the ground that marriage ... is so essentially heterosexual as to be constitutionally incapable of extension to same-sex couples and in that respect immune from Charter scrutiny.[16]

In order to give the federal and provincial governments time to bring legislation into accord with the decision, the court suspended the application of the judgment until July 12, 2004, at which point same-sex couples would be able to marry in British Columbia.

EGALE Canada Inc v Canada (Attorney General), 2003 BCCA 406, 228 DLR (4th) 416.

In this judgment released on July 8, 2003, and following the Ontario Court of Appeal's decision in *Halpern v Canada (Attorney General)*,[17] the British Columbia Court of Appeal lifted the suspension of the application from its judgment from two months earlier, above. This meant that same-sex couples could marry in British Columbia, effective immediately.

Halpern v Canada (Attorney General) (2002), 60 OR (3d) 321, 215 DLR (4th) 223 (Sup Ct).

In this decision regarding the right of eight same-sex couples to marry, the Ontario Divisional Court refuted the key argument made by the other side of the case; that procreation was limited to opposite-sex couples and was essential to marriage:

> There is much more to marriage as a societal institution, in my view, than the act of heterosexual intercourse leading to the birth of children. ... If heterosexual procreation is not essential to the nature of the institution, then the same-sex couples' sexual orientation is the only distinction differentiating heterosexual couples from homosexual couples in terms of access to the institution of marriage. ... [T] his differentiation is discriminatory of the same-sex couples' equality rights ... and cannot stand.[18]

In the court's view, the discrimination could not be justified; for example, there was no reason to believe that opening marriage to same-sex couples would be damaging to heterosexual marriages. The existing definition of marriage was declared invalid, and the government was given two years to amend the law. In the event that it did not do so, same-sex couples would be able to marry as of July 12, 2004.

Halpern v Canada (Attorney General) (2003), 65 OR (3d) 161, 225 DLR (4th) 529 (CA).

The federal government appealed the Ontario Divisional Court's decision in *Halpern v Canada (Attorney General)* to the Ontario Court of Appeal, which upheld the decision that denying marriage to same-sex couples was discriminatory. The appellate court also went further, declaring that same-sex couples were eligible to marry effective immediately:

> There is no evidence before this court that a declaration of invalidity without a period of suspension will pose any harm to the public, threaten the rule of law, or deny anyone the benefit of legal recognition of their marriage. ... In our view, an immediate declaration will simply ensure that opposite-sex couples and same-sex couples immediately receive equal treatment in law.[19]

The Toronto City Clerk was ordered to deliver marriage licenses to the applicant couples. Twenty-one same-sex couples were married that very day.[20]

Hendricks c Québec (Procureur général), [2002] RJQ 2506, [2002] RDF 1022 (CS).[21]

In this judgment, the Quebec Superior Court responded to Michael Hendricks and René Leboeuf's petition requesting the right to marry. The court declared that excluding same-sex couples from marriage was discriminatory, and that civil unions (available under Quebec's *An Act instituting civil unions and establishing new rules of filiation*)[22] were not an acceptable substitute because they "only serve to perpetuate [same-sex couples'] special status."[23] The court also rejected the idea that procreation is the sole reason for marriage and pointed out that the historic involvement of religion in marriage did not mean that religious groups should continue to define it: "The state must ensure respect for each citizen, but no group has the right to impose its values on others or define a civil institution."[24] The application of the ruling was suspended for two years, to allow legislators to revise the law.

Catholic Civil Rights League v Hendricks, [2004] RJQ 851, 238 DLR (4th) 577 (CA).

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16 *EGALE Canada Inc*, 2003 BCCA 251 at paras 178-179, [2003] 7 WWR 22.
17 (2003), 65 OR (3d) 161, 225 DLR (4th) 529 (CA).
18 Halpern v Canada (Attorney General) (2002), 60 OR (3d) 321, 215 DLR (4th) 223 (Sup Ct) at paras70, 81.
19 *Halpern, supra* note 17 at ¶153.
20 Larocque, *supra* note 1 at 127.
21 This decision was not reported in English. However, it is discussed and quoted from in English in Larocque, *supra* note 1 at 87-89.
22 SQ 2002, c 6.
23 *Hendricks c Québec (Procureur général)*, [2002] RJQ 2506, [2002] RDF 1022 (CS) at para141, as translated in Laroque, *supra* note 1 at 87-89.
24 *Hendricks, ibid* at para164, as translated in Laroque, *ibid* at 87-89.

The Attorney General of Quebec declined to appeal the decision in *Hendricks c Québec (Procureur général)*. However, the Catholic Civil Rights League (CCRL), which had been an intervener in the preceding case, did choose to appeal. In this judgment, the Quebec Court of Appeal rejected the CCRL's interest in the case and declared the earlier judgment to be effective immediately, meaning that same-sex couples in Quebec were now free to marry.

Federal Involvement

Jurisprudence

Re Same-Sex Marriage, 2004 SCC 79, [2004] 3 SCR 698.

On June 16, 2003, the federal government asked the Supreme Court of Canada to answer three questions about its proposed same-sex marriage legislation. On January 26 of the following year, the government added a fourth question. The Supreme Court held hearings in October 2004 and released its reference on December 9, 2004.

The first question was whether the proposed legislation was in keeping with the federal government's legislative authority, and the court answered that it was.[25] The second question asked, "[I]s section 1 of the proposal, which extends capacity to marry to persons of the same sex, consistent with the *Canadian Charter of Rights and Freedoms*?"[26] The court answered in the affirmative, saying that the legislation "points unequivocally to a purpose which, far from violating the *Charter*, flows from it."[27] The court also specifically mentioned that "[c]ivil unions are a relationship short of marriage,"[28] although it had not been asked to comment on this point. The third question asked whether the freedom of religion provisions found in the *Charter* would protect religious officials from being forced to perform same-sex marriages if such marriages violated their beliefs, and the court responded that they would do so.[29] The court had also been asked a fourth question, whether limiting marriage to partners of the opposite sex violated the Charter, but they refused to comment on this matter, since to do so would involve commenting on decisions of lower courts that had not been appealed and should therefore be considered settled.[30]

Legislation

Civil Marriage Act, SC 2005, c 33.

As Bill C-38, the federal government's same-sex marriage legislation received first reading in the House of Commons on February 1, 2005.[31] This bill was extensively debated at second reading and by a legislative committee, and eventually passed third reading on June 28. The Senate and its Standing Committee on Legal and Constitutional Affairs further debated the bill before passing it on July 19. It received royal assent the following day.

The act declares that "Marriage, for civil purposes, is the lawful union of two persons to the exclusion of all others."[32] It goes on to specify that "officials of religious groups are free to refuse to perform marriages that are not in accordance with their religious beliefs" without danger of losing any benefit or facing any sanction.[33] The act also includes amendments to eight other acts, including the *Divorce Act*, the *Income Tax Act*, and the *Modernization of Benefits and Obligations Act*.

Influences

Jurisprudence

Hyde v Hyde and Woodmansee (1866), [1866] LR 1 P & D 130.

This English polygamy case from 1866 contains the common law definition of marriage that was still standing over a century later when the fight for same-sex marriage began: "Marriage as understood in Christendom is the voluntary union for life of one man and one woman, to the exclusion of all others."[34] The British Columbia Supreme Court upheld the definition in *EGALE*,[35] and the Ontario Court of Appeal debated creating a new common law definition in *Halpern*, [36] but ultimately left redefining marriage to the legislature.

Brown v Board of Education, 347 US 483 (1954).

This United States Supreme Court case from 1954 dealt with school segregation and introduced the principle that "separate but equal" is inherently discriminatory. This argument was used in the campaign for same-sex marriage to support the idea that civil unions were an unacceptable substitute for marriage.[37]

Loving v Virginia, 388 US 1 (1967).

In this judgment from 1967, the United States Supreme Court overturned the laws prohibiting interracial marriage. Lawyers arguing in favour of same-sex marriage pointed to this case as evidence that marriage is an evolving institution,[38] and the case was cited in the *EGALE* and Halpern cases.

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25 *Re Same-Sex Marriag*e, 2004 SCC 79 at para19, [2004] 3 SCR 698.
26 *Ibid* at para2.
27 *Ibid* at para43.
28 *Ibid* at para33.
29 *Ibid* at para52.
30 *Ibid* at para71.
31 Bill C-38, *An Act respecting certain aspects of legal capacity for marriage for civil purposes*, 1st Sess, 38th Parl, 2005.
32 *Civil Marriage Act*, SC 2005, c 33, s 2.
33 Ibid, ss 3-3.1.
34 Hyde, *supra* note 5 at 130.
35 *Supra* note 14.
36 *Supra* note 17.
37 Larocque, *supra* note 1 at 71.
38 *Ibid* at 68.

Legislation

Canadian Charter of Rights and Freedoms, Part I of the Constitution Act, 1982, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

Introduced in the early 1980s, the *Canadian Charter of Rights and Freedoms* was the central document that allowed for the expansion of gay rights and eventually for same-sex marriage. All the Canadian post-*Charter* decisions discussed above base their arguments on the relevant provisions of the *Charter*.

Section 15(1) states that "Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability." The *Egan* decision confirmed that section 15(1) should be interpreted to include sexual orientation.[39] However, if a law is found to be discriminatory, it can still remain a law if the court is convinced that the limitation of the right is "demonstrably justified in a free and democratic society."[40] Initially, the denial of the right of people of the same sex to marry was found to meet this test,[41] but later cases rejected this argument.[42]

39 *Supra* note 8.
40 Charter, *supra* note 4, s 1.
41 See eg EGALE Canada, *supra* note 14.
42 See eg Halpern, *supra* note 18.

Call for Submissions

Canadian Law Library Review/Revue canadienne des bibliothèques de droit, the official publication of the Canadian Association of Law Libraries, publishes news, developments, articles, reports and reviews of interest to its members. Surveys and statistical reviews prepared by the Association's Committees and Special Interest Groups, regional items and the proceedings of the Association's annual conference are also published.

Contributions are invited from all CALL members and others in the library and legal communities. Bibliographic information on relevant publications, especially government documents and material not widely publicized, is requested. Items may be in English or French. Full length articles should be submitted to the Features Editor and book reviews to the Book Review Editor. All other items should be sent directly to the Editor. Prior to publication, all submissions are subject to review and editing by members of the Editorial Board or independent subject specialists; the final decision to publish rests with the Editorial Board. If requested, articles will undergo independent peer review. Items will be chosen on their relevance to the field of law librarianship. For copies of the Style Guide please consult the CALL website at <http://www.callacbd.ca>.

The Association is unable to make any payment for contributions. Authors will receive one complimentary copy of their article upon publication. The Canadian Association of Law Libraries does not assume any responsibility for the statements advanced by the contributors to, *and* the advertisers in, the Association's publications. Editorial views do not necessarily represent the official position of the Association.

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Canadian Law Library Review/Revue canadienne des bibliothèques de droit, l'organe officiel de l'Association canadienne des bibliothèques de droit, publie des informations, des nouveautés, des articles, des rapports et des recensions susceptibles d'intéresser ses membres. Des enquêtes et des relèves statistiques préparés par les divers comités de l'Association et par les groupes d'intérêt spécial, des nouvelles *d'intérêt régional* et les procès-verbaux du congrès annuel de l'Association sont également publies.

Tous les membres de l'ACBD ainsi que toute autre personne intéressée la bibliothéconomie et faisant partie du monde juridique sont invites á soumettre des articles. La revue sollicite également des commentaires bibliographiques d'ouvrages de nature juridique et plus particulièrement de publications officielles et de documents peu diffusés. Les contributions peuvent être soumises en français ou en anglais. Les articles de fond doivent être envoyés à la personne responsable des recensions. Avant d'être publies, tous les textes seront revus par des membres du Comité de rédaction ou par des spécialistes de l'extérieur. La décision finale de publier relève toutefois du Comité de rédaction. Les articles pourront, sur demande, faire l'objet d'un examen indépendant par des pairs. La priorité sera accordée aux textes se rapportant à la bibliothéconomie juridique. Pour obtenir des exemplaires du Protocole de rédaction, visitez le site web de l'ACBD au <http://www.callacbd.ca>.

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Les articles publiés *dans Canadian Law Library Review/Revue canadienne des bibliothèques de droit* sont répertoriés dans *Index a la documentation juridique au Canada, Index toCanadian Legal Periodical Literature, Legal Information and Management Index, Index to Canadian Periodical Literature etLibrary and Information Science Abstracts.*

The Canadian Association of Law Libraries/ Association Canadienne des Bibliothèques de Droit: A Continuing History, 1988-2012*

PART IV: RELATIONSHIPS AND CONFERENCES[1]

*By Janet M. Moss***

Abstract

In the final part of this article, the author continues to trace the recent history of the *Canadian Association of Law Libraries/Association canadienne des bibliothèques de droit*. This part of the article focuses on CALL/ACBD's relationships with other library associations and with other organizations. It also explores CALL/ACBD's relationship with its vendor colleagues. It concludes with a look back at the annual conferences, and an assessment of CALL/ACBD's accomplishments and the challenges it has faced during the past 25 years.

Dans la dernière partie de cet article, l'auteur continue de retracer l'histoire récente de la *Canadian Association of Law Libraries /Association canadienne des bibliothèques de droit*. Cette partie de l'article se concentre sur les relations que CALL / ACBD a eues avec d'autres associations de bibliothèques et d'autres organisations. On y explore également la relation que CALL / ACBD a eue avec différents éditeurs juridiques. L'article se termine par un regard rétrospectif sur les conférences annuelles et par une évaluation des réalisations et des défis auxquels CALL / ACBD a dû faire face au cours des 25 dernières années.

5. RELATIONSHIPS

5.01 WITH OTHER LIBRARY ORGANIZATIONS

One of the objects of the Association is to cooperate with other organizations that tend to promote the objects of the Association or the interests of its members. CALL/ACBD has built relationships with a number of organizations in pursuit of this objective. These have included reciprocal agreements with other library organizations, particularly law library associations, as well as liaison appointments to committees or boards that are engaged in activities which are of importance to CALL/ACBD members.

In the late 1980s, the list of liaisons on the back page of the journal included liaisons with three library organizations—AALL, BIALL, and CLA—and appointments to the Canadian Committee on Cataloguing, CLIC, and the Index to Canadian Legal Literature Editorial Board. Liaison appointments were not mentioned in the Association by-laws, though the Organizational Manual of the day stated that the President appointed committee chairs and liaison appointments for two-year terms. The Special Committee on Constitutional Review, appointed in 1989, identified liaison appointments to other organizations as one of their areas of concentration.

Their report resulted in by-law amendments stating that the President was to appoint representatives to other organizations, including committees, working groups, and other sub-bodies of organizations; that the appointments should be for two-year terms corresponding to the President's term of office; and that the representatives were accountable to the Executive Board and were required to report to the board annually or more frequently if requested.[2]

The Committee recognized that circumstances change, and so recommended that the list of liaisons be reviewed periodically. Also articulated was the distinction between liaisons of a mainly ceremonial nature, for which the President would be the representative, and those to sub-groups or working committees, for which a knowledgeable Association member should be appointed after input from the appropriate SIG or committee. It recommended that the head of any organization with which CALL maintained a liaison should be invited to attend our conference.

And finally, the Committee dealt with the issue of financial support. It recommended that CALL/ACBD be prepared to fund travel to meetings and other related expenses of our liaisons, in accordance with overall budget priorities – that liaisons should be told that funding may be available, for which they should apply, with the decision whether to fund depending on the priority CALL/ACBD put on the liaison in relation to its other activities.[3]

The Executive Board approved these recommendations at its 1991 mid-year meeting, with a few caveats. It was noted that CALL/ACBD had been in the practice of waiving the registration fee for the AALL and BIALL official representative; this practice would continue. Also, liaison travel expenses needed to be monitored, and it would be helpful to develop guidelines for such travel. This led to the development of an External Relations Policy for the

* © Janet Moss 2013.

** Janet Moss is the Head Law Librarian at the University of New Brunswick.

1 Part III was published in the previous issue of this journal.

2 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Proceedings of the Annual General Meeting held May 11-13, 1992 at Winnipeg, Manitoba" (1992) 17:3 Can L L 104 at 120 [CALL/ACBD, "1992 AGM"].

3 Final Report of the Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit Special Committee on Constitutional Review (1991) at 23-24 (Chair: Lillian MacPherson), Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, (A.10.41) Box 11 Folder 3).

Association in 1994.[4] It described the criteria for establishing official liaisons, the appointment and duties of liaisons, funding of liaisons, and a list of active (AALL, BIALL, CLA) and potential liaisons.

An important milestone in our relationship with our sister organizations, one that has benefitted many CALL/ACBD members, was the reciprocal agreement to offer member rates at conferences to members of any of the sister organizations. The associations that were party to the agreement were AALL, BIALL, CLA, IALL and SLA Legal Division. An announcement about these reciprocal agreements was made early in 2000, through a notice in *Canadian Law Libraries/Bibliothèques de droit canadiennes*.[5] More recently, benefits such as reciprocal membership registration for webinars with SLA Legal Division and AALL's PLL-SIS have been announced.

AMERICAN ASSOCIATION OF LAW LIBRARIES (AALL)

Since CALL/ACBD began as a chapter of AALL, it is no surprise that our closest ties are with this association. For many years, until her retirement in 1989, Frances Hall was the official delegate from AALL to our annual conferences. In 1990, AALL changed its practice, and after that it was the AALL President who would attend the annual CALL/ACBD conference. This mirrored the CALL/ACBD practice of sending its president as liaison. Many CALL/ACBD members are also members of AALL or participate in its annual conference from time to time. The reverse is also true. CALL/ACBD welcomes a small but loyal contingent of AALL members to its conferences and often features AALL members as speakers. Although the two associations have never held a joint conference, our 2003 conference in Niagara-on-the-Lake was designated as a continuing education institute for the Association of Law Libraries of Upstate New York (ALLUNY), a chapter of AALL, and our 2010 Windsor conference was a joint one with the Michigan Chapter (MichALL) of AALL. The Conference Planning committee that year included three MichALL representatives, and several MichALL members were speakers at the conference.

BRITISH AND IRISH ASSOCIATION OF LAW LIBRARIANS (BIALL)

At the 1990 CALL/ACBD conference, President Pat Young characterized the relationship between CALL/ACBD and BIALL as "a relatively new and informal one."[6] This liaison flourished due to the Carswell/Sweet & Maxwell exchange program, begun in 1986, whereby the two companies sponsored one member of each organization to attend the annual conference of the other. The CALL/ACBD president was the official liaison to BIALL, and in his or her first year in office was the recipient of this travel grant. Likewise, the BIALL representative to CALL/ACBD changed from year to year, generally being their vice-chair. Although the Carswell/Sweet & Maxwell exchange ended prior to the 1997 conferences, the two associations continued their liaison relationship. Due to the greater distances and costs involved, the number of members travelling on their own to each others' conferences has remained small, but warm relationships have developed with those who have been able to do so.

In 1990 at the Vancouver conference, the presidents of CALL/ACBD and AALL and the chair of BIALL met together for the first time. Since then there have been numerous opportunities for this group to meet, and CALL/ACBD presidents have found these meetings to be tremendously useful and informative. The Joint Study Institutes are no doubt the best-known result of these meetings, but other benefits include sharing information about challenges and new initiatives involving the sister organizations.

SPECIAL LIBRARIES ASSOCIATION (SLA) LEGAL DIVISION

SLA's Legal Division began in 1993 and grew rapidly. At the 1997 CALL/ACBD annual conference, Resolution 1997/2 was passed, which directed the CALL/ACBD executive to develop a liaison with SLA Legal Division.[7] Discussions were initiated and a liaison was established in time for Chair-Elect Larry Guthrie to attend the 1999 CALL/ACBD conference as its first official representative. This was a liaison that was not initially afforded travel funding by CALL/ACBD, though representatives were given complimentary conference registration. However, after it was noted that SLA Legal Division was funding a delegate to attend our conference on a regular basis, the CALL/ACBD Executive Board agreed in 2007 to fund the travel expenses of a CALL/ACBD representative in the future. The president announced at the 2012 AGM that CALL/ACBD had renewed its relationship with SLA Legal Division and signed a Memorandum of Understanding with them. As with AALL, many CALL/ACBD members are also members of SLA Legal Division or attend its conferences.

