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**REVUE CANADIENNE DES
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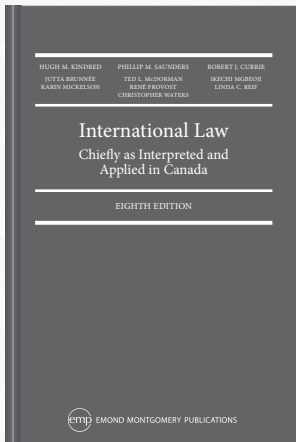


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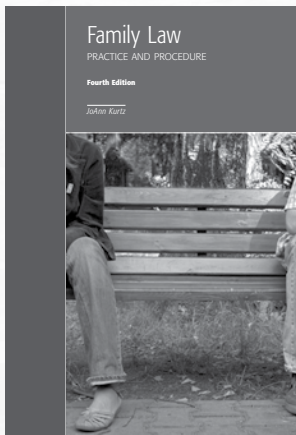


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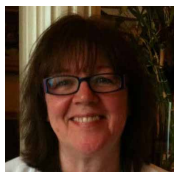
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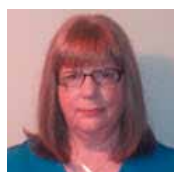
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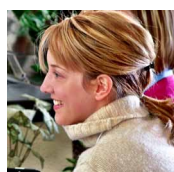
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& -or. 1. One who
for publication; one wh
edition. 2. One who d
the publication of a new
editorial (1.), adj. [1. éd

III From the Editor / De la rédactrice

My first task for this issue is to say farewell and a big thank-you to Leslie Taylor who has recently moved on from her position as Features Editor. Leslie has described the five years she has spent as editor as being a wonderfully enriching learning experience and I will say in return that the law library community has been equally enriched by Leslie's contributions and commitment to the *Canadian Law Library Review*. Leslie and Amy Kaufman together have worked very hard to ensure that the feature articles selected for the CLLR reflect a high standard of research, writing and scholarship. Many many thanks to Leslie for her hard work and dedication.

My second task is to welcome Rex Shoyama who will be joining Amy as the new Features Editor. A lot of you will already know Rex from his work as the Online Development Manager at Thomson Reuters. Rex has his JD from the University of Toronto and he is currently working on his Masters of Information at the University of Toronto's Faculty of Information. Welcome Rex, I am looking forward to working with and learning from you.

This issue has no real theme – except perhaps for “things I didn't know” (of which there are many, but in this case these things relate specifically to legal research). Both of the feature articles: a bibliography of exotic animal legislation in Canada and a guide to submitting a freedom of information request, cover new territory for me. I was once asked to help with a freedom of information request but was never confident that I was on the right track. As for exotic animals, well, I tried to keep a hedgehog when I was a kid in England

(it ran away) but since then my most exotic pet has been the domestic short hair. Recent headlines, however, show that quite a few Canadians are exotic animal enthusiasts, sometimes to comic effect (the Ikea monkey) and sometimes to unimaginably tragic effect (the African rock python that killed those two young boys in Nova Scotia). Canadian exotic animal legislation is like a maze and Laura Chuang's bibliography *Exotic Pet Law for Beginners* provides the key to that maze by putting together a good overview of exotic animal legislation and where to find it. By contrast, the making of a freedom of information request, on the surface, seems to be less labyrinthine than exotic pet legislation, but it does have its own set of pitfalls. Jessica Knoll's article, *How to fill out a Freedom of Information Request* provides a step-by-step guide around these difficulties and a clear path to making a successful request. Both of these articles cover new territory for me and perhaps for you too.

These articles both originated as student papers. Susan Jones in her Bibliographic Notes Column reviews an article by Katrina Miller entitled “Changing of the Guard: Best Practices for Saving and Transferring Institutional Knowledge.” In this article the author talks about succession planning, about capturing the explicit and tacit knowledge of experienced workers for the use of successive generations. I have recently learned how important this transfer of knowledge is, when two very experienced and pivotal employees in our faculty retired leaving a huge knowledge void (resulting in a certain amount of confusion) that is still not completely filled. Furthering that idea, I believe that in addition to capturing and passing institutional knowledge,

good succession planning involves looking forward – nurturing the new generation of librarians, supplying them with the knowledge they need but also being willing to be open minded to their ideas and knowledge. Which brings me back to the student papers; I learned early in my teaching that there is as much to be learned from my students as there is for me to teach them. I am happy that the CLLR provides a forum for students and new librarians to share their knowledge and areas of interest and I am sure we can all benefit from hearing what they have to say.

**EDITOR
SUSAN BARKER**



Dans le présent numéro, j'aimerais tout d'abord saluer et remercier sincèrement Leslie Taylor, qui a récemment quitté son poste de rédactrice de chroniques. Leslie a décrit les cinq années pendant lesquelles elle a exercé ses fonctions de rédactrice comme une expérience d'apprentissage profondément enrichissante; en retour, je dirai que les contributions et l'engagement de Leslie à l'égard de la *Revue canadienne des bibliothèques de droit* (RCBD) ont enrichi tout autant la communauté des bibliothèques de droit. Ensemble, Leslie et Amy Kaufman ont travaillé très fort pour s'assurer que les articles de fond choisis pour être publiés dans la RCBD reflètent une norme élevée en matière de recherche, de rédaction et d'érudition. Un grand merci à Leslie pour son ardeur au travail et son dévouement.

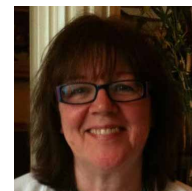
J'aimerais ensuite souhaiter la bienvenue à Rex Shoyama, qui se joindra à Amy en tant que nouveau rédacteur de chroniques. Bon nombre d'entre vous connaissent déjà Rex grâce à ses fonctions de directeur du développement en ligne chez Thomson Reuters. Rex est titulaire d'un J.D. de l'Université de Toronto, et il effectue actuellement un programme de maîtrise à la faculté des sciences de l'information de l'Université de Toronto. Bienvenue Rex, Je me réjouis à la perspective de travailler avec vous et d'apprendre à vos côtés.

Ce numéro n'a pas de thème proprement dit, sauf peut-être « les choses que j'ignorais » (qui sont nombreuses, mais dans le cas présent, elles sont liées plus particulièrement à la recherche juridique). Les deux articles de fond, à savoir une bibliographie relative à la législation sur les animaux exotiques au Canada et un guide pour la présentation d'une demande d'accès à l'information, abordent un terrain inconnu en ce qui me concerne. On a déjà sollicité mon aide relativement à une demande d'accès à l'information, mais je n'ai jamais été sûre d'être sur la bonne voie. En ce qui a trait aux animaux exotiques, j'ai essayé de m'occuper d'un hérisson lorsque

j'étais jeune en Angleterre (il s'est enfui), mais depuis, mon animal de compagnie le plus exotique a été un chat domestique à poil court. Toutefois, selon des manchettes récentes, de nombreux Canadiens sont amateurs d'animaux exotiques, et c'est parfois plutôt cocasse (le singe d'Ikea), et parfois incroyablement tragique (le python de Séba africain qui a tué deux jeunes garçons en Nouvelle-Écosse). La législation canadienne en matière d'animaux exotiques est comme un labyrinthe, et la bibliographie de Laura Chuang relative aux lois sur les animaux de compagnie exotiques pour les débutants fournit la clé de ce labyrinthe en offrant un bon aperçu des lois sur les animaux exotiques et de la manière de les trouver. En revanche, la présentation d'une demande d'accès à l'information, en surface, semble moins complexe que la législation sur les animaux de compagnie exotiques; cependant, elle comporte ses propres pièges. L'article de Jessica Knoll portant sur la manière de remplir une demande d'accès à l'information fournit un guide étape par étape qui permet de contourner ces difficultés et indique clairement comment présenter une demande fructueuse. Ces deux articles traitent de sujets inconnus pour moi, et peut-être pour vous aussi.

Ces articles découlent de dissertations d'études. Dans sa chronique de notices bibliographiques, Susan Jones passe en revue un article de Katrina Miller intitulé « Changement de garde : Pratiques exemplaires pour préserver et transférer le savoir organisationnel ». Dans cet article, l'auteure traite de la planification de la relève et de la manière de capter les connaissances explicites et tacites des travailleurs d'expérience au profit des générations qui leur succèdent. J'ai récemment compris l'importance du transfert de ces connaissances, lorsque deux employés chevronnés et essentiels de notre faculté ont pris leur retraite, laissant un vide immense sur le plan du savoir (ce qui a créé une certaine confusion), qui n'est pas encore tout à fait comblé. Dans cet ordre d'idées, je crois qu'outre la saisie et la transmission du savoir organisationnel, une bonne planification de la relève suppose une perspective future, selon laquelle on forme la nouvelle génération de bibliothécaires en leur fournissant les connaissances dont ils ont besoin, mais en acceptant aussi de faire preuve de réceptivité à leurs idées et à leur savoir. Cela me ramène aux dissertations; dès le début de ma carrière dans l'enseignement, j'ai compris que je pouvais apprendre au contact de mes étudiants tout autant que je pouvais leur enseigner. Je suis heureuse que la RCBD offre aux étudiants et aux nouveaux bibliothécaires une tribune qui leur permet de partager leurs connaissances et leurs sujets d'intérêt, et je suis persuadée que nous pouvons tous bénéficier de leurs points de vue.

**RÉDACTRICE
SUSAN BARKER**





III President's Message / Le mot de la présidente

It's amazing how quickly time flies – I can't believe that there is only 8 months left of my time as President!

When taking on a leadership role in any organization, one always starts with big hopes for what can be accomplished, but when looking at the day-to-day constraints, you realize that getting things done, especially large initiatives in a large organization, isn't always straightforward.

"As always, there are many other activities and initiatives that our Committees and SIGS are working on at any particular time - watch the electronic newsletter for all of the upcoming happenings! "

The current CALL Board meets twice nearly every month to conduct the business of the Association. This summer we were working on the following initiatives:

1. Contract renewal with our National Office. The Board has been reviewing our current contract with Managing Matters and we have been negotiating some additional terms for the contract moving forward;
2. Ongoing problems with the CALL website are continuously being addressed;
3. Advocacy matters – we prepared a letter to Library and Archives Canada on Canada's National Union Catalogue. We also are currently working with the Canadian Library Association regarding declining access to prison libraries.

4. Also on the Advocacy front, Cyndi Murphy presented a very successful exhibit booth at the Canadian Bar Association conference in St. John in August. In particular, Fred Headon, President of CBA was impressed by the booth. He commented on the work that was done at our booth to highlight relevant portions of the CBA Futures 2014 report. Fred will actually be contributing to our upcoming Tweet Chat on this topic at the end of September!

CALL also has some larger initiatives on the horizon:

1. The member registration on the CALL website is very problematic; we are working to replace the system with a more modernized solution.
2. We are preparing a migration plan for a new website.
3. We are reviewing the work of the Communications Committee on a Communications Plan for the Association.
4. We are commencing review of the work that the Education Committee has done with respect to Law Librarian Competencies. The original vision for this initiative was that persons who are planning our future educational programming will have a slate of competencies at their disposal in order to help them plan a broad array of programming.

As always, there are many other activities and initiatives that our Committees and SIGS are working on at any particular time - watch the electronic newsletter for all of the upcoming happenings!

Moncton 2015

It is important to note that the Programming Committee for the 2015 conference in Moncton is now seeking ideas for educational sessions. Our conference is only as good as the programs that are dreamt up by our members! If you have any ideas for a conference session, please be sure to send them along to Iain Sinclair, Programming Committee Chair: isinclair@stewartmckelvey.com

**PRESIDENT
ANNETTE DEMERS**



C'est surprenant de voir à quelle vitesse le temps file – je ne peux pas croire qu'il ne reste que huit mois à mon mandat de présidente!

Lorsqu'on accepte d'assumer un rôle de leader au sein d'une organisation, on a toujours de grands espoirs par rapport à ce qu'on peut accomplir au début. Mais lorsqu'on se heurte aux contraintes quotidiennes, on réalise qu'il n'est pas toujours facile de faire avancer les choses, et particulièrement les initiatives d'envergure entreprises dans une grande organisation.

« Comme toujours, nos comités et groupes d'intérêts mènent de nombreuses autres activités et initiatives à tout moment – consultez le bulletin électronique pour connaître tous les événements à venir! »

L'actuel conseil d'administration de l'ACBD se réunit deux fois presque chaque mois pour mener les affaires de l'association. Cet été, nous avons travaillé sur les initiatives suivantes :

1. Renouvellement du contrat avec notre bureau national. Le conseil d'administration a revu notre contrat actuel avec Managing Matters et nous avons négocié certaines modalités additionnelles pour appliquer le contrat.
2. Nous résolvons continuellement les problèmes constants qui se présentent avec le site Web de l'ACBD
3. Questions liées aux services d'assistance judiciaire – Nous avons rédigé une lettre à Bibliothèque et Archives Canada au sujet du Catalogue collectif du Canada. En outre, nous collaborons actuellement avec l'Association canadienne des bibliothèques pour résoudre le problème de l'accès aux bibliothèques de prison, qui est en déclin.
4. Également sur le plan des services d'assistance judiciaire, Cyndi Murphy a présenté un stand d'exposition très réussi à la conférence de l'Association du Barreau canadien, tenue en août à St. John! Soulignons tout particulièrement que Fred Headon, président de l'ABC,

a été impressionné par le stand. Il a commenté le travail fait à notre stand pour mettre en évidence des parties pertinentes du rapport Avenirs en droit 2014 de l'ABC. En fait, Fred contribuera à notre prochaine discussion sur Twitter à ce sujet, à la fin de septembre.

L'ACBD a quelques initiatives d'envergure à entreprendre ultérieurement.

1. L'inscription des membres dans le site Web de l'ACBD cause énormément de problèmes; nous remplaçons actuellement le système par une solution plus moderne
2. Nous préparons un plan de migration vers un nouveau site Web.
3. Nous examinons le travail de notre Comité des communications portant sur un plan de communications pour l'association.
4. Nous entreprenons actuellement l'examen des travaux que le Comité de l'éducation a exécutés relativement aux compétences des bibliothécaires de droit. La vision initiale de cette initiative est la suivante : les personnes qui planifient nos programmes d'éducation futurs disposeront d'une liste de compétences leur permettant de planifier une vaste gamme de programmes.

Comme toujours, nos comités et groupes d'intérêts mènent de nombreuses autres activités et initiatives à tout moment – consultez le bulletin électronique pour connaître tous les événements à venir!

Moncton 2015

Il importe de souligner que le Comité des programmes associé à la conférence de 2015 à Moncton cherche maintenant des idées en prévision des séances d'éducation. Notre conférence est aussi stimulante que les programmes dont nos membres rêvent! Si vous avez des idées pour une des séances de la conférence, assurez-vous de les transmettre à Iain Sinclair, président du Comité des programmes, à l'adresse suivante : isinclair@stewartmckelvey.com.

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ANNETTE DEMERS**



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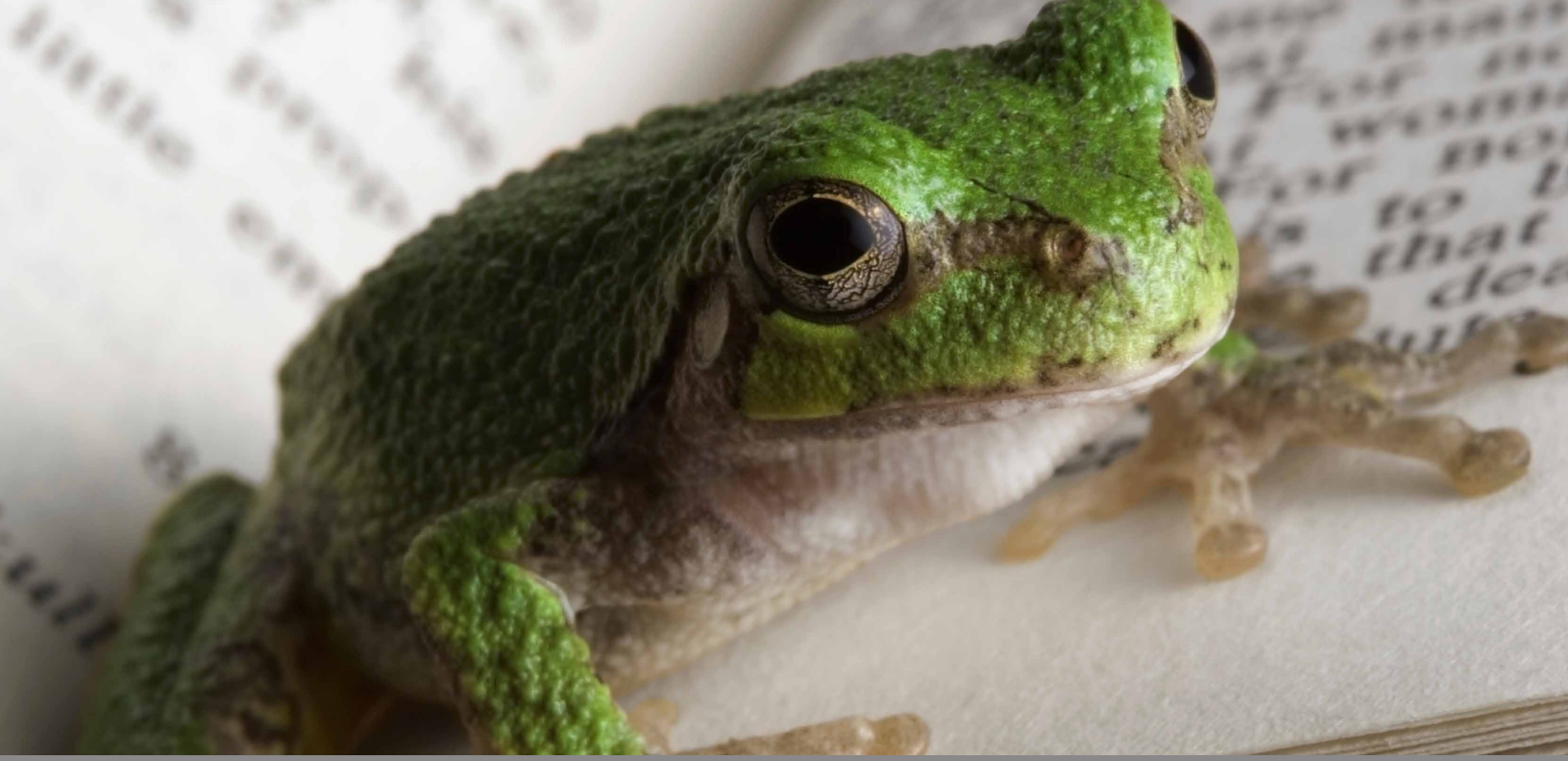
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III Exotic Pet Law for Beginners: A Starter Manual of Legal Resources for Aspiring Exotic Pet Owners*

By Laura Chuang**

Abstract

Canada's approach to exotic pet legislation is haphazard, with each province having a different system and some provinces delegating this duty to individual municipalities. Because of these varied approaches, determining the rights and responsibilities of exotic pet owners in Canada has the potential to be confusing. This bibliography will assist research efforts to help conscientious pet owners to determine that they are in compliance with the law.

