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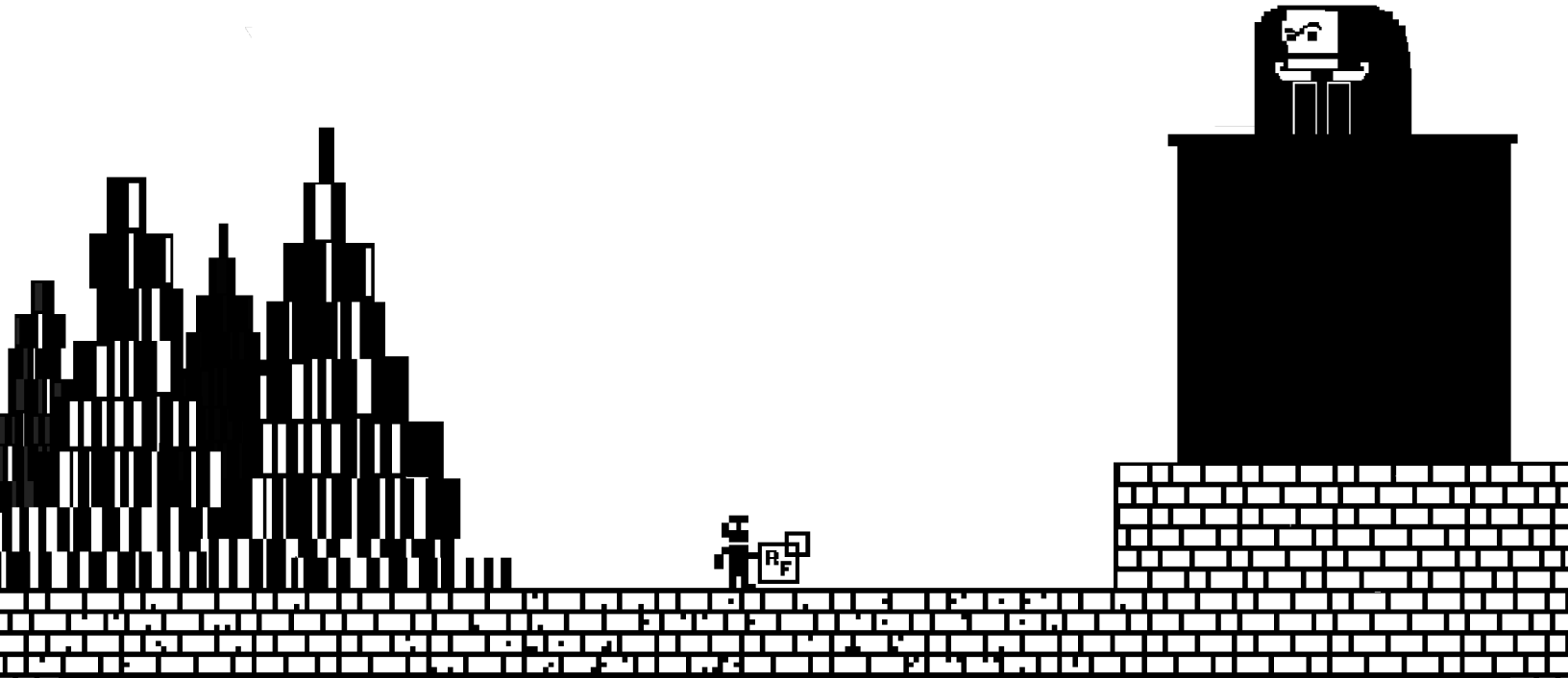
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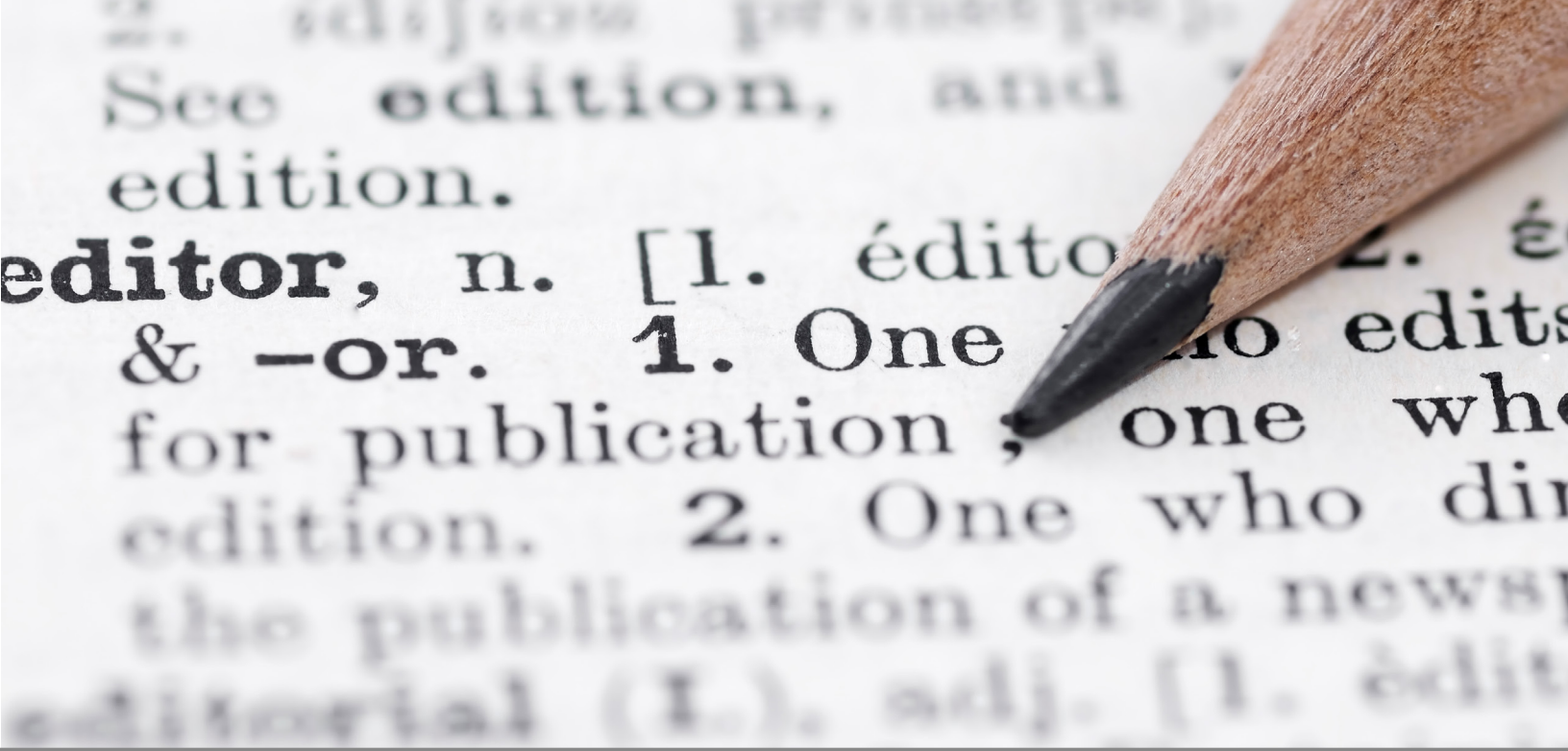
By Nikki Tanner

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III From the Editor / De la rédactrice

Spooky season is upon us! Pumpkins are ubiquitous, shelves are lined with trick-or-treat candy, and suddenly everyone seems to share my interest in all things creepy and macabre. After a long, hot summer, I relish putting on a sweater; smelling the cool, crisp air; and crunching colourful leaves under my boots. Sure, snowstorms and freezing rain are right around the corner, but for now, it's perfection.

In his President's Message, George suggests that this is a great time of year to reconnect with colleagues or expand your network through volunteering with CALL/ACBD. We've benefitted from the talents and expertise of several CALL/ACBD members over the years who've been willing to volunteer their time and energy to CLLR, including Josée Viel and Nancy Feeney, both of whom have recently stepped down from their roles on the editorial board. The previous issue was Josée's last as Local and Regional Updates editor, and this issue marks Nancy's last as Bibliographic Notes columnist. Thank you for your years of dedication, Josée and Nancy! But with every ending comes opportunity, and we now have two openings on the editorial board just waiting for the right people. If you'd like to throw your hat into the ring, or you just want to know more about either position, let me know. I'd love to hear from you.

This issue's feature article is about the importance of research guides in academic law libraries, namely for Aboriginal, Indigenous, Jewish, and Islamic law. Author Ilana N. Hernandez deftly argues that it is our duty to ensure that minority legal systems are represented in our guides, and I wholeheartedly agree. When I was a new law librarian, one of the first research guides I made was for Aboriginal law. A year or so later, one of my law students, a citizen of the

Métis Nation, explained the difference between Aboriginal and Indigenous law to me while we were chatting in my office. I'd had no idea, and, to my embarrassment, I'd been using the terms interchangeably for a while at that point. I'd decided then to create an Indigenous law guide, but, like so many things on my to-do list, it got put on the backburner, first by other work and projects, then by a pandemic and an administrative appointment. But finally, in late 2021, I renamed my Aboriginal law guide to "Aboriginal & Indigenous Law" and, with the invaluable assistance of that same law student, now an alumna and friend, added much needed and underrepresented Indigenous law sources.

I think my experience demonstrates the problem Hernandez is highlighting. Our focus tends to be on Canadian law, and sometimes it doesn't occur to us that there are other legal systems and traditions within our own country that intersect and interact with that law. Without knowledge of Aboriginal and Indigenous law, for example, we're missing a significant part of Canadian law. Luckily, that knowledge is becoming more common. But, as the comic books say, with great knowledge comes great responsibility. As law librarians, it is our responsibility to acknowledge, represent, and provide access to these legal systems and their sources.

EDITOR
NIKKI TANNER

La saison des fantômes approche! Les citrouilles sont omniprésentes, les étagères sont garnies de friandises, et tout le monde semble tout à coup partager mon intérêt pour les choses macabres et qui donnent la chair de poule. Après un été long et chaud, je me réjouis de pouvoir enfileur un

chandail, de sentir l'air frais et vivifiant et de faire craquer les feuilles colorées sous mes bottes. Certes, les tempêtes de neige et la pluie verglaçante ne tarderont pas à se pointer, mais pour le moment tout est parfait.

Dans son message du président, George suggère que c'est le moment idéal de l'année pour renouer avec des collègues ou élargir votre réseau en faisant du bénévolat pour l'ACBD/CALL. Au fil des ans, nous avons pu profiter des talents et de l'expertise de plusieurs membres de l'ACBD/CALL qui ont accepté de donner bénévolement de leur temps et de leur énergie à la RCBD, notamment Josée Viel et Nancy Feeney, qui ont récemment quitté leurs fonctions au sein du comité de rédaction. Le numéro précédent a été le dernier de Josée à titre de rédactrice des activités locales et régionales, et ce numéro marque le dernier de Nancy comme chroniqueuse des notices bibliographiques. Merci à vous deux, Josée et Nancy, pour vos années de dévouement! Mais étant donné que pour chaque fin il y a toujours un nouveau départ, nous avons maintenant deux postes à pourvoir au sein du comité de rédaction qui n'attendent que les bonnes personnes. Si vous souhaitez proposer votre candidature ou en savoir plus sur l'un ou l'autre de ces postes, n'hésitez pas à me contacter. Je serai heureuse de faire votre connaissance.

Dans ce numéro, l'article de fond porte sur l'importance des guides de recherche dans les bibliothèques de droit universitaires, notamment en ce qui a trait au droit autochtone, indigène, juif et islamique. L'auteure, Ilana N. Hernandez, soutient habilement qu'il est de notre devoir de veiller à ce que les systèmes juridiques minoritaires soient représentés dans nos guides, et je suis tout à fait d'accord avec elle. Lorsque j'ai commencé ma carrière comme bibliothécaire de droit, l'un des premiers guides de recherche que j'ai réalisés portait sur le droit autochtone.

Environ un an plus tard, l'une de mes étudiantes en droit, une citoyenne de la nation métisse, m'a expliqué la différence entre le droit autochtone et indigène alors que nous jasons dans mon bureau. J'ignorais cette différence et, à mon grand embarras, j'utilisais ces deux termes de façon interchangeable depuis un certain temps déjà. C'est à ce moment-là que j'ai décidé de créer un guide sur le droit indigène, mais, comme tant d'autres éléments sur ma liste de choses à faire, ce projet a été mis en veilleuse, d'abord par d'autres travaux et projets, puis par une pandémie et une nomination à un poste administratif. Enfin, à la fin de 2021, j'ai renommé mon guide pour refléter le droit autochtone et indigène et, avec l'aide précieuse de cette même étudiante en droit, qui est maintenant une amie et ancienne étudiante, j'ai ajouté des sources de droit indigène sous-représentées et indispensables.

Je crois que mon expérience démontre le problème que met en lumière Hernandez. Nous avons tendance à nous concentrer sur le droit canadien, et parfois il ne nous vient pas à l'esprit qu'il existe d'autres systèmes et traditions juridiques dans notre propre pays qui s'entrecroisent et interagissent avec ce droit. Si nous ne savons rien sur le droit autochtone et indigène, par exemple, nous passons à côté d'une partie importante du droit canadien. Heureusement, ce savoir devient de plus en plus répandu. Mais, comme on dit dans les bandes dessinées : de vastes connaissances impliquent de grandes responsabilités. En tant que bibliothécaires de droit, nous avons la responsabilité de reconnaître, de représenter et de fournir un accès à ces systèmes juridiques et à leurs sources.

**RÉDACTRICE
NIKKI TANNER**



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III President's Message / Le mot de la présidente

As I write this, I can hardly believe that it is already September, with the fall season knocking on the door. I must admit, however, that this is my favorite time of year. In addition to shorter days, crisp air, and cooler nights, this change in season brings a welcomed reprieve from the scorching summer heat for many of us. There is also a lot of natural beauty during this transition, from glorious red, yellow, and orange leaves to the dazzling afternoon sunlight emanating from the lower angle of the sun. There is much to appreciate.

Besides this natural beauty, fall also brings with it a spirit of new beginnings, possibilities, and renewal. With fewer activities competing for our attention, such as a stroll along the beach or lake, an ice cream run, or a late evening barbeque, it is the perfect time for self-reflection and planning. A time to ruminate on what is to come, and an opportunity to reconnect with and take care of ourselves. It is a wonderful time to start something new or set new goals.

My own personal goal for the fall—and the year, for that matter—is initiating a strategic planning process for the Association. As we continue to emerge from the pandemic and re-establish more regular routines, and develop new ones, I believe this is great opportunity for us to reflect on our Association and network of colleagues. I encourage all CALL/ACBD members to reach out to me with thoughts and ideas about our organization. In particular, I would like to hear your thoughts about where you think we are now, where we may wish to go, and what our priorities and goals should be. Your candid thoughts will benefit the executive board as it plans for the future. We will communicate more formal aspects of this engagement later this fall.

Speaking of engagement, this is a great time of year to think about reconnecting with colleagues or expanding your network. CALL/ACBD provides an excellent avenue to do this by participating on committees, SIGs, or other initiatives. I encourage all members to think about volunteering in some capacity for the Association. Volunteering is a great way to connect with colleagues and build your professional network, and it contributes to the overall success of our organization. It is also a collegial way to gain experience and develop skills that are not part of your current position.

Of course, another way to volunteer is by serving on the executive board. As the Association enters a full election year, I would like to encourage all members to consider a position on the board. Personally, serving on the board has been an immense privilege and learning experience for me, and I deeply value the connections I have made during this time. I hope that you will all give some thought to providing leadership to the Association. Please feel free to connect with current board members should you wish to learn more about the different positions.

Wishing you all the very best in the months ahead.

