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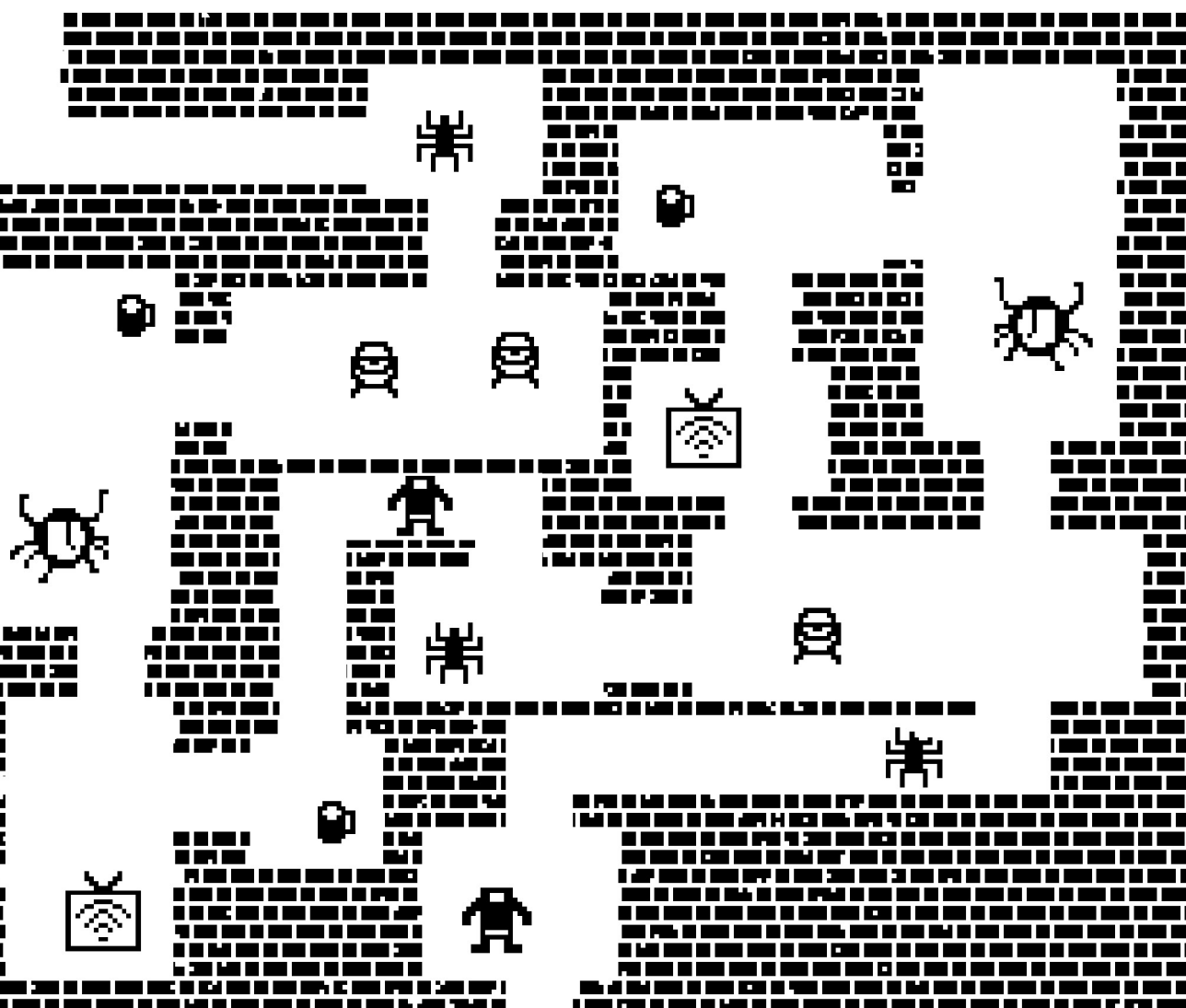
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REVUE CANADIENNE DES  
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No. 1

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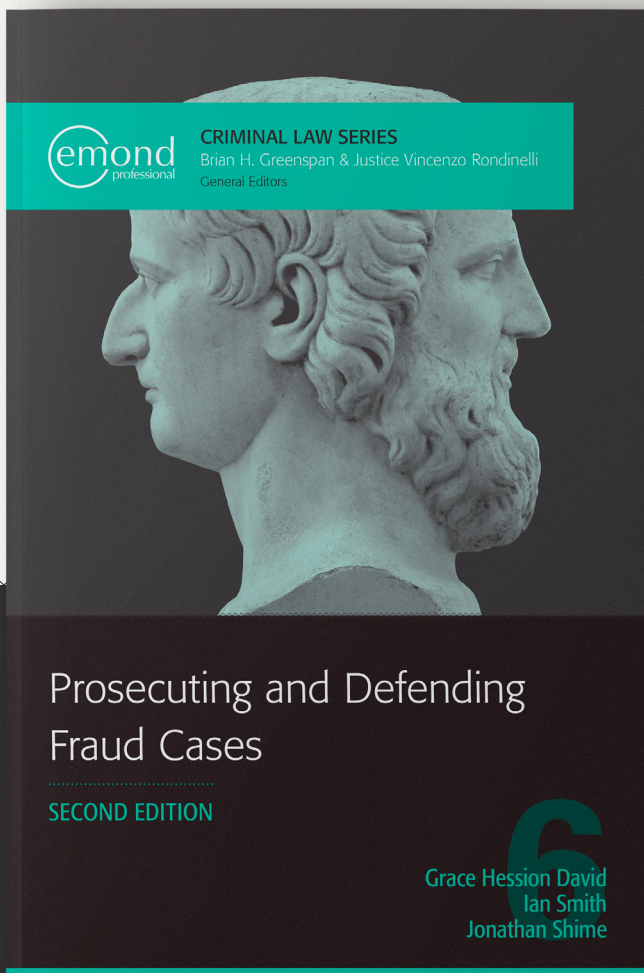
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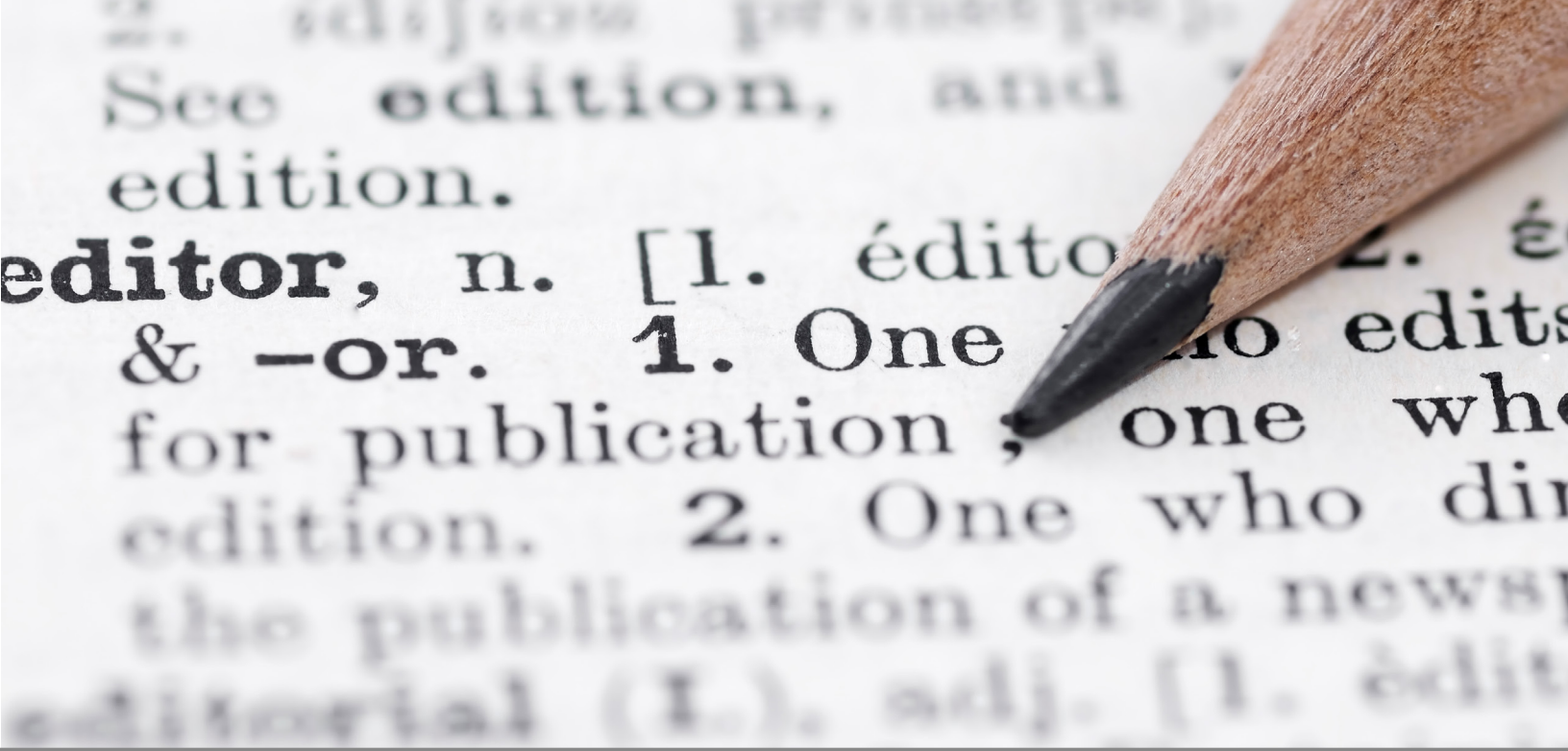
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## III From the Editor / De la rédactrice

Here we are, in another new year. Lately I've been thinking about my letter in CLLR 45:1, and how hopeful I was for the new year and new decade. Not too long after, the world came crashing down.

And boy, does it continue to crash! Between COVID-19 mutations and the unrest in America, there's never a dull moment, that's for sure. Each issue of CLLR includes a letter from our U.S. correspondent, previously Julienne E. Grant and currently Sarah Reis. From the time I receive the U.S. update to the date of publication, it's astounding to see what happens in between. I'm writing this on January 13, before the presidential inauguration, after the domestic terrorist attack on the U.S. Capitol, while watching coverage of the second impeachment of Donald Trump. I'm constantly reminded of the old adage, "if you don't like the weather, wait five minutes." I dread the next five minutes!

But our U.S. letters aren't all doom and gloom. In this issue, Sarah has added something to her update: new online American legal research tools. As someone who finds American legal research intimidating and a bit confusing, I'm thrilled to learn about new sources I can use when my students have questions about U.S. law. I hope you'll find the addition useful as well.

I'd like to take a moment to give a shout out to Kim Clarke, one of our long-time book review editors. This issue marks her last time on the masthead, as she is stepping down to focus on other things. We'll miss working with you, Kim! Advertising manager Dominique Garingan is taking her place, which means our ad manager position will be vacant once again. Are you interested in joining the CLLR team? Let me know! It's great experience that allows you to form relationships with vendors and build up your C.V. in the process.

On a similar note, I'll soon be stepping down as editor of CLLR. This was a long time coming—I made the decision over the 2019 Christmas break!—but when the pandemic hit, I figured it wasn't a good time to find a replacement. It's a lot of work, but it's very rewarding, and it's fantastic experience. If you're interested, reach out and I'll give you more information on what's involved.

Last year was difficult, and while I cheered at midnight on December 31, I know 2021 won't magically be better. But that doesn't mean there isn't hope. Vaccines are on the way, and we're on track to have every Canadian vaccinated by the end of September. I'll admit to shedding a few happy tears when I read that information. As much as I love working from home, I'll love leaving the house without fear even more. I know you all feel the same.

Stay safe,

**EDITOR**  
**NIKKI TANNER**

Nous voici maintenant au début d'une nouvelle année. Ces derniers temps, je pense souvent au mot que j'avais rédigé dans le numéro 45:1 de la RCBD, et à quel point j'avais de l'espoir pour la nouvelle année et la nouvelle décennie. Peu de temps après, le monde s'est écroulé.

Et l'écroulement se poursuit toujours! Certes, entre les mutations du coronavirus et les troubles aux États-Unis, on ne s'ennuie jamais. Chaque numéro de la RCBD comprend un article de notre correspondante américaine, dont le poste est maintenant occupé par Sarah Reis en remplacement de Julienne E. Grant. Il est hallucinant de voir le nombre

de choses qui se passent entre le moment où je reçois cet article et la date de publication de la revue. J'écris ces lignes le 13 janvier – avant l'inauguration présidentielle et après l'acte de terrorisme intérieure contre le Capitole américain – tout en regardant la couverture du deuxième impeachment lancé contre Donald Trump. Un vieux dicton me revient constamment à l'esprit : « Si vous n'aimez pas le temps qu'il fait, attendez cinq minutes. » Je redoute les cinq prochaines minutes!

Mais les articles provenant de nos voisins laissent poindre une lueur d'espoir. Dans ce numéro, Sarah nous renseigne sur de nouveaux outils de recherche juridique américaine en ligne. Étant une personne qui trouve cette recherche intimidante et un peu ambiguë, je suis ravie de découvrir de nouvelles sources à utiliser lorsque mes étudiants posent des questions sur le droit américain. J'espère que vous trouverez également cette information utile.

J'en profite pour remercier Kim Clarke, l'une de nos rédactrices des comptes rendus de lecture de longue date. Ce numéro présente son dernier dossier puisqu'elle quitte son poste afin de se consacrer à de nouvelles activités. Ça nous manquera de travailler avec toi Kim! Dominique Garingan, la responsable de la publicité, prendra sa place, ce qui signifie son poste est à combler. Si vous désirez faire partie de l'équipe de la RCBD, n'hésitez pas à me contacter! C'est une expérience formidable qui vous permet de nouer des relations avec les fournisseurs et de bâtir votre C. V. en cours de route.

Dans le même contexte, je quitterai bientôt mon poste de rédactrice en chef de la RCBD. Ce n'est pas une surprise puisque j'avais pris cette décision pendant les vacances de Noël 2019. Cependant, lorsque la pandémie a frappé, je me suis dit que ce n'était pas le bon moment pour trouver un(e) remplaçant(e). C'est beaucoup de travail, mais c'est aussi très enrichissant et une magnifique expérience. Si ce poste vous intéresse, contactez-moi afin que je vous explique en quoi consistent les tâches.