La législation portant sur les animaux exotiques au Canada s'est développée un peu au hasard : chaque province ayant une approche différente et certaines provinces délèguent cette tâche aux municipalités. En raison de ces diverses approches, déterminer les droits et les responsabilités des propriétaires d'animaux exotiques au Canada peut être source de confusion. Cette bibliographie soutient les besoins de recherche des propriétaires d'animaux consciencieux qui veulent déterminer s'ils sont en conformité avec la loi.

(Editor's note: While this bibliography was originally designed with the exotic pet enthusiast in mind it is a unique and valuable resource for law librarians as well given the complex legal environment surrounding exotic pet ownership)

This is a resource for individuals who are considering an exotic pet and want to learn about the legalities of owning or importing certain species. At the moment, there are many online forums for exotic animal enthusiasts, but such resources are usually run by fellow enthusiasts, not legal professionals. As a result, there is a high risk of the dissemination of errors and misinformation. The risk of inaccuracy is also partially due to the haphazard nature of exotic pet legislation in Canada. Responsibility is split between provincial and municipal governments and there is no uniform federal legislation. As a result, individuals in different geographic locations have different rights regarding exotic pets.

The purpose of this bibliography is to provide a list of the resources that regulate owning exotic species and to highlight the need for national exotic pet legislation. In Canada, we have seen the phenomenon of Darwin the IKEA monkey in 2012, as well as the 2007 case of a woman in British Columbia who was mauled and killed in front of her children by her boyfriend's pet Siberian tiger.¹ The current state of exotic pet legislation is extremely unclear and exotic pet owners often risk injury and legal liability.

* © Laura Chuang 2014

** Laura Chuang is a recent graduate of the University of Toronto iSchool (Class of 2014), where she received the Kathleen Reeves Memorial Award and the Gordon Cressy Student Leader Award. She holds a BA in English from McGill University, where she lived out a spotted past of theatre administration and Gilbert & Sullivan operas. Laura currently works as a reference librarian for McMillan LLP.

¹ "Woman mauled to death by tiger in B.C. Interior", *CBC News* (5 November 2007), online: CBC.ca <<http://www.cbc.ca/news/canada/british-columbia/story/2007/05/11/bc-tiger.html>>.

This bibliography will cover specific provincial legislation in Canada, because it is aimed specifically at Canadian animal enthusiasts. It will also cover the Canadian trade legislation that pertains to the importation of exotic pets into the country. Finally, it will cover the main international treaty under which many wildlife laws are enacted.

This bibliography will focus primarily on current legislation and will not cover journal articles or other commentary. While there are legal journals specifically focusing on the subject of animal law, the focus is rarely the legality of owning exotic pets. These journals tend to look at the wider-ranging issues of animal abuse, animal farming in an international context, and the philosophy of animal rights. Additionally, these journals are all based in the United States and provide very little insight for Canadian exotic pet enthusiasts.

It should be stated once again that this resource is for non-lawyers and it is not intended as a source of legal advice. This is an attempt to lay out all of the relevant legislation in a single place in order to ensure that exotic pet owners are informed. However, any individual who is serious about acquiring a certain exotic species for a pet should also consult their government, and perhaps a lawyer, for the most specific and up-to-date information.

Canadian Legislation

This part of the bibliography covers provincial legislation in Canada, set out in alphabetical order by province. Due to the haphazard nature of exotic pet law in Canada, every province has its own approach. As a result, some provinces have legislation specifically dedicated to exotic pets, whereas other provinces have opted to disperse the responsibility for exotic pet legislation amongst individual municipalities.

I have included several examples of municipal by-laws in large cities relating specifically to exotic animals, but these by-laws are not uniform. Individual by-laws may prohibit different animals and they may have different licensing practices across the province. These differences have the potential to be highly confusing for uninformed users. In the case where an aspiring exotic pet owner lives in a province where the responsibility has been delegated to the municipalities, I would recommend consulting specifically with the local authorities in order to determine the legality of owning certain species.

Alberta: *Wildlife Regulation, Alta Reg 143/1997.*

This regulation is set out under the *Alberta Wildlife Act*.² The act itself states that the Minister appointed by the Lieutenant Governor in Council may make regulations regarding the possession of all animals. The regulations are concerned with several categories of animals, including game, birds of prey, endangered animals and migratory species that dictate hunting seasons. While the regulations do not make specific references to exotic pets, there are regulations regarding

the possession and trafficking of all “controlled animals.” For example, any person wishing to possess or traffic a controlled species requires a permit of authorization. The animals listed in Schedule 5 of the regulations are considered controlled animals, and the list is inclusive of many species that are often regarded as exotic pets, including big cats, primates and large reptiles.

British Columbia: *Controlled Alien Species Regulation, BC Reg 94/2009.*

The *Controlled Alien Species Regulation* was created under British Columbia’s *Wildlife Act*.³ The regulation states that individuals may own certain controlled species with the proper permits. However, individual owners are not permitted to breed or release controlled species. The regulation includes a schedule of controlled species, and it should be noted that while many traditional exotic pet species are listed as controlled, this deals primarily with species that are deemed potentially dangerous. For example, while big cats are prohibited, zebras are not included on that list.

The regulations have set a minimum provincial standard, but several of the province’s municipalities have also passed by-laws dealing with controlled species and exotic animal ownership. The provincial regulation does not take precedence over these by-laws, and any owners in British Columbia are legally obligated to comply with the latter.

Manitoba: *Wildlife Act, RSM 1987, c W-130, CCSM c W-130.*

The Manitoba *Wildlife Act* makes specific mention of exotic wildlife and categorizes them as non-indigenous species. The act allows for the relevant minister to create regulations regarding the possession of exotic species. There is a schedule of animals listed in the act, but the list primarily covers game animals and protected Canadian species. The act also makes no specific mention about the possession of exotic species for the purpose of domestication and recreation.

City of Winnipeg, By-law No 92/2013, *Responsible Pet Ownership By-Law*

While Manitoba’s legislation does not address the issue of exotic pets, its capital city has recently passed a by-law addressing the ownership of both domestic and exotic animals. The by-law includes a schedule of prohibited animals, amounting to a general ban on exotic animals as pets in the city of Winnipeg (with several exceptions that are specifically listed in the text). I have selected this as a strong example of exotic pet legislation that takes specific species into consideration, but it should be noted that this is only one municipality out of hundreds.

² *Alberta Wildlife Act*, RSA 2000, c W-10.

³ *Wildlife Act*, RSBC 1996, c 488.

New Brunswick: *Exotic Wildlife Regulation*, NB Reg 1992-74.

The New Brunswick *Exotic Wildlife Regulation* was passed under the *Fish and Wildlife Act*.⁴ The New Brunswick *Fish and Wildlife Act* mentions exotic wildlife and specifies that permits are required for any individual seeking to keep exotic wildlife in captivity or to import it into the province. The act states that the Lieutenant Governor in Council may make regulations regarding the possession of exotic wildlife. The *Exotic Wildlife Regulation* contains a list of species and subspecies of exotic wildlife (primarily small reptiles and birds) that are excluded from the restrictions set out in the *Fish and Wildlife Act*. Any one of this list of animals may be imported into the province and kept as a pet without government authorization.

Newfoundland & Labrador: *Wild Life Regulations*, CNLR 1156/96.

These regulations conceived under the Newfoundland and Labrador *Wild Life Act*⁵ only make a few references to keeping wildlife in captivity. The regulations do not make specific reference to exotic animals, in the context of pets or otherwise. However, they do state that any person wishing to keep wildlife of any kind in captivity requires an official permit. There is no list of specific controlled species, but the regulations include a list of animals that may be imported and owned within the province.

Northwest Territories: *Bill 3, Wildlife Act, 4th Sess, 17th Leg, Northwest Territories, 2013 (assented to 1 November 2013)*.

The Northwest Territories recently passed a new *Wildlife Act* which comes into force in November 2014. While this legislation does discuss the capture and ownership of wildlife, there is no differentiation made between local wildlife and exotic species. In the event that a species is deemed to be endangered, the responsible Minister may cancel or suspend all licenses of ownership. Beyond this, there does not appear to be any further legislation regarding the keeping of exotic animals as pets. This is most likely due to a number of combined factors, including the inhospitable weather conditions for most exotic species, and the need to prioritize the conservation of local wildlife and Native values and practices. With these pressing issues at hand, the regulation of exotic pets is less likely to be a matter of great importance.

Nova Scotia: *Wildlife Act*, RSNS 1989, c 504.

The Nova Scotia *Wildlife Act* has succinct procedural instructions for individuals wishing to own exotic wildlife. The legislation regarding the keeping of exotic animals

requires all owners to carry a Minister-issued permit. The *General Wildlife Regulations* passed under this act permit the Director of Wildlife to make decisions regarding the ownership of specific exotic animals as personal pets.⁶

Director of Wildlife, Government of Nova Scotia, online: *Personal Pets Exotic Wildlife Prohibition List* <<http://www.gov.ns.ca/natr/wildlife/laws/pdf/App6.pdf>>.

In accordance with the legislation, the Director of Wildlife has created the “Personal Pets Exotic Wildlife Prohibition List” that clearly lists out the species that may not be kept as pets within the province. However, this is not an outright ban; the Director is still able to distribute Captive Wildlife permits at his or her discretion. It should be noted here that in addition to the provincial legislation, several municipalities have passed exotic pet by-laws, but they are non-uniform and their scope ranges from covering only specific reptiles to passing an outright ban on all exotic species.

Nunavut: *Wildlife Act*, SNU 2003, c 26.

This consolidation of the Nunavut *Wildlife Act* does not discuss the legalities of possessing exotic animals as pets, nor does it make reference to exotic wildlife. However, the language of the act does refer to animals “of special concern” or “species at risk,” denoting animals that are either rare or endangered, both inside and outside of Nunavut. The act states that in the event of a species being labeled as “at risk,” no individual is to possess a member of the species without a specific licence issued by the Nunavut Wildlife Management Board. It should be noted here that while many traditional exotic pet species are rare or endangered, this is not necessarily always the case. As a result, the act may not be a useful resource for individuals wishing to own pets that are not at risk, but merely geographically exotic.

Ontario: *Municipal Act*, 2001, SO 2001, c 25.

Ontario’s *Municipal Act* distributes the responsibility of passing exotic pet legislation amongst individual municipalities. As a result, the exotic pet by-laws in Ontario are highly non-standardized; aspiring exotic pet owners need to consult with their municipal government in order to determine the specific legalities of owning an exotic species.

Ontario’s exotic pet laws are a particularly salient example of haphazard legislation. Ontario’s *Fish and Wildlife Act* does discuss the issue of keeping wildlife in captivity and provides a list of schedule species that are to be regulated.⁷ However, the schedules only cover local wildlife and there is no mention of non-indigenous or exotic wildlife.

⁴ *Fish and Wildlife Act*, SNB 1980, c F-14.1.

⁵ *Wild Life Act*, RSNL 1990, c W-8.

⁶ *General Wildlife Regulations*, NS Reg 205/87.

⁷ *Fish and Wildlife Conservation Act*, SO 1997, c 41.

Prince Edward Island: *Wildlife Conservation Act*, RSPEI 1988, c W-4.1.

The Prince Edward Island *Wildlife Conservation Act* dictates that the Lieutenant Governor in Council may make regulations regarding the possession and release of exotic or non-indigenous wildlife. While a search of legal resources did not reveal any specific exotic animal legislation, the PEI Department of Agriculture and Forestry website contained a specific section pertaining to exotic wildlife.

Prince Edward Island Department of Agriculture and Forestry, “Prohibited Wildlife on P.E.I.” online: <<http://www.gov.pe.ca/forestry/index.php3?number=1038072>>.

The list is based on whether or not certain species are deemed a potential threat, either to the public or the native ecosystem. The list includes almost all of the animals that are traditionally kept as exotic pets. In the event that individuals wish to possess wildlife, they must make sure that the animal is not on the departmental list of prohibited species. The departmental website also notes that the list is subject to updates and revisions at any time.

Quebec: *Règlement sur les animaux en captivité*, RRQ, c C-61.1, r 5.

These regulations respecting animals in captivity are passed under the Quebec *Conservation and Wildlife Act*. The act passes on the responsibility of exotic species legislation to the Minister of Agriculture, Fisheries and Food. Beyond the reference to further legislation, the act does not make further references to exotic pets.

The regulations dictate the basic obligations of individual owners, as well as pet establishments, research institutions, and zoos. The regulations include a specific schedule of exotic species that may be kept without a licence. Any individuals in Quebec who wish to own an exotic species that is not included on this list should consult with their municipal government, as the schedule is fairly general and makes no mention of specific banned species.

Saskatchewan: *Captive Wildlife Regulations*, RRS, c W-13.1, Reg 13.

The *Captive Wildlife Regulations* are passed under the Saskatchewan *Wildlife Act*.⁸ While the Act does reference and define exotic wildlife, it does not include specific legislation regarding the keeping of exotic species. The regulations include a list of species that do not require a licence for ownership. The list includes a number of traditional exotic reptiles and certain species of birds. Other exotic species, such as big cats and primates, are not

specifically mentioned and it should be assumed that such animals are either banned or require a licence.

City of Saskatoon, by-law No 7860, *Animal Control By-law*, 1999.

The municipality of Saskatoon has passed by-laws that are far stricter than the Captive Wildlife Regulations. They specifically regulate the possession and import of exotic animals and include a schedule of prohibited species. This legislation is very clear-cut and specific, but it should be noted that once again, the by-laws only apply to a single city. Saskatchewan residents outside of Saskatoon should consult their municipal government to determine if there are different by-laws that apply to them.

Yukon: *Wildlife Act*, RSY 2002, c 229.

The Yukon *Wildlife Act* does not mention exotic wildlife or exotic pets. It does state that no individual is to hunt or keep any species of “specially protected wildlife,” but this term only covers wildlife that is native to the Yukon. Beyond that, there is no mention of any procedure for individuals wishing to keep non-indigenous species for recreative purposes. The regulations passed under this Act yield similar results. One can infer that all live wildlife must be licensed, but there is no specific legislation for exotics.

Trade Legislation

There are occasions when individuals may wish to import an exotic animal into their home country and keep it as a pet. However, there is specific legislation pertaining to the trafficking of species across international borders. The first piece of legislation, below, is a domestic regulation specific to Canada. The second also applies to Canada, but this is in the context of Canada as a participating party in an international agreement. The first piece of legislation is based upon the second.

***Wild Animal and Plant Trade Regulations*, SOR/96-263.**

These regulations were created under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPRIITA),⁹ which was implemented under the *Convention on International Trade in Endangered Species of Wild Fauna and Flora* (CITES). The Act regulates the import of exotic or non-indigenous species into Canada. This regulation contains a specific section on pets, but it is made primarily in reference to traditional domestic pets. The Act makes no specific mention of exotic animals, but it does note that in cases where the pet in question may also appear on the CITES list of controlled species, individual owners must apply for the appropriate permits or licence.

⁸ *Wildlife Act*, SS 1998, c W-13.12.

⁹ *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act*, SC 1992, c 52.

Convention on International Trade in Endangered Species of Wild Fauna and Flora, 3 March 1973, 27 UST 1087, 993 UNTS 243 (entered into force on 1 July 1975) [CITES].

The convention is a multilateral treaty that entered into force in 1975 and it is one of the largest and oldest conservation agreements in existence. The aim of the convention is to ensure that the international trade in specimens of wild plants and animals does not threaten their survival. In order to reach that goal, the convention has an appendix of species that require controlled regulation in order to prevent exploitation.

