CALL ACBD

CANADIAN LAW LIBRARY REVIEW

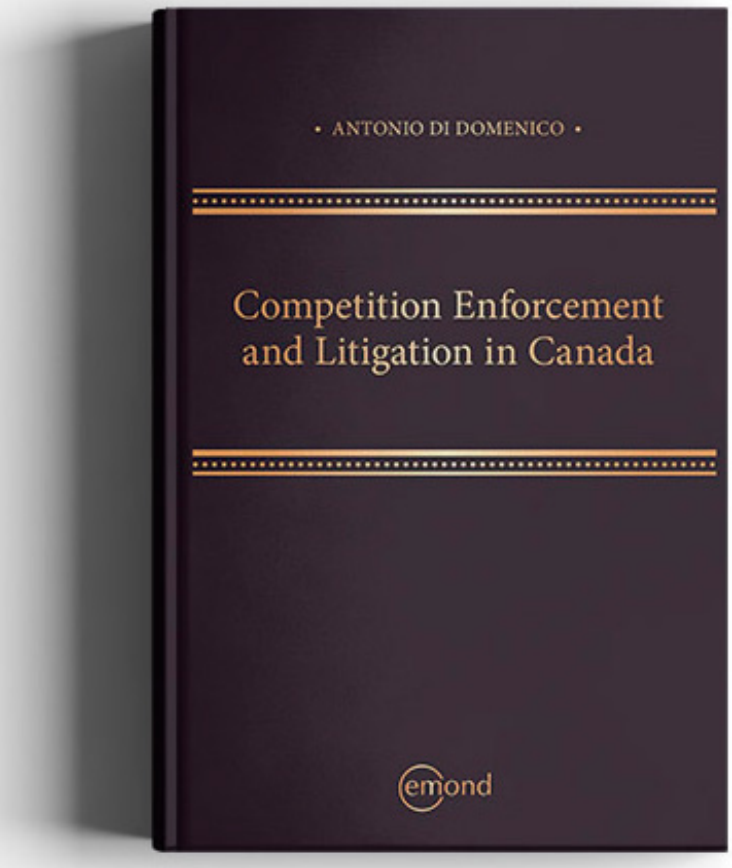
REVUE CANADIENNE DES BIBLIOTHÈQUES DE DROIT

VOLUME/TOME 43 (2018)
No. 4

INTRODUCING EMOND'S TREATISE ON

COMPETITION ENFORCEMENT AND LITIGATION IN CANADA

BY ANTONIO DI DOMENICO



"In my over 30 years of work at the Competition Bureau, culminating as the Commissioner of Competition, I regrettably did not have access to such a complete treatise on the Act ... Not only does the handbook provide a comprehensive treatment of the law and the relevant guidelines, it is also sprinkled with insights from a seasoned competition law practitioner adding 'inside baseball' nuances from his time spent as a government litigator."

— John Pecman, Former Commissioner of Competition

FREE SAMPLE CHAPTER AVAILABLE AT

EMOND.CA/CELC

emond PUBLISHING SINCE 1978

Emond Publishing
1 Eglinton Ave E, Suite 600, Toronto
p. 1-888-837-0815 f. 416-975-3924
e. orders@emond.ca w. emond.ca

IIII CONTENTS / SOMMAIRE

CITED AS Can L Libr Rev

Canadian Law Library Review is published 4 times a year by the Canadian Association of Law Libraries.

CITÉ Rev can bibl dr

Revue canadienne des bibliothèques de droit est publiée 4 fois par année par l'Association canadienne des bibliothèques de droit.

IIII EDITORIAL BOARD / COMITÉ DE RÉDACTION

Deadlines / Dates de tombée

Issue	Articles	Advertisement Reservation / Réservation de publicité	Publication Date / Date de publication
no. 1	December 15/15 décembre	December 15/15 décembre	February 1/1er février
no. 2	March 15/15 mars	February 15/15 février	May 1/1er mai
no. 3	June 15/15 juin	May 15/15 mai	August 1/1er août
no. 4	September 15/15 septembre	August 15/15 août	November 1/1er novembre

MEMBERSHIP, SUBSCRIPTIONS, BACK ISSUES / ADHÉSION, ABONNEMENTS, NUMÉROS ANTÉRIEURS:

CALL National Office/Secrétariat ACBD
411 Richmond St. East, Toronto, ON, M5A 3S5
Telephone: (647) 346 – 8723
Fax/Télécopieur: (416) 929 – 5256
E-Mail: office@callacbd.ca

CALL ACBD
CANADIAN ASSOCIATION OF LAW LIBRARIES
ASSOCIATION CANADIENNE DES BIBLIOTHÈQUES DE DROIT
Developing and Supporting Legal Information Specialists
Perfectionnement et soutien des spécialistes de l'information juridique

IIII From the Editor / De la rédactrice

In my last letter, I asked for chillier weather, and I got it. Instead of a fan on my desk, I now have a space heater. Be careful what you wish for!

For those of us in the academic world, the chill in the air also brings a new crop of fresh-faced 1Ls to our respective libraries. It's a magical time, when the new students are excited and optimistic, before the reality of law school overwhelms and exhausts them. Autumn also ushers in LRW season, when legal research instructors brush off the relaxation of the summer and get back into the classroom. I've been updating my flipped classroom videos, as my first attempt last year left a lot to be desired, not to mention the need to incorporate the changes in the 9th edition of the McGill Guide. I must say, requiring only a neutral citation is a welcome change!

Speaking of videos, the LRW SIG is putting together a working group to create instructional content for CanLII. We're looking for volunteers, so if you're interested in getting involved with this project, check out the LRW SIG update in the Local and Regional Updates column for more information.

This issue's feature article, "Canadian Legal Professionals' Information Activities: What Do They Do, and How Do They Tweet?", is for data fans. Hannah Steeves reviewed the tweets of Canadian legal professionals to find out what information they're sharing on Twitter. Through careful analysis, she has identified several different categories and subcategories of these tweets. It's a fascinating read for sure.

This article was originally a paper for a library school course. If you're a recent grad or current student with a law librarianship-related paper under your belt, we want to see it! Send it to our features editors, and you might see yourself in print.

In addition to the CALL/ACBD conference last May, I also attended the New Law Librarians' Institute (NLLI) at the University of Calgary in June. I'd never gone that far west before, and I can now officially say that jetlag is real, and coffee solves everything (but I already knew that). It was great meeting other new law librarians, and we all learned a lot that week. What stands out most in my mind is the session on American and UK research—I think my arm is still sore from taking notes! I highly recommend NLLI to anyone new to law librarianship or those who want to refresh their skills. Hannah Steeves also attended, and her summary of the experience is included in this issue's conference report.

The nights are getting longer, as autumn is in full swing. It's my favourite time of year, even though winter is just around the corner (and lasts about six months in Fredericton). Although many of you may think this is too early to say, happy holidays, have a great new year, and I'll see you in 2019.

EDITOR
NIKKI TANNER

Dans ma dernière lettre, je demandais du temps plus frais, et je l'ai eu. Sur mon bureau, un radiateur électrique portatif a remplacé le ventilateur. Prenez garde aux souhaits que vous exprimez!

Pour ceux d'entre nous qui œuvrent dans le monde universitaire, l'arrivée de l'air frais vient avec une nouvelle génération d'étudiants de première année en droit dans nos bibliothèques respectives. C'est un moment magique: l'enthousiasme et l'optimisme des nouveaux étudiants sont palpables. La réalité de la faculté de droit ne les a pas encore submergés et épuisés. L'automne marque également le début de la saison de la recherche et de la rédaction juridiques, lorsque les professeurs reviennent en classe après un été de détente. J'ai mis à jour mes vidéos de classe inversée, car ma première tentative, l'an dernier, laissait à désirer, sans parler de la nécessité d'intégrer les changements à la 9e édition du Manuel canadien de la référence juridique. Je dois dire que le fait de n'exiger qu'une référence neutre est un changement bienvenu!

Parlant de vidéos, le groupe LRW SIG met sur pied un groupe de travail chargé de créer du contenu pédagogique pour CanLII. Nous sommes à la recherche de bénévoles. Si vous souhaitez participer à ce projet, consultez la mise à jour du groupe LRW SIG des mises à jour locales et régionales pour en savoir plus.

L'article de fond du présent numéro, « Canadian Legal Professionals' Information Activities: What Do They Do, and How Do They Tweet? », s'adresse aux passionnés de données. Hannah Steeves a passé en revue les gazouillis des professionnels canadiens du droit pour savoir quels renseignements ils communiquent sur Twitter. Grâce à une analyse attentive, elle a recensé plusieurs catégories et sous-catégories de ces gazouillis. C'est une lecture fascinante. À l'origine, cet article a été écrit dans le cadre d'un cours d'une école de bibliothéconomie. Si vous êtes étudiant ou récemment diplômé et que vous avez rédigé un travail relatif à la bibliothéconomie de droit, nous voulons le voir! Envoyez-le à nos réviseurs de chroniques et il sera peut-être publié sous forme imprimée.

En plus du congrès de l'ACBD/CALL en mai dernier, j'ai assisté à l'Institut pour les nouveaux bibliothécaires de droit (NLLI) à l'Université de Calgary en juin. C'était ma première excursion aussi loin dans l'ouest, et je peux maintenant affirmer officiellement que le décalage horaire existe et que le café résout tout (mais je le savais déjà). C'était formidable de rencontrer d'autres nouveaux bibliothécaires de droit, et nous avons tous beaucoup appris cette semaine-là. Ce qui m'a le plus marquée, c'est la séance sur la recherche américaine et britannique – je crois que mon bras est toujours endolori après avoir pris toutes ces notes! Je recommande fortement l'Institut à toute personne qui fait ses premiers pas en bibliothéconomie du droit ou qui souhaite perfectionner ses compétences. Hannah Steeves y a assisté, elle aussi, et son résumé de l'expérience figure dans le rapport sur le congrès du présent numéro.

Les nuits sont de plus en plus longues. C'est ma saison préférée, même si l'hiver approche à grands pas (et dure environ six mois à Fredericton). Vous trouverez peut-être que c'est trop tôt, mais je vous souhaite un bon temps des fêtes et une bonne nouvelle année. Je vous revois en 2019.

RÉDACTRICE EN CHEF
NIKKI TANNER

IIII President's Message / Le mot de la présidente

Your CALL/ACBD executive board has had a busy summer! Normally after our annual conference in May, the board has a bit of a breather before work ramps up again in the fall. But not this year!

Immediately following the conference, we received news that Managing Matters, the company that has managed our association for the past five years, wanted to part ways with us. The board quickly began the search for a new association management company. Vice President Shaunna Mireau, Past President Connie Crosby, and Board Secretary Jennifer Walker formed the search committee. They sent out a request for proposals, and we received responses from a number of companies eager to take us on as a client. The board selected Redstone Agency Inc, a company located in Toronto. By happy coincidence, Maddy Marchildon, formerly of Managing Matters and now with Redstone, is our new national officer. She is very familiar with our organization, as she had served as our national officer for the first year we were with Managing Matters. The transition to the new company, managed masterfully by Jennifer Walker and Maddy, has gone smoothly. Thanks to our search committee for all their work pulling this together in a short period of time, and over the summer, no less!

Then in July, Kim Nayyer and Ken Fox, co-chairs of CALL/ACBD's Copyright Committee, approached the board with a request that our association seek intervenor status in a case that is heading to the Supreme Court this fall. In addition to being the associate university librarian, law, at the University of Victoria Libraries, Kim is a lawyer, and Ken, reference librarian at the Law Society of Saskatchewan, has a keen interest in copyright issues.

The case under appeal is *Keatley Surveying Ltd v Teranet Inc*, 2017 ONCA 748. In this decision, the Ontario Court of Appeal held that copyright in plans of survey deposited with Teranet (the provider of Ontario's online property search and registration system) belongs to Ontario, by operation of section 12 of the *Copyright Act.* This is the section that deals with Crown copyright.

Our association has long held the view that Crown copyright should not apply to primary legal materials. In the past, we've addressed Parliament twice on the meaning of the words in the section. And since 2009, we've made at least three consistent statements about the issue.

The board had a special meeting at the beginning of August to discuss the committee's request. Kim attended the meeting, which was held by conference call. She outlined the committee's reasons for wanting to intervene, noting that this case is important to our association because it is the first time that the Supreme Court will "squarely consider" section 12 of the *Copyright Act.*

After careful thought and deliberation, the board decided to approve the request. We don't want to miss this unique opportunity to have the Supreme Court hear our thoughts on this consequential matter. We informed the membership about our decision by email message on August 28. Included in the message were the Copyright Committee's reasons for wanting to intervene.

Of course, an application for intervenor status doesn't come without a cost; however, we are fortunate that we'll have a pro bono agent working for us in Ottawa, as well as pro bono counsel. Kim will also be working on the file. The board is confident that we'll be able to handle the costs of filing, etc., that will be incurred.

We'll keep you informed as we move forward on this important task, and we look forward to your feedback and support.

PRESIDENT
ANN MARIE MELVIE

Votre conseil de direction de l'ACBD/CALL a eu un été chargé! Après notre congrès annuel de mai, le conseil a normalement droit à une pause avant la reprise d'automne. Mais pas cette année!

Immédiatement après le congrès, nous avons appris que Managing Matters, la société qui gère notre association depuis cinq ans, souhaitait mettre fin à notre relation. Le conseil a rapidement commencé à chercher une nouvelle société de gestion d'associations. La vice-présidente Shaunna Mireau, la présidente sortante Connie Crosby et la secrétaire du conseil Jennifer Walker ont formé le comité de recherche. Elles ont envoyé une demande de propositions et nous avons reçu des réponses d'un certain nombre d'entreprises désireuses de nous avoir pour client. Le conseil a choisi Redstone Agency Inc, une entreprise de Toronto. Par une heureuse coïncidence, Maddy Marchildon, autrefois à Managing Matters et maintenant à Redstone, est notre nouvelle dirigeante nationale. Elle connaît très bien notre organisation, car elle a été notre dirigeante nationale lors de notre première année avec Managing Matters. La transition vers la nouvelle société, gérée avec brio par Jennifer Walker et Maddy, s'est bien déroulée. Merci à notre comité de recherche d'avoir travaillé si fort à mener à terme cette transition en peu de temps en plein été, rien de moins!

Puis, en juillet, Kim Nayyer et Ken Fox, coprésidents du Comité du droit d'auteur de l'ACBD/CALL, ont approché le conseil de direction pour demander à ce que notre association obtienne le statut d'intervenant dans une affaire qui sera entendue en Cour suprême cet automne. En plus d'occuper le poste de bibliothécaire universitaire adjointe, Droit, aux bibliothèques de l'Université de Victoria, Kim est avocate. Ken, bibliothécaire de référence à la Law Society of Saskatchewan, porte un grand intérêt aux questions de droit d'auteur.

L'affaire portée en appel est celle de *Keatley Surveying Ltd c Teranet Inc*, 2017 ONCA 748. Dans cette décision, la Cour d'appel de l'Ontario a statué que les droits d'auteur sur les plans d'arpentage déposés auprès de Teranet (le fournisseur du système de recherche et d'enregistrement de biens fonciers en ligne de l'Ontario) appartiennent à l'Ontario, en vertu de l'article 12 de la *Loi sur le droit d'auteur.* Cet article porte sur le droit d'auteur de la Couronne.

Notre association est depuis longtemps d'avis que le droit d'auteur de la Couronne ne devrait pas s'appliquer aux documents juridiques de base. Nous nous sommes adressés au Parlement à deux reprises, par le passé, au sujet de la signification des mots utilisés dans l'article. Depuis 2009, nous avons fait au moins trois déclarations cohérentes à ce sujet.

Le conseil a tenu une réunion spéciale au début d'août pour discuter de la demande du comité. Kim a assisté à la réunion, qui a eu lieu par téléconférence. Elle a exposé les raisons pour lesquelles le comité souhaite une intervention, en soulignant que cette affaire est importante pour notre association, car ce sera la première fois que la Cour suprême « tiendra directement compte » de l'article 12 de la *Loi sur le droit d'auteur.*

Après mûre réflexion, le conseil a décidé d'approuver la demande. Nous ne voulons pas rater cette occasion unique de faire entendre à la Cour suprême nos réflexions sur cette question importante. Nous avons informé les membres de notre décision par courriel le 28 août. Le message contenait les raisons pour lesquelles le Comité du droit d'auteur souhaitait intervenir.

Bien entendu, une demande de statut d'intervenant ne se fait pas sans frais; toutefois, nous avons la chance d'avoir un mandataire bénévole qui travaille pour nous à Ottawa et un avocat bénévole. Kim travaillera également au dossier. Le conseil est convaincu que nous serons en mesure de gérer les coûts de présentation et autres qui en découleront.

Nous vous tiendrons au courant des développements de ce dossier important et nous attendons avec impatience vos commentaires et votre soutien.

PRÉSIDENTE
ANN MARIE MELVIE

Canadian Legal Professionals' Information Activities: What Do They Do, and How Do They Tweet?

By Hannah Steeves*

ABSTRACT

The use of social media in professional settings has increased significantly over the past decade. This article presents the results of a statistical analysis performed on a sampling of Canadian legal professionals' Twitter accounts between 2015 and 2016. A series of tweets were reviewed and subsequently categorized to determine the most common types of information activities occurring on social media accounts, specifically Twitter, from legal professionals.