L'année dernière a été difficile, et bien que j'aie poussé des cris de joie à minuit le 31 décembre, je sais que l'an 2021 ne sera pas meilleur comme par magie. Cela ne veut pas dire pour autant qu'il n'y a pas d'espoir. Les vaccins s'en viennent et nous sommes sur la bonne voie pour que tous les Canadiens soient vaccinés d'ici la fin du mois de septembre. J'avoue avoir versé quelques larmes de joie en lisant cette nouvelle. Même si j'adore travailler à la maison, je serai très heureuse de quitter la maison sans crainte. Je sais que vous éprouvez tous le même sentiment.

Soyez prudents!

**RÉDACTRICE EN CHEF  
NIKKI TANNER**



## III President's Message / Le mot de la présidente

Well, it is finally over! 2020, the era of discord,<sup>1</sup> is officially in our review mirror. As I sit in my comfy office, in my comfy home, safe and well and privileged to work from home, I know that not every CALL/ACBD member is in the same comfortable place.

For all those who have suffered directly from COVID-19, I applaud you for getting through that journey. The unknown is terrifying, and it is a testament to your resilience that you are continuing to put one foot in front of the other and move ahead.

For all those who have suffered the loss of a loved one during the past year, I grieve with you. Losing a treasured person is a horrible event. While death is the natural order of business for human beings, loss has always been mitigated by celebrations of our loved ones, including warm hugs and community. Every loss requires acknowledgment and grieving. I wish you the ability to overcome your pain and embrace your memories.

For those who have endured change of a job during 2020, temporary or permanent, I empathize with you. Last year didn't allow for many actions that were on our own terms. Working remotely or working on-site both offered challenges, and while we have learned we can adapt, change always offers extra stress. The ability to decide our own fate in financial matters is a tremendous gift, and one that is infrequent and ill distributed. I hope that your affiliation with the CALL/ACBD community supported your job circumstances, whether that was starting new employment, seeking employment, retaining employment, retraining, or retirement. Our community is stronger together.

Eras of discord are special times in history. Not fun for those embedded in the moment, but interesting. Significant change events such as those prompted by the COVID-19 global pandemic are rare. It is no wonder we have been challenged finding our way this past year. Except for those actively crafting vaccines, it's likely that no one feels they can have direct impact on this situation. All we can do is manage ourselves through this time and *learn everything we can that will help us in an uncertain future*.

If all we can do is learn and prepare for the future, what does that look like?

### Inclusion via Virtual

We have known for a while that CALL/ACBD can manage the business of our association remotely. Prior to this year, portions of our cohorts met only at the annual conference, and many members were not able to attend every year. Having a virtual AGM and conference in 2020 taught us that we can include more members and allies by meeting virtually. If 2020 was your first CALL/ACBD Conference and AGM, thank you for joining. If it was your 5th, 10th, 15th, or 20th+ annual gathering, thank you for joining!

Although a virtual conference every year isn't ideal, it does allow those who would not otherwise be able to participate to attend. More voices, thoughts, and perspectives enrich everyone's experience.

While we anticipate the COVID-19 vaccine distribution in Canada and beyond, 2021 will hold more virtual than

<sup>1</sup> While I occasionally appreciate their music, I am not referring to Era of Discord, the metal band from Pennsylvania. You can check out their music, if you are brave, at [eraofdiscord.com](http://eraofdiscord.com).



personal gatherings. That includes the 2021 annual meeting and conference. I am excited to see more names that I don't recognize. I will enjoy meeting new people and learning what it is that matters to them with their participation in CALL/ACBD.

### Full Calendar Engagement

Because of the emphasis on virtual meetings in 2020, we have a renewed enthusiasm for getting together. Our October Special Meeting and November Town Hall gave us opportunities to demonstrate that our group can and should spend time together throughout the calendar year. I am sure that you will see notices of many more group gatherings in the *In Session* newsletter than in previous years.

Our CALL/ACBD Zoom account is available for any groups to get together any time they wish. This is not limited to SIGs and Committees, although they will certainly be actively gathering about their topics of interest. Individual members of CALL/ACBD are welcome to host a topic discussion. Our National Office team may suggest a SIG or Committee partner for your chat, but if your topic is unique, please feel welcome to set a date, advertise through *In Session*, and gather some colleagues for a chat. Our board will be hosting regular discussions.

### Changing with Our Environment

The legal landscape is experiencing a rapidly advancing wave of change. Some of this relates to the global pandemic, and some of the wave has been building for the last decade or more. It is important to have a surfboard when you see a wave coming. CALL/ACBD has been a surfboard for many of my career waves. I know that others feel the same.

Our association must be recognized as the leading voice for legal information specialists. We must provide the tools and language members need to thrive in their employment. We must ensure that our members are recognized as critical resources in their organizations. To meet those needs, shifting and changing to adjust to the wider changes in the legal landscape is necessary. The CALL/ACBD board is committed to ensuring that our group meets the needs of its members.

I used the phrase "era of discord" with intent. Nothing about 2020 was truly comfortable. I am good with that. Discomfort brings growth. I welcome the growth we will experience in 2021. I am glad you are with me for this journey. Let's have some fun, shall we?



**PRESIDENT  
SHAUNNA MIREAU**

Eh bien, c'est enfin terminé! 2020, l'ère de la discorde<sup>1</sup>, est officiellement dans notre rétroviseur. Alors que je suis assise dans mon bureau confortable – dans mon chez-moi douillet – en toute sécurité et en santé et que j'ai le privilège de travailler de la maison, je sais que tous les membres de l'ACBD/CALL ne sont pas dans la même situation confortable.

Pour toutes les personnes qui ont directement souffert de la COVID-19, je vous félicite d'avoir réussi à passer à travers. L'inconnu est terrifiant, et le fait que vous continuiez à mettre un pied devant l'autre et à avancer témoigne de votre résilience.

Pour toutes les personnes qui ont perdu un proche au cours de la dernière année, je compatis sincèrement à votre chagrin. La perte d'une personne bien aimée est une horrible tragédie. Même si la mort fait partie du cycle naturel des choses pour l'être humain, la douleur associée à la perte a toujours été atténuée en célébrant l'être cher disparu avec les proches et les amis et en s'étreignant. Toute perte nécessite une reconnaissance et un deuil. Je vous souhaite de pouvoir surmonter votre souffrance et de chérir vos souvenirs.

Pour ceux et celles qui ont changé d'emploi au cours de l'année 2020, que ce soit pour un poste temporaire ou permanent, je sympathise avec vous. L'an dernier ne nous a pas permis de mener beaucoup d'actions dont nous étions maîtres. Travailler à distance ou sur les lieux de travail a constitué un défi, et même si nous avons appris à nous adapter, le changement procure toujours du stress additionnel. La possibilité de déterminer notre propre sort sur le plan financier est un immense cadeau, qui est rare et mal réparti. J'espère que votre affiliation à la communauté de l'ACBD/CALL vous a soutenu dans votre situation professionnelle, que c'était pour commencer un nouvel emploi, chercher un emploi, conserver votre emploi, vous recycler ou prendre votre retraite. Notre communauté est plus forte ensemble.

Les ères de la discorde représentent des périodes particulières de l'histoire. Bien que ce ne soit pas joyeux pour les gens plongés dans ce moment, c'est intéressant. Les événements qui entraînent des changements importants, comme ceux dictés par la pandémie mondiale de COVID-19, sont rares. Il n'est pas étonnant que nous ayons eu du mal à trouver notre voie au cours de la dernière année. À l'exception des personnes qui travaillent activement à la mise au point de vaccins, il y a de fortes chances que personne n'ait le sentiment d'avoir un impact direct sur cette situation. Tout ce que nous pouvons faire, c'est de parvenir à traverser cette crise et de tirer toutes les leçons qui nous aideront à faire face à un avenir incertain.

À quoi cela ressemble-t-il si tout ce que nous pouvons faire consiste à apprendre et à préparer l'avenir?

<sup>1</sup> Même si j'aime parfois leur musique, je ne fais pas allusion ici au groupe de métal de la Pennsylvanie *Era of Discord*. Si vous vous sentez assez brave, voici le lien pour découvrir leur musique : [eraofdiscord.com](http://eraofdiscord.com).

## L'inclusion en passant par le virtuel

Depuis un certain temps, nous savons que l'ACBD/CALL peut gérer les activités de notre association à distance. Avant cette année, des groupes de membres se réunissaient uniquement au congrès annuel, et de nombreux membres ne pouvaient pas y assister annuellement. Le fait de tenir notre assemblée générale et notre congrès annuel en format virtuel en 2020 nous a appris que davantage de membres et d'alliés peuvent y participer en nous réunissant virtuellement. Si vous avez assisté à votre premier congrès et votre première AGA en 2020, merci d'y avoir participé! S'il s'agissait de votre cinquième, dixième, quinzième, vingtième participation ou plus à ces événements annuels, merci de vous être joints à nous!

Même si la tenue d'un congrès virtuel chaque année n'est pas l'idéal, cela permet aux personnes qui ne pourraient pas y assister d'y participer. Le fait d'entendre plus de voix, de réflexions et de points de vue enrichit l'expérience de chacun.

Alors que la campagne de vaccination contre la COVID-19 est amorcée au Canada et ailleurs dans le monde, nous nous attendons à ce que les rassemblements virtuels soient plus nombreux que ceux en présentiel en 2021. Et cela s'applique à notre congrès annuel et notre AGA de 2021. Je suis impatiente de voir des noms de membres qui me sont inconnus. J'aurai la chance de rencontrer de nouvelles personnes et de connaître les enjeux qui les interpellent grâce à leur participation à l'ACBD/CALL.

## Un calendrier rempli d'activités

En raison de l'accent mis sur les réunions virtuelles en 2020, nous avons connu un enthousiasme renouvelé pour les rencontres. L'assemblée spéciale tenue en octobre et la discussion ouverte organisée en novembre nous ont donné l'occasion de démontrer que notre groupe peut et doit passer du temps ensemble pendant l'année. Je suis certaine que vous verrez paraître dans le bulletin *In Session* un plus grand nombre d'avis de réunions de groupe que les années précédentes.

Le compte Zoom de l'ACBD/CALL est à la disposition de tous les groupes afin qu'ils puissent se réunir n'importe quand. L'accessibilité à ce compte ne se limite pas aux GIS et aux comités, même si leurs membres tiendront certainement des réunions portant sur leurs sujets d'intérêt. Les membres individuels de l'ACBD/CALL sont aussi les bienvenus pour animer une discussion sur un thème quelconque. L'équipe du bureau national peut vous proposer un GIS ou un comité à titre de partenaire pour votre discussion. Cependant, si votre thème a un caractère unique, n'hésitez pas à fixer une date, à faire de la publicité par le biais du bulletin *In Session* et à rassembler des collègues pour votre discussion. Des discussions seront aussi organisées régulièrement par le conseil d'administration.

## S'adapter à notre environnement

Le paysage juridique connaît une vague de changements qui évoluent rapidement. Une partie de cette vague est attribuable à la pandémie mondiale, et une autre partie se renforce depuis une bonne dizaine d'années. Il est important d'avoir une planche de surf quand une vague arrive. L'ACBD/CALL a été une planche de surf pour bien des vagues dans ma carrière. Je sais que d'autres membres éprouvent le même sentiment.

Notre association doit être reconnue comme le principal porte-parole des spécialistes de l'information juridique. Nous devons fournir les outils et la formation dont les membres ont besoin pour s'épanouir au travail. Nous devons faire en sorte que nos membres soient reconnus comme des ressources essentielles au sein de leur organisation. Pour répondre à ces besoins, il est indispensable d'évoluer et de changer pour s'adapter aux vastes changements qui surviennent dans le paysage juridique. Le conseil d'administration de l'ACBD/CALL s'engage à faire en sorte que notre groupe réponde aux besoins de ses membres.

J'ai utilisé intentionnellement l'expression «l'ère de la discorde». Rien de ce que nous avons vécu en 2020 n'était véritablement confortable. J'accepte cette situation. L'inconfort entraîne une croissance. J'accueille favorablement la croissance que nous connaissons en 2021. Je suis heureuse que vous soyez avec moi pour parcourir ce chemin. Maintenant, amusons-nous un peu!



**PRÉSIDENTE  
SHAUNNA MIREAU**



# III Accessing Justice Through Information: The Public Library

By Kyle Pugh<sup>1</sup>

## ABSTRACT

*As the need for free, reliable, and current legal information continues to grow, public libraries can play a foundational role in connecting members of the public to appropriate resources. While it would be a large undertaking, public libraries can build partnerships with law libraries, law schools, and public legal education and information organizations and serve as trusted liaisons for those seeking legal information. This paper examines methods of achieving this end and the obstacles public libraries may face. While much of the focus is on Ontario, the solutions offered can be applied anywhere in Canada and beyond.*

## SOMMAIRE

*Alors que le besoin d'informations juridiques gratuites, fiables et actuelles ne cesse de croître, les bibliothèques publiques peuvent jouer un rôle fondamental en mettant les membres du public en contact avec les ressources appropriées. Bien qu'il s'agisse d'une entreprise de grande envergure, les bibliothèques publiques peuvent établir des partenariats avec les bibliothèques de droit, les facultés de droit et les organismes publics d'éducation et d'information juridiques et servir de relais fiables pour ceux qui recherchent des informations juridiques. Le présent document examine les méthodes permettant d'atteindre cet objectif et les obstacles auxquels les bibliothèques publiques peuvent être confrontées. Bien que l'accent soit principalement mis sur*

*l'Ontario, les solutions proposées peuvent être appliquées partout au Canada et au-delà.*

## Introduction

Access to legal information that is reliable, current, and authoritative has the possibility to transform the lives of many Canadians, reduce the burden on the justice system, and reinforce public trust in the courts. However, despite these important benefits, legal information remains inaccessible for many and is largely reserved for the privileged. Gaps in affordability and legal literacy, often exacerbated by geographical considerations, mean that large sections of the population do not have access to the information they require to make important decisions on issues that may have extreme repercussions on their lives. To counter these issues, legal and non-legal associations, as well as scholars, have drafted reports and articles offering suggestions on how to close the justice gap and increase access to legal resources. One such suggestion is to expand the number and role of the “trusted intermediary,” non-lawyers and non-legal organizations who provide individuals with the resources they need to solve their legal issues. Libraries, public libraries in particular, have immense potential for assuming the role of the trusted intermediary and providing access to the legal information their communities need. While there are a few potential problems with this theory, there are also solutions that can enable public libraries to help close the justice gap.

<sup>1</sup> Kyle Pugh is a second-year Master of Information candidate at the University of Toronto's iSchool. He is currently a Toronto Academic Library Intern (TALint) student in the archival unit at the Thomas Fisher Rare Book Library. This article was written to fulfill requirements for a Legal Literature and Librarianship course taught in the Winter 2020 term.

## Legal Information & the Justice Gap

The ability for individuals to find and use legal information is a fundamental aspect of healthy civic and judicial systems. Without the ability to access the information they need, individuals may have little recourse should they find themselves in legal trouble or in a situation that requires some understanding of the law. As noted by Alison MacPhail, “information is essential for people to understand their legal rights and entitlements, and to decide whether to pursue those rights.”<sup>2</sup> In an era of major gaps in justice, where low-to-middle income Canadians are unable to afford legal representation, both the Canadian Bar Association<sup>3</sup> and the Action Committee on Access to Justice in Civil and Family Matters (henceforth the “Cromwell Report”)<sup>4</sup> understand the profound effects having access to information can have on reducing the justice gap. When equipped with the appropriate information, people can have some grasp of their rights as tenants, citizens, divorcing partners, and more. In this sense, access to justice is inextricably tied to access to legal information, as it empowers those with little means to stand up for themselves with some confidence in the law. This information can transform people’s experiences with the justice system. As noted by the Cromwell Report, many legal issues currently before the courts do not require access to formal justice structures but could instead be resolved outside of the formal system if those involved had access to the relevant legal information.<sup>5</sup> In this sense, legal information and education could make the justice process easier, quicker, and far less expensive for those involved. In doing so, this could drastically reduce the backlog currently afflicting Canadian courts. Additionally, by providing citizens with more information about the law, their rights, and the courts, the justice system may become demystified, at least in part, to a greater number of Canadians, thus bolstering public trust in the system.<sup>6</sup> However, this can only happen if major shortcomings in access are overcome through large-scale concerted efforts by various levels of government and legal and non-legal associations.

The inability to access legal information is problematic for several reasons. First, it hinders the average person’s ability to identify what a legal problem is, how it is covered by the law, and what their options are to properly address the situation. One estimate from the Canadian Forum on Civil Justice found that nearly 12 million Canadians will face a challenging

legal problem within any three-year period.<sup>7</sup> This substantial number, nearly one-third of the country’s population, becomes a tremendous challenge for the courts to manage, especially as many of these issues could be resolved outside the courts if only the litigants had access to the legal information they need to remedy the problem.<sup>8</sup> These issues are amplified for those living in rural or otherwise remote areas, who have access to neither the courts nor, in many cases, any form of reliable legal information.<sup>9</sup> There are myriad reasons why such information is inaccessible. Lawyers have traditionally had a monopoly on the information litigants require. As lawyers are highly trained, often specialized, and rather expensive, their bills are more than many low-to-middle income Canadians can afford. As a result, many may not even consider consulting a lawyer, especially as the cost and duration of legal proceedings continue to climb.<sup>10</sup> While there are resources available for those who cannot afford a lawyer, such as Legal Aid Ontario, an organization that provides free legal services to low-income Ontarians, the eligibility criteria often disqualifies those who are in need of help.<sup>11</sup> Additionally, these services are overwhelmed by the volume of requests, with underpaid and overworked lawyers doing as much as they can with limited resources. Those who receive their assistance are often left feeling as though they received sub-standard help, especially compared to the services rendered by for-profit firms representing the wealthy.<sup>12</sup> Because of these shortcomings in the justice system, a relatively new phenomenon has been developing: the rise of self-represented litigants.

## Self-represented Litigants

Self-represented litigants, or SRLs, are individuals who have chosen to be their own legal counsel, usually because they have no other option due to financial restrictions. While there are no exact numbers, SRLs are estimated to constitute anywhere from 10 to 80 per cent of those before the courts, depending on the court type and level.<sup>13</sup>

In many ways SRLs are the prime example of the importance of accessible legal information, as they must overcome countless hurdles. Often low-income, with varying degrees of literacy and no exposure to the judiciary, these individuals must acquire the relevant legal information, file the appropriate legal documents, and navigate a maze of courtroom procedures, all with no training and limited

<sup>2</sup> Alison MacPhail, “Report of the Access to Legal Services Working Group” (May 2012) at 5, online (pdf): *Canadian Forum on Civil Justice: CFCJ Reports, Fact Sheets and Other Publications* <[cfjc-fcjc.org/reports-publications](http://cfjc-fcjc.org/reports-publications)>.

<sup>3</sup> *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, 2013) at 63–64 [*Reaching Equal Justice*].

<sup>4</sup> *Access to Civil and Family Justice: A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, 2013) at 7–8 [“Cromwell Report”].

<sup>5</sup> *Ibid* at 6–7.

<sup>6</sup> Jane Bailey, Jacquelyn Burkell & Graham Reynolds, “Access to Justice for All: Towards an ‘Expansive Vision’ of Justice and Technology” (2013) 31:2 *Windsor YB Access Just* 181 at 195 [Bailey et al].

<sup>7</sup> “Cromwell Report”, *supra* note 4 at 2.

<sup>8</sup> *Ibid*.

<sup>9</sup> Bailey et al, *supra* note 6 at 186.

<sup>10</sup> Beth Bilson, Brea Lowenberger & Graham Sharp, “Reducing the ‘Justice Gap’ Through Access to Legal Information: Establishing Access to Justice Entry Points at Public Libraries” (2017) 34:2 *Windsor YB Access Just* 99 at 100–101 [Bilson et al].

<sup>11</sup> “Cromwell Report”, *supra* note 4 at 3–4.

<sup>12</sup> *Reaching Equal Justice*, *supra* note 3 at 111.

<sup>13</sup> *Ibid* at 44–45.

resources.<sup>14</sup> SRLs often feel overwhelmed by the system, do not understand the legalese it uses, and rarely know where to go to acquire the information they need.<sup>15</sup> It is not surprising that, given their limited legal knowledge and resources, SRLs do not receive justice at the same rates as those with professional legal counsel.

One issue SRLs face is one that is widespread amongst those seeking guidance: an overabundance of legal information. While limited access to information can, and often does, mean that little information is available, it can also mean the availability of *too much* information. There are countless resources on the internet that provide legal information. However, SRLs often have little experience evaluating the reliability of sources, and so determining the relevance, authority, and currency of the information is an immense challenge. SRLs risk acquiring outdated and inaccurate information, which can have pronounced effects when dealing with legal matters. Despite the abundance of legal information from legitimate organizations, SRLs often find it difficult to assess which source is the best and are confused by the overlapping information, thus hindering their ability to represent themselves.

While it may be easy to lose a sense of proportion when looking at these numbers, it is important to remember that the human costs can be devastating, particularly to marginalized communities. For example, individuals with disabilities are three times more likely to have legal issues regarding housing. Additionally, many of the cases currently before the courts have to do with family law. The effects of the justice gap here are painfully human: the disabled neighbour who is suddenly homeless, or the mother in an abusive marriage who does not know her legal rights and what to do. These at-risk groups are among the least likely to have access to the help they need to improve their lives. Apart from these human costs, this comes with an immense public cost. One estimate in the United Kingdom predicts that the lack of access to justice costs the country nearly £13 billion every 3.5 years.<sup>16</sup> To combat these issues in the broader justice system, the Cromwell Report recommends a shift toward the “Early Resolution Services Sector,” where issues are largely moved out of the courts and tribunals, and into more personal, less formal legal processes that are quicker and cheaper for the average person. To accomplish this, the Report notes that there would need to be a large increase in accessible legal information. They suggest expanding community and public legal education, intermediary referral services, telephone and e-legal information services, and legal publication and in-person or

e-law library services.<sup>17</sup> Such demands would require scores of professionals across the country trained in conducting reference interviews, connecting user information needs to available resources, providing information literacy lessons, and developing collections of reliable and current information. All these requirements are met by librarians and library staff members, which is why libraries are uniquely positioned to be at the fore of expanding access to legal resources.

## Libraries & Legal Information

Libraries have been involved in the public legal education and information (PLEI) movement for decades. Gail Dykstra, a Canadian librarian and early advocate of PLEIs, wrote in 1985 that “a library is not just a repository of written information, it is also a valuable source of information on the community and for the community it serves. Information on the law and legal services must never be an exception to that rule.”<sup>18</sup> Both the Canadian Bar Association Report and the Cromwell Report recognize that libraries have a role to play in the expansion of publicly accessible legal information, with the Cromwell Report noting that an outsourcing of legal services would be beneficial.<sup>19</sup>

The advantages to using libraries as these sites are numerous. Libraries already have well-established reputations as providers of reliable information and are frequently considered one of the most trusted public institutions.<sup>20</sup> As the need for legal resources increases over time, libraries will only be filling the mission of their mandate by providing the public with the information it requires. Additionally, one major problem for SRLs is determining which sources provide them with the most accurate information. Turning libraries into information hubs has the potential to address this issue in three ways. The first is that librarians are already trained in evaluating the authority and relevancy of their sources, thereby reducing the risk of users acquiring unreliable information. Second, libraries already tend to have established partnerships with organizations in their communities. For example, Toronto Public Library has a booth for the YMCA Immigration Services and routinely hosts several public activities.<sup>21</sup> If they have not already done so, libraries can partner with existing legal resource centres to acquire relevant and sought-after information packets. A third advantage is that, already being trusted by their communities, the library’s legal information is likely to be seen as reliable and current, meaning users will gravitate toward it and feel confident that the information is accurate.<sup>22</sup> An additional benefit is that, as noted elsewhere, many of those in need

<sup>14</sup> Bailey et al, *supra* note 6 at 197–198.

<sup>15</sup> “Cromwell Report”, *supra* note 4 at 7–8.

<sup>16</sup> *Ibid* at 2–3.

<sup>17</sup> *Ibid* at 11–12.

<sup>18</sup> Kirsten Wurmman, “The Role and Impact of Librarians in the History and Development of Public Legal Education in Canada: A Literature Review and Annotated Bibliography” (May 2008) at 11, online (pdf): *Centre for Public Legal Education Alberta* <[cplea.ca/wp-content/uploads/LitReview.pdf](http://cplea.ca/wp-content/uploads/LitReview.pdf)>, citing Gail Dykstra, eds, *Selecting Legal Materials and What To Do With Them Once You’ve Got Them* (Toronto: Canadian Law Information Council, 1985) at 25.

<sup>19</sup> “Cromwell Report”, *supra* note 4 at 14.

<sup>20</sup> A W Geiger, “Most Americans—Especially Millennials—Say Libraries Can Help Them Find Reliable, Trustworthy Information” (30 August 2017), online: *Pew Research Center* <[pewresearch.org/fact-tank/2017/08/30/most-americans-especially-millennials-say-libraries-can-help-them-find-reliable-trustworthy-information](http://pewresearch.org/fact-tank/2017/08/30/most-americans-especially-millennials-say-libraries-can-help-them-find-reliable-trustworthy-information)>.

<sup>21</sup> “Celebrate Library Settlement Partnerships (LSP) at Toronto Public Library” (11 October 2019), online: *Toronto Public Library* <[torontopubliclibrary.typepad.com/news\\_releases/2019/10/celebrate-library-settlement-partnerships-lsp-at-toronto-public-library.html](http://torontopubliclibrary.typepad.com/news_releases/2019/10/celebrate-library-settlement-partnerships-lsp-at-toronto-public-library.html)> [TPL].

of legal information tend to fall into lower income brackets. Being one of the few public spaces where users are not expected to spend money, the public library is already seen as an important institution for those with little means.

While there are several different types of libraries that can and should provide individuals with legal information, public libraries are the best situated to help the greatest number of people. Courthouse libraries contain collections dedicated almost exclusively to the law and are staffed with librarians who are trained to provide their users with the needed legal sources. However, these libraries are largely developed with lawyers in mind, and their collections may be too specialized and complicated for the average person to use. Likewise, courthouses typically require security checks before being given access, which may deter marginalized groups from even attempting to use a courthouse library.<sup>23</sup>

Academic law libraries are another location where the public can acquire the information they need, as they often have a much more expansive (and expensive) collection than courthouse libraries.<sup>24</sup> Academic law librarians are highly skilled and have a wide breadth of knowledge and reference experience. Moreover, they often teach classes or sessions on navigating legal literature, and in many ways are well suited to help the public. However, the reach of these libraries is limited. Clustered exclusively in urban centres, rural and remote patrons would have little access to physical holdings, while electronic resources are often restricted to use by university members and law students. Another drawback is that, even for those living near academic law libraries, it can be intimidating to navigate a university campus in hopes of using a library dedicated to law faculty and students.

In contrast, the public library is already understood to be a place welcoming to everyone, regardless of education, income level, or background. More importantly, while courthouse and academic law libraries are confined to certain geographic areas, public libraries are present in many more communities across the country, meaning they have the potential to reach a far greater number of people. Public libraries also have resources that the other two types of libraries do not make available to the average person, such as a large complement of publicly accessible computers. There has been a shift in recent years to make more legal services available electronically. Documents, for example, may be submitted to the courts online, and some courts and legal services offer video conferences to consult with individuals living far away. These services are incredibly

helpful to those living in rural and remote areas, but only if they have access to the technology and support required to use it. Many do not own a computer or have stable high-speed internet service, and therefore cannot take advantage of these services from home.

Moreover, if computer literacy is lacking, simple access to technology is useless without someone there to help users through the process.<sup>25</sup> Fortunately, even if individuals living in these areas do not have access to the internet or computers in their homes, they are often serviced by public libraries that do.<sup>26</sup> By making libraries legal resource hubs, there is the opportunity for users to have access the resources and the technology and support for it that they need in order to resolve their legal issues.

Another important reason for considering public libraries as sites of access is that they are already on the frontlines of legal reference work; however, they do not have the resources and training to help as much as they would like. In its first data collection survey, the Saskatchewan Access to Legal Information (SALI) Project asked 25 libraries to maintain a tally of legal reference questions they received. Over a near four-month period, these libraries received a total of 46 requests, with 32.6 per cent of them being given no answer and no suggested next step.<sup>27</sup> While this may seem like a small number, these libraries served an average population of only 1400 people and were not known to be sites for legal resources specifically.<sup>28</sup> Given that they already receive legal reference questions, it is not surprising that some public librarians are seeking out opportunities to hone their skills on the subject.

Librarians associated with the Five County Project in Ontario said that they were looking for additional training to better serve their public within the areas where the bulk of the questions came from, namely family and housing law.<sup>29</sup> For these reasons, there have already been some efforts to use libraries to expand access to legal information. The aforementioned SALI Project was formed as a collaboration between the Public Legal Education Association of Saskatchewan, the Saskatoon Public Library, the Law Society of Saskatchewan Libraries, the University Library, Pro Bono Law Saskatchewan, and the College of Law at the University of Saskatchewan.<sup>30</sup> These groups came together to focus on “how library representatives, as intermediaries and credible information providers, could help improve access to justice in Saskatchewan.”<sup>31</sup> Since coming together, SALI has provided public libraries across Saskatchewan with print and online

<sup>22</sup> Bilson et al, *supra* note 10 at 108–111.

<sup>23</sup> *Ibid* at 112.

<sup>24</sup> *Ibid* at 113.

<sup>25</sup> *Reaching Equal Justice*, *supra* note 3 at 81

<sup>26</sup> “Internet, Connectivity, and Broadband” (6 April 2020), online: *Ontario Library Association* <<https://accessola.com/internet-connectivity-and-broadband>>.

<sup>27</sup> “Saskatchewan Access to Legal Information Data Collection Pilot Project 1.0 Report” (March 2018) at 5–8, online (pdf): *University of Saskatchewan* <[law.usask.ca/createjustice/documents/SALI\\_DataCollectionPilotProject\\_1.0.pdf](http://law.usask.ca/createjustice/documents/SALI_DataCollectionPilotProject_1.0.pdf)> [SALI].

<sup>28</sup> *Ibid* at 4.

<sup>29</sup> Five County Connecting Region Project, *Paths to Justice: Navigating with the Wandering Lost Providing Access to Justice in Rural and Linguistic Minority Communities in South-Eastern Ontario* (Belleville: Community Advocacy & Legal Centre, 2011) at 15.

<sup>30</sup> SALI, *supra* note 27; Brea Lowenberger, Michaela Keet & Janelle Anderson, “Collaborative Policy-Making, Law Students, and Access to Justice: The Rewards of Destabilizing Institutional Patterns” (2017) 34:1 Windsor YB Access Just 148 at 162.

legal resources and undertaken an advertising campaign to inform the public of this development.<sup>32</sup>

## Concerns & Obstacles

Despite all the advantages to using libraries to expand access, there are several major concerns about the proposal. The first has to do with funding. To develop and maintain an authoritative, current legal reference collection is expensive and requires ongoing acquisitions to stay useful. This may be easier for larger library networks with more resources, but small communities may be unable to do so. When users are given outdated information, there is an increased risk that they will be unsuccessful in their case, which may result in the loss of a job or their home. This places additional pressure on public librarians to ensure users know that the information may not be current.<sup>33</sup> Moreover, given the current Ontario government's recent cuts to library networks<sup>34</sup> and Legal Aid Ontario,<sup>35</sup> its financial support for such a project in Ontario is unlikely.

Additionally, librarians run the risk of overstepping their position and crossing the line between providing legal *information* and legal *advice*, which they are not qualified to do.<sup>36</sup> This particular concern echoes another issue: providing librarians with the proper training to familiarize them with legal resources. Most public librarians are more generalist in scope and are not acquainted enough with legal resources to confidently assist patrons.<sup>37</sup>

## Possible Solutions

Although serious, these obstacles are not insurmountable. Despite the expenses associated with legal resources, there are lower cost means of providing assistance. PLEIs have spent years developing plain-language legal resources for the public and already have partnerships with many libraries.<sup>38</sup> Partnering with them would reduce the costs of producing and acquiring basic legal information. More importantly, building large-scale coalitions amongst legal aid organizations, law schools and libraries, public libraries, law societies, and various levels of government can create content relevant for all at a fraction of the cost of doing it alone. For example, in Ontario, resources about provincial matters would remain the same for somebody in Sarnia and someone in Sudbury. They could share the same resources and split the costs, as they would require the same information. These resources could

be pooled and made available through shared electronic portals, thus greatly extending the information's reach. This will not be the case for municipal issues, but it still provides the opportunity for significant cost-savings.

Additionally, fears about lack of familiarity with materials and stepping over the line between providing legal information and legal advice can be allayed through adequate training. Fortunately, there are several in-person and online training programs for trusted intermediaries that help them hone their skills.<sup>39</sup> There are also courses available through some universities dedicated specifically to legal librarianship, with some available online. These will likely not be the only issues that arise in the attempt to make public libraries legal information hubs, and these solutions will not be wholly satisfactory for every situation. However, the opportunity to vastly expand access to legal information and increase information literacy is one that is worth the inevitable problem solving.

## Conclusion

Access to legal information is an essential component to access to justice. The ability to consult with the necessary resources has the potential to improve the lives of millions of Canadians and reduce the stress on an overburdened judicial system. However, several factors have had detrimental effects on access to both information and justice. The monopolization of legal information by lawyers means that most Canadians cannot afford the information they need, while geographic factors severely limit the resources available to those living in rural or remote areas. As a result, many Canadians cannot successfully use the justice system to solve major problems they are experiencing. Those who try are often overwhelmed with courtroom procedures, legalese, and an overabundance of information while having no means to determine its accuracy. To counteract these issues, public libraries can vastly increase access to legal information, as public librarians are already familiar with the fundamentals of reference work and connecting information needs with the appropriate resources. Libraries are already trusted public institutions and have the additional benefit of providing access to the technology many need to navigate an increasing internet-dependent justice system.

However, this plan is not without its own issues. Librarians would require additional training to become familiar with legal sources or would need to partner with community organizations to provide these services for them. Libraries

<sup>31</sup> *Ibid.*

<sup>32</sup> SALI, *supra* note 27.

<sup>33</sup> Bilson et al, *supra* note 10 at 119–122.

<sup>34</sup> Kirstin Rushowy, "Ford Government Cuts Ontario Library Service Budgets in Half," *Toronto Star* (18 April 2019), online: <[the star.com/politics/provincial/2019/04/18/ford-government-cuts-ontario-library-service-budgets-in-half.html](http://thestar.com/politics/provincial/2019/04/18/ford-government-cuts-ontario-library-service-budgets-in-half.html)>.

<sup>35</sup> "Ontario Backs Down on Planned Future Cuts to Legal Aid, but This Year's Cut Remains," *CBC* (9 December 2019), online: <<http://www.cbc.ca/news/canada/toronto/legal-aid-doug-ford-ontario-budget-1.5389579>>.

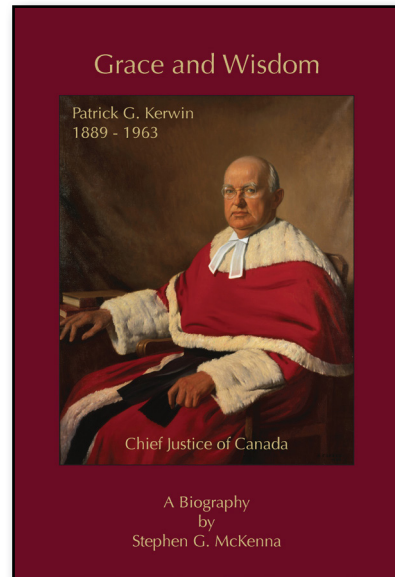
<sup>36</sup> Karen Cohl et al, *Trusted Help: The Role of Community Workers as Trusted Intermediaries Who Help People with Legal Problems, Part 2: Detailed Research Findings* (Toronto: Law Foundation of Ontario, 2018) at 36–37 [Cohl et al].

<sup>37</sup> Bilson et al, *supra* note 10 at 109.

<sup>38</sup> TPL, *supra* note 21 at 13; Dr. Deborah Doherty, "Promoting Access to Family Justice by Educating the Self-Representing Litigant" (2012) 63 UNBLJ 85 at 89.

<sup>39</sup> Cohl et al, *supra* note 36 at 36–37.

would have to be able to maintain an authoritative and current collection of resources, which can quickly become expensive and unsustainable. Libraries may be able to satisfy most user demands with plain-language leaflets containing the most pertinent information on the areas of law in demand by their communities, while large-scale collaborations can help reduce costs. There is no perfect way to ensure that every individual finds the information they need. Nevertheless, by building upon the existing infrastructure of the public library, there is a major opportunity to expand access to legal information and help reduce the justice gap.



Excerpted in CLLR 44(2) pp.9-13

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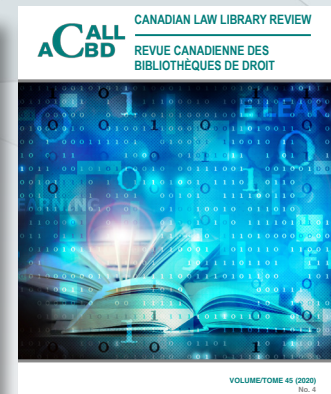
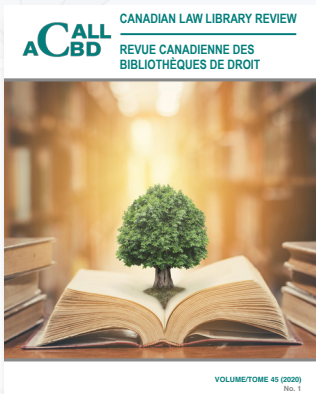
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**Correction:**

In CLLR 45:1, we misspelled Michele Villagran’s last name in Kenya Hewitt’s article “Implicit Bias and Diversity in Law Libraries.” We regret the error.

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## III Reviews / Recensions

Edited by Kim Clarke, Elizabeth Bruton, and Dominique Garingan

***An Introduction to the Canadian Law of Restitution and Unjust Enrichment.* By John D. McCamus. Toronto: Thomson Reuters, 2020. xxxi, 223 p. ISBN 9780779892020 (softcover) \$119.00.**

Those working in contract and commercial law are undoubtedly familiar with the work of John D. McCamus, former dean of Osgoode Hall Law School, York University. McCamus is the author of three editions of *The Law of Contracts*, published by Irwin Law in 2005, 2012, and 2020, and co-author of *The Law of Restitution*, 2nd edition, published by Canada Law Book in 2004, as well as numerous scholarly articles on the law of restitution.

Restitution is defined as “a body of substantive law in which liability is based not on tort or contract but on the defendant’s unjust enrichment.”<sup>1</sup> The law of restitution has received less attention in terms of scholarly publications and law school curricula than torts or contract law. However, the author states that understanding this branch of law “forces one to think more carefully about the nature of proprietary interests ... [R]estitutionary liabilities arise in a broad range of situations that may well be unfamiliar to one who has studied only” contract, tort, and property law (p. vi). With this book, the author’s stated goal is to

provide a concise and accessible account of the Canadian law of restitution that can be consumed by a professional reader in a few evenings and constitute, hopefully, a satisfactory introduction ...

that will equip a reader, previously untutored in the subject, to recognize a restitution issue when it arises and seek an appropriate solution. (p. v)

The book is divided into four parts and 19 chapters and includes a table of cases and an index. Part 1, *Introduction*, traces the origins of the law of restitution as an American invention that dates back to the late 1800s and was later articulated as a new branch of American private law in the *Restatement of Restitution* published in 1937 by the American Law Institute.

The author discusses how the central features of the *Restatement of Restitution* were adopted and incorporated into Canadian law, notably in what he describes as a breakthrough decision by the Supreme Court of Canada in [Deglman v Guaranty Trust Co of Canada](#) (1954). This case revolved around an oral promise to confer land by will for services rendered by the plaintiff to the defendant. The court deemed that “it would be inequitable to allow the promisor to keep both the land and the money and the other party to the bargain is entitled to recover what he has paid. Similarly is it in the case of services given.”<sup>2</sup> The introduction also covers principles, controversies in the use of basic terminology, and the scope of restitution law as a third branch of common law alongside contract and tort law.

In Part 2, *The Substantive Groups for Recovery*, the author discusses several areas where restitution may apply, including ineffective transactions, “the law relating to

<sup>1</sup> Bryan A Garner, ed, *Black’s Law Dictionary*, 11th ed (St. Paul, Minn: Thomson West, 2019) sub verbo “restitution.”

<sup>2</sup> *Deglman v Guaranty Trust Co of Canada*, [1954] SCR 725 at para 7.

recovery of benefits transferred under transactions rendered unenforceable by virtue of common law doctrines relating to informality, illegality, incapacity, mistake and want of authority” (p. 67).

Another example provided in Part 2 is restitution for wrongs, which includes breach of fiduciary obligations, and restitution in relation to anticipated contracts and gifts. With regard to this latter area of restitution, the author provides a simple illustration: “[A]n architect who has been assured that he will be retained for a particular project, may prepare a set of drawings at the request of the prospective client” (p. 95). Other areas examined in Part 2 where restitution applies are benefits conferred by mistake, necessitous intervention, benefits conferred in the context of the dissolution of cohabitation, benefits conferred upon the defendant by a third party, and lastly, restitution as it applies to public authorities.

In Part 3, *Remedies and Defences*, the author considers the historical roots of common law and equitable remedies and their impact on modern day restitution remedies. The author notes that, historically, “the different types of claims and the remedies available were not referred to as restitutionary in nature and a description of them, therefore, rests on a rich and complex body of legal terminology” (p. 155). In this section, the author also discusses two common defences against restitutionary claims: change of position and bona fide purchase. He discusses the scope of these defences and cautions that, although they are often cited as key defences in claims of restitution, they are available in “only a narrow set of circumstances and with respect to particular types of restitution claims” (p. 182). He also briefly considers whether illegality can be used as a defence and references the work of Peter Burke, an English legal scholar who has written extensively on the law of restitution and unjust enrichment.

In Part 4, *Conclusion*, the author revisits key information and speculates about the future of restitution as a third branch of the law. He notes that, although restitution is a well-established area of legal doctrine, what is less certain is whether the formation of restitution as a third branch of common law, alongside contract and tort law, will play a useful role in Canadian law.

*An Introduction to the Canadian Law of Restitution and Unjust Enrichment* is a concise book that could be described as a 217-page distillation on the subject. As someone unfamiliar with private law, I found this a dense read that took a good amount of energy to digest. It achieves the goal of providing an overview of the subject and offers a fair and objective analysis. The author acknowledges conflicting theories in the law, makes it clear when he is offering his point of view on a concept or theory that is disputed, and leaves it to the reader to draw their own conclusions. This book is recommended for law practitioners working in the areas of contract and tort law.

REVIEWED BY  
**GOLDWYNN LEWIS**  
Law Librarian  
Public Prosecution Service of Canada

*Debates in Charity Law*. Edited by John Picton & Jennifer Sigafos. Oxford: Hart, 2020. 318p. Includes index. ISBN 978-1-50992-683-1 (hardcover) \$90.00; ISBN 978-1-50992-684-8 (ePub) \$90.00; ISBN 978-1-50992-685-5 (PDF) \$90.00.

*Debates in Charity Law* is an authoritative, wide-ranging look at issues that are or should be of concern to charities and charity law lawyers. What is impressive is the book’s ability to set out the fundamental issues being balanced by practitioners, regulators, and charities. The contributors invite consideration (and ongoing reconsideration) of differing jurisdictional approaches to both charity law and policy issues, as well as novel technological and other concerns.

The collection, consisting of 12 essays, brings together writers considering a variety of methodological approaches to the disparate and distinct issues taken up in each essay. In the first essay, Matthew Harding provides a superb introduction and review of the legal and policy concerns and theory informing the struggle to find, articulate, and, from time to time, recalibrate a charity’s need to balance its independence and its regulation. Editor John Picton’s essay lives up to the promise of its title, “Regulating Egoism in Perpetuity.” He uses wry humour and contrasting theoretical models to consider the best regulatory balance between a donor’s desire for permanence and the social and legal requirement that change be accommodated. John Tribe’s essay provides insight into how cy-près-like techniques should be adapted and used to rescue “(near) insolvent yet viable charitable companies” (p. 83). In the evocatively titled “Licking their Own Lollipops: What Do Charities and the Public Think about the Regulation of Charitable Activities?”, Eddy Hogg offers a sociological consideration of the views of stakeholders. In “Commissioning of Services by Charities in the Third Decade of the Contract Culture: Lessons Learned (or Not Yet),” Debra Morris discusses the use of, and risks involved in, Payment by Results contracts. Matthew Robert Shillito writes with insight and foresight about the technological challenges faced by charities. He looks at how charities can allow donors to trace their specific gift to the end recipient with digital currencies and blockchain technology. Balancing this is the benefit of the “pseudonymous gifts,” which, while complying with reporting requirements, would prevent the donor’s identifying information from falling into the hands of the charity, thereby hampering email, phone, and other solicitations.

Several essays have a jurisdictional focus, with each of these essays presenting varying degrees of applicability to Canadian charities. Mark Sidel’s essay “Debating the Extent of Party/State Control Over Overseas Nonprofit Organisations: Charity Law Debates in China” is a timely discussion of the disturbing implications of “an anxious state” (p. 37) closely regulating the voluntary sector. Editor Jennifer Sigafos offers a thoughtful consideration of the complicated interaction between equality and charity law within the U.K. context but with obvious application to Canadian jurisdictions as well. However, Adam Parachin’s essay is very much within the context of Canadian law and jurisprudence. Oonagh B. Breen, in her essay “Redefining the Regulatory Space? The First Forays of the Irish

Charities Regulatory Authority,” applies the balancing act of regulators and regulatory concerns to the Irish introduction of a new regulator. Patrick Ford’s inquiry into the question of “Independent Schools in Scotland: Should They be Charities?”, while made in a context very different from the Canadian story, provides a useful example and model for jurisdictions other than Scotland. And, finally, Warren Barr’s piece entitled “Social Housing – Charities and Vulnerable Groups” is a powerful and affecting discussion of the issues within the U.K. context but again with obvious, if unfortunate, application to Canada and other jurisdictions.

I recommend the purchase of *Debates in Charity Law*. The impressive combination of range and depth of the debates themselves will be of great interest and utility to practitioners in the field and to the many lawyers who, voluntarily or otherwise, find themselves involved with charitable organizations. Given the attention that *Debates in Charity Law* manages to pay to both fundamental and cutting-edge issues, I expect that it will continue to be useful for years to come.

REVIEWED BY  
**CHARLES R. DAVIDSON**  
*Davidsons Lawyers*

***In the Shadow of International Law: Secrecy and Regime Change in the Postwar World.* By Michael Poznansky. New York, NY: Oxford University Press, 2020. 247 p. Includes bibliographic references and index. ISBN 9780190096595 (hardcover) \$49.95. Also available in eBook format.**

*In the Shadow of International Law: Secrecy and Regime Change in the Postwar World* explores a theoretical argument that might explain why world leaders often pursue regime change surreptitiously. Author Michael Poznansky is an assistant professor in international affairs and intelligence studies cross-appointed to the political science department at the University of Pittsburgh. He explores the role that international laws addressing violations of sovereignty have played in post-WWII America’s increase in covert interventions intent on altering the domestic authority structures of another state. Simply put, the book tests Poznansky’s theory that non-intervention principles and provisions lead to intentionally covert actions to overthrow foreign regimes.

The text is divided into four sections: two introductory chapters, a theory-based chapter, four case study chapters, and a conclusion. The introduction provides an overview of the author’s theory, defines key terms, establishes Latin American nations in the Cold War era as backdrops of the case studies, and outlines the purpose and value in studying covert operations. Poznansky provides the reader with the basic knowledge of how and why covert action helps these states retain credibility and evade the cost of hypocrisy within their own domestic affairs. A flowchart on the causal logic of the author’s argument is included as a visual aid. The second introductory chapter elaborates on how non-intervention principles have unfolded over the past ~300 years, justifies the focus on the postwar period in the United States, and expounds on how changes to the governance of intervention could affect covert operations in the future.

The third chapter is the theoretical foundation for the case studies that follow. Here, Poznansky balances the details of his own argument by outlining alternative theories and the causal mechanisms. He also justifies the selection of the case studies and the methodology used in applying and testing his hypothesis.

The case study chapters are presented in the following order: Bay of Pigs (1961), Richard Nixon intervening in Chile (1970–73), Lyndon Johnson invading the Dominican Republic (1965), and Ronald Reagan enforcing regime change in Grenada (1983). Each chapter is presented in a similar format. Poznansky identifies the evidence that should exist if his theory is accurate. He then reviews the historical background, drivers of intervention, and logistics of a failed operation, and concludes by applying these events against his own theory to test its accuracy. The case study chapters refer to a wealth of primary and secondary sources, including declassified government documents and interviews with government officials. These documents are examined in detail and ground Poznansky’s theory with historical, empirical evidence.

Poznansky concludes by summarizing his theoretical and empirical findings and applying these findings to situations beyond the geographic and temporal constraints of Latin America and the Cold War era. He reviews the U.S. intervention policy in Iraq (1991–2003) and the Obama administration’s approach to regime change in Libya and Syria. He uses these shorter case studies to suggest that his theory can be applied to liberal democracies under other powerful leaders. He ends with a discussion of future research and potential policy implications.

Footnotes and a select bibliography make Poznansky’s research accessible to readers. Additional finding tools include a table of contents (not detailed) and an index. There are a small number of tables and charts in the introductory, theoretical, and concluding chapters that are particularly helpful in communicating complex ideas. Notably, these include a summary of theoretical predictions and the legal theory of covert actions versus alternatives.

The writing is academic and interdisciplinary. The main discipline is international law, but Poznansky’s theory also relies upon political science and liberal internationalism. Geopolitics, economics, and ideology are also applied in the tests he has created for his theory of covert regime change. The text is appropriate for students at a graduate level, upper year undergraduates, and scholarly researchers. The case study chapters are particularly well structured and could be used as readings for niche history or political science courses that focus on the events discussed in the case studies. The book is also a valuable resource for policy makers on both domestic and international levels.

Attention has been given to the broader topic of non-intervention principles and covert intervention, primarily through academic articles. However, Poznansky’s book appears to be among the first in-depth reviews of covert interventions that address the broader theoretical grounding and provide a comparison between several case studies

from a particular point in political history. The bulk of the existing articles on similar topics were published between the 1970s and 1990s, making this book significantly more recent. The currency of this publication also allows for a new lens to be applied to the historical, declassified documents, and Poznansky's suggestions for applications in future research are valuable.

Overall, this text is a timely publication in an era of increased geopolitical unease, particularly considering recent events in the United States.

REVIEWED BY

**HANNAH STEEVES**

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***Inalienable Properties: The Political Economy of Indigenous Land Reform.* By Jamie Baxter. Vancouver: UBC Press, 2020. 226 p. Includes illustrations and tables. ISBN 9780774863421 (hardcover) \$80.00.**

Property represents a fundamental base from which economic participation occurs. The value of freely alienable property can be leveraged for investment in a variety of ways such as through transfers, mortgages, leases, and subdivisions. Indigenous lands, however, are not so freely alienable. Is inalienability of lands an insurmountable obstacle to economic development or a valuable assurance for future generations? What options do Indigenous communities have for the reform of land management that can strike a balance between present and long-term economic stability?

In *Inalienable Properties*, author Jamie Baxter describes the historic and current legal frameworks that impose significant restrictions on the governing of Indigenous lands, the nature of land ownership, and the inalienability of these lands, while also taking a unique turn and presenting these issues on the context of a comprehensive discussion of game theory. This approach, which includes equations and matrices, is used to describe the trade-offs that communities and leaders must consider while making decisions regarding Indigenous lands. It is through this perspective that the leadership guiding communities through major decisions on the adoption of land management models is explored. The author raises the following questions: What land reform tools will be used to leverage the value of Indigenous lands for the benefit and economic development of the community? How does the leader gain, maintain, or lose community support for such endeavours? To what extent will constraints on inalienability be maintained or challenged in creative ways? And how will this impact the community for current and future generations?

Baxter presents a detailed case study for four Indigenous communities: the Westbank, Membertou, Nisga'a, and James Bay Cree nations. Collectively, these four studies include geographic examples from the East Coast, West Coast, and northern Quebec; historical and modern treaties; and lands bordering both growing urban centres, with the associated pressures of urban development, and more remote areas facing the challenges of resource development.

The case studies also discuss several issues encountered by the leaders in each community, such as the extent to which lands will become alienable, the nature of non-member investment and interest in community lands, and the trade-off between present economic gain and maintaining a land base for future generations. The author provides the reader with a view into the land reform decisions affecting these communities at key points in their history. However, what is lacking is greater discussion surrounding the future impacts of following a particular path over a prolonged period.

Baxter provides a cursory discussion on the development of the legal framework for findings of Aboriginal title by referencing decisions such as *Calder v British Columbia* (1973) and *Tsilhqot'in v British Columbia* (2014), and for treaty rights by referencing decisions such as *R v Marshall* (1999). However, rather than giving the reader an extensive analysis of the legal framework and the evolution of reasoning through the courts, Baxter includes these decisions as part of a discussion of leadership and governance. The author provides an examination of the individuals involved in bringing some of these key questions before the courts. The text presents a study of leadership and organizational decision-making that takes a new approach to Indigenous studies and adds an Indigenous perspective to the body of organizational theory.

*Inalienable Properties* opens the door for the further examination of Indigenous land management decision-making in the context of institutional governance theory. What is not mentioned is how this discussion can best inform a path toward reconciliation. Several of the calls to action in the summary of the final report of the Truth and Reconciliation Commission of Canada (2015) spoke in general terms to changes in the way governments and the Canadian corporate sector can embrace a reconciliation framework that questions past assumptions around land and commits to meaningful consultation, respectful relationships, and free informed consent for economic development projects. Readers are asked how these principles may be considered alongside organizational leadership in Indigenous communities and what options are available for alienable property rights to benefit communities now and in the future.

REVIEWED BY

**IZAAK DE RIJCKE, LL.M.**

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***Legal Research: Step by Step.* By Arlene Blatt & JoAnn Kurtz. 5th ed. Toronto: Emond Montgomery, 2020. ISBN 978-1-77255-602-5 (softcover) \$107.00.**

Textbooks pose challenges to reviewers, who must employ their skills to evaluate the accuracy of a textbook, then do their best to forget much of what they know to assess whether it meets the needs of its audience. *Legal Research: Step by Step* poses these challenges. It is a textbook designed to support introductory research and writing courses for law clerks and paralegals. The authors are members of the faculty of Seneca College, and previous editions of this

book have been set as required texts for the college's legal research and writing courses. The book is written for an audience whose primary responsibility is not legal research, per se, but who engage in it to support their day-to-day tasks.

The book contains seven parts. The authors take a brief look at some basic legal research concepts in Part I before proceeding to more substantive matters. Part II is devoted to a discussion of the primary sources of law, comprised of statutes, regulations, and cases. Part III lays some groundwork by addressing the preliminary identification of issues and other matters. In Part IV, the authors discuss resource types and the challenges of working with print versus digital tools. Part V introduces the reader to legal encyclopedias and how they are used at the beginning of the research process. This is followed by Part VI, where the authors discuss the steps involved in finding and updating statutes, regulations, and cases. The authors provide an overview of the tools most likely to be encountered in a law office and address certain commonly encountered research problems. Part VII attempts to bring everything together by walking the reader through a research problem followed by a brief chapter on legal writing.

The authors are in tune with current pedagogical thinking. Each chapter has clear and unambiguously stated learning outcomes at the start. Typical research tasks are set out and, where appropriate, the reader is walked through the steps of completing them using the tools they are most likely to encounter in the workplace. The chapters end with key terms and practice exercises to which, it should be noted, there are no answer keys.

That the book is designed to meet the needs of casual legal researchers and paraprofessionals is evinced by the fact that they take certain liberties to further the cause of accessibility. We are told, for instance, that the Justice Laws website version of statutes is official. No mention is made of provisions in the *Legislation Revision and Consolidation Act* where it is explicitly stated that consolidations are not positive law and how conflict is resolved when errors in the consolidations exist. There is no discussion of the historical notes in a statute or regulation, and the sections on statutory and regulatory research suffer from the omission of any discussion of the publicly accessible tables and consolidated indices that enable a researcher to update, create historical versions (to a point), or confirm the accuracy of a consolidation. International law, too, gets a pass. There is no mention of the importance of treaties and other international agreements, something a bit troubling given that not all of Canada's obligations require implementing legislation.

One must, however, judge a book in light of what its authors have set out to accomplish. As a textbook, it appears to succeed admirably. It is not well suited to law school and library school legal research courses, but that is not the book's intended purpose. That particular audience continues to be well served by Ted Tjaden's *Legal Research and Writing* (4th ed, Toronto: Irwin Law, 2016). Librarians whose clientele includes law clerks and paralegals, to whom an earlier edition of this book might be an old and trusted friend, would probably wish to purchase it. The book also has the potential to fulfill an important role in this country. The *Nutshell*

series from West and the Nolo Press legal research books play an important role in the United States. No accessible equivalents exist to make the research tasks of the pro se litigant or the interest amateur easier. The authors' approach and, presumably, their experience teaching in a community college makes them ideally suited to write such a book and, with *Legal Research: Step by Step*, they come close. As it stands, many public libraries would benefit from its inclusion in their collection. The resources presented in the book are what one might expect to have in a law firm. However, and if the authors were to include more on legal research using open-source material, the book would be a welcome addition to all public libraries in Canada.

REVIEWED BY

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***New Technologies for Human Rights Law and Practice.*** Edited by Molly K. Land & Jay D. Aronson. Cambridge: Cambridge University Press, 2018. xiv, 318 p. Includes table of contents, bibliographical references, and index. ISBN 978-1-107-17963-9 (hardcover) \$126.95; ISBN 978-1-316-63141-6 (softcover) \$40.95. Open access (PDF) via [doi.org/10.1017/9781316838952](https://doi.org/10.1017/9781316838952).

*New Technologies for Human Rights Law and Practice* is a brilliantly edited collection of essays that looks at both promising and problematic uses of technology in relation to human rights. It pursues the overarching goal of "articulat[ing] a human rights-based approach to understanding the impact of technological change on human rights" (p. 2). The diverse group of contributing authors includes law professors, practitioners, researchers, and technology specialists. These authors regularly refer to and rely on human rights law and accountability strategies in practice, as well as adopt ideas and concepts from cyberlaw and science and technology studies within the book.

Despite the collection being a product of a workshop held at the University of Connecticut's Human Rights Institute in 2015, the observations, analyses, and themes discussed continue to remain relevant. The book does an excellent job at highlighting the effects of technology on all aspects of human rights, including its social, economic, and political aspects. The book covers diverse issues, such as the use of water meters and its impact on the right to water; environmental rights, particularly as it relates to climate change and the duty to share knowledge; the right to start a family; privacy rights, particularly in the context of the internet and social media growth; freedom of expression and freedom of association; and rules of warfare, with a focus on autonomous lethal weapons.

The collection is divided into 13 chapters. It begins with a general introductory chapter followed by 12 chapters containing essays written by contributing authors. These 12 chapters are organized into three parts: *Normative Approaches to Technology and Human Rights*; *Technology and Human Rights Enforcement*; and *Beyond Public/Private*:

*States, Companies, and Citizens*. The editors of the book begin each of these parts with contextual descriptions of the chapters along with brief analyses of the themes and issues that link them.

The book contains three overarching and overlapping themes. The first theme, present in nearly every chapter in the book, is the relationship between technology and power, and how this relationship affects human rights. While technology can be democratizing, its uneven distribution may be seen as a factor that exacerbates global inequality. Through this theme, the authors question how human rights law may be used to ensure the equal distribution of technological benefits. The second theme is the impact of technology on accountability. In this theme, the authors examine the use of technology as a tool to identify human rights abuses, as well as how technology complicates the apportionment of liability, particularly in the context of automated decision-making. The final theme focusses on the role of the private sector in technological innovation. Most technological innovation is posited to have originated from the private sector, which human rights law may not be able to directly target.

Throughout these three themes, the authors query how people may ensure that new technologies are created and used in ways that do not violate human rights. They question what type of regulation is suitable and how human rights law may ensure that individual states provide appropriate responses. Finally, the authors caution that the importance of political advocacy in human rights law should not be neglected. This is after having identified the risk resulting from people relying on technology as the principal solution to human rights abuses.

Throughout the book, the authors compel readers to consider what constitutes a human rights violation in the context of increasing automation and algorithmic decision-making. Many questions posed throughout the book remain unanswered, and identified issues remain unaddressed. For instance, one such issue cited in the book is the application of risk-assessment algorithms in bail hearings. The embedding of these seemingly neutrally designed technologies may continue to disadvantage marginalised groups. Despite this, the engineers, designers, or producers of these technologies experience minimal to no repercussions relating to the presence of these biases. Another unaddressed issue presented by the authors is the publication of misinformation over the internet and through social media. Although this type of published material remains extensive, little consequences are imposed on social media platforms, regardless of the harms resulting from the publication of the misinformation. One issue regarding technological documentation involves the use of satellite imaging to record human rights abuses against the Uighur people of Xinjiang, China. Despite the existence of documentation, little is being done to halt known atrocities. These manifestations serve as reminders to readers that technology is no replacement for advocacy.

Offering a balance of theoretical essays and practical case studies, this book is an important read for legal technologists as well as policy makers and jurists researching or practicing in human rights law. Consequently, it belongs on the shelves of various law libraries, including academic, courthouse, and

government libraries. This book would also make a welcome addition to the personal bookshelves of human rights lawyers as well as the bookshelves of science, engineering, and computer science libraries.

REVIEWED BY  
**KATARINA DANIELS**  
*Liaison Librarian*  
*Nahum Gelber Law Library*  
*McGill University*

***The Legal Responsibilities of Healthcare Facilities in Canada.* By Nicholas Léger-Riopel. Toronto: LexisNexis Canada, 2020. 128 p. Includes table of contents and bibliographical references. ISBN 978-0-433-49172-9 (softcover) \$115.00.**

*The Legal Responsibility of Healthcare Facilities in Canada* serves as a practical and concise guide on the legal and organizational issues that stem from the responsibilities of healthcare institutions. The book examines the current state of the law in both the Quebec civil law and Canadian common law systems. Author Nicholas Léger-Riopel is a lawyer and professor in the Faculty of Law at the University of Moncton, and his research focusses on medical and health care law, professional responsibility, and ethical and disciplinary law.

The book is divided into eight chapters: “Elements of Organization of the Canadian Healthcare Network,” “The Healthcare Establishment’s Institutional Responsibility,” “The Particular Case of Mental Health,” “Allocation of Health Resources: Responsibility, Immunity and Accountability,” “Health Services and Fundamental Rights: Particular Problems; Environmental Responsibility of Healthcare Institutions,” and “Penal Responsibility and Healthcare Establishments.”

The book begins by discussing the objectives of the [Canada Health Act](#), along with the federal and provincial mechanisms in the Canadian healthcare system. The author reminds us that health care in Canada is funded, delivered, and regulated under a complex and continuously evolving system of rules and policy makers. The second chapter, the lengthiest, discusses the legal relationship between the patient and the healthcare establishment, touching upon tort and contract-based law. It examines the relationships between patients and the players in the healthcare system, including physicians, nurses, residents, contractors, and administrators. It also addresses obligation-specific duties of the healthcare establishment such as the selection of employees, monitoring the activity of medical personnel, and maintenance of equipment.

The author takes on a great challenge, discussing the responsibilities of healthcare facilities in both the common law and civil law systems and succinctly condensing this discussion into 128 pages. By taking this approach, making it available in French, and carefully articulating complex legal and medical concepts, the author ensures that a wide-ranging audience may benefit from this work. The drawback of condensing a vast amount of content is that the commentary does not always allow for in-depth discussion on a topic.

Despite this, the author provides detailed footnotes, allowing readers to engage in deeper learning through references to legislation, case law, monographs, journal articles, and government documents. For a more extensive discussion, I would recommend consulting key legal treatises in health law, the *Canadian Health Facilities Law Guide* by Beth Marshall and Diane Kelly (Toronto: LexisNexis Canada, 2003–), for example.

Aimed at healthcare administrators, legal practitioners in health law, physicians, medical students, and government employees, this book serves as a handy and compact starting point for anyone interested in exploring the healthcare system in Canada. The book is written in an approachable style, providing concise information on general and specific concepts. This facilitates its use as a quick reference tool. I would recommend this book to law librarians and information professionals who are working in health and medical law and are seeking to add a practical guide to their collection.

**REVIEWED BY  
ALISA LAZEAR**

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Canadian Legal Information Institute (CanLII)*

***The Reasonable Robot: Artificial Intelligence and the Law.* By Ryan Abbott. Cambridge: Cambridge University Press, 2020. viii, 156 p. ISBN: 978-1-108-47212-8 (hardcover) \$126.95. ISBN: 978-1-108-45902-0 (softcover) \$33.95.**

*The Reasonable Robot* is a fascinating look into the legal challenges posed by artificial intelligence (AI) and how the law may transform to address these challenges. Over the past few years, the use of AI has become increasingly prevalent. This is in part due to “more advanced software, greater computing power, and growth of big data” (p. 30). However, the law surrounding AI has not changed to reflect this. The central argument of the book is the need for “a new guiding tenet to AI regulation, a principle of AI legal neutrality” (p. 3) that will “help the law better achieve its underlying goals” (p. 134).

Despite the absence of a general, well-accepted definition of AI, a definition is required to ground the exploration of how AI should be regulated. For this book, Abbott defines AI as “an algorithm or machine capable of completing tasks that would otherwise require cognition” (p. 22). Abbott stresses throughout the book that how the laws surrounding AI should change depends on the relative sophistication of the AI being used.

The book begins with an exploration of legal personhood

for AI. Abbott does not advocate for AIs having legal rights or personhood unless such would benefit people. Following this, Abbott looks at four areas where the law in its current state fails to balance the needs of humans and users of AI. These areas are tax, tort, intellectual property, and criminal law. Key issues in these areas include liability and legal personhood, and Abbott makes several suggestions as to how the law needs to transform to make the adoption of AI in these areas “fair.”

Abbott notes that the law distinguishes “often inadvertently, between behaviour by people and AI and ... this has unintended consequences” (p. 134). These unintended consequences arise from the position that AI and humans are not the same and that they have different motivations and abilities. This is given the conjecture that motivation may even be attributed to AI. This lack of motivation or intent complicates the process of assessing the apportionment of liability and, consequently, the application of criminal and tort law.

Abbott argues that applying a strict liability standard for AI, rather than engaging in the process of determining whether the AI’s conduct was unreasonable, makes sense as this standard would not require proof of intent. To assess liability, Abbott argues that it is more ideal to focus on the outcome of an AI’s actions rather than on its design. This is because of the innate difficulties to be faced in assessing whether the AI’s design is flawed, such as acquiring access to the AI proprietary software for analysis.

The book concludes with a discussion of bias in AI. AI may inherit human biases either consciously, such as through a deliberate decision by the programmer, or unconsciously, such as through using biased historical data. In theory, AI should be less biased than a human. As Abbott notes, “[t]he human mind is, perhaps, more [of an] algorithmic black box than AI” (p. 138). However, given that it can be challenging to determine how a sophisticated AI arrived at a decision, it may not be possible to figure out whether an AI is intrinsically biased.

Although Abbott is a law professor at the University of Surrey, the book is written for the layperson with only the occasional lapse into scholarly or academic language. The book is written from an American point of view, with the examples Abbott uses spanning U.S. tax law, U.S. product liability law, and other areas. Although the book is written with the U.S. legal system in mind, it is a thought-provoking read no matter what jurisdiction one is from.

**REVIEWED BY  
SUSANNAH TREDWELL**  
*Manager of Library Services  
DLA Piper (Canada) LLP*



## III Bibliographic Notes / Chronique bibliographique

By Nancy Feeney

**Annalee Hickman, “How to Teach Algorithms to Legal Research Students,” 28 Perspectives: Teaching Legal Research & Writing (forthcoming 2021), BYU Law Research Paper No 20-30, online: SSRN <[papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3731127](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3731127)>.**

When conducting legal research, it is not unusual to retrieve different results from various databases, even when using the same search strings. This phenomenon is due to the unique algorithms each database uses. Hickman, the faculty services librarian and legal research professor at Brigham Young University’s Howard W. Hunter Law Library, proposes that law students and legal researchers be given instruction on the basic workings of algorithms in electronic legal research and provides a suggested curriculum with readings, lecture content, and assignments to assist with this task.

Hickman recommends the works of Susan Nevelow Mart, professor and director of the Law Library, University of Colorado Law School, as an introduction to the importance of understanding algorithms in the legal research sphere. Hickman also highlights the limitations of current legal research texts, which either mention algorithms only in passing or not at all. To counterbalance these deficiencies, she proposes a specific lecture structure, including suggested quotes about legal research that should provoke discussion and encourage reflection. She outlines what is currently known about Westlaw and Lexis’s algorithms to illustrate the potential effects on the results of a search conducted by a lawyer or legal researcher. Finally, Hickman provides an example of an assignment she uses in her own

class. Students are asked to formulate a natural language search based on a memo they have researched and written during the semester; run the search in Westlaw, Lexis, and Google Scholar; and compare the top ten results, which are often different. This assignment offers a concrete example of the caution researchers should exercise when relying on one or another database.

Hickman lays out a useful roadmap for legal research educators interested in introducing the concept of algorithms to their audience and provides a reminder to all legal researchers to be cognizant of potential limitations of the medium in which searches are run.

**Lauren Hays, “Tips for Virtual Instruction in Special Library Settings,” (24 November 2020), *Lucidea Think Clearly Blog*, online (blog): <[lucidea.com/blog/tips-for-virtual-instruction-in-special-library-settings](https://lucidea.com/blog/tips-for-virtual-instruction-in-special-library-settings)>.**

Lauren Hays, assistant professor of instructional technology at University of Central Missouri, sets out a list of eight suggestions to facilitate the delivery of virtual instruction. She encourages the use of interactive features, like polls and whiteboards, which tend to keep the audience engaged. Counterintuitively, Hays also believes that a slide deck should contain a large number of slides, as the process of moving through many different slides keeps the audience interested. Hays recommends sharing the slide deck with participants prior to the presentation, as it gives them the opportunity to both prepare for the session and take organized notes. She advocates keeping the chat feature open during the session and encourages presenters to respond to questions or comments during the presentation. Additionally, Hays



believes it is important to have a dedicated time for discussion interspersed throughout the session, as enabling discussion also facilitates participation and engagement.

The suggestions offered by this blog post are easy to implement and worthy of consideration as the prevalence of virtual legal research instruction grows.

**Mary Whisner, “On Bungling,” (9 December 2020), *RIPS Law Librarian Blog*, online (blog): <[ripslawlibrarian.wordpress.com/2020/12/09/on-bungling](https://ripslawlibrarian.wordpress.com/2020/12/09/on-bungling)>.**

Even the most seasoned, well-prepared legal research instructor can flounder during a presentation: words mysteriously vanish from the mind, typing errors yield unrecognizable search results, and technology glitches upend an otherwise straightforward demonstration. In this blog post, Mary Whisner, public services librarian at University of Washington School of Law’s Gallagher Law Library, reflects on a series of blunders she made during a recent presentation for law students and staff members. Despite being shaken and embarrassed, she did not let any of these hiccups derail her address. Afterward, she sent information on the topics she missed and screenshots of procedures to the attendees. Whisner believes that her “bungling” was a lesson in itself: it demonstrates that even experts in the field are not infallible, and everyone can recover from mistakes.

Whisner’s lasting message is that as legal research instructors in trying times, we should be kind to ourselves, recognize that gaffes make us human, and that such instances are opportunities to model troubleshooting techniques.

**Jennifer Jolly, “How to Wash Your Phone, Disinfecting It During Coronavirus Pandemic,” *USA Today* (26 October 2020), online: <[usatoday.com/story/tech/columnist/2020/10/26/how-wash-your-phone-coronavirus-pandemic-disinfectant/6032940002](https://usatoday.com/story/tech/columnist/2020/10/26/how-wash-your-phone-coronavirus-pandemic-disinfectant/6032940002)>.**

While we all have been washing our hands with regularity and vigour during these days of COVID, our phones, and the germs they might be hosting, might have been overlooked. Jolly offers helpful advice on methods of sanitizing the devices that are never far from reach. Her suggestions include DIY cleaners and methods, as well as a range of gadgetry that can be used to disinfect our phones.

**Dan Rosenbaum, “8 New Uses for Your Old Smartphone,” *The Verge* (4 November 2020), online: <[theverge.com/21542079/phone-reuse-android-iphone-how-to](https://theverge.com/21542079/phone-reuse-android-iphone-how-to)>.**

Rosenbaum offers several ways to extend the utility of an old phone when a newer, fancier model is acquired. His suggestions include:

- Using it as a remote for TVs or streaming devices by downloading the necessary apps;
- Using it as a webcam or media storage device; and
- Keeping it as a spare, especially if travelling. If something happens to your main phone, the old one, fitted with a new SIM card, can fill the void.

Rosenbaum also provides a short list of charitable organizations that accept and refurbish old working phones and put them to good use.

**Darin Thomson, *Law Actually* (2019–), online (podcast): <[darinthompson.ca/podcast](https://darinthompson.ca/podcast)>.**

Available on a multitude of platforms, including Apple Podcasts, Spotify, and Stitcher, this Canadian podcast offers listeners continuing professional development credit if they successfully take a quiz after each episode. Creator and host Darin Thomson, a B.C.-based lawyer, conducts interviews with a wide range of personalities in and around the law. Recent guest have included Tara Vasdani, principal lawyer and founder of Remote Law Canada, widely known as the first Canadian lawyer to serve a Statement of Claim via Instagram; Major Sherry MacLeod, a lawyer with the Canadian Armed Forces who was deployed to far-flung combat zones including Bosnia, Afghanistan, and Iraq; and Colin Lachance, legal information innovator and former CEO of CanLII.

**Jill Lepore, *The Last Archive* (2020–), online (podcast): <[thelastarchive.com](https://thelastarchive.com)>.**

Jill Lepore, professor of history at Harvard and staff writer for *The New Yorker*, is the host of this podcast, available through Apple Podcasts, Spotify, and Stitcher. Using the trappings of a classic radio drama, Lepore takes the listener on a journey to discover the answer to the question: *Who killed truth?* The premise for this podcast grew out of a course on the history of evidence she taught at Harvard Law School. Episodes touch on the works of Rachel Carson, Jonas Salk, and Ralph Ellison, and topics range from the #MeToo movement, lie detectors, and the 1952 U.S. presidential election. Over the course of ten episodes, Lepore masterfully ties these myriad threads together.



## ||| Local and Regional Updates / Mise à jour locale et régionale

By Josée Viel

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

### Calgary Law Library Group (CLLG)

On October 27, 2020, the Calgary Law Library Group (CLLG) met virtually for our final formalized AGM. The unanimously approved motion to wind-up the existing organizational structure was not arrived at easily nor without emotion, given the rich history of our group and the steadfast dedication of a small number of members consistently contributing to its success over our 40-year history. The current evolution of our association began over two years ago, at the June 2018 AGM when the CLLG Sustainability Working Group was given the mandate to assist the executive with understanding how to overcome long-standing organizational hurdles coupled with local economic downshifts resulting in job losses within our close-knit law library network. Following a national environmental scan and resulting report and recommendations, the CLLG membership voted to wrap up the formalized organizational structure at the 2019 AGM, with the administrative work happening behind the scenes since then. Does this mean CLLG has ceased to exist? Definitely not! We're still here, albeit in a different shape and form. Please connect and collaborate with us through the open [Calgary Law Library Group](#) on LinkedIn! We look forward to meeting you there!

**SUBMITTED BY**  
**HOLLY JAMES**  
*CLLG Chair*

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

On October 30, MALL/ABDM hosted its first virtual webinar on the “Research Tools of the National Assembly for Québec,” presented by Judith Mercier, who has been a reference library technician at the National Assembly Library for over 10 years. During that session we learned about the “Myrand” database, which is used to research Quebec laws and National Assembly debates.

**SUBMITTED BY**  
**JOSÉE VIEL**  
*President, 2020–22*  
*MALL Past-president/Présidente sortante de l'ABDM*

### Ontario Courthouse Libraries Association (OCLA)

Greetings, and happy New Year from Ontario!

At our Zoom AGM in October, OCLA members elected the new executive for the 2020–2022 term. Chair Jennifer Walker (Ottawa), Vice-Chair Laura Richmond (Hamilton), Secretary Christiane Wyskiel (Brantford), Treasurer Michelle Gerrits (Sarnia), and Member-at-Large Stacey Zip (Barrie) join Past-Chair Pia Williams (Kitchener) to make up the team.

The Ontario courthouse library system was dealt a significant decrease in funding for 2021, but OCLA members have been working together to help each library through this challenging time. We have also been meeting more regularly over Zoom or other online platforms to stay connected and keep learning. In addition to informal meetings between libraries, we have had training and updates from major vendors, as well as a holiday social, and are planning sessions on mental health and mindfulness, work-from-home tax considerations, and several others.

We are also very happy to announce that OCLA member and secretary Christiane Wyskiel was recently honoured with the first-ever Federation of Ontario Law Associations “Luminary Award” for outstanding library staff. Many CALL/ACBD members have had the pleasure to know and work with Chris over the years, and we’re sure you’ll all agree that this award is well deserved.

**SUBMITTED BY**  
**JENNIFER WALKER**  
*OCLA, Chair*

## **Vancouver Association of Law Libraries (VALL)**

In September, we started our new VALL year with the intention of offering our social and educational sessions virtually. We had success with our first webinar in June, and we hosted a virtual session in October called “The Latest from CanLII & Lexum” during which presenters shared news about upgrades and new features on CanLII and Lexbox. In November, we had our first Virtual Coffee Social where members could connect to chat and socialize. One of our members taught the group how to do group colouring on Zoom! The feedback from this event was very positive, and we look forward to hosting more of these coffee socials in 2021.

**SUBMITTED BY**  
**BETH GALBRAITH**  
*President, Vancouver Association of Law Libraries*  
*2020/2021*

# CALL/ACBD Research Grant

Perhaps it is time to start thinking about your next research project. The deadline for the 2021 research grant will be March 15, 2021 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.

The maximum amount of the grant award is \$3000.

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**

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## III News from Further Afield / Nouvelles de l'étranger

### Notes from the U.K.: London Calling

By Jackie Fishleigh\*

Hi folks!

#### Disaster Has Struck...

In spite of all our efforts to avoid the virus, it has found its way into our home.

My partner, Rob, had a bad cold before Christmas, which turned into nausea and a high temperature. On Boxing Day (26th December), he got tested in a disused car park at Gatwick Airport. The following evening the positive result came back, and he has been unwell ever since. The worst things are the terrible headaches and night sweats that leave the sheets soggy. He is so exhausted he spends most of the time in bed. He told me that when he sleeps, he feels the virus wrapped around him like a cloak.

Meanwhile, I have been living in certain safe areas of the house and trying to avoid catching it. I feel a bit like the beetle in Franz Kafka's *Metamorphosis*. I constantly avoid touching things Rob uses and am hand-gelling even more than before. So far, I have no symptoms.

When looking up "night sweats" on the internet, I found an [excellent New York Times article by Jessica Lustig](#) called "What I Learned When My Husband Got Sick With Coronavirus." In the article, Lustig describes how their world became one of "isolation, round-the-clock care, panic and uncertainty." Much of it chimes with our own current experience.

### National Lockdown No. 3?

Given the recent rise in infections, including a new variant that spreads faster, another lockdown seems likely, but then again, we have Boris as PM. In a great opinion piece by [Marina Hyde for The Guardian](#) on New Year's Day she reflects on the fact that "with a heavy heart, Johnson will always remind us who the real victim is: him." During every podium address to the nation, he always reminds everyone how difficult he finds it to make tough decisions, such as closing businesses and asking the public to stay at home. Do I feel sorry for him? No, this an important part of the job he wanted so badly!

### U.K. First Country to Approve Coronavirus Vaccine

I was amazed that the U.K. had done anything first in the world! Not because I don't have faith in our country, but because there are *so many* other countries.

And so it was that on 8 December 2020, May Parsons, a matron and award-winning vaccinator at University Hospital, Coventry, gave the first patient, 91-year-old Margaret Keenan, the world's first COVID-19 vaccine. A magical moment. Apparently May, who is from the Philippines, like so many of our nurses, made sure she got to know Margaret beforehand, warning her about the press interest and offering her a nice outfit and hairspray for the occasion.

### Dr. Fauci Puts His Foot in It...

Meanwhile, Dr. Anthony Fauci initially implied that the U.K. had rushed its approval without thoroughly reviewing the

Pfizer-BioNTech COVID-19 vaccine. He quickly [backtracked](#), saying that he “did not mean to imply any sloppiness.”

### The Elephant in the Room: Brexit

A deal was finally done between the PM and E.U. President Ursula von der Leyen on Christmas Eve. “It was a long and winding road,” [said von der Leyen](#) on the outcome of the E.U.–U.K. negotiations. So much for Boris’s much trumpeted “[oven-ready deal](#).”

A friend of mine who is head of economics at a major public school said simply that the deal “could have been worse.”

We completely left the E.U. at 11:00 p.m. on New Year’s Eve.

Until next time, stay safe!

With very best wishes,

Jackie

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### Letter from Australia

By Margaret Hutchison\*\*

Greetings from Australia in December 2020, with wishes for a better year to come. Though it has had some good points: there have been weddings (limited in guest numbers) and babies born.

So, what else has been happening, apart from COVID-19?

### Lawyer X: Nicola Gobbo Update

The [Royal Commission into the Management of Police Informants](#) (aka: The Lawyer X or Nicola Gobbo Royal Commission) delivered its final report to the Victorian Governor on 30 November. The key recommendation was the establishment of a special investigator to consider whether criminal charges should be brought against current and former members of Victoria Police and barrister Nicola Gobbo. The final report, which is four volumes long and runs to more than 1000 pages, is a severe indictment of the conduct of Victoria Police and their most prolific informer.

The report’s 111 recommendations included the establishment of a special investigator to consider whether criminal charges should be brought against current and former members of Victoria Police, as well as Ms. Gobbo herself. It also revealed that the convictions or findings of guilt of 1,011 people may have been tainted by using Ms. Gobbo as a secret informer. Already several high-profile prisoners have had their convictions quashed because of Lawyer X’s involvement, and many more appeals are coming.

The Royal Commission also recommended that there be a mandatory reporting scheme to force lawyers to speak up if they suspect misconduct by their peers to bring the legal profession into line with other professions and fields where mandatory obligations apply.

There was also a recommendation to give Victoria’s Independent Broad-based Anti-Corruption Commission (IBAC) more powers and funding to oversee the Victoria

Police’s operations.

This saga isn’t over; there will be much to go.

### Other Royal Commissions

There seem to be Royal Commissions all over the country, which doesn’t say much for the Australian style of government. There’s a [Royal Commission into Aged Care Quality and Safety](#), which has been quietly working away since it was established in October 2018. It is due to hand down its final report by March 2021; however, its final report will be a major political issue for the federal government, as it has oversight and funding control over aged care, both in-home services and aged care homes.

Another disturbing Royal Commission is the [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#), which is due to report by April 2022. This is still holding hearings and will be doing so for most of next year.

The [Bushfire Royal Commission](#) presented its final report to the Governor General on Wednesday, 28 October 2020. It’s been a year since the fires started, but that anniversary has been overtaken by COVID-19 issues. The recommendations of the Royal Commission include the introduction of a national state of emergency, an all-hazard emergency warning app, and a national fleet of water bombers, as well as recommendations of nationally consistent fire warning system and the actions that the public needed to take in response to each level. Also, a national communications strategy, so that all states have the same frequency for communications. I was sitting at the cricket last February watching planes flying over to drop retardant on the fires in Canberra’s southern edge. That was very surreal.

### COVID-19: Inquiry & Restrictions

The Final Report of the COVID-19 Hotel Quarantine Inquiry (not a Royal Commission) was tabled in the Victorian Parliament on December 21. The commissioner, retired judge Jennifer Coate, found that the decision to use private security guards, without adequate training in infection control, was an “orphan” that neither the Victorian Premier, Daniel Andrews, nor any of his ministers took any responsibility for. The report found flaws in almost every area of this scheme, which was set up to quarantine incoming international passengers and appeared to be regarded as a logistical exercise, rather than a public health operation. Several private security guards and workers in quarantine hotels contracted COVID-19, then spread it into the community in May and June.