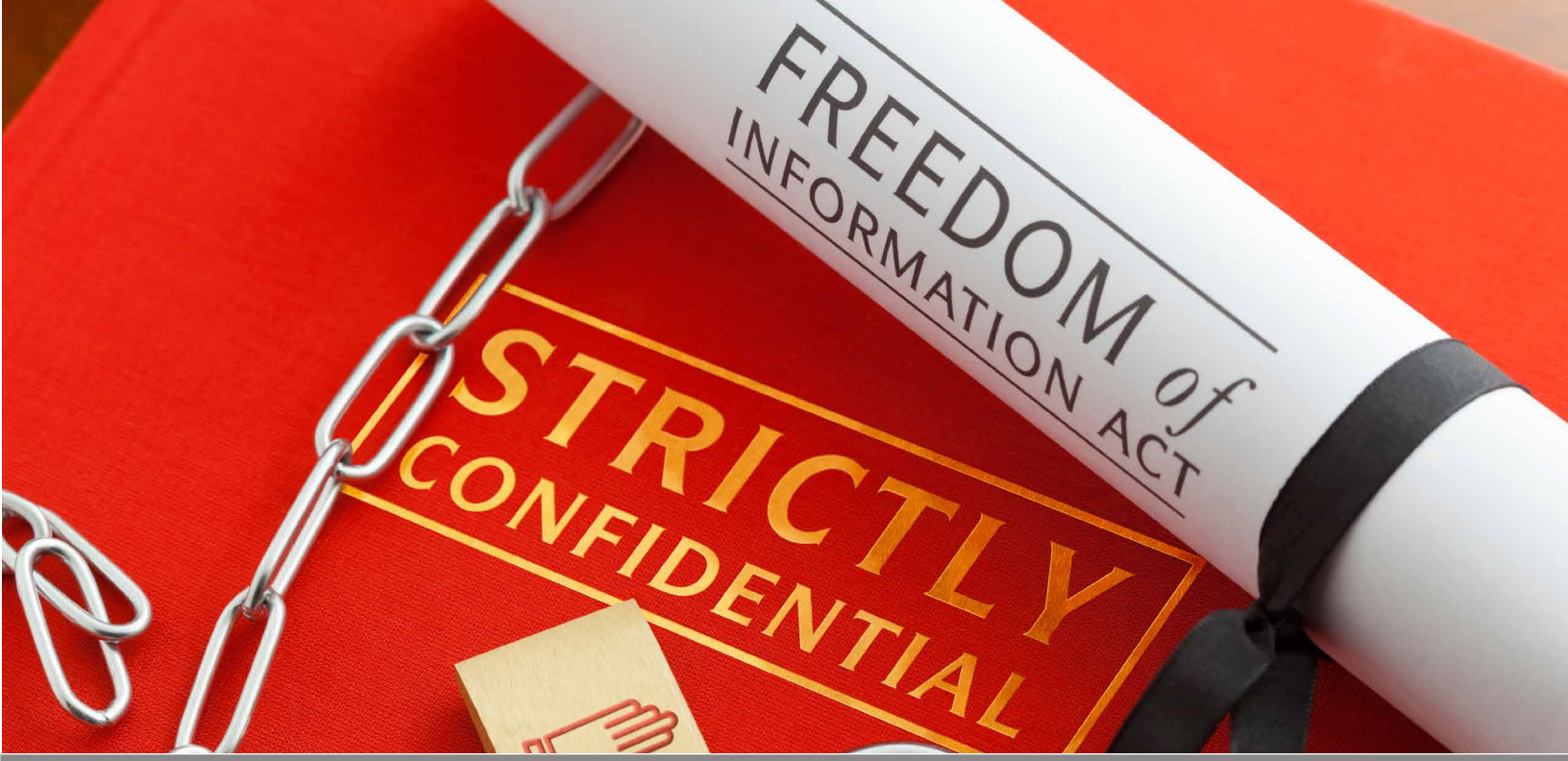
Government participation in the convention is completely voluntary and the convention currently has 178 participating members. The convention is legally binding, but it does not take the place of national laws. However, it does provide a legal framework around which individual parties may craft national legislation, particularly in reference to the importation of exotic and non-indigenous species.

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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;
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III Freedom of Information in Ontario - How to Complete A Freedom of Information Request*

By Jessica Knoll**

Abstract

This article outlines the process of drafting and submitting freedom of information requests in Ontario. It first provides a brief history and explanation of the laws that govern the freedom of information request practice, and highlights their differences and how they are applicable. It then moves into a step-by-step explanation of how to complete the process, with examples and references to additional resources.

Cet article décrit le processus d'élaboration et de présentation des demandes d'accès à l'information en Ontario. Il donne d'abord un bref historique et une explication sur les lois qui régissent la pratique des demandes d'accès à l'information, et met en lumière leurs différences et explique comment elles s'appliquent. Ensuite, une explication étape par étape est donnée sur la façon de compléter le processus, avec des exemples et des références à des ressources additionnelles.

Access to information and freedom of information are topics that are at the forefront of a myriad of social arenas today. The National Security Agency (NSA), Canadian Security

Intelligence Service (CSIS), and the overwhelming growth of the internet have sparked a great deal of public interest with respect to what information is readily available and how that information can be accessed. For this reason, as information professionals and law librarians, we must familiarize ourselves with the legislation surrounding freedom of information. As requests for information become more frequent, it is important for law librarians to be well schooled in how to assist patrons who are seeking help in drafting a freedom of information request. In order to address this important topic, this article will outline the process of drafting and submitting freedom of information requests in Ontario and provide an overview of the history behind the applicable legislation. In taking an in-depth look at the development of current legislation and the request process itself, we as law librarians can become better equipped to address the needs of our patrons pertaining to their Freedom of Information requests.

At present, the two main pieces of legislation that govern Freedom of Information (FOI) requests in Ontario are the *Freedom of Information and Protection of Privacy Act*¹(FIPPA) and the *Municipal Freedom of Information and*

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¹ *Freedom of Information and Protection of Privacy Act*, RSO 1990, c F.31

² *Municipal Freedom of Information and Protection of Privacy Act*, RSO 1990, c M.56

*Protection of Privacy Act*² (MFIPPA). Freedom of information and FOI requests have become more popular topics of conversation recently, but the legislation behind them can be traced back to the 1960s, with serious discussion at the federal level in 1973.³ At the provincial level, Ontario created a Commission on Freedom of Information and Individual Privacy (The Williams Commission) with the mandate “to make recommendations with respect to the recognition of public rights of access to government information, as well as the protection of individual privacy.”⁴ A new “Freedom of Information” bill, Bill 34 was introduced in July 1985, and sent to the House Committee for extensive review and public hearings between 1986 and 1987.⁵ In 1988, the *Freedom of Information and Protection of Privacy Act* (FIPPA) came into force⁶ and has been amended several times since, most recently in 2011. Along with FIPPA came the Information and Privacy Commissioner, who has worked independently of the Ontario government since 1988 to promote open government and the protection of personal privacy within the province.⁷

Similarly, in 1990, the *Municipal Freedom of Information and Protection of Privacy Act* came into force, with its most recent amendment occurring in 2007. MFIPPA applies to all local government organizations, including municipalities, school boards, transit and the police, etc.⁸ This Act protects the privacy of individuals and their personal information, but also gives individuals the right to access municipal government information. This includes general records and records containing personal information.⁹ Both FIPPA and MFIPPA are dedicated to protecting individuals’ right to privacy in conjunction with preserving their right to access information.

The organizations to which FIPPA applies have evolved substantially in recent years. As early as 1994,¹⁰ the Information and Privacy Commission of Ontario was calling for the Ontario Legislature to include a wider variety of public organizations under FIPPA, making them accessible and accountable to the public. As of 2003, Ontario’s energy utilities (Hydro One and Power Generation) were placed under FIPPA, and Ontario universities were placed under FIPPA in 2006.¹¹ In 2012, Ontario was the last province in

Canada to bring hospitals under its freedom of information legislation.¹² Since 2004, the collection, use, and disclosure of health information has been governed by the *Personal Health Information Protection Act* (PHIPA).¹³ Therefore, for health information, the requester may wish to consult resources pertaining to both of these acts before submitting a request. Contacting the organization or medical facility in question is also highly recommended in this situation.

The process of submitting a FOI request involves a number of steps. As legal information professionals, it is important to be aware of these steps in order to better assist requesters looking for help. One of the most critical facts about FOI requests is that they all must be sent by mail or made in person; online applications are not acceptable. It is then quite likely that the type of advice a requester may be seeking from a legal information professional will center around how to fill out the form correctly. This process does not require legal advice or counsel, so it would be of great professional benefit for law librarians to become experts in the steps required. It is worth noting that there are several resources available online¹⁴ (including step-by-step guides) that can be recommended to requesters for further assistance. In situations where the requester has contacted you by phone or email, these resources may be of greater assistance.

To begin, we must acknowledge that though there is a finite process for submitting a FOI request, the details may change depending on the ministry or organization to which the request relates. To assess these needs, the first step is for the requester to consult the Directory of Records,¹⁵ which provides details by ministry on what type of information they maintain and the retention period for those records. Some ministries have much more detailed notes than others. For example, the Ministry of Aboriginal Affairs¹⁶ has two lists of records (Common and General) with sub-categories, but no further explanation surrounding retention period or details contained within these records. Ministries like the Ministry of Community Safety and Correctional Services,¹⁷ however, have several pages of different subject matter within their records management system, and thus have extensive notes on different retention periods based on the multiple types of records they keep.

³ John D McCamus, “Freedom of Information in Canada” (1983) 10:1 Government Publications Review 51.

⁴ *Ibid* at 53.

⁵ Tom Mitchinson, “‘Public Interest’ and Ontario’s Freedom of Information and Protection of Privacy Act” (Speech delivered at the British Columbia Law Society, 16 February 2001) Ontario Information and Privacy Commission.

⁶ University of Toronto, “Freedom of Information and Protection of Privacy Act (FIPPA)”, online: University of Toronto: Archives and Records Management <<http://www.utarms.library.utoronto.ca/>>.

⁷ Office of the Information and Privacy Commissioner, “IPC: Home” online: IPC <<http://www.ipc.on.ca/>>.

⁸ City of Ottawa, “About MFIPPA” online: <<http://ottawa.ca/>>.

⁹ *Ibid*.

¹⁰ A Cavoukian, “The Evolution of Freedom of Information in Ontario: From Reactive to Proactive Disclosure” (2013) Academic Matters online: <<http://www.academicmatters.ca/>> [Cavoukian].

¹¹ University of Toronto, “FIPPA and its Application to the University of Toronto”, online: University of Toronto <<http://www.fippa.utoronto.ca/>>.

¹² Cavoukian, *supra* note 10.

¹³ Ontario, Information and Privacy Commission, *Applying PHIPA and FIPPA to Personal Health Information: Guidance for Hospitals* (Ontario: Information and Privacy Commissioner, 2011) at 1.

¹⁴ The Information and Privacy Commission of Ontario has a number of resources available at its website. For personal information, one can find information here: <<http://www.ipc.on.ca/english/Access-to-Information/Accessing-Personal-Information/>>. For public information, the following resource exists: <<http://www.ipc.on.ca/english/Access-to-Information/Accessing-Public-Information/>>. Finally, the government of Ontario’s website hosts a comprehensive guide to the process of submitting a FOI request, found here: <<https://www.ontario.ca/government/how-make-freedom-information-request>>.

¹⁵ Ontario, Ministry of Government Services, *Freedom of Information Directory of Records* (Ontario: 2014).

¹⁶ *Ibid* at 2.

¹⁷ *Ibid* at 67.

The next step for the requester is to isolate exactly what type of record is being sought, and assess whether it is feasible to request it based on the retention period and guidelines set forth by this directory. This step can be further supplemented by consulting the *Directory of Institutions*.¹⁸ The *Directory of Institutions* provides contact information for the Freedom of Information and Privacy (FOIP) coordinators for the following: Ontario government ministries, agencies, community colleges and universities that are covered by FIPPA. It also includes municipalities and local public sector organizations covered by MFIPPA (school boards, library boards, and police services). Identifying the FOIP coordinator for a given organization allows the requester to contact the coordinator to learn more specific information about their FOI request. The coordinator can answer questions about what information is available to the requester, but most importantly the FOIP coordinator can let the requester know whether this information can be obtained without completing a FOI request. Every ministry/agency has unique protocols and procedures, so it is highly recommended that a librarian encourage the requester to take this step before actually submitting the FOI request.

In addition to contacting the FOIP coordinator, it would benefit the requester to consult the website of the organization from whom the information is sought. In many cases, particularly in organizations like hospitals and universities (which have more recently come under FIPPA), these websites have clear and precise instructions about how to submit a FOI request specific to their organizations. In addition, many organizations have taken steps to open up their access to information so that requesters need not take the step of actually submitting a FOI request. Take for example Ontario Shores, a mental health sciences centre. On their website's "FIPPA-FAQ" section, they state that a formal request for information may not be necessary, and provides this advice to potential requesters: "Ontario Shores has created an extensive Website that features a wide range of content about our organization, programs, services and governance. Please check the Ontario Shores Website first before making a formal application."¹⁹ This small example demonstrates the variances that may exist between different organizations and the potential for information to be found without a formal request. For this reason, in addition to consulting both directories, the requester can investigate the website of the organization that is of interest in order to avoid unnecessary additional work.

If the requester has completed all of these steps (that is, knowing the information sought, what agency it is from, and that a FOI is indeed required to access it), and wishes to pursue the FOI request, an Access or Correction Request form must be completed.²⁰ This form can be found online within ServiceOntario's Central Forms Repository. The form requires the requester to state the type of request, provide personal information (name, address, etc.), a description of the records or correction requested, and the time period of the record. There are also two options provided for method of access: receive copy, or examine original. To view the original, the requester must be present on site. This form is used to request information, but it is also used to request for information to be changed. The request to change information requires that the requester follow the same steps outlined above, including contacting the FOIP coordinator for information on details specific to that organization.

Finally, the requester must sign the form and pay a \$5.00 application fee in cash (in person) or by mail with a cheque. It is important that the requester follow the instructions set forth on the request form for all components of the request, but especially for identifying payees (e.g. making the cheque payable to the Ministry of Finance, for Government of Ontario ministries, or to the appropriate payee of a given institution). If the patron runs into trouble following these instructions, reference should be made to previous steps (consulting the Directory of Records, Directory of Institutions, and FOIP coordinator) to ensure that the form is being completed properly. As an alternative to completing the form, a requester may draft a letter containing all appropriate information to identify the records sought.²¹ It is critical that the requester follow the previous three steps to ensure that this letter contains the appropriate information. Where possible, it is advisable that the requester use the form provided online to minimize the possibility of rejection due to human error.

Once a request has been submitted, the requester will receive a written response to confirm the receipt of their request. Organizations have thirty days²² to process each FOI request and must notify requesters if they require an extension. There may also be additional processing fees that fluctuate depending on the nature of the request.²³ Finally, the requester has the right to appeal any decision about access to records, including the decision of a request being denied.²⁴ Requesters must file appeals with the Office of the Information and Privacy Commission of Ontario by downloading the form or filing an appeal letter. They must

¹⁸ Ontario, Ministry of Government Services, Information Access & Privacy. *Directory of Institutions* (Ontario: 2014).

¹⁹ Ontario Shores Centre for Mental Health Sciences, "FIPPA- Frequently Asked Questions", online: <<http://www.ontarioshores.ca>>.

²⁰ The Central Forms Repository can be accessed through ServiceOntario's website, but can also be easily accessed through the guide How to Make a Freedom of Information Request found here: <<https://www.ontario.ca/government/how-make-freedom-information-request>>.

²¹ Ontario, Ministry of Government Services, "How to Make a Freedom of Information Request" (2014) online: Ministry of Government Services <<https://www.ontario.ca/government/how-make-freedom-information-request>>.

²² *Ibid.* This is true except in specific circumstances, which vary depending on the organization and type of information. An explanation for longer wait times must be provided to the requester; consult the organization in question for further information.

²³ *Ibid.* Fees can be influenced by factors like the type of information requested (e.g. general records or personal information), the format the requester wishes to see the information in, and total cost incurred by the organization to produce the information. Requesters receive a fee estimate if their fees are over \$25.00, and a deposit may be required if fees are over \$100.00.

²⁴ *Ibid.* The Appeals form requires the appellant's name, address and telephone, the information of the organization, a copy of the request, and an explanation of the basis for appeal. In addition, a \$10.00 appeals fee is required for personal information requests, and a \$25.00 fee for all other requests. See "Appeals" on the Information and Privacy Commission's website, found here: <<http://www.ipc.on.ca/english/Access-to-Information/Appeals-for-Public/>>.

then submit the form to the Information Privacy Registrar within thirty days of the organization advising the requester of its decision. At this point, the entirety of the FOI request process has been exhausted, and any further steps taken are beyond the control of the law librarian being consulted or the requester. In understanding the preceding steps, you as a legal information professional are now well equipped to handle any requester who may come to you seeking advice on how to submit a FOI request.

As we move further into 2014, we find ourselves in a time where access to information could not be more relevant or more critical, especially in the province of Ontario. Kathleen Wynne's Open Government initiative²⁵ has increasingly drawn attention to the importance of having open access to information, a concept

²⁵ Ontario, Open by Default: A New Way Forward for Ontario (Ontario: 2014), online: <<https://www.ontario.ca/government/open-default-new-way-forward-ontario>>.

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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>>.

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largely supported by the Information and Privacy Commission. While FOI requests provide an avenue for Ontarians to access personal and public information, there is still a learning gap when it comes to how to compile and submit these requests. It thus behoves librarians, especially those in the legal sector, to familiarize themselves with the FOI request process and transmit this knowledge to patrons who approach them. By being familiar with the process outlined above, law librarians expand their abilities to assist their patrons and cement their relevance in a time where they must strive to prove their worth on an almost daily basis. As legal information professionals, we must always be looking for new tools to guide our patrons to the information they seek; familiarity with the FOI request process is one such tool within the realm of law librarianship that can make for a more satisfying exchange between patron and librarian.