SOMMAIRE

L'utilisation des médias sociaux dans les milieux professionnels a considérablement augmenté au cours de la dernière décennie. Cet article présente les résultats d'une analyse statistique réalisée sur un échantillon de comptes Twitter de professionnels du domaine juridique entre 2015 et 2016. Une série de tweets ont été examinés puis classés pour déterminer les types d'activités d'information les plus courants sur les comptes de médias sociaux, en particulier Twitter, par les professionnels du domaine juridique.

INTRODUCTION

The use of social media and social networking platforms in a variety of professions, including the legal profession, has significantly increased over the past decade.[1] In 2008, research performed by LexisNexis and Martindale,[2] two of the leading providers of legal content and management resources, showed that more than 50 per cent of US attorneys actively used social media and social networking professionally.[3] Similar research by the International Bar Association (IBA) in 2012 that received responses from 60 bar associations worldwide showed that 78 per cent of participants believed that the use of social media and social networking tools were advantageous for the legal profession.[4]

One social media platform that legal professionals often use is Twitter. Twitter's self-defined purpose is to

> contain information you will find valuable. Messages from users you choose to follow will show up on your home page for you to read. It's like being delivered a newspaper whose headlines you'll always find

* Hannah Steeves is the instruction and reference librarian at the Sir James Dunn Law Library, Schulich School of Law, Dalhousie University. You can follow her on Twitter @hjsteeves.

[1] Avnita Lakhani, "Social Networking Sites and the Legal Profession: Balancing Benefits with Navigating Minefields" (2013) 29:2 Computer L & Sec Report 164 at 165.

[2] "About LexisNexis" (last visited 9 February 2016), online: LexisNexis <www.lexisnexis.com/en-us/about-us/about-us.page>; "About Martindale-Hubbell" (last visited 9 February 2016), online: Martinedale-Hubbell <www.martindale.com/About_Martindale-Hubbell/index.aspx>.

[3] Madeline Kriescher, "Professional Benefits of Online Social Networking" (2009) 38:2 The Colorado Lawyer 61 at 61–62.

[4] "The Impact of Online Social Networking on the Legal Profession and Practice" (February 2012) at 15, online (pdf): International Bar Association <www.ibanet.org/Committees/Divisions/Legal_Practice/Impact_of_OSN_on_LegalPractice/Impact_of_OSN_Home.aspx>.

> interesting—you can discover news as it's happening, learn more about topics that are important to you, and get the inside scoop in real time.[5]

The microblogging aspect of Twitter is useful for professionals as it creates posts that are concise, focussed, and clearly depict the intention of the profile owner.[6] Legal research requires precision with highly relevant, quality results while the business of law requires advertising and marketing.[7] Twitter fulfils both these requirements, as it is both a real-time, convenient, and accessible database for current awareness as well as a public platform for self-promotion for legal professionals.

Research that provides a better understanding of legal professionals' information activities will help to clarify best practices and research methods for legal professionals in an increasingly digital work environment. These findings will also elaborate on the information activities of legal professionals by clarifying their position within existing information behaviour models and providing additional information for the creation of information models directed towards lawyers specifically and, potentially, professionals as a group.

Literature Review

The field of information studies has created various theories, models, and perspectives on professionals' information-seeking behaviours. Both all-encompassing and profession-specific models have been created to better understand these interactions; there is, however, little additional research focussing on legal professionals. Additionally, the majority of research focusses on information-seeking behaviours and very little assesses information sharing specifically.[8] This study aims to increase our understanding of legal professionals' information-sharing behaviours by analyzing their provision of information through the social media and networking platform Twitter in order to assist in determining their real-time needs and improve best practices in a physical environment and for online self-promotion.

The varying studies of professionals' information-seeking behaviours often have roots in Thomas Wilson's models dating back to the 1970s. His work includes many key elements that allow his models and theories to be applied to multiple professions, including context, demography, roles, and formal and informal information systems.[9] A widely cited study from 1996 that cites Wilson's work focusses on developing a model of information-seeking behaviours of all professionals. Leckie, Pettigrew, and Sylvain performed a study that emphasized the importance of understanding the various roles a professional may perform and the related tasks that prompt information-seeking behaviours. This study suggested there are five roles that legal professionals participate in that create different information needs: drafting, advocacy, negotiating, counseling, and administration or management.[10] Their information needs are a result of these specific roles and their associated tasks. Once initiated, the information-seeking process can be affected by variables such as age or area of specialization that, in turn, can affect the outcome of the process.[11] Wilkinson, in comparison, suggests that legal research and information seeking are a result of a task and not associated with the roles presented by Leckie.[12] Therefore, the issues that legal professionals face are less likely to be related to administering the law than problem solving. Problem solving legal issues is done through in-depth research involving a wide scope of resources.[13]

In 1962, Mote suggested that there were three levels of information needs dependent upon the requirements of the individual related to the scope of their subject area and the resources available to them.[14] A narrow scope and extensive resources result in a low information need, whereas a wide scope and lack of resources has the highest information needs.[15] Legal professionals often require extensive amounts of information and must draw resources from constantly expanding information systems due to the nature of the law.[16] To remain on top of information needs, institutions that teach, practice, or produce legal professionals and/or resources must be able to understand and utilize innovative processes and trends to create, share, and use relevant information. JD Bernal summarized this as

> a knowledge of the requirements of the different users of scientific information and the uses to which they wish to put the information they secure should be the ultimate determining factor in the designing of methods of storage and retrieval of scientific information.[17]

---

[5] "Help Center: Getting Started with Twitter" (last visited 9 February 2016), online: Twitter <support.twitter.com/articles/215585>.

[6] Kriescher, *supra* note 3 at 62.

[7] Gloria Leckie, Karen Pettigrew & Christian Sylvain, "Modeling the Information Seeking of Professionals: A General Model Derived from Research on Engineers, Health Care Professionals, and Lawyers" (1996) 66:2 Libr Q 161 at 173; Jasmine Johnson, "Completing the Map: The Next Step in Guiding the Ethical Use of Social Media by Legal Professionals" (2015) 28:3 Geo J Leg Ethics 597 at 597.

[8] See Leckie, Pettigrew & Sylvain, *supra* note 7 at 173–178; See also Andrew Robson, "Building on Models of Information Behavior: Linking Information Seeking and Communication" (2013) 69:2 J of Documentation 169 at 169–170.

[9] Robson, *supra* note 8.

[10] Leckie, Pettigrew & Sylvain, *supra* note 7 at 173–174.

[11] *Ibid.*

[12] Margaret Wilkinson, "Information Sources Used by Lawyers in Problem-solving: An Empirical Exploration" (2001) 23:3 Libr & Information Science Research 257 at 258.

[13] *Ibid.*

[14] LJB Mote, "Reasons for the Variations in the Information Needs of Scientists" (1962) 18:4 169 J Documentation at 172.

[15] Thomas Wilson, "Human Information Behavior" (2000) 3:2 Informing Science 49 at 51.

[16] Leckie, Pettigrew & Sylvain, *supra* note 7 at 173.

[17] Wilson, *supra* note 15 at 50, citing John Bernal, "The Transmission of Scientific Information: A User's Agenda" (Paper delivered at the International Conference on Scientific Information, Washington DC, 1958) [unpublished].

Although this quotation centres on scientific information needs, it is applicable to legal professionals as well. As indicated, legal professionals have a variety of roles and tasks that affect their information needs. The storage and retrieval methods of these resources are crucial to efficient and effective usage.

Though the research is limited, researchers have conducted studies focussed on the legal profession in an attempt to better understand and provide a framework for the profession's information activities. These studies can assist legal professionals in their research and business practices through the improvement of resources and finding tools geared toward their specific needs. As discussed by Ibrahim Haruna and Iyabo Mabawonku, it is paramount in the legal profession to seek out the most recent legal information available, also known as current awareness.[18] Current awareness includes, but is not limited to, the latest decisions from the various levels of courts, amendments to legislation, seminars and conference materials, and information on good business practices.[19] Legal professionals must review this wide range of frequently updated resources almost simultaneously to develop strategies to solve the complex problems they have been assigned.[20] This need for currency requires a finding tool and an associated database that is frequently updated by authoritative sources.

The driving force behind the requirement of an extensive amount of resources is the role of legal professionals as service providers. Drafting, advocacy, negotiating, counseling, and administration or management are all roles that present legal professionals as service providers to either their clientele or colleagues.[21] However, they have previously been observed in a primarily physical environment, and there is a gap in the research on the transition of these provisional roles in online platforms. Also, Wilkinson has challenged Leckie's suggestion that there are only five main roles for lawyers and suggests that there may be additional roles with unidentified information activities.[22] Legal professionals may engage beyond the service-oriented information activities of self-promotion and current awareness that align with Leckie's roles. As legal professionals are working in an increasingly digital environment, there is potential that additional information activities are occurring online via online platforms that facilitate the provision of information.

Comprehensive guides, such as *Banks on Using a Law Library*, are aimed at law students who are learning legal information retrieval and research behaviours, but are also useful reference tools for all legal professionals.[23] Despite the wealth of print resources, electronic legal databases, like Lexis Advance Quicklaw and WestlawNext Canada, have become increasingly popular in recent years and are the preferred finding tools used by the majority of legal professionals.[24] The finding tools that align best with lawyers' needs are time efficient and accessible and provide information that advances legal practice while being progressive and innovative.[25] The 2012 IBA study marked a shift toward the use of social media and networking platforms as a means for locating current awareness information.

Legal professionals are obliged to perform their duty of due diligence. Their clients expect thorough and high-level performance in all aspects of their work, including research, drafting, advocacy, negotiating, counseling, etc. Social media has become a necessary part of due diligence. Social media is also an avenue that legal professionals can use to "keep their brand alive and recognizable, and remain on top of relevant evidence and knowledge for trail process and discovery purposes."[26] Although well-established information systems are available to legal professionals, the problem-solving tasks they consistently face are often dealt with through informal sources.[27] Twitter is an informal source that allows legal professionals to engage with current awareness and to self-promote to potential clientele and colleagues in a timely and easily accessible manner.[28] The authority and reliability of the information provided on Twitter can be verified by checking on the account's credentials. The analysis of legal professionals' information activities on Twitter provides insight into their real-time information needs, uses, and overall activities that can be used to create recommendations for best practices.

Objectives

The purpose of this research is to determine and categorize the information activities of Canadian legal professionals on Twitter. The objectives for determining and categorizing their information activities will include:

---

[18] Ibrahim Haruna & Iyabo Mabawonku, "Information Needs and Seeking Behaviour of Legal Practitioners and the Challenges to Law Libraries in Lagos, Nigeria" (2001) 33:1 Intl Information & Libr Rev 69 at 72.

[19] *Ibid* at 72–79.

[20] Carol Kuhlthau & SL Tama, "Information Search Process of Lawyers: A Call for 'Just for Me' Information Services" (2001) 57:1 J Documentation 25 at 26.

[21] Leckie, Pettigrew & Sylvain, *supra* note 7 at 173.

[22] Wilkinson, *supra* note 12 at 261.

[23] Margaret Banks, *Banks on Using a Law Library: A Canadian Guide to Legal Research,* 6th ed (Toronto: Carswell, 1994) at 2–4.

[24] Renate Chancellor, "Getting It From the Source: What Librarians Think About Lawyer Search Behavior" (2015) 107:2 L Libr J 287 at 294; Jootaek Lee, "Legal Informatics: Metamorphosing Law Students into Legal Professionals Based on Empirical Evidence of Attorneys' Information Seeking Behaviors" (2011) 39:1 Int J Leg Info 1 at 2–5.

[25] See Haruna & Mabawonku, *supra* note 17 at 72–73; See also Chancellor, *supra* note 23 at 295.

[26] Jasmine Johnson, "Completing the Map: The Next Step in Guiding the Ethical Use of Social Media by Legal Professionals" (2015) 28:3 Geo J Leg Ethics 597 at 597.

[27] Wilkinson, *supra* note 12 at 264.

[28] Kriescher, *supra* note 3 at 62.

1. Do providers make posts to refer and/or to provide links to current awareness or self-promotion?
    a. Does one of these categories occur more frequently?
2. Are there other categories of information?
    a. If so, which occurs most frequently?
3. Does one of these categories, including the undefined categories, receive more engagement in the form of retweets and/or likes?

Clarification of the way that legal professionals interact with information through their activity on Twitter should assist in determining their real-time information needs.

Hypothesis

1. Current awareness and self-promotion will be the two most common information activities legal professionals perform online.
2. Legal professionals will post current awareness materials more frequently than materials for self-promotion.
3. Additional categories of information activities will exist, but they will be less prevalent than current awareness and self-promotion.
4. One category of an information activity will have a higher rate of retweets and likes.

Definitions

Self-promotion: Content that provides announcements on personal involvement in presentations, publications, probono work, receiving awards, etc., related to the legal profession. Self-promotion is a method of enhancing professional image in a positive way to their colleagues, clients, and general public.

Current awareness: Content that is relevant to the legal profession, including case law, recent decisions at all levels of court, periodicals and other legal publications, legislation and additional government resources, news, conference proceedings, blogs, etc.

Alternative categories: Content that could not be described under the previously listed definitions of current awareness or self-promotion.

Methodology

To better understand how legal professionals are using Twitter to interact with information relevant to their work, a snowball sampling of Canadian legal professionals' Twitter accounts was used. Snowball sampling uses a predefined list of users identified as experts by a medium outside of Twitter. This technique is useful when focussing on national-level or topical-based user groups.[29] The predefined lists were drawn from *Canadian Lawyer Magazine* and a Twitter list created by a leading Canadian privacy and technology lawyer. Only open Twitter profiles were considered due to the nature of the data extraction tool and the assumption that the nature of the definitions aligned with account owners who were trying to reach a large audience and would, therefore, not maintain a private account.

A total of 67 accounts were compiled in the initial list. This list was reduced to the 25 accounts with the highest number of followers. This decrease is based on the assumption that followers are an indication of authority, validity of content, and consistent engagement. The most recent 50 tweets from each of these 25 accounts (1,250 tweets) were extracted from Twitter into 25 individual .txt .csv compatible files via Professor Michael Smit of the School of Information Management, Dalhousie University, through the use of a command line tool called GET statuses/user_timeline. These sheets were edited to contain only the most recent 50 tweets with information relating to the date the tweet was published, number of likes the tweet received, number of retweets the tweet received, and the text of the tweet for categorical analysis. Retweets were not included in the 50 tweets unless they had content added by the account owner to supplement or alter the original tweet. Each file was examined individually, and data was transferred to a master list after the text of each tweet had undergone categorical analysis.

These tweets were categorized under the previously defined information activities of:

- Current awareness
- Self-promotion
- Alternative

The *alternative* content group was subsequently analyzed to determine if other categories of information activities were identifiable through reoccurring content themes. Once the tweets were categorized, a quantitative analysis determined which category was the most frequently posted by legal professionals.

The retweets and likes were sorted to determine the category that contained the largest number. The number of total retweets and likes per category were totalled to retrieve the sum of each. The number of tweets in each category was used to determine how many tweets received a retweet or a like. This total number was divided by the number of tweets within each separate category to return the percentage of retweets and likes for all categories.

The accounts were limited to individual legal professionals and excluded institutional accounts, such as law libraries, courthouses, or law firms. This exclusion was due to lack of identification regarding who is posting content and obligations to represent institutional opinions or neutrality. Simply put, legal institutions were assumed to have different information activities on Twitter than individual legal professionals. As the primary goal was to analyze the provision of information and its intended use, conversation tweets (replies) and retweets were also excluded.

[29] Carolin Gerlitz & Bernhard Reider, "Mining One Percent of Twitter: Collections, Baselines, Sampling" (2013) 16:2 M/C Journal 1 at 3.

Limitations

1. This study excludes legal institutions that host Twitter accounts due to the variations in information activities they are engaged with on Twitter and the inability to identify whether they have a singular or multitude of owners/contributors.
2. Due to the volume of tweets available and the time frame associated with this study, this analysis was performed on a small scale and is not completely representative of the population of legal professionals in Canada.
3. The selection of the top 50 tweets occurred on March 5, 2016. Twitter is frequently updated, and this analysis may be affected by trending events that occurred within the relative time frame prior to or on this date.
4. Although social media and networking platforms like Facebook and LinkedIn are used, Twitter is the sole focus of this study due to the availability of open data.
5. This study does not focus on passive or intentional searching for the retrieval of information from Twitter. It focusses on the provision of information and its intended use for others.

Results

Sample Population

The 1,250 tweets were drawn on March 5, 2016. The tweets were sent between October 16, 2015 and March 5, 2016. The majority of tweets (86 per cent) were posted within a 12-day period between February 23, 2016 and March 5, 2016. This indicates that the account owners were actively engaging in communication via Twitter. The population of the final 25 accounts consisted of 24 per cent women and 76 per cent men. A 2014 publication from the Law Society of Upper Canada found that, although more women are called to the bar and enter the legal profession by an average of 4 per cent more than men, they often experience a change of status within the first 5 to 10 years of their careers.[30] A change in status indicates that they have opted to take leaves or pursued alternate career paths outside of a legal organization. As a result, the gender ratios are approximately 45 per cent women to 55 per cent men at the associate and general employee level and 21 per cent women to 79 per cent men at the partner level.[31] Although these statistics rely heavily on legal professionals who practice law, the majority (63 per cent) of the final sample used for this research were practicing lawyers.[32] This suggests that the sample was an appropriate representation of the current legal field.

