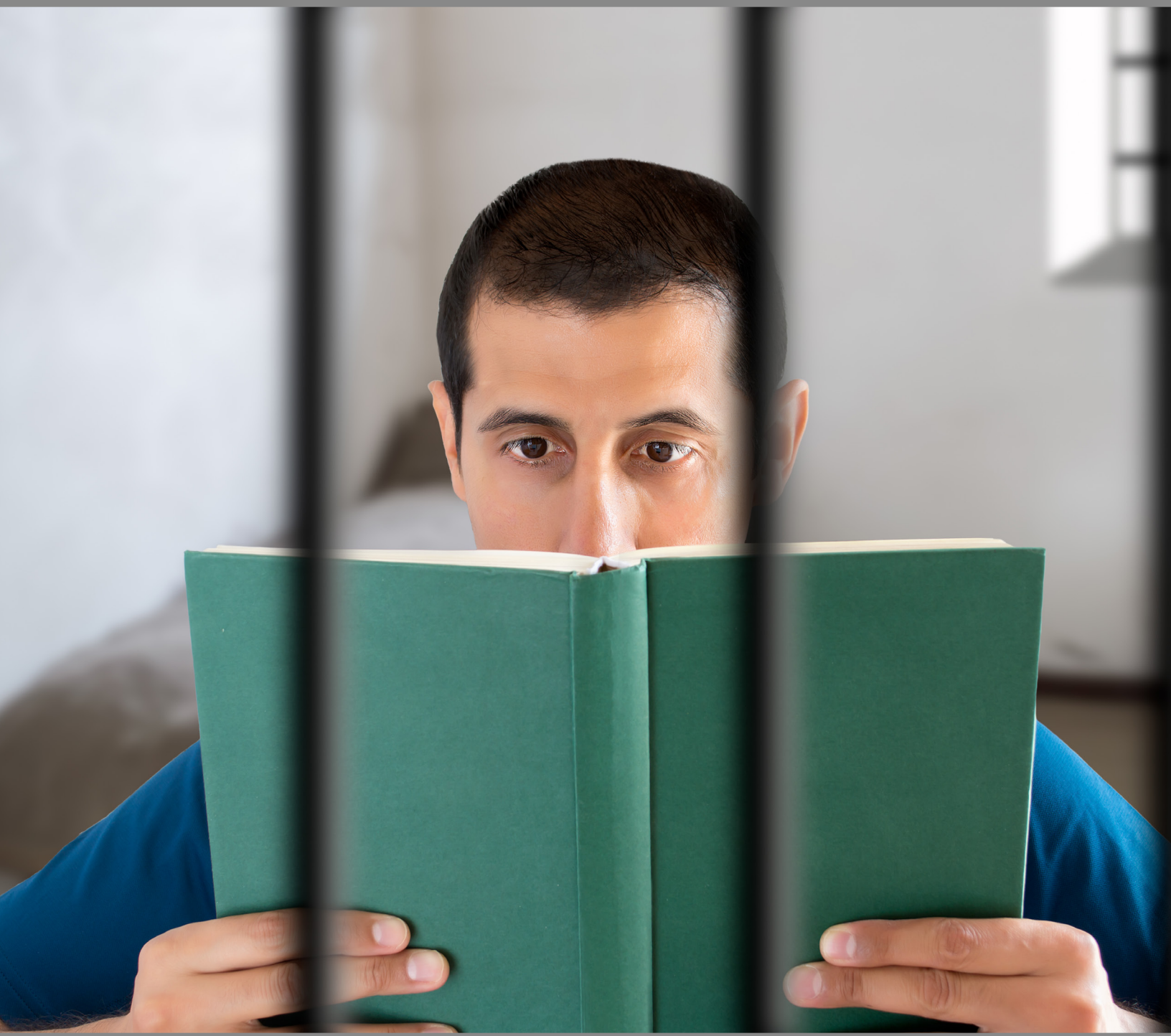


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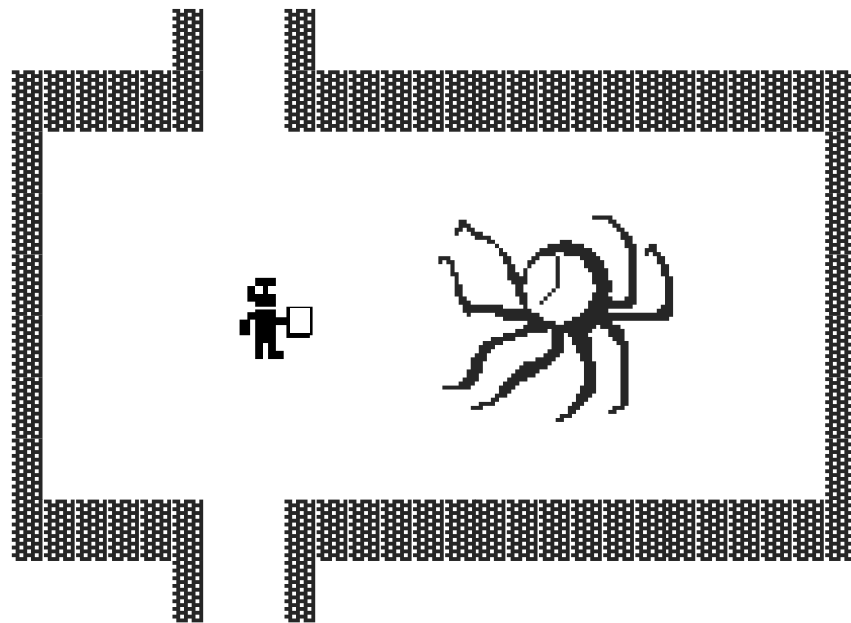
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III From the Editor / De la rédactrice

Happy New Year! Yes, I know, you're reading this in March, and there's [a statute of limitations on the phrase](#), but I'm writing this in January, so I think I can be forgiven. I hope you all had a restful and well-deserved holiday.

We have a new crop of members joining the editorial board. Before I introduce them, I'd like to thank Elizabeth Bruton for her many years of service to CLLR as book review co-editor. She's been a valuable member of the team since 2018, and this is her last issue. Thanks for your hard work, Elizabeth! Leanne Notenboom and Julie Lavigne will join Dominique Garingan on book reviews in the next issue. Also new to the team are Kate McCandless, who has taken over the Bibliographic Notes column, and Erin Clupp, our new Local and Regional Updates editor. Welcome aboard, everyone!

This issue's feature article is "Readers' Advisory Services in Canadian Prisons" by Danielle Noonan, who is currently completing her MLIS at the University of Western Ontario. Prison libraries don't get as much coverage as other law or law-adjacent libraries, which can leave new prison librarians in the lurch. Noonan outlines many of the issues facing these librarians and emphasizes how readers' advisory services can be a lifeline for inmates. Most of us are either academic, firm, corporate, or courthouse librarians, so we probably don't know much about readers' advisory, unless we have prior experience in public libraries. We talk a lot about access to justice and the importance of providing legal information to marginalized communities, but how many of us include recreational and instructional materials in that realm? As Noonan points out, prisoners are entitled to these resources, which can have a positive influence on their lives, inside and outside the prison walls. Building and/or maintaining a prison

library sounds like a great deal of work—like managing a mini public library!—with many different factors to consider when it comes to meeting the needs of its diverse patrons. This article will help current and future prison librarians steer their respective ships.

The 2023 CALL/ACBD conference is coming up fast! I won't be attending, but I hope those who do have a great (and safe!) time.

EDITOR
NIKKI TANNER

Bonne année! Oui, je sais, vous lisez ce mot en mars, et on dit que [souhaiter ce vœu a une date limite](#). Cependant, j'écris ces lignes en janvier, alors je pense qu'on me pardonnera. J'espère que vous avez passé des vacances reposantes et bien méritées.

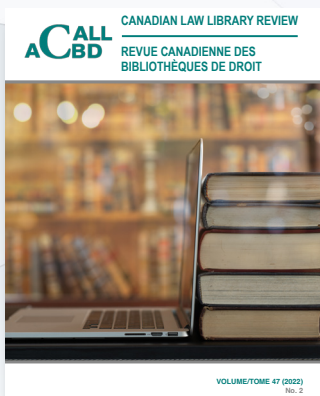
Une nouvelle cuvée de membres a rejoint le comité de rédaction. Avant de vous les présenter, je tiens à remercier Elizabeth Bruton pour les nombreuses années qu'elle a passées au service de la RCBD en qualité de corédactrice des comptes rendus de lecture. Elle fait partie de l'équipe depuis 2018, et ce numéro est son dernier. Merci pour l'excellent travail Elizabeth! Leanne Notenboom et Julie Lavigne se joindront à Dominique Garingan pour la rédaction des comptes rendus de lecture dans le prochain numéro. Parmi les nouvelles venues dans l'équipe, mentionnons également Kate McCandless, qui a repris la chronique des notes bibliographiques, et Erin Clupp, notre nouvelle rédactrice des nouvelles à l'échelle locale et régionale. Bienvenue à bord, tout le monde!

L'article de fond de ce numéro s'intitule « Readers' Advisory Services in Canadian Prisons » par Danielle Noonan, qui termine actuellement sa maîtrise en bibliothéconomie et science de l'information à l'Université de Western Ontario. Les bibliothèques de prison ne font pas l'objet d'autant de couverture que les autres bibliothèques juridiques ou liées au droit, ce qui peut faire en sorte que les nouvelles ou nouveaux bibliothécaires en milieu carcéral sont laissés en plan. Noonan décrit les nombreuses difficultés auxquelles sont confrontés ces bibliothécaires, et souligne comment les services de conseils aux lecteurs peuvent être une bouée de sauvetage pour les détenus. Comme la plupart d'entre nous sont des bibliothécaires d'université, de cabinet, d'entreprise ou de palais de justice, nous ne connaissons probablement pas grand-chose à ces services, à moins d'avoir travaillé dans une bibliothèque publique. Nous parlons beaucoup de l'accès à la justice et de l'importance de fournir des renseignements juridiques aux communautés

marginalisées, mais combien sommes-nous à inclure les documents à caractère récréatif et éducatif dans ce domaine? Comme le souligne Noonan, les détenus ont droit à ces ressources, qui peuvent exercer une influence positive sur leur vie, à l'intérieur comme à l'extérieur des murs de la prison. La création et le maintien d'une bibliothèque de prison semblent être un travail colossal — c'est un peu comme gérer une mini-bibliothèque publique — comptant divers facteurs à prendre en compte lorsqu'il s'agit de répondre aux besoins de la clientèle diversifiée. Cet article vise à aider les bibliothécaires de prison en poste et à venir à diriger leur propre navire.

Le congrès de l'ACBD/CALL 2023 arrive à grands pas! Je ne pourrai pas y assister, mais j'espère que les membres présents passeront du bon temps (et en toute sécurité)!

**RÉDACTRICE
NIKKI TANNER**



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III President's Message / Le mot de la présidente

As I write this column, I am still very much in recovery mode from the holiday season, a time full of family, friends, good cheer, and the occasional overindulgence. It has also been a time for me to reflect on the past year on both a personal and professional level. Professionally, I am very thankful to have the privilege of serving as president of our great association. The past nine months have been a wonderful learning experience, connecting and working with my fellow executive board and CALL/ACBD members in many different respects. Over the years, I have benefitted immensely from my membership, and this year has been no exception.

This past November, the executive board met in person for the first time since the current board members took office back in June 2021. It was such a pleasant experience to be able to connect in person again with colleagues. The two-day meeting also allowed board members to develop a stronger bond that had not been possible through our monthly virtual meetings. A special thank you to National Office for hosting us and managing the meeting.

The major business item at hand was the association's 2023 budget, which the board reviewed, discussed, and approved. Though the association is still facing some financial strains, the board is hopeful that 2023 will see CALL/ACBD returning to the more financially stable pre-COVID times. The board also had the opportunity to discuss strategic planning and resolved that it would be beneficial for the association to engage in a strategic planning process, and we allocated funds for this purpose in the annual budget. This process will help inform CALL/ACBD's goals and priorities and assist with enhancing our current strengths and developing new ones. Work is underway in this regard, and I am excited

to see where this process will take us in the new year and beyond.

Speaking of the new year, the first couple of months are generally a time of optimism, when we look forward and consider what and how we can do better in the months ahead. For many, including myself, it is a time to commit to the standard resolutions, such as a healthier diet, getting more sleep, or exercising more. Though these personal goals are important, why not consider professional development as a goal or resolution for 2023?

The curiosity and learning that come with professional development can assist you in taking that next step in your career, regardless of whether you are in an office space, working from home, or doing a hybrid of both. Whether you have been in the law library or legal information profession for one month, one year, or countless years, professional development is an important habit to develop. There are so many benefits to this investment, such as staying on top of new trends and emerging technologies, networking with people in your profession and the broader community, and renewed energy and excitement for your career.

There are many ways to engage in professional development, with some easy ones, including volunteering for new projects, asking for feedback, engaging in peer review, presenting your research or projects to your work colleagues, taking a course or webinar, or attending a conference. Speaking of conferences, I hope that you have already registered for CALL/ACBD's 2023 conference and annual general meeting in Hamilton (May 28–31). The Conference Planning Committee has been working hard and continues to

invest many volunteer hours to bring together a fabulous educational program. I look forward to seeing many of you in person in Hamilton.

I wish you all the very best in the months ahead, and, as always, the executive board welcomes your thoughts and feedback.

**PRESIDENT
GEORGE TSIAKOS**

Au moment où j'écris ces lignes, je suis encore en mode de récupération du temps des Fêtes, une période qui permet de se retrouver en famille et entre amis pour passer du bon temps et faire parfois quelques excès. C'est aussi pour moi une occasion de réfléchir à l'année écoulée, tant sur le plan personnel que professionnel. Professionnellement, je suis très reconnaissant d'avoir le privilège d'assumer la présidence de notre formidable association. Les neuf derniers mois ont été une merveilleuse expérience d'apprentissage, d'échange et de travail avec mes collègues du conseil exécutif et les membres de l'ACBD/CALL à divers égards. Au fil des ans, j'ai grandement profité de mon adhésion, et cette année ne fait nullement exception.

En novembre dernier, le conseil exécutif s'est réuni en présentiel pour la première fois depuis que les membres actuels du conseil sont entrés en fonction en juin 2021. Cela a été une expérience vraiment agréable de pouvoir échanger de nouveau en face à face avec des collègues. La réunion de deux jours a également permis aux membres du conseil de tisser des liens plus étroits, une chose impossible à créer dans les réunions virtuelles mensuelles. Je remercie spécialement le bureau national de nous avoir accueillis et de s'être occupé de la gestion de cette rencontre.

Le principal point à l'ordre du jour a été le budget de l'association pour l'année 2023. Ce dernier a été examiné, discuté et approuvé. Même si l'association doit encore composer avec quelques contraintes financières, le conseil a bon espoir que l'ACBD/CALL retrouve sa stabilité financière d'avant la COVID-19 en 2023. Le conseil a également eu l'occasion d'aborder la planification stratégique et a décidé qu'il serait avantageux pour l'association d'entamer un processus de planification stratégique. Des fonds ont donc été affectés à cette fin dans le budget annuel. Ce processus contribuera à orienter les objectifs et les priorités de l'ACBD/CALL tout en aidant à améliorer nos forces existantes et en développer de nouvelles. Les travaux sont en cours à cet égard, et je suis impatient de voir où ce processus nous

mènera au cours de la nouvelle année et des prochaines années.