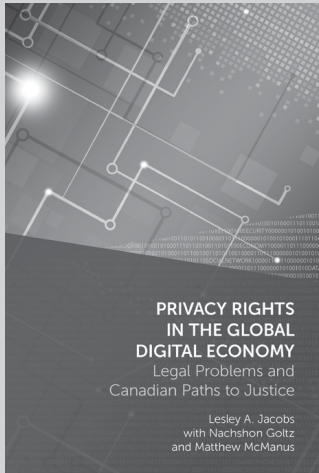
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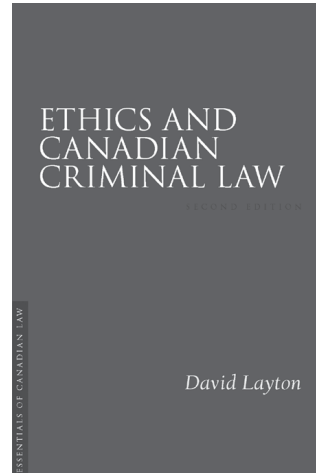


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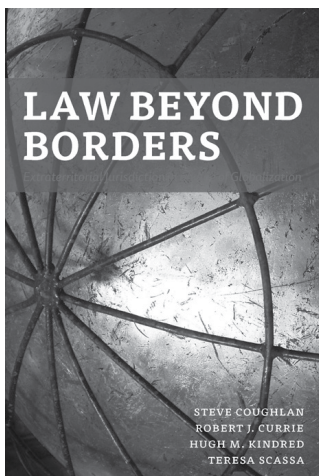


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Law Beyond Borders: Extraterritorial Jurisdiction in an Age of Globalization

978-1-55221-370-4
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This book is about the reach of law beyond state borders from a Canadian perspective. It investigates the scope of the legal and practical power of Canada to assert, and to respond to foreign assertions of, extraterritorial jurisdiction. The book revisits Canadian

jurisdictional principles and practices in a way that will resonate with lawyers and legal policy makers of all kinds.



Advancing Social Rights in Canada

978-1-55221-374-2
\$60.00

Canada is at a crossroads. The gap between our national self-image as a country that respects human rights and the reality of socio-economic inequality and exclusion demands a re-engagement with the international human rights project and a recommitment to the values of social justice and

equality affirmed in the early years of the *Canadian Charter of Rights and Freedoms*. This book sketches a blueprint for reconceiving and retrieving social rights in diverse spheres of human rights practice in Canada, both political and legal.





III Reviews / Recensions

Edited by Kim Clarke and Nancy McCormack

***Aboriginal Consultation, Environmental Assessment, and Regulatory Review in Canada.* By Kirk N. Lambrecht, Q.C. Regina: University of Regina Press, 2013. xxvii, 177 p. Includes table of cases, statutes, constitutional provisions, and tribunal decisions, bibliographic references, maps, and index. ISBN: 9-78-0-88977-298-4 (softcover) \$34.95.**

Kirk Lambrecht uses his 30 years of experience at Justice Canada to select and analyze the five foremost Supreme Court cases relating to “duty to consult” under Section 35 of the *Constitution Act*. The author explains the joint review panel process in Canadian regulatory regimes by using three notable tribunal decisions from the National Energy Board (NEB) as case studies. These decisions are important milestones in the recognition of the need for aboriginal consultation and participation in land rights development discussions and decisions across Canada, with particular emphasis on Western Canada for Indian and Métis first nations peoples.

Lambrecht addresses the perceived differences between aboriginal rights (rights to which aboriginal peoples claim that they are entitled) and treaty rights (rights contained in the final settlement). Aboriginal rights, in contrast to Charter rights, are defined by case law, treaties, or transfer agreements. Historical and modern aboriginal rights and treaty rights are also explained including Métis agreements and protections under *Natural Resource Transfer Agreements* (part of the *Constitution Act, 1930*), used in determining constitutional status for aboriginal peoples in Canada. Arguments are often framed by identifying constitutional considerations as a contextual history with discussion around consultation,

obligations, duties, and procedures by governments, the Supreme Court, and tribunals in Canada.

In addition to the above, Lambrecht scrutinizes these cases to identify instances where the provincial and federal governments cooperatively conducted environmental assessments for Crown Lands, including aboriginal lands. He asserts that these types of project approvals are mechanisms for governments to ensure social and economic benefits, as well as environmental effects, for every project under their jurisdiction.

Tribunals derive authority from the Crown via the legislative branch of government and may exercise discretion for aboriginal consultation issues in a predictive, cost-effective manner. Lambrecht has high praise for the NEB in particular, calling it a strong, mature, national tribunal whose roles and functions have been well-defined by the courts. He strongly supports the tribunal’s processes surrounding environmental assessments and project approvals which integrate aboriginal concerns and bring together all relevant parties. These inform the tribunal’s decision-making and anticipate any outstanding issues before a project is approved.

This book is one of the first titles from the Canadian Plains Research Centre published by the University of Regina Press. The excitement over this title in my library was extraordinary. Two holds were placed on the print copy before the book was processed, and the title had circulated three times in the first month—it has not been on the shelf since the day after it arrived! Our electronic copy was also extremely popular, with 231 uses within the first six weeks (1195 times in six months). There is potential for even more

use of this resource in light of recent Supreme Court of Canada cases.

The book includes a detailed table of contents and bibliography, an extensive "Table of Cases, Statutes, Constitutional Provisions and Tribunal Decisions," treaty maps, and an index. Source materials, including all the cases mentioned in the book, are available through hyperlinks provided by the University of Regina Press. I recommend this book to libraries, law firms, and companies interested in the areas of aboriginal law, environmental law, constitutional law, and administrative law. It would also be of interest to policy-makers and libraries with public policy programs. Lambrecht provides a useful overview of aboriginal consultation and environmental assessment issues in Canada and fills the void in publications on this topic.

**REVIEWED BY
NADINE R. HOFFMAN**

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Bennett Jones Law Library, University of Calgary

***Advisors Seeking Knowledge: A Comprehensive Guide to Succession and Estate Planning.* By Peter J. Merrick, editor and lead contributor. Toronto: LexisNexis Canada, January 2013. xlvii, 1,179 p. Includes appendices and index. ISBN 978-0-433-46886-8 (softcover) \$140.00.**

In the coming decade 43% of Canada's workforce will be approaching traditional retirement age and \$3.7 trillion of Canadian privately held companies will transition either to family members, employees or third parties. *Advisors Seeking Knowledge* addresses issues rising from this anticipated transfer of wealth with attention to its effective preservation, protection and distribution. Author-editor Peter J. Merrick, a trust and estate practitioner and president of Merrick Wealth.com, an "exit planning" firm in Toronto, throws down the gauntlet in the Introduction to his robust, dauntingly-sized, tome:

"Warning! Reading this Book will Cause you to Change! Don't read any further if you are not prepared for change. The information contained within these pages has the power to change your career and your life FOREVER!"

While I initially found the aesthetics of this dare off-putting, particularly after an equally off-putting use of acronyms – TASK and TAGS – I had to admit that Merrick hooked me with his boldness. How will this author who has set himself up to deliver something memorable – no, exceptional – accomplish that? I had to read on. I was delighted to discover that Merrick is a fine and clear writer, and his work is incredibly well organized and soundly motivated. His writing style is fluid, engaging and intelligent. Further, the Introduction not only outlines the intentions for the book, but coaches the reader on how to best approach and engage with the text.

The text is organized into two books: the first, The TASK – The Trusted Advisor's Success Kit (pp.1-219); and second, The TAGS – The Trusted Advisor's Guide to Solutions. (pp.221-1124). Merrick includes many tools: charts,

checklists, tables, and questions for easy reference, as well as numerous case studies.

Merrick solicits the wisdom of a range of "Trusted Advisors" (58 in number – 51 men and 7 women) to include points of view from a variety of professions – lawyers of course (including family, business and estate lawyers)— accountants, financial planners, funeral directors, actuaries, benefits specialists, experts in media relations, marketers, human resources people, coaches, leadership facilitators, public speaking experts and artists. Merrick personally wrote or co-wrote only half (40) of the 89 chapters. Accordingly, there is some variation in tone, writing and organizational styles. What remains consistent, however, is the high calibre of the content. Further, through his use of multiple points of view from multiple contributors, Merrick acknowledges the complexity of and contradictions inherent in this field.

Professionals from the financial and estate planning sector, including lawyers, accountants, financial and investment advisors, insurance brokers, business owners, corporate executives, CFOs and HR officers are the primary audience for this book – the "trusted advisors" of the title. Merrick extends his reach to include and educate the consumers of these services. He takes a client-centric perspective, integrating teachings from law, business and finance as well as the arts and technology.

Merrick directs readers and their advisors to complete foundational work, i.e. to create meaningful context, so that their decisions will be guided by their true values for "[p]eople see the world not as it is, but as they are." He deftly exposes the challenges of working with different advisors, who often provide contradictory advice, especially after the convergence of the four pillars of Canadian financial sector in 1987 when the walls between banking, trust companies, insurance companies and investment dealers disappeared. In so doing, he manages to fulfill his promise to the client-reader, and to challenge any advisor-reader relying on this tome to think creatively, critically and confidently.

As a daughter of an Estate Planner, I grew up with an ear accustomed to conversations around a specific kind of problem-solving – one centred around death, which, in the "succession" context, was mostly a "good" thing, when there had been proper planning. Merrick echoes this sentiment in reverse when he writes, "[a]s trusted advisors we observe the aftermath of poor planning every day." As an adult and as part of the club people join reluctantly, if dutifully – the "Executor Club" – I find Merrick's book extremely worthwhile and wish I had had it a decade ago.

Merrick offers an invaluable, practical tool in what proves to be an uplifting reference book. I have already found myself recommending it to fellow executors and industry advisors; it is that practical and that usable. This is a book best suited to practitioner-advisors and would be a worthwhile addition to any law library, particularly in law firms or courthouses. However, its use extends to anyone who plans on dying, with a plan. I see that I shall refer to it often.

**REVIEWED BY
KATHLEEN FISHER, BCL, LLB**
Research lawyer, Edmonton, AB

***Black Markets: The Supply and Demand of Body Parts.* By Michele Goodwin. Cambridge: Cambridge University Press, 2006. xvi, 294 p. Includes bibliographic references and index. ISBN 978-0-521-85280-7 (hardcover) \$47.00. ISBN 978-1-107-64275-1 (paperback) \$29.99**

Black Markets, despite its lurid title (and the fact that the “black markets” in question only make up a small portion of the book and do not appear until the last quarter) is a sober, in-depth look at organ and tissue procurement as it currently stands in the United States. The author, Michele Goodwin, makes a convincing case for a regulated commercial marketplace for organs that would not replace but would work alongside organ donation to equalize and increase the availability of organs (and other body parts) for transplantation.

Much of Goodwin’s argument focuses on the racism inherent in the United States’ health care system in general, and in organ donation in particular. She cites interviews with experts and patients, as well as numerous statistics showing that while African Americans make up a large percentage of those in most need of organ transplants, they receive the least. Goodwin points out that the main reason for this discrepancy is that the organ procurement system relies exclusively on altruism, and African Americans are less likely to be knowledgeable regarding organ donation and transplantation because they are less trusting of the health care system as a whole.

In part one of *Black Markets*, Goodwin analyzes what little case law exists in the U.S. to show that altruism and the “social contract theory” are inadequate to address the increasing need for organs. She points to a few cases, such as *McFall v. Shimp*, to demonstrate that the courts have almost always sided with individual rights – i.e., the right not to undergo invasive medical procedures – as opposed to the “rescue doctrine.” In effect, courts have not forced people to donate their organs, even to save a relative’s life. Moreover, very little legislation exists on the issue of organ donation and transplantation. Thus, the world of organ donation is largely unregulated and the points system upon which transplantation lists are based also operates outside the law. Part two focuses on commoditization of body parts. Here Goodwin shows that commoditization in certain types of body parts have already worked (blood, ova, sperm), and analyzes the costs and ethics involved in moving organs from black markets that exploit the poorest peoples in the world, to a regulated market where those in need could choose to purchase, or sell, organs or body parts as they wish.

Goodwin posits that a thriving international black market for organs already exists, a market in which Americans readily participate. In addition, she argues that legally operated, for-profit tissue banks are operating within, as she deems it, “the shadows of the law.” Allowing a commercial market to be implemented would bring questionable practices into the light and promote tighter regulations on an industry that has been heretofore largely ignored by legislators.

Black Markets is a fascinating look at an issue fraught with social, ethical, and legal challenges. Michele Goodwin is an academic, and her work reads as such, with a plethora of sources and statistics to back up her assertions. As so little case law and legislation exist on the topic of organ transplantation and donation, this work is not so much an analysis of the legal issues (although she has done what she could), but a big-picture approach to the problem of how to more equitably distribute body parts among an increasing number of people. The one aspect that is missing from Goodwin’s book is a comparison of the United States’ method of organizing organ donors and recipients to that of other nations. For example, one has to wonder how Canada’s system differs (or not), and how visible minorities fare under it. Nonetheless, *Black Markets* is a useful addition to any academic law library’s collection on health care law.

REVIEWED BY
STEPHANIE KARNOSH
Reference Librarian, McMillan LLP

***Law as Engineering: Thinking About What Lawyers Do.* By David Howarth. Cheltenham, UK, Northampton, MA, USA: Edward Elgar, c2013. ix, 237 p. Includes bibliographical references and index. ISBN 978-0-85793-377-5 (hardcover) \$105.00.**

David Howarth’s *Law as Engineering* begins with a question: is law one of the humanities? Professor Howarth suggests that law actually has more in common with engineering since both professions produce structures for a desired effect (in the case of law these structures could be contracts, constitutions, wills, etc.). However, lawyers and engineers work differently. So, a second question naturally arises: by scrutinizing these differences in approach, can one group of professionals learn from the other?

The author sets out to answer this question by analyzing the kinds of tasks lawyers do. He asks if lawyers can become more innovative, if legal ethics can be based on the problems lawyers face in practice, and if current legal teaching methods are actually training students for the profession. Finally, he considers the pluses and minuses of his law-as-engineering thesis.

While objects designed by engineers have mass and are dependent on the laws of physics, he notes, lawyers’ creations are couched in words and are dependent on human dynamics. Both professions must understand what their clients seek to accomplish and both are responsible in some measure for the effect of their designs on third parties.

Both professions, therefore, have an ethical component. In a chapter on legal ethics, Howarth deals with broad issues in law like consent, maintaining confidence in the rule of law, and avoiding harm. A more detailed exploration of the role of lawyers in the collapse of the world’s financial markets in 2007-2009 (using two prominent investment banks as

examples) provides a fascinating insight into the complex and contentious ethical issues lawyers may confront.

A subsequent chapter explores how the author's original thesis might impact teaching and research in the law. While engineering research seeks to understand underlying scientific principles and studies the process of design, legal research often involves an exposition and/or criticism of the law. Howarth notes that, if legal research were to perceive law in light of design principle and learn from successes and failures in those terms, the result might be better lawyering. Also, if legal education were to assume from day one (rather than at the end of the process) that lawyers need to be able to construct effective legal devices, it might break new ground.

In the concluding chapter, Professor Howarth makes it clear that the law-as-engineering thesis is meant to be a point of departure for further exploration and not a legal philosophy. He identifies four possible objections to his thesis and examines their validity before discussing the benefits inherent in his proposition. One of the benefits he sees is a more clearly defined role for university law faculties in providing students with the skills they need. A second benefit is that the law-as-engineering perspective might lead to a more complete description of what lawyers do and the qualities prospective law students need. This would be beneficial to the public which generally views lawyers as litigators. Law, Howarth suggests, is not limited to the collision of competing interests demonstrated in courtroom dramas; it requires building a workable compromise which is where the "engineering" comes in. Understanding this might help the layman make better use of lawyers' skills.

This scholarly text is well written, well footnoted and contains a substantial bibliography. It will be of particular interest to the legal profession. It should be of interest not only in academic law libraries but also in public libraries given that it will appeal to a broad array of thinkers and inquiring minds.

REVIEWED BY

LOUISE ROBERTSON

Coordinator, Receiving & Processing, Special Collections
and Database Maintenance, Collection Services
McGill University

Le dépôt : art. 2280 à 2311 C.c.Q. : extraits de La référence Droit civil. By Marc Léger. Collection: Commentaires sur le Code civil du Québec (DCQ) Cowansville, Québec : Éditions Y. Blais, 2012. 346 p. ISBN : 978-2-89635-718-5 (hardcover) \$61.95

Par définition, le mot « obligations » implique un lien de droit en vertu duquel une ou plusieurs personnes sont tenues envers une ou plusieurs personnes de donner, faire ou ne pas faire quelque chose.

Quand on y regarde d'un peu plus près, un contrat est une source quotidienne d'obligations. Tous les jours, les faits et gestes des individus comme ceux des entreprises donnent naissance à de nombreux contrats : contrat de mariage, de

vente, d'échange, de louage, de dépôt, de prêt et de bien d'autres encore. Dans le travail quotidien d'un avocat, la rédaction de contrat peut être une tâche qu'il doit réaliser fréquemment et il n'est pas toujours facile de s'y retrouver !

Cet ouvrage s'intéresse au droit des obligations, et à un type particulier de contrat, soit celui du dépôt. Le Code civil du Québec, article 2280, définit le mot « dépôt » comme un « contrat par lequel une personne, le déposant, remet un bien meuble à une autre personne, le dépositaire, qui s'oblige à garder le bien pendant un certain temps et à le lui restituer ». Si nous faisons un lien avec la common law, nous parlons ici de « deposit ».

Dans cet ouvrage, Marc Léger s'arrête à chaque article du Code civil du Québec pertinent au dépôt, soit les articles 2280 à 2311, afin de livrer ses commentaires. Ses commentaires représentent une analyse détaillée de l'article avec une synthèse de l'état actuel du droit. L'auteur y ajoute de nombreuses références à la jurisprudence et à la doctrine pertinentes.

À chacun des commentaires, l'auteur y ajoute des extraits des articles correspondants du C.c.B.C. (Code civil du Bas Canada), les textes proposés par l'Office de révision du Code civil et les commentaires de cet organisme, les commentaires du ministre de la Justice sur les articles du Projet de loi 125 ainsi que ceux du ministre sur la version définitive des articles du Code civil.

La première partie du livre est consacré à clarifier ce qui peut être l'objet du contrat de dépôt. L'auteur fournit plusieurs exemples de contrats s'apparentant au contrat de dépôt afin que l'on comprenne bien ce qu'est un contrat de dépôt : cautionnement pour gages, compte en fiducie, contrat de coffre-fort, contrat de garagiste, contrat de location d'espace, etc.

L'auteur précise ensuite les obligations du dépositaire et du déposant : ce premier doit démontrer une garde prudente et diligente du bien, il ne doit pas se servir du bien en question sans la permission du dépositaire, il doit restituer le même bien et on y définit quelles sont ses responsabilités en cas de perte du bien. Quant au dernier, il a un droit de rétention sur ce bien, il doit faire preuve de diligence quant à la reprise de possession du bien et on y explique quels sont les remboursements auxquels il peut prétendre suite à la garde de ce bien.

La deuxième partie du livre est consacrée aux articles reliés à différents types de contrat de dépôt.

D'abord, le dépôt nécessaire, soit un contrat de dépôt établi afin de préserver un bien lors d'une situation imprévue et pressante, comme un accident ou une inondation. On y aborde les contraintes imposées au déposant, la remise du bien au propriétaire et quelle est l'obligation de garde pour le dépositaire.

Ensuite, le dépôt hôtelier. Il s'agit d'un contrat stipulant les règles de responsabilité pour un hôtelier, une personne offrant au public des services d'hébergement. On y aborde

les droits et obligations et les limites de cette responsabilité de l'hôtelier.

Pour terminer, le séquestre. Il s'agit d'un contrat de dépôt par lequel un bien faisant l'objet d'un litige est remis entre les mains d'une autre personne qui s'oblige à ne le restituer qu'à la personne qui y aura droit, une fois la contestation terminée. On y analyse, entre autres, les caractéristiques de ce type de contrat, le choix du séquestre et de ses pouvoirs administratifs.

Une particularité de cet ouvrage est que les commentaires de l'auteur sont également disponibles dans l'outil électronique La Référence (section Droit civil) avec un lien, lorsque c'est possible, à la jurisprudence et à la doctrine mentionnée.

Marc Léger est également l'auteur des ouvrages suivants : *Mémoire de frais- législation annotée*, 3e édition (2005) et *Règles de pratique des tribunaux judiciaires du Québec-texte annoté* (2008).

Selon l'avant-propos de ce livre (propos que j'endosse), il s'agit d'un incontournable pour le praticien devant rédiger ce type de contrat afin d'y trouver des réponses à une multitude de questions. Un livre à se procurer pour toute bibliothèque désirant combler leur collection avec un ouvrage plus pratique.

REVIEWED BY

NATHALIE LÉONARD

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***Legal Education in the Digital Age*, by Edward Rubin, ed. Cambridge: Cambridge University Press, 2013. Xv, 253 p. Includes notes and index. ISBN 978-1-107-63759-7 (paperback) \$34.99.**

This book, inspired by the 2008 "Workshop on the Future of the Legal Course Book," is intended to "provoke everyone involved in legal education to question why we are not using twenty-first-century approaches to train twenty-first-century lawyers" (p.3). While the editor asserts that the book's aim is to rouse its readers to action, the tone of the book is not confrontational. Indeed, the authors (eight law professors, two law library directors and a practitioner), are neither autocratic nor fanatical as they explore how digital technologies could be used to enhance legal education.

The book is divided into three parts. The first two parts dovetail nicely – the chapters in Part I discuss the creation of digital course materials and the second part focuses on teaching and learning with digital materials. The chapters in Part III look at the broader matter of how digital materials might bring about curricular reform.

The two forms of digital course materials analyzed in Part I are "conceptions course books" (databases of linked primary, secondary, and interdisciplinary materials on a subject which individual professors could adapt for use in their courses) and an open source model of digital materials which encourages the creation of a community of users where professors would freely make their course materials available for colleagues to use.¹

The four chapters in Part II focus on how digital materials could be used to teach law. The authors of the first two chapters take divergent views of digital casebooks. The first author examines it from the perspective of the professor/author while the second (John Palfrey, then-director of the Harvard law library) explores the use of digital casebooks from the viewpoint of the students, whom he calls Digital Natives. Palfrey describes various behaviours Digital Natives employ while learning, namely multitasking, short attention spans, "copy and paste" culture, and utilizing a "grazing, a deep-dive and a feedback loop" process (p.112-113).

The author of Chapter 6 also examines matters from the student perspective, specifically regarding employing games in legal education. He states that "serious games" (video games used for teaching and training rather than entertainment) could overcome some of the criticisms laid against legal education today. Serious games would provide "active, experiential and participatory forms of learning" (p.149) which would allow students to develop lawyering skills. Games would also provide students with continual assessment and feedback, rather than having to wait until the end of the term to learn whether they have mastered particular skills or concepts.

Chapter 7, entitled "Law Students and the New Law Library: An Old Paradigm," was written by Penny Hazelton, the highly respected law library director from the University of Washington. Hazelton begins by addressing the myth that law students are using the library differently in the digital age because they use print materials less often. She points out that law students have rarely had to use library materials for class preparation. In the remainder of the chapter, she explores the roles the library, library personnel, and collections could play in the digital age, concluding that while the roles are changing they also remain much the same.

Part III explores how digital course materials could affect the law school curriculum. The authors of the first two chapters identify several ways legal education could be improved through the implementation of digital materials. These include integrating skills in doctrinal courses, implementing collaborate learning activities, incorporating ethics and legal professionalism in the course, expanding the range of primary and secondary materials used in the course (and reducing reliance on cases), enhancing interactivity in legal education where the students' actions could lead them down different learning paths, and facilitating a hermeneutic learning approach.

¹ Note: this open source model is similar to what librarian-legal research instructors do through AALL's Teach-In Kits.

As one would expect from academics, this is a well researched, well-thought-out book. The footnotes (between 40 and 100 per chapter) are located at the end of each chapter for ease of use. The index is quite thorough, containing a mix of terms, phrases, names of individuals and organizations, cases, and statutes. It also contains an explanation of what has not been indexed which is useful.

This is a slim volume, comprised of ten short chapters (between 13 and 24 pages long) that flow well notwithstanding they were each written by different authors. Its size makes the book an enjoyable and quick read.

REVIEWED BY

KIM CLARKE

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University of Calgary

***Lord Mansfield: Justice in the Age of Reason.* By Norman S. Poser. Montreal & Kingston: McGill-Queen's University Press, 2013. xviii, 532 p. Includes illustrations, chronology, notes, bibliography and index. ISBN 978-0-7735-4183-2 (cloth) \$39.95.**

One enters the pages of this book via the full-length portrait of a magnificently attired gentleman, self-assured and surrounded by the symbols of his profession. He is William Murray, 1st Earl of Mansfield (1705-1793), the most respected and powerful judge of the eighteenth century. This substantial biography is the most complete ever written about the man. The author, a Professor of Law Emeritus at Brooklyn Law School, was inspired to write the book when he saw this portrait hanging in the National Portrait Gallery in London.

The book is arranged in two parts. Part One, *Becoming Lord Mansfield*, has chapters covering different aspects of his personal life. Although a Scottish outsider, he became an important part of the English establishment of his day, and so the reader comes to understand the social and political life of the ruling classes of eighteenth-century England. Part Two, *Justice in the Age of Reason*, has chapters on Mansfield's judgments by theme; for example, commerce and industry, crime and punishment, freedom of the press, slavery. The final chapter outlines Lord Mansfield's legacy – as a lawyer, politician, advisor, judge and Chief Justice.

Why was it important to Poser to write this man's biography? Lord Mansfield wanted the post of Chief Justice of the Court of King's Bench because he felt that the common law was in need of reform, that it needed to be more flexible and more in tune with the times. He believed too that the courts had a moral responsibility, and should be engines of social change. He successfully reformed court practices by hearing cases more quickly than was usually the case by stopping the custom of allowing counsel to argue a case two or three times before a judgment was given. He also gave fair treatment to junior lawyers pleading their cases, punished contempt of court, and upheld the independence of the judiciary. At the time, law students learned by attending court, and he made a point of directing comments to them as he conducted his court.

Mansfield had a reputation for fairness, wisdom and independence (although he was criticized for always upholding the authority of the King). His ability to grasp and respond to the essence of a case, coupled with his famous oratory, meant that his court was always full of spectators. His friend James Boswell wrote in his journal: *The cause was like a great piece of veal ... Lord Mansfield found the joint at once and cut with greatest ease, cleanly and cleverly* (p. 193).

Lord Mansfield is considered the founder of modern commercial law. During his tenure as Chief Justice, Britain became the most important commercial and manufacturing country in the world. He brought together disparate elements of traditional practice along with elements of Roman law and the law of other countries to create a consistent body of commercial law.

His judgments are still seen as relevant today, 200 years later, because, as the author says: *when he followed, modified or established a precedent, he distilled from it a principle that clarified the law and could be applied to a variety of ... situations* (p. 402). Mansfield continues to be cited in common law courts in his own country and all over the world. The Supreme Court of Canada last cited him in 2012.

The book is very thorough yet easy to read and navigate. The writing is clear and aimed at both the expert and the layperson. This biography is suitable for legal history collections, general history collections of the eighteenth century and large law collections. It would also be of interest to academic libraries as well as those whose clients are judges.

REVIEWED BY

KATHERINE LAUNDY

Manager, Collection Development
Supreme Court of Canada

***Women, Judging and the Judiciary: From Difference to Diversity.* By Erika Rackley. Abingdon: Routledge-Cavendish, 2013. 226 p. Includes bibliographic references, index and statistical tables. ISBN 978-0-415-54861-8 (hardcover) \$130.00 ISBN 978-0-415-63001 (softcover) \$49.00.**

This book focuses on the importance of diversity in the judicial system in England and Wales, and discusses the paucity of women and, to a lesser degree, non-white persons in the judiciary. It covers the history of women in the law and the disparity faced within the legal system with respect to their elevation to the judiciary. The author, Erika Rackley, stresses the importance of a representative judiciary to reflect the variety of cultures, perspectives and beliefs of its community in order to protect societal values. When the judiciary is reflective of its community, she notes, its members have greater confidence in its system and there is better justice.

The book explains the lack of diversity in the judiciary with an emphasis on the passive approach (trickle up argument)

as the historical vehicle to prior appointments along with how this has failed to provide a diverse judiciary. Today, despite a more diverse legal profession, and the fact that many women complete law school and are called to the bar, this is not reflected in the judiciary. Women have left, and continue to leave the profession in alarming numbers: there are few female QCs and even fewer in the judiciary. There have been marginal gains in diversification of the judiciary, but these do not appear to be ongoing or improving. The "old boys club" still exists and the activities of that club are generally not favourable to women.

Rackley does provide sound suggestions on how to correct the imbalance of power. She also reviews the history of appointments to show ingrained imbalances based on gender, heritage, status and patronage. There is a need, she asserts, for a more substantive change in the appointment process but the legal profession is resistant to change. The diversity of the judiciary is unlikely to change until women achieve greater equality. Even then, there is the prospect that the feminization of the judiciary will lower its status, much like other professions.

Rackley refers to other countries for comparison in an attempt to illustrate the systemic discrimination that continues against women in all countries. Although worldwide discrimination

exists, there are differences in its manifestation. The book acknowledges those differences in various countries and the difficulty in cultural comparisons, but the reader would benefit from more examples in this section.

Nonetheless, the qualitative examples that are contained in the book are enlightening and do engage the reader. References to specific incidents of discrimination provide insight in how male judges are treated differently than female judges. Further qualitative research in this area would help to explain further the depth of discrimination and clarify how the lack of diversity continues.

This book is intended for a narrow audience. Readers might find the first chapter somewhat dry; it would have been best placed later in the book while the much more engaging chapter four would have served better as the book's first chapter. These observations aside, I would recommend this book for legal studies focussing on feminist theory particularly in England and Wales.

REVIEWED BY

BOBBIE A. WALKER, B.A., B.SC., LL.B.

Certified Specialist in Criminal Law (LSUC)
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III Bibliographic Notes / Chronique bibliographique

By Susan Jones

Katrina M. Miller, “Changing of the Guard: Best Practices for Saving and Transferring Institutional Knowledge” (June 2014) 18:8 AALL Spectrum 28-29. Available online: <<http://www.aallnet.org/main-menu/Publications/spectrum/Archives/Vol-18/No-8/knowledge-transfer.pdf>> (accessed 5 July 2014).

For years I’ve read about the mass retirement of librarians from the baby boom generation, but it’s only recently that I’ve begun to see the evidence. My own library is facing retirements in late 2014 and early 2015. Collectively, the two departing staff members represent over 35 years at the law library and during that time they’ve acquired a vast amount of information about their jobs, their colleagues, and their work environment. Is it any wonder then that this article caught my attention? Written by Katrina M. Miller, a librarian from Florida State University’s College of Law in Tallahassee, this article outlines some best practices for saving and transferring institutional knowledge.

Ideally, institutional knowledge and experience is captured throughout a staff member’s career, or at the very least, during his or her final years at work. That approach is ideal, for sure, but not likely the reality in most libraries. Further complicating the capture of valuable institutional knowledge is the fact that some retirements are unplanned. In that case, there may be little time to capture institutional knowledge. With all of this in mind, the author’s first piece of advice to saving and transferring institutional knowledge is to *make it a priority*. Her second piece of advice is to *develop a plan*. The plan should not only include capturing the knowledge of librarians, but also the knowledge and experience of library paraprofessionals.

According to the author, there are two types of institutional knowledge that should be saved and transferred. The first type is *technical knowledge*. Technical knowledge is the how-to or task-oriented information associated with the work of a library. This type of knowledge is relatively easy to collect and is best captured through manuals, handbooks, workflow diagrams, face-to-face interviews, and hands-on training.

If you’re faced with creating a manual or handbook from scratch to capture your library’s technical knowledge, the author offers a few suggestions. To capture what you do on a daily basis, begin by taking note of everything you do over the course of several days. Some of the work we do, though, only arises at certain times of the year. At law firm libraries it might be those tasks associated with the arrival of new summer students, while at legislative libraries it might be those activities that occur only when the House is sitting. More generally, it might be the shipment to the bindery once or twice a year or the downloading of database usage reports once a month. Whatever the task, reviewing your bring-forward files and old calendars is a good way to remind yourself of those weekly, monthly, quarterly, and seasonal events. There’s more to capturing technical knowledge, however, than just learning the steps to completing a task. The author recommends recording training sessions, documenting answers to reference questions, digitizing important files, and archiving email as part of any effort to capture a library’s technical knowledge.

While capturing technical knowledge is relatively straightforward, documenting the second type of knowledge – *tacit knowledge* – is more difficult. A staff member’s tacit

knowledge refers to his or her skills, contacts, experience, judgment, expertise, and procedural knowledge. The author's examples include the experience and expertise used to answer a reference question or the judgment used to make a decision about collection development. The key to transferring this information, according to the author, is *collaboration*.

The author provides several examples of what it means to collaborate to capture a staff member's tacit knowledge. Collaboration might mean talking through the process of answering a reference question in order to understand a librarian's technique; shadowing a staff member to understand her approach to particular tasks and the decisions made along the way; co-teaching with a colleague to observe his teaching-style and how he interacts with students; and regular meetings of all staff to document a colleague's best practices and the reasons behind the decisions made during her career.

In addition to collaboration, the author recommends *storytelling* as a way to capture tacit knowledge. With sufficient preparation and the careful selection of key questions to guide the interview, a recorded oral history can be an effective means of capturing institutional knowledge.

The author also mentions the importance of capturing information that may be too sensitive to record in a manual or handbook. In this case, the author is referring to the knowledge a staff member may have acquired over the years about dealing with an eccentric patron or quirky professor. Even the history or stories behind certain policies or decisions can be too sensitive to document in any concrete way, but this doesn't mean it shouldn't be captured. In fact, in some ways, this type of tacit knowledge is some of the most important information to pass along. For this reason, the author suggests sharing this kind of sensitive information with others verbally.

Despite best efforts, sometimes critical information slips through the cracks and the knowledge gap isn't noticed until a staff member has already left the library. In this case, the author suggests calling upon the expertise of other librarians to fill in the blanks. If the needed knowledge, though, only resided with that staff member and can't be recreated in any other way, then it might be worthwhile exploring the possibility of the staff member returning as a consultant for a short period of time. In this regard, the author recommends maintaining some contact with retired staff members. Inviting them to the annual holiday party, sharing with them what's new at the library, and learning about what's going on in the life of the retiree ensures those lines of communication remain open and available.

The author closes her article by urging junior and senior librarians to think about their interactions with experienced, end-of-career colleagues and how they might capture the knowledge they share. Before reading this article, my only thoughts about pending retirements were about finding suitable replacements, but now my concerns are about the loss of knowledge and experience. Still being relatively new

to my position and the academic environment, I'm making every effort to absorb everything as soon-to-be-retired co-workers wind up their careers. I have a lot to learn and I want to take advantage of their experience and judgment while I still can.

Susan Thompson, "Student Use of Library Computers: Are Desktop Computers Still Relevant in Today's Libraries?" (December 2012) 31:4 Information Technology and Libraries 20-33.