The accounts ranged from 1,520–85,800 followers due to the varying prominence of the legal professionals within the field. The breakdown of types of legal professionals is displayed in figure 1. The total number of types of legal professionals was seven, with several account owners holding multiple positions related to the legal profession (e.g., practicing lawyer and professor). The legal professionals identified as practicing lawyers practiced in eight different areas of law, as displayed in figure 2. These areas include business, family, Indigenous, international, labour, personal injury, privacy, and technology. The accounts acquired through the Twitter list created by the leading privacy and technology lawyer may have created a denser population within the areas of technology and privacy, as they practice in these areas of law and likely follow accounts that display content relevant to their area of practice. Eighty per cent of the account owners maintained their own individual websites or contributed to shared websites as authors, editors, and web developers. The remaining 20 per cent were visible on their employers' organizational or institutional websites but did not generate their own content. Geographically the lawyers were located across Canada, in Ontario (64 per cent), British Columbia (20 per cent), Nova Scotia (4 per cent), Newfoundland (4 per cent), Quebec (4 per cent), and Nunavut (4 per cent) to cover five provinces and one territory.

Type of Legal Professional	# of Accounts
Practicing Lawyers	18
Professors	4
Information Managers	2
Librarians	2
Politicians	2
Clerk	1
Legal Social Media Specialist	1

Figure 1. Types of legal professionals included in sample population.

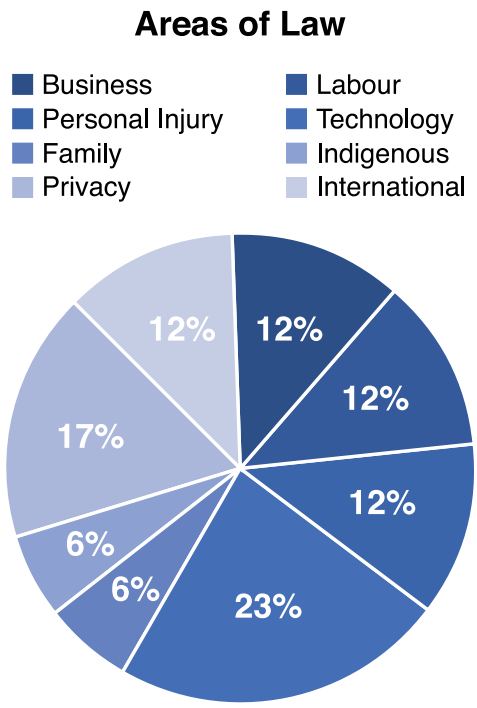


Figure 2. Areas of law practiced by lawyers within the sample population.

[30] "Gender Data Collection Guide for Law Firms" (October 2010) 1 at 5–6, online (pdf): Law Society of Upper Canada <lawsocietyontario.azureedge.net/media/lso/media/legacy/pdf/g/gender-data-collection-guide.pdf>.

[31] *Ibid* at 7–6.

[32] *Ibid* at 4.

Categorical Analysis

During the analysis of the tweets, it was discovered that several accounts had duplicate tweets that contained identical content. It was assumed that these duplicates were not intentional, and these tweets were discounted from the analysis to eliminate bias within one category. The total number of tweets analyzed was reduced from 1,250 to 1,243.

The content analysis was done by matching the contents with the previously defined categories: self-promotion, current awareness, and alternative. To accurately categorize the content, all tweets containing links to additional content were opened in separate browser windows and the added content was examined to determine the appropriate categorization. This examination included observing the overall text content, the author, publisher, editor, developer, and organization with which it was associated. It was assumed followers would have information on any blogs or periodical publications that the account owner would post updates on; therefore, if contextual information was not provided in a post (e.g., new post up on John Smith's Law Blog: newpost.johnslawblog.com), it was still considered self-promotion and not current awareness.

Hypothesis 1 & 2

Current awareness was the most frequently practiced information activity by Canadian legal professionals with 577 (46 per cent) of 1,243 tweets being categorized under this definition. *Self-promotion* accounted for 291 (23 per cent) of 1,243 tweets and was the second most frequent information activity. Hypothesis 1 and 2 are supported by these findings.

Hypothesis 3

Once the *alternative* categories column had been populated, it was analyzed to determine consistent themes. Hypothesis 3 was supported by the inclusion of the following definitions of additional categories of Canadian legal professionals' information activities:

General Communication with Other Legal Professional(s): Content as communication directed at specific individuals that were also identified as legal professionals or to legal institutions, organizations, publications, etc.

Personal Opinion on a Legal Topic: Content focussing on a specific topic pertinent to legal professionals with an explicitly expressed opinion from the account owner without a link to an alternative document or resource on the topic.

Personal Political Opinion: Content focussing on a political topic with an explicitly expressed opinion from the account owner that indicated a bias toward or against a specific politician or party.

Job Posting: Content related to a current opportunity within the legal profession directed at the entirety of their followers.

Unrelated to Legal Profession: Content that did not relate to the legal profession.

The category that occurred most frequently was *unrelated to legal profession* with 208 (17 per cent) of 1,243 tweets. Two categories occurred at the same frequency: *personal political opinion*, which included 74 (6 per cent) of 1,243 tweets, and *general communication with legal professional(s)*,

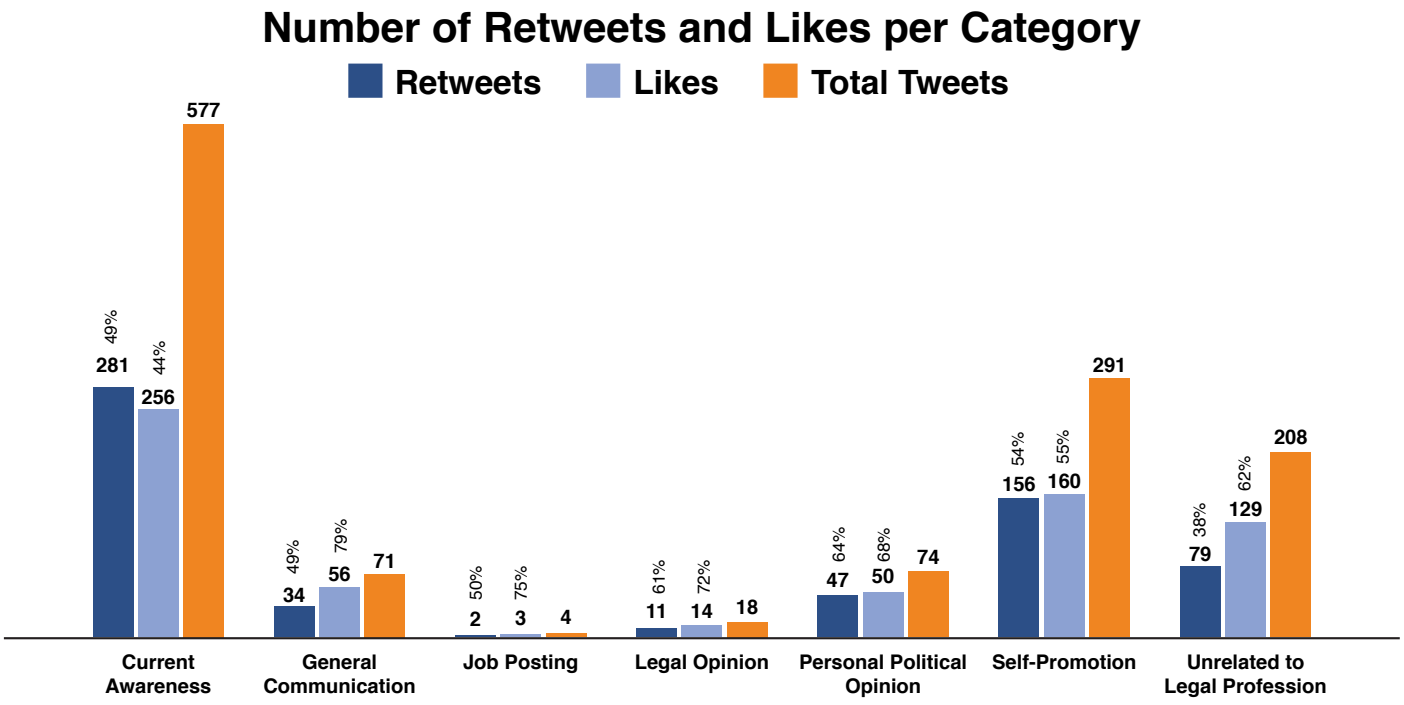


Figure 3. Number of retweets and likes and the rate of retweets and likes per category.

which accounted for 71 (6 per cent) of 1,243 tweets. The remaining additional categories, *personal opinion on a legal topic* and *job posting within the legal profession*, occurred 18 (1.5 per cent) of 1,243 and 4 (0.5 per cent) of 1,243 tweets, respectively. These findings also support Hypothesis 3, as the additional category *unrelated to legal profession* occurred 6 per cent less than the next most frequent predetermined category of *self-promotion*.

Hypothesis 4

The category with the highest number of retweets was *personal political opinion* with 64 per cent of tweets within this category receiving engagement through retweets. The category with the highest number of likes was *general communication with other legal professional(s)*, with 79 per cent of tweets within this category receiving engagement through likes. Hypothesis 4 was not supported by these findings, as the rate of retweets and likes was not confined to one category. The remaining retweet and like rates per category are displayed in figure 3.

Discussion

Both the predetermined categories and the additional categories suggest that the primary information activity of lawyers is providing, or sharing, information. This type of information activity is supported by the definition of Twitter as a real-time newsfeed designed to suit individuals' interests. It is the platform that best suits their needs for the provision of information.

Although not included as a hypothesis, during data analysis it became apparent that determining the frequency of participation by each individual account owner within the sample population would be an important factor in establishing the popularity and success of each category. Figures 4 and 5 display the participation rates for each category. These findings correspond to the number of tweets as stated in the results section and support the previous findings.

Predetermined Categories	Frequency of Participation
Current Awareness	24 Contributors = 96%
Self-Promotion	20 Contributors = 80%

Figure 4. Predetermined categories and the frequency of participation by contributors.

Additional Categories	Frequency of Participation
General Communication	16 Contributors = 64%
Job Posting	2 Contributors = 8%
Opinion on Legal Topic	6 Contributors = 24%
Personal Political Opinion	9 Contributors = 36%
Unrelated to the Legal Profession	17 Contributors = 68%

Figure 5. Additional categories and the frequency of participation by contributors.

The predetermined categories of *current awareness* and *self-promotion* were the most common types of tweets. These categories can be identified as significant information activities that legal professionals engage in regardless of environment. A new information behaviour model specific to legal professionals could be designed including, or based on, these categories and sharing information activities. It also supports Leckie, Pettigrew, and Sylvain's research that links roles and tasks to specific information activities.[33] The provision of current awareness information and the action of self-promotion information are two separate tasks that are related to specific roles. For instance, drafting is a role that requires current awareness research as a task. Leckie's five roles could be categorized under each of these associated tasks to provide a clarification of the type of task associated with each role.

Current awareness was identified as the most common information activity that legal professionals perform online and accounted for almost half of all tweets that were analyzed. These results, combined with the definition of Twitter as a news source, correlate with Mote's research that indicated that professionals with a wide scope possess the highest information needs.[34] Legal professionals are engaging in highly consistent information activities through the provision of current awareness via tweets. Twitter's platform for providing information could be used as a technical model to improve electronic legal databases and develop recommended systems for legal resources. The high frequency of current awareness also provides information on the real-time research needs of legal professionals that could be used to improve institutional intranets to display relevant material to the appropriate demographic (e.g., based on type of profession, area of law, geography, etc.) as resources are updated internally.

The frequency of current awareness tweets in the study supports the notion that legal professionals require finding tools for frequently updated databases. Twitter simultaneously acts as a database that is frequently updated by leaders in the area of law while being a repository of these resources organized by individuals' personal interests. It thus provides a model of a platform through which best practices can be developed and subsequently implemented within alternative databases that possess the legal rights of distribution of large legal publishers of resources like case law or statutes.

The highest rate of likes occurred within the additional category of *general communication with other legal professionals*. This category provided a link to an external resource the least often. These tweets did contain some discussion with other legal professionals about resources but were primarily congratulatory in nature. When a colleague engaged in an activity that contributed to their professional development (e.g., publishing a book, speaking at a conference, accepting an award or promotion, etc.), the 64 per cent of the sample population that participated in general communication with other legal professionals was likely to tweet a congratulations or compliment and receive

[33] Leckie, Pettigrew & Sylvain, *supra* note 7 at 188.

[34] Mote, *supra* note 14.

likes on this tweet. These findings may indicate that mutual respect and appreciation among colleagues is an effective method of networking and self-promoting via Twitter.

An unexpected theme that appeared in the *alternative* category were tweets related to the ongoing American presidential electoral process and the most recent Canadian federal election. Although politics certainly have the potential to affect the law, political tweets concerning the ongoing American election or the most recent Canadian election that contained opinionated commentary from the account owner were categorized within *alternative* and subsequently defined as *personal political opinions*. If the tweet shared a political update without opinion, it was classified as *current awareness*. This was to differentiate between tweets with bias and without, as the definition of *current awareness* does not indicate that a personal bias is present in the dispersion of recent information.

Generally, it is recommended that professional accounts remain silent on personal opinions on polarizing topics such as politics.[35] However, the geographic and political separation of Canada and the United States combined with the dramatic nature of the US election at this time in 2016 may create a setting where Canadians respond positively to these results. This may be indicated by the high rate of retweets that occurred within the additional category of *personal political opinion*.

Further Research

Further examination of the content of the tweets could be done to assess themes existing within *current awareness*. If cross-referenced with data regarding retweets and likes, this information could help determine what types of resources legal professionals prefer.

The category *unrelated to the legal profession* was a significantly larger group than expected. Although the definition of *self-promotion* within this study refers strictly to legal presentations, publications, charitable actions, and awards, an alternative category of *self-promotion* that draws from Tal-Or's definition of indirect self-promotion could be developed to describe a significant portion of the tweets that were included within the *unrelated to the legal profession* category. This type of self-promotion considers attempts to personalize social media through the posting of anecdotes, daily activities, involvement in charitable organizations, and personal opinions to display highlights of their personality to their audience and appear more relatable and friendly.[36] A study could be done to compare the two styles to determine which is more effective in engaging users with legal information on Twitter and assisting in clarifying the intention of lawyers' provisional information activities. The high rate of retweets within the category of *personal political opinion* may also support the suggestion of examining the two types of self-promotion due to the personal beliefs that are blatantly expressed regarding a popular subject for society.

Twitter claims that "[t]he real magic lies in reading content from sources you follow on Twitter."[37] Although this research has examined those Canadian legal professionals who provide information, it does not focus on whether they acquire information via Twitter or what they do with information once acquired. Identifying users who engage with Twitter through the acquisition of information instead of via provision of information and conducting a survey or interviews may provide insight into this second type of usage.

The scope of this research could also be extended to include legal institutions and organizations or shifted to focus only on their specific information-sharing activities.

Conclusion

This analysis of legal professionals' information sharing activities on Twitter indicates that the information needs of Canadian legal professionals are largely related to current awareness to support up-to-date legal decision making and self-promotion to increase their presence and reputation within the legal community. These information activities were supplemented by five additional categories of information activities that support information sharing as a significant information activity in which Canadian legal professionals engage. Further research into the definition of self-promotion may assist in understanding the intention and effectiveness of providing self-promotional information. Assessing the opposite information activity of acquiring information via Twitter by Canadian legal professionals would provide an interesting comparative analysis as well.

Additionally, the data describing the rate of retweets and likes suggests that best practices on professional Twitter accounts could be improved through the provision of more current awareness and self-promotion in the form of congeniality amongst colleagues. Databases, intranets, and their related finding tools could be improved based on the information provided through the rate of retweets and likes on specific current awareness topics and an examination of the demographics of an account owner. Finally, the seven categories discussed in this research could assist in supplementing or clarifying existing information behaviour models related to legal and other types of professionals. Twitter is a popular tool for legal professionals, as it is the database that best suits their professional needs.

[35] Nellie Akalp, "How to Balance Your Personal and Professional Lives on Twitter" (13 October 2018), online: Mashable <mashable.com/2013/10/30/twitter-branding-personal/#7hdIjl9h9mqq>.

[36] Nurit Tal-Or, "Direct and Indirect Self-Promotion in the Eyes of the Perceivers" (2010) 5:2 Social Influence 87 at 88.

[37] *Supra* note 5.

IIII Reviews / Recensions

Edited by Kim Clarke and Elizabeth Bruton

***Administrative Law in Context.* Edited by Colleen M Flood & Lorne Sossin. 3rd ed. Toronto: Emond, 2018. xlvi, 637 p. ISBN: 978-1-77255-306-2 (hardcover) $120.00.**

Administrative Law in Context has been established as a standard text for the teaching of administrative law at Canadian universities. Three Canadian law schools include it in various syllabi (either as recommended or required reading), and the Federation of Law Societies of Canada includes it in their assigned materials for their accreditation process. Furthermore, the text is often cited in court: a quick search in Lexis Advance Quicklaw results in 36 hits, with 52 hits in WestlawNext Canada and 93 in HeinOnline. These results cannot compare with Hogg's *Constitutional Law of Canada* or Sullivan's *Construction of Statutes* but, given that *Administrative Law in Context*'s first edition only came out in 2008, the numbers are pretty strong.

Although this book is directed at law students, practitioners and researchers would also benefit from the text's collection of 16 in-depth journal articles, covering a substantial swath of administrative law's domain. *Administrative Law in Context* is primarily written by academics in the field, who were chosen for the earlier editions following a significant selection process. Clearly this text is decidedly more conceptual than practical, but such is the nature of administrative law.