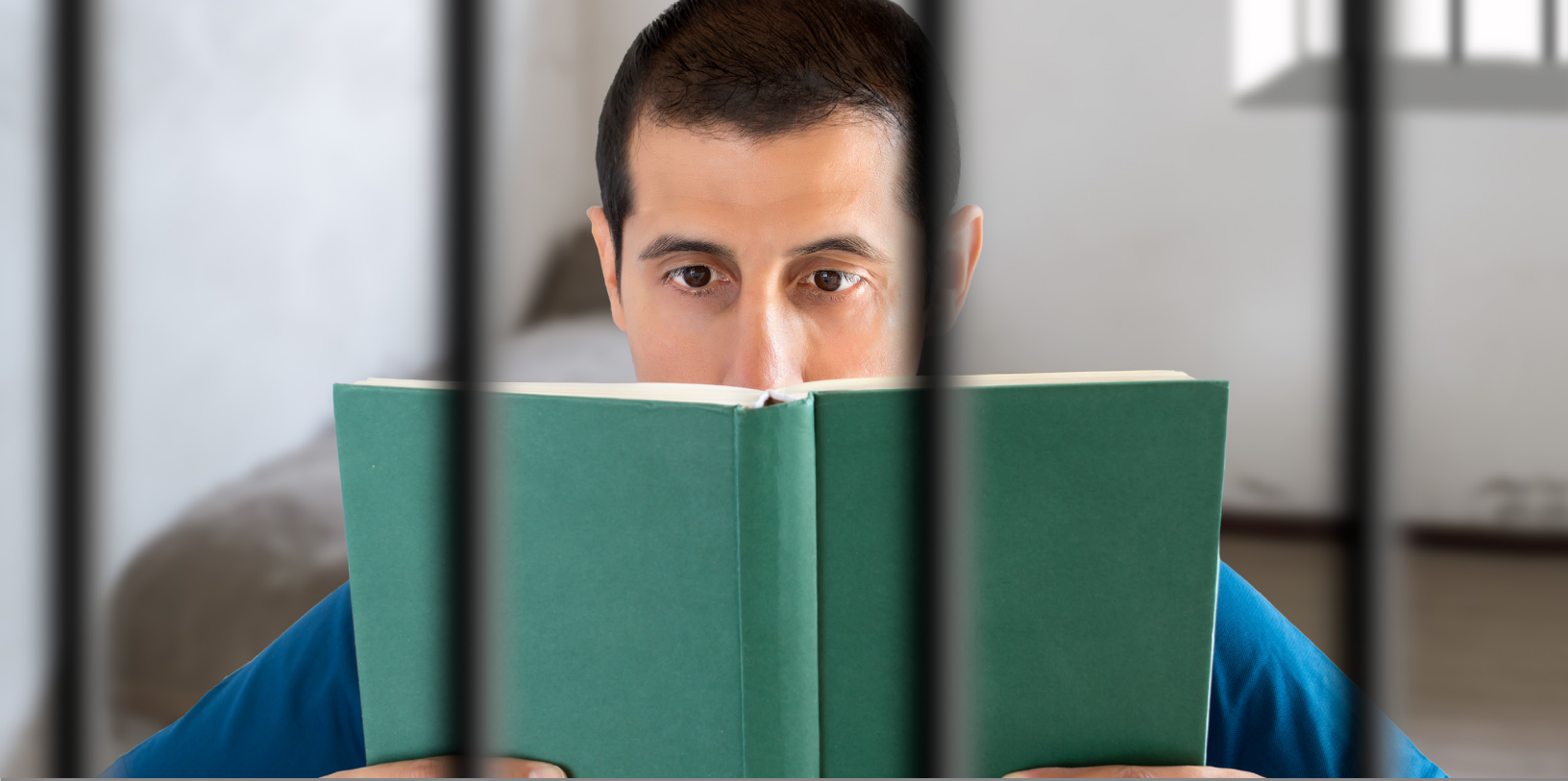
À propos de la nouvelle année, les deux premiers mois sont habituellement une période d'optimisme au cours de laquelle nous regardons vers l'avant et réfléchissons aux aspects que nous pouvons améliorer et les moyens à prendre pour y parvenir dans les mois à venir. Pour bien des gens, et je suis du nombre, c'est le moment d'adopter les fameuses résolutions comme manger plus sainement, dormir davantage ou faire plus d'activité physique. Bien que ces objectifs personnels soient importants, pourquoi ne pas envisager le perfectionnement professionnel comme un objectif ou une résolution pour 2023?

La curiosité et l'apprentissage associés au perfectionnement professionnel pourraient vous aider à franchir une nouvelle étape dans votre carrière, que vous travailliez en présentiel, en télétravail ou en mode hybride. Que vous exerciez la profession dans une bibliothèque de droit ou dans le domaine de l'information juridique depuis un mois, un an ou de nombreuses années, le perfectionnement professionnel est une habitude importante à prendre. Cet investissement présente de nombreux avantages, comme celui de rester à l'affût des nouvelles tendances et des technologies émergentes, de faire du réseautage avec des gens dans votre domaine ou dans la collectivité au sens large, et de trouver une certaine effervescence ou un dynamisme renouvelé dans votre carrière.

Il y a de nombreuses façons de se perfectionner, dont certaines sont faciles, comme faire du bénévolat dans le cadre de nouveaux projets, demander de la rétroaction, participer à des examens par les pairs, présenter vos recherches ou projets à vos collègues de travail, suivre un cours, participer à un webinaire ou assister à un congrès. En parlant de congrès, j'espère que vous vous êtes déjà inscrits au congrès de l'ACBD/CALL 2023 et à l'assemblée générale annuelle à Hamilton (28 au 31 mai). Le Comité de planification du congrès travaille très fort et investit de nombreuses heures de bénévolat pour mettre sur pied un formidable programme éducatif. J'ai hâte de rencontrer beaucoup de membres à Hamilton.

Je vous souhaite mes meilleurs vœux pour les mois à suivre. Comme toujours, le conseil exécutif vous invite à lui envoyer vos réflexions et vos commentaires.

**LE PRÉSIDENT
GEORGE TSIAKOS**



III Readers' Advisory Services in Canadian Prisons

By Danielle Noonan*

ABSTRACT

Library services in Canadian prisons have often been influenced by American standards. There is little research on libraries in Canadian prisons, and of that research it is evident that readers' advisory services in prisons are nearly nonexistent. The following article overviews 1981 and 1984 recommendations to the Correctional Service of Canada and a 2003 national survey about the operation of prison libraries. Through a comparison of the American Library Association's criteria and the current state of Canadian prison libraries, this article identifies the issues and proposes solutions that would enable prison librarians to meet the recommended standards for readers advisory services in prisons.

SOMMAIRE

Les services de bibliothèque offerts dans les prisons canadiennes ont souvent été influencés par les normes américaines. Il existe peu de recherches sur les

bibliothèques se trouvant dans les prisons canadiennes, et de ces recherches, il est évident que les services de conseil aux lecteurs dans les prisons sont presque inexistantes. L'article suivant donne un aperçu des recommandations de 1981 et 1984 faites au Service correctionnel du Canada et d'une enquête nationale de 2003 sur le fonctionnement des bibliothèques de prison. En comparant les critères de l'American Library Association et l'état actuel des bibliothèques de prison canadiennes, cet article identifie les problèmes et propose des solutions qui permettraient aux bibliothécaires de prison de respecter les normes recommandées pour les services de conseil aux lecteurs dans les prisons.

Introduction

Readers' advisory is a service offered by libraries with the goal of matching a reader with what they would love to read.¹ In Canadian prison libraries, however, there are still major gaps that must be addressed to meet the basic library standards for readers' advisory services. This article explores what is

* Danielle Noonan is a graduate student at the University of Western Ontario, where she is pursuing a Master of Library and Information Science degree. Having completed an undergraduate degree in legal studies from the University of Waterloo, she is always looking for ways to combine the skills she developed from both degrees. By working at the Lederman Law Library at Queen's University in 2022, she was able to further her learning in legal research. This article was originally written for her Information Sources and Services course but has been updated to incorporate her experience working at Queen's.

¹ Jessica Moyer, "Readers' Advisory: The Most Important Class for New Librarians" (25 June 2007), online: *American Library Association* <www.ala.org/rt/nmrt/news/footnotes/november2006ab/readersadvisorymostimp06>.

required to meet the readers' advisory needs of inmates in correctional institutions.² Through an examination of the history of policies governing prison libraries, a reflection on library experiences, and an identification of several aspects of readers' advisory, the article will familiarize readers with the current state of readers' advisory in federal correctional institutions.

Historical Context

Prison libraries have changed significantly since the inception of the first modern Canadian carceral structure in 1835.³ Historical records show that the first prison library books were donated by John Macaulay, chair of the prison's board of inspectors, and an 1860 Kingston prison library ledger shows "a growing library collection" demonstrated through a list of acquired titles.⁴

Several reports throughout Canadian prison history have brought to light specific concerns regarding prison libraries. The influential 1938 Archambault report, the result of a public inquiry, noted the unacceptable spaces in which prison libraries were located and their lack of organization, appropriate content, and trained library staff.⁵ It led to significant prison reform grounded in a changed focus from retributive justice to rehabilitation.⁶ Nearly 40 years later, a 1977 report produced by the parliamentary sub-committee on the penitentiary system in Canada recommended that institutional libraries expand to include legal materials.⁷

Since then, two major reports have helped shape the operation of prison libraries in Canada. The first is the *Report on Institutional Library Service* ("Nason Report")⁸ in 1981, and the second is the *Review of Institutional Library Services Report* by management consultant firm Peat, Marwick and Partners ("Peat Marwick Report")⁹ in 1984. Both reports address the need for certain materials behind bars, the topic of access and censorship, and a need for

better service. Though not explicitly stated, the 1981 and 1984 reports pushed these unanswered concerns from 1938 and 1977 forward.

The Correctional Service of Canada (CSC) commissioned the Nason Report with the goal of examining what type of library model was best suited for prison libraries. It ultimately recommended the public library model.¹⁰ Throughout the report, it came to light that there was a serious lack of national policy and standard methodology for prison library operation. As a result, it made 29 recommendations, including several that specifically relate to readers' services.¹¹ These include the recommendation to develop a systematic plan for effective library programs and to consider "inmate interests, staff reference sources and revision of legal materials" when improving the collections.¹² The recommendations emphasize that inmates have equal rights to information and materials and that materials should be prohibited "only on the basis that it constitutes a security risk to the institution."¹³ The report also lists principles for consideration during the selection of materials, including "staff and inmate requests."¹⁴ Each of these recommendations addresses an aspect of readers' advisory, as the goal of these services is to match inmates' interests with what is available in the collection.

However, the cost of improving these services would not be cheap. The report suggested a new budget, which drew on standards from prisons in the United States and Great Britain, a comparison of expenditures for prison libraries across Canada for 1979–80, and the approved budget for 1981–82.¹⁵ A total budget of \$15,750 was recommended for prison libraries at sites with fewer than 400 inmates, including \$11,000 for acquisitions.¹⁶ The recommended total budget for sites with 400 inmates or more was \$24,000, including \$18,500 for acquisitions.¹⁷ As some institutions secure 450 to 700 inmates, the report failed to provide guidance for prisons with significantly more inmates than 400.¹⁸

² In Canada, there are two types of correctional systems: federal and provincial/territorial. This article will mainly explore the federal system.

³ *Reports of the Commissioners Appointed to Inquire into the Conduct, Discipline & Management of the Provincial Penitentiary: with the Documents Transmitted by the Commissioners* (Montreal: Rollo Campbell, 1849) at 6, online: *Canadiana* <www.canadiana.ca/view/occihm.9_01285>.

⁴ Ann Curry et al, "Canadian Federal Prison Libraries: A National Survey" (2003) 35:3 *J Librarianship & Information Science* 141 [Curry].

⁵ *Report of the Royal Commission to Investigate the Penal System of Canada* (4 April 1938) (Chair: Joseph Archambault), online (pdf): *Government of Canada* <publications.gc.ca/pub?id=9.699906&sl=0>.

⁶ *Ibid.*

⁷ Canada, Sub-Committee on the Penitentiary System in Canada, *Report to Parliament* (Ottawa: Supply and Services Canada, 1977) (Chair: Mark MacGuigan), online (pdf): *Public Safety Canada* <www.publicsafety.gc.ca/lbrr/archives/sgc00004138-eng.pdf>.

⁸ Correctional Service of Canada, *Report on Institutional Library Service*, by CM Nason (Ottawa: Correctional Service of Canada, 1981), online (pdf): *Public Safety Canada* <www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtls-en.aspx?d=PS&i=163324> [Nason].

⁹ *Review of Institutional Library Services Report* (Ottawa: Peat, Marwick and Partners, 1984), online (pdf): *Public Safety Canada* <www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtls-en.aspx?d=PS&i=456305> [Peat Marwick].

¹⁰ Nason, *supra* note 8 at 83.

¹¹ While the report does not explicitly describe readers' advisory services, these recommendations speak to the groundwork necessary for readers' advisory. Recommendations 5–8 most specifically speak to readers' advisory.

¹² Nason, *supra* note 8 at 31.

¹³ *Ibid.*

¹⁴ *Ibid* at 85.

¹⁵ *Ibid* at 63.

¹⁶ *Ibid* at 67.

¹⁷ *Ibid* at 68.

¹⁸ Of the 43 federal institutions, 20 currently have a total "rated capacity" (the term used by the CSC) of over 400, ranging from 450 inmates to 700 inmates. See Correctional Service of Canada, "Institutional Profiles" (11 February 2013), online: <www.csc-scc.gc.ca/institutions/index-en.shtml>.

Despite the Nason Report's recommendations, no formal guidelines were put in place after its publication to hold the CSC accountable and improve library services in prisons. Instead, the following years saw what appeared to be a decrease in access to information in prisons. For example, in 1983 there were several news articles about the CSC withdrawing funds for college and university courses for prisoners.¹⁹

A few years later, the Education and Training Branch of the CSC commissioned the Peat Marwick Report as an attempt to measure the effects of the Nason Report's recommendations and gain "a broad understanding of the role and functions of institutional libraries across Canada and the people employed in them."²⁰ According to prison librarians Catherine Ings and Jennifer Joslin, "[t]he report was commissioned due to concerns over the inequities that existed among the prison libraries across the country and from the desire to seek practical solutions to these problems," including concerns that were raised in the Nason Report but forgotten or not yet fully addressed.²¹ Rather than restate the Nason Report's points, the Peat Marwick Report expanded its recommendations and added several items that relate to the groundwork necessary for readers' advisory, including:

- That basic library standards be established for the institutional libraries...
- That separate budgets be developed for the libraries and that they are reviewed regionally and nationally before they are submitted to Wardens...
- That all CSC institutional libraries should have a minimum basic adult literacy collection...
- That consideration be given to developing a catalogue of all the holdings of the institutional libraries.²²

The Peat Marwick Report also demonstrated that prison library budgets remained "a low priority within the institution."²³ The average total 1983–84 budget for institutional libraries was \$9,684.56, below the recommended budget in the earlier Nason Report.²⁴

The twenty-first century saw a continued push for federal guidelines surrounding prison libraries. Curry et al conducted

a national survey on prison libraries in 2001, with results published in 2003.²⁵ While some survey respondents said that developing guidelines was not a high priority due to more immediate needs, such as better funding, Curry et al concluded that the guidelines would ultimately benefit prison libraries:

The survey revealed a lack of support for formulating [Canadian Library Association] prison library guidelines or standards. Despite this lack of support, implementation of Canada-specific guidelines or standards might provide a public relations base and management advice to help prison librarians formalize their institutional roles, develop collection and policies, manage censorship and access issues, and better articulate how their libraries support the goals and objectives of the prison as a whole.²⁶

The survey furthermore showed that prison library funding had not improved since the Nason and Peat Marwick reports in the 1980s. Several libraries surveyed did not have collections budgets, while the average annual budget was \$4,051, far below the recommendations in both reports.²⁷ As budgets decreased, it is likely that services were also lost.

Library Standards Applicable to Prison Libraries

After the publication of the Peat Marwick Report, nearly 30 years passed before CSC issued a national policy for prison libraries. The *National Guide for Institutional Libraries* (NGIL) in 2012 served as the first and still only guide for Canadian institutional libraries.²⁸ The NGIL outlines several aspects of a prison library that tie into the provision of readers' advisory services. As its "purpose and philosophy," the NGIL states that "the purpose of the library in a federal institution is to meet the needs of the correctional community by providing an essential service which emulates the public library model."²⁹ While the NGIL acknowledges that there are some limitations to the extent to which a prison library can emulate this model, it also states that the library should provide inmates with "the opportunity to pursue recreational, cultural and spiritual interests, while also providing services and materials that support institutional programs."³⁰

¹⁹ One 1983 *Globe and Mail* editorial reviews how approximately 300 of Canada's penitentiary inmates stood to lose access to courses after financial support was withdrawn for college and university courses in nine federal prisons: See "The Prison Library", Editorial, *The Globe and Mail* (4 February 1983) 6. See also Alan M Thomas, "Inmates Have Right to Education," Letter to the Editor, *The Globe and Mail* (2 March 1983) 7.