Computers have long been a feature of academic libraries, but with the prevalence of mobile devices, tablets, and laptops these days, is it still important for libraries to provide students with access to desktop computers? The answer is yes, or at least according to Susan Thompson, the author of this article and the Coordinator of Library Systems at California State University in San Marcos (CSUSM).

In 2009 and 2010, CSUSM carried out a study to evaluate how students use library-provided computers. More specifically, the administrators of the study were interested in the answers to two questions: Does an increase in student ownership of mobile devices have any impact on the use of the library's desktop computers? And, does providing access to computers lead students to study in the library and use its traditional collections and services? The results of the study showed that mobile device ownership had little impact on students' use of the library's desktop computers. In addition, the study showed that students using the library's computing facilities also made use of its traditional collections and services.

The author describes the methodology of the study in some detail in the article, but for the purposes of this summary, suffice it to say that the study involved a quantitative survey of library computer users and a qualitative observation of students' study habits and their use of software applications. The study was carried out for a two-week period at the end of the spring term in 2009 and for another two-week period at the beginning of the spring term in 2010. These time periods were chosen so the study administrators could determine whether term time had any impact upon the use of the library's computing facilities.

The results of the study showed that 78 percent of students preferred the library's computing facilities over the computer labs elsewhere on campus. This outcome was confirmed by the IT department's own statistics on the computer login data collected from all computers on campus.

The study also assessed what kind of computer students preferred to use in the library. Eighty-four percent of students in 2009 preferred desktop computers to laptops. In 2010, though, this number dropped to 72 percent. The author offers two reasons for the 12 percent drop between 2009 and 2010. First, there was a difference in how the survey was administered in 2009 and 2010. A more thorough survey of students on the upper floors of the library, where

laptop users congregate, was carried out in 2010. Twenty-nine percent of the survey respondents in 2010 came from the laptop floors, but only 13 percent of the respondents came from those floors in 2009. The author also points out that the decrease in the preference for desktop computers was not matched by a corresponding increase in preference for laptop use in the library. The second possible reason for the drop in preference for the library's desktop computers was simply the larger trend in laptop ownership. CSUSM's own study shows that 84 percent of students owned laptops, which is on par with the reported results of national surveys on student laptop ownership. Regardless of the reasons for the drop, the fact remains that students preferred to use the library's desktop computers.

Further supporting students' preference for desktop computers was the survey's top suggestion for library improvement: more desktop computers. Interestingly, the survey respondents requesting more desktop computers were the laptop owners on the fourth and fifth floors of the library. The survey administrators were intrigued by this apparent contradiction and further investigation revealed several factors for students' preference for using desktop computers over laptops at the library. These factors included convenience, speed, and reliability. Students also cited the added weight of carrying a laptop as one of the reasons they preferred the library's desktop computers.

The results of the study showed that students weren't just attending the library to use its computing facilities. In fact, 80 percent of students surveyed indicated that they intended to use the library for more than just its desktops. According to the survey, students used the library most for studying and meeting with others. And they ranked the library's top service as its media library, followed by its collection of books, journals, and newspapers. Looking at all the statistics on library use, the survey administrators determined that students who used the library's computing facilities were likely to use the library's other services and collections, as well.

In conclusion, the administrators of the study determined that providing computing facilities not only benefitted students, but also the library. The survey administrators also identified a couple of issues for future study, including the impact of the iPad and other lightweight tablet computers on the use of desktops (the study at CSUSM was completed a few weeks before the introduction of the first iPad), and whether desktop computer use would be impacted by any university-mandated policy requiring all students to own, and bring to class, a laptop computer.

Stephen Young & Frances M. Brillantine, "Is It Too Soon to Write an Obituary for the Law School Computer Lab?" (Summer 2013) 56:4 Law Library Lights 1-5. Available online: <<http://www.llsdc.org/assets/LLL/56/56-4.pdf>> (accessed 5 July 2014).

I've included this article as a follow-up to the previous one

because it addresses similar issues, but from the point of view of a *law school* library. Authors Stephen Young and Frances M. Brillantine, both from the Catholic University of America School of Law in Washington, D.C., reference the CSUSM study in their article and arrive at a similar conclusion, namely, that there's still a place for desktop computing facilities in law school libraries.

The authors see the law school library's computer lab as an easy target when administrators are looking to cut costs. From administration's point of view, why should they spend money on staying up-to-date with the latest hardware and software, and employing staff to maintain it all, when virtually all students today are kitted out with smartphones and tablets? The authors refer to this as the Bring Your Own Device (BYOD) approach to student computing and the question they seek to address in this article is whether the BYOD approach is really practical in the law school environment.

To answer this question, the authors examine how students use technology to perform the three tasks essential to their law school studies – reading, writing, and communicating. The authors determined that no single device was the best choice for performing *all* three tasks. A tablet or smartphone's virtual keyboard, small screen, and lack of a mouse make writing a paper, or even just editing one, a difficult task. The ergonomics of undertaking that task on a tablet or smartphone leaves a lot to be desired, too. Additionally, and no less important, tablets and smartphones just don't have the multitasking power of laptops and desktops.

There's no doubting the convenience and portability of tablets and smartphones for taking notes in class, sending email messages, or searching the web, but larger devices like desktops are needed from time-to-time. This fact is supported by the findings of the EDUCAUSE Center for Applied Research's National Study of Undergraduate Students and Information Technology. These annual studies show that students continue to rely on desktops for research and writing. In fact, 65 percent of respondents in 2012 believed that a desktop was important to academic success. That represents an increase from 57 percent in 2011. But while the importance of desktops has increased, desktop ownership among students has decreased. Fifty-three percent of students owned a desktop in 2011, but this dropped to just 33 percent in 2012. At the authors' law school, the percentage of students that report using library-owned desktop computers grows each year. The increase is small – only a couple of percentages from one year to the next – but it represents a growing need for the library's desktop computers.

In conclusion, the popularity of new technology like tablets and smartphones doesn't, as a rule, render desktops obsolete. In fact, the gap between desktop usage and ownership noted in the EDUCAUSE study in 2012 suggests that students will continue to rely on library computing facilities for their desktop needs.

Jennifer La Chapelle & Laura Wark, “I’ve Got My MLIS, Now What? Further Educational Opportunities for LIS Professionals” (2014) 9:1 Partnership: The Canadian Journal of Library and Information Practice and Research. Available online: <<https://journal.lib.uoguelph.ca/index.php/perj/article/view/2798>> (accessed 1 July 2014).

Professional development is important to librarians at every stage of their careers. To the recent graduate, continuing education may be the key to acquiring the skills needed to land that first job. To the mid-career librarian, it’s a means of advancing his or her career. To the seasoned professional, continuing education is a way to stay up-to-date and on top of current trends and issues.

The authors of this article are a senior librarian with over 20 years of administrative experience and a ten-year veteran of public libraries with a newly-minted MLIS. Together, they provide information about some of the professional development opportunities available for librarians. Although their article is brief, they outline a few options and offer some good advice along the way.

One continuing education option available for librarians is a *degree program*. There are a variety of programs available at universities across the country, but online degree programs open up a world of possibilities for librarians who can’t attend university in person or on a full-time basis. Some of the flexible options available today are the MBA and Executive MBA programs offered on weekends, San Jose State University’s online/part-time Gateway PhD in Library and Information Science, and the University of Guelph’s online MA (Leadership) Program.

Another option is a *diploma or certificate program*. Many of us have taken advantage of the offerings at the University of Toronto’s iSchool Institute, but there are other diploma and certificate programs, too. The authors highlight the University of Ottawa’s Graduate Diploma in Information Studies, the University of Victoria’s Graduate Professional Certificate in Library Sector Leadership, San Jose State University’s online post-Master’s Certificate, and the University of the Fraser Valley’s Library Technician Post-Diploma Certificate.

If you don’t want to commit to a diploma or certificate program, then perhaps an *individual course* will suit your needs. The Harvard Extension School and the Massachusetts Institute of Technology both offer free, online courses. In addition, there are library-related MOOCs (Massive Open Online Courses), such as the one offered jointly by San Jose State University and the Syracuse University School of Information Studies. Librarians might want to consider upgrading their skills with a course at one of the community colleges offering library techniques diplomas, such as Mohawk College. Other sources of continuing education courses suggested by the authors are local adult learning centres and alternative high schools.

Another form of professional development is volunteering and mentoring. Don’t underestimate the value of the experience and skills you can develop from volunteer work. And the authors suggest inquiring about mentorship programs with your local, provincial, or national library association.

So how do you discover that these opportunities even exist, especially if you’re looking for something new? The authors recommend taking advantage of your professional associations and listservs as a first step in the process of finding the right opportunity. They also suggest consulting the website for the Association of University and Colleges of Canada to help you increase your awareness of the available options.

Before deciding upon the appropriate course of study for you, the authors recommend considering the following questions: What do you want to accomplish through further education? What financial commitment are you willing to make? Where is the educational facility of your choice located and do you have to attend in-person? How much time can you devote to furthering your education?

We all have our go-to sources for continuing education – for many of us, it’s the CALL conference – but let this article inspire you to explore additional opportunities for life-long learning. If any of these continuing education options interest you, be sure to check out the article online for links to some of the programs mentioned in this summary.

DEADLINES / DATES DE TOMBÉE

Issue	Articles	Advertisement Reservation / Réservation de publicité	Publication Date / Date de publication
no. 1	November 1/1 novembre	November 15/15 novembre	February 1/1 février
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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Local & Regional Update / Mise à jour locale et régionale

Edited by Mary Jane Kearns-Padgett

Calgary Law Libraries Group (CLLG)

The CLLG Annual General Meeting was held June 17, 2014. New executive and committee members were nominated and approved and will be formally introduced to the membership at the Fall Business Meeting.

Lana Barrett was presented with the Shelagh Mikulak Library Leadership Award. Lana is the third recipient of this award.

ALISON YOUNG, LAW LIBRARIAN
 Bennet Jones SLP (Calgary)

Edmonton Law Libraries Association (ELLA)

I recently had the opportunity to attend the Canadian Association of Law Libraries conference in Winnipeg. It was amazing to meet so many talented librarians not to mention to stay in the historic Fort Garry Hotel and wander around what was once thought of as the Chicago of Canada. A conference take away was realizing that there are various structures of publicly funded law libraries across the provinces, so I thought I would briefly outline what the Alberta Law Libraries encompasses. It is important to state that this column is written on behalf of ELLA who represents all law libraries in Edmonton including private, academic and government (where I work).

Here in Alberta, we have the Alberta Law Libraries that includes; our public and bar law libraries, crown libraries, judicial libraries, and one that serves the government's legal team. Alberta Law Libraries receives funding via grants from the Alberta Law Foundation, the Law Society of Alberta and the Provincial Government.

The last few years in Alberta have seen some cut backs in law library spending for ELLA Member organizations:

- A few firms have significantly reduced spending on collections and cut their librarian's working hours by up to 50%;
- The John A. Weir Memorial Library at the University of Alberta shut its doors during the summer (May to August). Patrons can still borrow books through the online holds system, and it is possible to set up an appointment to get access to the collection if necessary;
- Last year, the Government of Alberta chose to cut funding across the board. Alberta Law Libraries closed 30+ libraries across Alberta (mostly rural), lost many staff members, and severely reduced a few library collection budgets; and,
- Legal Aid in the province has also been dealt some fiscal blows which impacts ELLA members who offer legal information services to the public.

These fiscal realities have had a negative impact on our members. ELLA continues to work on advocacy and stakeholder education initiatives. A few examples: participating with the CALL led library association collaborative advocacy; offering and delivering a session to the Edmonton Law Office Managers Association (a local chapter of the Association of Legal Administrators) on the value of law firm librarians; promoting the wide circulation of a libraries stakeholder survey distributed by the Law Society of Alberta.

We continued a theme of partnerships with our June meeting on location at the Legal Education Society of Alberta (LESA). Jennifer Flynn introduced members to the innovative three-tiered strategy LESA employs to educate, certify and polish the legal community of Alberta. In addition, members were treated to top notch advice on presentation techniques by the professional and engaging Dawn Ofner. Our thanks to LESA for the excellent partnership. Our Annual General Meeting was also held in June. The ELLA Executive is looking forward to the second year of our mandate.

In related news, I must mention the well-deserved recognition of Edmonton Public Libraries who was awarded the 2014 Library of the Year by Library Journal. This is the first time since the awards' inauguration in 1992 that a Canadian library made it to the top of the list. Congratulations!

JULIE OLSON
Alberta Law Libraries (Edmonton)

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

The MALL Annual General Meeting was held on June 17th, 2014 at the offices of Fasken Martineau. This meeting provides an opportunity for the membership to provide some valuable feedback on the various activities of the Association throughout the year. At the meeting a survey was also distributed to all members regarding ways to improve the continuing education activities and the website of the Association. MALL is also pleased to announce that **Ruth Veilleux**, Library Technician at De Grandpré Chait was elected as secretary of the Association for a three year term in replacement of **Jacinthe Deschatelets**, Librarian at Fasken Martineau at the AGM. In addition, **Louis Goulet**, past president will be leaving the executive board by taking on new challenges outside law libraries at the CEGEP Edouard-Montpetit.

L'assemblée générale annuelle de l'ABDM a eu lieu cette année au cabinet Fasken Martineau le 17 juin 2014. Cette réunion a permis aux membres de partager leurs opinions sur les diverses activités de l'association qui ont eu lieu pendant la dernière année. Lors de la réunion, un sondage a été distribué aux membres afin de recueillir leurs idées sur les formations continues à venir ainsi que sur le site web. Il me fait aussi plaisir de vous annoncer que **Ruth**

Veilleux, technicienne au cabinet De Grandpré Chait a été élu secrétaire de l'association lors de l'AG pour un mandat de trois ans en remplacement de **Jacinthe Deschatelets**, bibliothécaire à Fasken Martineau. De plus, **Louis Goulet** qui occupait le poste de président sortant, quitte aussi l'exécutif afin d'entreprendre de nouveaux défis au Cégep Edouard-Montpetit.

MARYVON CÔTÉ
MALL President / Président de l'ABDM
Liaison Librarian
Nahum Gelber Law Library at McGill University (Montréal)

National Capital Association of Law Librarians (NCALL)

It has been a quiet year for NCALL. A membership survey and discussion were held on May 14 about the future direction of the group. Members confirmed their interest in educational sessions; overall the group is in favor of sessions on a variety of categories, including substantive law.

NCALL members enjoyed a delicious meal and lively conversation at the AGM at a downtown restaurant on July 9. 12 members attended. The President announced that members can look forward to a website for NCALL which is currently being developed. The term for the current executive is up. **Jennifer Walker** will continue for another year as President and **Barbara Pilek** will stay on as Treasurer. **Claire Banton** is stepping down as Secretary; a new Secretary has not yet been announced.

CLAIRE BANTON
Chief, Orientation Services Section, Reference Services
Library and Archives Canada (Ottawa)

Ontario Courthouse Librarians' Association (OCLA)

Judy Sennet retired from Thunder Bay Law Association on May 27th. The new part-time staff person is Iris Johnson. She has an Honours Bachelor of Arts degree in Sociology and Anthropology and more than twenty-five years of experience in public and academic libraries. **Helen Heerema from Thunder Bay Law Association** was among those attending the New Law Librarians' Institute this year. She found the program provided a good overview of the areas of law with many interesting discussions, as well as opportunities for hands-on learning.

The **Middlesex Law Association** is pleased to announce that it has hired **Kyla Urquhart** as its new law library assistant. Kyla has completed the library technician program from Seneca College and also works part-time at Fanshawe College's library. Kyla started her new job in early May and will be at the MLA Library on Thursdays and Fridays for 5 hours each day. The MLA librarians are thrilled to have Kyla working with them at the library. Kyla replaces Vanja Simic who has moved on to a full-time position with the London Public Library after seven years with the MLA. Vanja will be missed and the Middlesex Law Association congratulates her on this new opportunity.

Amanda Fudge has joined the **Waterloo Region Law Association** as its new Library Assistant. Her library experience has been primarily reference based in special and academic libraries, including Health Canada Library, Hamilton Health Sciences and Conestoga College Library Resource Centre. Amanda graduated from the University of Western Ontario in 2012 with a Master of Library and Information Science (MLIS). She also holds a Bachelor's Degree in Criminology (concentration in law) from Carleton University is a graduate of the Loyalist College Paralegal program.

CHRIS WYSKIEL
Library Technician
Hamilton Law Association

&

MARILYN ELKIN
Roving Law Librarian, Great Library
Law Society of Upper Canada

association's season social. An anniversary celebration planning committee led by Wendy Reynolds is hard at work to ensure that merriment and edification ensue, although perhaps not in that order! The executive changeover occurred over the summer, and the new Executive is as follows: Pam Baker, Past President; John Bolan, President; Eileen Lewis, Vice President; Eve Leung, Treasurer; Laura Knapp, Administrative Coordinator; Victoria Baranow, Membership Liaison; Leanne Grilli, Secretary. And on September 19 Jacquie Fex and John Dash presented an extremely informative Lunch & Learn session on securities research for grateful TALL members in the Ontario Securities Commission boardroom.

JOHN BOLAN
TALL President
Reference and Instructional Librarian
Bora Laskin Law Library , University of Toronto

Toronto Association of Law Libraries

The Toronto Association of Law Libraries will be celebrating its 35th Anniversary on November 27 at the Arts & Letters club in Toronto. The event will be combined with the



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III News from Further Afield / Nouvelles de l'étranger

Notes from the UK

London Calling!

By Jackie Fishleigh*

Hi folks!

I'm writing this on 5th July as the Tour de France is whizzing through London after its successful visit to Yorkshire where the esteemed Mr. Pete Smith lives!

Pete and I both attended the recent BIALL conference in Harrogate, North Yorkshire and we realised we have been collaborating on this column for 3 years now! Can you believe it! Doesn't time fly when you are reporting on legal information issues in the UK!

“Right To Be Forgotten”

This controversial recent European Union Court of Justice ruling upheld the right of Spaniard, Mario Costeja González, who complained that searches on him still brought up out-of-date information about his repossessed house being put up for auction.

Service providers such as Google must now remove links to disputed references so that they don't appear if the individual's name is searched and also put up a notice to the effect that something has been removed (but with no further information as to what). Google is looking at the requests it receives and discussing them with a panel. If Google refuses, one can appeal to one's local court and local data privacy commissioner.

There is now a form that can be filled in to uphold one's "right to be forgotten." The complainant or their representative must provide proof of identity and state which links they want removed. Solicitors are beginning to offer this as a standard feature of reputation management. Forty percent of the requests to have links removed are from Germany. Domestic laws in both Germany and France are in line with the ruling.

The ruling makes clear that a search engine such as Google has to take responsibility as a "data controller" for the content that it links to. Data protection lawyers said the ruling meant that Google could no longer be regarded legally as a "neutral intermediary."

Europe tends to be keen to protect privacy in comparison with America where free speech is embraced enthusiastically. Jimmy Wales, co-founder of Wikipedia says "the right to be forgotten" amounts to censorship. Following the ruling, a link to a news story from 1999 published in "The Independent" about a former head of the Law Society has been removed from Google. In the article about Robert Sayer's election as the new head of the Law Society, Sayers is said to have described an individual who backed his rival as "a piece of dog turd on your shoe."

Revenge Porn

Laws preventing vengeful partners from posting sexually explicit pictures of their former lovers are being seriously considered. The Justice Secretary, Chris Grayling, told MPs that the government is "very open" to having a "serious

discussion" about the issue after the summer recess. So called "revenge porn" is becoming more common. It causes huge harm to victims who feel degraded and humiliated. Some victims have ended up self-harming and even killing themselves.

At present legal redress is only possible if pictures are deemed a breach of copyright law, harassment or are of under 18s.

Identity Theft and Other Risks

The results of David Haynes' recent survey conducted as part of his PhD on risk and regulation of social media in the UK were published in *CILIP (Chartered Institute of Library and Information Professionals) Update* June 2014. Two hundred and thirteen respondents ranked 12 risks. Identity theft came top of the risk list followed by strangers being able to see sensitive personal details, targeting by advertising, becoming a victim of fraud and discrimination by employer or potential employer.

Targeting by criminals (so they can burgle your house while you are away), friends and family or colleagues being able to see sensitive personal details, cyber-bullying or harassment (or stalking), and targeting by official bodies or security agencies were perceived to be less risky.

More serious but perceived as perhaps (hopefully!) unlikely were extortion or blackmail, prosecution by authorities because of crime allegations and physical violence or kidnapping.

Respondents were also asked how effective they found current regulation for protecting users of online social networking services against risk. The overall message was that regulation was inadequate. When asked who should have primary responsibility for protecting personal data on online social networks, 55% laid it at the door of online social network providers, with 26% users themselves, 13% government and others 7%.

Emergency Data Retention and Investigation Powers Bill Being Rushed Through Parliament in July

According to the BBC, the legislation will force mobile and landline providers and ISPs to record and store details of their customers' phone calls, emails, text messages and other communications for 12 months.

The legislation is being introduced so "UK law enforcement and intelligence agencies can maintain their ability to access the telecommunications data they need to investigate criminal activity and protect the public," Downing Street said.

The bill has cross-party support, even though the text of the bill has not been published and the government has not stipulated precisely what "communications data" will cover, describing it only as "metadata" about communications, not their content. This definition has proved problematic before, as the two can often blur in online communications.

The *Data Retention and Investigation Powers Bill* will include a "sunset clause", whereby the powers given by the act must

be reviewed in 2016.

Whether this will be a snoopers charter or vital measure to fight criminals remains to be seen.

Shami Chakrabarti, director of human rights campaign group Liberty, has criticised the emergency data retention bill.

More Child Abuse Scandal

The veteran entertainer and artist, Australian Rolf Harris has been jailed for child abuse after being convicted on 12 charges by a jury at Southwark Crown Court. I'm not sure how well known he is in Canada but in the UK Rolf Harris became so successful he was even commissioned by the BBC to paint a portrait of the Queen on her 80th birthday in 2006. The informal portrait has since mysteriously disappeared. Meanwhile Rolf has undergone a spectacular fall from grace and is now serving a 6 year jail sentence.

Just as this horrible and depressing chapter is closing, another huge historical scandal is breaking concerning the Home Office's handling of sex abuse allegations passed to the department between 1979 and 1999.

An investigation found last year that the department had lost track of 114 documents relating to alleged paedophile activities. It is not able to say whether they have been lost or destroyed.

"The Independent" newspaper disclosed yesterday that allegations of a Westminster paedophile ring were passed in 1983 to the then Director of Public Prosecutions, Sir Thomas Hetherington, as well as the then Home Secretary, Leon Brittan.

The current Home Secretary Teresa May has just announced that accusations that sex abuse victims were betrayed by all sections of society – including police, courts, the National Health Service, schools and the BBC – are to be examined by a Hillsborough-style independent inquiry.

Given that the main purpose must be to provide justice for the victims, it is easy to feel that this is too little, too late... Justice delayed is justice denied.

Inquiry into Death of British teenager Killed by Starving Polar Bear

The death of a British teenager who was mauled by a polar bear in Norway could have been avoided were it not for defective equipment and insufficient rifle training, according to a report.

Horatio Chapple, 17, was killed on a trip to the remote Svalbard islands in Norway with the British Schools Exploring Society (BSSES) in August 2011.

Horatio, a student at Eton, was killed after the polar bear "ripped open" the tent on the 17-year-old's side, dragged him out and caused mortal wounds to his head.

The polar bear managed to approach the camp after the trip wires the group used to detonate explosive devices to scare

off the animal failed. The report said the trip-wire system the group used was "defective in terms of missing pieces of equipment" and the paperclips the groups used to repair the mechanism failed (Paperclips!).

Sir David Steel who was appointed by the BSES to conduct an inquiry into the death said that instead of using the "inconsistent" trip-wire defence, which should be treated as a "secondary protection device," a "bear watch" should have been but in place to guard against any potential approaches.

I once attended a talk by a polar explorer who had managed to frighten a bear off by swearing in particularly colourful language at it at the top of his voice.

As Canadians you must be pretty bear aware. Over here we get a lot of foxes who seem to be more brazen each year. My mother has up to six sunbathing in her garden during the summer. Fortunately they rarely attack humans.

Selfie in the Dock not a Laughing Matter

I presume you are familiar with the craze for taking photos of oneself?!

Joel Norris, 18 tried this using his mobile while a defendant in a court dock with several other teenagers and then uploaded it to Twitter with the caption "Lads in the court box lol." He was later charged and fined with taking and publishing a photograph of a criminal court under the *Criminal Justice Act 1925*.

In the UK, taking photographs in court or the precincts of a court is seen to undermine the dignity of the court.

The teenager pleaded guilty to the charges. He was fined £145 for each offence and ordered to pay £85 costs and pay a victim surcharge of £29.

Magistrate Kathleen McNally said: "I go out to talk to schools about the long-term effects of appearing in court and it's not anything to laugh out loud about, I can assure you."

Canadian Sporting Success!

On a genuinely lighter note to end it has not escaped my attention that not one but two tennis stars from Canada reached the semi-finals of Wimbledon, and one even made it to the final. Yes Eugenie Bouchard was apparently the first Canadian to appear in a final. Although she was soundly beaten by her opponent 2011 champion, Petra Kvitova, I'm sure she will be back as she is only 20 years of age. Apparently her mother is a fervent royalist and named her girls after Princesses Eugenie and Beatrice. Now that really shows commitment to the British monarchy! Princess Eugenie was in the royal box so the compliment was returned.

Having Fun in Yorkshire

As you may recall I am Chair of the BIALL Supplier Liaison Group. We organise a survey of BIALL members each year to decide the coveted BIALL Supplier of the Year Award. The winners for the second year running are law booksellers, Wildy & Sons Ltd.

Here is the Wildy team celebrating into the night at the BIALL Conference in Harrogate. I'm not entirely sure how Wai Hing Lau (lady on the left) managed to stay upright but am assured she did!



I hope you have/had a great summer!

Until next time.
JACKIE

Notes from the Steel City

By Pete Smith**

As Jackie says, the Tour de France came to Yorkshire for its Grand Départ. It was a huge success, with massive crowds turning out to cheer on the riders – and be seen on television! Sadly for fans, local hero Mark Cavendish crashed in a sprint finish and had to leave the race, but this did not put too much of a damper on day two which saw the race come to Sheffield! My wife and I watched some of the race on a big screen in the city centre, and caught the end of the race on TV, as the riders crested Jenkin Road and gratefully rode downhill to cross the finish line.

BIALL 2014

This year's BIALL conference took place in the lovely town of Harrogate, which was all decked out ready for the Tour de France. As usual there was a great line-up of speakers, covering topics on the theme of "data data everywhere." Big data is a...large topic, with the rise of companies such as Amazon and concerns over government and private business- use of the data we provide, often unwittingly.

Jackie discussed the "right to be forgotten" judgment, which was covered by Phil Bradley in his plenary. Phil also addressed the broader issue of Google's role in our information system – one of which he is critical, especially the idea that control of information has been handed to an unaccountable private body by the right to be forgotten decision.

Phil pointed out that whilst we may be aware of the information we share with Google, often we give out details of ourselves

without really thinking about it. His example was shop loyalty cards, with our purchasing habits giving away a lot about who we are. We need to be mindful of what we share, where, and what 'price' we are willing to pay for it.

Phil went on to argue that in a big data world, libraries have a role. Libraries must be less about collections, and more about community. They must connect with people where they are, including via social media; and they should also take on the role of helping people to understand and navigate the big data world.

Daniel Hoadley, from the Incorporated Council of Law Reporting, gave us a fascinating insight into the world of law reporters. What I found most interesting was his passionate argument for the value of law reports in a world of free transcripts. Daniel was very positive about services such as BAILII, but noted that law reporting added valuable intellectual and organisational elements, hugely important in a precedent based system. BAILII is a judgment *provider*, accessible to all; law reports are judgment *enhancers*, vital to the work of advocates.

Adrian Weckler of the *Irish Independent* spoke about issues of privacy, security, and reliability of cloud-based systems. Of particular interest to lawyers are the regulatory aspects – where do servers "live" and which jurisdiction applies. Adrian also mentioned the right to be forgotten case; he is conducting research, where he will compare current search results with results after the case decision, focusing on Irish business. It will be interesting to see if there is a big difference.

Andy Williamson, who works in digital democracy, looked at what big data is and what it means. Big data is all about a critical mass of information, enabling us to "see" more than we could before.

What is important though, he argued, is what we *do* with the data. As Adrian showed, big data can be used by big business; Amazon uses purchase patterns as part of its inventory management. Andy argues that big data also allows for localised public decision making; he gave the example of lighting outage reports being used to schedule maintenance teams. To enable this sort of work, data needs not only to be collected but also tagged and analysed – currently only 1% of data is analysed.

Andy noted, as had Phil, that the regulatory structures for information need to be updated in light of big data developments. Issues such as security, privacy, and jurisdiction will be very much to the fore.

As well as these plenaries there were the usual smaller sessions, covering everything from using social media to measure impact to the different legal systems of the United Kingdom. Should you ever get the chance to attend, do; it would be great to see you!

Judicial Review and Legal Aid

The case of *R (On the application of the Public Law Project) v The Secretary of State for Justice*¹ saw a serious blow to the Government's plans for judicial review funding reform. The court ruled that regulations which introduced a residence test for legal aid were unlawful, as they introduced a discriminatory element to access to justice. The Ministry of Justice has announced the intention to appeal.

Alongside this decision we have senior judges, including Neuberger PSC and Hale DPSC, speaking about the judicial review reforms. Lord Neuberger said that judicial review was a key element of democratic accountability, and so any reforms needed to be very carefully thought through. He argued for more specialist judges to help speed up judicial review, as opposed to limits on access to it.

The House of Commons Justice Committee has recently discussed the impact of legal aid cuts. Representatives of the legal profession told the committee that the cuts had left many people without access to professional representation, leaving them to represent themselves, or – as we saw in a previous column – turning to McKenzie friends. Whilst the committee shared these concerns, it is unlikely that the cuts will be reversed.

Of Strikes and Deals

In previous columns we have discussed the strike action of barristers and solicitors, called in response to changes in the funding of criminal cases. Much of the concern turned on access to representation in complex cases, as seen in the Operation Cotton fraud case which was stopped as some of the defendants had not been able to secure an advocate.

In the past few days the Criminal Bar Association and Ministry of Justice have come to an agreement.² Under this deal, separate negotiations in fees will allow previously stopped cases to go ahead.³ In the longer term, work will continue on finding a sustainable answer to the issue of costs.

The deal has been criticised by solicitor groups, who feel that it undermines the work of the previous strikes and protests. These groups have pledged a continuation of action against cuts to legal aid and reductions in fees for criminal advocacy work. Elements of the bar have also criticised the agreement seeing it as throwing solicitors under the bus without any long term positive outcome for barristers or the criminal justice system itself.

Indeed there is a real sense of crisis within the criminal justice system. Go to the comments section of a *Law Gazette* article on the matter, look at blogs, Twitter... everywhere there are stories of delay, technical failure, CPS errors. The Operation Cotton case, including as it did the Prime Minister's brother as one of the counsel, is but a high profile example of the problems besetting criminal trials in England and Wales.

¹ [2014] EWHC 2365 (Admin) <http://www.bailii.org/ew/cases/EWHC/Admin/2014/2365.html>

² <https://www.justice.gov.uk/legal-aid/news/latest-updates/crime-news/joint-statement-by-the-bar-council,-the-criminal-bar-association,-the-circuit-leaders-and-the-ministry-of-justice-on-vhcc-advocacy>

³ <http://www.lawgazette.co.uk/law/practitioner-bodies-berate-face-saving-bar-deal/5042083.article>

Assisted Suicide – The Right to Die

A recent Supreme Court decision⁴ has seen the right to die arguments once more rejected by the courts. In an interesting development, the court decided that it had the power to declare the relevant legislation incompatible with the *Human Rights Act 1998*. This could lead to pressure on government to debate and clarify the situation, as a further case could see a declaration of incompatibility issued, which would force the government to act.

The case has re-opened the debate on the right to die, with the former Archbishop of Canterbury George Carey declaring his support for the right to die. The current Archbishop, Justin Welby, criticised Carey. Members of the Church of England have called for a Royal Commission to investigate the issue, with the private member *Assisted Dying Bill* being withdrawn until such an investigation takes place. At the time of writing the Bill was due to be debated in the Lords.

Any change may well have to wait for a further challenge in the courts, prompting wider Parliamentary debate on the issue and perhaps government backed legislation – something the government, whoever they are, is unlikely to relish given the divisive and emotional nature of the issue.

Cabinet Reshuffle

The Prime Minister has made a number of changes to his cabinet, perhaps with a view to the 2015 General Election. In the legal area the Attorney General and Solicitor General were both changed. The loss of AG Dominic Grieve has caused some concern, as he had been a strong voice for the *Human Rights Act* and the role of human rights in general. His replacement, Jeremy Wright, has been criticised in his part in the banning of books for prisoners – a policy which has added to concerns about his attitude to human rights, and a possible further shift to the right overall.

The summer of sport...

Well, the World Cup is over, Wimbledon has come and gone...next up the Commonwealth Games in Glasgow. Let's hope it goes as well as London 2012, and is a success for Glasgow, for Scotland, for England – and of course, for Canada!

All the best!
PETE

Letter from Australia August 2014

By Margaret Hutchison***

Greetings from Australia,

It has passed the middle of the year and the wattles are flowering, soon the blossom trees will be coming out and spring is coming. I think autumn, rather than spring, is the nicest season in Canberra, the trees turn red & gold, the days are still warm but the nights are cooling down. In early autumn, the Enlighten Festival lights up the parliamentary triangle in Canberra. The High Court had a "Fire Garden" river of candles down the forecourt, which on a cold wet night was surprisingly warm to walk through.



In June I was asked to give a presentation on Moys classification to the Pacific Islands Law Libraries Community Workshop in Samoa. This workshop was part of an AusAID funded program which is coordinated by the Lionel Murphy Library of the Attorney-General's Department. The program aims to help strengthen the law and justice sectors in the Pacific through improved access to information, training for Pacific staff in the management of legal resources and provide increased contact and support for interaction between staff in the Pacific and in Australia and New Zealand. Sessions were given on building an association and governance of such a body, staff from PacLII and AustLII gave updates on what had been done in their various LIIs. Another very good session was given on how to research a particular legal topic using free Internet sources. This was probably the last of these workshops as the funding ceases next year due to severe government cuts to foreign aid.

One afternoon we visited Robert Louis Stevenson's home, Villa Vailima, which has been restored as a museum of Stevenson's life in Samoa. He is buried at the top of the mountain, Mount Vaea, which is next to the property.

⁴ [2014] UKSC 38 <http://www.bailii.org/uk/cases/UKSC/2014/38.html>



Villa Vailima



View of Mount Vaea

Back in Australia, the political circuses continue. In my last letter, I mentioned the micro-party candidates who were elected to the Senate. They took their seats in July. One of the smaller parties is the Palmer United Party (PUP), formed by mining magnate Clive Palmer in April 2013. Clive Palmer himself was elected to the House of Representatives as the member for Fairfax, a seat in Queensland. At the same time, two candidates (Glenn Lazarus of Queensland and Jacqui Lambie of Tasmania) were elected to the Senate, alongside Australian Motoring Enthusiasts Party candidate Ricky Muir, of Victoria, who later agreed to enter into an informal alliance with the PUP. Additionally, Dio Wang of Western Australia was elected to the Senate at a special election held in April 2014. The new senators are colloquially known as Palmer's pups. Glenn Lazarus is a former professional rugby league player, and was known as the "Brick with eyes" when he played. Jacqui Lambie has already discovered the dangers of live radio interviews, when she described her ideal man as being well-off and "well-hung." There has been debate about possible double standards in the media, although the Senator beat a hasty retreat when the media storm was too much.

The Palmer pups have thrown Senate voting into chaos, with changes in policies by their leader overnight. As the Federal Liberal government does not control the Senate, it needs to negotiate every bill to get them passed. One was the repeal of the carbon tax legislation, originally came into effect in July 2012, but was repealed on 17th July 2014. Australia was the first country to repeal carbon tax legislation.

Another legal kerfuffle is happening in Queensland. The Chief Justice, Paul de Jersey was appointed as governor of Queensland by the Liberal National premier, Campbell Newman. The replacement as Chief Justice, Tim Carmody, was controversial in the Queensland legal community, with criticism focusing on his perceived closeness to Campbell Newman's LNP government, relative inexperience and lack of support from the legal profession and other judges for his promotion. Prior to his elevation, he had served as the Chief Magistrate of the Magistrates Court of Queensland for nine months. Before becoming a lawyer, he worked as a meat packer and policeman. He later worked as a barrister, Queensland Crime Commissioner and Judge of the Family Court of Australia. He also presided over the Child Protection Commission of Inquiry, which handed down its findings in 2013.

As Chief Magistrate, Carmody drew media attention for his strong support of the Newman Government's anti-outlaw motorcycle gang laws, which had faced criticism from other senior lawyers and judges. His comments and actions drew criticism as undermining the judiciary's independence from the government, particularly his decision to effectively prevent other magistrates from hearing contested bail applications. He also expressed support for Attorney-General Jarrod Bleijie, who had faced calls to resign after revealing the content of confidential discussions held with the President of the Court of Appeal.

This will be an ongoing saga, stay tuned for further updates from the land down under,

Until next time,
MARGARET

Developments in U.S. Law Libraries, Summer 2014

By Anne L. Abramson****

Summer, as always, is fleeting here in the mid-West and particularly at my law school, since fall semester starts well before the first Monday in September (our Labor Day long weekend). It is hard to believe that as I write this next column, we are already in almost a month into the fall semester. We started on Aug. 18, two weeks before the Labor Day holiday in the US!

This particular summer was notable for the lovely weather we had most of the time (except for two heavy rainstorms and some associated flooding), a welcome change from our long, difficult winter. Although some were disappointed that we did not have a warmer summer (most days were in the

low 70s), I appreciated the absence of “dog days,” those extremely hot days which feel even hotter when you cannot escape the urban concrete.

The Chicago Air & Water show is always the marker for the end of the summer festivals here. That event as well as the slanting rays, shorter days and dipping temperatures remind me that summer has indeed passed.

A. New Library Initiatives

Partnering with Career Services

The difficult job market for new law school graduates has prompted various departments within the law school to work together to help our graduates. A good example is the Library's efforts to reach out to the Career Services Dept. In particular, we wanted Career Services to know about some of our database subscriptions which could be useful to students as they finished their academic work and embarked on their careers. To that end, we invited Career Services staff to many of our database training sessions.

One such training session was the webinar we attended a few months ago on “Yellow Books,” an online directory of state and federal judges and attorneys in large law firms. I have used the print Yellow Books, particularly the Federal Yellow Book, for many years. They are still a staple of our Reference collection. I found the new electronic version a little daunting and have stayed away from it. The training webinar helped me overcome my initial hesitation by introducing me and my Library and Career Services colleagues to the many useful features of the electronic version especially for job hunting. Our subscription does not include government agencies but I am hoping that we may expand our coverage one day soon.

Another training webinar this past summer focused on access to FastCase via HeinOnline. FastCase offers low cost access to primary U.S. law sources included federal and state case law, statutes, regulations and court rules. HeinOnline is known for its extensive Law Journal Library, but includes many other special collections as well, including State Session Laws, Congressional Record, Legal Classics, English Reports and United Nations Law Collection. The new partnership between FastCase and HeinOnline could be an inexpensive alternative to Westlaw and Lexis, especially for those new attorneys who may be going into small or solo law practices.

More recently, we attended training to learn about Westlaw's newest collection of resources known as “Practical Law.” Hopefully, we can highlight these new resources for students in the Law Practice Management course this October.

Outreach to Clinical Programs

My colleague Victor and I have been charged with reaching out to our clinical programs. I am already collaborating closely with our International Human Rights Clinic. I recently gave a two hour interactive presentation involving in class hands on research questions, which the students worked on as teams.

We hope to offer a similar program to three more clinics (Fair Housing, Veterans and Domestic Violence) this semester.

B. Cost Cutting Hits Home

As my wise colleague Victor said to me recently, “there is a cost to cost cutting.” Unfortunately, our law school's cost cutting has extended into staff lay-offs for the first time ever in our school's long (over 100 year) history.

Although our law school is doing better than most with the same number of enrolled students as last year, our administration decided to eliminate several positions this past July. This contraction was not unexpected. Nevertheless, the layoffs came as a shock to most of us. The Library was not spared. The position of Head Cataloguer was one of those selected for elimination.

We are not alone. At other libraries, there has been a lot of turnover due to the retirement of long-time staff. In many instances, these staff members are not being replaced. Their responsibilities have been shifted to remaining staff, who find themselves overwhelmed and overloaded. Hopefully, as libraries address the Yirka question in such situations (“what should we stop doing?” as discussed in my summer 2013 column, 38 Can L Libr Rev 199 (2013)), workloads will become more manageable for remaining staff.

There are some hopeful signs that the economy may be turning a corner, but the school continues to make some hard decisions about which courses and programs to continue and which ones to eliminate. The law school could look very different in 2015.

C. Memorable Conference on International Elder Law

I will remember this summer, in particular, due to my involvement with our law school's annual Braun Conference. This year, our law school and Roosevelt University co-hosted the Braun Conference on International Elder Law and Policy. The Conference featured impressive, international panels of experts who spoke on topics such as caregiving, social security, protection and access to justice. While these speakers presented, others were participating in the process of drafting the Chicago Declaration on the Rights of Older Persons.

I helped to create a comprehensive list of sources (mostly documents from IGOs and NGOs) for use by the Conference participants. The creation of this list turned out to be a slow, painstaking project. Finding and citing to each document was often a research project in itself. Hopefully though, the list will be useful to all those who work in this area. The experience certainly bolstered my citation skills with respect to the documents of international organizations. The notorious Bluebook, a staple of the U.S. legal community, has some gaping holes when it comes to citing to these often born digital materials. I still don't have a consistent practice when it comes to using italics! In addition, link rot seems to run rampant in the world of such voluminous and ephemeral documentation. I included research paths as well as links in the hope that the researcher would have some alternatives when trying to locate these materials in the future. The list

and other Conference materials will soon be published and accessible via our Institutional Repository.

In addition to creating the list, I was able to attend the conference and observe the drafting sessions, which were fascinating. Students from our Human Rights Clinic participated as “rapporteurs,” taking notes and retrieving and reading from primary source materials as requested by the drafters. It was a great test of their research skills and a tremendous learning experience. After the Conference, representatives of the law school presented the Chicago Declaration to the UN’s Open-ended Working Group on Ageing at its fifth meeting in August.

I was sad to miss the AALL Meeting in San Antonio last July, but this event offered me a unique professional development opportunity here at home. In addition, the Mid-America Association of Law Libraries (MAALL) will be taking place right across the street in October. The MAALL Conference will be my first involvement with this group and it is too convenient not to attend!

D. Notable Articles

My professional reading list suffered a bit this past summer, so this is just a small sampling of recent law library literature.

Law Library Journal & Legal Reference Services Quarterly

Judith Lihosit, *Breaking Down the Black Box: How Actor Network Theory Can Help Librarians Better Train Law Students in Legal Research Techniques*, 106 L Lib J 211 (Spring, 2014).

The author advocates the use of actor network theory (ANT) to help librarians reclaim their role of legal research expert from the legal writing program “black box.” I found ANT a bit hard to follow but appreciated the author’s objective. She also lead me to the following article from a much earlier issue of Law Library Journal.

Paul D. Callister, *Time to Blossom: An Inquiry into Bloom’s Taxonomy as a Hierarchy and Means for Teaching Ordered Legal Research Skills*, 102 L Lib J 191 (2010).

I learned about Bloom’s taxonomy when I first learned about Moodle, our online course platform. I found this methodology well suited for teaching legal research and will definitely refer to this article when I next teach.

Dennis Sears, *The Pedagogical Value of an Integrated Approach to Legal Research Instruction: Overcoming Student Resistance to the Use of Print Sources and Striking a Balance That Instills an Appreciation of the Strengths and Weaknesses of Both Print and Online Sources*, 33 Legal Reference Services Q 38 (2014).

The title of this article is quite a mouthful, but it is a thoughtful account of the author’s attempts to overcome the “print phobia” of his students. As at many law schools, including ours, Dennis Sears’ school (Brigham Young University’s J. Reuben Clark Law School) used to require students to

use print resources exclusively during their first semester. However, this requirement is no longer the norm at most U.S. law schools. Students now have access to online research tools as soon as they begin law school. Given this reality, the author decided to teach online research, but teach it well. Thus, he taught his students such essentials as selecting a database and constructing a Boolean search (although Westlaw Next and Lexis Advance make these time-honored methods increasingly difficult to employ). He was also determined to integrate print research into his class. I wish he had included examples of research questions he gave his students, since coming up with good questions (not too difficult or too easy) to research in these different formats is quite a challenge. However, his description of his research class provides an excellent template for those wishing to teach their students effective and flexible research skills in today’s hybrid environment.

AALL Spectrum

Mark Engsborg, *Courage Amid the Chaos: Observations on Contemporary Academic Law Librarianship*, 18 AALL Spectrum 7 (July 2014).

This article mentions the “Stressbusters” program at Emory. I hope we can implement similar ideas here.

This issue of AALL Spectrum also features the winning entries from the 2014 “Day in the Life” photo contest. The photo of the therapy dog on page 28 and caption describing the library’s “Fuel for Finals” week event intrigued me. For example, Tuesday was relaxation day with free massages in the Library and Thursday featured healthy “brain food” for the students. Each day, students eagerly entered the Library in anticipation of the special treat the library had planned for them.

Jeffrey A. Bois, *The Tip of the Iceberg: Legal Intelligence Platform Delivers “Insights”*, 18 AALL Spectrum 27 (May, 2014).

This article describes the development of “Foley Insights”, a platform for gathering (aggregating) and delivering competitive intelligence to each attorney at Foley & Lardner. The firm partnered with Manzama, a small aggregating company. The adoption of new technology poses risks and law firms are notoriously risk averse, but this particular project illustrates what can be achieved with the right technology partner.

Michelle Hook Dewey & Heather J.E. Simmons, *Yin & Yang in Legal Research Instruction*, 18 AALL Spectrum 38 (May, 2014).

The authors are from different generations but bring the best of their different research approaches to their legal research class. They share three lessons with us readers: Lesson 1. Purposeful Application Required for EVERYTHING (PARE); Lesson 2: Find Partners and, Lesson 3: Keep an Open Mind: the Conversation is the Most Important Part. As I hope to team teach with my colleagues again, I find this article encouraging and inspiring.

Patrick J. Charles, *Sifting Through the Dustbin of Legal Research History*, 18(8) AALL Spectrum 22 (June, 2014).

So many legal research publications, both print and electronic, have fallen by the wayside: Print Shepard's, AutoCite, Insta-Cite, LexCite, QuickCite and Shepard's Preview, National Reporter Blue Book and Mosaic web browser. I enjoyed reminiscing by reading about these dinosaurs. At the same time, this article is a poignant reminder of just how disruptive technology is. As librarians, we are certainly in the front lines of this technological transformation.

Erika Cohn, *Creating and Teaching a Specialized Legal Research Course: the benefits and considerations*, 18 AALL Spectrum 26 (June, 2014).

The author taught an Intellectual Property Legal Research course at Saint Louis University. I have taught my own specialized legal research class a few times now, so I am already familiar with many of the suggestions provided in this article. However, I still found her suggestions for use of class time and evaluation quite helpful.

Kelly M. Leong & Kurt R. Mattson, *Two Librarians' Awareness of Current Awareness*, 18 AALL Spectrum 15 (June, 2014).

This dialogue between an academic and law firm librarian provides an interesting glimpse into two very different environments. Duke focuses on presenting its new titles to the law school community, whereas the "Nevada-centric" law firm monitors the Nevada courts websites. Both firms and schools offer email alert services for case law and articles. Interestingly, the firm still clings to some of its "old school" print subscriptions but fewer and fewer, as it becomes apparent that the print format cannot keep up with the "demand for immediacy and the latest electronic delivery platforms."

Katrina M. Miller, *Changing of the Guard: Best Practices for Saving and Transferring Institutional Knowledge*, 18 AALL Spectrum 28 (June, 2014).

Today, the loss of institutional knowledge is not just a possibility but a real problem. Economic uncertainties and downsizing can result in the unplanned "retirement" of staff with years of experience at a particular organization. This article is, therefore, quite timely and useful. Making an effort to capture technical and tacit knowledge must be a priority of succession planning.

ABA Journal

Robert Ambrogi, *Vision Quest: Visual Law Services are Worth a Thousand Words – and Big Money*, ABA Journal 35 (May 2014).

Ravel, mentioned in two prior columns, is just one of the visually oriented products mentioned in this interesting piece. Other such products are Open Law Lab, described as an initiative to design law to make it more accessible, usable and engaging. Law Dojo, by the same creator, Margaret Hagan, is "a set of games for lawyers, law students and non-lawyers that combine comics and quizzes to teach lessons

about law." Picture It Settled helps to eliminate the guesswork from settlement negotiations using "predictive analytics." The site features "Settlement Prophet" which analyzes information from actual cases and graphs it enabling users to map out their own settlement plan based on case type and jurisdiction.

Lorelei Laird, *Paper Terrorists: 'Sovereign Citizens' Plaster Courts with Bogus Legal Filings and Some Turn to Violence*, ABA Journal 52 (May, 2014).

I had always heard about the tax protesters who refused to pay income tax as they did not recognize the right of the U.S. government to collect taxes. Now we see the so-called "sovereigns", who believe that a usurper federal government has taken over and their own legal system is the only legitimate one. The FBI calls them "paper terrorists" because they fight perceived enemies (usually public employees, including judges) by filing false liens, UCC filings, false tax documents and spurious lawsuits. According to the Southern Poverty Law Center, early sovereigns were white people with racist beliefs. However, today's sovereigns are diverse and not necessarily racist. The internet has enabled the sovereign ideology to proliferate. Websites and seminars sell bogus how to kits for fighting debt, taxes or foreclosures. The economy is the driving factor behind the growth of the sovereign ideology. The sheer volume of filings by sovereigns creates huge problems for the courts and fatigued officials. States have begun passing laws to fight false liens per the National Associations of Secretaries of States. Many of these new laws have been enacted in the last seven years.

Victor Li & Stephanie Francis Ward, *Legal Rebels*, ABA Journal 35 (Sept. 2014).

I always enjoy reading the ABA Journal's annual list of "legal rebels." Interestingly, two such rebels this year are Canadian. The Canadian Legal Information Institute (CanLII) and its current President, Colin Lachance are noted for CanLII's expansion into secondary legal materials including commentary and analysis. Ronald Deibert, founder of Citizen Lab at University of Toronto's Munk School of Global Affairs describes how his lab protects the human rights of individuals in cyberspace by identifying cybersecurity threats such as malware. Such state sponsored or privately created computer threats can be used to target and spy on dissidents. Now I see how intellectual property issues and human rights can intersect.

Chronicle of Higher Education

Goldie Blumenstyk, *At 2 Conferences, Big Claims are Staked on Higher Education's Future*, Chronicle of Higher Education A4 (May 16, 2014).

This article discusses highlights from the ASU+GSV Education Innovation Summit in Arizona and the Innovation+Disruption Symposium in NYC. The author points out the disconnect between two worldviews: the representatives of small residential liberal arts colleges and the those offering lower cost alternative education approaches using technology (i.e. distance education, competency based education). The author notes that both sides could reach out more to

the other. The Innovation Summit could use more rigorous research and less hype. The small liberal arts and traditional colleges could be more concerned about changes in higher education like the Minerva Schools venture.

Dan Berrett, *Students Can Transfer Knowledge if Taught How*, Chronicle of Higher Education A3 (Apr. 11, 2014).

This article supports ideas I am hoping to implement in my own teaching. I hope to have each student make a presentation to the rest of the class on legal research in a jurisdiction or on an international law topic of their own choosing. There is nothing quite like having to give a live presentation on a topic to motivate one to learn that topic oneself!

I will close for now noting a trend at many law libraries these days. Canadian colleague Nancy McCormack termed this phenomenon as the “incredible shrinking library.” As our budgets shrink, so does our space, our collection and our staff. Looking at the glass half full, our current Library Director believes that this is a good time for the law school to reexamine and refocus its priorities. I hope that is true and that the law school will be healthier as a result. Thankfully, our transition from a just in case to a just in time library over the past few years has helped prepare us for some of this shrinkage. The pressure is still on, however, to reinvent ourselves and find new ways to contribute meaningfully and visibly to our institution during these challenging times. Hopefully, this means a more expansive professional role for librarians despite the contraction around us.

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