An electronic version (not consulted for this review) of this book is available from Emond and would certainly increase accessibility for researchers. The table of contents and table of cases are useful but with only a seven-page index for a text of 696 pages, an electronic searching capability would be a benefit. From a library standpoint, it would also be useful to have the MARC record available with table of contents included.

The preface to the book acknowledges the role of online research and references a companion website to the print (adminlawincontext.emond.ca) that provides access to cases, additional readings, clarifications, and updates to the published text. Although useful, in two instances links to additional readings suffered the fate of link rot.

The third edition does not appear to be substantially different from the second, although there are new chapters dealing with procedural fairness and substantive review, while Indigenous law is given more prominence. Given the breadth of topics dealt with in all three editions, and the growth and development of administrative law in Canada, a five-year gap between editions is not unreasonable.

REVIEWED BY
PAUL R SAWA
Director, Library Services
Courts Administration Services

***Disabling Barriers: Social Movements, Disability History, and the Law.* Edited by Ravi Malhotra & Benjamin Isitt. Vancouver: UBC Press, 2017. v, 244 p. Includes index and table of contents. ISBN 978-0774835244 (paperback) $32.95; ISBN 978-0774835268 (eBook) $32.95.**

This collection of essays was inspired by the life of ET Kingsley, a socialist activist who suffered a double amputation of both legs in an accident. *Disabling Barriers* is a unique work, filling a gap in the literature through its portrayal of the intersection of workers' labour rights and the rights of the disabled. The editors take an active interest in unique trends in disability studies in order to elaborate on labour law and history, while also including the life and contributions of Kingsley.

Editor Ravi Malhotra is the vice dean of graduate studies at the Faculty of Law at the University of Ottawa and has written a comprehensive body of work on disability, labour, and the law. Co-editor Benjamin Isitt is an historian and Victoria city councillor whose work focusses on legal history, labour relations, and Western Canada. The contributing authors range from historians and novelists to attorneys and other legal experts. This variety in authorship is reflected in the unique nature of each essay.

The book is divided into three sections, which are then subdivided into three chapters. The first section covers historical debates on work and disability and is useful for understanding the historicity behind policy and legislative decisions. The second section, entitled "Debates in Disability Studies," provides a reframing of familiar historical events seen within the more modern context of disability studies. The third section, "Legal Debates," may be of most interest to *CLLR*'s readers. This portion focusses on legal decisions, statutes, and other policies, their history, and their effects on disabled Canadians. In particular, the chapters in this section analyze how current legislation and case law have been applied to the legal profession. Detailed examples of the discriminatory treatment by employers of lawyers dealing with chronic illnesses and claims for back wages are provided. The new perspectives on this employee group were both eye-opening and refreshing.

This collection is a valuable resource for researchers of labour movements, labour rights, and disability studies. General themes running through the collection provide a wide range of topics related to disability studies: changes in law and policy with respect to labour rights, the treatment of the disabled by policy, and the progress in employment and labour rights for the disabled.

Disabled Barriers is an intricate and thorough analysis of the interaction between labour histories and disability rights. The collection introduces a focus that has been largely ignored in the literature but would be quite valuable to researchers of labour and disability studies.

REVIEWED BY
SARA KLEIN
Research and Learning Services Librarian
University of Calgary

***The Duty to Account: Development and Principles.* By JA Watson. The Federation Press, Sydney, Australia, 2016. 201 p. Includes table of cases, bibliography, and index. ISBN 978-1760020668 (hardcover) $99.00.**

In his acknowledgments, JA Watson mentions that this text is based on his PhD thesis. For good or bad, that origin is apparent in the finished text. The good may be the detail and background provided to the reader; the bad may be the same.

Every book is written with an audience in mind. This one seems to have been written, or at least originated, to impress the examiners for Watson's thesis defense. It shows both his knowledge of the subject and his research skills.

Watson's writing style ranges from clear and comprehensible to less clear. More editing would have removed superfluous commas and added necessary periods, but for the most part the writing is clean.

For readers looking for a history of account in equity and a history of English law, this is a good book. The considerable use of Latin quotations, while attesting to the book's dissertation origins, detract from the book's attempts to provide present day relevance of the account. A glossary would have been helpful.

The account is an interesting concept. As described by the author, "an account will lie whenever a person deals with property which in the relevant legal sense belongs to another person" (p 1). Examples given include bailees, receivers, partners, joint tenants, etc. In essence, a plaintiff can ask for the defendant's profits, even if the plaintiff suffered no loss or if the loss suffered was less than the defendant's profit.

From the litigator's point of view, the fact that an account traditionally did not require privity makes it intriguing. If A gives to B for the use of C, C can sue B for an accounting. In traditional contract thinking, only A could sue B.

Furthermore, although the modern day concept of the account is as a remedy for breach of contract, Watson takes the approach that would ask, "Are the facts such that an account lies, whether or not they might also give rise to a claim for damages for breach of contract, or some tort, or any other cause" (p 187)?

This is interesting. Watson's description of account as a separate cause of action is better than and slightly opposed to the way the account is currently described by judges as a remedy for breach of contract. Frankly, I would have enjoyed more discussion about how the account might be used in present day litigation. To be fair, the author might say that this is what the book is working toward. Summarizing all the concepts at the end of the book would have strengthened this endeavour.

The modern use of the account is discussed in relation to *Attorney-General v Blake,* [2001] 1 AC 268, and subsequent cases citing *Blake*. I would have preferred more discussion of accounts in present day—where they are found, how they

are used, if they are indeed still necessary—to the more historical background material. A broader discussion of the difference between accounts, restitution, and fiduciary duties would also have been useful.

Insofar as how practical this book can be in the Canadian context, I decided to follow up on *Blake* and see if it, or the account concept, has been discussed in Canadian case law.

Although not making direct reference to *Blake*, the Supreme Court of Canada has referred to the concept of the account without actually encouraging it. The Court stated in *Bank of America Canada v Mutual Trust Co*, 2002 SCC 43 [*Bank*], that "restitution damages" may be awarded when a defendant's gain from their breach is greater than a plaintiff's loss. The court cites Waddams's *Law of Damages,* 3rd ed (Aurora, Ont: Canada Law Book, 1997) at para 267 in that restitutionary damages of this sort are generally avoided "so as not to discourage efficient breach (i.e., where the plaintiff is fully compensated and the defendant is better off than if they had performed the contract)." Efficient breach, the Court contends, "is what economists describe as a Pareto optimal outcome where one party may be better off but no one is worse off, or expressed differently, nobody loses. Efficient breach should not be discouraged by the courts" (*Bank* at para 31).

As far as I can tell, *Blake* has been cited 23 times in Canada since 2001 with comments such as, "In appropriate circumstances the court may order an equitable accounting when damages are not an adequate remedy for breach of contract" (*Zoic Studios BC Inc v Gannon*, 2015 BCCA 334 at para 72). Similarly, the BC Court of Appeal refers to the English case *Experience Hendrix LLC v PPX Enterprises Inc*, [2003] EWCA Civ 323, stating that "[t]he law should give effect, as it did in *Hendrix*, to the notion that the wrongdoer should not profit for free and should make some reasonable recompense" (*Smith v Landstar Properties Inc*, 2011 BCCA 44 at para 43).

These cases and others I have read suggest that the concept of the account has some relevance to Canadian law. Perhaps an enterprising lawyer will follow up on Watson's comments and make the account more powerful than it presently seems to be.

On the whole, this would be a great addition to university libraries and would be appreciated by those interested in legal history. However, it is not for the average legal practitioner, although if there were more emphasis placed on modern day relevance, it certainly could be.

REVIEWED BY
JOHN K LEFURGEY
Partner, Martens Lingard LLP
St Catharines, Ontario

***The Globalization of Adoption: Individuals, States, and Agencies Across Borders.* By Becca McBride. Cambridge: Cambridge University Press, 2016. xiii, 203 p. Includes graphs and tables. ISBN 978-1316604182 (paperback) $37.95.**

The Globalization of Adoption: Individuals, States, and Agencies Across Borders is the first full-length monograph by Becca McBride. This book is a work of political science with extensive statistical modeling and integrates real stories of intercountry adoptions to enhance its accessibility. McBride wrote this book to fill a gap in the study of intercountry adoption by analyzing it from a political perspective.

McBride is an assistant professor of political science and international relations at Calvin College in Michigan. She teaches international relations and comparative politics. She earned her PhD in international relations from Vanderbilt University (2013) after completing a Master of Arts in Russian and east European affairs at Georgetown University (2004). Her research focusses on diffusion, human rights, children in the international system, and intercountry adoption.

The Globalization of Adoption begins without preamble with chapter one, in which McBride sets out her purpose to "address the gap in our knowledge of the political processes that drive the diffusion of intercountry adoption" (p 3). This chapter also includes a roadmap to the rest of the book. Finally, McBride introduces the story of Jim Smith and his wife, Americans interested in adopting a child from the Congo to whom she refers throughout the book.

The second chapter explores how nation states differ in their participation in intercountry adoption and how they coordinate adoptions across borders. In this chapter, McBride uses the Smith family's situation to illustrate common policies and procedures. She does not limit her analysis to the particularities of the Smith family story, but also explains other intercountry adoption policies, often listing a few countries for each policy.

In chapter three, McBride describes her explanation for the increase of intercountry adoptions. According to the author, states learn about the accessibility and effectiveness of intercountry adoptions, as well as about potential partners, through observing other states' experiences and interacting with adoption agencies to learn about different policy options.

Chapter four contains the data generated from McBride's study and provides the methodology used in its generation. She analyzes the data in a focussed manner in chapters five ("Why do States Allow Foreign Adoption?") and six ("How do States Choose Partners for Intercountry Adoption?"). The narrative component of *The Globalization of Adoption* ends with McBride discussing the future of intercountry adoption in chapter seven and finds her returning to the Smith family to wrap up the intercountry adoption process. In the final few pages, McBride sums up her arguments, explains the book's importance, and issues a call for further study on intercountry adoption from various perspectives, including international law and domestic social welfare. When McBride's narrative ends, 80 pages remain for appendices, a bibliography, and an index.

The Globalization of Adoption is an in-depth introduction to the politics of intercountry adoption. Positive aspects of this work include its structure, citations, definitions, data, anecdotes, and opportunities. For instance, one of the main concepts explored in this book is learning theory. As McBride has a particular definition of learning, she uses chapter three to define her term. The book is consistently well structured. There is a subsection in chapter one entitled "Roadmap" (p 11) wherein McBride lays out the organization of the entire book and adheres to it. Finally, McBride uses her conclusion to present the reader with a number of opportunities for further study in the field of intercountry adoption.

While *The Globalization of Adoption* is a well-structured book with many positive aspects, at times it was difficult to comprehend without a background in statistics. For example, McBride uses the discrete-time hazard model and the stochastic actor-oriented network model to analyze her data. She provides definitions and explanations for what these models are and why she is using them; however, those aspects were still challenging to understand. Another drawback of this book is that some of the charts and tables of data in chapter four are too small to easily analyze.

The Globalization of Adoption is an excellent political analysis of intercountry adoption. This book does many things well, including its structure, citations, definitions, data, and anecdotes. McBride is thorough in her data and analysis while still providing interesting stories. Without a background in statistics and social science modelling, however, some of the data and analysis might be difficult to fully understand. *The Globalization* of Adoption would be of interest primarily to academics and political science researchers.

REVIEWED BY
ALLISON HARRISON
Team Leader, Systems
Defence Research and Development Canada Library

***Health Care and the Charter: Legal Mobilization and Policy Change in Canada.* By Christopher P Manfredi & Antonia Maioni. Vancouver: UBC Press, 2018. viii, 170 p. Includes bibliographic references and index. ISBN 978-074835541 (paperback) $24.95; ISBN 978-074835534 (hardcover) $65.00; ISBN 978-0774835565 (ePub) $24.95; ISBN 978-0774835558 (PDF) $24.95.**

How does litigation based on the *Canadian Charter of Rights and Freedoms* impact health policy? *Health Care and the Charter* explores and analyzes the relationship between three Supreme Court of Canada decisions and health care policy change. Although it leaves some questions unanswered, this study explores the limits of using litigation as an instrument in the development of health care policy.

The volume's first chapter offers an historical overview of Supreme Court *Charter*-based decisions concerning health care since 1988. Chapters two through four are the core of the book, with each addressing a recent case touching upon health care issues: *Eldridge v British Columbia (AG)*, [1997] 3 SCR 624; *Auton (Guardian ad litem of) v British Columbia (AG)*, 2004 SCC 78; and *Chaoulli v Quebec (AG)*, 2005 SCC 35. *Eldridge* involved a successful claim for the rights of the deaf requiring sign language interpretation when receiving provincial health care services. In *Auton*, petitioners suffering from autism failed to secure a constitutional right to public funding for a specific autism therapy. *Chaoulli* dealt with a constitutional challenge to the Quebec health care system. In that case, the claimants successfully argued that the prohibition on private health insurance provided for in Quebec legislation was invalid because the long waiting times in the public system deprived certain patients of timely health care services. The book explores the contextual development of these three cases and analyzes the evidence and arguments presented by relevant parties. It also assesses the legal, political, and policy impact following each decision.

The analytical approach is informed by scholarship on policy activism dealing with three subject categories that, according to the authors, scholars identify as "legal mobilization" (the pursuit of claims before a court to attain a policy objective), "remedial decree litigation" (a court's decision about a claim, which includes a declaration of rights violation and its remedy), and "judicial policy making" (the outcome of legal mobilization).

This work is a well-documented contribution to Canadian policy studies and may be of interest to scholars in the fields of political science, health care policy, and law, as well as to health care policy makers and health care rights activists.

Both authors are political science specialists. Christopher P Manfredi is a professor of political science and provost and vice-principal (academic) at McGill University, and Antonia Maioni is a professor of political science and dean of the Faculty of Arts at McGill University.

REVIEWED BY
RICARDO WICKER
Lawyer

***The Judicial Role in a Diverse Federation: Lessons from the Supreme Court of Canada.* By Robert Schertzer. Toronto: University of Toronto Press, 2016. ix, 338 p. Includes tables, bibliography, and index. ISBN 978-1487500283 (cloth) $52.50.**

In *The Judicial Role in a Diverse Federation*, Robert Schertzer, an assistant professor of political science at the University of Toronto, explores the impact that a nation's highest court can have on how federalism develops in that jurisdiction. He uses the Supreme Court of Canada (SCC) as a case study, analyzing 139 of its cases from 1980–2010.

The book comprises two distinct parts. The first part provides a foundational review of theories underlying federalism. Chapter one examines the relationship between federalism and "national minorities" and explores three Canadian models of federalism: pan-Canadian, provincial-equality, and multinational. In the second chapter, Schertzer analyzes the various roles the highest court could assume in the federal process, namely umpire, guardian, branch of government, or facilitator/fair arbiter.

Part two contains the results of Schertzer's original analysis of the SCC cases. His methodology and framework are described in chapter three, followed by an examination of the *Secession Reference* case as an exemplar of his research in chapter four. The remaining cases are analyzed in the final two chapters, with cases in which the Court applied a specific model of federalism discussed in chapter five and cases wherein the Court recognized that there are multiple models of federalism, and that the system works best through a process of negotiation, examined in chapter six.

Schertzer scrutinizes each case for four pieces of information: the Court's depiction of federalism, its use of legal argument to reinforce that depiction, the outcome of the case, and the role the Court itself assumed in this process. The depiction of federalism is the lens through which the Court considers the legislative actions of the parties, either ascribing to one particular model of federalism or supporting the notion that the system relies on "negotiation between the holders of legitimate competing models" (p 179). The legal argument component of the study focusses on which of the seven possible models of constitutional interpretation is used by the Court. With respect to the outcome of the case, Schertzer noted the traditional meaning (which party won, and to what degree?) but also examined the effect the outcome had on the federal system. The final consideration was what the Court viewed as its role in the federalist system: umpire, branch of government, guardian, and facilitator/fair arbiter.

Schertzer also explores connections between these components. His research demonstrates, for example, that a "zero-sum" outcome resulting in a clear winner and loser usually occurred when the Court applied a specific model of federalism. His analysis also shows a correlation between the Court's self-imposed role in a federalist system and its view of federalism, with its umpire and branch of government roles appearing more frequently when a model of federalism is employed, and its facilitator role appearing double any other role when the Court recognized the negotiation aspect of federalism.

This is a well-written and organized book. The tables in chapters five and six display the analysis of every case in column form, serving as a quick reference for readers. The book's index is thorough, containing concepts, jurisdictions, people, statutes, and cases as index terms. It also uses "see also" references to authors and publications on the bibliography for readers who want to probe concepts further. The bibliography is a treasure trove for researchers, listing articles and books from Canada, the UK, and the US, along with cases and legislation.

Based on Schertzer's doctoral thesis research, *The Judicial Role in a Diverse Federation* was deservedly shortlisted for the Donald Smiley Prize from the Canadian Political Science Association in 2017. Schertzer's analysis of the bulk of the SCC's decisions from a 30-year period is a valuable addition to the Canadian constitutional law landscape. The patterns and connections reflected in his research will be of interest to Constitutional scholars and lawyers, providing them with the opportunity to gain a deeper understanding of why the Court reached the outcomes it did. A book with such a broad impact should be in every academic, governmental, and national law firm library.