**PRESIDENT
GEORGE TSIAKOS**

Au moment où j'écris ces lignes, j'ai du mal à croire que nous sommes déjà en septembre et que l'automne frappe à la porte. Je dois cependant admettre que c'est ma saison préférée de l'année. En plus des journées plus courtes, de l'air vif et des nuits plus fraîches, ce changement de saison offre un répit salutaire pour bon nombre d'entre nous qui

avons connu une chaleur écrasante pendant l'été. Cette transition nous offre aussi une grande beauté de la nature — des splendides feuilles rouge, jaune et orange à la lumière éblouissante de l'après-midi jaillissant de l'angle du soleil plus bas. Il y a énormément de choses à apprécier.

Outre cette beauté naturelle, l'automne nous apporte aussi un esprit de nouveaux départs, de nouvelles possibilités et de renouveau. Comme il y a moins d'activités qui rivalisent pour retenir notre attention, par exemple une promenade le long de la plage ou du lac, une sortie à la crèmerie ou une soirée barbecue, c'est le moment idéal pour l'autoréflexion et la planification. C'est un temps pour réfléchir sur ce qui s'en vient, et une occasion de se reconnecter avec soi-même et de prendre soin de soi. C'est un moment très propice pour entreprendre quelque chose de nouveau ou se fixer de nouveaux objectifs.

Mon objectif personnel pour l'automne — et l'année, d'ailleurs — est d'instaurer un processus de planification stratégique pour l'Association. Alors que nous commençons à sortir de la pandémie, et que nous rétablissons nos routines régulières ou en adoptions de nouvelles, je crois que c'est une excellente occasion pour nous de réfléchir à notre association et à notre réseau de collègues. J'invite tous les membres de l'ACBD/CALL à me faire part de leurs réflexions et de leurs idées portant sur notre organisation. Notamment, j'aimerais savoir ce que vous pensez de notre situation actuelle, l'orientation que nous devrions prendre, de même que les priorités et les objectifs que nous devrions avoir. Vos franches réflexions seront utiles au conseil exécutif

pour planifier l'avenir. Nous communiquerons les éléments tangibles de cet engagement plus tard cet automne.

En parlant d'engagement, c'est le moment idéal de l'année pour penser à reprendre contact avec des collègues ou à élargir votre réseau. L'ACBD/CALL offre un excellent moyen de le faire en participant à des comités, des GIS ou d'autres initiatives. J'encourage tous les membres à penser à faire du bénévolat de près ou de loin pour l'association. En plus de s'avérer une excellente façon de rencontrer des collègues et de bâtir votre réseau professionnel, cela contribue au succès global de notre organisation. C'est également une façon collégiale d'acquiescer de l'expérience et de développer des compétences qui ne font pas partie de votre poste actuel.

Évidemment, une autre façon de faire du bénévolat consiste à siéger au conseil d'administration. Étant donné que l'association entame une année électorale, j'aimerais encourager tous les membres à penser à siéger au conseil. Personnellement, cette expérience est un immense privilège et une belle expérience d'apprentissage, et j'apprécie profondément les liens noués pendant cette période. J'espère que vous réfléchirez à la possibilité d'assurer le leadership de l'association. N'hésitez pas à contacter les membres actuels du conseil si vous souhaitez en savoir plus sur les différents postes.

Je tiens à vous souhaiter tout le succès que vous méritez dans les mois à venir.

**LE PRÉSIDENT
GEORGE TSIAKOS**

CALL/ACBD Research Grant

The Committee to Promote Research and CALL/ACBD invite members to apply for the CALL/ACBD Research Grant. The application deadline is February 28, 2023.

The CALL/ACBD Research Grant was established in 1996 to provide members with financial assistance to carry out research in areas of interest to members and to the association. Please refer to our Committee page for a copy of the application form and to view our collection of past research projects.

The Committee is excited to receive proposals and we encourage members to apply or to contact us to discuss a project you are interested in. Members who previously applied but were not awarded funding are welcome to reapply.

Co-Chairs, CALL/ACBD Committee to Promote Research:

Beth Galbraith (bgalbraith@cwilson.com) & Christine Brown (christine.brown@ualberta.ca)

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III Research Guides Beyond Canadian Law: A Question of Justice

By Ilana N. Hernandez¹

ABSTRACT

As common resources in academic libraries, research guides can be expected to furnish researchers and students with access to resources on topics taught at their institution. In the law school libraries of institutions with significant programming on topics in Jewish Studies, Islamic Studies, or Indigenous Studies, librarians must be prepared to provide or facilitate access to materials addressing such topics, as well as instruct in their use. However, many Canadian law school libraries currently do not provide adequate support in this area. I argue that libraries at schools where courses or programs address these topics have a responsibility to support them through research guides.

SOMMAIRE

En tant que ressources communes dans les bibliothèques universitaires, on peut s'attendre à ce que les guides de recherche fournissent aux chercheurs et aux étudiants un accès aux ressources sur les sujets enseignés dans leur établissement. Dans les bibliothèques des facultés de droit des établissements qui offrent une programmation

importante sur des sujets comme les études juives, les études islamiques ou les études autochtones, les bibliothécaires doivent être prêts à fournir ou à faciliter l'accès aux documents qui traitent de ces sujets, ainsi qu'à donner des instructions sur leur utilisation. Cependant, de nombreuses bibliothèques d'écoles de droit canadiennes ne fournissent pas actuellement un soutien adéquat dans ce domaine. Je soutiens que les bibliothèques des écoles où les cours ou les programmes abordent ces sujets ont la responsabilité de les soutenir par le biais de guides de recherche.

Introduction

Research guides are a near-ubiquitous feature of academic libraries' reference and digital strategies. They give students a jumping-off point to begin research by providing instruction on research methodologies or by functioning as curated lists of recommended materials. These are important resources for reaching students, particularly under circumstances that necessitate a heavy reliance on remote reference services (e.g., during a public health emergency),² and provide materials to which a student can repeatedly refer during independent work. For an overwhelmed undergraduate student, a guide can be a reassuring port in the storm that is

¹ Ilana N. Hernandez, ML, is a reference librarian at York University Libraries in Toronto with experience in the social sciences, humanities, and law. She has a Bachelor of Arts in Jewish Studies and anthropology, with a particular focus on Jewish law. She has previously worked in a corporate law firm library and at the Osgoode Hall Law School Library.

² Ruth Sara Connell, Lisa C Wallis & David Comeaux, "The Impact of COVID-19 on the Use of Academic Library Resources" (2021) 40:2 Information Technology & Libraries 1.

the early stages of the research process for an assignment, allaying anxiety.³ For a student pursuing more advanced work, a guide can function as a preliminary bibliography, and a topic guide on the finer points of research methodologies can provide additional strategic support.⁴ Further, research guides can be a means of promoting faculty scholarship as part of a broader digital strategy to promote the institution and its research output (e.g., through research guides supporting faculty scholarship⁵ or by including links to institutional repositories in subject guides).

For law students who come to the discipline from a variety of academic and vocational backgrounds, a broad selection of research guides that reflects extant law school course content is crucial.⁶ However, librarians should also be prepared to go further and proactively anticipate students' and scholars' interdisciplinary work, which may involve minority legal traditions or the legal cultures of minority groups in Canada. These are non-Canadian legal traditions that do not constitute "foreign law" in the narrow sense (meaning the domestic law of nation states other than Canada). A subset of this intersection of disciplines includes Jewish law (*halakhah*), Islamic law (*shari'ah*), and the legal systems and laws specific to Indigenous peoples in Canada.

In addition to being of academic interest in and of themselves to scholars working in Jewish Studies, Indigenous Studies, and Islamic Studies, these legal systems are worth considering from a law librarian and reference perspective because they may interact with Canadian law in ways that make them relevant to the Canadian legal system in very practical and immediate terms. Canada is home to 1.67 million people who identify as First Nations, Inuit, and/or Métis;⁷ Muslims living in Canada number over one million;⁸ and Jewish people in Canada comprise the fourth largest Jewish community in the world.⁹ Each of these ethnic,

religious, or ethnoreligious communities has its own legal culture and interacts with the Canadian legal system.¹⁰ The disciplines each of these systems of law touch on are likewise well represented in Canadian universities and their libraries. As such, libraries' support of their universities' programming and scholarship in these subject areas can be expected.

Aboriginal and Indigenous Law

Legal scholar Val Napoleon explains the essence of Indigenous law as a process by which Indigenous peoples self-govern, applying "law to manage all aspects of political, economic, and social life including harvesting fish and game, accessing and distributing resources, managing lands and waters."¹¹ Although this internal self-governance is quite separate from the Aboriginal law of the Canadian state, the ways it may interact with Aboriginal law are manifold: while communities' long-standing legal traditions are often subordinated by the settler-colonial legal system, Indigenous law becomes part of—or is entangled with—Canadian law by virtue of the interaction between these two systems.¹²

As Michif lawyer Stephen Mussell argues, it should be a basic fact understood by lawyers that Aboriginal law and Indigenous law are not the same thing: the former is a body of law developed by the colonial state to manage the Indigenous people extant on the land prior to colonization, and the latter comprises the various legal traditions of those peoples.¹³ Indigenous legal traditions may come into conflict with the law of the Canadian state writ large, and they may be further complicated by the body of Canadian law that governs the conduct of Indigenous persons, nations, and organizations. Crown law, for example, relies on the doctrine of *terra nullius* and the doctrine of discovery, which directly conflict with Indigenous systems of governance that predate colonization.¹⁴ Understanding these concepts is important for students studying law, and any librarians who instruct

³ Kaeli Nieves-Whitmore, "Library Anxiety & COVID-19: Resources" (last visited 12 August 2022), online: <www.kaelinieveswhitmore.com/research/LS583/resources>.

⁴ Michael Kicey, "Ordinary Beauty: An Unashamed Manifesto for LibGuides" (29 November 2021), online: *The Journal of Creative Library Practice* <creativelibrarypractice.org/2021/11/29/ordinary-beauty>.

⁵ "Faculty Scholarship Support" (last visited 12 August 2022), online: *Ross-Blakley Law Library, Arizona State University* <libguides.law.asu.edu/facultyscholarshippupport>.

⁶ Anne Klinefelter, "The Value of an Academic Law Library in the 21st Century" in Joan S Howland, Michelle Wu & Scott Pagel, eds, *Academic Law Libraries Within the Changing Landscape of Legal Education: A Primer for Deans and Provosts* (Getzville, NY: William S Hein, 2020) 3, online: *SSRN* <papers.ssrn.com/sol3/papers.cfm?abstract_id=3734447>.

⁷ Indigenous Services Canada, *Annual Report to Parliament 2020*, Catalogue No R1-114E-PDF (Ottawa: Indigenous Services Canada, 2020), online: <www.sac-isc.gc.ca/eng/1602010609492/1602010631711>.

⁸ Statistics Canada, *Religiosity in Canada and Its Evolution from 1985 to 2019*, by Louis Cornelissen, Catalogue No 75-006-X (Ottawa: Statistics Canada, 28 October 2021), online: <www150.statcan.gc.ca/n1/pub/75-006-x/2021001/article/00010-eng.htm>.

⁹ Sergio DellaPergola, "World Jewish Population, 2020" in Arnold Dashevsky & Ira M Sheskin, eds, *The American Jewish Year Book, 2020*, vol 120 (Cham, Switzerland: Springer, 2022) 273, reprinted in Sergio DellaPergola, "World Jewish Population 2020", online (pdf): *Berman Jewish Databank* <[www.jewishdatabank.org/content/upload/bjdb/2020_World_Jewish_Population_\(AJYB_DellaPergola\)_FinalDB.pdf](http://www.jewishdatabank.org/content/upload/bjdb/2020_World_Jewish_Population_(AJYB_DellaPergola)_FinalDB.pdf)> at 25.

¹⁰ I chose to focus on these three groups not because they are more deserving of attention than other ethnic or religious communities in Canada, but because Indigenous people in Canada have unique concerns in terms of legal interactions with the state that sometimes differ from those of any other ethnic or visible minority in this country, Canadian Muslims are the numerically largest non-Christian religious group in the country, and Jewish law has been represented significantly in Canadian human rights litigation and is the non-state legal order about which I am most knowledgeable..

¹¹ Val Napoleon, "What Is Indigenous Law? A Small Discussion" (2016), online (pdf): *Indigenous Law Research Unit* <ilru.ca/wp-content/uploads/2020/08/What-is-Indigenous-Law-Val-.pdf>.

¹² Alexi Fox, "The Law Librarian's Role in Reconciliation" (2021) 46:2 *Can L Libr Rev* 11, online: *CanLII* <canlii.ca/t/158p>.

¹³ Interview of Stephen Mussell by Kaymi Yoon-Maxwell in "Indigenous Law and Aboriginal Law: It's Past Time We All Knew the Difference" (1 July 2020), online (blog): *The Pivot Blog* <www.pivotlegal.org/_indigenous_law_and_aboriginal_law>.

¹⁴ *Ibid.*

law students and interact with legal professionals should likewise have a grasp of these distinctions.

Writing in the context of librarianship, Alexi Fox makes it clear that Canadian law librarians bear a particular responsibility for accuracy and thoroughness in providing reference services around law as it relates to Indigenous peoples in Canada.¹⁵ Universities with law and legal studies programs should likewise be prepared to address both Aboriginal law and Indigenous legal traditions, in particular because the Truth and Reconciliation Commission (TRC)'s 28th Call to Action calls upon Canadian law schools to require students to take at least one course on Indigenous peoples and the law, including both types of law.¹⁶

As research guides are a customary and well-established resource in academic libraries, they can be expected to accommodate these topics. In 2021 and again in 2022, I performed an analysis of the library research guides of 23 Canadian universities with law schools, which revealed that the majority do not accommodate both subjects, or only do so only minimally (see Figure 1). Of the total guides surveyed, roughly 48 per cent addressed Aboriginal law alone. An additional 20 per cent combined Aboriginal and Indigenous law content into one guide, while only 17.9 per cent had subject guides dedicated solely and specifically to Indigenous law. Nearly 13 per cent covered neither topic. However, since I first performed this research in the summer of 2021, one library has renamed its Aboriginal law guide "Aboriginal & Indigenous Law" and has added substantial Indigenous law material, including a statement differentiating Indigenous law from Aboriginal law.¹⁷ It seems that the summer of 2021, a period of public reckoning for non-Indigenous Canadians, may have been a reminder for libraries to reconsider how substantively they have responded to the TRC's Calls to Action.¹⁸

It requires no great leap of imagination as to why Aboriginal law is prioritized in academic libraries. The public's reaction to the discovery in 2021 of multiple mass and unmarked grave sites on the grounds of former residential schools demonstrates that non-Indigenous Canadians struggle to appreciate the history of this country's programs of genocide (and ongoing institutional anti-Indigenous racism), the legacy of which is encoded in our law. Canadian law, including Aboriginal law, is given primacy in our law schools and our legal system; in law library reference services, our default setting is legal centralism and not legal pluralism.¹⁹

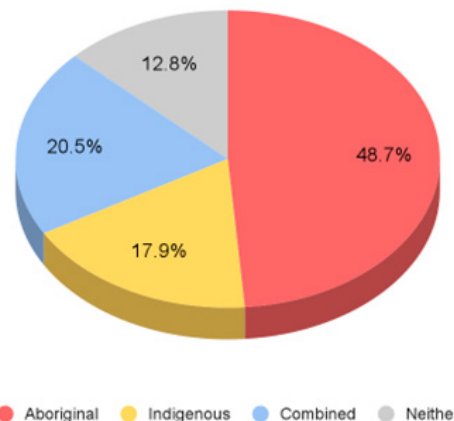


Figure 1: Of the total guides addressing Aboriginal and/or Indigenous legal content, nearly half addressed Aboriginal law alone. Fewer than 25 per cent combined these types of content. Just under 13 per cent of libraries surveyed included neither type of content.

It follows that the majority of Canadian law students and legal professionals who engage with these topics will have a far more thorough understanding of the Canadian state's regulation of Indigenous persons and communities than of Indigenous peoples' legal traditions and modes of self-governance. It is unsurprising that this problem is laid bare by the content of many academic law libraries' research guides. What we privilege is made visible in what we choose to prioritize and make available. As Fox argues, we have a responsibility to improve this state of affairs.²⁰ Addressing insufficiencies in extant research guides is one way of meeting this challenge.