INTERNATIONAL ASSOCIATION OF LAW LIBRARIES (IALL)

IALL was founded in 1959, but it was not until 1997 that Ann Morrison, who was active in IALL, urged the CALL/ACBD Executive Board to establish a formal relationship, though not as a financial commitment. This was agreed to,[8] and in 1999 Larry Wenger was the first IALL president to attend a CALL/ACBD conference as an official delegate. Due to the far-flung locations of the IALL conferences and their geographically diverse membership, the exchange of official delegates has not been as regular as with our other

4 "External Relations Policy/Politique de relations extérieures" (1994) 19:4 Can L L 137.
5 Suzan A Hebditch, "CALL/ACBD's Official Liaisons: Further Developments" (2000) 25:1 Can L L 14.
6 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Proceedings of the Annual General Meeting held May 13-16, 1990 at Vancouver, British Columbia" (1990) 15:3 Can L L 132 at 143.
7 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Annual General Meeting 1997, May 25-28, 1997, St. Andrews by-the-Sea, New Brunswick" (1997) 22:3 Can L L 113 at 136.
8 CALL/ACBD Executive Board Minutes: Executive Board Meeting, 22-23 November 1997 (1997) at 15, Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, uncatalogued).

law library liaisons.

OTHER LAW LIBRARY ASSOCIATIONS

CALL/ACBD conferences have attracted conference attendees from the Australian Law Librarians' Association from time to time and occasionally from other law library associations around the world. In 2004, the CALL/ACBD Executive clarified that we do not have official liaisons with Australian or South African law library associations, but if their members are able to attend, we are delighted to have them and they may register at member rates.

CANADIAN LIBRARY ASSOCIATION (CLA)

CALL/ACBD's relationship with CLA has been a long-standing one, although attendance of an official CLA delegate at our conferences has been sporadic. Nonetheless, CALL/ACBD has maintained a liaison during most of the past 25 years. The longest serving has been Wendy Hearder-Moan, who served in this capacity from the late 1980s until 1997. In addition, CALL/ACBD has been invited to participate in several committees and initiatives with CLA, notably in the area of copyright reform.

5.02 WITH OTHER ORGANIZATIONS

The other active liaisons mentioned by Banks in 1988 were to the Canadian Committee on Cataloguing, the Canadian Law Information Council, and the Index to Canadian Legal Literature Editorial Board.[9] These were characterized by the Committee on Constitutional Review as working liaisons – appointments to committees or boards that were undertaking work of interest to CALL/ACBD and Canadian law librarians. The Index to Canadian Legal Literature Editorial Board has already been mentioned, as have our liaison appointments to the Canadian Citation Committee and LIPA. The work of the other two older liaisons, as well as some newer ones, is detailed below.

CANADIAN COMMITTEE ON CATALOGUING

The Canadian Committee on Cataloguing is a national advisory committee on matters of cataloguing and bibliographic control, and is Canada's voice in international fora that determine the direction of cataloguing rules reform. CALL/ACBD is one of several non-voting consultant organizations whose representatives provide expertise in special subject areas – in CALL/ACBD's case, regarding the special rules governing the cataloguing of legal materials. This appointment is continuing, and CALL/ACBD has been fortunate to have three long-serving liaisons during this period. Humayun Rashid, our representative in 1988, was followed by Lenore Rapkin, who served from 1990 until 2006, when Tim Knight became our current representative.

CLIC (CANADIAN LAW INFORMATION COUNCIL, LATER CANADIAN LEGAL INFORMATION CENTRE)

CLIC was formed in 1973 to "generally promote the acquisition of knowledge of the law in Canada and its dissemination within Canada; and enhance the quality and increase the availability of information pertaining to the law in Canada for the benefit of the Canadian Community..."[10] CLIC did pioneering work in areas such as the indexing of statutes, computer-assisted legal research, public legal education, and plain language writing, and published directories, bibliographies, glossaries, and other unique texts. CALL/ACBD had an official representative on the CLIC Board and supported CLIC financially. CALL/ACBD appointed representatives to participate in various CLIC projects, in addition to the many CALL/ACBD members who participated independently in CLIC's committees, projects and publications.

CALL/ACBD's representative on the CLIC Board reported regularly on CLIC activities through a column in the CALL Newsletter/Bulletin de l'ACBD. However, in 1992 in the midst of the INFOLEX project, CLIC was forced to close its doors due to lack of funding. Its demise had a profound impact on CALL/ACBD, leading to the creation of the INFOLEX Task Force to finish the distribution of the INFOLEX work, and the creation of the Committee to Promote Research.

DEPOSITORY SERVICES PROGRAM LIBRARY ADVISORY COMMITTEE (DSPLAC)

This committee was established in 1981 to provide the federal Depository Services Program with advice on its operations, policies, practices, plans, directions and services. Among its membership it is to include a minimum of three representatives from a variety of types of depository libraries, including law libraries. Without a guaranteed representative on the Committee, CALL/ACBD has had to rely on a variety of mechanisms to keep abreast of the activities of the Committee and to have its concerns addressed.

Marilyn Rennick, a CALL/ACBD member from University of Ottawa and a member of the DSPLAC, had agreed to represent CALL/ACBD's interests on the Committee though she was not an official CALL/ACBD appointee. She was followed by Jules LaRivière, Director of the Law Library at University of Ottawa. Jules was not a member of the DSPLAC, but was able to monitor activities through his contacts in Ottawa and to keep the CALL/ACBD executive informed.

In 1995, a review of the Depository Services Program recommended the abolition of selective depository libraries in institutions that already had a full depository. This would have had a negative impact on academic law libraries, which generally had selective depository status while their main university library was a full depository.

9 Margaret A Banks, "The Canadian Association of Law Libraries / L'Association canadienne des bibliothèques de droit: A History" (1988) 13:Special Issue CALL Newsletter 1 at 33.
10 Canadian Law Information Council, *Annual report*, 1982-83 (Ottawa: Canadian Law Information Council, 1983) at 3.

Resolution 1995/3, passed at the 1995 AGM, directed the Executive Board to make representations to the minister responsible to reverse this recommendation.[11] As well as making such representations, the Executive Board established the Ad Hoc Committee on Depository Services Program with Jules LaRivière as its chair "to keep the Association informed of any developments related to the status of the Depository Services Program and to make sure that the views of the membership would be known to the Canada Communications Group which is responsible for the Program."[12] A subsequent threat was the possible privatization of the Canada Communications Group. The pressure applied by CALL/ACBD and other library groups seems to have been effective, as the Depository Services Program continued to exist without significant change.

Although the Ad Hoc Committee did not report again, Jules continued to monitor the activities of the DSP and the DSPLAC until his retirement. In 2008, the Executive Board nominated Margo Jeske, now Director of the Law Library at University of Ottawa, to the Committee, and she was appointed. Margo's term expired in 2011, and it is hoped that another CALL/ACBD member will be chosen to replace her. CALL/ACBD's response to announced changes to the federal government's publishing program and the DSP are currently under discussion.

CANADIAN BAR ASSOCIATION (CBA)

While CALL/ACBD has no official liaison with the CBA, over the years there has been much discussion within CALL/ACBD as to how best to develop stronger ties with the CBA. Not only do we have many shared interests, but a closer affiliation would provide an opportunity to highlight the valuable role CALL/ACBD members play in the provision of legal services in Canada. Interestingly, it was the work of a special committee of the Canadian Bar Association looking into the condition of legal research in Canada in the mid-1950s that identified the "inadequate law library facilities and personnel throughout Canada"[13] as one of the obstacles to doing proper legal research and started the chain of events that eventually lead to the formation of CALL/ACBD.

Since then, there has been little formal interaction between the two organizations. Daphne DuMont, President-Elect of the CBA, was a keynote speaker at the 2000 CALL/ACBD conference, and as a result of that relationship CALL/ACBD President Anne Morrison was invited to speak to the CBA General Council at their 2000 annual meeting. Two years later President John Eaton again addressed the CBA at their annual meeting but this initiative was not continued. Nonetheless, interest in creating closer ties between the two associations continues.

5.03 WITH VENDORS

VENDOR LIAISON COMMITTEE (VLC)

If the creation of the CAEAB was a direct result of the "Quebec Riot," the formation of the Vendor Liaison Committee was probably an indirect result. Although there is no record in the minutes of the discussion leading to the decision to form a vendors' liaison committee, one can assume that the benefits of having a mechanism in place to deal with members' complaints about a legal research product or the business practices of a legal publisher in a timely fashion was obvious.

At its 1991 pre-conference meeting, the Executive Board appointed Olga Kizlyk to head a Vendor Liaison Committee.[14] She drafted terms of reference, which were approved as follows:

> To provide a liaison between the Association's members and vendors of legal information – in this respect to provide a vehicle for raising the consciousness of both law librarians and vendors regarding new and/or disturbing aspects of the legal publishing industry; to convey members' concerns, as well as compliments, to vendors where warranted.[15]

The Committee was to have members from across the country and from various types of law libraries. The local law library organizations across the country were, and are, active in this area, and over time efforts have been made to coordinate the activities of these groups with the CALL/ACBD committee. Although no official liaisons have been established, informal cooperation takes place through committee members who are also members of the local law library organizations.

Duties to be undertaken by the CALL/ACBD committee included:

- corresponding with vendors regarding resolutions passed at the AGM or initiating resolutions;
- establishing lines of communication with vendors in order to monitor developments in the industry;
- receiving complaints from the membership and initiating appropriate follow-up with vendors;
- communicating with the membership through *Canadian Law Libraries/Bibliothèques de droit canadiennes*; and
- hosting fora at the annual conference where librarians and vendor representatives could discuss issues of concern.

The first Vendors Forum was held at the 1993 conference in Halifax, and has since become a regular conference event. Vendor fora and Committee-sponsored conference sessions have dealt with a variety of issues of contemporary concern, such as CD-ROMs, looseleaf

11 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Annual General Meeting, May 29-31, 1995, Regina, Saskatchewan" (1995) 20:3 Can L L 122 at 145.
12 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Annual General Meeting, May 26-29, 1996, Kingston, Ontario" (1996) 21:3 Can L L 85 at 98 [CALL/ACBD, "1996 AGM"].
13 Banks, *supra* note 9 at 5.
14 CALL/ACBD Executive Board Minutes: Pre-Conference Executive Board Meeting, 11 May 1991 (1991) at 2, Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, uncatalogued) [CALL/ACBD Executive Board, 11 May 1991 Minutes].
15 CALL/ACBD, "1992 AGM", *supra* note 2 at 121.

services, and pricing of electronic subscriptions.

In 1996, a regular Vendor Liaison column began in *Canadian Law Libraries/Bibliothèques de droit canadiennes*, supplemented by updates on the CALL-L listserv, which began a few years later. Some of the early issues dealt with by the Committee included the pricing structure of Canadian Law Online, inclusion of docket numbers in law reports, GST registration of foreign legal publishers, shipping and handling costs, billing practices, and publication schedules for various products.

A major focus of the Committee's activities in the latter half of the 1990s was on the pricing structure of CD-ROM products, in particular the publishers' model of pricing according to the number of knowledge workers, or potential users, in an organization versus librarians' preference for concurrent user pricing. The committee developed a "Position Paper on CD-ROM," which was adopted by the membership at the 1996 AGM.[16] The position paper, in addition to taking a strong stand in favour of concurrent user pricing, also addressed the need for archiving of historical data, the importance of standardization of the operating interface used, as well as training issues, quality, accuracy and completeness of content.

In 2006, a subcommittee of the VLC was formed to look at several contentious issues surrounding the publication of looseleaf titles. They produced an issues paper titled "Tackling the Loose-leaf Format: Issue Paper for the Working Group to Develop Best Practices,"[17] which formed the basis for discussions at the 2007 annual conference. The paper dealt with four issues: criteria for developing looseleaf services; content; binder format; and pricing. In 2007, the Committee initiated a process with vendors to develop a best practices document related to looseleaf publications. A joint committee with legal publishers was formed. In 2008 the "CALL – VLC Code of Good Practices for Loose-leaf Publications"[18] was released. It too dealt with pricing, binder format, and format selection. Another initiative during the same period was the preparation of guidelines for problem-solving of vendor issues.

After the demise of the Statistics Committee and its annual serials cost tracking project, the Vendor Liaison Committee began producing a simpler document called "Pricing Trends," which listed projected price increases for the year ahead as provided by the major Canadian legal publishers. "Pricing Trends" began in 2009 and is still produced annually.

Also in 2009, the VLC began to focus on the issue of usage reports from the major electronic legal databases. Issues of availability, standardization, and training on how to use them effectively for cost recovery and collection evaluation purposes were addressed, and discussions with LexisNexis Canada and Westlaw Canada took place.

The year 2011 saw the issue of looseleaf publications again on the front burner, due in large measure to an announced change in Carswell's pricing policy for looseleaf publications. The VLC, together with TALL's Publisher Liaison Committee, participated in a discussion with Carswell about their new contents-only policy, and developed a survey on publication formats which was sent to CALL/ACBD members and the local law library associations in the fall of 2011. The results led to the development of an issues statement, which was in turn the focus of discussion at their meeting at the 2012 conference.

HUGH LAWFORD AWARD FOR EXCELLENCE IN LEGAL PUBLISHING

The idea of an annual award to recognize excellence in legal publication was first considered by the CALL/ACBD Executive Board in 1997 when they were discussing ways to honour the memory of Jim Lang. When Carswell announced its wish to honour Jim through the establishment of the James D. Lang Memorial Scholarship, the Board agreed that they would continue with the establishment of the award, calling it the CALL/ACBD Award for Excellence in Legal Publishing.[19]

The award was seen as "a means of acknowledging the work that is done by publishers to provide the legal profession with high-quality materials for use in understanding and researching the law."[20] It was hoped that this award would serve as a way of honouring publishers who have produced excellent products and encouraging excellence in new publishing endeavours. A separate award committee chaired by one of the Executive Board Members at Large was established to receive nominations from CALL/ACBD members and make recommendations to the Executive Board. The award was announced at the 1998 conference and the first award was made at the 1999 conference, to Insight Press for its *InConference* CD-ROM product.

In 2005, President Janine Miller announced that the Executive Board had been considering how best to honour Quicklaw founder and CALL/ACBD supporter Hugh Lawford, who had recently passed away, and had decided that renaming this award as the Hugh Lawford Award for Excellence in Legal Publishing was an appropriate acknowledgement of his contributions to CALL/ACBD as a publisher.[21]

The composition of the award committee was changed significantly in 2011. It is now being chaired by the Past President, and may include those in the legal profession and academia, rather than being composed solely of members of CALL/ACBD's various committees and groups as it had been. Criteria for the award were changed too. In an effort to encourage more nominations, the nomination process was opened up to include nominations from members of the legal community or publishers, who may nominate their own works. All nominations continue to require endorsement by a minimum of two CALL/ACBD members.

16 CALL/ACBD, "1996 AGM", *supra* note 12 at 106.
17 "Tackling the Loose-leaf Format: Issue Paper for the Working Group to Develop Best Practices" (April 2007), online: CALL/ACBD <http://www.callacbd.ca/en/content/vendors>.
19 CALL/ACBD Executive Board Minutes: Pre-Conference Executive Board Meeting, 30 May 1998 (1998) at 4, Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, uncatalogued).
20 "CALL/ACBD Award for Excellence in Legal Publishing" (1998) 23:4 Can L L 171 at 171.
21 Janine Miller, "President's Letter/Le mot de la présidente" (2005) 30:2 Can L Libr Rev 65 at 66. 18 "CALL—VLC Code of Good Practices for Loose-leaf Publications" (April 2008), online: CALL/ACBD <http://www.callacbd.ca/en/content/vendors>.

VENDOR SPONSORSHIP

From its earliest beginnings, CALL/ACBD has been supported by the legal vendors who produce the books, serials and now databases that we use daily in our libraries. The Canadian law librarians who first met as a group in 1961 at the AALL conference to discuss the formation of a Canadian chapter of AALL met for lunch in the suite of Philip Cohen of Oceana Publications. By the time this account begins, publishers were supporting CALL/ACBD in many ways, most prominently in sponsorship of various aspects of the annual conferences. This sponsorship has allowed conference planners to offer delegates both superior educational programs and exceptional social events.

Vendors have also sponsored scholarships and awards, and contributed to the Eunice Beeson Travel Fund. They have supported publications such as the membership directory and the Association's journal, and special events such as the two Joint Study Institutes hosted by CALL/ACBD.

Issues related to conference sponsorship have caused considerable debate within the Association in the late 1980s and again more recently. In a departure from past practice, in advance of the 1988 conference the Executive Board decided that no donations would be accepted from legal publishers (although donations from non-publisher organizations were accepted). This was a controversial move, and at the 1988 AGM a resolution was passed in favour of returning to the Association's traditional policy of accepting contributions from the publishers.[22] As a result of the resolution, the 1989 Conference Planning Committee was again free to solicit sponsorships from publishers.

In response to this resolution, Shih-Sheng Hu was appointed Chairperson of a Special Committee on Publishers' Donations at Conferences and asked to formulate and recommend a policy on publishers' donations at conferences.[23] The Committee surveyed conference organizers, publishers, and others to assist in developing the recommendations. The Committee did its work quickly, and in October 1988, submitted its report. Its recommendation was that CALL/ACBD revise its policy on donations to the annual conference to the following:

> Each Conference Planning Committee has the authority to request or receive funding assistance from legal or law-related agencies that seem appropriate in the area of the conference, so long as the solicitation is voluntary, and all potential donors are given equal opportunity to contribute. Further, each donor should have the option of deciding where the donation is to be used, and if the donation is to be used in a designated fashion then that should be acknowledged as such on the programme wherever possible.[24]

The Committee agreed with comments from members that publisher sponsorship of functions was not unethical or a conflict of interest. Members commented that sponsorship of CALL/ACBD events had not prevented Association or individual criticism of publishers' products, or interfered with law librarians' decisions as to what legal products to purchase to best meet their users' needs.

In 2001, the Executive Board asked Past President Ann Morrison to draft a policy document on the rights and obligations of corporate sponsors. Her report was discussed at the 2001 mid-year meeting, with the following points being agreed to:

- The Executive Board retains the right to accept or decline sponsors;
- They will decide how sponsors are recognized;
- The CPC manual will contain guidelines but any non-traditional sponsors must be approved by the Executive Board;
- CALL/ACBD retains full control over program content, speaker selection, and format. When a sponsor supports a social event, CALL/ACBD has the final say should a conflict arise;
- If a vendor or publisher wishes to hold an event which is not part of the conference, they will not be considered a sponsor;
- Sponsorship does not imply endorsement by CALL/ACBD;
- No sponsor or exhibitor at the conference will schedule a program, demonstration or social event which conflicts with CALL/ACBD's official program.[25]

In spite of these guidelines and the earlier Hu recommendations, sponsorship dilemmas arose from time to time – for example, more than one sponsor wanting to sponsor a specific event, or the converse, no-one wanting to sponsor a social event or a program session. The issue of whether to allow a Monday evening sponsored event, in response to vendor requests, or have Monday evening as a free evening for delegates was raised in the mid-2000s, with the decision being to stay with the free night. Some vendors felt that there were not a sufficient number of high-profile sponsorship opportunities, and chose instead to host social events outside the official conference program. There was also friction over the details of major social events, particularly if the sponsor and the conference planning committee were not initially in agreement.

Early in 2007, the Executive Board agreed that President John Sadler and Vice-President Anne Matthewman should talk to major vendors to discuss different sponsorship models. John and Anne reported that, generally, vendors were happy with their relationship with CALL/ACBD. They were happy with the attendance and events in the exhibit area, and in most cases preferred to sponsor a specific event rather than contribute money to a general conference fund.