REVIEWED BY
KIM CLARKE
Director, Bennett Jones Law Library
University of Calgary

***Key Developments in Environmental Law 2017.* Edited by Stanley D Berger. 11th ed. Toronto: Thomson Reuters, 2017. xx, 160 p. Includes preface, table of cases, bibliographic references, and index. ISBN 978-0779879700 (softcover) $144.00.**

The 11th edition of *Key Developments in Environmental Law* highlights important legal developments and trends in environmental law from the previous year. Editor Stanley D Berger introduces these developments in the preface. The succinct and easy-to-read compilation is written by environmental law practitioners and scholars. Each of the ten chapters is approximately 15 pages long and includes extensive footnotes to supporting documentation.

In chapter one, authors Jennifer Fairfax, Patrick G Welsh, Rebecca Hall-McGuire, and Isabelle Crew analyze the federal government's proposed ban on the "manufacture, use, import and export of asbestos and asbestos-containing products by 2018" (p 2). The chapter includes a brief background on Canada's history with asbestos, the current and proposed regulatory approach, and provincial and territorial responses to the federal government's plan.

In chapter two, Berger looks at recent initiatives to amend the *Canadian Environmental Assessment Act, 2012*, SC 2012, c 19. Berger analyzes reports produced from a 2016 review of federal environmental and regulatory processes undertaken by the Government of Canada as they relate to process, organization, human resources, information management, performance evaluation, intervenor funding, and budgeting.

Chapters three through seven provide commentary on five noteworthy cases. In chapter three, Natalie Mullins discusses *Midwest Properties Ltd v Thordarson*, 2015 ONCA 819, and the potential impact it may have on the law of damages. She argues that the decision "potentially paves the way for plaintiffs to recover very significant damage awards under section 99(2) of the [*Environmental Protection Act*] that grossly exceed their actual loss." The decision, she writes, has created "the potential for litigants to profit off of purchasing contaminated sites" (p 31).

Chapter four covers *Keswick Presbyterian Church v Ontario (Ministry of the Environment and Climate Change)* (2016), 4 CELR (4th) 194 (Ont ERT). Authors Marc McAree, Richard Butler, and Robert Woon examine the legal test for bringing a motion for costs to Ontario's Environmental Review Tribunal.

Chapter five opens a discussion of future lessons for due diligence defences as Marc McAree, Matt Gardner, and Giselle Davidian consider the wider legal implications of *R v ControlChem Canada Ltd* (March 15, 2016), Burlington 139537-01 (Ont CJ). In chapter six, Alex Smith and Mark Strychar-Bodnar review *Yaiguaje v Chevron Corporation*, 2017 ONSC 135, and question whether Chevron Canada is an asset of Chevron and whether the corporate veil should be pierced.

In chapter seven, Kirk N Lambrecht examines the BC Supreme Court decision *Prophet River First Nation v Canada (AG)*, 2017 FCA 15. He argues that treaty rights are not like asserted Aboriginal rights and, as such, the "infringement of such rights can be considered prior to the issuance of regulations and must be appropriately justified in Provincial Court proceedings" (p 97).

Chapters eight through ten address a number of key international environmental law issues. Meinhard Doelle looks at the Bilcon NAFTA tribunal in chapter eight, while Simon Tilling and Ian Truman consider the impact of Brexit on UK environmental and nuclear law in chapter nine. In the final chapter, James Rendell comments on *Urgenda Foundation v The State of the Netherlands* (June 24, 2015), Chamber for Commercial Affairs C/09/456689/HA ZA 13-1396 (Hague District Court).

Key Developments in Environmental Law gathers all of the key information for the year into one concise book and offers a more in-depth discussion of key trends in environmental law than is available in loose-leaf services such as *The Prosecution and Defence of Environmental Offences* (also by Berger) and online netletters such as LexisNexis's Environmental Law Netletter. For example, although the Berger loose-leaf references *Midwest Properties Ltd v Thordarson*, 2015 ONCA 819, briefly in chapter two under "Damage to Property" and in chapter four under "Qualifications" (expert evidence), it does not theorize about the potential consequences of the decision as Natalie Mullins has done in *Key Developments.*

This book is recommended for law students, practitioners, and scholars working in the area of environmental law.

REVIEWED BY
GOLDWYNN LEWIS
Law Librarian
Public Prosecution Service of Canada

***Landlord's Rights and Remedies in a Commercial Lease: A Practical Guide.* By Harvey M Haber & Kenneth A Beallor. 2nd ed. Toronto: Thomson Reuters, 2017. lv, 652 p. Includes table of cases, appendices, and index. ISBN 978-0779880126 (hardcover) $173.00.**

This book is a collection of essays on various topics on commercial leases written by 25 experts in the field and coedited by Haber and Beallor, who also contributed three chapters. This is the second edition of the book originally published in 1996 by Canada Law Book. The first edition was entirely authored by Haber, so this is a significant change. Haber is a former senior partner with Goldman Sloan Nash and Haber in Toronto and is now a mediator and arbitrator with Coe ADR Management. He is the author or editor of many titles in the area of commercial leasing, with several in multiple editions. Beallor is a partner in the Commercial Real Estate Group at Torkin Manes LLP in Toronto. He has chaired the ICSC Canadian Law Conference, and he lectures and writes on the topic of commercial leasing. Regrettably the book does not include biographical information for the other authors apart from their names and affiliations.

This book addresses the Canadian legal context with a particular focus on Ontario, although Haber is quick to point out that the principles would apply to all common law jurisdictions. The individual authors address applicable federal legislation and case law, and, where relevant, reference legislation and case law from other provincial jurisdictions. For example, in "Remedies for Breach of Covenant," the author notes that the chapter will deal specifically with the Ontario statute, but in a footnote provides a list of other provincial statutes where they exist. There is also a chapter dealing specifically with commercial landlords' rights and remedies in Quebec.

The foreword of the first edition states that the intended audience is landlords and tenants, lawyers, and others involved in the leasing of commercial properties. Its organization is that of a textbook or handbook, with a detailed table of contents.

The preface of the second edition suggests a similar audience and intent. This new edition has an abbreviated table of contents, which might make the book less accessible for the reader without legal training, although an excellent index helps mitigate that limitation. The book contains a short introduction, which is an introduction to the topic rather than the book, and twenty essays on topics from rent arrears to renewal rights. This edition covers most of the same material as the first but adds new content such as chapters on environmental considerations and insurance. As in the previous edition, there are appendices that include sample notices and agreement provisions. Although the individual chapters were well structured, I was uncertain how they related to each other; e.g., should I read chapter one before moving on to chapter two, or do I need to understand concepts introduced in the chapter on indemnity agreements before proceeding to drafting indemnity and limitation of liability clauses?

It is challenging to write for both legally trained and lay readers. The authors have taken great care to write in a plain style and explain the legal principles applied in the cases they cite. While the authors usually are careful to define their terms, it might have been helpful to include a glossary of legal terms for quick reference. Does the average layperson understand what "estoppel" or "in obiter" mean? Where possible, the authors provide practical guidance to the legal concepts discussed; e.g., "A landlord should avoid general use clauses," followed by examples of that type of clause, and then preferred clauses. Some chapters, such as "A Bailiff's Perspective on Distress and Termination: What Actually Happens," offer helpful walkthroughs of the processes and explain the risks and alternatives at each stage. Though occasionally the narrative might be a little dense for a non-legally trained reader, I found the book overall accessible.

Notwithstanding the few shortcomings noted above, this is a well written and useful volume. It contains a wealth of information for anyone engaged in commercial leasing and would be a valuable addition to any law library.

REVIEWED BY
DAVID H MICHELS
Sir James Dunn Law Library
Dalhousie University

***Privacy Protection and Commercial Expression.* By Danielle Olofsson. Toronto: LexisNexis, 2017. x, 128 p. Includes appendix and index. ISBN 978-0433495598 (softcover) $75.00.**

This short book evolved from its author's LLM thesis, which was completed in 2016. While the thesis (available online at papyrus.bib.umontreal.ca/xmlui/handle/1866/18631) focussed mainly on Quebec, the book also addresses Alberta and British Columbia, as well as the federal privacy regime.

Privacy Protection and Commercial Expression begins with an overview of privacy law versus commercial expression and a discussion of the legal influences on privacy protection in Canada. The book then turns to its central topic of the impediments posed to "industry challenges" by the Canadian approach to privacy protection. The author defines the term "industry challenge" as

> a technique deployed by companies that have undertaken to promote the hiring and advancement of certain members of society, notably women, visible minorities, and homosexuals/bisexual/transgender ("Target Group"), traditionally perceived as marginalized in a particular sector or industry. These Industry Challenges, among other things, consist in requiring the company's goods and service providers to commit to its causes. The company thus "challenges" its suppliers to espouse its causes, failing which they risk losing the company's business. (p 7)

Thereafter, the book outlines a purposive approach to interpreting Canadian privacy legislation and discusses challenges to Canada's private sector privacy legislation. The book's narrative ends with a five-page conclusion titled "Pinning Down Proteus," in reference to Justice Binnie's allusion in *R v Tessling*, 2004 SCC 67 at para 25.

The next 45 pages of the book are simply a reproduction of the *Personal Information Protection and Electronic Documents Act*, SC 2000, c 5. Perhaps it was my dislike of books that reproduce whole statutes that made me feel that the typo at the end of the foreword didn't inspire confidence, but the numerous errors in the secondary source citations in the five-page appendix built on that theme. The fact that the phrase "data protection laws" was abbreviated "DLPs" throughout gives one a sense of the editorial effort that went into this work.

I was disappointed to find that the references in the workplace privacy section were outdated. Aside from a reference to *AB v Bragg Communications Inc*, 2012 SCC 46, the next most recent citation was to an article by Karen Eltis, published in 2006. As well, I was surprised to find that the European section of the book does not address the new *General Data Protection Regulation*, 679/2016, which everyone else seems to be talking about these days.

While the premise of the book is interesting (how do large-scale affirmative action initiatives coexist with personal information protection regimes?), a great deal of the book simply repeats general privacy law principles that are canvassed more fully elsewhere. While I personally commend Olofsson for the time and effort she spent on bringing this book to market, given that the thesis underlying the book is freely available online, I cannot recommend the purchase of this book. For libraries looking to round out their privacy law collections, I suggest that they consider the following (in addition to the comprehensive loose-leaf service by McIsaac, Shields & Klein on *The Law of Privacy in Canada*):

- Rosemary Bocska, *Social Media and Privacy Law for Employers – Hiring, Firing and Managing Reputation* (Toronto: LexisNexis, 2018)
- Michel W Drapeau, Marc-Aurèle Racicot & Ashlee Barber, *Fundamentals of Privacy and Freedom of Information in Canada*, 2nd ed (Toronto: Carswell, 2017)
- Michael Power, *The Law of Privacy*, 2nd ed (Toronto: LexisNexis, 2017)
- Lyndsay Wasser & Eloïse Gratton, *Privacy in the Workplace*, 4th ed (Toronto: LexisNexis, 2017)

REVIEWED BY
MELANIE R BUECKERT
Legal Research Counsel
Manitoba Court of Appeal

***Torts: A Guide for the Perplexed.* By GHL Fridman. Toronto: LexisNexis Canada, 2017. 174 p. Includes bibliographic references and index. 978-0433495543 (hardcover) $85.00.**

As a law library technician, I am ashamed to admit that before reading this book I could not easily define what a tort was, let alone any of the elements that make up a tort. Fridman's previous books, definitive titles such as *The Law of Torts in Canada* and *Introduction to the Canadian Law of Torts*, seemed daunting to me, as they are lengthy and would require a lot of time to read them thoroughly. When I saw *Torts: A Guide for the Perplexed* on the book review list, and that it was a manageable 175 pages, I eagerly took the opportunity to read it.

Torts: A Guide for the Perplexed is a concise text that is more academic in nature than Fridman's previous endeavours, which are more practical and analytical. In contrast, this book does not provide detailed analyses of recent cases; in fact, only notable cases are included to support readers' comprehension of the history of torts.

Fridman's writing is succinct, and his use of short paragraphs allows readers to reflect on and absorb complex ideas. For such a short book, there is a surprising number of chapters (15, plus a prologue and epilogue), but they are fairly succinct, which prevents readers from becoming overwhelmed with too much new information.

The chapter headings are descriptive and provide a good representation of the contents, which is useful if you are only interested in learning about a specific aspect. Fridman starts by clarifying major differences that readers should have a basic understanding of before delving deeper into the subject at hand. These differences include tort law and

criminal law, and common law and statutory torts. Fridman provides a brief history on tort law and how it evolved, the characters who relayed the essential knowledge, and the circumstances that helped mould tort law into what it is today. He also describes how and why canon law evolved into what is currently known as common law, civil law, precedents, and jurisprudence.

Fridman defines the various categorizations of torts, explaining key ideas, elements, and characteristics that make up the nature of tort law. Misconduct, reasonableness, and liability are a few of the ideas that Fridman discusses. The book continues with chapters that focus on various aspects of tort law such as policies, economics, and jurisprudence. He finishes off the book by discussing where he believes tort law is heading and how it may evolve to meet the legal needs of our communities.

I highly recommend *Torts: A Guide for the Perplexed*. If I were looking for a text that further discusses any of the subjects in this book, or if I were studying law, I would consult lengthier texts such as Fridman's *The Law of Tort in Canada*. I believe *Torts: A Guide for the Perplexed* would be beneficial for those looking for an overview of tort law without the commitment of reading one of the lengthier, more definitive texts.

REVIEWED BY
LISA MARR
Library Technician
Perley-Robertson, Hill & McDougall LLP/s.r.l

IIII Bibliographic Notes / Chronique bibliographique

By Susan Jones

Kimberly Mattioli, "Access to Print, Access to Justice" (Winter 2018) 110:1 Law Libr J 31. Available online: <www.aallnet.org/wp-content/uploads/2018/06/LLJ_110n1_02_mattioli.pdf> (18 August 2018).

In this article, author Kimberly Mattioli, student services librarian and adjunct lecturer in law at Indiana University's Maurer School of Law, looks at whether self-represented litigants are negatively affected by the elimination of print materials in law libraries. Many law libraries, usually in response to financial pressures, are eliminating print resources, especially when those resources are duplicated online. Her theory is that, in general, self-represented litigants have less access to legal resources because of law libraries' dwindling print collections. The author begins her article by addressing three important issues when it comes to access to justice: shrinking print collections in law libraries, digital literacy, and the increasing number of self-represented litigants. She then discusses the results of a survey she developed to better understand how often self-represented litigants are using law libraries, what resources they are using, and how they are accessing those resources. In the final part of her article, the author offers some tips for helping self-represented litigants when print resources are lacking. She also describes a few interesting initiatives developed by law libraries for self-represented litigants.

As noted above, the author begins her article by addressing three important access to justice issues. The first issue concerns shrinking print collections in law libraries. Although the discussion in the library literature and popular press suggests that law libraries should be eliminating print in favour of electronic resources, the author sets out to determine whether law libraries are, in fact, downsizing their print collections. To answer this question, the author looked to the Primary Research Group's 2015 survey *Law Library Plans for the Print Materials Collection.* This survey of academic, firm, and government law libraries in the United States shows that they are, indeed, making cuts to their print collections and will likely continue to do so in the future. What is most worrisome to the author is that law libraries are eliminating the most important resources for self-represented litigants, namely primary resources and legal encyclopedias. According to the survey, two-thirds of academic law libraries are cutting primary resources and digests, 60 per cent of law firm libraries are cutting specific or all primary resources, and 68 per cent of government law libraries are cutting primary resources. When it comes to legal encyclopedias, the survey results show that law libraries are spending less. Both academic and law firm libraries reported spending 32 per cent less on legal encyclopedias, while government law libraries are spending 23 per cent less. Finally, the survey asked respondents what they think will happen to their print collections in the next five years. Eighty per cent of respondents from academic law libraries predict their print resources will continue to decrease or stay more or less the same, while all respondents from law firm libraries believe their print collections will continue to shrink.

The second access to justice issue discussed is digital literacy. In order to understand how self-represented litigants may be negatively affected by shrinking print collections, it is necessary to understand how digital literacy impacts access to information. Many people are under the impression that digitizing legal materials and making them freely available online means that they are accessible to everyone. While making information available online is a positive step toward improving access, it does not mean the information is

accessible to everyone. The author refers to the research of Sarah Glassmeyer in *State Legal Information Census: An Analysis of Primary State Legal Information.* In that work, she examined the accessibility of every state's online statutes, cases, and regulations. Glassmeyer identified fourteen barriers to accessing state primary law online, including the lack of search functionality on some websites, the absence of indexing to resources, and the lack of complete collections.

To say that online legal information is accessible to everyone also assumes that everyone has the means to afford and the ability to understand the technology necessary to navigate the Internet. While progress has been made in narrowing the digital divide, a 2012 study from the Pew Internet & American Life Project called *Digital Differences* shows that adults with low income and low educational attainment, as well as adults with disabilities, are less likely to use the Internet. In fact, most of the people who reported not using the Internet had *never* used the Internet, and many of them lived in households where no one else had used it, either. The author cites more recent studies showing that income level and educational attainment are also associated with whether a person has access to the Internet at home.