Jewish and Islamic Law

The situation where Jewish and Islamic law are concerned differs from that of Indigenous and Aboriginal law in that these legal traditions are not codified in the Canadian legal system except insofar as Jews' and Muslims' rights to religious freedom and to live free from racist prejudice are enshrined in the *Charter*.²¹ However, Jews and Muslims are notable minority groups in Canada, and their legal traditions are of known academic interest.

Lawyers who represent Jewish and Muslim clients undoubtedly want to do right by them, and the majority surely do their utmost to represent them with integrity, rigour, and respect for their needs. Lawyers in Ontario are also

¹⁵ *Supra* note 12.

¹⁶ *Truth and Reconciliation Commission of Canada: Calls to Action* (Winnipeg: Truth and Reconciliation Commission of Canada, 2015) at para 28, online (pdf): National Centre for Truth and Reconciliation <ehprnh2mwo3.exactdn.com/wp-content/uploads/2021/01/Calls_to_Action_English2.pdf>.

¹⁷ "Law, Aboriginal & Indigenous Guide" (last visited 21 July 2022), online: *UNB Libraries* <guides.lib.unb.ca/guide/215>.

¹⁸ "CARL Statement on National Day for Truth and Reconciliation" (29 September 2021), online: *Canadian Association of Research Libraries* <www.carl-abrc.ca/news/carl-statement-on-national-day-for-truth-and-reconciliation>.

¹⁹ Legal centralism is the idea that "law" as a concept should be restricted to the law of the state or is naturally the sole province of the state, and that it is mutually exclusive of other legal orders. Legal pluralism is a complex of ideas that arose to combat, refute, or complicate these notions. See Ambreena S Manji, "Imagining Women's 'Legal World': Towards a Feminist Theory of Legal Pluralism in Africa" (1999) 8:4 *Soc & Leg Stud* 435 at 436–438. For a discussion of these concepts in the Canadian context, see Val Napoleon, "Legal Pluralism and Reconciliation" (November 2019) *Māori LR*, online: <maorilawreview.co.nz/2019/11/nga-ture-o-nga-iwi-taketake-legal-pluralism-and-reconciliation-val-napoleon>.

²⁰ *Supra* note 12.

²¹ *Canadian Charter of Rights and Freedoms*, s 7, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (UK), 1982, c 11.

bound by their law society's *Rules of Professional Conduct*, which require them to conduct themselves with integrity and competence generally²² and specifically to know the limitations of their knowledge and conduct research as necessary so they can appropriately represent a client.²³ This may include sensitivity to the delicate nature of interactions between non-state legal orders and the Canadian legal system, particularly in areas such as family law.²⁴

One particularly emotional example of this type of interaction is illustrated in the 2017 documentary *One of Us*. This film discusses the case of Etty, a Jewish woman leaving the Haredi²⁵ community, who is estranged from her allegedly abusive husband and embroiled in a painful battle for custody of their seven children. The lawyers retained by Etty's husband are depicted as both exploiting the intricacies of family law in the American secular legal system to their advantage and counting on the ignorance of non-Jews to the specifics of *halakhah*, some precepts of which might be in contravention with actions taken by an individual coming before the court.²⁶

An example of an interaction between Canadian and Jewish law may be seen in the context of *halakhah*'s doctrine of forced heirship, which is at odds with Ontario's doctrine of testamentary freedom. Wagner et al advise readers of potential issues that can crop up when advising Jewish clients who wish to adhere to *halakhah* without running afoul of the Jewish precept *dina d'malkhutah dina*, which forbids Jews from breaking the law of the land they live in, even if Jewish law permits something that the secular law forbids.²⁷ In other cases, such as *Syndicat Northcrest v Amselem*, the law of the state may forbid something that Jewish law actually requires.²⁸ Similarly, the question of whether a *halakhic* power of attorney is binding in Ontario was discussed by Wagner in the context of a terminally ill patient suffering excruciating pain, where a solicitor might be in the position of drafting a power of attorney but is ill-prepared to take into account *halakhic* opinion and precedent.²⁹

In Canada, the interaction of *shari'ah* law with Canadian law has likewise been a subject of debate. The situation has been discussed by legal scholar Anver Emon and lawyer Shirish Chotalia, among others. In her article on the constitutionality of the (hypothetical) establishment of a *shari'ah* court

system by which Canadian Muslims could choose to be governed, Chotalia concludes that "requiring Canadians to resolve private disputes using Canadian laws as opposed to any form of religious law, including Muslim law, does not abridge *Charter* rights. Rather, it preserves them."³⁰ She argues that allowing Canadians to be governed by *shari'ah* law (even if in addition to and not instead of Canadian law) endangers the values of rule of law and secularism.³¹ However, her articulation of these issues underscores that a solid understanding of the possible interactions between these two bodies of law is necessary.

By contrast, Emon, in a paper on *shari'ah* in family law arbitration, writes that the government can create a legal regime that facilitates and regulates the development of non-profit Muslim family service organizations to enable Muslims to observe and be governed by *shari'ah* law:

By utilizing various legislative regimes ... and by using the power of judicial review, the government can create venues for Muslims to create their own civil society institutions through which they can critically evaluate the historical Sharia doctrine, determine how it fits within the state's legal system, and arbitrate family disputes in light of their *de novo* analysis of Sharia.³²

Critical analyses like Chotalia's and Emon's illustrate that the site of interaction between non-state legal orders and Canadian law is a dynamic one, and one that may become yet more important for lawyers to understand in an increasingly diverse society.

No reasonable person would expect every Canadian university library with a law program to provide substantial and granular research guidance on *halakhah* or *shari'ah*, particularly if those universities do not offer courses that address topics in Jewish or Islamic Studies. But it is not unreasonable to expect that institutions with robust programming in Jewish Studies, Islam, comparative religion, or Near and Middle East Studies, for instance, might provide a research guide specific to those legal systems (as opposed to merely a single research guide for the study of religion in general, which is unfortunately not uncommon).

²² *Rules of Professional Conduct* (last amended 24 February 2022) at ch 2, online: *Law Society of Ontario* <lso.ca/about-lso/legislation-rules/rules-of-professional-conduct>.

²³ *Ibid* at ch 3.

²⁴ "Navigating Divorce and Custody When Leaving Ultra-Orthodoxy" (2020), online (pdf): *Footsteps* <footstepsorg.org/wp-content/uploads/2012/10/Footsteps_LegalManual_November-2020.pdf>.

²⁵ *Haredi* indicates a Jewish community that practices what is often referred to in English as Ultra-Orthodox Judaism.

²⁶ *One of Us*, Netflix (New York, NY: Loki Films, 2017).

²⁷ Charles B Wagner, David Wagner & David Posner, "Halachic Estate Planning – Tax and Litigation Risks" (2018) 37:4 *Est Tr & Pensions J* 335.

²⁸ 2004 SCC 47.

²⁹ Charles Wagner, "Are Halachic Powers of Attorney for Personal Care Binding in Ontario?" (Paper delivered at the B'nai Brith Seminar, Toronto, 9 May 2007), online: *Wagner Sidlofsky LLP* <www.wagnersidlofsky.com/halachic-poas>.

³⁰ Shirish P Chotalia, "Arbitration Using Sharia Law in Canada: A Constitutional and Human Rights Perspective" (2006) 15:2 *Const Forum Const* 63 at 71.

³¹ *Ibid*.

³² Anver Emon, "Islamic Law and the Canadian Mosaic: Politics, Jurisprudence, and Multicultural Accommodation" (2009) 87:2 *Can Bar Rev* 391 at 422, online: <hdl.handle.net/1807/89182>.

Of the 23 universities I surveyed, six had Jewish Studies programs of some kind. Of those six, four provided a subject guide and only two had guides on Jewish law specifically. Three had Islamic Studies programs of some kind. Of those, two provided a subject guide and only one had a guide on Islamic law specifically.³³ Of those schools that had neither specific subject guides nor dedicated programs in these subjects, around 11 had substantial coverage of topics in Jewish and Islamic Studies in course programming (e.g., in courses on religion, anthropology, and history).

Where course coverage of specific subjects is extensive, efforts should be made to provide some manner of research support, and guides can be a simple and effective means of doing so, provided they are informed by user-centred design³⁴ and an adequate understanding of the material, and that they are easily accessible to the intended audience.³⁵ While a full discussion of research guide design is beyond the scope of this paper, librarians should ensure that research guides respond to user needs as expressed by students (based on usability testing when possible)³⁶ and as indicated by institutional programming.³⁷

The Role of the Law Librarian

How can a lawyer ethically and effectively assist their client in cases where Jewish, Islamic, or Indigenous law conflicts, or complicates compliance, with the Canadian legal regime? We, the Canadian public, cannot reasonably expect every lawyer to have an encyclopedic, or even adequate, understanding of all these issues, including the context in which these laws and their various interpretations came to be, or why a client might prioritize remaining bound by certain strictures even as they seek to exercise their rights under Canadian law. We cannot expect a lawyer to always

know exactly where to begin their research to effectively assist their client—this is part of why the profession of law librarianship exists.

We may, however, expect that as a matter of basic decency, adequate legal representation should respect their client's culture and religion and take them into account in contexts in which they are relevant. Law schools increasingly understand the importance of addressing Indigenous legal traditions as complex legal systems in their own right, and we see this reflected in course offerings such as "Indigenous Law As Practice: Applying Mi'kmaq Legal Traditions" (offered at Dalhousie University's Schulich School of Law)³⁸ or "Indigenous Perspectives and Realities" (offered at York University's Osgoode Hall Law School), which address the knowledge systems that inform Indigenous law.³⁹ A special mention should go to the University of Victoria, which has 12 distinct research guides addressing topics in Indigenous Studies (including a substantial guide to research in Indigenous legal systems⁴⁰), which support their extensive programming and research in Indigenous Studies, in particular the Indigenous Law Research Unit.⁴¹ We also see combined degree programs like the University of Toronto Faculty of Law's JD/Collaborative Program in Jewish Studies⁴² and its specialization in Islamic law,⁴³ respectively, and other course offerings that address the Jewish⁴⁴ and Islamic legal systems.⁴⁵

The role of the law librarian, then, must be to offer an entry point into, and support for, research in these areas by assisting the patron with expert guidance on where to begin their research. What sources are reliable? How can those sources be accessed? What are the basic principles of the legal system in question? What are keywords specific to that system that can be used in searching?

³³ These Jewish and Islamic Studies programs included undergraduate major and minor programs, minor programs only, and graduate-level or post-graduate "microprograms" or certificates.

³⁴ Jeremiah Paschke-Wood, Ellen Dubinsky & Leslie Sult, "Creating a Student-centered Alternative to Research Guides: Developing the Infrastructure to Support Novice Learners" (2020), online: *In the Library With the Lead Pipe* <www.inthelibrarywiththeleadpipe.org/2020/student-centered-alternative-research-guides>.

³⁵ Meredith Farkas, "Research Guide Technologies" (Spring 2012) *Tips and Trends*, online (pdf): *ALA Instruction Section* <acrl.ala.org/IS/wp-content/uploads/2014/05/2012spring.pdf>

³⁶ Dana Oullette, "Subject Guides in Academic Libraries: A User-Centred Study of Uses and Perceptions" (2011) 35:4 *Can J Information & Libr Sci* 436 at 499.

³⁷ Rebecca Jackson & Kristine K Stacy-Bates, "The Enduring Landscape of Online Subject Research Guides" (2016) 55:3 *Reference & User Services Q* 219 at 221.

³⁸ "Aboriginal and Indigenous Law" (last visited 21 July 2022), online: *Schulich School of Law* <www.dal.ca/faculty/law/aboriginal-indigenous-law.html>.

³⁹ "Indigenous Perspectives and Realities" (last visited 21 July 2022), online: *Osgoode Hall Law School* <www.osgoode.yorku.ca/courses-and-seminars/indigenous-perspectives-and-realities>.

⁴⁰ "Indigenous Law/Indigenous Legal Traditions" (last visited 21 July 2022), online: *University of Victoria Law Library* <libguides.uvic.ca/iluvic>.

⁴¹ "Indigenous Law Research Unit: A Research Unit at the University of Victoria" (last visited 21 July 2022), online: *Indigenous Law Research Unit* <irlu.ca>.

⁴² "JD/Collaborative Program in Jewish Studies" (last visited 21 July 2022), online: *University of Toronto Faculty of Law* <www.law.utoronto.ca/academic-programs/jd-program/combined-programs/jdcollaborative-program-in-jewish-studies>.

⁴³ "Islamic Law" (last visited 21 July 2022), online: *University of Toronto Faculty of Law* <law.utoronto.ca/legal-specialization/islamic-law>.

⁴⁴ See e.g. "AP/HUMA 1880 6.0 (cross-listed to AP/HIST 1190): Jewish Experience: Civilization and Culture" (last visited 21 July 2022), online: *York University* <www.yorku.ca/laps/huma/jest-courses/ap-huma-1880-6-0-jewish-experience-civilization-and-culture>; "ED/HEB 3030: Teaching Classical Hebrew Texts in Jewish Studies" (last visited 21 July 2022), online: *York University* <www.yorku.ca/laps/huma/jest-courses/ap-heb-3030-3-0-teaching-classical-hebrew-texts-in-jewish-studies>.

⁴⁵ See e.g. "AP/HUMA 1845 6.00 Islamic Traditions" (last visited 21 July 2022), online: *York University* <www.yorku.ca/laps/huma/rfst-courses/1845>; "Law & Religion in Legal, Social, and Political Perspective" (last visited 21 July 2022), online: *Osgoode Hall Law School* <www.osgoode.yorku.ca/courses-and-seminars/law-religion-in-legal-social-and-political-perspective>.



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One means of supporting this research can be directing the lawyer or researcher to well-crafted research guides on these subjects. We can also expect the law librarian to understand, if not the details of these legal traditions, at minimum the basic fact that legal traditions outside Canadian law exist and matter, and that interactions between them occur. Whether the librarian is working in academia, a law firm, or a government agency, they can better serve their patrons by understanding the existence and importance of legal systems in Canada that are not those of the state. Librarians wishing to understand these issues more deeply and broaden their institutions' scope of practice may consider further independent study. Resources to support this work include the University of British Columbia's "Indigenous Librarianship" research guide,⁴⁶ involvement in or awareness of groups like the American Library Association's Ethnic & Multicultural Information Exchange Round Table (EMIERT),⁴⁷ the journal *Judaica Librarianship* and other publications of the Association of Jewish Libraries,⁴⁸ the work of the Middle East Librarians Association,⁴⁹ or similar such resources. On

the institutional level, this may include increased institutional support for librarian professional development on these topics and active engagement with those outside the library field with professional or academic expertise, or lived experience, around such issues.

Libraries of institutions with Jewish Studies, Islamic Studies, or Indigenous Studies programs, or offering courses engaging with Indigenous, Islamic, or Jewish law, must make research guides addressing these topics available to students. A willingness to address these issues is a question not only of individual librarians' professional excellence, but of the strength of our profession and of access to justice for everyone living within Canada's borders, and therefore subject to its laws. Librarians are no less engaged in the production of knowledge and in pedagogy than are students and faculty. Research guides present an opportunity to uncover and legitimize legal systems and ways of knowing heretofore erased or marginalized. ■

⁴⁶ "Indigenous Librarianship" (last visited 26 August 2022), online: *University of British Columbia Library* <guides.library.ubc.ca/Indiglibrarianship>.

⁴⁷ "Ethnic & Multicultural Information Exchange Round Table (EMIERT)" (last visited 21 July 2022), online: *EMIERT* <www.ala.org/rt/emiert>.

⁴⁸ "Publications" (last visited 21 July 2022), online: *Association of Jewish Libraries* <[jewishlibraries.org/publications](https://www.jewishlibraries.org/publications)>.