This sparked Victoria’s second wave of COVID-19, which claimed over 800 lives and caused four months of tough restrictions that included a night-time curfew, widespread commercial shutdown, and a ban on leaving the home for anything but limited exercise and essential supplies.

I went to Melbourne just after quarantine restrictions had been lifted, and it was very quiet. The hotel where I was staying had a banner on its website that it had not been involved in the quarantine hotel scheme. Myer, a major

department store in Melbourne, is famous for its Christmas windows, and this year they were cancelled due to COVID but reinstated when lockdown was eased, with a cash injection from Melbourne City Council.



As you can see from Santa's newspaper, Christmas was cancelled. The elves, all masked, were bored! But the people won through, and the presents were all delivered by tram.



## Digital Platforms Inquiry

Back to more legal matters, the [Treasury Laws Amendment \(News Media and Digital Platforms Mandatory Bargaining Code\) Bill 2020](#) was introduced into Federal Parliament to ensure that Australian media will be able to bargain with Google and Facebook to quickly secure fair payment for news content used on their platforms. This was originally proposed as a voluntary code between the tech giants and local media companies to negotiate deals after an [inquiry into digital platforms](#) by the Australian Competition and Consumer Commission.

According to the government, it would serve to even out the bargaining position between local media businesses and these tech companies. Barely four months after the announcement of the voluntary code (and in the peak of the COVID-19 pandemic), the government decided there had been “insufficient progress” and stepped in to enforce a mandatory code. This was despite the fact both Google and Facebook revealed they had been working with local publishers to negotiate a voluntary code. In July, after a month's consultation, the government finally released the draft version of the News Media Bargaining Code, outlining how it plans to force two of the biggest companies in the world to pay for news content. While public discussions leading up to the announcement had focused on a single monetary amount both Google and Facebook should have to pay (Nine Media said \$600 million a year, News Corporation said \$1 billion), the draft code instead proposed a case-by-case remuneration scheme.

Under the draft code, news businesses and digital platforms will be given three months to strike a deal through formal negotiations. If the parties cannot come to a decision within this period, an independent arbitrator will be called upon to reach a decision. This will be done within 45 days. The draft version also proposes fines upwards of \$10 million per breach and new “protections” for news businesses that will see Google and Facebook forced to notify these companies of any algorithm changes that could impact how content is distributed within 28 days. The draft code imposes new data-sharing provisions on both Google and Facebook.

And while major Australian media companies widely applauded the draft code, both Facebook and Google have been outspoken in their protests. Google has labelled the code “unworkable,” pointing to the fact it generates revenue for media businesses by providing clicks and therefore advertising. Facebook, meanwhile, has threatened to pull news in Australia completely, should the draft code become law.

However, the bill has been referred to a Senate Economics Committee somehow, even though it hasn't got through the House of Representatives yet. The Committee is due to report in February, so this will be a long, drawn-out process.

## Farewell, Canadian Flagpole

Now some more sad news. The Canadian flagpole at Regatta Point had to be chopped down in November. It had

been damaged in the hailstorm in January, and by the time engineers could assess it, it was found to have significant rot and was a danger to passersby. So, it was felled and chopped into eight pieces, which are being held while discussions take place on how to use the pieces in some commemoration of Canadian–Australian friendship. If someone could put in a good word with Justin Trudeau for us, it would be greatly appreciated, as we'd like another flagpole. There's no flag raising ceremony on Australia Day now, although Australia Day celebrations have been reduced anyway.

Until next—and a hopefully better—time,

Margaret

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## The U.S. Legal Landscape: News from Across the Border

By Sarah Reis\*\*\*

Greetings! I am writing this letter during the final weeks of 2020. Throughout this year, many of us in the United States have felt abandoned by our federal government as federal officials seemingly just gave up on fighting COVID-19 and expressed little interest in providing support to struggling small businesses and individuals. We also had a tense, high-stakes U.S. presidential election where democracy and decency were both on the line. But I do think that this year is ending on a hopeful note. For me, the bright spot of 2020 was the Saturday following the election when it became clear that Biden/Harris had won the election. I felt true relief for the first time in four years. Combined with the promising news about how the vaccine has been approved for distribution that followed shortly thereafter, there is at last some light at the end of the dark COVID-19 tunnel. I am looking forward to the new year and am optimistic that it will be better than this past year!

### U.S. Election

Let's start with what dominated our news cycle here during the past quarter: the election. The presidential election was held on November 3, 2020, although the results for the presidential race and many of the Senate races were not confirmed until several days after Election Day due to an unprecedented number of mail-in ballots and various state laws about when they could be processed and counted. The most closely watched states included Pennsylvania, Wisconsin, Michigan, Georgia, Nevada, and Arizona. Both Biden/Harris and Trump/Pence needed a combination of those states to obtain the necessary 270 electoral votes required to win the election.

Trump has been unwilling to accept defeat and concede to Biden, which has resulted in a rocky transition where President-elect Biden has not been granted access to important information pertaining to COVID-19 and national security issues. In the weeks that followed the election, Trump's legal team [filed numerous lawsuits](#) in both federal and state courts contesting the election results. Most of these lawsuits were denied, dismissed, or withdrawn. No court found evidence of voter fraud.

The U.S. Electoral College [confirmed the outcome of the election](#) on December 14. The presidential inauguration will

take place at noon on January 20. Joe Biden will become the 46th President of the United States, and Kamala Harris will be the first woman, first Black person, and first South Asian-American person to become vice president.

It is unclear which political party will control the U.S. Senate until we get the results of Georgia's special run-off election on January 5. In this runoff election, Republican David Perdue (incumbent) faces off against Democrat Jon Ossoff, and Republican Kelly Loeffler (incumbent) faces off against Democrat Raphael Warnock. Where no candidate receives more than 50 percent of the vote, [Georgia law](#) requires a run-off race between the two top candidates. Republicans currently hold 50 U.S. Senate seats, so Democrats need both Ossoff and Warnock to win these two Senate seats to prevent Republican senators from stonewalling the Biden presidency. If Ossoff and Warnock were to win the Senate seats, then Vice President Kamala Harris would be able to cast a tiebreaking vote in situations where Senate votes tie along party lines.

### Law Schools

Most law schools will continue to hold classes primarily in remote or hybrid formats during the spring 2021 semester. I am excited to teach my FCIL research class this spring. This is my third year teaching this course, and it will be the first time that I will be teaching the course remotely. In the past two years, my class rosters have split nearly 50/50 between American JD students and international LLM students, but because [it remains very challenging for international students to obtain necessary visa appointments](#) to study in the United States due to COVID-19 and the Trump administration, my class roster for this upcoming semester consists primarily of JD students. I am looking forward to seeing a return to a large number of international LLM students at our law school in the future because they are a valuable, important part of our law school community, and I always learn so much from them.

Many law libraries have reopened, although the extent of physical access and on-site services available vary depending on the library. The Chicago Association of Law Libraries published [a special feature on COVID-19 library practices](#) that offers insight into how various law libraries in the Chicago area have reopened, including an article written by my colleague on how [the Pritzker Legal Research Center has reopened](#).

Protests and calls to action throughout the year have shone a light on systemic racism and police brutality in this country. The American Bar Association [announced in October](#) that it is forming a Legal Education Police Practices Consortium with 52 law schools that have agreed to participate in the consortium over the next five years. The purpose of this consortium is to examine and address legal issues pertaining to policing and public safety.

Most law schools postponed their On-Campus Interviewing (OCI) programs from August 2020 to January/February 2021. [NALP released a report on 2020 summer outcomes](#), which found that even though most law firms shifted to remote or shortened programs in summer 2020, the offer

and acceptance rates remained steady, though the average summer program class size decreased to 11 (compared to 13 in 2019 and 14 from 2016 to 2018).

## Bar Exam

The July 2020 bar exam turned into the [July/September/October bar exam](#), as many jurisdictions postponed the exam to transition it to a remote format. Here in Illinois, the exam was initially postponed to September 9–10 (in-person format), but later was cancelled and offered remotely on October 5–6 instead. The National Conference of Bar Examiners keeps track of [release dates for results and exam pass rates](#) for the various jurisdictions.

The [February 2021 bar exam](#) is scheduled for February 23–24 in nearly all of the jurisdictions. Whether the exam will be offered in remote or in-person format depends on the state.

## SCOTUS

Justice Ruth Bader Ginsburg [died at age 87](#) on September 18. Justice Ginsburg was appointed to the Supreme Court in 1993 and served for more than 27 years. She was the second woman appointed to the Court (Justice Sandra Day O'Connor was the first) and the [first woman to have lain in state at the U.S. Capitol](#).

Senate Republicans quickly rushed to push through the confirmation of Amy Coney Barrett, thereby ensuring that the Supreme Court would move even further to the right (more conservative) for years to come. Barrett was sworn in a week before Election Day, despite the fact that Republican senators had asserted back in 2016 that the Senate should not vote on President Obama's nominee to fill Justice Scalia's vacancy during an election year and [refused to hold hearings or a vote on Merrick Garland](#). Justice Scalia died more than eight months before the 2016 presidential election, while Justice Ginsburg died only six weeks before the 2020 presidential election. (Yes, the hypocrisy is astounding.)

The United States does not have universal health insurance coverage, and millions of people lost their employer-based health insurance this year due to pandemic-related job loss. On November 10, the Supreme Court heard oral argument in [California v Texas](#), which will affect the future of the *Affordable Care Act*. Millions of people rely on the *Affordable Care Act* for their ability to obtain health insurance and for the protection it affords for those with pre-existing medical conditions. This ruling will be life or death for many Americans.

The Supreme Court permitted the Trump administration to [end the census count in mid-October](#) instead of continuing through October 31. The census is conducted every ten years and is used to determine how many members each state gets in the House of Representatives and to determine how funds under federal programs should be allocated to local governments. In late November, the Supreme Court heard arguments in [Trump v New York](#) on whether the president could exclude undocumented immigrants from the base population number when calculating apportionment of seats in the House of Representatives. The Supreme Court

did not rule on this case in 2020, so a ruling can be expected in 2021.

## Legislation/Court Cases Affecting Libraries and the Legal Profession

The [Open Courts Act of 2020](#) has been passed by the House of Representatives. This bill provides for free public access to PACER and seeks to modernize the case management and electronic filing system for the federal judiciary. The Judicial Conference of the United States [strongly opposes](#) the version of the bill passed by the House. For the bill to become a law, it needs to be passed by the Senate and signed into law by the president.

Ross Intelligence announced that it would shut down operations after Thomson Reuters brought a [copyright infringement lawsuit](#) against the startup company, claiming that Ross Intelligence stole content from Westlaw to build its own platform. However, a few days after announcing that it would shut down operations effective January 31, 2021, [Ross Intelligence filed a counterclaim](#).

## ALA & AALL

The American Library Association (ALA) will hold its [Midwinter Meeting](#) from January 22–26 in virtual format, but the ALA is hopeful that the annual conference from June 24–29 will be held in person in Chicago.

The American Association of Law Libraries is hoping to hold its [2021 Annual Meeting & Conference](#) from July 17–20 in Cleveland, Ohio.

## U.S. Legal Research

I thought it would be useful to include a section highlighting new or recently updated free tools and resources for conducting U.S. legal research in this column going forward.

Last April, the Supreme Court held that annotations in Georgia's official state code are ineligible for copyright protection in [Georgia v Public.Resource.Org Inc](#), which was the outcome desired by the American Association of Law Libraries and other library associations. In October, Carl Malamud, founder of Public.Resource.Org, announced that they have made the [Official Code of Georgia Annotated available in HTML in a github repo](#), making the Georgia state code more accessible to all.

The Texas State Library and Archives continues to digitize and add content to the [Texas Digital Archive](#). In October, they added a large batch of Texas Supreme Court case files from 1841 to 2004.

The federal government has launched beta versions of [Regulations.gov](#), where users can access federal regulatory materials, and [eCFR](#), where users can access a continuously updated online version of the Code of Federal Regulations. The beta websites look much more modern and have improved search functions.

The Library of Congress launched [Newspaper Navigator](#), a tool that allows users to search across 1.56 million



historic newspaper images and photos by keyword. This visual content has been extracted from digitized American newspapers available through the Library of Congress's [Chronicling America](#) database.

The U.S. National Archives Museum of Indian Arts and Culture launched the [Indigenous Digital Archive Treaties Explorer](#), which provides online access to 374 ratified Indian treaties between Indigenous peoples and the United States from 1722 to 1869.

The FBI launched [The Vault](#), which is a new FOIA library that provides access to 6,700 documents and other digitized media. An A–Z index is available on this website, and some of the files can be searched by keyword.

### Miscellaneous News

The “Big Five” trade book publishers in the United States will soon become four sometime in 2021, leading to potential antitrust concerns. Bertelsmann, the parent company for Penguin Random House, [agreed to buy Simon & Schuster](#) for \$2.175 billion, in late November. Penguin and Random

House merged back in 2013 to become Penguin Random House, so it has not been many years since the “Big Six” became the “Big Five.” The three other major publishing houses include Hachette Book Group, Harper Collins, and Macmillan.

On January 1, 2021, copyright expires for works published in 1925, so a new set of works published in 1925 will enter the public domain en masse. Previously, works published in 1923 entered the public domain on January 1, 2019, while works published in 1924 entered the public domain on January 1, 2020. A few items of interest published in 1925 include commercial codes or case reporters from 1925, as well as literary works such as F. Scott Fitzgerald’s *The Great Gatsby* and Virginia Woolf’s *Mrs. Dalloway*. These materials will be available through the [Internet Archive Digital Library](#), [HathiTrust Digital Library](#), and [Google Books](#).

This year has been challenging, disruptive, and unforgettable for everyone around the world, but it has also shown how truly globalized and interconnected the world has become. Here’s to a nice start to 2021. Until next time!

Sarah

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\* Jackie Fishleigh, Library and Information Manager, Payne Hicks Beach.

\*\*Margaret Hutchison, Manager of Technical Services and Collection Development at the High Court of Australia .

\*\*\*Sarah Reis, Foreign & International Law Librarian, Pritzker Legal Research Center, Northwestern Pritzker School of Law, Chicago, IL

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# 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>.

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Tous les membres de l'ACBD ainsi que toute autre personne intéressée à la bibliothéconomie et faisant partie du monde juridique sont invités à 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>.

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