The third access to justice issue discussed by the author is self-represented litigants. Although there are no reliable statistics about this group, the author refers to the Self-Represented Litigation Network, which estimates that three out of five civil litigants appear in court without a lawyer. National demographic information about this group is scant, too, but some courts have undertaken to learn more about the self-represented litigants appearing before them. For example, the New York City Family Court and the New York City Housing Court conducted a survey in 2005 that shows the majority of self-represented litigants had low income levels. In fact, 83 per cent had an annual household income of less than $30,000 and 57 per cent earned less than $20,000. The majority of self-represented litigants appearing in these courts also had low educational attainment—about half of the respondents had a high school education or less. It is important to note, too, that these figures for income and education levels were lower than those for the total population of New York City. When it comes to the availability of materials in courthouses, most self-represented litigants expressed a preference for print-based information, while one-third wanted to be able to access the information online. More recently, a 2014 study by researchers at Washington State University surveyed low-income individuals in Washington about their legal needs. The results show that 70 per cent of low-income individuals have at least one legal problem each year, and 76 per cent of them do not seek the services of a lawyer. Although both of the aforementioned studies are small, what the author concludes is that self-represented litigants tend to be poor and uneducated and, as a result, more likely to be computer illiterate. It is therefore important for self-represented litigants to have access to legal materials in a form they can navigate and understand.

In addition to looking at the statistics and demographic information about self-represented litigants, the author also looked at the type of resources law libraries make available to them. To do that, she turned to a study published in 2014, *Library Self-Help Programs and Services: A Survey of Law Library Programs for Self-Represented Litigants, including Self-Help Centers.* The survey is the work of a joint task force of the Self-Represented Litigation Network's Law Librarians' Working Group and the Government Law Library Special Interest Section of the American Association of Law Libraries. The 153 survey respondents were from academic and government law libraries, 99 per cent of which reported providing services to self-represented litigants. The services these libraries provide include legal research help, online legal research assistance, program referrals, telephone reference service, and print materials written for non-lawyers. Ninety-five per cent of libraries also provide court forms and 97 per cent provide access to computers and the Internet. While it is evident from this survey that self-represented litigants are able to conduct their research in many law libraries across the United States, the author questions whether they can continue to do so when libraries are cutting subscriptions and eliminating print collections.

In 2017, the author conducted a survey to fill in a few of the gaps in the information that was available about law libraries and self-represented litigants. Previous surveys tell us about the resources available to self-represented litigants at law libraries and show that law libraries are shrinking their print collections. With her own survey, the author wanted to know how often self-represented litigants are using law libraries, what resources they are using, how they are accessing those resources, and how they might be impacted by cuts to print collections. The author distributed her survey through various listservs in an attempt to reach librarians at academic and government law libraries, as well as any librarian with an interest in self-represented litigants. She received 68 responses from academic, court, county, and state law libraries in 30 states. While she acknowledges some limitations to her methodology, she does not believe those limitations have any impact on what can be gleaned from the results.

The first three questions asked respondents about the type of library they worked in, whether the library was public or private, and whether they served the general public. The largest groups of respondents were from government law libraries (66 per cent) and academic law libraries (29 per cent). All but one library was public, and all respondents were open to the general public.

The author wanted to understand the types of challenges self-represented litigants encounter at law libraries, so the fourth question asked respondents if their libraries place any restrictions on the general public. Most respondents (73 per cent) answered in the affirmative. The types of restrictions included the hours when the public could use the library, time limits on using computers, and restricted access to the Internet.

The restrictions the author found most troubling, however, concerned circulation. This includes not extending borrowing privileges to the public, requiring the public to purchase a borrower's card, requiring the public to leave a deposit to borrow material, and restricting the kinds of materials the public can borrow. While the author acknowledges that

some restrictions on lending to the public may be necessary, the cost of a borrower's card or a deposit may be a deterrent to some self-represented litigants. Also, self-represented litigants with minimal education or limited literacy skills may be more comfortable reading complex legal information at home where they can take as much time as they need to understand the material.

The fifth question asked respondents how often self-represented litigants use their libraries. Most respondents (88 per cent) reported that self-represented litigants use their libraries several times a month. Other respondents said once or twice per month (five per cent) and several times a year (five per cent). No one reported seeing self-represented litigants only once or twice a year or not at all. In the comments to this question, several librarians from government law libraries said they see members of this group daily or several times a day.

The sixth question asked whether self-represented litigants use print or electronic resources more often. Most respondents (71 per cent) reported they use some combination of both. Twenty per cent of respondents said that self-represented litigants use mostly print resources, while only five respondents reported that they use mostly electronic resources. On this last point, the author notes that it is not clear if self-represented litigants use mostly electronic resources by choice or because that is all that is available to them. One interpretation of the responses to this question is that self-represented litigants are able to use a mix of print and electronic resources, but do not wish to use only electronic resources to conduct their research.

The seventh question asked about the types of print resources used by self-represented litigants. The most popular response was print state or federal codes (79 per cent), followed by form books (73 per cent); secondary sources, like legal encyclopedias (70 per cent); books that are written for non-lawyers (66 per cent); and print reporters (41 per cent). Only two respondents said that self-represented litigants do not use many print resources, but it is not clear whether that is by choice or because that is what is available.

Question eight asked if respondents' libraries have any immediate plans to eliminate the print resources self-represented litigants tend to use. Surprisingly, only 14 per cent of respondents reported probable or immediate plans to eliminate these resources, 16 per cent said they were unsure, and almost 70 per cent said there were no probable or definite plans. In the *Law Library Plans for the Print Materials Collection* survey discussed earlier, most respondents reported eliminating print primary resources and legal encyclopedias, so the author was surprised that 70 per cent of respondents to her survey did not have any plans to cut the print resources self-represented litigants tend to use. She offers a few possible explanations for the discrepancy between the two surveys. She believes the most likely explanation is that the wording of the question in her own survey was too vague. The question asked about plans to eliminate print resources that self-represented litigants tend to use. If respondents thought the question referred to form books or books written for non-lawyers only, and they had no plans to discard this material, then they may have answered no to the question. Furthermore, the author received a high number of responses from government law libraries, so it is also possible these respondents are part of a small group of libraries with no plans to eliminate print. Another explanation is that libraries have already weeded some portion of their print collections and do not have any immediate plans to do more. It is also possible that libraries are shrinking print collections for all users, not just self-represented litigants.

The ninth question asked respondents if they can adequately help self-represented litigants using only their current print collections. Thirty-three per cent of respondents answered in the affirmative, 50 per cent said only sometimes, and 16 per cent reported they can never rely on their print collections

alone. With two-thirds of respondents unable to help self-represented litigants solely with print resources, the author feels this puts patrons without the skills to navigate electronic resources at a great disadvantage.

The tenth question asked respondents whether, when referring self-represented litigants to electronic resources, they feel this group can adequately navigate the online tools without any technology training. No one responded in the affirmative. Most respondents (61 per cent) felt that self-represented litigants could sometimes navigate the databases without further training, while others (38 per cent) said that they did not feel this group could manage effectively. The comments that accompany the responses to this question say a lot about self-represented litigants' technology skills. One respondent said, "75% of our patrons are computer illiterate … [s]ocial media interaction on a cell phone is very different from trying to navigate through a desktop Word document or understanding how to navigate through Westlaw or a federal government forms website." Another respondent said, "[S]ome can use the online [resources] with help from librarians. None can just sit down and know what to do with Westlaw."

The final question in the survey asked respondents whether there are other places in their communities where self-represented litigants can get help with their legal research (e.g., other law libraries, self-help centres, etc.). Fifty-five per cent said yes, 32 per cent said no, and 11 per cent were unsure. This is an important issue because if the only place to conduct legal research is eliminating its print resources, then those unable to navigate electronic resources will be at a great disadvantage when preparing for court.

At the end of the survey, respondents were given the opportunity to comment on self-represented litigants and their ability to conduct legal research in their libraries. The author was struck by the comments that describe a very real problem, which is that some self-represented litigants are simply beyond their help. Respondents described people who only want to get legal advice from librarians, do not want to conduct their own research, and lack the literacy skills needed to use print resources, let alone the digital literacy skills to use computers and electronic resources. Another issue raised in the comments, which warrants further research, is the lack of resources for self-represented litigants in languages other than English.

In looking at the survey as a whole, the author concludes that when law libraries eliminate print materials, self-represented litigants who are unable to navigate electronic resources are not going to be able to conduct their research efficiently and effectively. As the author succinctly states, "Self-represented litigants are often already the victims of the larger access to justice problem—the ones who are digitally illiterate are being further victimized by not being able to access information in a format they can understand."

In the final part of her article, the author makes some recommendations for law librarians who have no choice but to turn to electronic resources to help self-represented litigants. These recommendations come from Richard Zorza's white paper "The Sustainable 21st Century Law Library: Vision, Deployment and Assessment for Access to Justice." Zorza's recommendations include situating public access computers in user-friendly locations, creating an area on law library websites specifically for self-represented litigants, using chat reference for patrons who cannot come to the law library, and not imposing unnecessary time limits on the use of public access computers. Of course, none of these things helps the self-represented litigant who does not know how to use a computer, but the author encourages librarians to do their best and refer patrons to the public library for basic computer skills training, where possible. She also recommends that librarians stay abreast of new app developments. Some self-represented litigants may not have the skills to navigate a desktop computer and complicated databases, but they may be adept at using a smartphone.

The author also describes some interesting initiatives happening in law libraries across the United States that make it easier for libraries with shrinking print collections to help self-represented litigants. The first type of initiative is self-help centres. The services these centres provide vary but include providing court forms and instructions, making referrals to other organizations, and sponsoring legal clinics. A step above self-help centres in terms of service are Lawyer in the Library programs. The Los Angeles County Law Library has one such program, which is staffed by volunteer lawyers who come to the library once a month for three hours. The volunteer lawyers help self-represented litigants fill out forms, explain legal details, confirm whether they are moving in the right direction with their research, and provide guidance on next steps. These programs, more so than self-help centres, are particularly useful to the digitally illiterate self-represented litigant who does not have access to an adequate print collection of legal materials. Although Lawyer in the Library programs are more common in government law libraries, there is no reason that academic law libraries could not do the same. This type of program presents certain benefits for law schools, too. A Lawyer in the Library program is an opportunity for alumni to give back to their alma maters and acquire some valuable pro bono experience at the same time. For law school administrators, it is a public relations opportunity and a draw to prospective students eager to attend a school that shares their interest in social justice issues.

Another interesting initiative is clinics, which are common in many law schools and provide students with opportunities for supervised, hands-on legal experience. Very often, though, these legal clinics are focussed on a particular area of law, such as family law, and impose an income threshold on clients. Some law libraries, however, have created their own clinics without these restrictions. One such clinic is the Cornell Legal Research Clinic hosted by the law library at Cornell University Law School. The clinic is staffed by the school's students who conduct legal research, under the supervision of two lawyers, for self-represented litigants. Like the Lawyer in the Library programs, this type of clinic is a great resource for the digitally disadvantaged self-represented litigant and a great experiential learning opportunity for students.

IIII Local and Regional Updates / Mise à jour locale et régionale

By Kate Laukys

Here is a quick look at what has been happening in the law library community across the country.

MONTREAL ASSOCIATION OF LAW LIBRARIES (MALL) / ASSOCIATION DES BIBLIOTHÈQUES DE DROIT DE MONTRÉAL (ABDM)

L'assemblée générale annuelle a eu lieu au cabinet De Granpré Chait le 8 juin 2018. Cette réunion a permis aux membres de partager leurs opinions sur les diverses activités de l'association qui ont eu lieu durant la dernière année. Il me fait plaisir de vous annoncer que Janis Tremblay du cabinet BLG a été élu secrétaire de l'association durant l'AG pour un mandat de trois ans en remplacement d'Isabelle Lizotte du CAIJ.

MALL's annual general meeting was held at De Granpré Chait on June 8, 2018. This meeting allowed members to share their opinions on the various activities of the association over the past year. I am pleased to announce that Janis Tremblay from BLG was elected secretary of the association during the AGM for a three-year term to replace Isabelle Lizotte of CAIJ.

SUBMITTED BY
JOSÉE VIEL
MALL President / Présidente de l'ABDM

VANCOUVER ASSOCIATION OF LAW LIBRARIES (VALL)

Greetings from Vancouver!

VALL is starting the 2018/2019 year off with a new executive: Teresa Gleave (past president), Marnie Bailey (vice president), Angela Ho (treasurer), Lesley Dobin (membership), Julie Wettstein and Danielle Brosseau (programs), Stef Alexandru and Emily Nickerson (*VALL Review* editors), and Joni Sherman (webmaster).

We scheduled a talk on cannabis-related issues, including criminal defense, regulatory compliance, and *Charter*-based strategic litigation, as the first session of the year. Next up will be a brown bag session in October focussing on soft skills.

SUBMITTED BY
SUSANNAH TREDWELL
President,
Vancouver Association of Law Libraries 2018/2019

NEW PROFESSIONALS SIG

The New Professionals SIG is collaborating with the Membership Development Committee (MDC) to encourage new members to explore the year-long opportunities to connect, learn, and contribute to CALL/ACBD. We are also continuing with monthly list-serv discussion topics.

SUBMITTED BY
SUZANNE JAY
Co-chair, New Professionals SIG

LEGAL RESEARCH & WRITING (LRW) SIG

The LRW SIG is pleased to announce that we're partnering with CanLII to create instructional materials for CanLII's

websites. We will be forming a working group for those interested in taking part in this exciting opportunity. Instructional materials can include content such as videos, written instructions, and visual aids. Creators will retain copyright, and CanLII will get the non-exclusive right to publish the content on their websites and social media accounts (with proper attribution to the content creators). In exchange for a minimum of eight items per year, CanLII will pay CALL/ACBD $1,000 per year (with the potential to pay more for additional content). For more information, contact the LRW SIG co-chairs at hannah.steeves@dal.ca or nikki.tanner@unb.ca, or stay tuned for a message on the CALL-L listserv.

SUBMITTED BY
HANNAH STEEVES AND NIKKI TANNER
Co-chairs, Legal Research & Writing SIG

IIII Conference Report

By Hannah Steeves

New Law Librarians Institute 2018

My desire to attend the New Law Librarians Institute (NLLI) was a direct result of the admiration I have for my colleagues' extensive knowledge of legal information. I am specifically referring to the librarians with whom I teach the first-year Legal Research & Writing course at the Schulich School of Law, Dalhousie University, but also those across the country who have extended a helping hand to me over the past two years as a newly minted law librarian when I sought assistance. I am very fortunate to have developed a network of legal information professionals that are always willing to take the time to share their skills. Upon returning from the NLLI, held at the University of Calgary in June, I can confidently say that not only have I increased my personal knowledge of our field, but I have also increased my network to include other information professionals in the early stages of their careers.

The programming at the NLLI was well rounded and applicable to law librarians from various settings. However, given my current position as an academic law librarian, the substantive courses were of particular interest to me. These sessions provided me with a better understanding of the framework students have when approaching legal research questions or essay topics within constitutional law, tort law, administrative law, civil procedure, foreign law, and international law. These have already been particularly useful when designing questions for upcoming research portfolio and memo assignments. As an aside, I also have fresh insight into (and empathy for) how first-year students feel after being inundated with large volumes of concepts and ideas in a short period of time.

Technology is omnipresent in the world of legal information. Having previous experience in a law firm information services department, I was fortunate to learn and engage with new and developing technologies by attending vendor demonstrations and contract meetings. However, in my limited experience, academia can often be late to adopt new legal technologies for a variety of reasons, and I have had limited hands-on exposure to developing technologies in recent years. The final day of the NLLI was dedicated to technology and the future of law libraries. It summarized emerging technologies, the impact that artificial intelligence may have upon librarians and lawyers in the future, and how both the material and immaterial resources our profession provides may alter our profession. This was an excellent day covering many current awareness and trending topics.

Without the Education Reserve Grant, I would not have been able to attend the NLLI. Since returning, I have used the knowledge, skills, and connections acquired from the NLLI on a daily basis. I thank CALL/ACBD for providing me with the opportunity to learn, network, and develop as a professional.

IIII News from Further Afield / Nouvelles de l'étranger

Notes from the UK

London Calling – June 2018

By Jackie Fishleigh*

Hi, folks!

Brexit Muddle Descends into Wild Goose Chase…

There was a Matt[1] cartoon on the front page of the *Daily Telegraph* this week mocking the latest suggestion of a "Canada-style Brexit." In it, two men are being chased by some Canadian geese with the legend: "And Canada geese will control the Irish border." We have rather a lot of your geese over here. If you go to any of our parks, they tend to be the dominant avian!

Writing in the no-nonsense right-wing tabloid *The Daily Mail* back in 2008, columnist Robert Hardman opined,

> Should there ever be a prize for Britain's most hated bird, then, surely, it would go to the Canada goose. If Canada geese were human, they would be lounging around all day doing nothing, claiming every welfare benefit in the book, driving their neighbours out of town and notching up Anti-Social Behaviour Orders (ASBOs) around the clock.[2]

Oh, dear. Although not toilet-trained, they are actually rather handsome, and their goslings definitely have the *awww* factor, but if you fancy taking any back just give me a ring...

Seriously though, the Irish border question cannot be easily solved, and I understand your own bespoke deal with our erstwhile EU colleagues took seven long years to negotiate.

Deals, No Deals, Party Splits... Cushions and Chocolate

I can't really see much clear blue water between our two main parties on Brexit at the moment, which is alarming, frankly, with only six months to go. Theresa May is under constant threat of a leadership challenge, especially if her Chequers deal/plan is not accepted by the EU 27. It was already thrown back at her in Salzburg, the venue for the latest summit.

Meanwhile, the well-supported Labour party, led by Jeremy Corbyn, has just finished its annual conference in Liverpool, during which it almost managed to put its recent mega-row over anti-Semitic abuse behind it after signing up to an agreed universal definition, and with its leader finally apologising wholeheartedly for the pain caused to Labour's Jewish members, especially those who have been trolled like MP Luciana Berger. She came to conference with protection officers.