⁴⁹ "Middle East Librarians Association" (last visited 21 July 2022), online: *Middle East Librarians Association* <www.mela.us>

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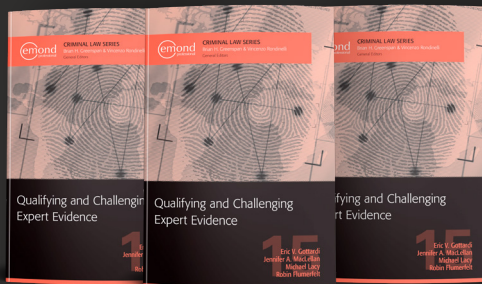
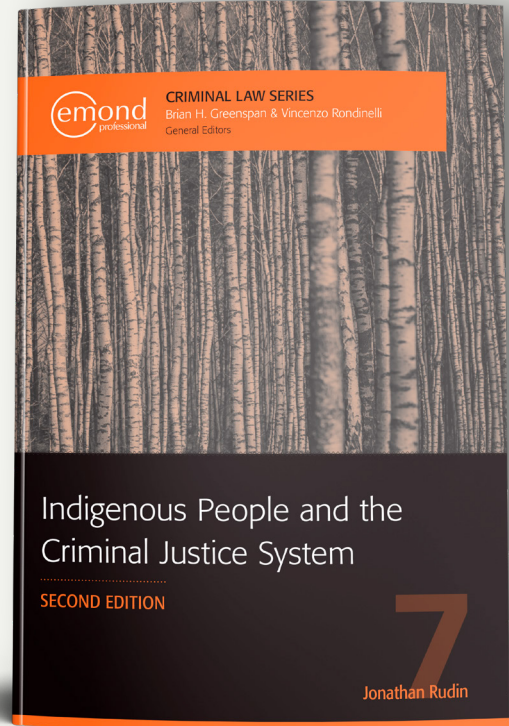
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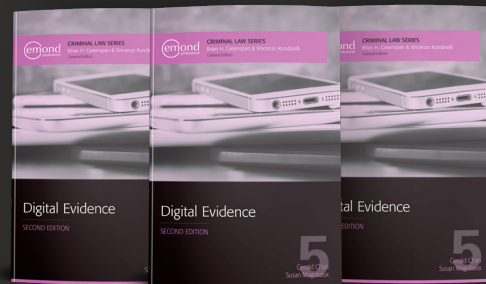
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III Reviews / Recensions

Edited by Elizabeth Bruton and Dominique Garingan

***The Cambridge Handbook of Lawyering in the Digital Age.* Edited by Larry A. DiMatteo et al. Cambridge, U.K.: Cambridge University Press, 2021. xxv, 380 p. Includes detailed table of contents and list of contributors. ISBN 9781108837460 (hardcover) \$298.95; ISBN 9781108936040 (ePUB) US\$208.00.**

The Cambridge Handbook of Lawyering in the Digital Age is a comprehensive scholarly volume that explores the many implications of, and perspectives on, legal technology in the practice of law. It aims to establish “a framework for analyzing the costs and benefits of new technologies before they are implemented in legal practice” (p. i).

The book is based on the papers delivered at the Conference on Lawyering in the Digital Age held in Amsterdam from October 17–18, 2019, augmented by papers of additional contributors “to produce a more comprehensive and in-depth volume” (p. 3). It contains 21 chapters divided into an introduction and six parts: Effects of Technology on Legal Practice, Legal Tech and ADR, Legal Tech in Consumer Relations and Small Claims, Legal Tech and Public Law, Legal Ethics and Societal Values Confront Technology, and Fate of the Legal Professions.

The book has both a standard table of contents and a detailed table of contents, but no index. Unfortunately, the detailed table of contents does not completely make up for the missing index. For example, to find references to the OECD’s *Recommendation of the Council on Artificial Intelligence and Robotics*, one needs to hunt and skim the text. Perhaps the publisher expected everyone to use the

electronic version of the book. I was also disappointed by the number of typographical errors I found.

The contents of the book are described concisely in the introduction:

The core question discussed is how to balance the fear of industry takeover by technology and the need to change the business model of legal practice, using technology to expand services and create value for clients. This core question leads to many other questions yet to be resolved, involving the role of governmental regulation, judicial use of technology, the impact of digital technologies on specialized areas of the law, and the role of bar associations (legal ethics) in the management of technology in law. (p. 3)

To address this core question, each chapter examines a different set of issues arising out of the use of legal technology by looking at the different, and sometimes opposing, perspectives on the issues and leading the reader to think more carefully about their own views. A theme in several chapters is the necessity for lawyers to become well-versed in the workings of the legal technology they use to meet their professional obligations to their clients. Legal technology education must be integrated into law school and continuing education curriculums.

The papers range in style from the scholarly review of the evolution of legal technology and the issues inherent in various forms of legal technology (Part I: Effects of Technology on Legal Practice) to philosophical discussions (Part IV: Legal

Tech and Public Law; Part V: Legal Ethics and Societal Values Confront Technology; and Chapter 19, “Lawyering Somewhere between Computation and the Will to Act”).

Part V: Legal Ethics and Societal Values Confront Technology dives deeply into ethical issues like the need for having global agreement on ethical guidelines for the development of trustworthy artificial intelligence (AI) (and what constitutes trustworthy AI), and ethical evaluation and implementation of legal technology.

Chapter 16, “Ethics Guidelines for Trustworthy AI,” sets out the underpinning for the legal framework for managing AI, inspired by ethical principles on which AI developments should be based, much like the framework for privacy and protection of personal data under the European Union’s *General Data Protection Regulation*. The legal framework depends on lawyers thoroughly understanding, and being competent in the use of, AI and AI-based tools used in their practices. Chapter 17, “Ethical Digital Lawyering,” discusses ethical evaluation of “digital lawyering” tools by evaluating the effect those tools have on the outcomes of their use and whether uniformity and standardization in the legal field are always desirable. Chapter 19, “Lawyering Somewhere Between Computation and the Will to Act,” explores human thinking and judgment and how they currently differ from even the most developed AI.

Chapter 20, “Surviving the Digital Transformation,” describes the lessons learned by a Danish law firm in its implementation of legal technology. This chapter will resonate with those who have been involved in similar projects. The author concludes, “The road to success requires lawyers to challenge assumptions that underlie the law firm’s delivery of services to clients by questioning the way they work. ... So, lawyers will need to rise to the challenges of being product developers and owners” (p. 370–371).

For the most part, this volume is not light reading, but it is important reading. The papers are all well written and cover their sometimes-complex subjects clearly. However, unless they are very keen on the topic of legal technology, most practicing lawyers will not likely have the time to devote to reading and inwardly digesting this book and thus will need to rely on law societies and associations to provide the education prescribed in this book.

I recommend this book for all academic law libraries, law society libraries, legislative libraries, and the libraries or collections of other organizations wanting to develop a greater understanding of legal technology.

REVIEWED BY
SANDRA GEDDES

*Knowledge Management Lawyer
Bennett Jones*

***Copyright Protection of Unpublished Works in the Common Law World.* By Patrick Masiyakurima. Oxford: Hart, 2020. xviii, 217 p. Includes table of cases, table of statutes, index, and bibliographic references. ISBN 9781509916962 (hardback) \$132.50; ISBN 9781509955909 (softcover) \$62.50; ISBN 9781509916979 (PDF) \$56.25; ISBN 9781509916986 (ePUB & Mobi) \$56.25.**

Copyright Protection of Unpublished Works in the Common Law World provides an excellent introduction to, overview of, and prescription for the legal treatment of unpublished works. Author Patrick Masiyakurima notes that he “started with a brief exposition of the meanings of ‘publication’ in copyright law. The book’s central thesis was that publication assumes a wide range of meanings because of several historical, factual and technological imperatives” (p. 195). In addition to setting out the legal context, the author considers the philosophical, economic, and social concerns that play a significant role in determining the colourful patchwork of decisions that make up our common law heritage as well as national and international statutory interventions.

Masiyakurima’s description of the evolution of statutory and common law rights in unpublished works provides a clear account of matters and decisions that are, taken together and individually, often far from clear. As the author notes: “a longstanding problem with cumulation of interests in unpublished matter is that the law develops incoherently in order to meet the peculiarities of individual cases” (p. 42). Given that the cases range from Queen Victoria and Prince Albert’s protection of the privacy of their etchings to a publisher’s attempts to keep Robert Burns’s correspondence private to preserve his reputation, I would have to say that “peculiarities” is an understatement.

Copyright Protection represents well a *published* work providing a comprehensive treatment of the law and issues relating to *unpublished* works. Masiyakurima effectively sets out not only the basics but also the foundations for those basics and manages to cover this narrow but difficult area of law in a way that considers the extra-legal concerns that have shaped judicial and statutory outcomes.

The marvelous peculiarity of the cases Masiyakurima has chosen is part of what makes this book so delightful. For example, in his discussion of the early case of *Webb v Rose* (1732), 96 ER 184, who could fail to be delighted by a published property rights precedent that considers property rights to publish legal precedents (p. 27)? What is more impressive is his ability to bring a measure of coherence to an area of law where significant consequences depend upon distinguishing between “undisclosed,” “privately disclosed,” “publicly disclosed,” and “published,” and whether fairness is better served by “fair dealing” or “fair use.”

I cannot help thinking that the author’s most important contribution comes in his thoughtful suggestions as to how society in the future might better balance the competing social values that come to bear where works do not fit easily into the “published” category. Too great an emphasis on the rights of authors (whether long dead, unknown, uninterested, or otherwise not available for rights clearance) results in the social and historical cost of archival materials deteriorating while archivists can neither digitize, transcribe, disseminate, or preserve them (p. 187–190). There must be a better balance, and Masiyakurima argues persuasively for improvements to common law regimes dealing with unpublished works.

Copyright Protection of Unpublished Works in the Common Law World would make a welcome addition to the collections of law libraries, IP practitioners, university libraries and archives, and the Law Commission of Canada.

REVIEWED BY
CHARLES R. DAVIDSON
Davidsons Lawyers

***Data Science in the Library: Tools and Strategies for Supporting Data-Driven Research and Instruction.* Edited by Joel Herndon. London, U.K.: Facet, 2022. 311 p. Includes bibliographic references and index. ISBN 9781783304608 (hardcover) \$185.35; ISBN 9781783304592 (softcover) \$106.83; ISBN 9781783304615 (eBook) \$182.42; ISBN 9781783305186 (ePUB) \$74.53.**

Although the term “data science” may be instantly recognizable as a current catchphrase in information technology, resources for librarians on the topic are somewhat limited. This edited volume helps to fill this gap by addressing the role of the research library in supporting data science from a practical perspective.

As a growing field that is notoriously difficult to define, inherently multi-disciplinary, and methodologically varied, data science can prove elusive as a target of library services, structures, and supports. To address this issue, *Data Science in the Library* wisely takes as its subject the more broadly defined “rise of data science” (p. 38) rather than specificities within this field. This approach makes its case studies and practical insights extremely valuable from an institutional and organizational perspective. However, subject specialists like law librarians may be disappointed with the lack of specificity regarding discipline-specific concerns.

The book is most valuable as a compilation of practical case studies, guiding principles, ideas, concerns, and models when considering the place of data science in a research library. An introduction by editor Joel Herndon, director of the Center for Data and Visualization Sciences at Duke University Libraries, provides valuable insight into the challenges of defining data science and its rising prominence in academic spheres. The book is then divided into four parts, with each theme brought into focus by data science professionals representing research libraries in the United States and Europe.

Part 1: Data Science and Research Libraries – Perspectives focuses on how research libraries have been responding to the rise of data-driven research, including a case study on the evolution of the Fundación Juan March DataLab. In Part 2, data science instruction is the target of discussion, both as a potential area for library-led instruction and with regards to university-level data science courses. Part 3: Data Science Services details two case studies of American research libraries that have expanded existing data services to support data science and the various choices and challenges that have been made during their implementation. Lastly, Part 4: Designing and Staffing Data Science targets questions of how to staff a research library, both from a hiring and training perspective, to fully support data science.

Common themes and challenges run throughout the selection of chapters, including the pervasive challenges of sustainability, technological infrastructure, staffing, training, and assessment. As contributor Elizabeth Wickes states, “Creating something completely new is not always necessary” (p. 51), and many chapters encourage libraries to identify and operationalize skillsets and knowledge that already exist as a starting point for building out data science services. Collaboration is another crucial and recurring theme. Students, faculty, researchers, IT departments, and external organizations are often identified as resources that library staff can leverage to ensure the success of a program or service. For data science support in particular, these partnerships can prove beneficial from a sustainability perspective because constantly changing and updating methodologies make it difficult to retain and train library staff on all relevant skillsets.

The book’s focus on data science through the lens of the library will prove invaluable to those struggling with questions about the place of the research library in such conversations. At an organizational or institutional level, the book provides several interesting case studies for thinking about the implementation of data science services. At the individual level, the book has perhaps less to offer, though it does provide several starting points for librarians who are interested in developing their skills in this area or developing training and workshops at their library. As the focus is on academic libraries, *Data Science in the Library* will be of most interest to academic librarians or administrators. It will also be of interest to those involved in creating, adapting, or evaluating a data science strategy for their library.

REVIEWED BY
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***Decolonizing Data: Unsettling Conversations About Social Research Methods.* By Jacqueline M. Quinless. Toronto: University of Toronto Press, 2022. xx, 173 p. Includes illustrations, bibliographic references, and index. ISBN 9781487523336 (softcover) \$24.95; ISBN 9781487530105 (ePUB) \$24.95; ISBN 9781487530099 (PDF) \$24.95.**

Decolonizing Data: Unsettling Conversations About Social Research Methods offers a unique scholarly contribution and serves as an “invitation for non-Indigenous researchers to look at the ways in which everyday research practices, particularly within the social sciences, contribute to the colonization of research practices and data” (p. xiii).

Author Dr. Jacqueline Quinless is an adjunct professor in the Department of Sociology at the University of Victoria and instructor of sociology and pre-social work at Camosun College. Recognized by the Canadian Sociological Association and the Angus Reid Foundation, Dr. Quinless is an award-winning public sociologist honoured for her extensive body of community-based work in the advancement of Indigenous welfare in Canada. In *Decolonizing Data*, Dr. Quinless takes the position that “the decolonization of

research within the social sciences requires innovative design practices that include relational allyship, partnership, honouring Indigenous ethical protocols, holding space for resurgence, and challenging power structures” (p. 4).

The book comprises six chapters, the first of which situates urban Indigenous health and wellness within the broader context of contemporary settler relations and ongoing colonial practices. More specifically, Dr. Quinless persuasively supports the position that national quantitative measures for health and well-being such as the Community Well-Being Index are not only deeply limited in their ability to account for Indigenous well-being, but that the scores further “exercise colonial power over Indigenous peoples by legitimizing western ways of well-being over Indigenous ways of ‘being well’” (p. 14). In this chapter, Dr. Quinless introduces the reader to the First Nations Health Authority (FNHA) and the First Nations Perspective on Wellness (FNPOW), both of which are subsequently expanded on and applied as successful illustrations of self-determination and decolonization later in the book.

Chapter 2, “The Impacts of Colonization on Indigenous Health and Well-Being,” makes connections between historical assimilationist and ongoing settler-state policies with contemporary poor health conditions and outcomes for Indigenous peoples across Canada. While there is growing recognition that “Canadian public policy should promote Indigenous well-being as opposed to merely addressing social problems” (p. 17), and despite living in an era of reconciliation,

[m]ore than 113 First Nations are without clean drinking water; forty-eight percent of all children in foster care are First Nations; sixty percent of First Nations children live in poverty. In the last decade, there has been a 90 percent increase in the rate of imprisonment of Indigenous women in Canada; if nothing changes in terms of schooling resources, it will take 28 years to close the education gap between First Nations and Canadians; if nothing changes it will take 63 years to close the income gap between First Nations and Canadians. (p. 30)

The focus of the third chapter gives the reader a deeper understanding of the FNPOW. The chapter illustrates, by way of extensive references, the critical importance of researching urban Indigenous health and wellness from this perspective, thereby acting as a critical bridge across the research gap within Indigenous health literature. Dr. Quinless asks how western researchers work with Indigenous communities to better understand well-being and offers an explanation grounded within the decolonization of research methodologies. Dr. Quinless notes that the objective of a decolonizing approach is not to discard all theory or western knowledge. Rather, “decolonizing methodologies draw from existing knowledge and bridge western and Indigenous knowledge systems” (p. 47).

Chapter 4 reviews the “conceptual frameworks and measurement tools” (p. xvii) of the social capital theory articulated by Pierre Bourdieu in his book *Distinction: A Social Critique of the Judgement of Taste* (1984). This approach

emphasizes three forms of capital—economic, cultural, and social—and situates them within the hierarchical, stratified, and differentiated class structure of western societies. Dr. Quinless argues that Bourdieusian analysis of class relations is “important for policymakers and developmental practitioners to better address issues surrounding Indigenous health and wellness” (p. 49). Through illustrative case studies like the Indigenous Resistance dataset (p. 57) and *The Harvard Project on American Indian Economic Development* (p. 60), Dr. Quinless successfully roots complex theoretical concepts within applied approaches to Indigenous health and well-being, “provided it is conceptualized by those Indigenous communities, as is the case with the FNPOW” (p. 62).

In the first four chapters, Dr. Quinless offers the expository *why*. The fifth chapter, “Decolonizing Data and Critical Research Methods,” provides the *how* by expanding on decolonized methodologies, co-created research design practices, and ethical frameworks rooted in Indigenous ways of knowing. In partnership with the FNHA, Dr. Quinless presents her data and findings obtained through the study of First Nations health outcomes as “a knowledge basis supportive of a decolonized research process that bridges Indigenous world views with dominant knowledge structures” (p. 80).

Chapter 6, the conclusion, offers readers critical reflections on relational allyship, culturally responsive research practices, and the crucial next step of Indigenous data sovereignty. Weaving together themes from the previous chapters, Dr. Quinless states that

[d]ecolonizing research is an ongoing journey through a series of the unseen ways of acting on relationships through language, stories, and ceremony that regenerate Indigenous ways of life. Decolonization is the process of regaining self-determination and social, economic, cultural, and political independence. (p. 118)

This clear and concise text is both a theoretical and practical contribution to the advancement of reconciliation. While rooted in social science and health-based research, *Decolonizing Data* is a unique and timely body of work that would be a useful addition to both academic and public libraries wanting to deepen their understanding of decolonization and apply a critical and decolonized approach to their spaces, policies, and methodologies.

REVIEWED BY
HOLLY JAMES

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Alberta Law Libraries

***Discrimination Stories: Exclusion, Law, and Everyday Life.* By Colleen Sheppard. Toronto: Irwin Law, 2021. 222 p. Includes table of contents, bibliographic references, and index. ISBN 9781552215371 (softcover) \$39.95; ISBN 9781552215388 (PDF) \$39.95.**

Discrimination Stories: Exclusion, Law, and Everyday Life by Colleen Sheppard provides an incisive look into discrimination in a Canadian context. The book is accessible and engaging in its explanation of key concepts through real-life examples and case studies. While rigorous in its

examination of complex legal and constitutional issues, the pages turn easily because of the uniquely human stories of tragedy and hope that are recounted.

The book comprises eight well-organized chapters. The first chapter defines terms through the heartbreaking story of a girl with a disability who loved to bowl and sought to compete. The following chapters tackle discrimination at the micro, meso, and macro levels in the context of employment, sexual violence at universities, race, and hurtful speech. Each chapter provides an overview of how discrimination operates and proposes solutions for overcoming discrimination.

This book looks to the future. Throughout, Sheppard provides concrete examples of how change can occur and makes suggestions for implementing change. She calls on the collective to accept responsibility for discrimination rather than relying solely on institutional or government responses, although she advocates strongly for both of those, too.

Because of the clear way in which solutions are provided, this book would be useful to a broad audience. First, the book would well serve any institution that is developing Equity, Diversity, and Inclusion (EDI) initiatives. It provides a solid and nuanced foundation to introduce complex topics. In particular, Chapter 4, “Taking Positive Steps: Equity Initiatives,” provides a basic blueprint to develop institutional equity initiatives and proactive measures to address inequality. Second, the book is an excellent resource for law students and human rights lawyers. Sheppard draws on scholars in a broad range of fields, including constitutional law and human rights law. She weaves together disciplines that can often be siloed into an overarching framework for understanding discrimination. Third, the book is simply an enjoyable read for anyone who wishes to understand the challenges we face in Canadian society today.

One interesting aspect of the book is the shift from concepts of equality to concepts of “equitable freedom.” For example, Sheppard notes that protection from sexual violence is generally associated with equality rights. Yet, she posits that what is also at stake is a freedom “to be and live in a world that is not pervasively and structurally constrained by the risks and realities of sexual violence” (p. 85). Later in the book, Sheppard extends this concept to traditional notions of hate speech, which she redefines as “harmful speech.”

Through the story of James Komar, an elderly gay man who received anti-gay flyers in his mailbox that had been distributed by a group called the Christian Truth Activists, Sheppard notes that the case is traditionally understood as a conflict between equality rights and freedom of expression. She proposes reframing the issue as a matter of competing freedoms, “the freedom to live in this world without fear of violence or hate, versus the freedom to say whatever you want, even if it causes fear or harm, or is hateful” (p. 132). By framing the dilemma in terms of conflicting freedoms, she explains that someone’s freedom is undermined. Sheppard is deeply critical of concepts of individual freedom that fail to consider the impact of one’s acts or speech on others in the community. She concludes that “it is impossible and even undesirable for the government to try to regulate harmful aspects of a wide range of communication. It is, instead, a

responsibility that each one of us needs to assume” (p. 147).

Equity initiatives within the employment context are another issue that Sheppard tackles with clarity. She uses the early examples of preferential policy initiatives beginning in the aftermath of World War I that involved special programs for returning veterans. She notes that those policy initiatives advanced the rights of persons with disabilities, since many veterans had been disabled in the war. The “fairness” of policies was generally not questioned, as veterans are usually recognized as deserving of benefit from their sacrifices. Sheppard extends this historical context to the challenges faced by other groups seeking access in the workplace. Through this discussion, Sheppard addresses “reverse discrimination” and explains the Canadian jurisprudential context for equity initiatives as the beginning of equality.

This slender volume is full of difficult concepts that are rendered easily understood, and the discrimination stories of real people provide power to the more abstract concepts. I recommend *Discrimination Stories: Exclusion, Law, and Everyday Life* for institutions developing EDI initiatives, law students, human rights lawyers, and anyone wishing to understand contemporary and ongoing challenges surrounding discrimination. In a world that seems increasingly divisive, Sheppard speaks about kindness and helps readers understand that competing interests may be addressed.

REVIEWED BY
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***Employment Law During a Pandemic.* By Sean J. O’Donnell. Toronto: LexisNexis, 2022. 127 p. Includes table of cases and index. ISBN 9780433509677 (softcover) \$125.00.**

Employment Law During a Pandemic by Sean J. O’Donnell offers a succinct reference guide to questions and issues in employment law that have arisen due to the COVID-19 pandemic. The book advertises itself to employment lawyers, in-house counsel, government officials, and HR professionals, but it is the latter category for whom the book will likely be most useful. With a focus on Ontario and federal jurisdictions, O’Donnell curates the issues he sees as most pressing, offering guidance for navigating the changing landscape of employment law during a pandemic.

One of the challenges of a book that takes a very recent and specific event as its topic is that there are fewer sources to draw from as matters work their way through the courts. The pandemic has also shown us how quickly things change. In the months since the book’s publication, there have been significant developments in the political and legal landscape. This presents complications to an author who has fewer decisions to draw from and who must also account for rapidly changing information.

What the book does well is identify pertinent areas of employment law and predict how the pandemic might

affect them. It comprises eight chapters, with each chapter taking an established area of employment law, providing an overview of the legislation and relevant case law, and putting it into context with the issues that arose during the pandemic. This is a coherent approach, but with little recent case law to draw from, at times it feels thin.

For example, in Chapter 4, “Mitigation of Damages,” we see how the relatively short timeframe of the pandemic presents limitations for O’Donnell. *Bardal* factors are taken into consideration to determine whether an employee has satisfied their duty to mitigate damages. However, at the time of writing, the courts in Ontario had yet to clarify their position in the context of the pandemic.

That said, O’Donnell writes with clarity, starting broadly and working toward the specifics of the pandemic in each chapter. He makes concrete recommendations for employers throughout, and the book truly succeeds as a quick reference.

This is most effective in Chapter 7, “Rights and Obligations from OHS upon Return to Work,” where O’Donnell turns to return-to-work plans and measures to reduce the risk of COVID-19 transmission in the workplace. The chapter makes for a useful guide for employers and employees, laying out the potential issues that might arise around workplace health and safety.

Chapter 8, “Vaccinations and the Workplace,” deals with vaccination and is arguably the most controversial chapter and likely the one readers will be most interested in. At the time of publication, no decisions had been handed down relating to the termination of employment for refusing vaccines, and thus much of the chapter is speculative. However, this chapter also focuses on the obligations of employers and considerations that should go into the drafting of vaccination policies, the right to privacy, and the collection of sensitive information. Again, it makes for a good guide, highlighting the issues that employers should be paying attention to.

Ultimately, the book offers a snapshot of the first two years of the pandemic and the legal issues surrounding employment that arose during that time. Where this book is most likely to be useful is in HR departments, as well as the collections of solo practitioners or small firm employment lawyers. Is it an extensive employment law text? No, but its purpose is more suited to a quick reference tool.

If future editions of this book are forthcoming, it will be interesting to see how the dust has settled. As it stands, there is simply a dearth of case law to contribute to a more fulsome discussion. Nevertheless, O’Donnell does an excellent job keeping the focus on potential issues sharp.

REVIEWED BY
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***The Future of Unions and Worker Representation: The Digital Picket Line.* By Anthony Forsyth. Oxford: Hart, 2022. xxxii, 277 p. Includes bibliographic references and**

index. ISBN 9781509924974 (hardcover) \$150.95; ISBN 9781509924998 (PDF) \$135.85; ISBN 9781509924981 (ePUB & Mobi) \$135.85.

Unions are making headlines around the world. Workers in New York voted to create unions at Starbucks and Amazon locations this past December and April, respectively. In Canada, unionization actions are currently underway at Amazon locations in Alberta and Quebec. Employers are being accused of interfering with union drives and penalizing workers at unionized locations. The ongoing pandemic has reintroduced the issues of reasonable sick leave and safe working conditions into collective agreement negotiations.

Published in 2022 and current to May 31, 2021, *The Future of Unions and Worker Representation* is a timely examination of current issues seen in labour law, such as the effects of the COVID-19 pandemic on the labour movement and trends in Big Tech and the gig economy. Author Anthony Forsyth, a distinguished professor of labour law at RMIT University in Melbourne, Australia, compares labour actions and legislation across four countries: Australia, England, the United States, and Italy, reviewing challenges faced by trade unions over the past 30 years and their responses to them, including new union structures and membership models, lobbying and litigation, and innovative engagement and campaigning strategies.

The book begins by describing the extent and causes of the decline in union membership in these jurisdictions since the 1980s, followed by a comparison of the strengths and weaknesses of their legal frameworks for worker representation. The author outlines the impacts of various business models, globalization, economic restructuring, labour law reforms, and growing opposition to unions.

Chapters 4 to 8 examine each country individually (with chapters 5 and 6 focusing on Australia), including the varying levels of success of their organising models. These chapters highlight innovative efforts and responses of unions to economic and political reforms and various revival strategies that have been attempted. They explore grassroots union mobilisation of low-paid and marginalised workers and new connections between unions and other social movements, such as action on climate change and racial justice. They also consider non-union forms of collectivism, such as self-organized worker collectives, digital unions, and worker centres. In chapters 9 and 10, Forsyth considers the legal challenges and collective bargaining efforts that are being raised to meet the worker’s need for representation in the gig economy.

Chapter 11 looks back at the themes explored in previous sections and proposes a “pathway to union revitalisation” (p. 193). It outlines steps that unions should take, questions to address, and actions to prioritize to rebuild collectivism. It also suggests options for labour law reform in the areas identified in the book. The final chapter examines how trade unions have worked to protect workers’ safety and income during the COVID-19 pandemic.

While *The Future of Unions and Worker Representation* does not specifically discuss the legal and political landscape

of the labour movement in Canada, the broader trends and analyses offer valuable insights for lawyers practising labour law, union leaders, or anyone interested in the effects of current events on worker representation.

REVIEWED BY
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***The Law of Independent Legal Advice.* By Ted Tjaden. 3rd ed. Toronto: Carswell, 2021. xciii, 778 p. Includes table of cases, bibliographic references, and index. ISBN 9780779898947 (softcover) \$250.00.**

The name Ted Tjaden is, in my opinion, synonymous with legal research in Canada. His third edition of *The Law of Independent Legal Advice* clearly illustrates his knowledge and understanding of a legal researcher's needs. The first edition was published by Carswell in 2000, followed by the second edition in 2013. The current edition, published in 2021, is far more comprehensive and includes significant new content.

Tjaden's dual role as lawyer and law librarian has given him keen insight into the systematic categorization of information in such a way as to simplify the navigation by his target audience. This includes lawyers, judges, law students and, presumably, the law librarians who inevitably assist these groups with their research. Tjaden's background in legal research has driven him to compile an impressively comprehensive collection of "all relevant statutory and judicial authority on the topic of independent legal advice" (p. v).

This third edition includes the analysis of over 250 new decisions with excerpts highlighting important legal reasoning and principles. Along with the standard detailed table of contents, table of cases, and index, it offers the reader ample material to pursue further research on subtopics of independent legal advice (ILA) through extensive footnotes. Tjaden organizes each chapter in approximately the same way, beginning with an introduction to ILA as it relates to the area of law, a summary of jurisprudence reflecting both support for and criticism of the provision of ILA in certain circumstance, practical advice for lawyers, and, a new feature in the third edition, curated lists of research references at the end of each chapter.

The first three chapters give context for readers who are new to the topic of ILA. Chapter 1 provides a short but succinct overview of the definition, intention, and categories of ILA. This is followed in Chapter 2 by an elaboration of updated professional standards from the Federation of Law Societies of Canada and provincial bar associations relating to standard of care, conflict of interest, and duty to unrepresented persons. Chapter 3 addresses areas of law that are closely related to the law of ILA, such as *non est factum*, undue influence, duress, and unconscionability.

The bulk of the text is found in chapters 4 through 11. ILA required within banking, family, employment, corporate, and insurance law are addressed respectively in chapters 4–8, updated to incorporate the evolution of the law since

the last edition. Chapter 9, new to this edition, covers estate planning.

Chapter 10, also new to this edition, covers self-represented litigants (SRLs) and *amicus curiae*. Here, Tjaden does a deep dive into focused ILA issues, such as the ethical considerations for lawyers and judges and the impact of SRLs on the judicial system specific to civil, criminal, and family law, as well as administrative boards. Chapter 11 is a summary of potential negligence claims involving ILA and, to reaffirm the practical nature of the text, Chapter 12 presents practical advice for lawyers through key considerations, recommendations, and checklists.

While the entire text is valuable for someone focused on ILA as a topic, its organization and academic yet approachable tone makes it accessible to a wider audience. A law professor can easily select a chapter addressing ILA within a specific area of law and assign it as a required class reading (e.g., a Family Law class having to read Chapter 5, "ILA in Family Law"). As a law librarian, I have flagged Chapter 10 on SRLs and *amicus curiae* for questions on the reference desk, as this chapter provides a background on the rights of SRLs from the perspective of a lawyer/litigator. As a legal research instructor, I have noted the inclusion of specific Boolean strings within the reference guides to use as examples when introducing students to advanced searching techniques on legal research platforms.

I have only a few minor issues. As expected from a legal research guru, the citations and references are flawless and packed with additional information. While this style of footnotes displays Tjaden's comprehensive research and attention to detail, on certain pages they border on overwhelming. Also, while the curated reference guides that close each chapter contain a wealth of knowledge ranging from key texts, reports, journal articles, and CLE seminar papers, a significant number of the sources included are from proprietary sources. Of course, as a Carswell publication, items published by the other large legal publisher are omitted. This is not the fault of Tjaden, but it is worth noting the issues with the existing duopoly on legal information in Canada and the value of open sources, particularly for the current cohorts of law students and junior faculty.

Tjaden's text is the most comprehensive text available on the topic of ILA. There are several texts from foreign law jurisdictions, but in the context of Canadian common law there are only a small number of publications on family law and corporate law that have chapters addressing ILA. There are several print government publications offering practical advice for SRLs, but they are dated and have likely been replaced by online guides developed by bar societies across Canada. These online guides are typically FAQs that communicate the definition and intention of ILA without significant depth.

If you have the first or second edition in your collection, I advise you to update with the third. Since its first edition, this text has had the self-proclaimed goal of being a "one-stop shop" on the topic of independent legal advice. Specifically, it aims to educate readers on how to determine when ILA is necessary by elaborating on the nuances of specific areas

of law as exemplified in primary law authorities. Each edition has nearly doubled in length, and, at 778 pages, the third edition delivers this “one-stop shop” experience. *The Law of Independent Legal Advice* provides a broad overview and introduction to the law of ILA while allowing readers to select the details and additional resources that are relevant to their specific research. It is thorough while being concise, highly practical, and easy to navigate.

REVIEWED BY

HANNAH STEEVES

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***Modern Criminal Evidence*. By Matthew Gourley et al. Toronto: Emond, 2022. xxix, 762 p. Includes table of cases and index. ISBN 9781772556421 (hardcover) \$295.00; ISBN 9781772556438 (eBook) \$271.00.**

This is an invaluable handbook for practitioners of criminal law. My review was nearly late because my copy was in high demand from lawyers in the office researching issues of admissibility and leading certain kinds of evidence.

Modern Criminal Evidence is very user friendly. The general table of contents is followed by a comprehensive table with subheadings. As well, each chapter’s title page has its own content breakdown. Footnotes cite the referenced cases, statutes, and secondary sources. The book also includes a detailed index and table of cases. Cited case law is inclusive of all Canadian jurisdictions, making this a useful resource for criminal lawyers anywhere in the country.

The authors introduce the basic concepts of the law of evidence followed by chapters on judicial notice, judicial fact-finding, opinion evidence, circumstantial evidence, hearsay, character evidence, examination of witnesses, types of witnesses, confessions, privilege, digital and documentary evidence, identification evidence, and intersecting proceedings. Each chapter begins with a definition before delving into the granular detail of each type of evidence, how it is admitted, and how the court uses it.

Of note is the chapter on judicial findings of fact. Designed to be of assistance to judges, the chapter includes practice tips for counsel requesting that the judge make particular findings. It reminds the judge that all the parties bring their own life experience to the courtroom, but it is the responsibility of counsel to ensure that evidence or supporting material are presented to the judge relying on it.

Chapter 12 on digital evidence is a useful, contemporary update to previous evidence texts, as it addresses the relatively recent evolution of both the legal issues of admissibility and the practical issue of presenting digital evidence. The authors have included a glossary of commonly used digital evidence terminology, which may not be familiar even to people who regularly handle evidence cases of this kind.

The book ends with the chapter “Intersection of Proceedings.” Given that criminal proceedings are often not the only legal

proceedings arising from an incident, this chapter provides helpful tips for counsel needing to be vigilant about issues being raised in other proceedings outside of their expertise. This chapter extends the use of evidence in criminal proceedings to civil litigation, family law, and immigration proceedings, and vice versa.

Every chapter in *Modern Criminal Evidence* includes practice tips on how to use the information presented in the chapter and, where appropriate, includes examples of specific documents, such as an agreed statement of fact pursuant to section 655 of the *Criminal Code*. There are checklists for the consideration of certain types of evidence and examples of the kinds of questions that would assist the reader with issues of admissibility and in bringing evidence before the court.

Modern Criminal Evidence is a detailed, up-to-date reference book designed for someone facing the issue of admissibility and needing to find the answer within a 15-minute break during a trial. I highly recommend it for criminal law firms, law school libraries, courthouse libraries, and criminal law practitioners.

REVIEWED BY

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***Narrative Expansions: Interpreting Decolonisation in Academic Libraries*. Edited by Jess Crilly & Regina Everitt. London, U.K.: Facet, 2022. xxxii, 290 p. Includes bibliographic references and index. ISBN 9781783304974 (softcover) US\$78.99; ISBN 9781783305216 (ePUB) US\$92.00.**

Narrative Expansions: Interpreting Decolonisation in Academic Libraries aims to present how academic libraries interpret and enact decolonisation. The editors have assembled a diverse selection of essays on work initiatives in academic libraries as part of the decolonising movement in higher education.

The book includes contributions from authors with different backgrounds: students, librarians, anthropologists, researchers, curators, and academics. While it’s international in scope, it includes authors mainly from the U.K., Canada, and the United States. Part 1: Contexts and Experiences includes chapters on libraries’ circumstances and settings, and Part 2: In Practice focuses on projects undertaken in libraries where the theory and practice of decolonisation intersect. Each chapter includes extensive references. Although there is an index, the online version doesn’t include pagination or links, which is not helpful.

It is useful to understand some of the definitions of the term “decolonisation” to have context for these essays. The first chapter, “Decolonising the Library: From Personal Experience to Collective Action” by Hillary Gyebi-Ababio, offers two definitions of the term. One of the earliest texts to define it is Frantz Fanon’s *The Wretched of the Earth*, first published in 2004. Fanon speaks of decolonisation as “the need to thoroughly challenge the colonial situation.” In more

recent interpretations, M. A. Ghillar defined decolonisation as “a political process and vital internalization of the rejection of colonialist mindsets and ‘norms’” (p. 3).

It is only in Chapter 3, “Decolonising Research Methodologies,” that Sara Ewing, citing Michael Baker of the University of Rochester, offers a workable definition of the term in relation to academia. Ewing states that

[d]ecolonisation can be understood in myriad ways, but in higher education it can be defined as “an expression of the changing geopolitics of knowledge whereby the modern epistemological framework for knowing and understanding the world is no longer interpreted as universal and unbound by geo-historical and biographical contexts.” (p. 114)

Many of the articles dwell on personal experiences, childhood memories of segregation, issues of structural racism, and colonization. Some of the writers share their feelings regarding being part of a minority group and the effect on their employment relations. Many libraries fail to have workforces that reflect the communities they serve. This situation is not endemic to academic libraries and is typical of many workplaces. Thus, the lack of diversity perpetuates the feeling of outsider for staff members and students.

Decolonising work, defined as activities that specifically address the multiple impacts on the library and knowledge production that result from imperial histories and colonialism, is starting to be done in libraries. The essays in the second part of the book aim to discuss library initiatives regarding the Indigenization of the curriculum; professional development coursework to sensitize staff on equity, diversity, and inclusion; journal article discussion groups; and shifts in the curriculum of LIS programs.

Narrative Expansions: Interpreting Decolonisation in Academic Libraries would be of interest to academic libraries more than law firm libraries. Concrete suggestions discussed by the book are the need to diversify the library collections to offer alternative perspectives, a collection of resources representing a wide range of geographical and cultural perspectives, and a revision of classification schemes and cataloguing vocabularies. All these recommendations and suggestions are useful for addressing decolonisation.

REVIEWED BY

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Nahum Gelber Law Library

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***Reconciling Truths: Reimagining Public Inquiries in Canada.* By Kim Stanton. Vancouver: UBC Press, 2022. xii, 325 pp. Includes notes and index. ISBN 9780774866651 (hardcover) \$89.95; ISBN 9780774866668 (softcover) \$34.95; ISBN 9780774866682 (ePUB) \$34.95; ISBN 9780774866675 (PDF) \$34.95.**

Written by a Canadian legal scholar with considerable experience in the nuances of public inquiries, *Reconciling Truths*, part of UBC Press’s *Law and Society* series, seeks

to offer improvements for future undertakings. Kim Stanton has been active internationally with several commissions of inquiry as well as having served as a legal director of the Women’s Legal Education and Action Fund (LEAF). Of vital importance to this review, she is currently one of the co-commissioners of the Mass Casualty Commission examining the events beginning in Portapique, Nova Scotia, in April 2020.

Over the course of five chapters, Stanton seeks to “reimagine” or “deconstruct and reconstruct” the process by which public inquiries are conducted in Canada. This, of course, is no small task. Stanton begins her study with some ruminations on the nature of her legal training and how she was compelled to critically re-evaluate her own sense of national pride in the face of a long legacy of paternalism, colonialism, and human rights abuses. This is especially important in light of the injustices perpetrated against Indigenous peoples.

Stanton has a deep appreciation of the scope of public inquiries in Canada and a clear understanding of the need for greater action and activism around issues like domestic violence, especially as this topic relates to Aboriginal women. She is right to be morally indignant about Canada’s track record with respect to its human rights abuses, especially those involving Indigenous peoples. However, Stanton’s overarching notion that “truths” may be reconciled is philosophically moot. She might have called this work “Squaring the Circle” or “Unringing the Bell” in so far as the “truths” she alludes to are by their nature incommensurable.

Stanton highlights the need for a clear mandate; quality inquiry staff, including choice of leadership (key characteristics include legitimacy and credibility); good media strategy; minimal legal personnel; and good management of information (including information technology). She acknowledges that inquiries must have a strong reliance upon legal, scientific, and social expertise to synthesize complicated issues.

Yet, this very necessary reliance is why so many public inquiries fail to satisfy many of the people they are intended to assist. This is clearly the case with the Mass Casualty Commission as it struggles to balance the testimony of people involved with the shooting (most notably the police) and the victims and their families. Stanton has a particular sensitivity to the need for inquiries to be mindful of the harm that has been done to those impacted by the issues examined by any inquiry. This sensitivity is born of close exposure to many inquiries involving Indigenous peoples and other marginalized groups. However, inquiries are designed to receive inputs (evidence, data, exhibits, testimony, etc.) that must be processed in a consistent, fair, and thorough manner that is often anathema to the fully trauma-informed approach that Stanton advocates.

Public inquiries are often created to respond in some meaningful way to crises, catastrophes, calamities, and conundrums visited upon us by the complex circumstances of human life. To make some sense of these events and contingencies, those in charge of public inquiries must rely upon science, law, and other related disciplines that purport to lend certainty to conclusions and provide at least some

modicum of fairness and equity in the processes that inform those approaches to human endeavours.

What is clear from effective public inquiries is that it is possible to combine law with compassion and science with sensitivity and produce results and recommendations that lead to improvements in some area of life. Whether it be the Canadian blood supply, water inspection, wrongful convictions, etc., there is often much that is good coming out of properly managed public inquiries.

While this publication is both educational and enlightening with respect to the value of public inquiries for Canadian crises, especially relating to Indigenous peoples, it serves as a poignant demonstration that aligning the right elements for a successful undertaking amounts to a kind of alchemy. *Reconciling Truths* is a valuable contribution to the significant, and growing, literature on commissions of inquiry. It is to be hoped that Stanton will elect to write a candid and clear account of the trials and tribulations of the Mass Casualty Commission.

REVIEWED BY
PAUL F. MCKENNA

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Write Your Annual Report: A Guide for Law Librarians.
By Elyse H. Fox. Boynton Beach, FL: Legal Information Services, 2022. 125 p. ISBN 9780941991709 (coil bound) US\$100.00.

Elyse Fox has worked as a law librarian for over 40 years and has written several articles on legal librarianship. *Write Your Annual Report: A Guide for Law Librarians*, intended as a practical guide to creating annual reports, expands on two of her earlier articles. Fox is a strong proponent of annual reports, arguing that all law libraries should produce them since they solve two perennial problems: “the work we do is often invisible and [...] it is difficult to assign a value to our work” (p. 2).

The book starts off with a discussion of what an annual report is, why law librarians should produce one, and who should be writing it. The book is broken down into 20 chapters, each dealing with a particular aspect of producing annual reports, such as format, schedule, and evaluating the report’s

effectiveness. For example, Chapter 9, “What to Include in Your Annual Report,” provides the reader with sample text from the annual reports of actual libraries. This is especially useful for those writing a report for the first time.

Chapters 11 and 12 deal with the quantitative and qualitative data included in annual reports. However, Fox notes that “you need not count, measure and report on everything” (p. 72). One metric Fox does suggest using is the number of lawyer hours saved, and she provides suggestions on how this can be calculated. More examples of quantitative data and metrics that could or should be included in reports would have been welcomed.

A large percentage of the book contains quotations from other articles and texts, which provides perspectives from a wide variety of law libraries. The use of quotations is particularly helpful when the text quoted isn’t generic, such as the “day in the life” reports given on page 66 or the samples of existing annual reports (as noted above). However, in many cases, direct quotes are not needed and summarizing the information would make the book more readable.

Continuing with formatting concerns, Fox’s extensive use of ellipses in quotations make the text rather choppy and harder to read; for example, one literally reads “... it ... reflects ... policies ... accomplishments ... and ... goals ...” (p. 14). While I appreciate Fox’s dedication to making sure credit for the various ideas mentioned is correctly attributed, it would have been helpful if she had consolidated the text into bullet points rather than quoting verbatim using ellipses.

The book is strongest when providing practical information on producing an annual report. Several chapters include worksheets with questions and prompts to help the reader construct their report, such as the helpful style guidelines Fox provides in Chapter 18. The book is heavily footnoted and includes an extensive list of selected resources. If you have not produced an annual report before, you may find *Write Your Annual Report: A Guide for Law Librarians* to be a useful resource.

REVIEWED BY
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and Local and Regional Updates columns.
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III Bibliographic Notes / Chronique bibliographique

By Nancy Feeney

Kelly Jensen, “A History of Library Hand” (13 September 2021), online: *Book Riot* <bookriot.com/library-hand>.

Librarians and library users of a certain age remember well the card-based catalogue that stood imposingly as the central feature of the institution, made up of uniformly sized drawers that housed cards on which a myriad of information was recorded. Once deciphered, the lingo of the cards would lead one to the place in the stacks where the item sought was located, almost like magic. To promote consistency and navigability, Melvil Dewey, in the late 1880s, endorsed the implementation of “library hand,” a legible, rounded style of penmanship, borrowed heavily from that of Thomas Edison. Eventually, library hand not only became part of library school curricula, but mastery of it was considered a job requirement for librarians.

Jenson’s article traces this quaint history, which includes links to several additional sources offering a more in-depth study of library hand. Additionally, Jenson directs readers to sources that place Dewey’s legacy in perspective.

Lauren Hays, “How to Create Significant Learning in a Library Setting,” (31 May 2022), online (blog): *Lucidea Think Clearly Blog* <lucidea.com/blog/how-to-create-significant-learning-in-a-library-setting>.

— — —, “How to Create Significant Learning in a Library Setting, Part 2” (7 June 2022), online (blog): *Lucidea Think Clearly Blog* <lucidea.com/blog/part-2-how-to-create-significant-learning-in-a-library-setting>.

In the early 2000s, Dr. L. Dee Fink developed his *Taxonomy of Significant Learning* as a framework that put the focus on learning how to learn, the ability to adapt to change, and leadership and interpersonal skills. In two blog posts, Hays explains the taxonomy and applies it to library instruction.

Fink’s *Taxonomy of Significant Learning* consists of six elements:

- **Foundational Knowledge:** understanding and remembering information
- **Application:** critical, creative, and practical thinking
- **Integration:** connecting information and ideas
- **Human Dimension:** learning about oneself and others
- **Caring:** developing new feelings, interests, and values
- **Learning How to Learn:** becoming a self-directed learner

Hays draws connections between each of these elements and the common goals library educators have when developing instructional programs. For example, users who learn how to select the best database have developed *foundational knowledge*; likewise, users who cultivate critical evaluation skills regarding the sources they consult demonstrate *integration*. As Hays explains, it is important that adult learners, generally the cohort law library educators encounter, find value in learning and become self-directed learners. Fink’s *Taxonomy* could be a valuable tool to keep in mind when developing orientation and training programs.

Charlie Warzel, “The Open Secret of Google Search,” *The Atlantic* (20 June 2022), online: <theatlantic.com/ideas/archive/2022/06/google-search-algorithm-internet/661325>.

Google Search debuted in 1997. Its goal was to crawl the World Wide Web and organize the information located there. The algorithm it used, page ranking, was based on the presumption that the best results for any search would be websites that were linked to by many other high-quality websites. This was a game changer. Google became the most popular search engine, and “to Google” forever entered the lexicon. Lately, however, users have become dissatisfied with Google Search, due primarily to the proliferation of sponsored links, ads, and other monetized features that display in their results lists.

Warzel, a writer and reporter specializing in the intersection of culture and technology, offers an explanation as to how and why Google’s search results are less satisfying for most users: the adaptation of new AI technology attempting to decipher a user’s intent, companies’ concerted efforts to game out Google’s secretive algorithms, and Google’s attempt to curtail the proliferation of misinformation. He concludes that users may just have to accept their dissatisfaction, since Google was the first, and is still the primary, tool for accessing the internet.

Denise Lim, “11 Alternative Search Engines that Find What Google Can’t” (24 May 2022), online: *MUO* <makeuseof.com/tag/13-alternative-search-engines-that-find-what-google-cant>.

These quirky, specialty search engines will not challenge the ubiquity of Google; however, they might be useful tools to add to one’s research arsenal:

1. **Ecosia:** using a modified Microsoft Bing custom search, this unfiltered search engine uses 80 per cent of the profits generated from the site to fund tree-planting programs in Burkina Faso, Madagascar, Indonesia, and Peru.
2. **Qwant:** using Microsoft Bing, this unrestricted search engine does not track searches or sell personal data.
3. **Peekier:** also using Microsoft Bing, this unrestricted search engine does not log personal information or track searches or browsing history. Results are displayed as website previews.
4. **Boardreader:** a search engine that covers forums and bulletin boards.
5. **Kiddle:** using a customized version of Google, this is a family-friendly search engine that displays results in large thumbnails and fonts.
6. **JustWatch:** a search engine that shows users which streaming platforms movies and TV shows are available on, eliminating the need to search each platform separately.
7. **Giphy:** an unfiltered search engine for animated images.

8. **Thangs:** a search engine for models designed for 3D printing.
9. **NASA Images:** search engine for more than 140,000 NASA images, videos, and audio files.
10. **SearchCode:** an unfiltered search engine for open-source code.
11. **Ludwig:** a “sentence search engine” that translates into English and provides contextualized examples of usage from reliable sources. There’s a free version, with subscription options available.

Language, Please (last visited 5 October 2022), online: <languageplease.org>.

Intended for journalists and storytellers, this resource offers style guidance and editorial tools for writers navigating sensitive topics. Established by Vox Media, with funding from Innovation Challenge, a Google News Initiative, this tool offers recommendations on the specific vocabularies to use when covering social, cultural, and identity-related issues. Most of the tools are available to all users, and a free site registration provides access to a directory of freelance inclusivity readers available for hire to provide an expert’s perspective on a particular topic.

“Hanku” (last visited 5 October 2022), online: *Open Parliament* <openparliament.ca/labs/haiku>.

The Open Parliament Laboratory was first launched in 2010 by computer programmer Michael Mulley. A champion of open data, his goal was to make Parliamentary proceedings more accessible and MPs more accountable. One very entertaining element of the site is Hanku, which randomly displays excerpts from the *Hansard* that take the 5/7/5 syllabic pattern of a haiku poem (hence the *Hansard/haiku* portmanteau of its title). Each haiku includes a Twitter button, allowing inspired readers to share their favourite “poem” with the world.

Peter Gwin & Amy Briggs, *Overheard at National Geographic* (2019–present), online (podcast), *National Geographic* <nationalgeographic.com/podcasts/overheard>.

Hosted by Peter Gwin and Amy Briggs, this enlightening series spotlights communities, creatures, and cultures from around the world. The stories are developed and presented by a wide range of *National Geographic* reporters, contributors, photographers, and researchers. Consequently, the pieces are wonderfully varied, in terms of subject matter and viewpoint. Recent episodes include a proposal to build a tunnel under the Stonehenge World Heritage Site (“Stonehenge Has a Traffic Problem”) and a profile of Ching Shih/Zheng Yi Sao, a female pirate who led a group of 70,000 Chinese pirates more than 200 years ago (“Queens of the High Seas”).

New episodes are released weekly and are available on iHeartRadio, Apple Podcasts, Spotify, Stitcher, Castbox, Google Podcasts, and Amazon Music.



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

By Nikki Tanner

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

Academic Law Libraries Special Interest Group

The Academic Law Libraries SIG meets several times per year to discuss issues of importance to academic law librarians, and it also maintains a listserv for both further discussion of these issues and general communication. The SIG has established working groups to address some of the areas of concern to academic law librarians, and it recently organized and co-organized panel discussions for the 2022 CALL/ACBD annual conference.

Working groups: A working group created last year to address the need for better legal citation management software dissolved this year after successfully identifying [Juris-M](#) as an excellent option, even though it is not quite completed. Members of the working group are now working with the creators of Juris-M to test the software and create user guides, among other things. Earlier this year, the SIG established a working group in support of a Canada-wide open access legal citation guide. This working group is in the early stages of its work and is currently discussing options and pursuing different avenues before settling on an optimal solution.

Conference panel discussions: For the 2022 CALL/ACBD conference, co-chairs Emily Landriault and James Bachmann organized the session “The Stresses of Space? Coping with Emotions of Library Renovations,” which had originally been proposed for the 2020 conference. Also, in partnership with Marnie Bailey, chair of the Private Law Libraries SIG, they

organized the session “Legal Research Training: Bridging the Gap Between Academic and Private Law Libraries.”

SUBMITTED BY
EMILY LANDRIAULT & JAMES BACHMANN
Chairs, Academic Law Libraries SIG

Legal Research & Writing Special Interest Group

In June, Hannah Steeves stepped down after a long tenure as co-chair of the LRW SIG. Thanks for your many years of service, Hannah! Joining Matthew Renaud as co-chair for 2022/23 is James Bachmann, Instruction Librarian at the UBC Law Library at Allard Hall. They have exciting new ideas to enliven the SIG and look forward to welcoming you to upcoming events!

To stay up to date, visit the [CALL SIGs](#) page for instructions on how to subscribe to the LRW SIG listserv. The listserv is open to all members of CALL/ACBD interested in legal research and writing matters.

SUBMITTED BY
MATTHEW RENAUD & JAMES BACHMANN
Chairs, LRW SIG

Continued on page 36



III News from Further Afield / Nouvelles de l'étranger

Notes from the U.K.: London Calling

By Jackie Fishleigh*

Hi folks!

Greetings from a U.K. in turmoil, led by a “zombie government” amid record inflation, continual rail strikes, crippling heatwaves, drought, a huge cost of living crisis— you get the picture!

Commonwealth Games in Birmingham

Sport is such a great escape from all the doom and gloom!

We thoroughly enjoyed our time in the West Midlands for the Games. Birmingham was looking really good. We got some great photos with the 30-foot mechanical bull, which was the star of the opening ceremony. It was absolutely buzzing in Centenary Square, its new home, where bull mania has taken over.

The athletics on the Friday evening were enthralling. U.K. home nations competed in practically every event, and we even picked up a medal for shot put. In the steeplechase, an English woman managed to get past the Olympian champion on the final straight! The roar and wall of sound around the stadium was like the Olympics in London.

It was nice to see competitors from so many nations. There was a group of Zambians nearby who were so happy and enthusiastic, cheering on their athlete. The hotel was full of fans, and nearly everyone seemed to be there for the Games. The free transport was very easy to use. Volunteers and locals were helpful and friendly.

The closing ceremony was another captivating, theatrical extravaganza, with great use of technology and outstanding musical performances, particularly from Beverley Knight. Against all odds, Ozzy Osbourne managed to unexpectedly arrive from the U.S. after a recent operation, safely access the stage, and belt out the iconic “Paranoid,” which, incidentally, was originally just a three-minute filler track on an album. Remarkable!

Goodbye, Boris... Hello, Liz!

The tide finally turned against serial liar and “[self-serving narcissist](#)” Boris Johnson. Incredible that despite achieving a large majority at the last election, following numerous scandals, including the notorious parties held during COVID-19 restrictions, his character flaws proved so vast that his colleagues felt compelled to oust him. What celebrated former Prime Minister Benjamin Disraeli once described as the “[greasy pole](#)” of politics eventually got him, although his undoing was largely self-inflicted.

Asking around this week amongst friends and family, the consensus seems to be that a) it was right that Boris was pushed out, but, more disturbingly, b) the winner in the leadership contest, Liz Truss, seems unlikely to make a good PM. Yikes!

Meanwhile, Boris and family seem to be permanently on holiday.

Infected Blood Inquiry Finally Pays Compensation

In the 1970s and 1980s, tens of thousands of people, including people with haemophilia and other bleeding disorders, received tainted blood because of a new treatment intended

to help their blood clot. Thousands died, and a public inquiry was opened in 2019. Now, approximately 4,000 victims will receive £100,000 in compensation. [According to the BBC](#), the compensation

will be given to those whose health is failing after developing blood-borne viruses like hepatitis and HIV, as well as partners of people who have died.

It is the first time compensation will be paid after decades of campaigning.

Families welcomed the news but said there were many people, such as bereaved parents, who would miss out.

Review of Gambling Legislation

The knock-on effect of the political turmoil is that several pressing issues have been repeatedly delayed, including a review of gambling legislation. The white paper on the subject has now been [shelved for a fourth time](#).

Apparently, the delay follows advice to the outgoing PM that proposals cannot be published until a new Conservative leader is in place. Whether this has anything to do with ruffling the feathers of vested interests is not stated. In the U.K., 86 per cent of online betting profits come from 5 per cent of customers. The government is well aware of this but chooses not to be transparent about it. One of the wealthiest women in the U.K. is Denise Coates, Chief Executive Officer of Bet 365.

This further delay will greatly anger the charity [Gambling with Lives](#), set up by campaigner Liz Ritchie following the 2017 suicide of her son, Jack, in Vietnam. Jack felt overwhelmed with shame and failure for not controlling his addiction, even though he still had money in his account. Crucially, he did not understand that being addicted to gambling was not his fault.

The vision of the charity set up by bereaved relatives is a world free of gambling-related suicides. According to [Public Health England](#), 409 people die by suicide every year due to problem gambling.

Article 2 Inquest in a Gambling-Related Suicide Case

[Article 2\(1\) of the European Convention on Human Rights](#) states that “[e]veryone’s right to life shall be protected by law.” The right places two substantive duties on member states: firstly, a negative obligation to refrain from taking life; and secondly, a positive obligation to take appropriate measures to safeguard life.

Article 2 inquests are held where an individual has died whilst being in the custody of the state. The inquest into Jack Ritchie’s death held in March this year is the first to examine the government’s role in gambling related suicides. The coroner, Davie Urpeth, described the government’s warnings and treatments as [“woefully inadequate.”](#)

Jack’s death was also debated in Parliament when it was raised by Paul Blomfield, Labour MP for Sheffield Central.

September now seems a possible date for the white paper.

It is often passionate individuals like Liz Ritchie who end up changing the law after a tragedy. One proposal is for a statutory levy for the NHS to remove any gambling industry influence over information and treatment. The coroner has written to several government departments with warnings about how future deaths could be prevented and particularly highlighted the need for more training for GPs about gambling disorders. He said there are still significant gaps in provision for gambling disorders and warnings about the dangers. There are currently only five gambling treatment centres in the U.K., with two more in the pipeline.

As Liz “please don’t be a disaster” Truss moves into to the top job, her views hitherto on the Gambling Review are widely reported as being “freedom loving.” She has previously voted against heightened gambling restrictions but will hopefully pay at least some attention to the below announcement from the Gambling Commission.

Entain to Pay £17 Million for Regulatory Failures

[As announced on 17 August 2002](#), international sports betting and gambling company Entain Group

is to pay £17 million for social responsibility and anti-money laundering failures at its online and land-based businesses.

Entain Group will pay £14 million for failures at its online business LC International Limited which runs 13 websites ... It will also pay £3 million for failures at its Ladbrokes Betting & Gaming Limited operation which runs 2,746 gambling premises across Britain.

All £17 million will be directed towards socially responsible purposes as part of a regulatory settlement.

This is the second major lapse for Entain. A disgrace, frankly.

Environmental Law in the Spotlight: Litigating for the Future of the Planet

Meanwhile, David Greene, senior partner and head of group litigation at Edwin Coe LLP, has [penned an article for *New Law Journal*](#) (10 August 2022) on the battle for environmental justice, as efforts are made to hold governments and corporations to account for the climate crisis.

Katie de Kauwe, formerly a solicitor in the dispute resolution team at our law firm, has been a lawyer at Friends of the Earth since 2018. She was [interviewed earlier this year](#) by Triodos Bank, which provides ethical banking services online, where she spoke about her passion for environmental justice and the work that Friends of the Earth does. According to Katie, Friends of the Earth

is not a law firm. It’s not a legal charity either. It’s a grassroots campaigning organisation. So, it’s always a case of the legal team and campaigners mutually supporting each other. Working with campaigners makes it possible to amplify the issues raised in our legal cases, so that we can start to change minds and influence decision-making for the better.

Katie has worked on a variety of cases with Friends of the Earth, “from resisting Heathrow Airport expansion, to intervening to support local campaigners on resisting an oil development in Horse Hill in Surrey, to working with campaigners to obtain information from the Government about the use of bee-harming pesticides.” They’ve also defended the right to protest, as they’ve “been involved in cases resisting anti-protest injunctions granted to fossil fuel companies, and ... have an ongoing campaign to resist the oppressive protest-related provisions in the Police Crime Sentencing and Courts Bill.”

I was lucky enough to get to know Katie, and it is great to see her living her dream and making a difference!

On that optimistic note, I bid you all farewell.

Until next time!

Jackie

Letter from Australia

By Margaret Hutchison**

A lot has happened since my last letter.

Federal Election

The federal election in May 2022 seems a very long time ago somehow. As expected, there was a change of government with the Australian Labor Party gaining control of the House of Representatives in its own right, but only having a majority in the Senate with the cooperation of the Greens and the various independents.

An interesting part of the election was the rise of the independent candidates. There were already several independents in the House of Representatives and Senate, but this election saw a greatly increased number of independent and Green candidates standing, reflecting a move away from the major parties.

The so-called “teal” independent candidates were a group of mostly female candidates taking on mostly male Liberal MPs in some of Australia’s wealthiest electorates, spanning the country from Perth and Adelaide to Sydney, Melbourne, and parts of regional Victoria. They were standing on a platform of meaningful action on climate change, a federal integrity commission, and better treatment of women (a real issue in the Liberal Party). They were called [teal independents](#) because “they represent a voting base with conservative fiscal politics—blue is the traditional colour of the centre-right Liberal party—combined with green views on climate.”

Another independent newly elected is Dai Le, a former Vietnamese refugee who was deputy mayor of the city of Fairfield, an ethnically diverse and less well-off south-western area of Sydney. She stood as an independent candidate for the seat of Fowler, in response to Labor frontbencher and former New South Wales premier Kristina Keneally being parachuted into the seat. Le won the seat, with an 18-point swing against the Australian Labor Party, who had regarded Fowler as a safe seat.

In the Australian Capital Territory (ACT), independent candidate David Pocock, a climate activist and a former rugby union player for Australia and the ACT Brumbies team, [made history](#) when he defeated incumbent Liberal Party senator Zed Seselja. Canberra is solidly leftist Labor, but the Liberal Party usually has one of the two senators elected each election (the territory senators have to stand at each federal election, compared to only half the state senators). Senator Pocock campaigned on climate change and his feelings against both major parties. He also campaigned on the issue of territory rights.

Territory Rights

The background to the issue of territory rights goes back to 1995 when the [Northern Territory \(NT\) became the first place in the world to legalize voluntary euthanasia](#). But the landmark law was overturned by the federal Parliament two years later. The two territories do not have the same legal rights as the six states. The federal Parliament has the right to overturn territory laws, but it cannot overturn state laws, so the territory was left feeling like second-class citizens. Federal Liberal MP Kevin Andrews introduced a bill in the Australian parliament to overturn the NT’s laws and prevent any territories, including the ACT, from legalising euthanasia. His bill was passed, enacting a ban on euthanasia that has lasted 25 years. Attempts were made to overturn the ban in 2008, 2010, and 2018, but they were defeated in the Senate. ACT senator Zed Seselja voted against the bill in 2018, despite representing a territory involved.

Every state in Australia now has its own voluntary assisted dying laws, after the New South Wales parliament became the last to pass legislation in May. In early August, the private member’s bill [Restoring Territory Rights Bill 2022](#) was introduced into the House of Representatives by an ACT member and an NT member. This bill does not legalise voluntary assisted dying, but rather gives the territories the right to vote on it. It has passed the House and is now in the Senate for the 2nd reading debate, which will resume when Parliament returns after the [period of official mourning](#).

Morrison’s Secret Appointments

As usual, when there is a change of government, there are revelations of the previous government’s secrets. This time, most members of the former government didn’t know about the actions of the former prime minister, Scott Morrison, in appointing himself to additional portfolios during the pandemic. The actions have been revealed in a [new book](#), extracts of which were published in the newspaper [The Australian](#). It started with three portfolios, but more details came to light as the media and commentators started reading the Government Gazette more closely than it’s ever been read before.

Between March 2020 and May 2021, Scott Morrison was secretly sworn into five appointments on four days:

- 14 March 2020: Department of Health
- 30 March 2020: Department of Finance
- 15 April 2021: Department of Industry, Science, Energy and Resources

- 6 May 2021: Department of Home Affairs
- 6 May 2021: Department of Treasury

Most of the ministers officially appointed to those portfolios were not aware of these appointments until the book extracts were released.

It's understandable that the prime minister was appointed as joint health minister when COVID-19 began to take off in March 2020: first, it was a response to concerns that by invoking emergency measures under the [Biosecurity Act 2015](#) he was effectively handing control of the country to the health minister; and second, it ensured that if the health minister was out of action due to COVID-19 or other illness, someone else could act in that position. It eventuated that the prime minister used his new powers to cancel a controversial offshore gas exploration licence from Sydney to Newcastle for political purposes, when the "real" minister had decided to approve it.

As the furore grew over whether these appointments were constitutional, the new prime minister, Anthony Albanese, referred the situation to the Commonwealth Solicitor-General, who [gave his opinion](#) that the appointments were legal but fundamentally undermined the principles of responsible government.

[An inquiry](#) has been established to investigate the scandal and make recommendations. Former High Court of Australia Justice Virginia Bell will conduct the inquiry and report by the end of November 2022.

ALLA Conference in Hobart, Tasmania

To end on somewhat lighter matters, I attended the ALLA conference in Hobart, Tasmania, in late August. This was the first face-to-face conference since 2018, which was in Darwin, so from one end of the country to the other!



Constitution Dock in Hobart.

The theme of the conference was "The New Normal" with sub-themes of "Post COVID considerations," "Where to from here?," and "How have things changed?" I took away the impression that remote work was here to stay, and the roles of librarians and libraries have changed.

One presentation was the first look at "Finding the Law Online" (FLO). "Finding the Law" has been an in-person course run by ALLA in various states and territories to assist new or non-legal library staff with the basics of finding cases, legislation, and other legal material. FLO has been developed into an online course covering all states and territories using free sources, authorised if possible.

Other presentations included the COVID-19 bibliography, the future of Moys classification, and looking back on how COVID-19 affected two of the biggest courts and their libraries.



Kunanyi/Mount Wellington with some of the houses of Battery Point, a very attractive inner suburb of Hobart.

One after-lunch session was entitled "Legal Research Drinks Pairings: A Hangover from Lockdown." The presenters matched legal subjects with Tasmanian liquors and recommended the Lark Distillery to match with animal law. Tasmania apparently has 57 legal distilleries and more than 20 breweries, and most of them seemed to be at the Salamanca Markets the following Saturday.

It was also the [Australian Antarctic Festival](#) that weekend in Hobart, so there were exhibitions of the large equipment used in Antarctica, and you could pat huskies at a replica of [Mawson's Hut](#). [Sir Douglas Mawson](#) was one of Australia's greatest scientists and explorers. He is on the paper version of the Australian \$100 note. Apparently not far out of Hobart you can do husky tours in winter. Hobart is the base for the Australian Antarctic Division and the Australian Antarctic Program, where international expedition leaders, scientists, tradespeople, and support staff set off each October for the Australian territories in Antarctica.

Until next time,
Margaret Hutchison

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

By Sarah Reis***

Greetings! We began our 2022/23 academic year a few weeks ago, and the library has been bustling with students. Nearly every class at the law school is being held in person this year, and most events have also returned to in-person format as well. Justice Kagan visited our law school for a lunchtime event and discussion with the dean, which was

the first in-person event I have attended in the last two and a half years. I am grateful that library staff are still permitted to work hybrid schedules because the work from home days have been wonderful for class prep, grading, and focusing on in-depth research projects without disruption. We have three in-office days and two work-from-home days each week, with one designated community day (Wednesday) where all staff are on site.

One thing I'm looking forward to this fall is starting a two-year French language certificate program. I am excited to be a student again after several years of only being an instructor in the academic setting. It will likely take a bit of time to figure out how to best balance work and school because I haven't taken any classes since I graduated from library school in 2016, but I am motivated and eager to learn French.

The United States has a crucial midterm election coming up, which feels like it is just as important (or perhaps even more important) than our last presidential election. Because the Supreme Court will likely remain very conservative for the rest of my life, it is essential for the Democrats to at least retain control of Congress. Otherwise, I fear our country will continue down a scary path where the rights of voters, women, and minorities are even further restricted or taken away and where the separation of church and state no longer exists.

Law Schools

The cost of higher education and student loan debt has been an ongoing discussion and debate leading up to and surrounding President Biden's [announcement](#) in late August that the Department of Education will cancel up to \$10,000 of student loan debt for non-Pell Grant recipients or up to \$20,000 of student loan debt for Pell Grant recipients, along with extending the pause on federal student loan repayment until December 31, 2022. Tuition at private law schools now commonly exceeds \$70K per year, while tuition at many public schools is quickly approaching \$40K or more per year for in-state residents. Looking at my own law school, Northwestern Law's [tuition for the 2022/23 academic year](#) is \$71,432 for JD students. I checked what it was back in [2012/13](#) when I was an entering 1L (and I am in denial that it was a decade ago!) for comparison and confirmed it was \$53,158 at that time, which means that tuition for an academic year has increased by nearly \$20K over the past ten years. Students generally take out additional loans for housing and living expenses during their three years of law school, so by the time they graduate, they may leave with \$300K+ of student loan debt.

Some law schools are coming up with alternative options for students to fund their law school education. Stanford Law School just announced a [pilot financing model](#) where students can receive up to \$170K in an income share loan for tuition and fees with repayment contingent on employment outcomes.

A [study](#) on law school scholarships found that Ohio State granted the highest percentage of full-tuition scholarships to students (33.9 percent), the University of Arizona granted the highest percentage of at least half-tuition scholarships (83.8

percent), and the University of Southern California granted the highest percentage of half- to full-tuition scholarships (66.6 percent).

The ABA clarified its [accreditation standards pertaining to distance education](#) during the ABA's annual meeting in August. Law schools are permitted to allow students seeking a JD degree to take distance education courses for up to one third of the required credit hours in the program.

Over the summer, Washington and Lee Law Library released the [2021 Law Journal Rankings](#). This tool provides rankings based on impact, journal cites, currency, and case cites and is a helpful tool for authors to determine where to send articles during submission cycles. The top three law journals in the combined score ranking are *Harvard Law Review*, *Yale Law Journal*, and *Stanford Law Review*.

Legal Employment

In late July, shortly before on-campus interviews began at most law schools, the National Association for Law Placement released a [report](#) indicating that employment and salary outcomes for the Class of 2021 were the strongest since 2007, with a 91.9 percent overall employment rate. However, in September, new [reports](#) indicate that several law firms are starting to implement austerity measures due to a decline in demand for legal services and an increase in expenses, which includes slowing down hiring.

SCOTUS

During my last column, I mentioned how we were waiting with dread for the final opinion in *Dobbs v Jackson Women's Health Organization* to be issued because at the time we only had a leaked draft opinion. Despite how public opinion strongly favors the right to abortion, the Court proceeded to overrule *Roe v Wade* and *Planned Parenthood v Casey* in its [decision](#), which has the effect of stripping away women's rights in this country. Immediately following the ruling, many [states immediately passed laws](#) to ban or restrict abortions.

In the flurry of decisions issued in late June to close out the term, it felt like one terrible decision followed another: the Court ruled in favor of gun owners who want to carry concealed firearms in [New York State Rifle & Pistol Association v Bruen](#); the Court stripped away the separation of church and state in [Carson v Makin](#), so now taxpayer money may go to religious schools; and the Court hindered the EPA's authority to fight climate change in [West Virginia v EPA](#).

The new term will begin on October 3 (the first Monday in October) with a new justice on the bench. The Honorable Ketanji Brown Jackson was [sworn in](#) as the 104th Associate Justice of the Supreme Court on June 30, replacing Associate Justice Stephen Breyer, who retired. After being closed to the public for two and a half years due to the pandemic, the U.S. Supreme Court [announced](#) it will allow the public to hear arguments in person again this term.

In this upcoming term, some key cases that will be heard include a case addressing the power of state legislatures to set rules for federal elections ([Moore v Harper](#)), a pair

of cases revisiting affirmative action in college admissions processes ([Students for Fair Admissions v UNC](#) and [Students for Fair Admissions v Harvard](#), which were consolidated for oral argument), and a case involving congressional district maps and the *Voting Rights Act* ([Merrill v Milligan](#)).

Seeing how the Court demonstrated their eagerness to overturn precedent based on their conservative ideologies last term, it is hard to be optimistic that any of these rulings will be favorable. Rather, the likely effect of these rulings and others will be to continue setting back the rights of minorities in this country.

U.S. Legal Research

The American Association of Law Libraries (AALL) published a new resource called [Online Legal Information Resources](#). This resource provides links to free online primary law materials from all U.S. states, the District of Columbia, U.S. territories, U.S. Federal Government, and Canada. The guide alerts users to whether the digital version of primary law is official, authenticated, preserved, and copyrighted.

PACER is the electronic case management system used by U.S. federal courts. Anyone can access dockets and court filings using the PACER service, but there is a fee of \$0.10 per page along with a fee for running searches. Free Law Project maintains a database called the [RECAP Archive](#) on the [Court Listener website](#) that provides free access to millions of PACER dockets and documents that users have added to its archive. Free Law Project recently [announced](#) a new way for users to add PACER documents to the RECAP archive, which, if used widely, will greatly increase the size of the archive. Users can add archive@recap.email as a secondary email address to their PACER account so every document received from PACER through a notice of electronic filing will also be sent to RECAP and included in its archive.

The Library of Congress [announced](#) that [Chronicling America](#), which provides free online access to historical U.S. newspaper pages published between 1777 and 1963, now includes coverage of all 50 states, with New Hampshire joining the National Digital Newspaper Program.

ALA and Libraries

A joint American Library Association (ALA) and Association of Research Libraries (ARL) task force issued a final draft of [Cultural Proficiencies for Racial Equality: A Framework](#) this summer. This report covers how white supremacy, white privilege, and racism show up in libraries; accountability, assessment, and implementation; building cross-sector cultural proficiency; and antiracist leadership.

The Institute of Museum and Library Services [awarded](#) grants totaling more than \$5.2 million to support and improve library services for Native Americans, Native Alaskans, and Native Hawaiians. These grants will support various literacy and language education programs, digitization projects, and preservation activities.

The Library of Congress [announced](#) that it will revise terms that refer to Indigenous Peoples in the Library of Congress

Subject Headings. The project is expected to commence by the end of the U.S. Federal Government's fiscal year (September 30, 2022). Additionally, the Library of Congress indicated that it supports changing the Subject Heading of *Slaves* to *Enslaved persons*.

The ALA released [preliminary data](#) on book bans in schools, public libraries, and universities, documenting 681 attempts to ban or restrict library resources, which exceeds the record-setting counts from 2021. For example, [at a school in Texas](#), school staff were instructed to pull copies of more than 40 titles from shelves, including many books with LGBTQ+ themes and characters, due to objections by parents (who likely have never read the books).

The ALA also released a [statement](#) condemning proposed state legislation that could put library workers at risk of facing criminal or civil charges for providing library users with access to information on abortion or reproductive health.

EveryLibrary is [tracking](#) bills introduced in state legislatures that would restrict teaching about race and sex and censor or limit access to library collections and databases. Many of these bills similarly open libraries and librarians up to criminal or civil lawsuits and adversely affect the ability of librarians and library staff workers to do their jobs. For example, [Florida's law](#) that went into effect in July gives parents more control over the selection of reading materials in schools, which resulted in a Florida school district [declining a donation](#) of dictionaries due to a temporary freeze on accepting new books in its school libraries and classrooms.

To counteract many efforts to ban or challenge books around the country, Brooklyn Public Library announced a [Books Unbanned initiative](#) that will provide all teenagers in the country with an eCard so they can access censored books for free.

State and Federal Courts and Tribunals

The [Copyright Claims Board](#) (CCB) opened on June 16 to hear copyright disputes involving small claims of up to \$30,000. The three-member government tribunal is designed to be a more efficient and affordable alternative to federal court, as copyright owners and users of creative works (both individuals and businesses) can file claims with the CCB rather than file a lawsuit in federal court.

The pandemic forced courts to explore video conferencing options for court hearings and trials. While many courts have shifted back to requiring in-person court appearances, the Georgia Court of Appeals approved a [rule](#) that permits attorneys to request remote appearances for "health concerns, budgetary constraints, and time constraints."

A three-week [trial](#) took place over the summer where the U.S. Department of Justice asked the judge to block the \$2 billion merger between Penguin Random House and Simon & Schuster due to antitrust and competition concerns. The parties will file post-trial briefs with a decision from the U.S. District Court judge to follow.

The Department of Justice [indicated](#) that they are investigating the data breach involving PACER (the federal

judiciary's case management and electronic case filing system) that occurred in early 2020.

Federal Government

The White House Office of Science and Technology Policy issued [updated guidance](#) requiring publicly funded research to be made available for free immediately upon publication. This updated guidance closes a loophole that has allowed journals to impose a 12-month embargo on research articles. Agencies need to implement updated policies no later than December 31, 2025.

To end this letter on a positive note, it was a relief that the Democrats managed to pass the [Inflation Reduction Act](#) into law in August. This act includes various investments targeting climate change, including offering tax credits to encourage people to switch to cleaner energy sources. With midterm elections looming and the future of Congress up in the air, this victory was much needed.

Until next time!

Sarah

Continued from Local and Regional Updates, page 29

Vancouver Association of Law Libraries

VALL's new and former executive recently had our changeover meeting, and we said goodbye to some long-term members and welcomed our new executive team: Alexandria Everitt (president), Caroline Nevin (vice-president), Rebecca Tomlinson (past-president), Tori Shewchuk and Stephanie Karnosh (programs), Beth Galbraith and Rachel Wertheim (*VALL Review*), Ronit Landon (treasurer), Clare Asquith Finegan (membership), and Kurtis Kolthammer (web editor).

We are looking forward to an exciting 2022/23 program year, and we're kicking it off with a *Lightning Talks* session titled "Current Library Projects," which will be hosted over Zoom. Our membership continues to have differing comfort levels regarding in-person events, and with restrictions in place for most of 2021/22, we held all our events online, except for our Summer Social. For that event, we gathered on the patio at the Vancouver Art Gallery, and members enjoyed connecting in person after over two years of virtual events. For the 2022/23 year, we plan to hold our substantive sessions online and our social events in person.

SUBMITTED BY
ALEX EVERITT
President, VALL

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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 callacbd.ca.

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

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 callacbd.ca.

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