²⁰ *Supra* note 9 at 1.

²¹ "Correctional Service of Canada Prison Libraries from 1980 to 2010" (2011) 59:3 *Library Trends* 386 at 394 [Ings & Joslin].

²² *Supra* note 9 at 2–3.

²³ *Ibid* at II.13.

²⁴ *Ibid* at II.5.

²⁵ *Supra* note 4.

²⁶ *Ibid* at 150.

²⁷ *Ibid* at 147.

²⁸ Correctional Service Canada, *National Guide for Institutional Libraries* (Ottawa: Correctional Service Canada, 2012), online (pdf): *Public Safety Canada* <www.publicsafety.gc.ca/lbrr/archives/cn21137-eng.pdf> [NGIL].

²⁹ *Ibid* at 3.

³⁰ *Ibid*.

The NGIL includes some of the 1981, 1984, and 2003 recommendations, but a note within the document states that the guide was strongly influenced and guided by the International Federation of Library Associations and Institutions' 2005 *Guidelines for Library Services to Prisoners*.³¹ These guidelines explicitly list readers' advisory as a necessary prison library service, "to recommend to patrons items of interest and at appropriate reading levels."³²

Today, federal prison libraries follow the NGIL guidelines, but library organizations in the United States have established additional guidelines and standards, such as the American Library Association's (ALA) "Prisoners' Right to Read."³³ This document accompanies the ALA's *Library Bill of Rights*,³⁴ which was first adopted in 1939 and has been adapted through to the modern day. The articles of the *Library Bill of Rights* are seven basic principles that should govern the service of all libraries, and "Prisoners' Right to Read" explains how they apply to prisons.³⁵ *Library Standards for Adult Correctional Institutions* is another ALA document that provides numerical guidance around access, staff, seating, budget, and collections.³⁶ For example, it states that prison library hours should allow at least five hours of access per inmate per week, with separate minimum standards for inmates in a limited-access population, such as inmates in the hospital or in segregation.³⁷ Access to library services is an important concern in a prison setting, and institutional librarians have noted that library time has been treated by prison guards as a reward for good behaviour.³⁸

While "Prisoners' Right to Read" also does not explicitly mention readers' advisory services, this document touches on broader principles that affect the provision of readers' advisory to people who are incarcerated or detained. These include several statements concerning the provision of a suitable collection for the purposes of meeting readers' needs, like resources in languages other than English and in suitable formats for persons with disabilities, as well as a general emphasis on allowing librarians to select resources that "reflect the demographic composition, information needs, interests, and diverse cultural values of the confined communities they serve."³⁹

Additional international standards include *The United Nations Standard Minimum Rules for the Treatment of Prisoners*, which covers library services in rule 64 related to books: "Every prison shall have a library for the use of all categories of prisoners, adequately stocked with both recreational and instructional books, and prisoners shall be encouraged to make full use of it."⁴⁰

These policies are designed to help librarians align services for people who are incarcerated, but what does this look like in practice for readers' advisory in prisons?

Readers' Advisory Services in Canadian Prison Libraries

Readers' advisory is a library service that connects readers with what they want to read. This often takes the form of a librarian or other library staff member "who—formally or informally—suggest books to readers, usually on the basis of an individual's previous reading experience and stated preferences."⁴¹

In keeping with the Nason Report's recommendation that the prison library should emulate the public library's service model, we may look to the Ontario Public Library Association's (OPLA) Readers' Advisory Committee for an explanation of how to strengthen readers' advisory services in a library. According to OPLA, readers' advisory requires a set of four major competencies for librarians: an understanding and familiarity with the library's collection, the development of a system through which readers' advisory can be performed, interaction with readers to understand their needs and interests, and the ability to develop patrons' awareness of their own reading needs and interests.⁴²

While many of the reports and policies outlined earlier do not mention readers' advisory, these concepts do emerge in the NGIL. For example, this document states that "[t]o ensure that the library meets the needs of its patrons, library staff members are encouraged to have an open dialogue with library users."⁴³ The NGIL also states that "[l]ibrary staff shall provide users with guidance and assistance in locating

³¹ Vibeke Lehmann & Joanne Locke, *Guidelines for Library Services to Prisoners*, 3rd ed, IFLA Professional Report 92 (The Hague: IFLA Headquarters, 2005).

³² *Ibid* at 14.

³³ "Prisoners' Right to Read: An Interpretation of the Library Bill of Rights" (last modified 29 January 2019), online: *American Library Association* <www.ala.org/advocacy/intfreedom/librarybill/interpretations/prisonersrightoread> [ALA, "Right to Read"].

³⁴ "Library Bill of Rights" (last modified 29 January 2019), online: *American Library Association* <www.ala.org/advocacy/intfreedom/librarybill>.

³⁵ *Ibid*.

³⁶ "Library Standards for Adult Correctional Institutions" (last modified March 2020), online: *American Library Association* <www.ala.org/asgcla/resources/librarystandards>.

³⁷ *Ibid*.

³⁸ Michelle De Agostini, "Locked Up Libraries: A Critique of Canadian Prison Library Policy" (2022) 8 *J Radical Librarianship* 5 at 5, online: <<https://journal.radicalibrarianship.org/index.php/journal/article/view/69>> [De Agostini].

³⁹ ALA, "Right to Read", *supra* note 33.

⁴⁰ *The United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules), UNGAOR, 70th Sess, Annex, Agenda Item 106, UN Doc A/RES/70/175 (2016) 7 at 21 [Mandela Rules].

⁴¹ Patrick Denman Flanery, *The Oxford Companion to the Book* (Oxford: Oxford University Press, 2010) sub verbo "readers' advisers".

⁴² "Readers' Advisory @ Your Library: Core Competencies Toolkit" (last visited 22 December 2022), online (pdf): *Ontario Library Association* <<https://accessola.com/wp-content/uploads/2020/10/2018-RA-Core-Competencies-Collection-knowledge.pdf>>.

⁴³ *Supra* note 28, s 9.1.

information whether in print or other media.”⁴⁴ Although library service does not explicitly include readers’ advisory, it could be interpreted as a type of library service within this section.

In combination with its absence in guidelines, there are many limitations related to implementing readers’ advisory in prisons in accordance with the OPLA competencies described above. These limitations will be discussed below and include specific demographic needs, contact limitations, censorship, and the collection itself.

Specific Demographic Needs

Institutional libraries have specific demographic needs that challenge the provision of readers’ advisory services. First, prison libraries serve two user groups: prison staff and inmates.⁴⁵ Although correctional staff would have access to public library services, some may find it more convenient to use the institutional library. However, there is a lack of research on the extent to which correctional staff make use of prison library services and whether this affects the number of resources available to inmates.

Second, prison librarians must consider the specific demographic needs of prisons and prisoners, including literacy rates and different language backgrounds. A recent UNESCO report on prison libraries recommended that “special attention” be paid to prisoners with these backgrounds by providing appropriate reading materials.⁴⁶ The Canadian Office of the Correctional Investigator’s 2019–2020 annual report noted that “54% of the incarcerated population have less than a grade 10 education.”⁴⁷ However, it is also important to note that individuals with high levels of education also exist within the prison system, and therefore services cannot only be tailored toward those with low levels of literacy.⁴⁸ Providing a range of materials that meet these diverse needs is therefore important for a prison library.

Other factors related to providing readers’ advisory in prisons include specific information needs, such as the need for legal information and materials to support rehabilitative programs. The *Corrections and Conditional Release Regulations* state that inmates must be provided with “reasonable access” to “legal reading materials.”⁴⁹ However, the regulations fail to require that inmates have access to the internet, which is a

major source of accessible legal information today through services like the Canadian Legal Information Institute (CanLII). The NGIL limits internet access to librarians, who can download or print the information if necessary.⁵⁰ In 2003, one of Curry et al’s conclusions was that “prison inmates often remain ‘information poor’ during their incarceration periods because they are unable to benefit from many of the common resources found in a public library such as access to the World Wide Web and basic reference and educational materials.”⁵¹ In 2020, the Office of the Correctional Investigator reported on this continued lack of access to the internet and modern information resources:

Offenders have limited access to outdated stand-alone computers that still use floppy disks. CSC runs Local-area Networks, which are equipped with software from the early 2000’s, have no access to the Internet, contain limited reference materials and have almost no technical capacity to support or facilitate eLearning of any kind.⁵²

Without access to free online sources of legal information, prisoners must rely on their prison library to provide access to these materials, which can be very expensive in other formats. Curating a legal collection also requires a large amount of expertise that may be difficult for a librarian without external help. The Peat Marwick Report suggested a collaboration with the Canadian Association of Law Librarians (CALL) and pointed to the fact that the American Association of Law Librarians (AALL) had previously provided assistance regarding legal collections to the U.S. correctional service.⁵³ The collaboration would have involved asking members of CALL to create a list of key legal titles to which every institutional library should have access and to review and update it every two years.⁵⁴ It would serve as a list of recommended materials that all prison libraries could use as a basis for collection development. No collaboration seems to have taken place following this report.

Lastly, a prison library can also provide support for rehabilitation efforts. Rehabilitative programs address factors and strategies that may lead to positive change for prisoners, including work, educational, and anger management programs and programs to provide literacy and life skills and that address substance abuse.⁵⁵ Access to resources is a key part of any rehabilitative effort, and

⁴⁴ *Ibid*, s 7.2.1.

⁴⁵ Curry, *supra* note 4; Ings & Joslin, *supra* note 21 at 389; NGIL, *supra* note 28, s 2.3.

⁴⁶ UNESCO Institute for Lifelong Learning, *UIL Policy Brief 11: How Prison Libraries Support Rehabilitation Efforts*, UNESCO, 2020, UN Doc UIL/2020/PI/H/5 at 2, online: <<https://uil.unesco.org/literacy/vulnerable-groups/uil-policy-brief-11-how-prison-libraries-support-rehabilitation-efforts>> [UNESCO].

⁴⁷ Ivan Zinger, *Office of the Correctional Investigator Annual Report 2019–2020* (June 2020), online: *Government of Canada* <www.oci-bec.gc.ca/cnt/rpt/annrpt/annrpt20192020-eng.aspx> [Zinger].

⁴⁸ *Ibid*.

⁴⁹ *Corrections and Conditional Release Regulations*, SOR/92-620, s 97(3)(a) [*Regulations*].

⁵⁰ *Supra* note 28, s 7.4.2.

⁵¹ *Supra* note 4 at 150.

⁵² Zinger, *supra* note 47.

⁵³ *Supra* note 9 at III.6–III.7.

⁵⁴ *Ibid*.

⁵⁵ “Rehabilitation Programs and Services for Offenders” (13 September 2021), online: *Government of Ontario* <www.ontario.ca/page/rehabilitation-programs-and-services-offenders>.

readers' advisory can unlock access to relevant information that is crucial for prisoners' personal development.

These specific demographic considerations pose a challenge for readers' advisory in prisons because inmates need access to a wide range of materials, and in some instances specialized materials may be challenging to provide in a prison collection.

Contact Limitations

One key element of readers' advisory is communication between a librarian and a patron, so any situation where inmates lose library time reduces the potential for a librarian to conduct this service. The OPLA Readers' Advisory Committee lists readers' advisory conversations as one of their core competencies. Here, readers' advisory conversations are defined as "interacting with readers to match their needs and interests to library materials."⁵⁶ Even though the guidelines and regulations state that inmates should be provided with reasonable access to legal and certain non-legal reading materials,⁵⁷ inmates may have trouble accessing the library, as "correctional staff generally [consider] prison library services to be a privilege" and may limit inmates' access to it.⁵⁸ One prison librarian⁵⁹ commented that it is extremely difficult for her to use common practices in readers' advisory, like creating a reader profile for each inmate, due to contact limitations, and she emphasized that prisoners need to be their own advocates for reading since general reading preference is often assumed in the institutions.⁶⁰ The restriction of access to a prison library is a violation of prisoner rights under *The United Nations Standard Minimum Rules for the Treatment of Prisoners*.⁶¹

One way to combat the limited opportunities for conversation with library staff is to offer group programming. Readers' advisory can sometimes be beneficial in a group setting. For example, the Nason Report identified the need for a literacy development project and book discussion groups.⁶² UNESCO has also supported these services as

tied to rehabilitation efforts: "Offering literacy activities and reading promotion strategies, such as reading circles, book clubs, creative writing workshops or publishing a prison newspaper, contribute to fostering a reading culture and can be a transformative experience."⁶³ Both the Nason and Peat Marwick reports also suggested book clubs, which some Canadian institutions have run. For example, Book Clubs for Inmates began in 2008, when the Reverend Dr. Carol Finlay, an Anglican priest and former high school and university professor, met monthly with a small group of inmates at Collins Bay Institution.⁶⁴ This program later expanded, and it currently includes 36 book clubs across the country.⁶⁵ Although Rev. Dr. Finlay is not a librarian, and many of these conversations are not hosted by library staff, there are testimonials from librarians in support of the program.⁶⁶ Other testimonials from authors and volunteers describe their positive experiences.⁶⁷ The prison library getting more involved in this type of programming is beneficial for effective readers' advisory conversations.

Censorship

A prison library's ability to provide readers' advisory services is challenged when certain topics are restricted. There is a long history of censorship in prisons. For example, prison regulations in 1888 stated that "[n]o book of religious controversy, nor work tending to bring into contempt either the Protestant or the Roman Catholic Faith, shall be permitted to be brought into the Prison."⁶⁸

The Nason Report recommended a standard national policy on censorship for Canadian institutional libraries because it found a variety of approaches in this area.⁶⁹ It noted that wardens at some sites had the right to censor and ban materials at their own discretion with no guidelines, while the library and corrections teams at other sites had elaborate guidelines given to them.⁷⁰

The current Regulations say that if the institutional head, or a designated staff member, "believes on reasonable grounds"

⁵⁶ "Readers' Advisory Core Competencies" (last visited 22 December 2022), online (pdf): Ontario Library Association <https://accessola.com/wp-content/uploads/2020/10/2018-RA-Core_competencies_overview.pdf> [OPLA, "Core Competencies"].

⁵⁷ NGIL, *supra* note 28, s 4.3; *Regulations*, *supra* note 49, s 97(3).

⁵⁸ De Agostini, *supra* note 38.

⁵⁹ Interview of Kelli Jerome, Regional Librarian for inmates institutionalized in the Western Region of Ontario (27 October 2021) at the FIMS Graduate Library, Western University after a *Bookbinding for Inmates* workshop [Interview].

⁶⁰ *Ibid*; Neal Wyatt, "Readers' Advisory Services and Sources" in Melissa Wong & Laura Saunders, eds, *Reference and Information Services: An Introduction*, 6th ed (Santa Barbara: ABC-CLIO, 2020) 433 at 439 [Wyatt].

⁶¹ De Agostini, *supra* note 38 at 5; Mandela Rules, *supra* note 40 at rule 64.

⁶² *Supra* note 8 at 20.

⁶³ *Supra* note 46 at 2.

⁶⁴ "Our History" (last visited 17 December 2022), online: *Book Clubs for Inmates* <www.bookclubsforinmates.com/our-history>.

⁶⁵ *Ibid*.

⁶⁶ "Testimonials" (last visited 22 December 2022), online: *Book Clubs for Inmates* <www.bookclubsforinmates.com/testimonials>.

⁶⁷ *Ibid*.

⁶⁸ "Rules and Regulations for the Government of Penitentiaries of the Dominion of Canada" in *The Penitentiary Acts and the Rules and Regulations for the Government of the Penitentiaries of Canada* (Ottawa: MacLean, Roger & Co, 1888), s 363, online (pdf): *Public Safety Canada* <www.publicsafety.gc.ca/cnt/rsrscs/lbrr/ctlg/dtts-en.aspx?d=PS&i=16700336>.

⁶⁹ *Supra* note 8 at 27.

⁷⁰ *Ibid* at 26.

that materials would jeopardize the safety or security of a person or the penitentiary itself, or they would undermine a person's sense of dignity by demeaning them on the basis of a protected characteristic and would likely be viewed by other persons, they can prohibit those materials from the general collection or an individual offender.⁷¹ Commissioner's Directive 764 – Access to Expressive Material and its guidelines add further guidance on prohibiting unlicensed or pirated copies of material; material that involves the sexual depiction of minors; and information that explains how to make weapons or commit a criminal act, supports genocide, recruits membership in a criminal organization, contributes to an unsafe or unhealthy environment for staff and offenders, or is inconsistent with an offender's Correctional Plan.⁷² Section 6.9 of the NGIL also speaks to the limitations and restrictions of prison library collections, including the directive that libraries should not “acquire material that has been judged obscene, pornographic or as hate literature.”⁷³

Meanwhile, the ALA guidelines recommend that “only those items that present an actual compelling and imminent risk to safety and security should be restricted.”⁷⁴

Even with the improvements made since the Nason Report, this type of censorship⁷⁵ has implications for readers' advisory; for example, many of the titles used by the prison book clubs could be excluded from the collection depending on officials' subjective interpretation of the criteria for censorship.

Collection Limitations

The OPLA Readers' Advisory Committee also lists “collection knowledge” as a core competency, defined as “familiarity with the depth and breadth of materials and resources” in the system, “including material in all formats and media, both fiction and non-fiction.”⁷⁶ The Special Rapporteur on the Right to Education made recommendations to the General Assembly of the United Nations that institutional libraries should be well funded, accessible, and “stocked

with an adequate and appropriate range of resources and technology available for all categories of detainees.”⁷⁷

Yet a significant limitation of readers' advisory in a prison is that the collection itself may be severely lacking. This is especially true with regard to newer resources, as prison libraries often rely heavily on donations after depleting the annual operating budget.⁷⁸ The NGIL offers a book donation protocol that does not even see librarians reviewing the material, but rather someone at CSC headquarters (although it allows librarians to request specific books through donation).⁷⁹ Prison librarians have spoken to how difficult it is to follow guidelines of any sort when an institution is limited to books received by donation, which usually means old or unused material donated by bookstores and other libraries.⁸⁰

However, there are organizations whose main goals are to provide such resources to prisons; for example, the Prison Library Support Network⁸¹ and the Canadian Prison Library Project.⁸² While these organizations are well-intentioned, this model of acquisition poses a problem for prison librarians. Readers' advisory in public libraries typically has librarians recommending newer titles, which is an especially important facet of advising in areas relevant to prison libraries, such as legal resources and those focused on rehabilitation.⁸³ The reliance of institutional libraries on donated (and often outdated) materials means that their collections may not reflect the interests, reading levels, language skills, or needs of the diverse prison population, which makes it difficult to provide adequate readers' advisory services.⁸⁴ Increasing a prison library's budget could help address the above concerns and is a recommendation proposed by librarians such as Michelle De Agostini.⁸⁵

Funding is also required to offer specialized training to librarians and other staff members to improve their ability to develop prison library collections.⁸⁶ The NGIL encourages prison librarians to participate in professional development activities but admits that these activities will be “contingent on supervisor approval and available funding.”⁸⁷ De Agostini

⁷¹ *Supra* note 49, s 96.

⁷² “Access to Expressive Materials,” Commissioner's Directive No 764 (Ottawa: Correctional Service Canada, 14 May 2018), ss 8, 13, 16, online: *Correctional Service Canada* <www.csc-scc.gc.ca/acts-and-regulations/764-cd-en.shtml> [CD 764]; “Expressive Material,” Guidelines No 764-1 (14 May 2018), ss 2, 5–6, online: *Correctional Service Canada* <www.csc-scc.gc.ca/acts-and-regulations/764-1-gl-en.shtml>.

⁷³ *Supra* note 28, s 6.9.1, which refers to the Commissioner's Directive preceding the current CD 764, *supra* note 72.

⁷⁴ ALA, “Right to Read,” *supra* note 33.

⁷⁵ That is, censorship that relies on “reasonable belief” or on a subjective view of an offender's Correctional Plan.

⁷⁶ *Supra* note 56.

⁷⁷ *The Right to Education of Persons in Detention: Report of the Special Rapporteur on the Right to Education, Vernor Muñoz*, HRCOR, 11th Sess, Agenda Item 3, UN Doc A/HRC/11/8 (2009) at para 95.

⁷⁸ De Agostini, *supra* note 38 at 11.

⁷⁹ *Supra* note 28 at Annex A.

⁸⁰ Interview, *supra* note 59.

⁸¹ “About” (last modified July 2022), online: *Prison Library Support Network* <<https://plsn-nyc.tumblr.com/about>>.

⁸² “Canadian Prison Libraries Project” (last visited 14 November 2022), online: *Canadian Prison Libraries Project* <<https://cplproject.webs.com>>.

⁸³ Wyatt, *supra* note 60 at 450.

⁸⁴ UNESCO, *supra* note 46 at 3.

⁸⁵ *Supra* note 38 at 17.

⁸⁶ Nason, *supra* note 8 at 25.

⁸⁷ *Supra* note 28, s 5.3.1.

suggests an annual conference where prison librarians can come together and share their experiences.⁸⁸ Other options include more tailored training in graduate school. Recently the University of Toronto's iSchool offered the workshop "Life in Prison: Libraries and Librarians in Correctional Facilities," where participants learned to "[r]ecognise the position and daily tasks of a prison librarian," "[d]escribe some of the qualities that make a great prison librarian," and "[a]pply knowledge, analyse available resources and construct a collection development plan for a prison library."⁸⁹ Other options that allow for collaboration with subject librarians are also important in relation to providing training support for prison librarians.

but limited funding and resources often leave the situation unchanged. While individual institutions and organizations have developed creative solutions, like donation programs and book clubs, systemic issues of this nature require systemic solutions. Greater acquisitions budgets and specialized training for librarians, library staff, and newcomers to the profession are large-scale options. Other solutions are developing stronger commitments to ensuring library access to inmates, including access to the internet, and procuring a clearer national policy on censorship in prisons. Action must be taken to ensure that prison libraries can provide sufficient readers' advisory services for inmates of all backgrounds. ■

Moving Forward

Readers' advisory services in Canadian prison libraries are vital but lacking. Throughout the years, library scholars and commissions have made recommendations for improvement,

⁸⁸ *Supra* note 38 at 17.

⁸⁹ "Life in Prison: Libraries and Librarians in Correctional Facilities" (last visited 14 December 2022), online: *University of Toronto Faculty of Information* <<https://ischool.utoronto.ca/life-in-prison-libraries-and-librarians-in-correctional-facilities>>.

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, 2024.

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)



III Reviews / Recensions

Edited by Elizabeth Bruton and Dominique Garingan

***Changing of the Guards: Private Influences, Privatization, and Criminal Justice in Canada.* Edited by Alex Luscombe, Kevin Walby & Derek Silva. Vancouver: UBC Press, 2022. x, 305 p. Includes foreword, bibliographic references, contributor profiles, postscript, and index. ISBN 978-0-77486-684-2 (hardcover) \$89.95; ISBN 978-0-77486-685-9 (softcover) \$34.95; ISBN 978-0-77486-686-6 (PDF) \$34.95; ISBN 978-0-77486-687-3 (ePUB) \$34.95. <ubcpres.ca/changing-of-the-guards>.**

The essays that compose this volume provide readers with a comprehensive examination of the roles and consequences that privatization and private influence have on Canada's criminal justice system. The contributors ultimately demonstrate that privatization and private influence lead to a lack of transparency and accountability, an increasing number of human rights and equality concerns, and undue influence on the creation and implementation of policy and decision-making processes in the administration of justice. This text is interdisciplinary in scope and draws conclusions from criminology and criminal justice, political science, sociology, law, policing and security, information science, and surveillance studies.

The introduction explores existing perspectives on privatization and private influence in Canadian criminal justice. The editors provide an overview of existing literature on the topic and notably define and outline eight major themes that permeate the following chapters: de-governmentalization versus load-shedding, procurement of goods and services, operational networks, donations and sponsorships, stakeholder engagement, corporatization, commercialization, and revolving doors and directorates.

This outline of terms and themes is a helpful tool that gives the new or inexperienced researcher on this topic a foundation for how these terms and themes will be used and should be interpreted throughout the text.

Changing of the Guards comprises ten essays in four parts: Part 1: Private Provision and Purchase of Security; Part 2: Private Actors in City Spaces and Surveillance; Part 3: Private Influences and Privatization in Courts, Prisons, and Jails; and Part 4: Private Actors in National Security and Border Control.

Part 1: Private Provision and Purchase of Security includes three essays that critically reflect on the issues of private policing. Contributing author Massimiliano Mulone opens this section by introducing readers to theoretical frameworks, such as institutional isomorphism, to articulate the complex relationship between public and private policing sectors. Part 1 also invites readers to reflect on and question how Canada's criminal justice system is influenced not only by for-profit institutions but also hybrid organizations, such as Child Find Manitoba, a charity that works in close partnership with police and government agencies, and the autonomous policing structures found in Canadian universities that aim to control the norms and values of the institution.

Part 2: Private Actors in City Spaces and Surveillance moves readers to the urban environment to evaluate private security and surveillance practices. Notably, the authors of the fourth essay, Jamie Duncan and Daniella Barreto, investigate the technologies used in smart cities and their inherent power to reinforce over-policing and the criminalization of racialized and marginalized people in Canada. Part 2 will be especially valuable to academics researching the impact for-profit,

data-driven policing and surveillance technologies have on historically marginalized groups and how surveillance and service-based technologies give power and influence to the groups in control of inputting the data.

Part 3: Private Influences and Privatization in Courts, Prisons, and Jails considers issues regarding private influence and privatization in the processes involved in prosecution and imprisonment. The essays in Part 3 cover the risks and impacts that privately owned predictive risk assessment tools have on Canadian sentencing procedures, the human rights issues that arise from the privatization and for-profit mandates for food services in Ontario jails, and the examination of the influences that voluntary penal partnerships have on prosecution in domestic violence cases. Although the essays in Part 3 are wide-ranging in scope, this section would be valuable to individuals examining the many players and factors influencing the administration of justice and the prisoner experience in Canada.

Finally, Part 4: Private Actors in National Security and Border Control analyzes issues of private influence in Canada's national security and border control. Of note is Jona Zyfi and Audrey Macklin's essay "The Creeping Privatization of Immigration Detention in Canada," which investigates the cooperation between private actors and the Royal Canadian Mounted Police, the Canadian Security Intelligence Service, and Communications Security Establishment Canada, as well as surveillance technologies and practices used in border control and the increasingly private and for-profit actors in Canada's immigration detention administration.

The essays presented in this volume are broad in scope, providing readers with a snapshot of varied issues relating to private influence in Canada's criminal justice system. *Changing of the Guards* integrates many discipline-specific theories with a strong academic tone throughout, making it most appropriate for an academic audience. This text is Canada-focused, draws from timely examples, and fills a gap in an under-researched area of study. As a result, it is a useful addition to Canadian academic libraries that support programs and research related to criminology, policing and surveillance, sociology, and political studies.

REVIEWED BY
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***Data-Driven Decisions: A Practical Toolkit for Library and Information Professionals.* By Amy Stubbing. London: Facet Publishing, 2022. xvi, 180 p. Includes illustrations, bibliographic references, and index. ISBN 978-1-78330-478-3 (softcover) US\$71.99. <alastore.ala.org/datadriven>.**

From usage numbers to bibliographic data to number of reference questions answered, information professionals habitually keep track of statistics. But it is often not enough to simply collect the data. In an age of increasing costs and decreasing budgets, it is imperative that we use that data to examine the efficacy of our services, demonstrate their value, and justify the changes that best suit the needs

of our stakeholders. While we know that our data should be informing our decisions and be incorporated into our planning, through a process otherwise known as data-driven decision-making (DDDM), it is easier said than done. Our comfort and experience with working with data can vary widely, and many of us may find it daunting to establish DDDM as part of our professional practice.

In *Data-Driven Decisions: A Practical Toolkit for Library and Information Professionals*, Amy Stubbing, Academic Engagement Lead at the University of Westminster, aims to make data-driven decision-making in the context of library and information settings more accessible by presenting a toolkit that outlines each step of the process in an approachable manner, regardless of the reader's facility or knowledge of data or DDDM. Stubbing intended the text to be either read cover to cover or used as a reference tool employed for specific sub-topics. Further lending itself to a toolkit, the book also features stand-alone tips, enumerated lists, figures, references, a bibliography, and an index.

Data-Driven Decisions comprises three parts. The first part introduces the toolkit by outlining its major concepts and organization and then suggests how to use it most effectively for your needs. Here, Stubbing explains her experience working with data, using evidence to make decisions, and proving the value of the organizations she has worked for. She also successfully contextualizes the need for DDDM in libraries and information centres given precarious budgets, changing roles, emerging technologies, and the difficulties experienced in the wider world, including the COVID-19 pandemic.

The second part of the toolkit defines the DDDM process. Each of its six chapters is dedicated to a step of the DDDM model that Stubbing suggests "should be followed for every instance where you collect data or attempt to answer a question with data" (p. 45). These steps are *identify, collect, map, analyze, act, and review*, and they are circular in nature. Stubbing very capably explains how to implement each of the model's steps, using relevant library-related examples, to better analyze and make decisions about library and information work and services. She also advises how to avoid making errors alongside what to do if they occur. While Stubbing uses data and assessment terminology, she is careful to define terms in an approachable manner for those new to data and assessment. Each chapter also includes an introduction and summary and effectively uses lists, tables, and figures to illustrate the concepts described.

The second part of the toolkit features real-life case studies written by information professionals who used DDDM to execute changes in their organizations. The topics covered in these case studies include library instruction and staffing, collection management, user experience (UX), digital and social media, and library operations. Each author provides a background of their organization and the issues they explore more deeply through data, then they comprehensively illustrate how they used the DDDM model to effect changes and the outcomes of these changes.

While assessment, analytics, and data feature prominently in library and information studies literature, this book fills the void of a practical, step-by-step guide to DDDM in a library or

information services setting. The toolkit successfully fulfills its goal of making data collection, data analysis, and DDDM more approachable, especially for those inexperienced in working with data more thoroughly. Although examples from academic libraries feature prominently, the information can be applied to any type of library. *Data-Driven Decisions* would be a valuable tool for anyone considering exploring data and DDDM more closely.

REVIEWED BY
ALEXIA LOUMANKIS

Reference and Research Librarian
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***Fertility: 40 Years of Change.* By Maureen McTeer. Toronto: Irwin Law, 2022. ix, 266 p. Includes glossary, bibliographic references, and index. ISBN 978-1-55221-637-8 (softcover) \$39.95; ISBN 978-1-55221-638-5 (PDF) \$39.95. <irwinlaw.com/product/fertility-40-years-of-change>.**

Fertility: 40 Years of Change is a retrospective look at the legal, medical, and research developments in assisted human reproduction (AHR) and in vitro fertilization (IVF) in Canada since 1978. This is reflected in the primarily chronological structure of the book, which is separated into short chapters focusing on significant developments in the history of AHR and IVF.

Author Maureen McTeer, an expert on health and medical law and public policy, was one of the original members of the federal Royal Commission on New Reproductive Technologies and is currently a visiting professor at the University of Ottawa. McTeer published a similar text 20 years ago titled *Tough Choices: Living and Dying in the 21st Century* (Toronto: Irwin Law, 1999). This expertise comes into play in several areas of *Fertility* marked with a “Comment” heading, under which McTeer provides her insight and analysis to help readers understand the significance of the legal and scientific developments in IVF and AHR. In her closing chapters, she makes brief suggestions on how to address the outlined public policy challenges in AHR and embryo research.

Fertility begins with a page-long prologue containing a fictional scenario of artificial insemination by a medical professional without consent. McTeer originally drafted this scenario as a teaching aid to challenge her students to identify medical, legal, and ethical issues. The text then continues in four parts. Parts 1 and 2 address the history of AHR and the work of federal, provincial, and territorial drafters to amend provincial family laws. Part 3 describes the research conducted on human IVF-created embryos. It also provides an overview of scientific concepts and legal aspects of stem cell research, genetic testing, and genome editing. Part 4 concisely outlines eight issues that policymakers should soon address.

The book has six appendices: a table summarizing what treatments and procedures are covered by each province and territory’s public healthcare plans; a section-by-section breakdown of the 2004 *Assisted Human Reproduction Act* (AHRA), showing amendments and in-force dates; a list

of regulations that fall under AHRA and when they were in force; case summaries of two tax cases that address embryos and organs; provincial and territorial definitions of “tissue”; five case summaries pertaining to consent and refusal; and seven case summaries addressing the embryo as property.

McTeer is explicit about the intended audience for this book. She states in the preface: “It is written principally as an informational tool for the *lay public*, including the legislators who will decide future public policy and laws in these areas” (p. 1) [emphasis added]. The book concludes with a reminder of its intended audience and a call to action for meaningful participation by members of the public in public policy discussions on AHR: “I offer this book in the hope that the reader will feel informed enough to participate as an equal partner in the discussions about and resolution of these challenges” (p. 176).

Fertility would be a useful addition to public library collections. This slim, accessible volume is written in plain language and is punctuated with excerpts from pertinent legislation, highlights from report recommendations, and diagrams to illustrate biological concepts. The final third of the book contains an appendix, notes, a glossary, and citations for further reading, all of which provide entry points for readers to quickly get informed and start their research on AHR and IVF. However, for a more fulsome and scholarly analysis of AHR, researchers may turn to Trudo Lemmens et al’s *Regulating Creation: The Law, Ethics, and Policy of Assisted Human Reproduction* (Toronto: University of Toronto Press, 2017).

Fertility may also provide insight to family law practitioners and policymakers seeking an updated snapshot of the legal landscape, since there have been substantive changes since the publication of Glenn Rivard and Judy Hunter’s *The Law of Assisted Human Reproduction* (Markham, Ont: LexisNexis, 2005), notably the [Reference re Assisted Human Reproduction Act, 2010 SCC 61](#), which struck down parts of the AHRA in 2010.

Fertility: 40 Years of Change offers a glimpse of the future of IVF. We can imagine that the next 40 years will be as eventful as the last.

REVIEWED BY
ALEXANDRA KWAN

Digital Services & Reference Librarian
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***Defining Sexual Misconduct: Power, Media, and #MeToo.* By Stacey Hannem & Christopher J. Schneider. Regina: University of Regina Press, 2022. xvi, 368 p. Includes table of contents, appendix, notes, bibliography, and index. ISBN 978-0-88977-870-2 (hardcover) \$89.00; ISBN 978-0-88977-809-2 (softcover) \$34.95. <uofrpress.ca/Books/D/Defining-Sexual-Misconduct>.**

Defining Sexual Misconduct: Power, Media, and #MeToo is an accessible text that offers insight into what influences are brought into establishing a definition of sexual misconduct.

Authors Stacey Hannem (Wilfrid Laurier University) and Christopher J. Schneider (Brandon University) explore the power media interactions have in shaping the way members of the public perceive and define crimes. Although they primarily offer American examples from the *New York Times* and *Washington Post*, the authors make several references to Canadian sources to help readers better understand sexual misconduct in a North American context.

The beginning of the book serves as a roadmap for what is to come in later chapters. Chapter 1 is a historical review of the history of sexual assault from the 1980s to 2016. The focus of the rest of the book is the development of sexual misconduct from 2016 onwards.

Chapter 2 explores the idea of a trial by media. A theme that emerges is the important distinction between media logic and criminal justice logic. The chapter discusses how both play a role in victim legitimacy and the backlash victims may face when first addressing their mistreatment through the media.

Chapters 3 and 4 offer examples of sexual misconduct in politics, including former president Bill Clinton's time in office and a look at candidates' encounters with sexual misconduct during the 2016 presidential campaign. The authors cite an article in *The Atlantic Monthly* that points out how many of the men brought down by sexual misconduct allegations "shared a similar history of progressive politics and presented themselves as allies to women's causes" (p. 127). Chapter 4 looks at one of these men, film producer Harvey Weinstein, and covers the "Weinstein Effect" as a main topic.

Chapters 5 and 6 emphasize the media's impact on how individuals interpret and define sexual misconduct. Victims can be heard saying, "I was debating if this was an awkward sexual experience or sexual assault" (p. 162). Other victim narratives and the #MeToo phenomenon is explored in Chapter 5. Chapter 6 focuses on the idea of a "grey zone" of sexual misconduct, reviewing the media accounts of sexual misconduct allegations against comedians Aziz Ansari and Louis C.K.

The final chapter offers a summary of the issues presented and further explores the pursuit of justice. Several of the examples throughout the text raise concerns about how, for some, the enactment of justice in media is "a confluence of rhetorical and contextual factors [that] contributed to 'getting one's due'" (p. 193). In the final pages, Hannem and Schneider consider the significance and need for Indigenous justice and explore restorative justice practices. The book closes with an appendix offering resources for sexual assault survivors in Canada and the United States.

As the title reveals, this book is "fundamentally about power" (p. 185): power to stand up, power to conform, and power to say enough is enough. The book's case studies explore the reasons why women choose to disclose their stories of victimization to the media. The authors also acknowledge the gap in literature on racialized experiences with sexual misconduct, with the #MeToo movement focusing "largely on heteronormative concerns, especially related to white women's experiences" (p. xv). Chapters 5 and 7 briefly explore what is being done about this divide.

While many publications about sexual misconduct are profession specific, Hannem and Schneider are the first to trace sexual misconduct within media developments. Two chapters have been published elsewhere: Chapter 3, "The Politicization of Sexual Misconduct," was published in volume 23 of *Sexuality and Culture* (2019), and Chapter 4, "Stigma and the Weinstein Effect," appeared in *Building Sexual Misconduct Cases Against Powerful Men* (Lexington Books, 2019).

In keeping with the focus of this book, Hannem and Schneider not only cite traditional print documents but also incorporate more non-academic sources, such as "internet news reports and social media posts" (p. 13). Although sources like tweets from within Canada may favour a specific North American region, the authors also relied on "a saturation sample ... drawn by entering select terms into the LexisNexis and Factiva databases" (p. 13). The results were expanded through a shifting of search terms between "sexual misconduct" and "sexual assault."

Defining Sexual Misconduct: Power, Media, and #MeToo has the potential to be a leading text for those wanting to learn more about the social construct of defining sexual misconduct. However, it may not yet serve as a formal legal treatise. I recommend this text for those in an academic setting wanting to offer students a more sociological view of sexual misconduct.

REVIEWED BY
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***Gender and Careers in the Legal Academy.* Edited by Ulrike Schultz et al. Oxford: Hart, 2021. xvii, 592 p. Includes table of contents, index, and bibliographical references. ISBN 978-1-50992-311-3 (hardcover) \$238.05; ISBN 978-1-50994-664-8 (softcover) \$100.35; ISBN 978-1-50992-312-0 (ePUB) \$80.28; ISBN 978-1-50992-313-7 (PDF) \$80.28. <bloomsbury.com/ca/gender-and-careers-in-the-legal-academy-9781509923137>.**

Gender and Careers in the Legal Academy is the third of a trilogy of treatises on "gender issues in legal occupations" (p. i). The first volume in the set, *Women in the World's Legal Professions*, was published in 2003, and the second, *Gender and Judging*, in 2013. This trilogy is not only a sociological study but also a labour of love almost two decades in the making. Series editor Ulrike Schultz is a German academic who began focusing her research on women and gender in the legal profession in the 1980s. Her co-editors, also academics, are colleagues whose collaboration goes back to the 1990s with the formation of the Gender and Law subgroup of the International Sociological Association Research Committee for the Sociology of Law. The 35 contributors are an international and interdisciplinary group of sociologists, historians, anthropologists, and members of other disciplines. Most contributors are academics, although a few are legal practitioners, and one is a judge. Schultz describes her relationships with many of the contributors as one of "long standing collaborations and friendships" (p. vii).

This text is truly international in scope. It includes content from 19 countries, seven of which are common law jurisdictions, with the remainder being civil law countries or countries with mixed judicial systems that include customary and religious law. The text has six parts and includes 28 chapters. Each chapter concentrates on an individual jurisdiction and can be read as a standalone section. As befitting academic work, each chapter includes extensive bibliographic references.

The first two parts contain both statistical and narrative elements, rendering them dry and interesting simultaneously. Part I: Gender and Careers in the Legal Academy provides current demographic information on the status of women as law teachers and illuminates the challenges particular to women in legal academia. Some challenges are universal—child rearing, for example—while others highlight socio-cultural matters. For example, in Ghana, students tend to address male professors by their official titles and female professors as “Mama” or “Aunty” (p. 164). This goes alongside the expectation that they are motherly rather than authoritative and, consequently, more lenient than their male counterparts. The title of Part II, History of Women in Law Faculties, is self-explanatory. The pattern of this history—moving from exclusion, to admittance, to (the sometimes grudging) acceptance of women’s place in the world of academe—is almost universal across the jurisdictions discussed in this section: the Czech Republic and Czechoslovakia, the Philippines, China, Israel, and Scotland.

Where the book is most engaging is Part III: First and Early Women Law Professors and Part IV: Personal Narratives. The content focuses not on numbers but on life experiences. Most of the biographies in Part III are of women who come from established, financially stable families, often with male lawyers, judges, or academics within those families. These advantages made their entry into the academic world easier from a practical standpoint than their less privileged counterparts. However, the women still faced challenges, having to grapple with motherhood, social acceptance, and how to present themselves in the almost exclusively male world. When viewed alongside the pressures of world events, wars, social upheaval, and revolution, these pioneers’ accomplishments are more than admirable.

Part IV: Personal Narratives contains two autobiographical chapters. The first is from Celia Wells, Emerita Professor of Criminal Law from the University of Bristol, who recounts her sense of otherness from both a class and gender perspective and the challenges presented to her professional advancement by the established male administrators. One anecdote includes the suggestion that the law school’s module for Women and the Law be rejected “on the grounds that we may as well teach dogs and the law” (p. 418). The second personal narrative is from Mary Jane Mossman, Professor Emerita at Osgoode Hall Law School in Toronto. Mossman’s contribution is more narrowly focused, specifically discussing the 1987 human rights complaint mounted by a group of legal professionals, academics, and students after she, although fully qualified, was passed over as dean in favour of a male candidate. I was working at the Law Library at Osgoode Hall Law School during that time and remember female students sporting “Dare to Dream of a Feminist Dean” buttons in support.

The final two parts, Feminism in the Legal Academy and Reflections on Masculinities and Femininities in the Legal Academy, round out this treatise by continuing the discussion on the advances that women have made alongside the obstacles they continue to face in achieving true equality as legal academics. One of the challenges to women mentioned in several contributions was the idea that as “more women have moved into the professoriate, its status has subtly declined” (p. 465). The continued use of concepts like the “reasonable man” is also problematic.

We don’t live in a world where the advances women have made can be taken for granted. At first glance, this book seems to be too niche or narrowly focused for inclusion in library collections other than in academic law libraries or women’s studies collections. However, as a microcosm of the changes in women’s history, its publication is timely, and its value is universal. “Future progress, whilst not unpromising, is by no means guaranteed” (p. 196). By illuminating and memorializing the entry of women into the legal academy, the authors have preserved their role in history. To quote one of the contributor’s sources, “A group without a history is a group without an identity. By creating a history of women, historians do more than reconstruct the past in new ways. They transform the possibilities in women’s present and future” (p. 322, quoting Kathryn Kish Sklar).

REVIEWED BY
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***Law Dissertations: A Step-by-Step Guide.* By Laura Lammasniemi. 2nd ed. London: Routledge, 2022. x, 190 p. Includes illustrations, bibliographic references, and index. ISBN 978-0-36764-230-3 (hardcover) US\$160.00; ISBN 978-0-36756-877-1 (softcover) US\$45.95; ISBN 978-1-00312-355-2 (eBook) US\$41.35. <[routledge.com/Law-Dissertations-A-Step-by-Step-Guide/Lammasniemi/p/book/9780367568771](https://www.routledge.com/Law-Dissertations-A-Step-by-Step-Guide/Lammasniemi/p/book/9780367568771)>.**

Writing a dissertation or major research paper is a daunting task for many students. Laura Lammasniemi’s *Law Dissertations: A Step-by-Step Guide*, now in its second edition, aims to ease some of the anxiety by providing an easy-to-read, practical handbook covering each step of the process from start to finish. While there are several books that provide advice on dissertation writing, legal research, or legal writing, this book is one of only a few that focus specifically on law dissertations and their unique features and considerations.

The book breaks down the dissertation writing process into manageable steps organized into eight different stages, from finding a topic and developing a research proposal to submitting the final product. Chapters are grouped by stage, and there is a flowchart of the eight stages at the top of each chapter to remind the reader where they are in the process. Additional finding tools include a detailed table of contents, index, and bibliography.

At only 184 pages, this text is a quick read. Students could read the book prior to beginning their dissertation to gain

an overview of the entire process and prepare for the time and effort required for each stage. While every chapter is short and digestible, some are more detailed than others. For example, the chapters on developing a research question and proposal are substantial, whereas the chapters on online resources and legal research provide only a brief overview. This is presumably because several other manuals are already devoted to these topics, some of which are referenced in the text.

Each chapter includes practice exercises and tasks designed to help the reader work through each of the stages, develop their ideas, and practice their skills. The book also contains useful precedents, including a sample project plan and research log. There are many practical tips throughout the book, such as creating a realistic work schedule and managing the supervisory relationship.

One of the more interesting chapters is the one on conducting empirical research. Lammasniemi notes that empirical research is not common in legal dissertations, given the time and effort required to plan and execute it. She lists many factors to consider before proceeding with empirical research, including whether it is realistically possible in the available time, whether there is existing data that could be used instead, or whether ethics approval is required.

Although this text is written with a U.K. audience in mind, the concepts are recognizable and adaptable for Canadian students. The sample research topics are similar to Canadian legal issues, and the example cases and legislation could easily be substituted with Canadian law. The online databases and legal research resources mentioned are also ones Canadian researchers use.

Law Dissertations: A Step-by-Step Guide would make a good addition to any academic law library. While it is most useful for graduate students tackling a dissertation, much of the content is also relevant for undergraduate students and academic law librarians. The advice on finding an original and interesting topic, reviewing the literature, and structuring and writing the dissertation is applicable to anyone writing a paper in law. Additionally, the sections on planning a research project and navigating the supervisory relationship would be helpful for summer research assistants. Finally, some of the legal research and writing exercises might be of interest to academic law librarians involved in teaching legal research and writing.

REVIEWED BY
LEANNE NOTENBOOM

Law Librarian
Toronto Metropolitan University

***Law, Life, and the Teaching of Legal History: Essays in Honour of G. Blaine Baker.* Edited by Ian C. Pilarczyk, Angela Fernandez & Brian Young. Montreal: McGill-Queen's University Press, 2022. 532 p. Includes illustrations, appendix, bibliography, contributor biographies, and index. ISBN 978-0-2280-1206-1 (hardcover) \$140.00; ISBN 978-0-2280-1207-8 (softcover) \$39.95; ISBN 978-0-2280-1226-9 (ePUB) \$111.99. <mqup.ca/law--life--and-the-teaching-of-legal-history-products-9780228012061.php>.**

Although *Law, Life, and the Teaching of Legal History: Essays in Honour of G. Blaine Baker* is catalogued under the subject heading “Festschriften,” editors Ian C. Pilarczyk and Angela Fernandez tell us it’s actually a *gedenkschrift*, as it was conceived of and published posthumously in honour of Professor Emeritus Blaine Baker, who passed away in July 2018. And how fitting that a book written in honour of a man like Professor Baker should not fit neatly into a predefined Library of Congress subject heading.

I should preface this review by mentioning that I did not know Professor Baker, despite our time at McGill overlapping slightly (he taught his last course at McGill in 2016, the year after I graduated, but was teaching in Toronto in 2014–15). I only came to know of Professor Baker after his death through Genevieve Westgate, the research assistant for the editors of this book, who spent months on the third floor of the Nahum Gelber Law Library combing through all the course packs and conducting a type of “archeology” of Professor Baker’s teachings—a research methodology Professor Baker would have approved of.

My knowledge of Professor Baker is based almost entirely on this book, although I have since had conversations with some of his former students and colleagues. This includes a couple of the book’s contributors, with whom I had the pleasure of interacting at *Les bibliothèques des juristes / Law’s Libraries*, a conference co-hosted by the Centre Paul-André Crépeau de droit privé et comparé and the Groupe de recherche sur les humanités juridiques. During her presentation, Kathy Fisher, a former student of Professor Baker, reflected on her collaboration with him, Brian Young, and Vince Masciotra on one of Professor Baker’s most important contributions, which is referenced several times in the book: a four-year project that involved scanning the entire Nahum Gelber Law Library law collection for books with Quebec ties published between 1760 and 1890. This presentation, along with my discussion with Fisher and others, helped complete this review.

The book opens with a foreword by the Honourable Nicholas Kasirer, a “sometime student and colleague of Professor Baker,” who discusses how working at McGill, and in Quebec, grounded Professor Baker’s work (p. xiii). He emphasizes this over Professor Baker’s outward ambivalence toward Montreal, a place where he worked for over 30 years without settling down. Professor Baker was known to be a regular commuter on the overnight train from Toronto, and to couch surf in Montreal.

The book comprises two sections. Part I focuses on Professor Baker’s life and work, with chapters written by each of the three co-editors, as well as one by Richard Janda, a long-time colleague of Professor Baker. It is prefaced by a poem, *footnotes margins minutes*, by Kathy Fisher. Fisher’s poem took two years to write as she, along with other contributors, sought to pay homage to a pillar of Canadian legal history, an educator revered by his students, all while not shying away from discussing his mental health struggles, including alcoholism and depression. In fact, the editors’ decision to reference “negative aspects” of Professor Baker’s personal and professional life led to the Osgoode Society for Canadian Legal History pulling their funding for the book. For the editors, including these aspects of his life was essential for

their tribute to be “authentic.” This addition also reflects what Professor Baker, with Richard Janda, did on the collective work of Supreme Court Justice Gerald Le Dain (p. 38).

Part II, by contrast, is a series of essays that reflect some aspect of Professor Baker’s research or teaching in subject, style (legal archeologies and micro-stories, in particular), or time period (pre-Confederation). It contains ten chapters on a variety of topics, such as judicial biographies, colonial origins of the division of powers in the *British North America Act*, Canada’s first technology transfer office, and the history of the Legal Process class at the University of Toronto’s Faculty of Law. An introductory page that describes the author’s relationship with Professor Baker accompanies each chapter. Prefacing Part II are lyrics to “Model of a Legal Academician,” which Professor Baker wrote (to the tune of “Model of a Modern Major-General” from *The Pirates of Penzance*) and performed at one of McGill Law’s famous Skit Nights circa 1990.

The book does a fantastic job of painting a picture of a person “with significant fragility” who was also an “absolutely remarkable” contributor, to use Janda’s words for Justice Le Dain, which Fernandez in turn uses to describe Professor Baker (p. 43). We see the impact Professor Baker had on his students and in the Canadian legal history space: his devotion and commitment to his students’ academic and professional growth, his understanding of and approach to the law, and his values that shaped his relationship with the law, all of which impacted his research and teaching, notably of administrative law and legal history. As Reiter says, Professor Baker “gave law a humanist dimension” (p. 381). We also see a true friend of the library, someone who lived among the archival and rare books, encouraged print-based research, and was a fervent user of the *Index to Canadian Legal Literature*. Through Janda’s piece, we learn of Professor Baker’s quiet contributions that forever changed the teaching of law at McGill University. Yet we also learn of Professor Baker’s mental health struggles, his reserved distance from even his closest confidants, and his unease in the academic scene among colleagues.

Reading this text elicited two strong feelings in me: first, a desire to meet Professor Baker, coupled with regret that we did not meet during his lifetime; and second, a sense of pride in my profession and in the importance of law libraries. The type of research Professor Baker and the contributors of his *gedenkschrift* conducted all depended on librarians advocating for the profession and the collections: from the maintenance of historical course packs and personal libraries of legal scholars to the preservation of court archives; from the development of rare book collections to ensuring funds to maintain the microfiche readers that allow researchers to access historical newspapers; and from digitization initiatives to the lobbying for qualified staff. As it is, gaps in historical artifacts often prevent researchers from drawing broader conclusions, as is seen in Pilarczyk’s chapter on sex crimes against the woman-child in early nineteenth-century Montreal. Our work as librarians is even more necessary when we consider that the “passage of time injects differing perspectives on the potential meanings of a case” (p. 148). This is most notable as society and academia become more diverse, as Fernandez and Backhouse both argue in their

respective essays. As information stewards, it is up to us to preserve and provide access to the resources that legal historians depend on for their research and, in this way, help promote and support stronger and more representative historical legal research.

This book is an essential purchase for all academic libraries supporting law or history programs. I also highly recommend it to anyone with an interest in legal history, legal education, or biographies. A warning to the reader, however: between Professor Baker’s publications and those of the contributors, reading this book will certainly result in the lengthening of your reading list.

REVIEWED BY
KATARINA DANIELS

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***Legal Aspects of Sports and Recreation*. By Hilary Findlay. Toronto: Emond, 2022. xvii, 277 p. Includes illustrations, bibliographic references, and index. ISBN 978-1-77462-058-8 (softcover) \$72.00; ISBN 978-1-77462-060-1 (eBook) \$64.00. <emond.ca/lasr01sbr>.**

Legal Aspects of Sports and Recreation accomplishes something many set out to do but few achieve: a text accessible for everyone, from lay person to law student to legal practitioner. This text focuses on the law as it applies to the various aspects of sports and recreation with a focus on risk management. It also offers a look at the intersections between sports and recreation and issues that have come to affect them in our modern age, including social media, gambling, and more.

This text contains 11 chapters in four parts. The first part is on relevant Canadian laws, namely tort law, negligence and liability, and contracts. The second part is dedicated solely to issues related to risk management. The third part focuses on four key areas of the law for providers of sports and recreation programming: employment law, discrimination issues, dispute resolution, and intellectual property issues. The fourth and final part focuses on both emerging and traditional topics in sports and recreation, including social media issues, electronic sporting activities (“esports”), gambling, violence, anti-doping regulations, and negligence and waivers.

There are two aspects of the book’s layout that are particularly helpful to the reader. The first is that the author has chosen to include sidebars with glossary terms. This means that the reader does not have to flip back and forth to the glossary and can check the meaning of terms in-text without losing their place. The second is the explanation of cases. Most legal texts do not explain cases particularly well—authors provide brief synopses, if anything, and mostly include references for the reader to find the cases on their own. Findlay does an excellent job explaining the cases she analyzes in the text. Each case is relevant and current, and its synopsis breaks down the court’s ruling and thoroughly explains its relevance to the topic at hand.

Each chapter ends with a useful summary and a self-test that allows students to evaluate their understanding

of the material. These self-tests will likely assist sports and recreation practitioners with their understanding of the material and the legal ramifications of the relevant issues. *Legal Aspects of Sports and Recreation* also offers annotated contracts and waiver templates, which will greatly assist practitioners looking for applicable precedents.

There has been little published over the years on sport and recreation law. The most recent titles I could find were published in 2010 and 2017. This makes *Legal Aspects of Sports and Recreation* both timely and valuable, particularly with its focus on current and emerging issues and the prevalence of current case law. While most texts are designed for the legal practitioner and are not very accessible to non-lawyers, this one is designed to be read and understood regardless of one's legal background.

All lawyers, from law students to experienced practitioners, will find value in *Legal Aspects of Sports and Recreation*, particularly the precedents. The accessible writing, detailed case summaries, and real-world focus of the content make it an excellent addition to law library collections, especially those serving the public.

REVIEWED BY
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Law Librarian

Law Society of Newfoundland & Labrador Law Library

***Power to the People: Constitutionalism in the Age of Populism.* By Mark Tushnet & Bojan Bugarič. Oxford: Oxford University Press, 2021. vii, 285 p. Includes footnotes and index. ISBN 978-0-19760-671-1 (hardcover) US\$39.95; ISBN 978-0-19760-674-2 US\$89.89. <academic.oup.com/book/38889>.**

Mark Tushnet and Bojan Bugarič's *Power to the People: Constitutionalism in the Age of Populism* appears to be the book for our time. Politicians who attribute social and economic problems to the influence of "elites" acting against the "people" have gained prominence in nations around the world. In the United States, appeals to constitutional originalism have unseated some rights—for instance, the right to an abortion, as enshrined in *Roe v Wade*—and threatened others. Closer to home, governments in several provinces pre-emptively invoke the *Charter of Rights and Freedoms*'s notwithstanding clause in an effort to insulate unconstitutional legislation from legal challenges. Tushnet and Bugarič, professors of law at Harvard and Sheffield universities, respectively, do not so much launch themselves into the political and discursive fray as hover above it. Theirs is an academic, anti-polemical examination of encounters between populism and constitutionalism. The results of the authors' analytical efforts are mixed.

In the introduction to this comparatively slim text—excluding its index, *Power to the People* encompasses 272 pages—Tushnet and Bugarič state that they will not endeavour to consider constitutionalism as a "regulative ideal," that is, a "reasonably comprehensive set of values that ... [act] as a benchmark" against which one can assess actual governments' "constitutional performance" (p. 9). Instead, their project establishes a "heuristic device"

that enables consideration of the interfaces between populism and constitutionalism (p. 11). That device is "thin constitutionalism," a conception of the term that acknowledges four defining characteristics: majority rule, the entrenchment of fundamental policies, judicial independence, and the existence of politicians and political parties (p. 12). The authors adopt a similarly limited definition of populism. Their formulation describes any government that portrays the bulk of the population at odds with a corrupt elite (p. 39). Their investigation of the characteristics and interrelations of each term may be found in the book's first three chapters.

While the conceptual constriction enables Tushnet and Bugarič to cut through the ideological noise that generally surrounds discussions of populist policy and the nature and intent of constitutions, their conclusions are less than dazzling. The authors note that they "write against a background of popular and academic publications arguing that populism is by definition antithetical to constitutionalism" (p. 36). In contrast, their argument, which they at various points describe as both "mundane" (p. 38) and "boring" (p. 77), is that "sometimes populist governments act in anti-constitutional ways, and sometimes they do not" (p. 38).

Doubtless, the text is useful as a corrective to polemical, politically motivated studies. The authors' thesis, however, is of limited scope. It inadvertently demonstrates why reasoned intellectual arguments so often fail to gain traction in the face of unconstitutional policies advanced by charismatic leaders: reason and logic offer the truth, but the truth isn't always particularly compelling.

Tushnet and Bugarič's decontextualized discussion in the book's first part is also problematic for a practice-based discipline like law. Divorced of specific, real-world details, the discussion is often in danger of becoming an academic exercise. Happily, the case studies on offer in the text's second part add flesh to the conceptual bones. The authors examine the manifestations of populism in Poland, Hungary, Italy, Greece, and Spain, and their consideration of Professor Kim Lane Scheppele's notion of the Frankenstate—in which legislative provisions that are constitutionally sound in isolation "interact in ways that produce anti-constitutional outcomes" (p. 108)—offers the deeper sociolegal analysis absent from the first portion of the work. Subsequent chapters on court packing and populism and executive power likewise furnish more concrete legal content.

Power to the People is well indexed and offers extensive footnotes, though it lacks a discrete bibliography. A list of further readings or other supplemental resources are likewise absent. The esoteric analysis makes the work a valuable acquisition only for academic law libraries, and of those, only institutions supporting research-heavy programs. This is an academic text primarily for academics; it offers little to active practitioners.

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III Bibliographic Notes / Chronique bibliographique

By Kate McCandless

Dovilė Barysė, “People’s Attitudes Towards Technologies in Courts” (2022) 11:5 *Laws* 1, 2022 *CanLII Docs* 3258, online: *CanLII* <<https://canlii.ca/t/7mxll>>.

In this study, author Dovilė Barysė surveys members of the public, lawyers, law students, and others who had some experience with the court system with the aim to better understand what underlying perceptions are present regarding employing legal technologies in court. These technologies could include tools for document automation and submission, algorithms that predict small claims outcomes, or a database that could “warn a judge if a sentence significantly differed from the sentences of similar cases” (p. 2).

Barysė relied on the Technology Acceptance Model (TAM) and employed Likert scales for the responses. Major variables from TAM include behavioural intention to use technology (BI), perceived ease of use (PEOU), and perceived usefulness (PU). These factors are compounded by less concrete variables, such as an expectation of fairness, trust in new technologies, present knowledge of legal technologies used in court systems, and overall perceived risk. Much like results regarding employing technology in education and health sectors, there is a strong emphasis of the PU in adopting the technologies. The PEOU factor changes depending on the respondent’s relationship to the legal field and court experience: those who have experience with the courts place more emphasis on PEOU than those who don’t. An interesting finding reflected that the lawyers without court experience held the least trust in legal technologies (p. 14). Further, lawyers without court experience demonstrated “the lowest intention to use legal technologies in courts” (p. 14).

Trust in technology is, of course, a huge factor in employing automation or algorithms in judicial decision making, and “[i]t was found that the trust in legal technologies affects how much people would support legal technologies in courts, how they see the usefulness, and the perceived ease of use of legal technologies” (p. 16). This factor of trust is further compounded by the respondent’s knowledge of legal technologies prior to response and the level of perceived risk that stems from the technology itself.

The concept of fairness was also evaluated. Respondents who are involved in the legal field presented a general skepticism regarding how fair a legal technology may be. This could be due to their own experience with the courts and system at large or a skepticism toward legal technologies already present. Barysė infers that lawyers who may not perceive fairness would be advanced by adopting these technologies (p. 18).

Barysė concludes by emphasizing that there is much to be studied regarding implementing technologies into legal systems. There are questions of fairness, ease of use, trust, and ethicality regarding each tool. This study is only one of a handful that interrogate legal technologies in advance of implantation, a few of which focused on the acceptance of robot-lawyers within the practice. Further studies should explore the factor of trust and perceived risk, and Barysė suggests that evaluating a court’s outcomes prior to and following a technology’s implementation could be an avenue of exploration. More questions of fairness, bias, trust, and ethicality regarding legal technologies and tools will continue to emerge and be interrogated as we progress in the digital age.

Miriam Childs, Andre Davison & Scott Vanderlin, “Keeping Remote Employees Motivated” (July/August 2022) 26:6 AALL Spectrum 60, online: AALL <www.aallnet.org/spectrum_issue>.

How do we ensure that employees who work fully or partially remotely stay present and motivated? Childs, Davison, and Vanderlin offer ways for managers to maintain engagement with their employees while being physically apart.

Davison offers the ABC method: Acclamation, Bilocation, and Communication. Managers should commend their employees’ successes and provide ongoing feedback. Quoting from Tom Rath, Davison emphasizes the power of acclamation. Employees are often more productive and engaged when they feel that their supervisors are engaged in their successes (p. 61).

Regarding bilocation, Davison states that employers should assist their employees in creating functional workspaces. This can be done via tech allowances to purchase furniture or equipment. Davison cites a Stanford University study that suggests allowing employees to set their own hours improves productivity and overall satisfaction. Managers should focus on maximizing productivity, rather than forcing employees to fit a prescribed mould.

Communication is centered on ongoing check-ins with employees. This can look like a monthly meeting where workload, ongoing projects, and professional development can each have a dedicated time for reflection. Regular team meetings balance these one-to-one interactions. Davison also states that using tools such as Microsoft Teams for non-work-related discussions can foster stronger relationships and create a sense of community.

Childs emphasizes that managers need to know their employees’ personalities; some may require more motivation and prodding, others should be left to fly. Deadlines can be critical for those who need assistance with staying on schedule with ongoing projects.

Vanderlin points to several studies that conclude that employees are more productive when working remotely. He invites managers to reflect on whether the assumption of lack of productivity or motivation is grounded in a “measurable reality” (p. 62). Agreeing with Davison that check-ins filled with feedback can help drive motivation and assist with reaching goals, Vanderlin suggests creating accountability targets for both the employee and manager that are focused on output, rather than the ways of reaching that output. Trust and communication are the keys to ensuring your team is motivated and accomplishing tasks.

Danielle Lussier & Steven Stechly, “Other Materials’ – Traitorous Love and Decolonizing the *Canadian Guide to Uniform Legal Citation*” (2022) 53:2 *Ottawa L Rev* 301, online: *CanLII* <<https://canlii.ca/t/7lnqv>>.