In a surprise move, Corbyn's big speech finale included an offer to the PM to back her Chequers deal, provided it gives the UK access to a Customs Union and safeguards EU legal protection for workers, consumers, and the environment. If May refuses, he claims to be ready to take over and do

[1] Pen name of Matthew Pritchett, political cartoonist for *The Daily Telegraph* since 1988.
[2] Robert Hardman, "The Most Loathsome Bird in Britain: Robert Hardman Says Canada Geese Deserve ASBOs", *The Daily Mail* (4 June 2008), online: <www.dailymail.co.uk>.

the job himself. This went down a storm amongst the party faithful, but in the country, some of the better-off question where the money will come from for his talk of regenerating Britain. Some (still) regard him as a communist and will never (ever) vote for him.

It is possible that if May's impasse with the EU 27 becomes permanent and a no-deal scenario looms, which is actually the preferred option for some in the Tory party, including its hardline Eurosceptic European Research Group members, a backlash from business and unrest in the country could lead to either a referendum or a general election throwing the whole Brexit Rubik's Cube back in the air. We don't generally do winter polls in this country, but we may have to. Why? Because turnout tends to be low when it is cold!

Meanwhile, the Liberal Democrats, who have always been pro-European, are casting around for a new leader, welcoming even non-politicians who might wish to throw their hats in the ring. Sadly, Gina Miller, the Guyanese-British business owner who initiated the 2016 *R v Secretary of State for Exiting the European Union* court case against the British government over its authority to implement Brexit without approval from Parliament, has declined to stand for leader.

As a pro-European, I find the whole bizarre business thoroughly dispiriting, so much so that I may need to buy a bigger cushion to hide behind when watching the news on TV and to sleep on when the wall-to-wall agonizing bores and exhausts me.

With the traditional political order in turmoil in many parts of Europe, and Trump causing shock waves on your side of the pond, I can only hope that our fate doesn't turn out too badly.

There is some good news in all this. Cadbury's, one major supplier of chocolate, is stockpiling all its ingredients in case delays in supply chains post-Brexit lead to shortages. There is a God!

Salisbury: Cathedral City (AKA: Novichok City)

The suspected poisoners who tried to kill Russian ex-spy Sergei Skripal and his daughter Yulia in Salisbury last March were recently shown caught on camera at Salisbury rail station and in nearby Fisherton Street. They first claimed to be tourists. The men, named as Alexander Petrov and Ruslan Boshirov, told the state-run Russia Today channel that they had travelled to Salisbury on the recommendation of friends to see the lovely cathedral. Our PM mocked this by saying: "The lies and blatant fabrications in this interview given to a Russian state-sponsored TV station are an insult to the public's intelligence."[3]

Just today, one of these men has been revealed to be a decorated colonel in Russian military intelligence. A local woman, Dawn Sturgess, dabbed on what she believed to be perfume from a bottle, which in fact contained the Soviet-era nerve agent. She died, and her partner Charlie Rowley is still not recovered. Hopefully the poisoners will face the full force of justice for their shocking and shameless crimes against innocent citizens in the near future.

Ironically, what Salisbury really does need is tourists, who are increasingly put off paying it a visit.

Whale in the Thames

Yes, really! "Benny," a beluga whale from Greenland (exact address unknown), has pitched up in Gravesend, Kent, after taking a major wrong turn at some point when out swimming. He is a nice white colour and, according to reports, doing OK, whatever that entails in giant, very-lost-fish terms!

Daily Telegraph cartoonist Matt has turned Benny's story into a cartoon, too! Fish and chip shops are a great British institution. In this fictitious one (in Gravesend), a supersized fish is being offered up to a ravenous customer. "Chips with that?" asks the server, as he shakes some salt over the batter.

Hopefully Benny will be on the move somewhere safer very soon.

With very best wishes,

Jackie

Letter from Australia

By Margaret Hutchison**

Greetings from Australia, which has yet again *another* prime minister. I'm not going into the ghastly details of who did what and why—it's all too complicated and didn't really change anything.

I saw a great graphic showing the number of leaders that other countries have had during this 10-year period compared to Australia; for example, Canada has had two prime ministers, while Germany has had one chancellor, Angela Merkel, for the whole period.

Anyway, the whole mess still bubbles along with the possibility that the most recent challenger, Peter Dutton, previously Minister for Home Affairs (a mega-portfolio of immigration, customs & border security, national security with multicultural affairs thrown in as an afterthought) may be referred to the High Court under another subsection of section 44 of the Australian Constitution. Mr. Dutton is a beneficiary of a family trust that owns two childcare centres in Queensland. It is arguable that he is disqualified from Parliament because these centres receive childcare subsidies from the Commonwealth in return for providing childcare services. This would fit under section 44(v), which says that any person who "has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth" is disqualified from sitting as a member of parliament.

---

[3] Joe Watts, "Theresa May Lashes out at 'Blatant' Lies in Interview with Russian Novichok Suspects" *The Independent* (13 September 2018), online: <www.independent.co.uk>.

The issue is whether from 2 July 2018, the trust, through its childcare centres, has agreements with the public service to provide childcare services in exchange for childcare subsidies, or do the childcare centres merely receive the subsidies on behalf of the parents and do not have an agreement with the public service. Prior to July 2018, the subsidies were given directly to the parents.

Last year, in a case concerning Family First Senator Bob Day, a majority of the High Court held that the beneficiary of a trust that, via its trustee, is party to an agreement to which section 44(v) refers, has an indirect pecuniary interest in the agreement and is therefore disqualified from sitting in parliament. This case is different to the possible case against Mr. Dutton in that Mr. Day had asked the government to move his electorate office to a particular building that he owned, giving rise to an indirect pecuniary interest in the rent.

Peter Dutton is also copping it from several other directions, probably as revenge for challenging for the Liberal leadership. So far, he's been dubbed "Minister for Home au pairs" after he used his ministerial discretion to admit several young foreigners on tourist visas despite their working as au pairs after being contacted by their disappointed sponsors or relatives of the sponsors.

So, we await developments. May 19, 2019 is when the next federal election has to be held by, due to complications with having had a full Senate and House of Representatives election last time in 2016, instead of a half Senate and full House of Representatives election. Most commentators expect the governing Liberal party to be roundly beaten and the Australian Labor Party opposition voted in by a landslide.

As a result of the leadership challenge in the Liberal Party, attention has focussed on the treatment of women in the Liberal Party. Allegations of bullying and standover tactics during the challenge have surfaced, but no names have been mentioned. The former foreign minister, Julie Bishop, stood during the challenge as a moderate candidate but only received 11 votes, and none of those were from her fellow West Australians, so she has moved to the back bench for the time being. Rumour has it she may be the next governor-general, as the present incumbent, Sir Peter Cosgrove, retires in March 2019. Another female member of the Liberal Party has announced she will not be contesting the next election due to the "appalling behaviour" of members of the Liberal Party during the latest leadership challenge.

Also, former Greens Senator Larissa Waters was readmitted as a senator just over a year since she resigned, having discovered she had dual Canadian and Australian citizenship. She replaces her replacement senator, who is running for a seat in the House of Representatives. She was one of the "Citizenship Seven" who were the first before High Court in September last year.

In my last letter, I said I was hoping to bring a report of the government's response to the Ruddock Report on religious freedom, but we have a new prime minister, so it's all gone very quiet. In an interview with a major newspaper, though, the new prime minister, Scott Morrison, has said he will introduce laws to protect religious freedom in response to the Ruddock Report. Mr. Morrison is a member of a Pentecostal church in Sydney's southern suburbs and projects the image of an ordinary suburban bloke.

On another matter, the High Court went to Darwin in September for its first ever circuit visit. The case was known generally as "the Timber Creek Matters" and dealt with the compensation for the extinguishment of native title in the Timber Creek area in the Northern Territory. A decision will be handed down in due course.

And to finish off, as I write this in mid-September, there are fruit mince pies and Christmas cakes and puddings for sale in the supermarkets! On the weekend, I also saw one department store had its Christmas shop up and sparkling with fully decorated trees, ornaments, and Christmas cards for sale. Still, on Boxing Day there'll be hot cross buns out ready for Easter.

On that note, as you're reading this in November, which is a bit closer, may I wish you a Merry Christmas.

Until next time,

Margaret

The US Legal Landscape: News from Across the Border

By Julienne E Grant***

In a recent interview with CNN, former UK Prime Minister Tony Blair called the Trump White House a "global soap opera." That pretty much hits the nail on the head, as the drama of the Trump presidency continues to unfold. What a cast of characters Americans (and the rest of the world) are now too familiar with: Michael Cohen, Paul Manafort, Robert Mueller, Stormy Daniels, and the entire Trump clan. I keep looking at the calendar and wondering how much more of this we have to endure, particularly with the rest of the world watching. Plenty, I'm afraid.

There is, however, other news to report to my Canadian colleagues. I hope the following provides a quick overview of the current US legal landscape, as I see it.

AALL

In July, Baltimore hosted AALL's 2018 Annual Meeting & Conference. According to AALL's July 2018 eNewsletter, almost 3,000 people attended. The Dewey B Strategic blog (July 5, 2018) reported that there were thirteen new exhibitors at the conference, including Procertas, GOBI, and S & P Global Market Intelligence. Next year's annual meeting will be held July 13–16 in Washington, DC, with the theme "Capitalizing Our Strengths."

AALL and Lexis leadership convened on July 2 in Chicago to discuss Lexis's new policy that ties access to its electronic and print products to the purchase of a Lexis Advance license. According to an AALL eBriefing, Lexis advised AALL that "it is unable to discuss any product packaging or pricing

matters, except with their customers." AALL President Greg Lambert "strongly urged Lexis leadership to reconsider the new practice." Also in July, AALL launched a new professional development tool called the AALL Body of Knowledge (BoK). The BoK covers six domains where law librarians seemingly need to excel, and it will be updated to reflect changes.

ABA: The LSAT Isn't Dead Yet

A July 17 article in the ABA Journal reported that a former ABA staff member pocketed about $1.3 million of association funds over an eight-year period. This comes as the ABA has been seeing a downturn in membership.[4] Also in July, the ABA Section of Legal Education and Admissions to the Bar officially withdrew a proposed resolution that called for the removal of the ABA's accreditation Standard 503. The standard requires law schools to use a reliable exam, such as the LSAT, when considering the admission of new students. An August 2 article in Bloomberg Law's *Big Law Business* reported that the ABA lost its bid to consolidate three lawsuits filed against it by for-profit law schools. The ABA is being represented by Sidley Austin, and the plaintiff law schools' attorneys are at Kirkland & Ellis. Finally, the ABA voted in August to eliminate the requirement that academic law library directors submit written annual reports to the association. AALL has asked the ABA to reverse its decision.[5]

Law Schools & a UBE Update

At Rutgers Law School, two new centers opened this fall: the Center for Security, Race and Rights and the Center for Immigration Law, Policy and Justice. Meanwhile, there's big news here in Chicago: the University of Illinois at Chicago (UIC) is acquiring the John Marshall Law School (JMLS), creating the UIC John Marshall Law School. The new school will be the first public law school in the city. Pending various accreditation approvals, the inaugural class will enter in the fall of 2019, according to a JMLS news release. Currently, Chicago is the home to six private law schools.

According to the September 2018 edition of the *ABA Journal*, the Uniform Bar Exam (UBE) is now being administered in 33 states, with five (Illinois, Maryland, North Carolina, Tennessee, and Rhode Island) signed on during the past ten months.[6] Texas and Ohio are also considering adopting the UBE, a test that allows lawyers to transfer scores across jurisdictions, thereby eliminating the need to take a separate state bar exam.

Law Firms

On June 28, global firm Baker McKenzie announced it elected 67 new partners, with almost 40 percent being women. The firm also reported that it promoted 46 partners to principal (equity partner), with 40 percent being female.

Female GCs, however, have not fared so well. According to the Association of Corporate Counsel's 2018 Global Compensation Report, the median total compensation for female chief legal officers and general counsels is $210,000, as opposed to a median of $270,000 for their male counterparts. That means that for every dollar a male in that position earns, women make 78 cents. So much for pay equity.

News from the States: Goodbye W Virginia Supreme Court

An August 7 *ABA Journal* piece reported that Utah is set to become the second US state to allow non-lawyers to practice law. Specifically, paralegals will be licensed to practice in three areas without attorney supervision: family law (divorce, parentage, etc.), forcible entry and detainer, and debt collection. Meanwhile, in West Virginia, the House of Delegates voted to impeach all members of the state's Supreme Court; accusations against the justices included using state money for extravagant office makeovers. The justices will next have to go on trial in the Senate; per the state constitution, a two-thirds approval is required to remove a state justice from office.

SCOTUS: Goodbye "Tony"

Justice Anthony Kennedy, SCOTUS's "swing vote," retired from the bench on July 31, 2018. Kennedy was nominated for SCOTUS by President Ronald Reagan in 1987. A graduate of Harvard Law School, Kennedy sat on the Ninth Circuit Court of Appeals when he was nominated. His SCOTUS term began on February 18, 1988. Among Justice Kennedy's most influential opinions are *Planned Parenthood of Southeastern Pennsylvania v Casey* (1992), *Ashcroft v Iqbal* (2009), *Citizens United v Federal Election Commission* (2010), and *Obergefell v Hodges* (2015). In the latter, Justice Kennedy authored the majority 5–4 decision that legalized same-sex marriage. Justice Ginsburg called her colleague "Tony" a "true gentleman, a caring jurist, and a grand colleague in all respects."[7] She said he deserved "a rousing Bravo."[8]

SCOTUS: The Kavanaugh Nomination

President Trump wasted no time before nominating another conservative to SCOTUS: Brett Kavanaugh of the DC Circuit Court of Appeals. The Yale-educated 53-year-old was previously a partner at Kirkland & Ellis, and he also served in the George W Bush administration. His Senate confirmation hearings in September were rocky, but an ensuing allegation of sexual misconduct was jolting. As I write this, it is unclear how the latter will ultimately affect the nomination; I can't make any predictions. The Kavanaugh situation has turned into a *déjà vu* moment, reminiscent of the Clarence Thomas–Anita

---

[4] *See* Molly McDonough, "ABA Executive Director Urges Increased Efforts to Reverse Decline in Paid Membership," ABA J (5 Feb 2018), online: <www.abajournal.com/news/article/aba_midyear_meeting_jack_rives_membership/>.

[5] Marilyn Odendhal, "Law Librarians Bristle as Written ABA Reports No Longer Required," Indiana Lawyer (19 September 2018), online: <www.theindianalawyer.com/articles/48163-law-librarians-bristle-as-reports-no-longer-required>.

[6] "Opening Statements," 104 ABA J 15 (September 2018) (citing law.com).

Hill battle in 1991. I clearly remember Anita Hill's compelling testimony, but this is a different era (or is it?) for women in the United States. Even if Kavanaugh's nomination flops, there are plenty of other conservative judges waiting in the wings to take his place.

SCOTUS: RBG

Justice Ginsburg ("RBG") marked her 25th SCOTUS anniversary on August 10, and she has made it clear that she doesn't intend to retire soon. Indeed, *Law360* reported that she hopes to stay on the bench for at least five more years; she has reportedly hired law clerks through the 2019–2020 term.[9] For more on RBG, check out *Law360*'s recent Expert Analysis Series featuring articles penned by some of her former law clerks. *RBG*, the recently released film about her life, is also worth seeing. I give it five stars.

SCOTUS: On the Docket

Coming up in the SCOTUS docket this fall is a fascinating case, *Royal v Murphy*. The case involves a habeas appeal to the Tenth Circuit appeals court by a member of the Creek (Muscogee) Nation, Patrick Murphy. Murphy was convicted in Oklahoma state court in 1999 for murder and sentenced to death. Murphy contends that the murder occurred on land that was part of the Creek Nation's reservation as defined by an 1866 treaty. As such, his case should have been tried in federal court instead of state court. The Tenth Circuit agreed, ruling that Congress never disestablished the Creek reservation as defined by the treaty. If SCOTUS upholds the appellate decision, Native American reservations could conceivably cover 43 percent of the state of Oklahoma.[10]

Legal Miscellany

- As mandated by the *Consolidated Appropriations Act, 2018* (PL 115-141), the Library of Congress has made *CRS* (Congressional Research Service) *Reports* available online.
- JAMS (the largest private alternative dispute resolution (ADR) provider in the world) is opening international arbitration centers in Los Angeles and New York.
- The *ABA Journal* updated its 2008 list of the 25 Greatest Legal Movies. New additions include *RBG* (2018), *Marshall* (2017), and *Loving* (2016).
- Cynthia E Tobisman won the 2018 Harper Lee Prize for Legal Fiction for her novel *Proof*. Tobisman is a practicing attorney in Los Angeles.