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22 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Proceedings of the Annual Meeting, May 1988" (1988) 13:3 CALL Newsletter 304 at 319.
23 CALL/ACBD Executive Board Minutes: Post-Conference Executive Board Meeting, 18 May 1988 (1988) at 39, Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, uncatalogued).
24 "Special Committee on Publishers' Donations: Report" (1988) 13:5 CALL Newsletter 378 at 380.
25 CALL/ACBD Executive Board Minutes: Mid-Year Meeting, 11-12 November 2001 (2001) at 4-5, Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, uncatalogued).

Since the economic downturn of 2008, and as consolidation within the legal publishing industry continues, another dilemma has arisen. There are now fewer firms to rent exhibit space and provide conference sponsorships, and in years when businesses are not as profitable, sponsorships will not be as large.

In 2010, the Executive Board again looked at various sponsorship models. Barb Campbell was asked to prepare a proposal for the Executive Board looking at alternatives for conference sponsorship.[26] Barb reported back later that year. She outlined the issues around sponsorship, provided a comparison of how other organizations handled these issues, and offered some suggestions. Discussions took place with the 2011 and 2012 conference planning committee Chairs and with several sponsors. The CALL/ACBD proposal was to move to conference sponsorship instead of event sponsorship beginning with the 2011 conference.[27] A new Sponsorship Prospectus provided clearly defined sponsorship levels, with a clear distinction in the benefits at the various levels and clear incentives for sponsors to move from level to level.

Rosalie Fox introduced the new sponsorship policy and the reasons for it to the membership early in 2011 in her "President's Letter" in the *Canadian Law Library Review/ Revue canadienne des bibliothèques de droit*. She cited "the need to balance our members' concerns about conflict of interest and our need to be effective representatives for our users and employers with the legal publishers' requirement to have a solid return on investment for their sponsorship dollars."[28] As she explained, sponsors want to have name recognition and attract delegates to their booths, while the conference planners are trying to plan an event with both excellent educational programming and memorable social events. She concluded with the hope that the new conference sponsorship, combined with revamped sponsorship levels offering more value to sponsors, would prove to be a good compromise. This model has been in place for the 2011 and 2012 conferences. Its impact on conference and association finances is being evaluated by the Executive Board and Conference Planning Committees.

6. CONFERENCES AND CONCLUSIONS

6.01 THE ANNUAL CONFERENCE

It is through its annual conference that the Association achieves in large measure its second object – to provide a forum for meetings of people engaged or interested in law library work and to encourage professional self-development. Reminiscences in recent issues of *Canadian Law Library Review/Revue canadienne des bibliothèques de droit* highlight the important role that this annual event has had in the professional lives of many members. The annual conference is the way that most members participate in the life of the Association. From the 1970s on, the annual conference has travelled back and forth across the country. There were 209 registrants at the 1988 Jasper conference and 29 firms displaying in the exhibit area. Registration for members was $100, the same as the cost for a publisher's table in the exhibits area. In 2012, there were over 400 registrants and 27 exhibitors. Member early bird registration was $500, with exhibitors being charged $1,400 if they were members, and $1,600 if they were not. Attendance figures have varied considerably over the years with generally higher figures, often over 300, when the conference is in central Canada.

In the earliest years of CALL/ACBD, the annual conferences were mainly business meetings. Throughout the 1970s, the educational program became an increasingly important part of the conference, so that, by 1988, the annual conference was fairly similar to those now being held, with a familiar mix of business meetings, educational programs, exhibits, and social events. Most of the conferences prior to the mid-1980s were held on university campuses, but by 1988 the tradition of holding the conferences at hotels was firmly established.

The 1988 conference was held in Jasper Park Lodge, May 15-18. A mid-May date was the usual time for CALL/ACBD conferences, but when it fell on Mother's Day for four years running – 1989, 1990, 1991, and 1992 – a resolution at the 1992 conference directed the Executive Board to avoid this date when planning future conferences.[29] Although it took a few years to implement due to advance hotel bookings, the conference moved to a date later in May for the next decade. Since 2004, the date has been more variable, with conferences scheduled for early, mid, and late May. Although there has been sporadic debate over the years as to the best time of year for the conference – May, June, mid-summer, fall – no other time has garnered the support of a majority of members, so in May it remains.

The most noticeable difference between the program schedule for the Jasper conference and for more recent conferences is that the SIG and committee business meetings were scattered throughout the conference, rather than concentrated on Sunday as they are today. A related difference is that the pre-conference workshop was held on Sunday, rather than Saturday, which is the current practice. Since the conferences have always ended around noon on Wednesday, the annual conferences are now essentially one day longer. Another difference is that, generally, there were fewer concurrent educational sessions to choose from in the conferences of the late 1980s and early 1990s than we now enjoy.

The program for 1988 included panel discussions, analogous to our plenaries, as well as educational sessions sponsored by the various SIGs. Topics included "Attacking the Reference Question" (the pre-conference workshop), "New Developments in Computer-Assisted Legal Research," "Collection Development in an Electronic Age," "Teaching Legal Research Skills," "New Developments in Copyright," "Automation for Law Libraries," and "Canadian Legal History: the Search for a Tradition."

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26 CALL/ACBD Executive Board Minutes: Executive Board Meeting via Conference Call, 12 January 2010 (2010) at 2 (on file with author).
27 CALL/ACBD Executive Board Minutes: Executive Board Meeting via Conference Call, 5-6 October 2010 (2010) at 3 (on file with author).
28 Rosalie Fox, "President's Letter/Le mot de la présidente" (2011) 36:1 Can L Libr Rev 5 at 5.
29 CALL/ACBD, "1992 AGM", *supra* note 2 at 116.

Looking at the 2012 conference program, one sees both continuity of interest and some new topics of concern. This recent conference, like the one in 1988, featured sessions on collection development, teaching legal research, automated library systems, and copyright. New topics included knowledge management, developing website content and content for mobile devices, statistics for librarians, professional development strategies for law librarians, and how to conduct better due diligence.

The AGM continues to be an important part of the annual conference. In Jasper, there were just two AGM sessions, though most of the conferences of the late 1980s and 1990s had three sessions, generally comprising approximately three hours of the conference schedule. In 2007, the Executive Board began considering ways to streamline the AGM to make more time available for educational programs. A new schedule for the AGM was implemented in 2008, comprising three sessions, but totaling only one and a half hours. This was achieved by relying on the written reports with verbal reports from the chairs being allowed only if there were substantial additions to the written reports. This change elicited considerable comment at the Open Forum from members who felt that the new format was too rushed. Since then the Executive has been tweaking the format and timing of the AGM sessions. One change was to have the Executive Board member who served as liaison to a group of committees and SIGs give a verbal report on activities within their portfolio as a supplement to the various written reports. By 2012, time allotted to the AGM had increased to two hours and fifteen minutes over four sessions, but judging by the comments at the Open Forum, it seems that some members would like to see more time and different time slots devoted to this portion of the conference. More tweaking is likely.

Social events are certainly one of the memorable aspects of CALL/ACBD conferences, giving members an opportunity to meet old friends and become acquainted with new members. These events also allow members to sample the unique hospitality of the area of the country where the conference is being held. Although the nature of the social events and their scheduling has varied according to venue, many of the conference staples were in place by 1988 – an opening reception, a luncheon where the Priestly Scholarship (our only award at the time) was presented, and a closing banquet with music and dancing. The variety of lovely venues and entertainment that long-time members have enjoyed over the years is amazing – lobster dinners and traditional "Down East" music, train rides, Native dancers, harbour and river cruises, elegant banquets, Western barbeques and dancing, visits to botanical gardens, an aquarium, a zoo, museums of various types, galleries, the Cirque du Soleil, and the RCMP Musical Ride, to name just some. Everyone has his or her favourite memories!

The Jasper conference featured a golf tournament prior to the start of the conference, a popular event at several subsequent conferences. In more urban settings, library tours have also been a regular feature, combining the educational with the social. Over the years, conference delegates have had the opportunity to visit law libraries of all types, including the Library of Parliament and the Supreme Court of Canada Library.

The B.A.C.C.H.U.S. (Beer and Conversation Can Help Us Survive) group was also on the agenda in 1988 – with a Monday evening timeslot in the lounge. It continues to meet, either on or off the agenda, at most conferences, and in 2011 was the "sponsor" of a pre-conference tour of the Wild Rose Brewery in Calgary.

There were some firsts for the Jasper conference. It was the first to have a conference theme. It was also the first to have a President's Reception for committee and SIG chairs. Over time this grew to include foreign delegates and special guests, and continued through the 2004 conference. The Jasper conference was also the first to schedule a joint meeting of the current and next year's Conference Planning Committees. In attendance was the Association's Vice-President, who was then, as now, responsible for conference planning, along with the two conference planning committees and representatives from the SIGs that would be submitting programming ideas. This meeting was part of an effort by the Executive Board to provide more guidance and structure for CPCs. CPCs were directed to budget on a break-even basis[30] but a few years later the directive was to make at least a small profit, with $5,000 suggested as a suitable amount.[31]

Although the basic format was well established by 1988, there certainly have been changes in the annual conference over the years. The first Members Open Forum was held at the 1994 conference. The idea of an open forum was suggested by Brenda McGilvray at the 1993 AGM.[32] Following a discussion, a straw vote was taken. Seeing that a majority of members were in favour, President Denis Le May agreed that an open forum would be added to the agenda of the next annual conference. Issues raised at that first Open Forum included the following: more representation from private law libraries on committees; the need for a current and more informative list of SIGs, committees and liaisons; conflict between vendor events and the conference program; the need for increased membership; better relations with other groups; and a bilingual journal. Although not bound by Open Forum discussions, successive Executive Boards have all carefully reviewed Open Forum comments and acted on many of them.

The year 1996 saw the first CALL/ACBD conference website. The conference that year was in Kingston and was chaired by Denis Marshall of Queen's University, who hosted the conference website on a Queen's University server. Over time that evolved to having a link on the CALL/ACBD website to the locally hosted conference website, to finally having the conference information integrated into the CALL/ACBD website itself. The 1996 conference was also the first to have a Communications Room available where delegates could check their email and word processing. This continued

30 CALL/ACBD Executive Board Minutes: Mid-Winter Executive Board Meeting, 4-5 November 1988 (1988) at 51, Winnipeg, University of Manitoba Libraries, Archives & Special Collections (CALL/ACBD fonds, MSS 337, uncatalogued).
31 CALL/ACBD Executive Board, 11 May 1991 Minutes, *supra* note 14 at 7.
32 Canadian Association of Law Libraries / Association canadienne des bibliothèques de droit, "Annual General Meeting, May 16-19, 1993" (1993) 18:3 Can L L 146 at 161.

until 2011 when it was felt to be unnecessary, with so many members bringing their laptops or mobile devices with them. The 1992 CPC was the first to hire a conference planner to assist them with their work. Events & Management Plus was hired to assist with the 1998 conference in Hamilton, the start of an ongoing arrangement with our National Office. In 1997, the conference format changed, moving the business meetings together on Sunday prior to the official opening of the conference. This move was made in response to complaints from members at the previous year's Open Forum about conflicts in the schedule. In 1997, there was no pre-conference, with the business meetings taking the old pre-conference time slot. But the pre-conference soon reappeared, usually held on Saturday. In 1997, and for several subsequent years Carswell organized a post-conference Institute for CALL/ACBD delegates. Although not officially part of the CALL/ACBD conference, many members stayed on to take advantage of this additional educational opportunity.

At the earlier conferences, the exhibits were usually open from Monday through Wednesday morning. In 1999, this was changed to a Sunday through Tuesday schedule, which is still the norm. The 1999 conference also saw the first scheduled vendor demos and the first Exhibitors Wine and Cheese Reception, both of which have become regular components of the annual conference schedule. At the 2005 conference, the Exhibits area was closed for the first time during the AGM sessions, to encourage attendance of exhibitors and other delegates at the AGM. This was not a universally popular decision, though, and after a few years there was a return to the previous practice.

There have been many changes in the exhibits area over the past 25 years. Consolidation in the legal publishing industry has resulted in fewer vendors exhibiting, although the number of vendors varies quite significantly from year to year depending on the location of the conference. The conference has not had more than 30 exhibitors since the late 1990s. The exhibits area has evolved from a collection of "publishers tables" to high-tech exhibit spaces needing electricity, Internet connectivity, and space for demonstrating the features of complex electronic products.

The 1988 conference, pre-conference and post-conference institute all reported a surplus. Throughout this period, it was hoped, indeed expected, that each conference would make at least a small profit, and this profit was counted on to support other Association activities throughout the year. Until recently, this has been the case most years, with some years having a large conference surplus of $50,000 or more. However since the economic downturn of 2008, conferences have not made large surpluses and some have lost money. This has had a significant impact on overall Association finances and has caused the Executive Board to re-evaluate all aspects of the annual conference. A survey about all aspects of the conference experience has been conducted to get input from the membership about how best to ensure that the annual conference returns to a stable, cost-recovery model.

6.02 TWENTY-FIVE YEARS: A REVIEW

Margaret Banks chronicled the creation of CALL/ACBD and its growth into a mature national organization with over 375 members. My chronicle is much less dramatic. Other than the establishment of a National Office, at first glance CALL/ACBD as of 2012 appears to be quite similar to the organization it was in 1988: its governance structure remains similar; membership is higher but not so much so that it has transformed the Association; there are still Committees and SIGs, but no local chapters; and the annual conference is similar in size, format, and content to the conferences of the late 1980s. But there have been important changes over the last 25 years, albeit more subtle than in the earlier period. There have been notable achievements and equally significant challenges. Developments in information technology, in particular, have presented both challenges and opportunities to the Association.

First the achievements—one is certainly the development of additional professional development opportunities for members and of many more sources of funding to support members' professional development activities. In 1988, the annual conference and its pre- and/or post-conference sessions were the sole continuing education offerings of the Association, and the only scholarships or grants available to members to assist with the costs of professional development or education were the Eunice Beeson Memorial Travel Assistance Fund, the Diana M. Priestly Scholarship and the Carswell/Sweet & Maxwell Exchange.

Since then, the Association has developed an ongoing series of webinars that are available to members throughout the year, and has developed the successful New Law Librarians Institute. In collaboration with its sister organizations it has helped develop the biennial Joint Study Institutes and has reached agreements on offering reciprocal membership rates at each other's annual conferences. The increase in sources of funding has been achieved by allocations within the Association's budget and through the generosity of donors. These new opportunities include the James D. Lang Memorial Scholarship, Education Reserve Fund grants, the Janine Miller Fellowship, and funding to send members to the Northern Exposure to Leadership Institute. The establishment of the Association's Research Grant might also be included here since grant recipients are being assisted in their own professional development as well as in making a contribution to the scholarship of law librarianship.

Another accomplishment has been the development of new advocacy initiatives in areas of importance to our profession. Although the Association formed a special committee to advocate on copyright issues in the mid-1980's, during this period a new Special Committee on Copyright became a standing committee and developed expertise, printed resources, as well as position papers and Parliamentary presentations, on this very important issue. In the process, CALL/ACBD developed valuable working relationships with other legal and library organizations. The creation of a Vendor Liaison Committee provided the means for advocacy of a different sort—with the creators of the legal

publications and electronic products that we rely on every day as we do our jobs.

A third has been the expansion of our role in contributing to the ongoing development of legal research products and citation standards. The appointment of CALL/ACBD members to the Editorial Board of the *Index to Canadian Legal Literature* in 1986 was an acknowledgment of the valuable role Association members could play in developing standards and content requirements for legal research resources. This role was to increase dramatically with the creation of the Canadian Abridgment Editorial Advisory Board in 1989 and later with the CanLII Advisory Committee.

The financial health of organizations such as ours is, like the larger economy, subject to fluctuation. In 1988, the Association was grappling with a budget deficit, and was engaged in discussions about priorities for the organization and possible fee increases. That challenge was met, and over the next 20 years, membership increased gradually and services to members and outreach and advocacy initiatives also increased. An increased scope of activity was funded by modest increases in membership fees and surpluses from most annual conferences. However, the last five years, since the financial crisis of 2008, have seen that financial model falter. Membership has not been growing in the last few years, nor has member attendance at conferences. Sponsorship money has declined as consolidation in the legal publishing industry has taken place and as the financial situation of some companies has become less secure. The result is that the Association cannot count on a surplus from the annual conference to fund some of its year-round activities. A challenge? Definitely. But previous financial challenges have been overcome, and I am confident that this one will be too. The Executive Board has been considering a wide variety of options for our annual conference as well as ways of increasing our membership, funding the services and activities most valued by our members, and bringing the Association finances into a sustainable position.

Technological change has provided both challenges and opportunities for the Association and its members. The format of legal information changed dramatically during the 1988-2012 period. Although QuickLaw was already established, the majority of Canadian legal research was still being done with paper products in 1988. Not only have we moved from print to electronic, but the formats, licensing and cost structures associated with electronic legal products have been constantly evolving. Providing current awareness and continuing education for members on this ever-changing topic and advocating for the best possible content, easy-to-use formats, and fair pricing structures has been a major preoccupation of the Association throughout this period. Examples include but are certainly not limited to numerous resolutions and position papers adopted by the membership, columns and articles published in *Canadian Law Library Review/Revue canadienne des bibliothèques de droit* and its predecessors, the hosting of "The Official Version: A National Summit to Solve the Problems of Authenticating, Preserving and Citing Legal Information in Digital Form" and the initiatives that derived from it, CALL/ACBD's involvement in the work of the Canadian Citation Committee, as well as the ongoing work of the advocacy groups and editorial/advisory groups mentioned above.

The development of the Internet and website capabilities has allowed CALL/ACBD to develop more timely, interactive information for members through its website and to provide continuing educational opportunities for members throughout the year and across the country. It has also made it easier for members living outside the urban centres that are home to most of our membership to participate in the work of committees and editorial boards. Website development has, rightly, been a high priority for the Association, and also a significant additional draw on both financial and human resources. Difficult decisions have and will have to be made as to how information and services are provided to members; what combination of electronic, print, and in-person best meets the needs of members while being financially sustainable. And just as the Internet has enabled CALL/ACBD to provide value to members throughout the year, it has similarly enabled other organizations within and beyond Canada to reach our members with their offerings. There is now a proliferation of continuing educational opportunities vying for law librarians' professional development budgets.

The objects of the Association:

- To promote law librarianship, to develop and increase the usefulness of Canadian law libraries, and to foster a spirit of co-operation among them,
- To provide a forum for meetings of persons engaged or interested in law library work and to encourage professional self-development, and
- To co-operate with other organizations which tend to promote the objects of the Association or the interest of its members,[33]

although established almost 40 years ago, are as relevant today as when they were established. Due to the commitment and vision of many CALL/ACBD members—in roles ranging from Executive Board member (including our National Officer), Standing or Special Committee or SIG member, Conference Planning Committee member, and contributors to our journal and presenters at our continuing education fora—the Association has evolved during the past 25 years. It has remained relevant by maintaining the services that continue to be important to members, such as information sharing, continuing professional development, and advocacy, while adapting them to the opportunities presented by the technological changes and to changing concerns of members. The next 25 years will bring more change, but if the past is any indication, CALL/ACBD will adapt in exciting ways. Stay tuned!

This concludes The Canadian Association of Law Libraries/Association canadienne des bibliothèques de droit: A Continuing History, 1988-2012, Part IV: Relationships and Conferences. Parts I-III were published in previous issues of this journal.

33 Banks, *supra* note 9 at 41

Beyond the Rules: Creating Great Writers – Not Just Legal Writers*

*By Adam Lamparello** and Charles E. MacLean****

Abstract

Legal writing, although perhaps a bit rule-bound and tradition-bound, is little different from other forms of non-fiction prose. And great legal writing is akin to all other great writing—persuasive, transforming, logical, concise, clear, entertaining, strategic, and elegant. Thus, to become a great legal writer requires a discipline and a skill set that is enlivened and strengthened by the tips all great writers follow. The authors, scholars and professors of legal research and writing, offer five essential tips that can transform "just legal writing" into "great legal writing."

La rédaction juridique, bien qu'un peu appuyée sur des règles et liée à une certaine tradition, diffère peu des autres formes de littérature non romanesque. Et la grande littérature juridique est apparentée à toutes les autres grandes formes d'écriture, étant persuasive, transformante, logique, concise, claire, ludique, stratégique et élégante. Ainsi, pour devenir un grand écrivain juridique, cela exige une discipline et un ensemble de compétences qui sont égayées et renforcées par les conseils que suivent tous les grands écrivains. Les auteurs, les chercheurs et les professeurs enseignant la recherche et la rédaction juridique offrent cinq conseils essentiels qui peuvent transformer de la «juste doctrine» en « grande littérature juridique ».

We've all heard and taught the rules. Be concise, organized, compelling, logical, and theme-driven. Avoid legalese, repetition, overly long sentences, esoteric words, and grammar and spelling errors. These rules are indispensable components of effective legal writing. But tomorrow's Legal Research and Writing (Lawyering Skills) programs must prepare students to be great writers, not just legal writers—to be artists, not just artisans. At its core, legal writing is no different from other types of writing. Thus, legal writing programs should incorporate the following five skills that great writers of all genres and styles embrace before penning the first words of a novel, poem, and, yes, a legal document.

"If you don't have time to read, you don't have the time (or the tools) to write. Simple as that."

Stephen King[1]

Great writers read widely. Great legal writers must follow suit. Study briefs and factums written by top advocates, judicial decisions authored by Supreme Court justices, law review articles by eminent scholars, and *non-legal writing books* that teach the fundamentals of effective prose. While law is *not* literature, the same devices and skills apply to both, and great legal writers need to mine the broader literary context, including fiction and non-fiction, to capture fully all the persuasive nuances of narrative and storytelling.

"To be the kind of writer you want to be, you must first be the kind of thinker you want to be."

Ayn Rand[2]

Learning how to "think like lawyers do" is necessary but not sufficient for great legal writing. Great legal writers must think like other lawyers and judges think. What does your adversary want? Can you anticipate your adversary's argument and craft an effective response? What will be the judge's frame of reference? What public policy will the judge favour, and can you make the judge want to rule for your client? To be a great legal writer, think like all the other lawyers and judges, don't just think like any lawyer.

"Learn the Rules So You Know How to Break Them Properly."[3]

Legal writing is, in significant part, a rule-based craft. "IRAC" and "CRAC"[4] are necessary tools, as are the familiar commandments to avoid passive voice, excessive adverbs, repetition, and the rest. The rules are important, but knowing when to break them is often more important. Passive voice, for example, can de-emphasize your adversary's argument. Repetition can reinforce your theme or remind the court of a legal rule supporting your position. Great legal writing involves effective strategy, not just technique, and sometimes, breaking the rules and departing from formulas are better strategies to arrive at great legal writing.

"Always carry a notebook . . . short-term memory only retains information for three minutes; unless it is

* © Adam Lamparello and Charles E. MacLean 2014.

** Assistant Professor of Law, Indiana Tech Law School; B.A., magna cum laude, University of Southern California; J.D., with honours, Ohio State University College of Law; LL.M., New York University School of Law.

*** Assistant Professor of Law, Indiana Tech Law School; B.A., M.B.A., University of Minnesota; J.D. cum laude, William Mitchell College of Law.

1 Stephen King, On Writing: A Memoir of the Craft (New York: Scribner, 2000) at 147.

2 Ayn Rand, The Art of Fiction: A Guide for Writers and Readers (New York: Plume, 2000) at 122.

3 Adage with various attributions.

4 IRAC generally stands for Issue, Rule, Application, and Conclusion. CRAC is essentially analogous to IRAC. In CRAC, instead of starting with a mere statement of the Issue, the writer starts by declaring the Conclusion for that issue. So, CRAC is Conclusion, Rules & Rule explanations, Application or Analysis, then Conclusion. Many writers use IRAC for objective legal memos, but use CRAC for persuasive legal memos.

5 As quoted in Judy Reeves, A Writer's Book of Days: a Spirited Companion and Lively Muse for the Writing Life, revised edition (Novato, Calif: New World Library, 2010) at 10.

committed to paper you can lose an idea forever."

Will Self[5]

You never know when—or where—a brilliant idea will emerge. The "winning" argument might come to you in class, at a restaurant, or while you're in the shower. Taking a notebook or voice recorder wherever you go will ensure that those "brilliant" moments are captured. Don't try to remember what you thought. Capture it on paper or digitally.

"If it sounds like writing . . . rewrite it."

Elmore Leonard[6]

Good writers don't obsess about how many hours they've spent on a project or waste time on useless tasks. They know how to work smart. They understand the importance of re-writing. It takes several, if not many, re-writes (not just revisions), to produce a document of impeccable quality. For example, Chief Justice John Roberts re-writes his opinions dozens of times before release. Why? Because great legal writing involves organization, flow, clarity, persuasiveness, style, word choice, and much more, all of which require many iterations to approach perfection. Great legal writers heed the words of Anton Chekhov: "Don't tell me the moon is shining; show me the glint of light on broken glass."[7] No one can achieve that in a first draft.

"I do not believe that legal writing exists . . . . That is to say, I do not believe it exists as a separate genre of writing. Rather, I think legal writing belongs to that large, undifferentiated, unglamorous category of writing known as nonfiction prose. . . . it became clear to me, as I think it must become clear to anyone who is burdened with the job of teaching legal writing, that what these students lacked was not the skill of legal writing, but the skill of writing at all…The prerequisites for self-improvement in writing . . . are two things. Number one, the realization—and it occurred to my students as an astounding revelation–that there is an immense difference between writing and good writing. And two, that it takes time and sweat to convert the former into the latter."

Justice Antonin Scalia[8]

6 Elmore Leonard & Joseph Ciardiello, Elmore Leonard's 10 Rules of Writing (New York: William Morrow, 2007) at 71.
7 Ben Jacobs & Helena Hjalmarsson, eds, The Quotable Book Lover (Guildford, Conn: Globe Pequot Press, 2002) at 34.
8 Justice Antonin Scalia, as quoted in "Scalia: Legal Writing Doesn't Exist" (9 August 2008) ABA Journal News, online: ABA Journal <http://www.abajournal.com/news/article/scalia_legal_writing_doesnt_exist/>.

Feature Article Submissions to the CLLR are Eligible for Consideration for the Annual $500 Feature Article Award

To qualify for the award, the article must be:

- pertinent to both the interests and the information needs of the CALL/ACBD membership;
- relevant to law librarianship in Canada;
- excellent in content and style, as shown in its research and analysis, and its presentation and writing;
- not published elsewhere and preferably written specifically for the purpose of publication in *Canadian Law Library Review / Revue canadienne des bibliothèques de droit*.

The recipients of the award are chosen by the Editorial Board. One award may be given to each volume of *Canadian Law Library Review/Revue canadienne des bibliothèques de droit*. Award winners will be announced at the CALL/ACBD annual meeting and their names will be published in *Canadian Law Library Review/Revue canadienne des bibliothèques de droit*. Should the article be written by more than one author, the award will be given jointly.

Reviews Recensions

Edited by Nancy McCormack and Kim Clarke

The 3 Secrets to Effective Time Investment: How to Achieve More Success with Less Stress. **By Elizabeth Grace Saunders. New York: McGraw Hill, 2013. xvi, 255p. Includes exercises, bibliographic references, and index. ISBN 978-0-07-180881-1 (hardcover) $24.95.**

At first glance, *The 3 Secrets to Effective Time Investment* appears to be another book devoted to the topic of improving one's organization and time management skills by applying practical strategies and behaviours. In actuality, this book resembles more closely the type of self-help titles that encourage a psychological shift in order to become a happier and more productive individual. The author runs a time-coaching business, and the coaching mentality comes across clearly in both the book's focus on self-reflection and the author's informal writing style. Rather than provide a list of tips and tricks focused on time management, Saunders leads the reader on a journey of self-analysis with the goal of identifying a set of priorities. The author provides a framework for incorporating these priorities into daily routines so that one does not simply *manage* their time in response to life's stressors but proactively *invests* their time in meaningful and productive activities.

At 255 pages, Saunders' book is a quick read. In the first third of the book, the author identifies the negative emotions and reactions commonly associated with poor time management, and presents an alternative set of responses that the reader is encouraged to adopt. Saunders then outlines her three time investment secrets: clarifying priorities, setting expectations, and developing routines. The final third of the book provides more detailed instructions on how to develop individual routines and provides example routines for different occasions and activities. The tone of Saunders' book is informal and engaging. The author includes stories from her own experience as well as those of some of her clients as a means of building a connection with the reader. She also includes a journaling exercise at the end of most chapters meant to aid the reader's self-evaluation process. Bibliographic references are included at the end of each chapter. The majority of these references are to popular (as opposed to academic) literature and media which fits the book's aim of being easily accessible to the general public.

Readers expecting a collection of tips and strategies for organizing their time and schedules may be disappointed in this book. Saunders has a more ambitious goal in mind. She wants to help her readers break through their own barriers of negative beliefs and fears to discover what it is they truly want to spend their time on and integrate these priorities into their daily life. As Calvin Newport states in the Foreward, this book is "a guide to overhauling your life." That is a bold declaration, but if you are feeling uninspired, disengaged, and overwhelmed on a regular basis, this book may be worth a read.

Helen Mok
Calgary Librarian
Parlee McLaws LLP

The Canadian Constitution**. By Adam Dodek. Toronto: Dundurn Press, 2013. 216p. Includes glossary of terms, bibliographic references, index and notes. ISBN: 978-1459709317 (softcover) $ 12.05.**

Walking through the University of Ottawa Faculty of Law building last week, I spotted a law student reading Adam Dodek's *The Constitution of Canada*. This seemed very appropriate, since the great strength of Dodek's text is that it provides a clear and simple introduction to the Canadian Constitution that can even a newcomer to constitutional scholarship can easily understand. In his introduction, he sheepishly admits that he *loves* the Canadian Constitution. This affection permeates through the text in such a way that it's easy for the reader to start to feel the same way.

Organized in a logical manner, the book first explains the history of the different documents that make up the Constitution, later moving into an explanation of the structure and importance of the Supreme Court of Canada. The final chapter highlights several "Interesting Facts" about the Constitution, which, by this stage, the reader is drawn in enough to want to know.

Through the history of the constitutional documents of Canada, we are taken from confederacy, to Patriation, to the Meech Lake Accord, right through to the prorogation of Parliament in 2008. Pierre Trudeau's conflict with the First Ministers and the province of Quebec while working towards the *Constitution Act, 1982*—what was clearly a very complicated situation—is presented like a story and makes an interesting read. Further animating a complicated topic, Dodek peppers his text with occasional humour and quirky facts. For example, he points out the unfortunate pronunciation of the word used for junior judges of the Supreme Course (ie. *puisne* – pronounced "puny" – judges). We also learn, as one of many interesting facts, that there is a badminton court on the grounds of the Supreme Court building, which no one can recall ever being used.

The second chapter of the book is simply a reprint of the consolidated *Constitution Acts, 1987* and *1982*. This is a convenient reference for the reader should they want to look up any of the sections of the Constitution specifically mentioned in the rest of the book, though I question whether anyone besides a true constitutional enthusiast would actually read the whole of this reprint.

What makes this book ideal for a novice on the Constitution, or perhaps for law students in the early stages of their education, is how Dodek doesn't assume a strong previous knowledge of law or politics. Besides supplying a glossary of key terms at the beginning, he takes the time to explain complex jargon, like prorogation or joint committees, and occasionally provides helpful analogies. The Supreme Court, for example, is described as the "referee of our Constitution." The one place where the author somewhat

fails to adequately simplify the subject matter is the chapter dedicated to key constitutional cases. It's not that this chapter is extremely difficult to understand, just that the writing does not fit well with the simplicity of the rest of text. Arguably, it can be difficult to summarize cases without using legal jargon, but this is the only section of the book that may confuse readers who do not have a legal or political science background.

Despite this limitation, the book succeeds in its stated mission: to help Canadians better understand and appreciate the constitution. As a quick read, anyone can gain insight or simply brush up on their previous knowledge on the Canadian Constitution.

Emily Landriault
Law Librarian
University of Ottawa

Caring and the Law. **By Jonathan Herring. Oxford: Hart Publishing, 2013. xxii, 352p. Includes bibliographic references and index. ISBN 978-1-84946-106-1 (softcover) $50.00.**

As the population ages, the issue of caring, especially for the frail and elderly, has become increasingly prominent. Of course, parents have been in a caring role since the birth of their children. Other individuals have taken on a caring role in response to sick or elderly parents, siblings or friends. Still others have chosen a caring profession for their life's work. This book, however, does not focus on the care of specific individuals or groups of individuals; rather, it looks at caring in a very broad context and examines its relationship with the law.

Jonathan Herring, a Professor of Law at Oxford University and Fellow of Exeter College, has written a book that fills a gap in the existing literature. There are many books that focus on the care of a specific type of individual, e.g., a child, a parent, a disabled person, etc., but not much has been written on the broad concept of caring and even less on caring and the law. Herring admits that it is difficult to define caring because it takes place at many levels and in many different contexts. Rather than struggling to come up with a definitive definition, he explores the four markers of care: meeting needs, respect, responsibility and relationality. His approach is to look at care as a relational activity, with a focus on taking action to meet the needs of the parties involved.

Caring requires a relationship of some sort but existing legal and ethical tools are built on an individualist rather than a relational model. Using the literature in the fields of psychology, sociology, and philosophy, and focusing on British law, Herring provides the reader with a well-researched and thorough examination of how the values of caring are reflected in the law. The book looks at the nature and ethic of care, state support of care, caring and medical law, family law and caring, caring and general law including human rights, tort, and employment law. Sadly, the topic of caring cannot be examined without looking at caring and abuse. Herring also examines intimate relationship abuse and the attempts of legal protection from this sort of abuse. For those wanting to explore the topic of caring in more depth, there are many references to non-legal articles and books as well as to British law, including statutes and cases. Government documents, including those from the British government and some from the Canadian government, are cited.

Although this book focuses on British law*, Caring and the Law* belongs in the collections of North American academic law libraries as well as general university libraries. Faculty and students of law as well as individuals teaching and studying social policy or working in fields like social work, nursing, and medicine will find this book informative and thought-provoking.

Dani Pahulje
Liaison Librarian: Government Information, Political Science, Public Policy (Interim)
University of Calgary Library

Constitutional Labour Rights in Canada: Farm Workers and the **Fraser *Case*. By Fay Faraday, Judy Fudge, & Eric Tucker. Toronto: Irwin Law, 2012. 322 pp. Collected Essays. ISBN 978-1-55221-291-2 (softcover). $52.00.**

Those who pick up this volume of essays on the *Fraser* case—that is, *Ontario (AG) v Fraser*, 2011 SCC 20—will have the good fortune of reading the insights of lawyers and thinkers close to the case and its implications. The book offers an unparalleled understanding of the nuances of the *Fraser* case itself, Canadian labour relations law in general, and the struggles in the application of s. 2(d) of the *Charter*.

Contributor Judy Fudge expresses well the nature and purpose of the book in the introductory chapter. She posits that in *Fraser* the Supreme Court of Canada tells two stories. The first is that of the immediate subject of the case: the attempts of agricultural workers and their union to obtain collective bargaining rights comparable to those of other workers in Ontario. And while this story is that of Ontario workers and a piece of that province's legislation, this is a Supreme Court of Canada decision and engages the country's constitutional law so its application is by no means limited to Ontario.

The second story is one of judicial decision-making. The *Fraser* story, as told by the authors of these essays, speaks to us of the jurisprudential character of Court's decision-making role and the part judicial deference plays in the determination of legal questions. Indeed, Professor Fudge suggests this dual role to be true of appellate jurisprudence generally: a court must establish not only the outcome of the dispute between the parties, but also the connection of that outcome to the development of the jurisprudence on the subject.

The authors of the various chapters – lawyers, scholars, activists – write on different aspects of *Fraser* and its implications. Helpfully, the viewpoint of the authors is declared at the outset, on p. 5: "The contributors to this collection are both interested and partisan, and it is precisely the nature of our interest and the reasons why we support

the right of agricultural workers to bargain collectively that makes the collection so valuable for appreciating *Fraser*'s significance. The contributors include trade unionists, lawyers, and academics, and several were involved in the *Fraser* case as witnesses, parties, lawyers, and interveners."

This disclosure is appreciated. The reader knows the essays are not intended to be politically or even legally neutral. At the same time, the reader is offered a rare account of close, personal interpretations of the decision and the place it occupies in labour relations law, constitutional reasoning, and even jurisprudential understanding in Canada.

For example, Professor Eric Tucker, who served as an expert witness, and Wayne Hanley, a union president, bring historical context to the issues at the heart of *Fraser*. Fay Faraday was counsel in *Fraser* and other similar constitutional labour rights decisions. She, photoessayist Vincenzo Pietropaolo, and sociologist Kerry Preibisch are well positioned to write on the rights chasm facing domestic and migrant agricultural workers. Lawyer Paul Cavalluzzo represented the agricultural workers throughout the litigation and avails himself of the opportunity to relate factual, contextual elements not highlighted in the court's jurisprudential analysis and reconciliation.

In telling the dual story, Professor Fudge says, the authors "hope [their] multidimensional approach to *Fraser* reveals how the process of adjudication filters out evidence that is essential for understanding how law is involved in constructing and reproducing inequality." They are successful in this undertaking and readers are supplied with a deep, intimate, and fine-spun analysis of *Fraser* and its context and implications.

Though the focus is the specifics of the *Fraser* case, the book follows the threads that weave through recent Canadian constitutional labour law developments. For this reason, and for those discussed above, the book is highly recommended for collections used by practitioners and students of labour, constitutional and *Charter* law (particularly s. 2(d)), and judicial decision-making. It will also be of great value to those who study agricultural and migrant workers generally and to individuals involved with labour organization movements.

Kim Nayyer
Librarian
University of Victoria

Debtor-Creditor Law and Procedure. **By Laurence M. Olivo and DeeAnn Gonsalves, 4th ed. Toronto: Emond Montgomery, 2012. xiii, 570 p. Includes glossary, table of contents, and index. ISBN 978-1-55239-393-2 (softcover) $87.50.**

Part of Emond Montgomery's practice series, "Working with the Law," this fourth edition of law and procedure for debtor-creditor actions in Ontario is an essential resource for legal practitioners. It is also available to law firms as an e-book.

Since 2008, the date of the previous (i.e., third) edition, a number of noteworthy changes have taken place in the area of debtor-creditor law. Small Claims limits, for example, have been increased from $10,000 to $25,000. Also, Small Claims forms and procedures have been significantly updated as have procedures for enforcement of judgments. The number of personal and business debtors has also increased substantially in the intervening years, and this edition addresses that by providing new information specifically aimed at debtors.

Noteworthy, too, over the last few years are the recommendations of the Osborne Report on Civil Justice Reform, released in 2007, which included a recommendation regarding the need to appoint more judges and which placed a greater emphasis on interpretations of proportionality. The Report also recommended creating a greater role for paralegals and agents in the debtor-creditor process, and this book provides clear guidance to litigants who could now be represented by paralegals or agents in broader pre-trial negotiations.

Overall, this book describes the steps involved in the debt collection process, debt collection and debtors' remedies. The debt collection process is covered in clear detail and outlines the steps that are needed to take before proceedings; searches to carry out before proceedings; how to determine amount owing; how to commence proceedings; the difference between default and summary judgments; defended proceedings and enforcement of settlements; and the proceedings necessary before collection. Debt collection also covers topics such as deceased debtors, construction liens, bankruptcy and safeguards against fraud.

Finally, the book covers debtors' remedies and now also includes information on credit counseling and how debtors can respond to debt-collection. Supplementary materials include rules of civil procedure; rules of the Small Claims Court as well as a very useful glossary.

Designed as a workbook, *Debtor-Creditor Law and Procedure* includes very useful marginal notes, review questions and checklists. Most useful are instructions on doing people searches and credit checks. Equally useful are sample letters; statements of claim and defence; and necessary requisitions.

Clearly written, well-organized and extremely useful, especially for the Ontario court system, this book is highly recommended.

Mary Hemmings,
Chief Law Librarian
Thompson Rivers University

***Emotional Vampires at Work: Dealing with Bosses and Coworkers Who Drain You Dry*. By Albert Bernstein. New York: McGraw Hill Education, c2013. x, 258p. Includes index. ISBN 978-07-179093-2 (hardcover) $22.95.**

I wanted to review this book when I saw its subtitle. I had encountered a few of what I would call 'vampire' staff over my years as a manager and was interested to read what advice this author could give.

I have other read books about working with difficult people. The emphasis is usually on understanding your own personality and the personalities of those around you, with suggestions on how to control your responses, and, with more skillful communication techniques, identifying how you can minimize conflict. But what to do when none of this

works? *Emotional Vampires* is not the first book to address high conflict personalities that don't respond to the usual tips for dealing with difficult people, but the author, a seasoned clinical psychologist, has a very readable style laced with humour.

Those people the author terms as 'emotional vampires' are dangerous because they don't play by the rules. These people suffer from personality disorders that make them rely on their primordial instincts, or fast thinking, as the author terms it, to dictate their actions. Most people have learned to be slow thinkers, that is, they override their instinctual fast thinking to analyze a situation and decide what needs doing, rather than acting on what they feel like doing. Bernstein demonstrates this through the simple example of doing a public presentation. Our instinct is to rationalize why we don't need to give the presentation; however, our slow thinking allows us to feel the fear but doesn't let it prescribe our actions.

The book begins by identifying the various types of vampires:

- Antisocials are addicted to excitement and heedless of social rules; they can manifest themselves as bullies, con artists and substance abusers;
- Histrionics crave attention and believe they are wonderful people who never do anything unacceptable;
- Narcissists have the biggest egos and want to live out the fantasy of being the most successful of people. In the process they have no time to think about other people's needs;
- Obsessive-Compulsives are high on vigilance. They overestimate present dangers and are always trying to anticipate future dangers;
- Paranoids live by their own black and white rule of truth and expect everyone else to live by that same rule.

I'm sure you are already thinking of bosses and co-workers you know who could fit into these categories; I certainly did. And as the author points out, everyone possesses some of these traits, even you! It's just that when you have more than a certain number of them you can be qualified as a vampire.

The author does not spend time in this book on explaining how emotional vampires get to be that way. He is more concerned about how to cope with them here and now.

Before considering various types of vampires and showing their characteristics and mode of attack, the author presents readers with a simple test to clarify their attitude about work. Are they rebels, believers or competitors? Once you determine your type, it can help you understand the particular strengths and vulnerabilities you may have when dealing with emotional vampires. When he later describes the different vampires in detail, the author suggests how the three office types might react to particular vampire situations and how to best protect themselves. As an aside, I also found this chapter a useful insight into office politics.

The detailed discussions of each vampire type look at various manifestations of the vampire and provide checklists of what their behaviour may look like. The author regularly reminds the reader that s/he needs to step into the world of the vampire and step out of the expected pattern of response to this vampire in order to protect her/himself. For example, antisocial bullies take pleasure in attacking people weaker than them. They do what they do because it gets them the response they want. Once you recognize the pattern, you have the choice to step out of it by changing your behaviour, although it is by no means easy to do.

The description of each emotional vampire also includes a picture of what a business culture run by that type of individual would look like, and the final chapter covers danger signs that would indicate you are working in a culture created by vampires for vampires. The author's advice if this is the case? Get out if you don't wish to turn into a vampire yourself!

There is an index at the back of the book but it has weaknesses. There are many trivial entries, and entries that should have come under broader terms. For example, instead of the single entry 'attorney' pointing to one page, there could have been a broader term 'legal advice' to point to several references.

This book is suitable for any public library, and for any library in an organization where vampires may lurk.

Katherine Laundy
Manager, Information Management Services
Public Service Labour Relations Board, Ottawa

Grateful Leadership: Using the Power of Acknowledgment to Engage All Your People and Achieve Superior Results. **By Judith W. Umlas. Toronto: McGraw Hill, 2013. xii, 239p. Includes appendices, notes and index. ISBN 978-0-07-179952-2 (hardcover) $17.52.**

Building on ideas from her previous book, *The Power of Acknowledgment* (2006), Judith W. Umlas' latest book *Grateful Leadership: Using the Power of Acknowledgment to Engage All Your People and Achieve Superior Results*, demonstrates how the ability to deliver authentic acknowledgments is as critical a leadership competency as business and technical expertise, communication abilities and vision. In *Grateful Leadership*, she challenges leaders to question their assumptions about how to motivate people to perform their best and suggests that it is time to turn many current ideas about leadership on their head, specifically, the idea that employees owe their employers a debt of gratitude. While this idea may seem counterintuitive, the author includes many examples from around the world to support her thesis and to demonstrate the advantages of this style of leadership. (You can read the 7 Principles of Acknowledgment at <http://www.gratefulleadership.com/the-seven-principles-of-the-power-of-acknowledgment/>.)

A key premise of *Grateful Leadership* is that we all have an innate need to be acknowledged and to acknowledge others. Umlas argues that our need for acknowledgment, especially at work, is fundamental and that acknowledgment is not synonymous with recognition. She explains that this is an important distinction since recognition is likely something that we have all experienced at work and can sometimes be mistaken for acknowledgment. For example, she recounts training a group of military officers who came

to the realization that although they were decorated "(that is, recognized) frequently for their achievements, they were never acknowledged, and they never acknowledged anyone" (p.49). While recognition "is appreciation for an action by a person," acknowledgment expresses "appreciation of a person for who they are and may include what you admire and what inspires you about them and their value to the team and to the organization" (*ibid*). While forms of recognition such as awards and recognition ceremonies are very valuable, Umlas maintains that they are not a replacement for genuine acknowledgments. Grateful leaders, she writes, "are those who see, recognize and express appreciation and gratitude for their employees' and other stakeholders' contributions and for their passionate engagement, on an ongoing basis" (p.9). The author argues that the absence of acknowledgments at work will negatively impact any business or organization's bottom-line in terms of diminished productivity, quality of work, and ability to retain great employees. Citing a recent Gallup survey, she notes that in the United States alone the estimated losses in annual productivity resulting from disengaged workers is $300 billion.

Grateful Leadership is divided into three parts (Acknowledgment: Next to Survival, the Greatest Human Need; Mastering the 7 Principles of Acknowledgment for "High-Interest" Benefits; and Grateful Leadership in Action). The book also includes three appendices with exercises that will help the reader develop the skills needed to be a Grateful Leader.

Like other books from the how-to and self-help genres, *Grateful Leadership* is accessible to a broad range to readers and is focused on practical knowledge, real-life examples and exercises. This book would make a good addition to any Professional Development, Leadership or Well-Being collection.

Goldwynn Lewis
Law Librarian
Public Prosecution Service of Canada

Linguistic Justice: International Law and Language Policy. **By Jacqueline Mowbray. Oxford: Oxford University Press, 2012. xix, 227p. Includes Table of Cases; Table of Treaties, Declarations, and Other Instruments; List of Abbreviations; Bibliographic References; and Index. ISBN 978-0-199-64661-6 (hardcover) $119.70.**

Throughout human history, one sign of the dominance of some groups over others, as well as the power relationships among nations, has been language. Recently, the issue of language has again arisen as globalization and migration are, on the one hand, producing societies of increasing linguistic diversity while, on the other hand, English is achieving unprecedented global dominance. Minority groups all over the world, from Kurdistan to Tibet, have demanded that their language rights be enshrined in international treaties and yet they have witnessed those rights being violated by the dominant language groups in their societies. Both historically and today, the dominance of one language group over another is affecting not only power relationships between nations, but, increasingly, power relationships among individuals in complex multilingual societies.

The issue of how to ensure justice between speakers of different languages is becoming a pressing social concern and has drawn scholarly attention across a range of disciplines. As author Jacqueline Mowbray explains:

> Linguistic justice is emerging as a central concept within this growing body of literature. Although the term has never been comprehensively defined, it conveys the idea that language policy raises questions of justice between speakers of different languages. Precisely, what constitutes justice between speakers of different languages, however, is contested. There is no generally accepted theory which either explains prevailing intuitions about what amounts to justice in this sphere, or sets normative guidelines for realizing and institutionalizing linguistic justice.

This book, which began as a textbook written for one of the courses Mowbray taught at the University of Sydney, brings a fresh perspective to this discussion by examining the issue of linguistic justice through the lens of sociological analysis. It draws mainly on the work of French scholar, Pierre Bourdieu, and his theory of domination within social fields.

The focus of *Linguistic Justice* is not on interpreting treaties and other international documents with regard to linguistic justice, but rather an attempt to uncover the underlying ideas about what constitutes "just" language policy in various social fields from a legal perspective. Drawing on work from a disciplines other than law (including pedagogy and linguistics), the author elaborates on the idea of linguistic justice itself and arrives at conclusions that shed light on two main issues related to linguistic justice: first, the social issues to which the concept of linguistic justice call attention, and secondly, the extent to which international law engages with these issues.

The book is divided into five chapters which explore the notion of linguistic justice and the way in which international law engages with it in different fields. The first chapter examines the issue of linguistic justice in the context of education and how international law affects language use in that area. The second chapter takes up the theme of language use in culture and the media and its effects on linguistic justice, Chapter three investigates issues of linguistic justice in the context of work and identifies the various ways in which "linguistic injustice" might occur in the workplace. All three chapters touch on the role of the state in establishing language policies relevant to these fields.

The fourth chapter considers the role of the state in relation to questions of language policy directly. It analyzes language issues in the context of state authorities, such as government departments, courts and police enforcement agencies.

The final chapter brings all the threads together. The discussion focuses on how language affects participation in public life and how belonging to a linguistic minority may

effectively exclude individuals from exercising their rights to democratic participation in collective decision making.

Linguistic Justice is an important work penned by an authority in the field of linguistic justice and international law. It could prove of interest to a variety of academics and postgraduate students in international law, law and linguistics, and the sociology of law, as well as linguists. Its potential uses for courses in international law are apparent as it is structured, to some extent, like a textbook with a table of cases and table of legislation (international treaties, declarations and other instruments) which are often found in legal textbooks. As such, this publication will be a great addition to any academic law library collection.

Anna Szot-Sacawa
Bora Laskin Law Library
University of Toronto

***Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organizations, and the Law*. Benjamin Perrin, ed. Vancouver: UBC Press, 2012. xxii, 395 p. Includes bibliographic references and index. ISBN: 978-0-7748-2233-6 (softcover) $29.95.**

Since September 11, 2001 and the subsequent "war on terror," formerly accepted ideas of warfare have been shown to be increasingly outdated. Whereas war could previously be depicted in Manichean black vs. white or good vs. evil terms (never mind that it has rarely been that simple), the realities of modern warfare bear little resemblance to previous iterations. Flowing from a project titled the "Edges of Conflict," which was a joint initiative of the University of British Columbia's Liu Institute for Global Studies and the Canadian Red Cross, *Modern Warfare: Armed Groups, Private Militaries, Humanitarian Organizations, and the Law* is a compilation of papers that were commissioned to examine the issues surrounding these changes in modern warfare.

The book's primary focus is the challenge of enforcing international humanitarian law with the rise of non-state armed groups who see little reason to comply with the usual standards of the law of war. Historically, the laws of war have served to restrain the conduct of combatants along conventional norms but given that many non-state armed groups are militarily outmatched, it is necessary for them to resort to unconventional means to achieve their final objectives. The challenge, then, is to promote compliance among these groups.

The book is divided into four parts, each dealing with a different aspect. Part one is "Non-State Armed Groups: The Compliance Challenge;" part two is "Private Military and Security Companies and Humanitarian Organizations;" part three is "The 'Humanitarian Space' Debate;" and part four is "Addressing Endemic Urban Violence." Each part has, in turn, four or five articles that explore the subject in greater detail. The articles in part two are especially interesting, as they deal with the surge in private military forces over the past twenty years which is, at best, a particularly murky legal area.

While there has been an enormous groundswell of literature on this subject that started with the NATO intervention in the Balkans and accelerated since 9/11 and the Iraq war, I felt that *Modern Warfare* still managed to eke out a distinct voice due to its relative pragmatism. The topic has become so politically charged that much of the literature on the subject reflects this. The starting point for *Modern Warfare* accepts that the change has occurred, and then considers where to go from here to effect positive change. This practical and reasonable approach manages to avoid the polemical rhetoric that so often accompanies the subject.

Recent events have thrown many of the issues in *Modern Warfare* into the forefront of public consciousness, particularly in the wake of the Arab Spring uprisings. The debates that have surrounded intervention in Libya and Syria are closely tied to many of the issues raised in this collection, as the experiences of Iraq and Afghanistan—with their asymmetrical conflicts between "conventional" and "unconventional" combatants—have led to understandable public skepticism. Although *Modern Warfare* does not cover the events of the past three years, it is impossible to read it without drawing constant parallels and thinking about the issues discussed within through the prism of these recent events. It serves to highlight the currency and relevance of the discussion and, indeed, bring additional clarity.

This is an excellent read for those who are interested in the subject matter. However, this subject matter is one that, while undeniably interesting from an international law and conflict studies point of view, is not necessarily suitable for many—if any—law libraries outside of the academic fold. With that said, the book is a necessary acquisition for collections that have a strong focus on international law, conflict studies, political science, and human rights.

Stephen Spong
Reference Librarian
Osgoode Hall Law School
York University

***A Primer on American Labor Law*. By William B. Gould IV. 5th ed. New York: Cambridge University Press, 2013. xxix, 448 p. Includes index. ISBN 978-1-107-68301-3 (softcover) $44.00.**

William Gould's new edition of his labour law primer is a well written and researched work. Instead of an exhaustive tome on American labour law, this primer *cum* accessible guide provides an overview of major legal areas as well as an historical, public policy, and international context. This book is the result of the author's deep passion for the subject and his vast experience in labour policy and practice in the United States.

The author has attempted to cover a huge body of law by discussing topics like the *National Labor Relations Act*, unfair labour practices, the collective bargaining relationship, dispute resolution, the duty of fair representation, the public sector, and public-interest labour law.

This updated fifth edition includes new material covering developments such as changes in public employee

labour law and the recent case law relating to wrongful dismissals and pension reform in the public sector. Other new material has been added on bankruptcy in both the public and private sectors; *Americans with Disabilities Act* litigation and amendments to that legislation; the globalization of labour disputes in labour-management relations in the United States, and professional sports-related disputes. Important case law, including the Bush and Obama National Labor Relations Board decisions, as well as cases dealing with sexual harassment, and sexual orientation, is also covered.

The content is organized in a logical and progressive manner. The author has included the prefaces to all previous editions of the text which allows the reader to see the progression of the legal developments. In the first chapter, called 'overview,' Gould provides some historical background on American labour law and the U.S. industrial relations system. He includes a discussion of trade unionism in the United States, along with a comparison to the developments in the United Kingdom and other European countries.

The two chapters on the public sector and public-interest labour law, including the *Employee Retirement Income Security Act* (ERISA), the *Occupational Safety & Health Act*, wrongful discharge, and other workplace issues, provide a concise summary of those areas of law and refer to a number of contested issues. The fifth chapter contains an updated discussion of the legal framework for collective bargaining in both public and private sectors.

Surprisingly, this book does not contain a table of cases or statutes (with abbreviations) or a list of websites, which would have been very helpful. Nonetheless, the endnotes are very useful for further information and clarification.

A Primer on American Labor Law is an interesting introductory text capable of providing novice readers with a general understanding of the essence of American labour law. As it also offers insights and pointers for law practitioners, it would serve as a useful introductory text for any law library.

Anjali Dandekar
Law Library Manager
RBC Law Group

***Reasonable Accommodation: Managing Religious Diversity*. Edited by Lori G. Beaman. Vancouver: University of British Columbia Press, 2013. vi, 230 p. Includes bibliographical references, table of cases and index. ISBN 978-0-7748-2276-3 (paperback) $32.95.**

For many Canadians, an understanding of reasonable accommodation extends no further than their latest encounter with periodic news reports about Sharia law or Quebec soccer players or Hutterian driver's licences or Danish cartoons. This book invites us to look at the accommodation of religion in greater depth and raises questions that few of us will have previously considered. Framed by a pair of essays by the editor, the volume contains eight new contributions from a variety of scholars qualified in religious studies, political science, classics, theology, law, sociology and psychology. The result is some intriguing insights that will have you questioning what the concept of shared values really means.

The lead essay examines some core questions about reasonable accommodation: who and what is being accommodated and by whom? Most public discourse assumes that the majority is protecting the rights of a minority, often casting the latter in terms of non-Christian, new arrivals to this country. This assumption is challenged by revealing the porous membrane that separates newcomers from long-term residents and how "mainstream Christian values" are not really the values of a large proportion of Canadians. Accommodation is not so much an issue of religious practices but rather prejudices relating to extremely conservative moral practices.

Other essays review the courts' approach to reasonable accommodation and the issue of both individual and group identity. Decisions both from the bench and from human rights tribunals reinforce the fundamental religious rights of the individual, including the right to have your individual beliefs depart from religious orthodoxy while still holding to dominant precepts and dogmas. The issue of sexual diversity and group identity in a secular society often conflicts with protected religious teachings. For example, can we uphold traditional Christian teachings without prejudicing homosexuals or accept the right to follow Sharia law without marginalizing women?

Two chapters look beyond Canada. One examines the religious needs of prisoners and how they were accommodated in Britain and France. Britain's lack of separation between religion and state is reflected in its accommodation of non-Christian prisoners' religious practices while France, a secular republic with a disproportionate Muslim prison population, provides little support for the religious needs of its incarcerated. Another chapter looks at Australia and how reasonable accommodation is included in that government's multiculturalism policies. When evangelical ministries lashed out at Islam and people of colour, the government built even closer links with religious minorities to enable social cohesion.

One chapter, interestingly, appears to be out of step with the focus of the book. "Veiled objections" frames ten reasons why people want to ban the niqab in public spaces, then uses a series of arguments to claim that "objections to the niqab are essentially attempts to further marginalize an already targeted religious minority." To this reviewer, the chapter is subjective and adds little to the understanding of reasonable accommodation.

The editor's closing essay summarizes the tone of several of the essays in suggesting that reasonable accommodation should be viewed within the larger lens of tolerance. Stressing a multicultural respect for diversity and acknowledging how "Christianity is intertwined in Canadian society," Beaman foresees a gradual transition from the current framework of accommodation toward an acceptance of equality.

Each chapter has extensive notes, references and caselaw lists appended. While the depth of scholarship is impressive, those who prefer their footnotes at the bottom of each page will be somewhat frustrated. While the book will certainly be of interest to legal practitioners, its primary audience is cross-cultural academics within the humanities and social sciences.

Patrick Fawcett
Librarian
Taylor McCaffrey LLP
Winnipeg, MB

Bibliographic Notes

Chronique bibliographique

Submitted by Susan Jones

Nina E. Scholtz, "A Pilot Using OverDrive: E-Lending in Academic Law Libraries" (April 2013) 17:6 AALL Spectrum 21-23. Available from <www.aallnet.org/main-menu/Publications/spectrum/Archives/vol-17/No-6/overdrive.pdf> (accessed 25 October 2013).

I'm an avid user of my public library's subscription to OverDrive, particularly for its selection of e-books and audiobooks. I've always associated OverDrive with public libraries so I was drawn to this article about an academic law library's e-lending pilot project using this particular distributor of e-books, audiobooks, video, and music. Written by Nina E. Scholtz, Digital Resources Librarian at Cornell University Law Library (CULL) in Ithaca, New York, this article describes the library's venture into e-lending using OverDrive.

The 2012 Christmas season saw record numbers of library downloads from OverDrive and the Pew Internet and American Life Project reported that 43 percent of all Americans age 16 years or older had read an e-book or other long-form content on a computer or device in 2011. And while you're more likely to see bestsellers than legal textbooks among the titles offered by OverDrive, legal publishers are starting to enter the e-book market. There's no doubt that the market for e-books is strong and with signs that interest would only continue to grow, staff at CULL decided to pilot OverDrive for one year. Given that its services didn't require a lot of staff time or resources, OverDrive was the most cost-effective way for staff at CULL to test their users' interest in e-book lending.

There were a few decisions to be made before staff at CULL could introduce OverDrive to its users. First, staff decided to offer its users two types of downloadable media, e-books and audiobooks. Staff also had to select a lending period, as well as the maximum number of titles users can check out or place a hold on at any one time. Staff also had to do some customized script writing to make OverDrive available through the single sign-in system used to access all of CULL's databases.

With all of the settings in place, CULL's OverDrive site was available to its users at the start of the new semester in the fall of 2012. At that time, 42 items were available for download, including nine audiobooks. In the first four days, 96 different patrons accessed the site and 26 of the titles were checked out. Within five months, the collection grew to 63 titles, including 17 audiobooks, with total checkouts numbering 129.

There are a few things law libraries should keep in mind when considering OverDrive's services. It offers hundreds of thousands of titles from which to choose, but the vast collection of titles available also includes children's and foreign language material—subject areas which may not be of much interest to law library users. Also, while OverDrive's collection of titles comes from over 1,000 publishers, this roster does not include three of the six major American publishing houses, namely Simon & Schuster, Macmillan, and Penguin.

Libraries need to be aware of the digital rights management (DRM) limitations and the limitations imposed by publishers, too. One of the most significant DRM limitations imposed by OverDrive is that one user is given exclusive access to any one title for the duration of the loan period, although there are a limited number of titles available for simultaneous download by an unlimited number of users. There are also a limited number of ways in which users can read or listen to titles, usually through Adobe Digital Editions, OverDrive Media Console, or Kindle. Another DRM limitation of OverDrive is that librarians cannot make e-books available for viewing in the library to anyone who doesn't have a library card, which for academic law libraries usually means members of the public.

Libraries should also be aware of the possible difficulties users may encounter in using OverDrive. Some users may be intimidated by the number of formats available and confused about which one to select upon checking out a title. The possible formats for e-books alone include Adobe EPUB, Adobe PDF, Open EPUB, Open PDF, Kindle Book, and OverDrive Read. Furthermore, most of these formats require users to download and install software on their computers or mobile devices. In comparison, audiobooks are available in only two formats, MP3 and WMA. As with e-books, users must select the format upon checkout and they must be careful to select the right one given that there are limitations associated with each format. MP3-formatted titles can be downloaded to any Windows or Mac computer, transferred to mobile devices, and burned to CDs and DVDs. WMA-formatted titles on the other hand may only be transferred to Windows-based devices and the publishers may place restrictions on whether the files can be burned to CDs or DVDs. Staff at CULL were concerned that some users would be confused by the array of formats and their associated limitations, but surprisingly, they fielded only three requests for technical assistance during the first five months of the pilot project. One reason for the dearth of requests for help may be the information available to users on OverDrive's website about matching formats and devices.

The author also discusses OverDrive's pricing, both in terms of its subscription fee and the cost of its titles. OverDrive's pricing model for academic institutions is one that's based on full-time enrollment. The lowest tier in this pricing model is fewer than 2,000 students and half of the annual fee is a collection credit. The pricing of titles ranges widely, from as little as 99 cents to more than $500. When it comes to the most popular titles, the cost of an e-book to libraries is significantly greater than the cost of the same

e-book to individual consumers and significantly greater than the cost of the same title in print. The pricing of digital resources is a controversial issue and libraries have not been silent about making their concerns known. Colorado's Douglas County Libraries' price comparison reports makes these price differentials quite clear (<http://evoke.cvlsites.org/resources-guides-and-more/douglas-county-experiment-model/>) and Kansas State Library makes its concerns known through a Facebook page devoted to this issue (<http://www.facebook.com/thebig6ebooks>).

With all of these pricing concerns in mind, staff at CULL approached the purchase of titles cautiously. The fact that it's a law library means its users don't have the same expectations as those at public libraries when it comes to acquiring bestsellers. Staff only selected those titles they felt would be of interest to law faculty and students and spread out their purchases over a period of time in order to be able to assess their reading interests.

In the article, the author outlines the alternatives to OverDrive, including 3M's Cloud Library; Baker & Taylor's Axis 360; Library Ideas, Inc.'s Freading; Recorded Books' OneClickDigital; Impelsys; and of particular interest to law libraries, LexisNexis Digital Library. CULL's pilot project proved that faculty and students were open to the idea of using e-books and audiobooks and a scan of its website while writing this summary shows that CULL continues to offer these digital resources through OverDrive. To see what e-books and audiobooks the staff at CULL have chosen to offer its users, you can view its OverDrive site at <http://www.lawschool.cornell.edu/library/WhatWeHave/Overdrive.cfm>.

E-books don't appeal to everyone, but it's clear they're here to stay and with legal publishers entering the e-book market it may be time for those of us working in law libraries to consider how we're going to make them available to our users.

Kate Faulkner, "Tears, Drama and Meeting Minutes: An Indexing Experience" (June 2013) 13:2 Legal Information Management 115-118.

I once worked with a librarian who every so often referred to an indexing project which she called, "Indexing the minutes." The minutes in this case were boxes and volumes of committee meeting minutes—some typed, some handwritten—dating back to the late 19th century. There never seemed to be any time to work on the project and I suspect the sheer volume of minutes and the challenge of such a task played a part in the fact that the indexing never seemed to make it to the top of the to-do list. I also suspect there are other librarians who have taken on similar projects, or librarians who want to, and could use some guidance.

Written by a chartered librarian and freelance indexer in the UK, this article describes the challenges of creating an index for 36 volumes of committee minutes for the Honourable Society of the Inner Temple's Executive Committee. To provide a bit of context, the author compares the Inner Temple's Executive Committee to a company's board of directors.

The minutes in this case cover the day-to-day business of the Inner Temple over a 50-year period. Some may question the necessity of an index in this day and age of optical character recognition software and full-text searching, but in the author's opinion, full-text searching is no substitute for a good index. Controlled terminology, cross-references, and the clustering of similar concepts are all valuable aspects of a good index.

The first challenge of any indexing job, for a freelance indexer anyway, is providing a quote for the job. You can more or less calculate with some degree of accuracy the time it will take to work through the volumes one-by-one and produce a first draft, but it's the work afterward which is more difficult to assess. You can spend a considerable amount of time double- and triple-checking the indexing, but skimping on this part of the work can result in errors making it difficult for users to find the needed information. It's difficult to estimate how much time should be devoted to this part of an indexing project, but fortunately for the author, after discussing these concerns with the Inner Temple's archivist, she was free to take her time with the project.

Another early challenge of any indexing project is deciding how much to index. The desire to index everything must be considered alongside the time involved, the cost of the project, and how much use will be made of the finished product. The author advises indexers to always keep in mind who will be using the index and what kind of information they'll be seeking. In the author's case, the primary users of the index are the archivists and librarians at the Inner Temple, as well as its officers and members. But she also kept in mind the external users, which include historians, biographers, and genealogists. Taking into account all of these considerations, the author advises indexers to make decisions early on about how comprehensively to index the material in question.

Accuracy is also a challenge in any indexing project. In the author's case, this was particularly true for the surnames used throughout the minutes. The minute taker wouldn't likely misspell the name of one of his or her peers or superiors, but likely took less care when it came to the names of staff at the Inner Temple. Problems and confusion arise with variant spellings of surnames and changes in surnames upon marriage. A quick search of the Internet can confirm the spelling of the names of the prominent members of the Inner Temple, but not necessarily so for kitchen staff and porters. In the latter case, the author tried to confirm the spelling of surnames by reference to other documents at the Inner Temple or by simply noting the inconsistency in the index (e.g., Smith/Smythe, John).

A further challenge of preparing an index concerns design, layout, and subheadings. Indexing projects from commercial publishers usually come with a style guide or basic guidelines on layout, along with a stated maximum length and the assistance of a professional typesetter. Not so with the kind of project undertaken by the author. With any kind of non-commercial project, it's usually the indexer who decides how the index will be formatted. The type of formatting—either run-on or indented subheadings—will impact the indexing. Run-on subheadings take up less

space, but can be difficult to read and use (just think of those long strings of page numbers following the subheadings in some indexes). Indented subheadings on the other hand are easier to read and use, but consume more space. The type of subheading to use must be made at the start of any indexing project because it will affect the length and phrasing of the subheadings chosen by the indexer.

Another challenge in any project is the avoidance of bias in choosing what to index. The author notes that there is a tendency to focus on indexing the scandals and notorious events and overlook the positive ones. The author in this case, also a librarian, was concerned that she had been very careful to index all library-related events (e.g., the installation of new chairs, the purchase of new photocopiers, the theft of books), but perhaps hadn't been quite as attentive to the events within other departments at the Inner Temple.

Some challenges don't arise until the indexer is well into the project. The length of the index, for example, presents certain difficulties. At the time of writing the article, the author's index was closing in on 400 pages, necessitating the use of the search function in her word processing program to find all instances of particular subheadings. The search functionality in these programs, however, is somewhat rudimentary so that the author's search for "May" brought up every instance of the month of May in addition to what she was really looking for, which were references to the name Master May.

While indexing isn't a task that appeals to everyone, there are sometimes very interesting aspects to these projects. For one thing, there's a personal side to some types of indexing projects, and in the author's case she found she became invested in the lives of the people working at the Inner Temple. She also found the social and historical context of events interesting, such as the proposal to use DNA testing to identify a bicycle thief, the debate over reinstating the membership of the late Mahatma Ghandi, the question of employing more female servants because they were cheaper than their male counterparts, and the introduction of new technologies like photocopiers and websites.

As the author notes, indexing is the kind of work you either love or hate and it certainly requires a certain mindset, but any reference librarian knows the value of a good index so if you think you've got what it takes to tackle an indexing project, or finish one you've already started, then perhaps the guidelines and tips in this article will give you the push you need to do just that.

Kristen Mastel & Genevieve Innes, "Insights and Practical Tips on Practicing Mindful Librarianship to Manage Stress" (March 2013) 23:1 LIBRES (8 p.). Available from <http://libres.curtin.edu.au/libres23n1/Ess_Op_Stress%20_Mindfulness_Innes_final.pdf> (accessed 25 October 2013).

Mindfulness isn't a new concept, but I see references to it everywhere these days—mindful eating, mindful learning, mindful parenting, mindful creativity, and on and on. It seems that mindfulness is a concept being applied to every aspect of our lives these days. This article, though, is the first time I've encountered the idea of mindful librarianship. Written by two academic librarians, one at the University of Minnesota and the other at Western Connecticut State University, this article is a brief introduction to mindfulness and its usefulness to librarians in their professional lives.

As a way of explaining mindfulness, the authors outline the key components of mindfulness practise. These components are (1) being present in the moment, (2) focusing on simplicity, (3) adopting a "beginner's mind", and (4) practising lovingkindness and compassion. The authors offer mindfulness as a way of dealing productively with the many work-related stressors facing librarians today. These stressors include shrinking budgets, technological change, information overload, and shifting professional roles. The benefit of practising mindful librarianship is the ability to fully focus on serving and engaging users with an open mind and a non-judgmental, positive attitude. The risk of not dealing effectively with work-related stress is burnout and disengagement with our users, colleagues, and the profession.

The authors describe techniques designed to help develop mindfulness, or in very simple terms, to help you focus on what you're doing at the moment without thinking about what you did yesterday or what you might have to do later. Structured breathing and mediation are two techniques through which we can learn to focus our awareness on the present moment and release any intrusive thoughts and feelings. According to the authors, learning to be present in the moment makes us better librarians and co-workers and can have a significant impact on the quality of library service we provide. In this respect, being fully engaged and present in the task at hand can reduce the stress and errors that often occur when we try to juggle multiple tasks simultaneously. It can also lead to better communication with others and better decision-making.

At this point in time, you're probably asking how you can possibly get everything done when you're only supposed to focus on one thing at a time. The authors offer some practical solutions to managing your workload while still adhering to mindfulness practises. Productivity methods, like the Pomodoro Technique and David Allen's Getting Things Done, are described in the article and offered as examples of how to tackle projects, large and small, and still practise the art of being present in the moment.

Another important component of mindfulness is the adoption and maintenance of a "beginner's mind". For librarians, adopting a beginner's mind simply means being able to walk in the shoes of our users and look at the present situation through their eyes. Perhaps it's someone using the library for the first time, tackling a difficult research problem, or trying to use a new electronic resource. By adopting the beginner's mind, it becomes easier for us to understand our users' apprehensions, worries, and concerns and emphasizes how important it is to infuse our user-interactions with patience and understanding.

The final component of mindfulness is the practise of lovingkindness and compassion. This component is described in the article as giving freely without any expectation of anything in return. The benefits of this kind

of approach to librarianship are obvious; people who are treated with kindness by library staff will return to the library, and more often than not, respond with kindness in return.

The idea of mindful librarianship as presented by the authors of this article has certainly made me think about how I approach my work and interact with others. If this article has sparked your interest in mindfulness, you may want to consult the full article for its references to other articles and books on this topic.

Ruth Bird, "Trends in Legal Education and the Legal Profession: Comparative Perspectives" (September 2013) 13:3 Legal Information Management 162-171.

Working in an academic law library, I meet students from law schools around the world. Some of these students are spending a semester abroad, some have transferred from other law schools, and still others are law school graduates from other jurisdictions seeking to become accredited lawyers in Canada. I've never had a clear picture of the requirements of legal education and practise in other countries, which is why I was happy to see this article by Ruth Bird, Law Librarian at the Bodleian Law Library at the University of Oxford. Stemming from a panel discussion at the Joint Study Institute's most recent conference in Melbourne, Australia, this article outlines the requirements for legal education in England and Wales, Scotland, Northern Ireland, Canada, Australia, New Zealand, and the United States.

For each of the aforementioned jurisdictions, a chart outlines the following: (1) the education required of local residents to practise law in that jurisdiction; (2) the requirements of foreign-trained graduates to practise law in that jurisdiction; and (3) who or what regulates legal education in that jurisdiction. Links to official websites related to legal education in each jurisdiction are provided at the end of each chart as sources of further reading. The only exception to this chart-based format is the United States, where the requirements vary considerably among its 50 states. In that case, the author provides a link to the Comprehensive Guide to Bar Admission Requirements 2013, which provides comparable information about legal education on a state-by-state basis.

So if you ever have a question about the legal education requirements in England and Wales, Scotland, Northern Ireland, Canada, Australia, New Zealand, and the United States, be sure to keep a copy of this article at hand—it's a valuable starting point for exactly that kind of research.

Local and Regional Update

Mise à jour locale et régionale

Edited by Mary Jane Kearns-Padgett

Calgary Law Libraries Group (CLLG)

On September 8, 2013 26 members of Team CLLG participated in Ovarian Cancer Canada's Walk of Hope and raised $17,695.

At the Fall Business Meeting held on October 16, 2013 the new CLLG Executive met for the first time. Then, on October 25, 2013 the CLLG hosted the Annual Vendors' Forum. At this well-attended event members received product updates from Lexis Nexis print and online, Alberta Queen's Printer, Carswell and S&P Capital IQ.

Submitted by Alison Young,
Law Librarian,
Bennet Jones SLP (Calgary)

Ontario Courthouse Librarians' Association (OCLA)

On October 16-18, 2013, the members of the Ontario Courthouse Librarians' Association attended the annual Conference for Ontario Law Associations' Libraries (COLAL) in Toronto at the Eaton Chelsea Hotel.

This year's conference hosted by LibraryCo was entitled *Future Ready II: Creating the Information Future*. The Keynote Address*: Adapting to the New Normal: Changing to Remain Relevant* was given by Juanita Richardson, Associate, Dysart & Jones Associates. There were also a number of other dynamic guest speakers, including David Whelan, Manager, Legal Information, Law Society of Upper Canada who discussed technology trends; and the dynamic Steve Lowden, Principal, Steve Lowden & Associates presented *Ready, Set, Grow! Part 2*.

Success Stories of Solos presented by Melanie Browne, Manager, Information Services, Maple Leaf Foods; Emmeline Hobbs, Director, Knowledge Services, Navigator Ltd.; Stefan Jürgens, Reference & Web Services Librarian, Law Society of Upper Canada; and Amra Porobic, Manager, Library Services, Insurance Bureau of Canada was an inspiring session which provided insight into the challenges and successes of solo librarians.

The session *Bring it Home: Becoming Future Ready* provided an interesting perspective into our own OCLA member's experiences from the recent SLA and AALL conferences. The session was presented by Betty Dykstra, York Region Law Association; Melissa Firth, Peel Law Association; Kemala Vranjes, Essex Law Association; and Jennifer Walker, County of Carleton Law Association.

Submitted by Chris Wyskiel,
Library Technician,
Hamilton Law Association (Hamilton)

Montreal Association of Law Libraries / Association des bibliothèques de droit de Montréal (MALL/ABDM)

MALL has organized several social events and activities this autumn. All MALL members were invited to meet and have a drink at the MALL Fall Lunch at Resto Les 3 Brasseurs on September 26, 2013. This year the MALL Christmas Party was held at Essence Restaurant Bar Lounge on November 28, 2013. The Christmas Party would not be possible without the generous support of our sponsors. The event was a great success.

MALL also hosted a special conference on October 24, 2013 sponsored and presented by the Centre d'accès à l'information juridique (CAIJ), the Quebec bar library. Nathalie Bélanger (Director, Digital Content Development and Management) and Isabelle Pilon (Director, Library Network, Research and Training) presented many new updates including the new Quantums in UNIK, access to secondary sources and parliamentary debates in eLois, and upcoming changes to eDoctrine, TOPO, and BIBLIO.

MALL's upcoming conference will be held on January 23, 2014 and will be dealing with social medial and law libraries.

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L'ABDM a organisé plusieurs évènements à caractère social depuis l'automne. Les membres d'abord ont pu se rencontrer au lunch de la rentrée le 26 septembre 2013 au Resto Les 3 brasseurs. Ensuite, le souper de Noël de l'ABDM a eu lieu le 28 novembre au Restaurant Bar Lounge Essence. Cette dernière activité a été possible grâce aux dons généreux de nos commanditaires. Les deux évènements ont été de grands succès avec un beau taux de participation.

L'ABDM a également organisé une conférence spéciale le 24 octobre 2013 commanditée et présentée par le CAIJ. Nathalie Bélanger (Directrice développement et gestion des contenus numériques) et Isabelle Pilon (Directrice du réseau de bibliothèques, recherche et formation) ont présenté les développements de nouveaux produits CAIJ qui seront disponibles dès la fin de l'année 2013 : les nouveaux Quantum dans UNIK, l'accès aux sources secondaire et les débats parlementaires dans eLois, ainsi que des nouveaux développements dans eDoctrine, TOPO et BIBLIO.

La prochaine activité de l'ABDM aura lieu le 23 janvier 2014 et portera sur les réseaux sociaux et les bibliothèques de droit.

Submitted by Maryvon Côté,
MALL President / Président de l'ABDM (Montréal)

Toronto Association of Law Libraries (TALL)

On June 28, 2013, the Toronto Association of Law Libraries had their Annual General Meeting. We launched a new website <http://www.talltoronto.ca> and announced a few new chairs:

- Information Technology - Melissa Troemel – co-chair
- Publisher Liaison - Sanja Petrovic
- Union List - Lily Mac
- Salary Survey - Stefan Jürgens
- Newsletter - Stephen Spong
- Election – Laura Knapp

The new Executive is:

- Past President - Julie Anderson
- President - Pam Bakker
- Vice President/President Elect - John Bolan
- Treasurer - Eve Leung
- Membership Liaison - Nathifa Williams
- Secretary - Leanne Notenboom
- Laura Knapp is the new Administrative Coordinator replacing Jillian Taylor who is on maternity leave.

Of special note is the retirement of Barbara Fingerote from McCarthy Tetrault on November 15, 2013. Barbara's career has spanned over 40 years and her pluck and candor will be missed. In her own words, "Please thank everyone for me: it has been a privilege and a pleasure to be one of you all of these years. And as I have already mentioned, once a librarian, always a librarian, so you are kind of stuck with me forever."

TALL will be 35 years old in 2014 and plans are underway to celebrate!

Submitted by Pam Bakker,
Manager, Library Services, MacMillan

Vancouver Association of Law Libraries (VALL)

The Vancouver Association of Law Libraries held the first seminar of the membership year on October 10 at the Shangri-La Hotel. Ludmila Herbst of Farris LLP gave a presentation on the new British Columbia *Limitations Act*, which came into force on June 1, 2013. Members found it interesting to have a good theoretical and historical background on the purpose of limitations acts in general and the development of the BC *Limitations Act* in particular.

The executive changeover happened over the summer. The executive for 2013-2014 is as follows: Sarah Sutherland, President; Sarah Munro, Past President; Larisa Titova, Vice President; Rebecca Slaven, Membership Secretary; Stephanie Karnosh, Treasurer; Bronwyn Guiton, Joni Sherman, Program Committee; Alyssa Green and Kathryn Rose, VALL Review Editors; and Emily Klomps, Webmaster. VALL is excited to have such a dynamic group of old and new faces to work with this year, and thanks the departing board members – it was a great experience working with them.

For more news about VALL, please visit the website at <http://www/vall.vancouver.bc.ca>.

Submitted by Sarah Sutherland,
Manager of Content and Partnerships,
CanLII

CALL/ACBD Research Grant

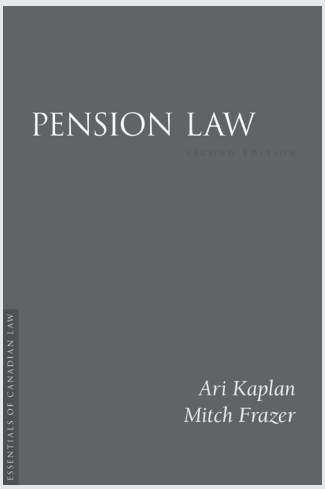
CALL/ACBD invites members to apply for CALL's Research Grant which provides financial assistance to support members who wish to do research on a topic of interest to those working in law libraries. For further details consult the Committee's pages on the CALL/ACBD website: <http://www.callacbd.ca/en/node/383>

Applicants must be members of CALL/ACBD and the proposed research project must promote an understanding of legal information sources or law librarianship. To apply for this research grant please submit an application by March 30, 2014. The application form is available on the CALL/ACBD Research Grant Information page: <http://www.callacbd.ca/en/content/call-acbd-research-grant-information>

Applications for the grant should be sent via email to:

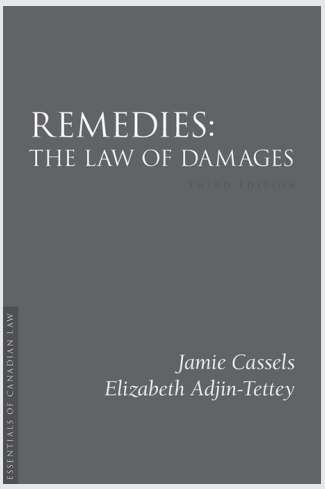
Marianne Rogers
Chair, Committee to Promote Research
email: rogers@yorku.ca
telephone: 416-736-2100 x33934

New Winter titles from IRWIN LAW



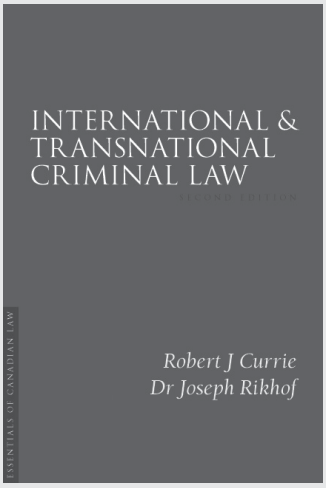
Pension Law, 2.e
978-1-55221-339-1
$85.00

The second edition brings pension law up to date with consideration of recent cases such as ***Re Indalex***. This edition tracks the shift of the law of trusts within pension jurisprudence from "classic" trusts to "modern" trusts; the reform of minimum pension standards; new plan design legislation being offered to respond to decreasing pension plan coverage among the Canadian workforce; the development of target benefit plans; and innovative plan designs such as New Brunswick's new "shared risk" plan model.



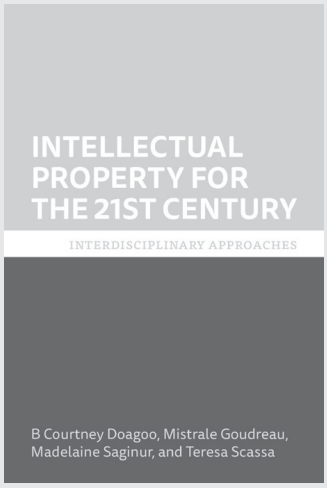
Remedies:
The Law of Damages, 3.e
978-1-55221-359-9
$70.00

Highlights in the third edition include recent developments regarding remedies for breach of contract with alternative modes of performance and wrongfully dismissed employees' entitlement to discretionary benefits. There have been substantial revisions to chapters dealing with damages for personal injury, restitutionary remedies, certainty and causation, remoteness of damages, mitigation, and reasonableness of liquidated damages clauses.



International and
Transnational Criminal
Law, 2.e
978-1-55221-350-6
$70.00

The second edition updates caselaw from Canada as well as international courts and tribunals, transnational criminal law treaties, and recent literature, and adds a new chapter on extended liability, defences, and child soldiers. It reviews the new definition of the crime of aggression and some of Canada's new criminal cooperation ventures.



Intellectual Property for
the 21st Century:
Interdisciplinary
Approaches
978-1-55221-353-7
$60.00

In the spring of 2012, the Centre for Law, Technology, and Society at the University of Ottawa hosted a workshop that sought to bring together academics from different disciplines interested in intellectual property law in order to stimulate discussion across disciplines, to encourage the development of collaborative efforts, and to produce a body of research that explores intellectual property law issues from explicitly interdisciplinary perspectives. The collection of papers in this book is the product of this workshop.

IRWIN LAW Suite 206, 14 Duncan St., Toronto, ON M5H 3G8 • www.irwinlaw.com
Phone: 416-862-7690 • *Toll-free*: 1-888-314-9014 • *Fax*: 416-862-9236 • *E-mail*: contact@irwinlaw.com

News From Further Afield

Nouvelles de l'étranger

News from the UK

By Jackie Fishleigh and Pete Smith***

London Calling

Hi folks,

I am writing this in late October but must remember to wish you a Merry Christmas — so there it is already in case I forget! I haven't even started to think about my festive shopping yet.

"Season of mists and mellow fruitfulness" From John Keats' poem, Ode To Autumn, 1820

In fact we are only just moving into autumn proper. The clocks go back on Saturday night which means it gets dark here at 4 p.m., alas. The seasons are a very important part of British life as shown in a new BBC nature series called "The Great British Year." This four part programme relies on stunning wildlife and time-lapse photography to illustrate the most important ingredients of winter, spring, summer and finally autumn. Another BBC show starts next week called "Autumnwatch" in which wildlife presenters and guests spend a week monitoring seasonal flora and fauna from a special hideout.

"All very nice but what has this to do with law?" you may ask. Well, unfortunately, the BBC has run into a number of employment disputes in recent years when older wildlife/countryside presenters have been put out to pasture to make way for younger more glamorous colleagues. In fact, veteran wildlife broadcaster Bill Oddie, has claimed that being "sacked" from Springwatch made him severely depressed and landed him in a psychiatric hospital for a year.

Another rural affairs show called Countryfile rested its older female presenter Miriam O'Reilly and replaced her with the fresher-faced Julia Bradbury. Ms O'Reilly won her claim of age discrimination at an employment tribunal in January 2011. The 53-year-old claimed she had been unfairly dropped from the rural affairs show when it moved to a primetime Sunday evening slot in April 2009.

The BBC apologised to O'Reilly and said it would like to "discuss working with her again in the future."

O'Reilly said she had endured "an incredibly stressful 14 months" since launching her claim." I did this because it was the right thing to do - I couldn't have lived with myself if I'd just walked away," she said."I'm so pleased the judges have agreed with me." O'Reilly added: "It was hard taking on the BBC as I love the BBC but I felt I was treated badly."

The BBC said it was going to introduce new guidance on fair selection procedures for presenters and give extra training for executives who make these decisions. Both sides agreed the ruling would have an impact not just on the BBC but on the whole broadcasting industry.

O'Reilly said she was "impressed" that the corporation had apologised and would like to work for it again. "I don't think having wrinkles is offensive," she added.

It will be interesting to see how Bill Oddie gets on. As he has now been offered work on a different BBC wildlife series, he may not pursue his claim.

Continuing on the conservation and heritage theme, the CEO of the National Trust, a charity that looks after many of Britain's historic buildings, gardens and beautiful coastline, is keeping an open mind about the controversial technique of shale gas extraction i.e. fracking.

Swimming lessons under threat — *Woodland v Essex County Council*

Following the terrible injuries sustained by a child during an ill-fated swimming lesson, the Supreme Court has ruled in favour of the victim. The implications could be significant.

A public body can now be liable for the actions of those to whom they have contracted services even if they may have little or no direct control over their performance. According to the judgment their Lordships were anxious to restrict the nature of such liability. Although they noted that the courts should be sensitive about imposing financial burdens, as public bodies such as local authorities look to outsource more and more of their services, this landmark case is a valuable reminder to public bodies that liability for the actions of contractors may remain with them.

Royal Charter for the Press

As a result of the Leveson Inquiry into the culture, practices and ethics of the British press which was prompted by the News International phone hacking scandal, a series of public hearings were held throughout 2011 and 2012. The Inquiry Report resulting from these hearings, known as "The Leveson Report," was published in November 2012. It made recommendations for a new, independent, body to replace the existing Press Complaints Commission. This body was to be recognised through new laws.

At the time of writing the government has proposed a Royal Charter for Press Regulation. It has already been condemned by The Guardian editor-in-chief Alan Rusbridger as a "medieval piece of nonsense," while Daily Telegraph writer Andrew Gilligan and biographer Tom Bower rubbished the plans, saying they posed a real threat to press freedom and the future of investigative journalism.

A week later, a coalition of newspaper and magazine publishers is attempting to get an injunction at an emergency

High Court hearing only hours before the Privy Council is due to meet and prepare the charter for sealing by the Queen. The newspapers are also seeking judicial review of a decision by a Privy Council committee to reject a separate Royal Charter compiled by the press industry body Pressbof. The injunction is intended to buy time for the judicial review to take place.

The Press Standards Board of Finance (Pressbof) was set up by the Press Council to raise a levy on the newspaper and periodical industries to finance the Council, which had previously been funded directly by newspaper proprietors. Pressbof now funds the Press Complaints Commission. This arrangement is intended to ensure secure and independent financial support for effective self-regulation.

The Press Complaints Commission says that its complete independence is at the same time guaranteed by a majority of lay members, and is a further sign of the industry's commitment to effective self-regulation.

Phone hacking trial begins

What has been described as the "trial of the era" and "British justice on trial" began on 30th October. The prosecution has started laying out the case against Rebekah Brooks, Andy Coulson, Stuart Kuttner, and Ian Edmondson who were all senior staff at the now defunct News of the World. Brooks is accused of being "active" in the phone hacking conspiracy and of approving payments to officials when she was in charge of The Sun. Coulson is also accused of approving a payment to a police officer when he was at the News of the World.

Andrew Edis Q.C. described how an investigation into the hacking of the phone of the murdered teenager Milly Dowler had revealed other allegations about various people. "We say we will be able to show that there was phone hacking at the News of the World. That Glenn Mulcaire did it. That Clive Goodman did it. And that Ian Edmonson did it… Were they asked as part of the conspiracy, given that they were so senior at the paper? They wanted it to happen because they were in charge of the purse-strings... So you may say that if they didn't stop it, they were part of the conspiracy to carry on."

This case is set to last until Easter and become one of the lengthiest ever. More than 70 journalists from four continents are covering the trial at the Old Bailey, with a special overspill annexe showing televised pictures from court 12 where the trial is being heard.

Live broadcasting from the Court of Appeal

"[N]ot only must Justice be done; it must also be seen to be done" said Lord Chief Justice Hewart in ***R v Sussex Justices,*** *Ex parte* ***McCarthy*** ([1924] 1 KB 256, [1923] All ER Rep 233)

A near-90-year ban on filming in court has been lifted in what has been described as a "landmark moment for justice and journalism".

Live broadcasting from the Court of Appeal commenced on Wednesday 30th October following the passage of the necessary legislation to bring this about (please see details below). In fact, the broadcasts will be not quite live: the system has a built-in delay of just over a minute which gives everyone involved a quick window to work out that something should not be heard or seen in public before the recording leaves the courtroom. The cameras, some of which are operated completely wirelessly, can easily be moved from court to court. Only five of the courtrooms are currently wired for "as-live" broadcasts but recordings made in the other courtrooms can be on the air within a matter of minutes. Delivering the Birkenhead lecture on Monday night, Lord Thomas of Cwmgiedd, the new Lord Chief Justice of England and Wales, said that he and his fellow judges welcomed court broadcasting. I guess one of the advantages of wearing a wig is that you don't have to worry about having a bad hair day in front of the cameras! Assuming you still have hair…

Court of Appeal (Recording and Broadcasting) Order 2013

Background

Criminal Justice Act 1945, s 41 and the *Contempt of Court Act 1981*, s 9 prohibit the broadcasting of court proceedings in this jurisdiction. The *Crime and Courts Act 2013*, s 32 provides the Lord Chancellor with the power to allow broadcasting when specific conditions are met.

A Crime Survey for England and Wales illustrated that further public confidence in the criminal justice system was required. Broadcasting has been introduced to increase public confidence in the criminal justice system for that reason.

Effect

In order for a criminal appeal, Attorney General's Reference, prosecution application to appeal, and an application for permission to appeal to be broadcast, the following conditions must be met:

- permission for the hearing to be broadcast is granted by the court
- the broadcast must show a fair and accurate representation of the hearing
- the broadcast must not be used for political purposes, advertisement, satire and light entertainment

"It is a nation – an island of law": John Baker, legal historian

Finally I would like to recommend a book to you! It's ***Understanding the Law*** **by Geoffrey Rivlin, published by Oxford University Press and now in its 6th edition.** The author has a wealth of experience including experience as a member of the judiciary. He has a special interest in the training of advocates and newly appointed judges. I cannot praise it enough. But don't take it from me — Lord Philips, President of the Supreme Court says in its Foreword:

"Many judges come to visit me from foreign jurisdictions and they usually bear gifts. No gift comes near to being as valuable as that which I give them in return, for this is a copy of this book. I know that not only will visitors find it tells them everything they want to know about our

system but that it does so with quotations and illustrations that make it a joy to read and hard to put down. It deserves a world-wide readership and I hope that it will receive one." You heard it from the one of the top judges in the land — it's officially even better than a box of chocolates or whatever overseas' VIPs proffer!

Happy Holidays and see you in 2014!

Jackie

Notes from the Steel City

*By Pete Smith***

There are more questions than answers…

Who should vote? Should *anyone vote*? What about prisoners? Such questions have been exercising minds as diverse as the judges of the Court of Appeal and comedian-actor-raconteur Russell Brand.

When in court, do we need to see the faces of witnesses? This question called for a policy statement at the highest level.

If these policies are not lawful, how can that be remedied? And how can people find money to hold public bodies to account? Judicial review and access to legal aid remain important areas of debate.

How should we educate and train the people who represent the niqab-wearer, the prisoner who wants to vote, the citizen concerned about library closures? Responses to the Legal Education and Training Review research phase report have been issued by regulators, and concerned parties are manoeuvring as the shape of the new system comes up for discussion.

Voting

A decision of the European Court of Human Rights in May 2012 saw the UK Government given six months to bring in legislation to allow prisoners to vote. The Government, backed by many of its Eurosceptic back-benchers, planned to oppose this change, despite the wide latitude the ruling gave national parliaments in setting conditions on prisoner voting.

In October 2012 Prime Minister David Cameron clearly stated he would not give prisoners the vote, putting him at odds with the Attorney General and some of his Coalition partners. This row reflects broader concerns with the UK's relationship with "Europe" — here the Council of Europe, but the engine of disagreement is really the relationship with the European Union. Many in the Conservative Party, perhaps spooked by the rise of the UK Independence Party (UKIP), take a strong line — they see any concession to "Europe" as a loss of sovereignty. Adding the "law and order" elements of the prisoner voting issue makes this a hot button topic for the Tories.

In the intervening year two convicted murderers took their case to the courts, arguing for the implementation of the ECHR decision. On 16th October 2013 the Supreme Court rejected their arguments <http://www.bailii.org/uk/cases/UKSC/2013/63.html>, a decision described by the PM as 'a victory for common sense' and supported by the Shadow Home Secretary. Whilst this does not remove the government's need to respond to the ECHR decision, it strengthens its position.

The EU Human Rights Commissioner, Niels Muižnieks, has said that the UK should withdraw from the Council of Europe if it does not incorporate the ECHR decision. He said that no country should be able to pick and choose which decisions to take note of. He said this in his submission to the committee considering the draft bill on prisoner voting <http://www.parliament.uk/business/committees/committees-a-z/joint-select/draft-voting-eligibility-prisoners-bill/>, which will deal with the ECHR judgement. Three options have been put forward — keep the total ban, or two variations on keeping the ban for those receiving sentences over a particular length. Evidence is being taken from all interested parties, and at some point the Bill will make its way through parliament.

Even if prisoners get the vote, there is a bigger question: should any of us vote, in what some see as a corrupt and self-serving system? This was the view put forward by Russell Brand. He argued that voting merely validated the system, and that many people are so disenchanted that they are not voting as a form of protest. Something new, even revolutionary, is needed — a view which brought a sharp rebuke from fellow comedian Robert Webb.

Interesting to reflect — prisoners arguing for their right to vote; the free arguing that voting is useless…

Accountability… and accounts

Voting is one way the citizen can hold politicians to account. Another is judicial review, a key element — I would argue — of the rule of law. Without it, challenging decisions is more difficult and the tendency to political hubris is heightened.

This is a view shared by the President of the Supreme Court, Lord Neuberger. In a speech he argued that any savings from proposed reforms to judicial review would be trivial, and the danger to citizens' ability to hold government to account far from trivial.

Lord Neuberger also picked up on legal aid reforms, especially as they apply to judicial review. The cuts proposed would lead many to be unable to mount a review denying them access to justice, or would force people to represent themselves, leading to delays which would, ironically, increase costs.

The problem with legal aid has been framed by the government in terms of unworthy applications for judicial review and lawyers getting wealthy off public money. Lord Neuberger, and others opposed to cuts, have argued that ongoing reforms in judicial review have dealt with the issues of weak applications and also said that the reality of lawyers and legal aid is that most do not make vast sums from it.

A second consultation on judicial review has just concluded <https://consult.justice.gov.uk/digital-communications/judicial-review> and it will be interesting to see what the Government does, especially in light of the high level judicial criticism of the proposals.

Justice — be seen to be done?

In a case before Blackfriars Crown Court, a woman was due to appear who would be wearing a niqab. This meant that her face would not be visible to counsel, judge, or jury. The judge in the case decided that she would have to remove the niqab for the purposes of cross-examination as counsel, judge and jury needed to see her face as she answered questions. She would be able to wear the niqab at other times.

The case revealed the tensions between human rights claims — here the expression of faith — and the needs of adversarial court processes where facial expressions are seen as an important element. No statute or case had previously determined what was to be done, and the judge said that some sort of Parliamentary intervention or higher judiciary guidance was needed to provide consistency.

In response to this issue the new Lord Chief Justice, Sir John Thomas, has opened a consultation on the issue of veils in court. The likely outcome will be a practice direction, based on a balance of the competing demands of individual faith and the collective needs of the judicial system. The question for me, as it is for others, is "do we really need to see someone to assess their answers?"

After the review… the reviews

The Legal Education and Training Review has now entered the consultation on implementation stage. The Solicitors Regulation Authority (SRA) and the Bar Standards Board have both issued outlines of their proposals. Both echo the LETR call for greater flexibility and more routes to the profession.

Looking at *Training for tomorrow,* the SRA is clearly committed to a competency framework and related outcomes-focussed regulation modes. The SRA also wants there to be more routes to qualifying as a solicitor. The Bar, in Legal Education and Training Review (LETR): next steps, also commits to greater diversity, development of competency frameworks, and outcomes-based approaches.

What this means for law schools is not yet clear, but with the disbandment of the Joint Academic Stage Board in 2014 the regulators will be taking a less active role in the academic stage in the future. One possible outcome of these changes will be an end to the "qualifying" law degree — this is seen by many to be the challenge to law schools, for if degrees are no longer the main route in to legal practice, what do law schools offer? Watch this space!

Days shorten, skies darken…

And winter is with us! I trust you had a good holiday! By the time our next column is due, the judicial review consultation response should be with us, along with the prisoner voting bill and some clarity on the veils in court issue, and whatever else the ever changing and surprising world of law brings!

Best wishes,
Pete

*Jackie Fishleigh, Library and Information Manager, Payne Hicks Beach
**Pete Smith, Information Adviser, Sheffield Hallam University

Please note that any and all opinions are those of the authors and do not reflect those of their employers or any professional body with which they are associated.

Developments in U.S. Law Libraries Fall, 2013

*By Anne L Abramson**

My column this fall may reflect a relative paucity of professional events and readings due to my recent commencement of a second job. This second job has been making significant demands on my time and energy of late and it is one that I am actually paying to do. "What kind of job is that?" you may ask. My "second job" is home renovation. Talk about multi-tasking and project management. Those of you who have ever undertaken a major home improvement project know just what I am talking about!

Here is a smattering if interesting articles that I have run across over the last few months relating to developments in legal education and education, in general.

I. Law Schools

Yes, legal education has even made it to the Wall Street Journal. Take a look at the following video on the debate as to whether a U.S. law degree should now take only two years <http://tinyurl.com/kq6uzt3>. NPR also featured a program about making law school two years instead of three. The following article takes legal education to task for another reason.

Deborah Rhode, *Why Lawyers Are Bad Leaders*, The Chronicle of Higher Education B4 (Sept. 20, 2013). Law school does not teach leadership skills even though a large percentage of political leaders in the U.S. have law degrees.

Jacob Gershman, "*The Practice Ready Law Graduate is a Fantasy says Professor"*, Wall Street Journal (Aug. 30, 2013). Since enabling students to become practice ready is a top priority of our law school, this article caught my attention. The question is what does "practice ready" actually mean? Do students have to know how to do complex page numbering in MS Word, for example? This question just came up a few days ago, when I was trying to help a student incorporate various page numberings in his brief. The whole experience was a research project in itself. It made me long for the days of Word Perfect!

Jenn Ballard, *Expert Learning (Ex L) Program: Building a Law School Foundation*, Chicago Daily Law Bulletin, Law School Notes 3 (Aug. 16, 2013) <http://www.chicagolawbulletin.com/Archives/2013/08/16/School-8-16.aspx>. This article focuses on a new initiative by our very own Prof. Sonia Green. The "Ex L" program seeks to develop new law students' learning skills and ease their transition from college to law school. As Prof. Green explains in the article "I see Ex L as a necessary step for any student and any successful lawyer…We are at the forefront of a new trend, one of helping law students succeed in law school from the start. Giving students these best practices for a legal education also will advance the value of the education we provide".

Karen Sloan, Massive, *Free Online Classes Catch on With Law Schools*, National L. J. (Online) (Sept. 10, 2013) <http://tinyurl.com/m842keu>. John Marshall's Military Law

MOOC is mentioned.

A. Trend: Explosion of Clinics at Law Schools

As a component of getting students practice ready (whatever that may mean) more and more law schools are rolling out more and more clinical programs. Our law school's new Domestic Violence Clinic is one such example. I was privileged to attend the domestic violence presentation on Oct. 3 which was hosted by my good law school friend and colleague, Prof. Debra Stark. As part of my work in support of this new clinic, I have done legislative history research of Illinois' domestic violence statute at Prof. Stark's request. In addition, I am currently tracking domestic violence legislation and case law in our state.

John Marshall also has a renowned Veteran's Clinic (as mentioned in my earlier columns) and an International Human Rights Clinic taught jointly by a John Marshall Professor Steven Schwinn and University of Illinois at Chicago (UIC) Professor Sarah Davila Ruhaak. I have been honored to give research presentations to the clinic students last spring and this past fall. The students are focusing on the U.S. practice of immigration detention and filing a petition with the Inter-American Commission on Human Rights.

The creation of more legal clinics is a welcome development for us as law librarians. We have been asked to explore more ways we can support our clinics. By supporting our clinics, we can reach more students and help them develop the research skills that they will need to address real life legal issues. Since legal research instruction is the domain of law librarians, working with the clinics is a natural fit, not to mention the fact that teaching legal research is what we live for and love to do. It's a win win!

II. Higher Education in General

Beloit College in Wisconsin creates an annual "mindset list". The latest list profiles the class of 2017, which is just starting college this fall. This list is a valuable preview of the young people who will eventually be our students! <http://www.beloit.edu/mindset/2017/>.

Corey Robin, *Wrongly Attributed Statements*, The Chronicle of Higher Education B13 (Sept. 20, 2013). This article takes me back to my early librarian days when I subscribed to the Stumpers listserv. Apparently, this listserv is now defunct and "Project Wombat" has taken its place. (Perhaps my Australian colleagues can explain the new name). Quote attribution questions, as most librarians know, can be some of the most vexing. Such questions frequently appeared as "stumpers" on the listserv. The author delves into the various kinds of WAS (wrongly attributed statements) and the interesting use of quotations from historical to modern times.

Peggy Rambach, *Logged Off*, The Chronicle of Higher Education B16 (Sept. 13, 2013). The author is passionate about classroom teaching. As a true classroom teacher, she beautifully articulates a refreshing perspective on online education. To the astonishment of the reader and with a dash of humor, she expresses her preference for teaching in a prison, where there is a lot to complain about such as the lack of working pens, but at least electronic communication is banned. She and her students can still experience the "mysterious physiology" of being present in the same space. "Requiring a classroom teacher to teach on a computer", she explains, "is like asking a fighter pilot to operate a drone." Her examples of the limits of written communication via the computer definitely strike a chord. I enjoyed this article thoroughly.

A. Education Next

Section B of the October 4 issue of the Chronicle of Higher Education is entitled "Next: Shaking up the Status Quo (and Why It's So Hard to Do)". It is filled with interesting articles on higher education trends, many of which are driven by technology and economics. I found the following particularly intriguing.

Andrew Phelps and Evan Selinger, *Entrepreneurship: Part of a Liberal Educatio*n Chronicle of Higher Education B36 (Oct. 4, 2013)

Anya Kamenetz, *Do-It-Yourself Education is the Ideal*, Chronicle of Higher Education B5 (Oct. 4, 2013) Anya K is also author of DIY: Edupunks, Edupeneurs, and the *Coming Transformation of Higher Education* (Chelsea Green Publishing, 2010) and *The Edupunk's Guide to a DIY Credential* (a free book). This list of titles is reason enough to follow Anya.

Beckie Supiano, *Career Centers Stretch to Fill New Roles*, Chronicle of Higher Education B16 (Oct. 4, 2013). In addition to helping our students become "practice ready", a major mission of our law school, including the library, is to help our students obtain employment. Thus, I found this discussion of new roles interesting.

David J. Helfand, *One Thing at a Time, Please*, Chronicle of Higher Education B10 (Oct. 4, 2013). A negative consequence of our modern technological era is multitasking fatigue. However, after reading this article, I can't blame technology entirely. It could just be scheduling. The author, President and Vice Chancellor of Quest University in Canada, describes the success of the "block program", where students study only one subject (i.e. a semester of physics in one month) at a time. This program is a stark alternative to the usual semester system, which requires students to juggle several courses at a time.

Jake New, *Education-Technology Start Ups are Booming*, Chronicle of Higher Education B26 (Oct. 4, 2013)

Jeffrey Selingo, *The New, Nonlinear Path Through College*, Chronicle of Higher Education B4 (Oct. 4, 2013) The gist: Make it easy for students to traverse multiple institutions and online providers, with guides to help them navigate their journey.

Katherine Mangan, *Inside the Flipped Classroom* Chronicle of Higher Education B18 (Oct. 4, 2013) Some of the ideas expressed in this article "flipped" my own assumptions about this new teaching format. I thought that most students would prefer the flipped format. Not so. One engineering student at Mississippi State University responded in a survey "If I am paying for a class and a professor to teach me, then I do not want to teach myself for homework and have homework for class." The head of the University's Aerospace-Engineering Dept. suspended the flipped format

after discovering that learning outcomes for flipped classes were about the same as for traditional classes and the cost was the same or slightly more due to the need for extra tutors and teaching assistants." That result is less surprising to me. Having worked on a variation of the flipped class, I know just how time consuming and costly the flipped format really is. However, I am surprised to find that learning outcomes are not necessarily better at least at Mississippi State.

B. A Note about MOOCs

Marc Parry, A *Star MOOC Professor Defects — at least for Now*, The Chronicle of Higher Education A10 (Sept. 6, 2013). Of course, I have to include an article here on MOOCs. Mitchell Duneier, a sociology professor at Princeton decided to stop teaching his sociology MOOC after Coursera approached him about licensing his course. He is concerned that courses like his could be used to undermine the financing of public universities. Faculty members at public universities have raised this concern as well. See for example, Steve Kolowich, *Why Professors at San Jose State Won't Use a Harvard Professor's MOOC*, Chronicle of Higher Education A3 (May 10, 2013).

III. Law Librarianship

Before my home improvement projects got going full steam, I was able to make it to a wonderful professional event at the beginning of the semester, the Fall Business Meeting of the Chicago Association of Law Libraries (the "other CALL").)

This most recent meeting featured University of Chicago Law School's Prof. Randy Picker. Prof. Picker packed a lot into his half hour talk on "The Mediated Book: eBooks and the Digital Library"

A. Kindle

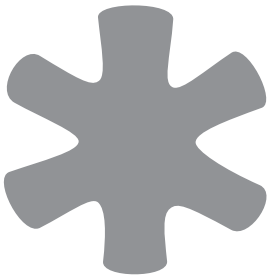
Prof. Picker's talk began with a review of the latest developments relating to the Amazon Kindle, specifically, its book update feature. This feature allows you to receive an update every time there is an "improvement" to the book you are reading. It saves your notes too!

He next analyzed some of the Kindle conditions of use and privacy policy which are, not surprisingly, quite one sided. Amazon can, for example, remove content at will, as it did back in in 2009 when it erased all books authored by George Orwell from the Kindle. Will ironies never cease?

Amazon's privacy policy, in turn, refers to its Interest Based Ads policy. Hmmm. That must be why I am getting so many notices about yoga related books, CDs etc. from Amazon.

As Prof. Picker explains, we are in a new era of one by one on-demand production and just in time delivery of content. It's a bit like revisiting the scriptorium of old ("scriptorium redux") when one by one production was the norm. Note the name of Amazon Patent App. filed 2007, granted July 2, 2009 for an "on-demand generating e-book content with advertising".

Changes to the cost of inventory, current advertising and financing of content are reflected, for example, in Amazon's book update practices. Amazon automatically



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provides book update information to customers and instructions to authors as to how to notify customers about book updates.

From the electronic book, Prof. Picker transitioned to the "The Digital Library" and the key exponent of same.

B. Google.

As explained at its website, Google has the modest mission of organizing the world's information and making it universally accessible<http://www.google.com/about/>. Unfortunately, Google is sometimes at odds with book publishers and libraries.

On the one hand, Google states that it is proud to partner with libraries to digitize public domain books and make them accessible. On the other hand, it explains that scanning these titles is expensive. Therefore, Google has taken steps to prevent abuse by commercial parties. These steps include restricting automated querying and requiring attribution via the Google 'watermark'.

The Open Book Alliance questions Google's use of technological measures to prevent others from downloading content from public domain books. Such titles "should always be accessible by the public and not locked up by Google's technology" <http://www.openbookalliance.org/ >.

Prof. Picker wonders if there will ever be "disintermediated access" to ebooks, that is, access without an intermediary. You can follow Prof. Picker's observations about ebooks, digital libraries and more via his Twitter posts at <https://twitter.com/randypicker>. If you search you may even be able to find a link to the PowerPoint presentation he gave to our group back in September.

C. Reorganization

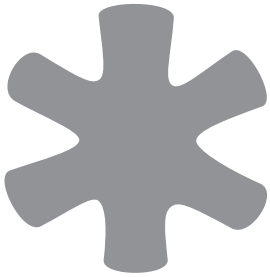
I seem to have skipped over some major news about my own law library in my last column. I must have been too caught up in recounting my adventures at the AALL Annual Meeting in Seattle to mention a momentous development here at home.

Back in June, 2013, our Dean announced some new appointments, one of which was the appointment of June Liebert (formerly our Library Director) as the law school's Chief Information Officer. As CIO, June now heads up both the Library and IT Department. We are now known collectively as "Library & Technology Services".

June recently sent us a link to the following posting at the Law Deans on Education blog. Richard Gershon, *The Evolving Law School, Part I: What Should Be the Role of the Law Library*? Law Deans on Legal Education Blog (Nov. 1, 2013) <http://tinyurl.com/lr4dyld>.

The post articulates a number of changes which have already taken place in our Library, including decreasing the size of the print collection and repurposing library space for quiet, collaborative study. I am glad that, as June puts it, we are ahead of the curve.

As a side note, the very existence of a blog for law school deans is indicative of the momentous changes affecting legal education today.



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D. AALL Spectrum

The Sept/Oct issue contains another excellent selection of articles. I enjoyed reading the following:

Annette Demers and Nancy McCormack, *Howdy Neighbor!: Introducing the Canadian Association of Law Libraries*, 18 AALL Spectrum 20 (2013). I learned a lot about the formation of CALL across the border and want to send a warm "howdy, back at you".

Galen Fletcher, *Cautious Creativity: Thoughts for the Risk-Adverse Law Librarian*, 18 AALL Spectrum 37 (2013).

Katherine Marshall, *Embracing Facilitation: How Can Facilitation Techniques Help Us in the Workplace?*, 18 AALL Spectrum 37 (2013).

Patrick J. Charles, *Would it Kill West…to Include the Same Information on WestlawNext and Westlaw Classic that it Includes in West Reporters*?, 18 AALL Spectrum 37 (2013). I agree wholeheartedly with the author and I appreciate the images he includes with the article. We would all love a more seamless relationship between print and online versions of the cases. Having just given a presentation on bankruptcy research with WestlawNext and other services (Lexis Advance, Bloomberg BNA and CCH), I will say that the folks at West are very receptive to feedback and there is even a link at the bottom of the screen for the user to submit ideas for improvement online. Hopefully, West will take this suggestion to heart.

Richard Leiter, *The Tools of our Trade: the Modern World Requires that Librarians be Among the First to Exploit Digital Tools*, 18 AALL Spectrum 37 (2013). It is interesting to review how librarians' tools have changed over time as well as how our skills have evolved to use these tools effectively.

IV. Legal Profession

In addition to hosting the CALI conference last spring, Chicago Kent recently hosted another exciting conference this fall on the future of law.

Thanks to Kent for making this presentation available online for those who were unable to attend in person.

Keynote Presentation: *The Future of Law – Who Will Perform It? Who Will Regulate It?* Stephen Mayson, Futures Conference October 4-5, 2013 Live Webcast, College of Law Practice Management, Chicago Kent College of Law (Oct. 4-5, 2013) <http://collegeoflpm.org/futures-conference-october-4-5-2013-live-webcast/ >.

Rachel M. Zahorsky & William D. Henderson, *Who's Eating Law Firm's Lunch?* ABA Journal 32,34 (Oct. 2013). The article profiles companies like Clearspire, Pangea3 and local legal services provider, Novus Law, based here in Chicago. Many legal technology entrepreneurs and a few law professors, in particular, Oliver Goodenough (Vermont Law School) and Daniel Martin Katz (Michigan State University) see a major paradigm shift underway in law practice, driven by economic, technological and globalization trends. New legal tech companies are "feasting" on tasks formerly done by law firms including legal process outsourcing, document review, legal forms and e-discovery. As the authors observe, "[M]ost of this change has occurred under the radar as these new legal entrepreneurs started with so-called commodity legal work like document review. But why would they stop there?"

V. Career Highlights: Writing

While writing is not a central duty of a law librarian, writing well can certainly enhance one's professional development. Much law librarian writing consists of bibliographies and books reviews, but even these humble efforts can open doors for us, as illustrated by the following examples.

In my early years as a law librarian at William Mitchell College of Law, I wrote a bibliography which was published in the William Mitchell Law Review. *Establishing a Distribution System in the European Union: selected sources*. 23 William Mitchell L. Rev. 927 (1997).

Some years later, at John Marshall, we librarians were asked to check how many times our faculty scholarship was cited by simply running searches based on each professor's name in the law review and case law databases. Out of curiosity, I searched my own name and found a reference to my article in the following article. Gregory Scott Crespi, *Judicial and Law Review Citation Frequencies for Articles Published in Different "Tiers" of Law Journals: an Empirical Analysis* 44 Santa Clara L.Rev. 897 (2004).
The author lists my article among others as an example of scholarship that was never cited. However, this is not too surprising, since my article is a bibliography!

As mentioned in a past column, our Library has created the law school's Institutional Repository (IR) which is available at <http://repository.jmls.edu/>. Much to my delight, my article is now part of our John Marshall IR. To my further delight and great surprise, I learned recently that my article was an IR "Paper of the Day" on Oct. 23, 2013! Will wonders never cease?

More recently, I was honored to write a review of a newly released text entitled *International Law Legal Research*, which I highly recommend. The authors of this new title have superb credentials and expertise. I have been privileged to work with each of them at one time or another. They are Prof. Anthony Winer at William Mitchell College of Law, Mary Ann Archer, former Associate Director for Public Services at William Mitchell's Warren E. Burger Law Library and my current colleague, Lyonette Louis-Jacques, FCIL Librarian at University of Chicago's D'Angelo Law Library.

This title is the first in a series on international legal research published by Carolina Academic Press and edited by John Marshall's own Prof. Mark Wojcik. Prof. Wojcik is also a contributing editor to the International Law Professors Blog where my review is posted. Please read more about it at <http://tinyurl.com/kwzgjde/> It is gratifying to contribute to this group of international legal research and writing instructors and librarians. I appreciate the willingness of Professors Winer and Wojcik to partner with librarians and give us these kinds of professional opportunities.

These writings at the beginning of my career and now at a later stage of my professional life, as well as my ongoing column for this Review, are welcome outlets for self-expression and participation in our global academic community. Thank you for reading.

* Anne L. Abramson is the Foreign and International Law Librarian at the John Marshall Law School, Chicago IL.

Canadian Law Library Review is published by:

Revue canadienne des bibliothéques de droit est publié par:

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