Lussier and Stechly ground their article in decolonization and ethical relationality to help the reader develop an understanding of where we have come from and where we should be headed with respect to decolonization within the legal field. The authors highlight the politics that are

inseparable from citation practices. Citations “highlight important ideas, legitimize knowledge, and can bolster intellectual influence and reputations” (p. 309); thus, we must consider who we are citing and who may be historically excluded. Western citation styles, including the *McGill Guide*, force Indigenous knowledge to fit their mould, as does the law-at-large, rather than reflect “Indigenous Knowledge and research methodologies” (p. 311).

The authors highlight the immediate need to update the *McGill Guide* to incorporate and recentre Indigenous knowledge by drawing attention to *Delgamuukw v British Columbia*, wherein “the Supreme Court of Canada conclusively stated that Indigenous oral histories were admissible evidence as an exception to the hearsay rule” (p. 311). The *McGill Guide* has been silent for over two decades on how to attribute oral histories to the correct source. This lack of guidance also fails to recognize the history of law within North America—it was imposed on Indigenous cultures, while their own established governing practices were ignored by colonizers. By respecting Elders, knowledge holders, and oral and extra-intellectual traditions in general, we can recentre this knowledge and bolster established Indigenous practices in publishing and knowledge sharing.

Guidance can be obtained from disparate sources for citation information. The authors turn to other academic styles, such as *MLA*, *APA*, and *Chicago*, when navigating knowledge such as beadwork. They suggest following “Visual Works” formats from these three styles as a guide (p. 321). For Wampum, the authors suggest the *McGill Guide*’s 4.2.5 for “Intergovernmental Documents,” but highlight that these works should belong to 2.2 for “Constitutional Statutes,” due to their cultural significance and relationship to Canada’s formation and history (p. 323). Oral knowledge can follow a format developed by Lorisia MacLeod (p. 317) or Dr. John Borrows (p. 319). Dr. Amy Shawanda is referenced as providing a citation format for Dreams (p. 325), which centres this knowledge as a source of legal knowledge.

With more discussion of who we cite and why we cite them, we can begin to bring decolonization initiatives into the practice of law and the academy. Lussier and Stechly note that this article is an introduction to the discussion of decolonizing our citation practices and close by highlighting that citation is a means by which all of us “who are labouring in legal spheres” can shift the practice “towards a more just society” (p. 326).

Susan Nevelow Mart, Adam Litzler & David Gunderman, “Hunting and Gathering on the Legal Information Savannah” (2022) 114:1 *Law Library Journal* 5, online (pdf): AALL <www.aallnet.org/resources-publications/publications/law-library-journal>.

In this study, authors Mart, Litzler and Gunderman look at the use of four legal research platforms: Bloomberg Law, Fastcase, Lexis Advance, and Westlaw Edge. Proprietary legal databases appear to function as a black box to the user; we as librarians and researchers need to “keeping poking under the hood” to better understand how they work and how we interact with them (p. 7). The authors are interested in understanding how they can use these insights to better

train students and new lawyers in legal research. They seek to understand if the process of accessing information, and ultimately reaching the ideal case or secondary source, is different in each of the platforms. The authors devised a study using 12 real-world legal problems and instructed several legal researchers to use each platform to solve the query. This process of locating information in each database allows the researchers to investigate how we translate our thoughts to “communicate with the computer in the language it demands” (p. 10).

The authors highlight that Boolean and other search operators are algorithms devised by the researcher to retrieve information. These search strings are devised to retrieve information based on relevance. When we rely on searches that leverage machine learning, we may receive results that are reliant on statistical probability, rather than relevance (p. 16). This can be problematic, as users are often conducting a “matrix in their minds of resources” graded on a scale of relevance, “where the facts are similar or not, the law is similar or not, and the outliers” (p. 16). Users need to understand how to refine their results to locate the information they need more easily and exclude what they do not.

The study draws several conclusions regarding the process of research. There was no significant difference in the time spent on solving a problem on any of the examined platforms (p. 18), nor the number of access points required to reach a resource (p. 19). Further, “[k]nowledge of the resolution of the legal problem did not really improve the amount of time it took to complete the same research in the second, third, or fourth legal research platform” (p. 20). Thus, “[t]he study throws some doubt on the common perception of expert researchers that novice researchers just find a few cases and call their research complete” (p. 22).

To assist novice users with accessing resources, legal database providers need to continue to embed help and guidance into their platforms, such as employing dialogue boxes that emphasize refining filters or point the user to relevant encyclopedias or journal articles (p. 23). The study also identifies a need to continue to educate lawyers and students on the platforms: “although attorneys in law firms may balk at exercises, highlighting the mapping necessary to find typical resources for a practice group when offering training on a new interface may help cement the correct pathways” (p. 26). The authors’ conclusion is that human expertise is still important to researchers (p. 26). We rely on guidance from experts (via secondary sources) to confirm that we have found the answer to a legal problem, especially when focusing on a subject-specific legal domain. The study confirms that educating users on legal research and its processes is essential for retrieving effective results

across any platform. Highlighting practice-specific tools and resources, and how to access them, will also build confidence in novice users.

Dan Pierce, *Pressure Cooker* (5–26 September 2022), online (podcast): *CBC Listen* <www.cbc.ca/listen/cbc-podcasts/1067-pressure-cooker>.

This podcast details the personal story behind *R v Nuttall*, a B.C. case grounded in a sprawling investigation into a supposed terrorism plot. This case ultimately led to a stay of proceedings. CBC has a history of producing award-winning podcast series, and this one is no exception. They share some of the recordings from the investigation that ultimately aided the defence in proving their case of entrapment. The podcast’s major appeal is bringing the humanity of John Nuttall and Amanda Korody back to the forefront. Host Dan Pierce stresses just how vulnerable these folks were and how their journey to find faith and stay sober was led grossly astray due to actions from the police. Please listen with caution, as there are themes of substance use, violence, Islamophobic rhetoric, and discussions of “the war on terrorism.”

***R v Nuttall*, 2016 BCSC 1404, online: *CanLII* <<https://canlii.ca/t/gsq89>>.**

R v Nuttall has had a long journey in the court system. This saga culminates with the B.C. Supreme Court awarding a stay of proceedings. The decision highlights the problematic aspects of the RCMP’s investigation into the couple and their alleged terrorist plot. Both Nuttall and Korody were vulnerable people, living on welfare and struggling with addiction. They had recently converted to Islam and were starting to seek guidance regarding their faith within the community. At one point during the investigation, an order was granted allowing undercover operatives to pose as members of a terrorist organization and provide “religious” guidance to the couple. This was ultimately the downfall of the investigation. Without involvement of undercover operatives, it is unlikely the couple would have progressed in their groundless plot. Justice Bruce concludes her decision with the following paragraph:

The spectre of the defendants serving a life sentence for a crime that the police manufactured by exploiting their vulnerabilities, by instilling fear that they would be killed if they backed out, and by quashing all doubts they had in the religious justifications for the crime, is offensive to our concept of fundamental justice. Simply put, the world has enough terrorists. We do not need the police to create more out of marginalized people who have neither the capacity nor sufficient motivation to do it themselves. (para 836)



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

By Erin Clupp

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

Knowledge Management Special Interest Group (KM SIG)

The Knowledge Management SIG had an active year and is looking forward to a great 2023.

Our bi-monthly meetings covered a wide range of topics, and we were pleased to bring in some excellent guest speakers. Topics covered include failure, precedent collections, and KM in specific settings, such as courthouse libraries.

Looking forward to the conference in May, we will be sponsoring a session and are looking for member suggestions. As a starting point for ideas, KM World [recently noted](#) that some of the top trends are:

- artificial intelligence
- machine learning
- knowledge graphs
- content services
- data democratization
- customer engagement

We welcome your thoughts on any of these topics. Contact [Michael McAlpine](#) and/or [Katie Thomas](#), and we can put into play a conference topic or quarterly meeting session.

**SUBMITTED BY
KATIE THOMAS & MICHAEL MCALPINE**
Co-chairs, KM SIG

Private Law Libraries Special Interest Group (PLL SIG)

Marnie Bailey (Fasken) remains chair of the Private Law Libraries SIG for the 2022/23 term, with Carolyn Petrie (Norton Rose Fulbright Canada) joining as co-chair over the summer.

We hosted a meeting on October 21, 2022, to talk about chargebacks, and we had a lively discussion with members. A quick poll showed that just over 75 per cent of those in the meeting charge back for resource use, and that the bulk of these charges are for Quicklaw and Westlaw content. Common themes emerging from the meeting were whether the administrative time required to calculate chargebacks makes the eventual disbursements cost-effective; the lack of consistency between firms, and even within offices or practice groups, regarding chargeback policies; and the lack of revenue targets from chargebacks across most firms. A few members also shared the details of recent experiences to evaluate chargeback return on investment and the resulting policies proposed.

In 2023, Marnie and Carolyn look forward to hosting additional meetings for PLL members to share their experiences and opinions, and to meeting as a group at the CALL/ACBD conference in May.

**SUBMITTED BY
CAROLYN PETRIE & MARNIE BAILEY**
Co-chairs, PLL SIG

Vancouver Association of Law Libraries (VALL)

Greetings from Vancouver! The first half of our program year was a busy one.

In September, we hosted a mini-lightning talk titled “Current Library Projects” over Zoom. Marnie Bailey (Fasken) spoke about her library’s recent transition from their DB/Textworks catalogue to Genie+. Ronit Landon (Vancouver Public Library’s [InfoAction](#) research service) spoke about a physical upgrade to a space in her library that houses the [Skilled Immigrant InfoCentre](#) (SIIC), a government-funded resource centre that provides newcomers to Canada with information on getting a job, exploring careers, or starting a business. Sean Sallis-Lyon (Lawson Lundell) discussed his recent experience working on a project to create a searchable repository for the B.C. Gazette. Tracy McLean (Courthouse Libraries B.C.) spoke on Alex McNeur’s behalf regarding the development of a legislation training program for Courthouse Libraries B.C. librarians. It was an informative and well-attended session.

In October, we had a virtual Halloween Trivia Social. Halloween costumes and themed backgrounds were encouraged! In December, we hosted our first in-person Holiday Social since 2019 at the Sutton Place Hotel. We dined on a fantastic spread, enjoyed catching up with colleagues, and welcomed Gillian Crabtree as VALL’s newest Lifetime Member.

In January, VALL hosted another substantive session titled “Heirs Property,” presented by guest speaker Kirstin Nelson. We continue to hold substantive sessions over Zoom, while socials are a mix of both in-person and online. We try to hold special gatherings twice a year, usually around the December holidays and a year-end June event.

SUBMITTED BY
ALEX EVERITT
President, VALL

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III News from Further Afield / Nouvelles de l'étranger

London Calling: Notes from the U.K.

By Jackie Fishleigh

Former Library and Information Manager (Retired), Payne Hicks Beach, London, U.K.

Hi folks!

What a truly remarkable period it has been since I last wrote to you.

Three MPs in One Year!

Boris Johnson, Liz Truss, and now Rishi Sunak. All the misgivings that Truss was not really up to the job as our prime minister quickly proved to be justified. She was determined to make £45 billion worth of (largely unfunded) tax cuts in pursuit of what [she described](#) as a “low tax, high growth economy ... that would take advantage of the freedoms of Brexit.” But as Jill Lawless writes in the [Toronto Star](#):

The unfunded tax cuts fuelled investor concerns about unsustainable levels of government borrowing, which pushed up government borrowing costs, raised home mortgage costs and sent the pound plummeting to an all-time low against the dollar. The Bank of England was forced to intervene to protect pension funds, which were squeezed by volatility in the bond market.

In the event, this led to the stock markets taking fright, crashing in spectacular fashion, and her term of office lasting just 44 days.

Death of Queen Elizabeth II Rocks the World

Few could have predicted that the longest serving monarch in British history would pass away just a few days after inviting the shortest serving PM to form a government.

I was messaging with friends about the sudden decline in the monarch's health on the afternoon of the 8th of September. Senior royals were jetting up to Balmoral Castle. Something was seriously wrong, we all thought.

My partner, Rob, and I switched on the TV, and when the BBC's veteran Welsh broadcaster Huw Edwards wailed up when he formally announced her death, I all but burst into tears myself. She was an increasingly frail 96-year-old who had recently lost her beloved husband, and I am a royal watcher, rather than a monarchist, and yet that was my response.

The next morning, I woke up and immediately felt an emptiness and desolation that I have only ever previously experienced when I have lost close family members. It took a couple of days for this awful, sad state to shift in me. We were heading to Scotland on the Tuesday to watch Davis Cup tennis, and when I was packing my suitcase, I saw live coverage of her coffin's arrival through the gates of Buckingham Palace for the final time. And once again this moved me more than I would have expected. She had always told her aides that [she had to be seen to be believed](#), and so she had made it known that she wanted her carriage taken by road from her place of death to St. George's Chapel in Windsor, so she would be as visible to the public as possible.

Up in Glasgow, it was informative to hear the reaction of Rob's Scottish sister-in-law, who thought that there would have been much less interest if the events had just taken place in London.

We were checking out of our hotel on the day of the funeral, so I didn't see much of it live. The pageantry was exceptional, the service was beautifully simple, and the love and affection from a grateful nation, the Commonwealth, and the wider world was palpable.

Apparently, there was an amusing moment on Australian TV, shown later in the U.K., when [journalists did not recognise Liz Truss](#) (who was then PM) and her husband on their arrival at Westminster Abbey. The journals concluded that they must be "minor royals."

The impact of both the platinum jubilee celebrations in early June and the death of the Queen in early September has led to a significant boost to the popularity of the monarchy here.

As Scottish presenter Kirsty Young [eloquently declared](#) when summing up after the funeral, the Queen had stood by every word of her early pledge to devote herself to her public duties, whether her life be short or long. "She made history, she was history," [Young said](#).

The Queen was a constant in the life of our country for over 70 years, during many decades of huge changes. When the Duke of Edinburgh died and Her Majesty was left to reign without his support, commentators remembered [her message](#) to the families of those who died in the September 11th attacks: "Grief is the price we pay for love."

Although I didn't join the queues to view her at rest, I did sign a book of condolence at a local church. Queen Elizabeth was sustained by a great faith.

Her selfless devotion to public duty was unwavering, even when her health faltered. In 2021, she still undertook 184 royal engagements, aged 95!

What is Next for the Monarchy?

At the time of writing, Prince Harry's book [Spare](#) has just landed. It has become the fastest-selling non-fiction title ever published in the U.K.

While most people I speak to seem to have heard enough from Harry on the negative side of royal life, they are usually happy nevertheless to discuss his strongly critical views.

His carefully crafted and highly personal tome stands in stark contrast to his grandmother ("Gan-Gan"), who kept her opinions quiet. "Never complain, never explain" is a public relations strategy that has been particularly associated with the British royal family. The upside of this was that the late Queen enjoyed a reputation for being honourable, fair, and even-handed. Both she and the Duke of Edinburgh liked to "just get on with things."

Praised for [visiting Ireland in 2011](#) and helping the reconciliation process, she urged all parties to reflect on how they could have done things differently. Will King

Charles reach out to his son and daughter-in-law and try to mend fences?

Coronation Day Set for May 6th

The Duke and Duchess of Sussex's [Netflix testimony](#) (together with the latest revelations in *Spare*) may seem tedious and self-indulgent to some, but they are still sufficiently significant and powerful that they have the potential to inspire reform and change history, at least according to journalist Simon Kelner in an [opinion piece](#) dated 27th December 2022.

It is uncertain how lavish the coronation will be. Possibly more expensive than originally planned but tempered by the public mood.

For all his stinging criticisms and resentments, particularly allegations that the Palace has leaked private conversations and planted negative stories about him and his wife in the press, [Harry still claims to support the monarchy](#) as an institution.

Rocket Launch in Cornwall—Yes, Really!

Sadly, there was a technical error in the second stage of the rocket launch when the converted Boeing 747, named Cosmic Girl, took off from Spaceport Cornwall on the 9th of January. This first attempt looks likely to be the start of a new space era for the U.K. [Matt Archer](#), director of commercial spaceflight at the U.K. Space Agency, said that he was "still pleased that the first launch of satellites from Europe had taken place from British soil."

Space is hard. It really is rocket science!

With very best wishes,

Jackie

Letter from Australia

By Margaret Hutchison

Manager of Technical Services and Collection Development, High Court of Australia, Canberra, Australian Capital Territory

Happy New Year, though rather late.

It's actually summer here. After a couple years of wet and cold summers, we're not used to the heat.

Every time I write my letter, I say there's not much happening here. And now, as it's January and most of the country is on holidays, there definitely isn't much happening until 6 February, when Parliament, the High Court, and Federal Court start. State courts start a week earlier.

Indigenous Voice to Parliament

The main upcoming event this year (at this stage) is a referendum on adding an [Indigenous Voice to parliament](#). The Voice to parliament was a key recommendation of the [Uluru Statement from the Heart](#), a 12-paragraph document

written and endorsed by Aboriginal and Torres Strait Islander leaders in 2017 with the goal of changing the Constitution to improve the representation of Indigenous Australians.

The *Uluru Statement from the Heart* came from a series of regional dialogues held across the country, designed to consult as many First Nations peoples as possible, which culminated in a National Constitutional Convention at Uluru in 2017. At the Convention, most delegates resolved through the *Uluru Statement from the Heart* to call for the establishment of a “First Nations Voice” in the Australian Constitution and a “Makarrata Commission” to supervise a process of “agreement-making” and “truth-telling” between governments and Aboriginal and Torres Strait Islander peoples.

In addition to these two proposals, the *Uluru Statement* affirmed the sovereignty and long and continuing connection of Aboriginal and Torres Strait Islander peoples with the land. It also commented on the social difficulties faced by Aboriginal and Torres Strait Islander peoples and the structural impediments to the real empowerment of First Nations Peoples.

When he was elected in May 2022, Prime Minister Anthony Albanese promised to hold a referendum within his term of office to decide whether the Indigenous Voice to Parliament would be enshrined in the Constitution. The government has proposed [a draft referendum question](#): “Do you support an alteration to the Constitution that establishes an Aboriginal and Torres Strait Islander Voice?”

The Voice would advise parliament and the federal government on Indigenous policy matters, including health, education, economic disadvantage, and social matters.

While the Voice would have the ability to table documents and offer formal advice to parliament on policy issues related to First Nations communities, it would not act as a “third chamber” of parliament. This concept has been used by [opponents of the plan](#). Unlike the Senate and House of Representatives, it would not have a decision-making role, nor the power to veto legislation or government decisions. Beyond that general concept, the exact construction of the Voice will be left up to Members of Parliament, if the referendum is passed.

The bill to start the process for this referendum, the [Referendum \(Machinery Provisions\) Amendment Bill 2022](#), was introduced into the House of Representatives and referred to the Joint Electoral Matters Committee on 1 December for an advisory report. The report is due on 10 February. This bill, amongst other changes, includes declining to provide public funding for either the yes or no side and abolishing the printing of official pamphlets outlining the campaign arguments.

Referendums in Australia

At present, referendum laws require the government to produce and mail information pamphlets to voters, containing 2,000-word essays from those in favour and those opposed to the referendum change. The government suggested this booklet was “antiquated,” but submissions to the Committee

argue that the provision of an official booklet in some format would reduce the risk of social media being the source of information or misinformation about this referendum.

Referendums in Australia have a very low rate of success. Australians have rejected most proposals for constitutional amendments, approving only [eight out of 44 referendums](#) submitted to them since federation. To pass, a referendum bill must achieve [a double majority](#), i.e., a majority of voters nationally, as well as majorities in a majority of states (i.e., four out of six states). However, the territories don’t count in this. This provision, which gives the small Australian states effectively a built-in veto, was one of those constitutional provisions accepted for the smaller colonies to agree to Federation. If it is a referendum where a state is affected, a majority of voters in that state must also agree to the change.

The last referendum vote was held in 1999, when the subjects were to vote for a republic and to insert a preamble in the existing constitution. I remember the “Yes” or “No” iced cupcakes at the cake stall at the school where I voted.

States can also hold referendums, but as they are just for the state, the result can be calculated by a simple majority. Topics include daylight-saving and fixed-term state parliaments.

Australians also vote in plebiscites, which are not compulsory to vote in, unlike referendums. Plebiscites are conducted by the government to decide a matter relating to ordinary statute law, an advisory question of policy, or as a prelude to the submission of a formal referendum question, rather than a binding and entrenched alteration (amendment) to the Constitution. Plebiscites can offer a choice of options, rather than a simple yes/no question, as in the 1977 plebiscite for the choice of a national song when there were four songs to choose from. Four national plebiscites have been held as of 2017. The last plebiscite was in 2017 to provide a view as to whether to legalise gay marriage. That had a 61.64 percent yes vote. The first two were held in 1916 and 1917 concerning conscription of troops in World War I. Both were lost narrowly.

I couldn’t write about Uluru without including a photo. This was sunset in May 2021.



Until next time,

Margaret Hutchison

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

By Sarah Reis

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Happy New Year! We just finished our first week of classes for the spring semester. I am teaching my Foreign, Comparative, and International Legal Research class again and am looking forward to getting to know this new group of 24 students over the next few months. This year, most of the students in this class are Chinese LLM students, which I think will lend itself to some interesting comparative law discussions between the United States and China.

In my last letter, I mentioned how I was about to start a two-year French language certificate program. I really enjoyed the first course, so I am now in the process of taking the second course in the sequence. While adjusting to the time commitment was a challenge at first, I've gotten into a comfortable routine and am glad I decided to pursue this certificate. Speaking and listening are much more difficult for me than reading or writing, but a visiting law professor from France has been kind enough to offer to meet with me on a weekly basis while he is at the law school during the spring semester so I can practice speaking in French with him.

Outside of work, the outcome of the midterm election fortunately did not end up being a major "bloodbath" for Democrats, as many had predicted it would be. In Congress, the GOP gained control over the House, but the Democrats at least managed to retain control in the Senate. I am hopeful that the split control of Congress will limit the amount of damage that the GOP will cause to our country over the next two years.

Law Schools

In the United States, law school rankings play a huge role in which schools prospective students apply to and which schools law firms focus OCI and recruitment efforts. In mid-November, [Yale and Harvard](#) (both consistently ranked in the Top 3) announced they would withdraw from the [U.S. News & World Report Rankings](#) and criticized the methodology used in the ranking system. Following their announcement, the majority of the T14 (Top 14) schools similarly announced they would no longer participate in the rankings. One of these schools is [Northwestern Pritzker School of Law](#), which is where I received my JD degree and now work as a law librarian.

In response to many of the top schools declining to participate in the rankings going forward, [U.S. News & World Report announced](#) in January that the publication will make various changes to the ranking methodology. They also indicated that they will still rank non-participating schools using data provided to the American Bar Association.

In recent years, various law schools named after slaveowners have been renaming themselves. In September, a California bill was signed into law, [changing the name](#) "University of California Hastings College of Law (UC Hastings)" to "UC College of the Law, San Francisco (UC Law SF)." This law went into effect on January 1. Meanwhile, in Virginia, the University of Richmond [removed another slaveowner's name](#) from their law school, changing it from "T.C. Williams School of Law" to the "University of Richmond School of Law."

The Law School Admission Council examined ABA data pertaining to race and ethnicity and found that [36.6 percent](#)

[of students](#) in the entering law school class of 2022 identify as students of color, making it the most diverse entering class. Over the past few years, the percentage of students of color entering law school has increased: 34.7 percent in 2021, 34.1 percent in 2020, and 33.1 percent in 2019.

[According to the ABA](#), the number of students enrolled in JD programs in the fall 2022 term decreased by 0.66 percent compared to the fall 2021 term (JD enrollment of 116,723 students in fall 2022 compared to JD enrollment of 117,501 in fall 2021). However, non-JD enrollment increased by 14.68 percent from 2021, so overall there has been an increase of 1.67 percent in total JD and non-JD enrollment. Although the report does not speculate about reasons, I suspect it is likely because most schools during the 2020/21 academic year offered only remote learning, so many JD students deferred their admission to 2021/22, making fall 2021 a large entering class. I also suspect that non-JD enrollment, such as those in international LLM programs, is likely up because international students can once again obtain international visas to study in the United States without encountering too many problems.

Legal Employment

In January, Thomson Reuters released its [2023 Report on the State of the Legal Market](#), which examines the performance of U.S. law firms. The report indicates that in 2022, demand for legal services declined due to political and economic uncertainty, along with a decline of productivity amidst high direct and overhead expenses.

Some big law firms [have started laying off](#) associates and staff. At Gunderson Dettmer, a firm based in the Silicon Valley, the start date for incoming first-year associates was pushed back from October 31 to January 17 due to slowed demand for legal services. [Cooley announced](#) that it would lay off 150 attorneys and staff (78 attorneys and 72 paralegals and business personnel), while [Goodwin Procter laid off](#) five percent of their associates, paralegals, and other professional staff.

In general, while associates continue to prefer remote work, many law firms would like to see lawyers return to the office. As a result, some firms have [begun to tie bonuses and job retention](#) to their willingness to work at the office in person.

SCOTUS

Last term, the Supreme Court clearly demonstrated that they are not afraid to overturn long-standing precedent based on ideological grounds when they overturned [Roe v Wade](#) and the constitutional right to abortion, despite strong public opposition. This term, affirmative action precedent set out by [University of California Regents v Bakke](#) (1978), [Grutter v Bollinger](#) (2003), and [Fisher v University of Texas at Austin](#) (2013) may be overturned next. These past decisions permit colleges and universities to consider race as a factor in college admissions to help ensure a more diverse student body. However, the Supreme Court heard oral arguments on October 31 in [Students for Fair Admissions, Inc v President and Fellows of Harvard College](#) and [Students for Fair Admissions, Inc v University of North Carolina](#), which gives them the opportunity to end affirmative action. With the

conservative majority on the court, I would not be shocked if they hold that higher education institutions can no longer use race as a factor in admissions.

In December, the Supreme Court heard oral arguments in one of the highest profile cases this term: [Moore v Harper](#). This election law case looks at whether the “independent state legislature theory” should be adopted. This theory would give state legislatures the power to set all election laws and rules and eliminate the power of state courts over elections. The most conservative Justices (Thomas, Alito, and Gorsuch) are most supportive of this theory. Democracy continues to be at risk in the United States.

The Supreme Court heard oral arguments in January in [Glacier Northwest, Inc v International Brotherhood of Teamsters](#). This case is about whether a concrete company can sue the union for damages over a strike action when the truck drivers walked off the job. Unfortunately (but not surprisingly) the conservative justices seemed inclined to side with the concrete company. This decision may make it harder for workers to go on strike in this country in all industries and consequently threatens worker rights.

I strongly favor striking workers and fear that this decision will make it harder for them to advocate for safer working conditions and fair pay while allowing companies and corporations to continue to take advantage of them. I wish the railroad workers who threatened to strike at the end of last year because their employers do not provide sick leave had a more satisfying outcome to their plight. That [potential strike](#) would have had such a detrimental effect on our economy that the government was forced to step in. Similarly, I fully support the [HarperCollins union workers](#) who have been on strike since mid-November.

Many library workers are paying close attention to the fate of student loan forgiveness. Back in August, President Biden [announced student loan relief](#) for borrowers and the [student loan forgiveness application was launched](#) in October, but courts have issued orders temporarily blocking student loan relief in response to lawsuits filed by GOP-led states ([Biden v Nebraska](#)) and borrowers who claim they were unfairly excluded from the program ([Department of Education v Brown](#)). The Supreme Court will hear arguments on Biden’s student debt relief program on February 28. Until litigation is resolved, the pause on student loan repayment [will continue](#), which is actually more helpful than the one-time forgiveness because, for many librarians (including myself) who are pursuing Public Service Loan Forgiveness (PSLF), the paused months where no payment is required count toward the 120 payments needed to qualify for forgiveness under the PSLF program.

U.S. Legal Research

Over the past few months, [Congress.gov](#), which is one of the best free resources available for obtaining U.S. legislative information, has continued to [expand its coverage](#) of the *Congressional Record – Bound Edition*, which now includes coverage for the 52nd–55th Congresses (1891–1899). Additionally, transcripts to bills and resolutions from the 6th–10th Congresses (1799–1809) [have been added](#) to the website.

In addition to [Congress.gov](#), another key website for obtaining U.S. legal materials is [GovInfo](#), which provides free access to authenticated documents from all three branches of the federal government. The [GPO’s System of Online Access Collection Development Plan](#), released by the U.S. Government Publishing Office in late September, includes a list of all collections currently available on GovInfo, along with a list of specific priorities for what content will be added in the future.

The Task Force on a Digital Federal Depository Library Program released its report on the feasibility of an all-digital Federal Depository Library Program (FDLP). The task force [released their report](#) in December, which recommends the FDLP move to a digital program, especially because increasing amounts of U.S. government documents are born-digital today.

ALA and Libraries

The American Library Association published [Accessibility in Libraries: A Landscape Report](#), which reviews the history and current landscape of accessibility in U.S. libraries. The report includes links to various accessibility tools for libraries.

Attempts to ban books continue to be a threat to schools and libraries across the country. PEN America released a report in September titled [Banned in the USA: The Growing Movement to Censor Books in Schools](#), which found 2,532 instances of individual books being banned from July 2021 to July 2022, affecting 138 school districts in 32 states. According to this report, the leading subject matter in the titles being banned included LGBTQ+ themes, protagonists, or prominent secondary characters, as well as protagonists or prominent secondary characters of color.

During the fall, the ALA sent [a letter to the FBI](#) expressing concerns about bombing and shooting threats directed at public libraries, violent disruptions of library programs, and verbal threats of physical harm directed toward library workers.

Court Cases Involving Book Publishers

In a closely watched merger trial, a federal judge sided with the U.S. Department of Justice and blocked [Penguin Random House from merging with Simon & Schuster](#). For now, the major publishing houses will remain the “Big Five” instead of dropping down to four.

In other pending litigation involving major book publishers, the final round of briefs for [Hachette Book Group, Inc v Internet Archive](#), a lawsuit against the Internet Archive alleging copyright infringement, was submitted in October, so now we await arguments for summary judgment.

Finally, a [class action lawsuit](#) accusing Amazon and the Big Five publishers of colluding to fix eBook prices was refilled in November with an amended complaint. Almost a decade ago, Apple and the publishers [lost a similar case](#), where the judge ruled that Apple colluded with five major publishers to fix eBook prices.

Until next time!

Sarah

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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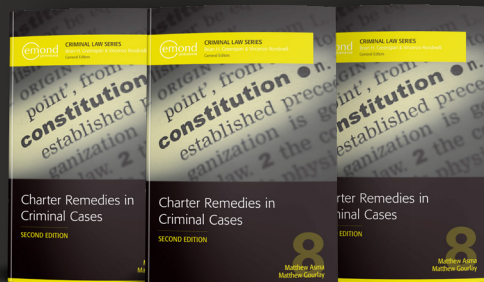
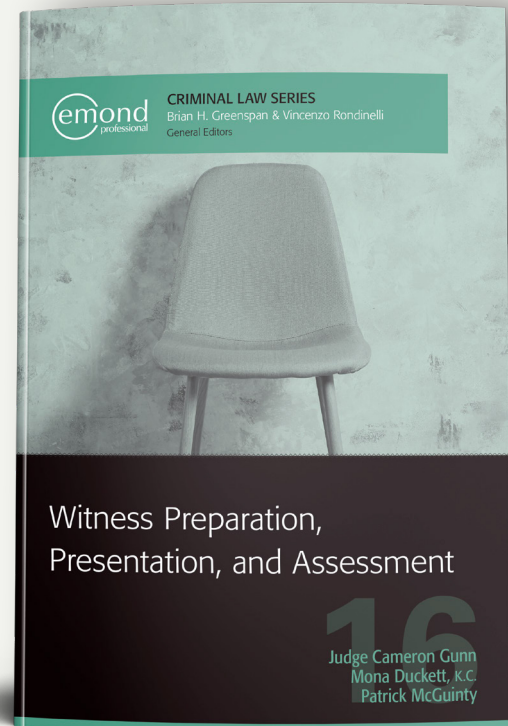
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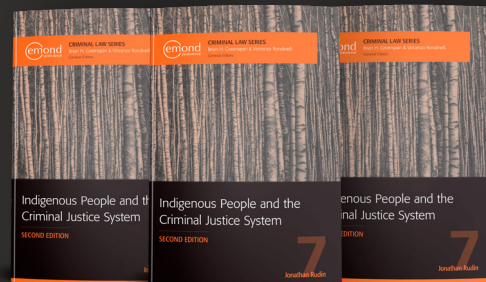
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