Conclusion

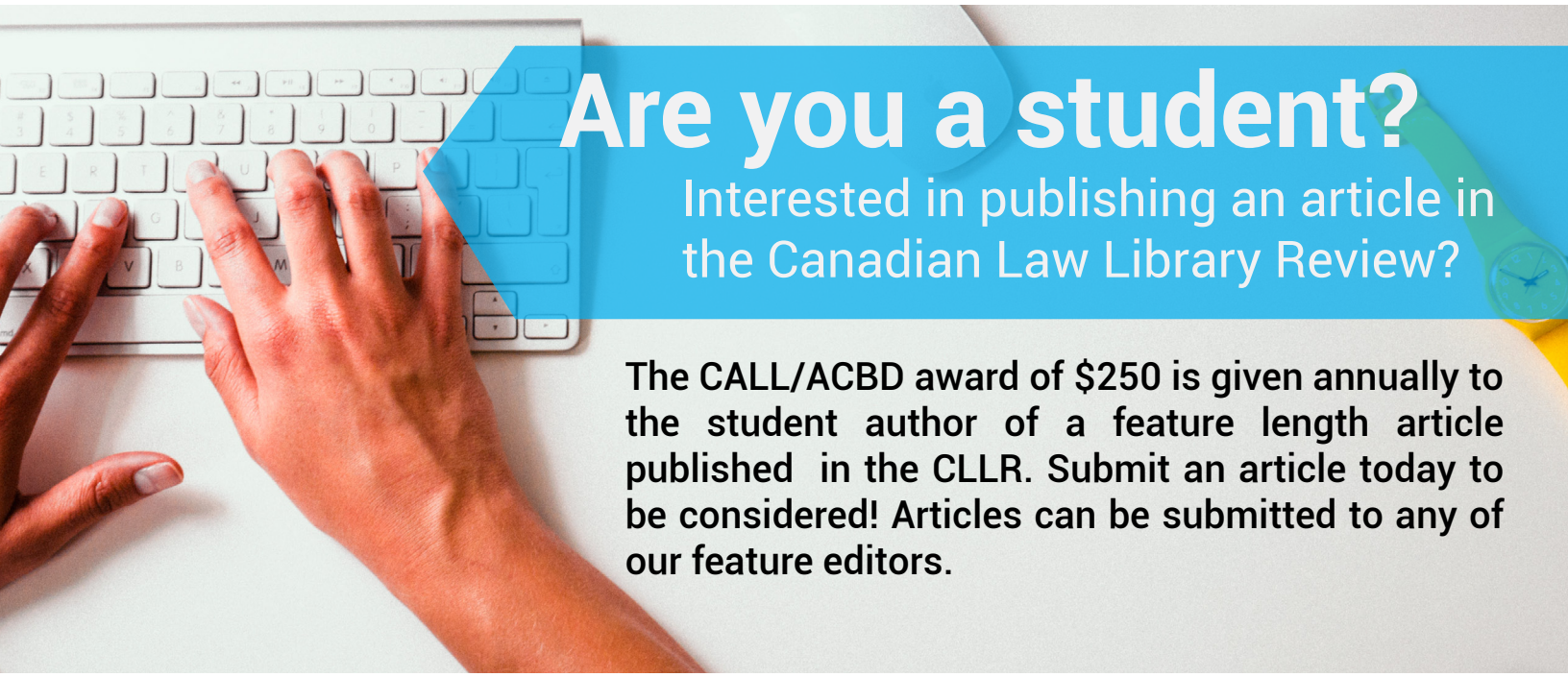
That wraps it up for another tumultuous three months south of the border. If any readers would like to comment on any of the above, or make suggestions for additional content, please feel free to contact me at jgrant6@luc.edu.

Julienne E Grant

[7] Kat Greene, "'Goodbye, Tony!' Justices Bid Farewell to Kennedy," *Law360* (27 June 2018).
[8] *Ibid.*
[9] Debra Cassens Weiss, "Ginsburg Hopes to Stay at Least 5 More Years on the Supreme Court," *Law360* (30 July 2018).
[10] Lorelei Laird, "How a Rural Murder Case Could Return Nearly Half the State of Oklahoma to Tribal Control," 104 ABA J 18, 19 (September 2018).

** Jackie Fishleigh, Library and Information Manager, Payne Hicks Beach.*
***Margaret Hutchison, Manager of Technical Services and Collection Development at the High Court of Australia .*
****Julienne Grant, Reference Librarian/Foreign & International Research Specialist at the Law Library, Loyola University Chicago School of Law.*
Please note that any and all opinions are those of the authors and do not reflect those of their employers or any professional body with which they are associated.


CHECK US OUT
ON SOCIAL MEDIA
https://www.facebook.com/callacbd
http://www.callacbd.ca/CALL-Blog
https://twitter.com/callacbd
http://www.callacbd.ca
CALL ACBD
CANADIAN ASSOCIATION OF LAW LIBRARIES
ASSOCIATION CANADIENNE DES BIBLIOTHÈQUES DE DROIT


Are you a student?
Interested in publishing an article in the Canadian Law Library Review?
The CALL/ACBD award of $250 is given annually to the student author of a feature length article published in the CLLR. Submit an article today to be considered! Articles can be submitted to any of our feature editors.

Call for Submissions

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

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

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

Canadian Law Library Review/Revue canadienne desbibliotheques de droit is indexed in the *Index to Canadian Legal Literature, Index to Canadian Legal Periodical Literature, Legal Information and Management Index, Index to Canadian Periodical Literature, and Library and Information Science Abstracts.*

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

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

L'Association ne peut rémunérer les auteurs et auteures pour leurs contributions, mais ils ou elles recevront un exemplaire de leur article dès parution. L'Association canadienne des bibliothèques de droit n'assume aucune responsabilité pour les opinions exprimées par les collaborateurs et collaboratrices ou par les annonceurs dans les publications qui émanent de l'Association. Les opinions éditoriales ne reflètent pas nécessairement la position officielle de l'Association.

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

IIII Index of Volume 43 / Index du volume 42

Compiled by/Compilé par Janet Macdonald

Articles are indexed in the language of origin. *Library of Congress Subject Headings* has been used for subject analysis. *See also* references have been made between the French and the English terms if an article is in both languages and *See* references have been made from a French/English entry to an English/French entry where needed. Titles of articles and columns are indicated in bold, titles of books and other publications are indicated in *italics*. Reviews are listed by the author and the title of the work under the heading **Reviews/Recensions**, as well as by the name of the reviewer.

Les articles sont indexés selon la langue d'origine. Les vedettes matières sont tirées du *Library of Congress Subject Headings*. Les mentions «voir aussi» sont établies entre les vedettes françaises et anglaises si l'article a été publié dans les deux langues et les mentions «voir» sont établies, le cas échéant, entre une vedette française et une vedette anglaise ou vice versa. Les titres des articles et des rubriques sont en caractères gras, les titres des livres et autres publications sont en *italique*. Les recensions sont indexées selon le nom du lecteur critique , ainsi que selon le nom de l'auteur et le titre de l'ouvrage sous la rubrique **Reviews/Recensions**.

A

B

C

D

E

F

G

H

J

K

L

M

N

O

P

R

Discovery in Canadian common law: practice, techniques and strategies. By Todd L. Archibald, James C. Morton and Sam R. Sasso. Toronto: LexisNexis, 2017, 43(2):28

Duncan, Garry R. *When I die: financial planning for life and death 2018*. By Garry R. Duncan and Andrew G. Duncan. Toronto: Thomson Reuters, 2017, 43(1):25

Duncan, Andrew G. *When I die: financial planning for life and death 2018*. By Garry R. Duncan and Andrew G. Duncan. Toronto: Thomson Reuters, 2017, 43(1):25

The duty to account: development and principles. By J.A. Watson. Sydney, Aust.: The Federation Press, 2016, 43(4):18

Everyday exposure: indigenous mobilization and environmental justice in Canada's chemical valley. By Sarah Marie Wiebe. Vancouver: UBC Press, 2017, 43(3):26

Expert witnesses in civil litigation: a practical guide. John Hollander. Toronto: Irwin Law, 2017, 43(1):20

Family law litigation handbook (Ontario). By Gary S. Joseph. Toronto: Thomson Reuters, 2017, 43(1):20

Flood, Colleen M. *Administrative law in context*. Edited by Colleen M. Flood and Lorne Sossin. 3rd ed. Toronto: Emond, 2018, 43(4):17

Fournier-Ruggles, Lynn. *Canadian immigration and refugee law: a practitioner's handbook*. By Chantel Desloges and Cathryn Sawicki, with Lynn Fournier-Ruggles. Toronto: Emond, 2017, 43(2):28

Fridman, G.H.L. *Torts: a guide for the perplexed*. By G.H.L. Fridman. Toronto: LexisNexis Canada, 2017, 43(4):23

The globalization of adoption: individuals, states, and agencies across borders. By Becca McBride. Cambridge: Cambridge University Press, 2016, 43(4):19

Golombok, Susan. *Regulating reproductive donation*. Edited by Susan Golombok, Rosamund Scott, John B. Appleby, Martin Richards, and Stephen Wilkinson. Cambridge: Cambridge University Press, 2016, 43(1):23

Greasley, Kate. *Abortion rights: for and against*. By Kate Greasley and Christopher Kaczor. Cambridge: Cambridge University Press, 2018, 43(3):24

Halfyard, Mark C. *Criminal appeals: a practitioner's handbook*. By Mark C. Halfyard, Michael Dineen and Jonathan Dawe. Toronto: Emond, 2017, 43(1):17

Health care and the charter: legal mobilization and policy change in Canada. By Christopher P. Manfredi and Antonia Maioni. Vancouver: UBC Press, 2018, 43(4):20

Guthrie, Neil. *Guthrie's guide to better legal writing*. By Neil Guthrie. Toronto: Irwin Law, 2018, 43(3):27

Guthrie's guide to better legal writing. By Neil Guthrie. Toronto: Irwin Law, 2018, 43(3):27

Haber, Harvey M. *Landlord's rights and remedies in a commercial lease: a practical guide*. By Harvey M. Haber and Kenneth A. Beallor. 2nd ed. Toronto: Thomson Reuters, 2017, 43(4):22

Harrington, Matthew P. *The court and the constitution: a 150-year retrospective*. Edited by Matthew P. Harrington. Toronto: LexisNexis Canada, 2017, 43(1):18

Harris, David. *The law on disability issues in the workplace*. By David Harris and Kenneth Alexander. Toronto: Emond, 2017, 43(1):22

Hay, Travis. *Abortion: history, politics, and reproductive justice after Morgentaler*. Edited by Shannon Stettner, Kristin Burnett and Travis Hay. Vancouver: UBC Press, 2017, 43(3):23

Hollander, John. *Expert witnesses in civil litigation: a practical guide*. John Hollander. Toronto: Irwin Law Inc, 2017, 43(1):20

Human rights and judicial review in Australia and Canada: the newest despotism? By Janina Boughey. London, UK: Hart, 2017, 43(2):29

Incitement on trial: prosecuting international speech crimes. By Richard Ashby Wilson. Cambridge: Cambridge University Press, 2017, 43(2):30

Isitt, Benjamin. *Disabling barriers: social movements, disability history, and the law*. Edited by Ravi Malhotra and Benjamin Isitt. Vancouver: UBC Press, 2017, 43(4):18

Joseph, Gary S. *Family law litigation handbook (Ontario)*. By Gary S. Joseph. Toronto: Thomson Reuters, 2017, 43(1):20

The judicial role in a diverse federation: lessons from the Supreme Court of Canada. By Robert Schertzer. Toronto: University of Toronto Press, 2016, 43(4):20

Kaczor, Christopher. *Abortion rights: for and against*. By Kate Greasley and Christopher Kaczor. Cambridge: Cambridge University Press, 2018, 43(3):24

Kaye, Julie. *Responding to human trafficking: dispossession, colonial violence, and resistance among indigenous and racialized women*. By Julie Kaye. Toronto: University of Toronto Press, 2017, 43(1):24

Key developments in environmental law 2017. Edited by Stanley D. Berger. 11th ed. Toronto: Thomson Reuters, 2017, 43(4):21

Kincaid, John. *Courts in federal countries: federalists or unitarists?* Edited by Nicholas Aroney and John Kincaid. Toronto: University of Toronto Press, 2017, 43(3):25

Landlord's rights and remedies in a commercial lease: a practical guide. By Harvey M. Haber and Kenneth A. Beallor. 2nd ed. Toronto: Thomson Reuters, 2017, 43(4):22

The law and practice of workplace investigations. By Gillian Shearer. Toronto: Emond, 2016, 43(1):21

The law of judicial notice. By Jeffrey Miller. Toronto: Thomson Reuters, 2017, 43(2):32

The law on disability issues in the workplace. By David Harris and Kenneth Alexander. Toronto: Emond, 2017, 43(1):22

Maioni, Antonia. *Health care and the charter: legal mobilization and policy change in Canada.* By Christopher P. Manfredi and Antonia Maioni. Vancouver: UBC Press, 2018, 43(4):20

Malhotra, Ravi. *Disabling barriers: social movements, disability history, and the law*. Edited by Ravi Malhotra and Benjamin Isitt. Vancouver: UBC Press, 2017, 43(4):18

Manfredi, Christopher P. *Health care and the charter: legal mobilization and policy change in Canada*. By Christopher P. Manfredi and Antonia Maioni. Vancouver: UBC Press, 2018, 43(4):20

McBride, Becca. T*he globalization of adoption: individuals, states, and agencies across borders*. By Becca McBride. Cambridge: Cambridge University Press, 2016, 43(4):19

Mcfarlane, Julie. *The new lawyer: how clients are transforming the business of law*. 2nd ed. By Julie Macfarlane. Vancouver: UBC Press 2017, 43(1):22

Miller, Jeffrey. *The law of judicial notice*. By Jeffrey Miller. Toronto: Thomson Reuters, 2017, 43(2):32

Morton, James C. *Discovery in Canadian common law: practice, techniques and strategies*. By Todd L. Archibald, James C. Morton and Sam R. Sasso. Toronto: LexisNexis, 2017, 43(2):28

The new lawyer: how clients are transforming the business of law. 2nd ed. By Julie Macfarlane. Vancouver: UBC Press 2017, 43(1):22

O'Hagan, cara-Marie. T*he unfilled promise of press freedom in Canada*. Edited by Lisa Taylor and Cara-Marie O'Hagan. Toronto: University of Toronto Press, 2017, 43(2):33

Olofsson, Danielle. *Privacy protection and commercial expression*. By Danielle Olofsson. Toronto: LexisNexis, 2017, 43(4):23

One law for all? Weber v Ontario Hydro and Canadian labour law: essays in memory of Bernie Adell. Edited by Elizabeth Shilton and Karen Schucher. Toronto: Irwin Law, 2017, 43(2):32

Ostberg, C.L. *Value change in the Supreme Court of Canada*. By Matthew E. Wetstein and C.L. Ostberg. Toronto: University of Toronto Press, 2017, 43(3):27

Privacy protection and commercial expression. By Danielle Olofsson. Toronto: LexisNexis, 2017, 43(4):23

Regulating reproductive donation. Edited by Susan Golombok, Rosamund Scott, John B. Appleby, Martin Richards, and Stephen Wilkinson. Cambridge: Cambridge University Press, 2016, 43(1):23

Responding to human trafficking: dispossession, colonial violence, and resistance among indigenous and racialized women. By Julie Kaye. Toronto: University of Toronto Press, 2017, 43(1):24

Richards, Martin. *Regulating reproductive donation*. Edited by Susan Golombok, Rosamund Scott, John B. Appleby, Martin Richards, and Stephen Wilkinson. Cambridge: Cambridge University Press, 2016, 43(1):23

Sasso, Sam R. *Discovery in Canadian common law: practice, techniques and strategies*. By Todd L. Archibald, James C. Morton and Sam R. Sasso. Toronto: LexisNexis, 2017, 43(2):28

Savage, Larry. *Unions in court: organized labour and the Charter of Rights and Freedoms*. By Larry Savage and Charles W. Smith. Vancouver: UBC Press, 2017, 43(2):34

Sawicki, Cathryn. *Canadian immigration and refugee law: a practitioner's handbook*. By Chantel Desloges and Cathryn Sawicki, with Lynn Fournier-Ruggles. Toronto: Emond, 2017, 43(2):28

Schucher, Karen. *One law for all? Weber v Ontario Hydro and Canadian labour law: essays in memory of Bernie Adell*. Edited by Elizabeth Shilton and Karen Schucher. Toronto: Irwin Law, 2017, 43(2):32

Schertzer, Robert. *The judicial role in a diverse federation: lessons from the Supreme Court of Canada*. By Robert Schertzer. Toronto: University of Toronto Press, 2016, 43(4):20

Scott, Rosamund. *Regulating reproductive donation*. Edited by Susan Golombok, Rosamund Scott, John B. Appleby, Martin Richards, and Stephen Wilkinson. Cambridge: Cambridge University Press, 2016, 43(1):23

S

T

U

V

W

CALL/ACBD Research Grant

Perhaps it is time to start thinking about your next research project. The deadline for the 2019 research grant will be March 15, 2019 and the grant will be awarded in May.

The grant can be applied to research assistance, online costs, compensating time off, purchase of software, travel, clerical assistance, etc.

There is no fixed amount for the grant but in the past years the awards have ranged from $1400.00 to $4400.00.

The grant comes with some expectations. Research is to be completed within two years of receipt of the award with a progress report submitted to the Committee after one year. The deliverables are a written report, publication or presentation at the CALL/ACBD conference.

Please contact

Susan Barker,
Co-Chair, CALL/ACBD Committee to Promote Research
Email: susan.barker@utoronto.ca

Elizabeth Bruton
Co-Chair, CALL/ACBD Committee to Promote Research
Email: ebruton@uwo.ca

For more information.
http://www.callacbd.ca/Resources/Documents/Awards/Research%20Grant1.pdf

CALL ACBD
CANADIAN ASSOCIATION OF LAW LIBRARIES
ASSOCIATION CANADIENNE DES BIBLIOTHÈQUES DE DROIT

Canadian Law Library Review is published by:

CALL ACBD
CANADIAN ASSOCIATION OF LAW LIBRARIES
ASSOCIATION CANADIENNE DES BIBLIOTHÈQUES DE DROIT

Revue canadienne des bibliothèques de droit est publiée par: