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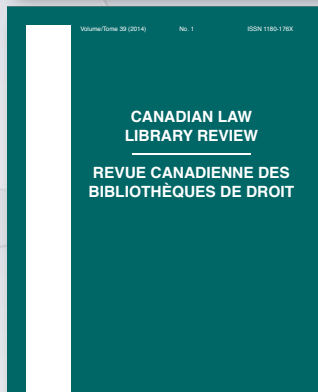
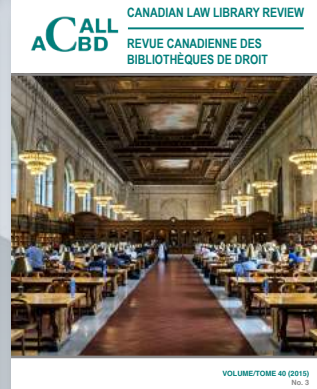
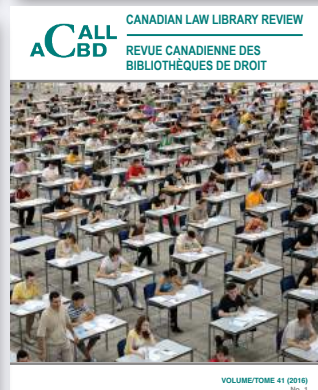
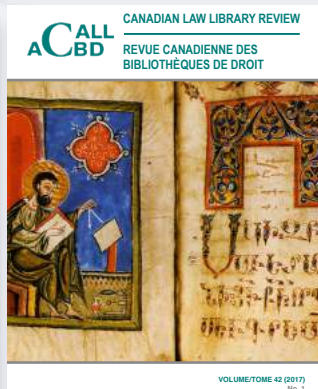
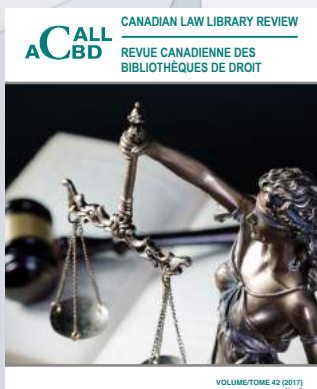
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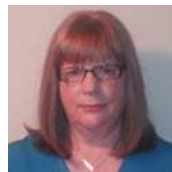
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edition. 2. One who directs
the publication of a newspaper
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III From the Editor / De la rédactrice

The theme for this issue's letter from the editor is change. During my tenure as editor, the *Canadian Law Library Review* has seen some notable changes, including undergoing a complete redesign and becoming an online journal. I am happy to announce that there is one more change to add to the list. The *CLLR* is now a fully open-access journal.

As we noted in the message recently sent to the membership, we are excited by this development as it puts into practice a core value of librarianship: access to information. With our new model, *CLLR* can be shared with anyone interested in our work as law librarians. The *CLLR* has been operating under a Creative Commons license since 2015. *The Attribution-Non Commercial-No Derivatives 4.0 International* licence means (briefly) that readers are able to “share — copy and redistribute the material in any medium or format”¹ as long as they are not using it for commercial purposes and “give appropriate credit, provide a link to the license, and indicate if changes were made.... in any reasonable manner.”² Violation of these terms may be considered a copyright infringement so, even though the *CLLR* is now open-access, our contributors' copyright is still protected.

We are hoping that this move will benefit our authors and advertisers, as well as CALL/ACBD generally, by making their work and the work of the association and its members accessible to a much broader audience. Links to

PDF versions of the *CLLR* going back to 2013 are already available on the website at callcbd.ca/Publications.

It seems only fitting that our feature article also concerns change. Victoria Baranow's thought-provoking article, *Reflections in the Fishbowl: The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession*, provides a summary of the many useful ideas garnered during an unconference session at last year's Canadian Association of Law Libraries Conference in Ottawa. This article, however, goes beyond merely summarizing the ideas provided at the conference. Instead it delves deeper into the issue by providing further research and reflection on how library staff, especially those in private law libraries, must develop strategies in order to evolve and remain relevant in today's changing law firm culture.

What was most interesting to me (and most relatable) is the article's discussion of “professional cultural barriers” and the little (to my knowledge) discussed issue that the perception of the librarian within a law firm is coloured by the fact that librarianship is statistically a female-dominated profession. How do we advocate for ourselves when we are advised to be assertive and then when we do so are castigated for being aggressive? I recently watched a TED Talk by Maureen Fitzgerald, “Implicit Bias - How We Hold Women Back,”³ where she described being in a room of female

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²*Ibid.*

³Maureen Fitzgerald Implicit Bias - How We Hold Women Back, online: TEDx Talks <<https://www.youtube.com/watch?v=YM1MBSczyzl>>

lawyers listening to a man tell them what they were doing wrong as female lawyers. These are the challenges women in our profession face regularly. This article provides a great deal of food for thought. Please read the article and watch the TED Talk.

Spring is on its way. Take heart, the sun will be out soon. Looking forward to seeing you all that the conference in Halifax.

**EDITOR
SUSAN BARKER**



Le thème abordé dans le mot de la rédaction de ce numéro est le « changement ». Au cours de mon mandat comme rédactrice en chef, la *Revue canadienne des bibliothèques de droit (RCBD)* a subi des changements notables, dont une refonte complète et la publication en ligne. Je suis heureuse de vous annoncer qu'un autre changement s'ajoute à cette liste : la *RCBD* est désormais une revue à libre accès.

Comme vous avez pu lire dans le message récemment envoyé aux membres, nous sommes enchantés de cette évolution, car elle met en pratique une valeur fondamentale de la bibliothéconomie, soit l'accès à l'information. Grâce à notre nouveau modèle, la *RCBD* peut être partagée auprès de tous ceux et celle qui veulent en savoir davantage sur notre travail en tant que de bibliothécaires de droit. Depuis 2015, la *RCBD* est publiée sous une licence de Creative Commons. La licence *Attribution-Non Commercial-No Derivatives 4.0 International* signifie essentiellement que les lecteurs peuvent « partager, copier et redistribuer le matériel dans n'importe quel format »¹ pourvu qu'ils ne l'utilisent pas à des fins commerciales et qu'ils « donnent le crédit approprié en l'accompagnant du lien avec le type de licence, et qu'ils indiquent les modifications qui ont été

faites par rapport à l'original... de manière raisonnable. »² Le non-respect de ces modalités peut être considéré comme une violation du droit d'auteur. Par conséquent, même si la *RCBD* est maintenant à libre accès, le droit d'auteur de nos collaborateurs est toujours protégé.

Nous espérons que ce changement sera avantageux pour nos auteurs et nos annonceurs, de même que pour l'ensemble de l'ACBD/CALL, en permettant à un auditoire plus vaste d'avoir accès à leurs travaux ainsi qu'au travail accompli par l'association et ses membres. Les liens vers les versions PDF de la *RCBD* depuis 2013 sont déjà disponibles sur le site Web (callacbd.ca/Publications).

Il semble donc tout à fait approprié que notre article de fond touche également au changement. L'article stimulant de Victoria Baranow, *Reflections in the Fishbowl: The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession*, présente un résumé de nombreuses bonnes idées recueillies au cours d'une séance collaborative lors du Congrès de l'ACBD/CALL à Ottawa l'an dernier. Cet article ne se contente toutefois pas de résumer les idées proposées. Il examine également en profondeur la question en proposant de plus amples recherches et réflexions sur la manière dont le personnel des bibliothèques, en particulier ceux travaillant dans les bibliothèques de droit privé, doit développer des stratégies pour évoluer et rester pertinent compte tenu du changement de culture qui se produit au sein des cabinets d'avocats.

Ce qui m'a le plus interpellé (parce que je peux m'y reconnaître) est la discussion portant sur les obstacles culturels de la profession ainsi que la question peu abordée (à ma connaissance) sur la perception du travail de bibliothécaire dans un cabinet d'avocats qui est influencée par le fait que la bibliothéconomie est statistiquement une profession féminine. Comment pouvons-nous défendre nos intérêts lorsqu'on nous conseille de nous affirmer, puis lorsque nous agissons nous nous faisons reprocher d'être agressives? J'ai récemment regardé un TED Talk de Maureen Fitzgerald, *Implicit Bias - How We Hold Women Back*³, dans lequel elle décrit s'être retrouvée dans une salle remplie d'avocates en train d'écouter un homme qui leur disait ce qu'elles faisaient de travers en tant qu'avocates. Ce sont les défis auxquels les femmes dans notre profession font régulièrement face. L'article donne beaucoup de matières à réflexion. Je vous invite à le lire et à regarder le TED Talk.

Le printemps est à nos portes. Réjouissez-vous, le soleil s'en vient. Au plaisir de vous voir tous au congrès à Halifax!

**RÉDACTRICE
SUSAN BARKER**



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²Idem

³Maureen Fitzgerald *Implicit Bias - How We Hold Women Back*, lien : TEDx Talks <www.youtube.com/watch?v=YM1MBSszyIz>.



III President's Message / Le mot de la présidente

By Ann Marie Melvie

This past November, your CALL/ACBD executive board gathered in Toronto for our annual fall in-person meeting.

For a day and a half, we reviewed and discussed the excellent work of each committee and special interest group of our association. We identified budget needs for the coming 2018 fiscal year and discussed upcoming learning events such as our annual conference, which will take place in Halifax in May, and the New Law Librarians' Institute in Calgary in June. We had excellent discussions on various aspects of our association. Let me share some information with you about two of the many items that were on our agenda.

You will recall that during her time as president, current past-president Connie Crosby worked on our association's strategic plan. At our annual conference in 2016, she held a President's Roundtable, which was a strategic planning kick-off for our association. Together with facilitator Rosanna Von Sacken, Connie led an exercise in which members were encouraged to consider the future of our association. We discussed two very important questions: what benefits does CALL/ACBD bring to our members, and how might these benefits attract new or younger members to our association?

Then in 2017, Connie's President's Roundtable reimagined what CALL/ACBD annual conferences might look like. Participants divided into groups and were asked to think creatively and come up with different ideas about everything conference-related, from the conference structure, to the venue, to vendor demos and business meetings. Members came up with some interesting ideas!

At our November meeting, the board decided to carry on Connie's good work by forming a small committee that will

continue the conversation about strategy and make some concrete decisions about the future of our association. The committee will include Connie, Vice-President Shauna Mireau, and other interested members. There will be opportunities for all members to shape the plan. Stay tuned for more information!

Another important and interesting discussion we had centered on the issue of diversity. Kim Nayyer, associate university law librarian at the University of Victoria, approached the board with a proposal for a CALL/ACBD standing initiative to further diversity, inclusion, and decolonization in Canadian law libraries and law librarianship. In the proposal, she said:

Few visible minorities, indigenous, and differently abled people either are members of our association or seem to participate in the activities of CALL/ACBD. This might also be the case for self-identified LGBTQ+ people. These observations about the Canadian law librarianship community and CALL/ACBD conference attendance also have been expressed to me by my colleagues who are CALL/ACBD members, as well as members of other law library associations outside our country. These observations include noticeable gaps or missteps in inclusion, assumptions, and subconscious bias or stereotyping.

Kim's hope is that the committee and this initiative will achieve several goals: increase awareness and acumen in respect of issues of diversity, inclusion, and decolonization within law librarianship and allied professions, and increase diversity, inclusion, and indigenization and representation in our profession, as well as in CALL/ACBD activities and groups.

We had a good discussion about the proposal. Kim joined

the discussion via telephone, explaining her thoughts more fully and answering our questions. We ran out of time at our in-person meeting to make a decision, but at the board's December conference call meeting, we officially formed a Diversity Committee!

Diversity is an issue that requires the work of a committee, but the board feels it also requires a statement that our whole association stands behind. In the coming months, the board will craft a diversity statement, which will be brought to the membership in the form of a resolution at our next AGM.

Speaking of our next AGM, I look forward to seeing you at our annual conference in Halifax, May 27-30!

**PRESIDENT
ANN MARIE MELVIE**



En novembre dernier, les membres du conseil exécutif de l'ACBD/CALL se sont réunis à Toronto pour la réunion annuelle en personne qui a lieu à l'automne.

Pendant une journée et demie, nous avons passé en revue l'excellent travail réalisé par chacun des comités et des groupes d'intérêt spécial de notre association. Nous avons déterminé les besoins budgétaires pour l'exercice 2018 et abordé les activités d'apprentissage à venir comme notre congrès annuel, qui aura lieu à Halifax en mai, ainsi que l'Institut pour les nouveaux bibliothécaires de droit, qui se tiendra à Calgary en juin. Nous avons eu d'excellentes discussions sur divers aspects de notre association. À cet effet, j'en profite pour vous partager des informations concernant deux des nombreux points à l'ordre du jour.

Si vous vous rappelez, pendant le mandat de la présidente Connie Crosby, qui est maintenant présidente sortante, celle-ci avait travaillé sur le plan stratégique de notre association. Lors du congrès annuel de 2016, elle avait organisé une « Table ronde avec la présidente » pour donner le coup d'envoi à la planification stratégique de notre association. Connie et Rosanna Von Sacken, l'animatrice, avaient dirigé un exercice au cours duquel les membres étaient invités à réfléchir à l'avenir de notre association. Deux questions très importantes avaient été discutées : 1) Quels sont les avantages que nos membres retirent de l'ACBD/CALL? 2) Comment ces avantages pourraient-ils attirer de nouveaux membres ou la plus jeune génération dans notre association?

Ensuite, en 2017, la Table ronde avec la présidente Connie s'est penchée sur la question suivante : Comment pourrions-nous réinventer nos congrès annuels? Les participants ont été divisés en groupes et devaient faire preuve de créativité pour trouver différentes idées ayant trait au congrès; par exemple, le lieu, les démonstrations des fournisseurs et les réunions de travail. Des idées fort intéressantes ont été présentées par les membres!

Lors de notre réunion de novembre, le conseil a décidé de poursuivre l'excellent travail de Connie en formant un petit comité qui poursuivra la conversation sur la stratégie et qui prendra des décisions concrètes sur l'avenir de notre association. Ce comité sera composé de Connie, de la vice-

présidente Shaunna Mireau et d'autres membres intéressés. Il y aura aussi des occasions qui permettront aux membres de contribuer à façonner ce plan. Surveillez les informations à venir!

Une autre question importante et intéressante dont nous avons discuté a porté sur la diversité. Kim Nayer, bibliothécaire associée de droit à l'Université de Victoria, a présenté une proposition au conseil afin que l'ACBD/CALL soutienne une initiative permanente dans le but de favoriser la diversité, l'inclusion et la décolonisation dans les bibliothèques de droit et la bibliothéconomie juridique au Canada. Voici ce qu'elle disait dans sa proposition :

Peu de minorités visibles, d'autochtones et de personnes ayant des incapacités sont membres de notre association ou semblent participer aux activités de l'ACBD/CALL. C'est peut-être également le cas pour les personnes qui s'identifient à la communauté LGBTQ+. Ces observations sur la communauté canadienne des bibliothécaires de droit et la participation aux congrès de l'ACBD/CALL m'ont également été mentionnées par des collègues membres de notre association ainsi que d'autres membres d'associations de bibliothèques de droit à l'étranger. Parmi ces observations, on constate des lacunes ou des bévues ayant trait à l'inclusion, aux hypothèses, aux préjugés subconscients ou aux stéréotypes.

Kim espère que le comité et cette initiative permettront d'atteindre plusieurs objectifs : accroître la sensibilisation et les connaissances en ce qui a trait aux questions de diversité, d'inclusion et de décolonisation au sein de la bibliothéconomie juridique et des professions connexes; accroître la diversité, l'inclusion, l'autochtonisation et la représentation dans notre profession ainsi que dans les activités et les groupes de l'ACBD/CALL.

Nous avons eu une bonne discussion au sujet de cette proposition. Kim y a participé par téléphone pour expliquer plus en détail sa pensée et répondre à nos questions. Nous avons manqué de temps lors de notre réunion en personne pour prendre une décision. Cependant, lors de la conférence téléphonique du conseil en décembre, nous avons officiellement formé un comité sur la diversité!

Bien que la diversité soit un enjeu nécessitant un travail en comité, le conseil estime qu'il faut aussi une déclaration qui sera appuyée par toute notre association. Par conséquent, au cours des prochains mois, le conseil rédigera une déclaration sur la diversité qui sera présentée aux membres sous forme de résolution lors de notre prochaine assemblée générale annuelle.

En parlant de notre AGA, j'ai bien hâte de vous voir au congrès annuel qui se tiendra à Halifax du 27 au 30 mai 2018!

**PRÉSIDENTE
ANN MARIE MELVIE**





III Reflections in the Fishbowl: The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession*

By Victoria Elizabeth Baranow**

ABSTRACT

This paper is a reflective piece written after co-moderating a session at the 2017 CALL Conference in Ottawa with Shaunna Mireau. The session was titled “Unconference Through the Fishbowl: The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession.” A play-by-play article on the session was written based on notes and recollections from the session and published in the TALL Quarterly, the journal by the Toronto Association of Law Libraries. The article was used as the basis for this paper, which goes one step further in attempting to answer some of the big questions we are faced with each day while also questioning some of the assumptions and wider cultural forces at play in law librarianship.

SOMMAIRE

Cet article constitue une réflexion amorcée à la suite de la présentation d’une séance à la conférence de CALL/ACBD 2017 à Ottawa, co-moderée avec Shaunna Mireau. La séance était intitulée « La conférence collaborative à découvert : le rôle changeant des bibliothécaires juridiques au sein d’une profession juridique en constante évolution ». Un article portant sur cette séance a été écrit sur la base

de notes et de souvenirs de la séance et publié dans le TALL Quarterly, le journal de la « Toronto Association of Law Libraries ». L’article a été utilisé comme base pour ce document; document qui va un peu plus loin en essayant de répondre à certaines des grandes questions auxquelles nous sommes confrontés chaque jour tout en remettant en question certaines des hypothèses et des forces culturelles plus larges en jeu dans notre profession de bibliothécaire juridique.

As the new chair of the Private Law Libraries Special Interest Group in 2016, I proposed a conference session entitled “Unconference Through the Fishbowl: The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession.” The proposal was successful, and Shaunna Mireau and I moderated the session at the conference. During the session, we received many great contributions and lots of useful feedback from those who participated. After writing a play-by-play article for the *TALL Quarterly*, I find that I have even more questions than I did prior to the session.² While I do not have all the answers to the multitude of questions I encountered while writing this article, and perhaps never will, the reflections of our participants and the articles I read in researching the various areas of enquiry certainly provide

* © Victoria Baranow, 2017

** Victoria Elizabeth Baranow MA, MI, is a Research Librarian at Norton Rose Fulbright Canada LLP in the Toronto office.

The TALL Quarterly article can be downloaded from HeinOnline by non-TALL members and contains both a description of the session as well as an explanation of how the fishbowl format works. Victoria Baranow, “Debriefing CALL: Unconference Through the Fishbowl,” (2017) 37:1 Tall Q 5.

² A big thank you to Jennifer McNenley who took notes throughout our session—my article for the *TALL Quarterly* and this article for *CLLR* would not have been possible without her notes to fill in the blanks of my memory.

me (and I hope you, too) with plenty to ponder as private law libraries continue to evolve. The vast majority of the discussion in the session focussed on private law libraries; however, many of the most useful articles were written by academic law librarians, likely due to the support for, and requirement that, academic librarians contribute research as part of their professional duties. While there are distinct differences between the academic and private environments, quite a lot can be learned from these articles.

First, I will review what we discussed at the conference and the advice that I gathered from articles that I have read since writing the *TALL Quarterly* article, namely standard propositions on how to realign, collaborate, and generally promote our services to make sure that we stay in favour within our organization. Second, I will take a step back to look at some of the conflicts and clashes of societal and internal culture that we are faced within our profession, particularly those of us in law firms. The fit between the culture of librarians and the culture of law firms is an odd one at times (for example, the spirit of professional collaboration versus a focus on “winning”). Beyond these general cultures, we are a female-dominated profession within an historically male-dominated industry. But more on that later.

In examining library tasks, roles, and especially services, many of us are finding that more work has been piled on our plate but with fewer resources to manage the load. These tasks might include direct-to-client services, managing new technology, or even just a broader range of traditional offerings. Something will have to go, or we will need to become much more efficient in order to manage the load. One of the keys to balancing the tension between more work and fewer resources that came up repeatedly in our discussion is the idea of collaboration. While technology can help with offloading tasks to automation, and practicum students can help take on important but tedious tasks that we have put off due to more immediately pressing work, collaboration offers more in the way of visibility and that little something extra in terms of a greater win for the firm:

[S]uch as pushing competitive intelligence to marketing teams, and training business development staff to read litigation reports. Information professionals are equipped with essential research skills and are poised to empower other teams to utilize their tools and knowledge stores. In turn, all departments, in partnership with the library, lead by gaining a competitive edge.³

Part of the key here is to critically question whether something is needed, valuable, or effective. Also critical is our approach to the problem: Wendy Reynolds noted at the session that personality and approach make a big difference in how effective one can be when collaborating

with other departments. The ability to work as a team with those outside of your department also shows higher-ups that you are on board with collaborating for a greater firm-wide win, rather than pure self-preservation and self-focus. However, this balance of “winning” for the greater team should not come at the expense of giving credit where credit is due: one of our best statements I heard at the session was, “I think the library should take credit all of the time.” We need to make sure our work is not passed off as someone else’s, especially when it comes to budget time when we are required to justify the resources that we manage, whether informational or personnel.

Aligning to a strategic plan is a great way to show our value and claim credit within a wider collaborative team environment. It is difficult to balance an institution’s sometimes drastically changing demands while trying to maintain the traditional services expected by our users. Frequently shrinking budgets, whether caused by increasing cost of online and print services, or by actual budget cuts, do not seem to help with this situation, but they can “offer opportunities to step away from routine tasks to evaluate objectives and the systems employed to reach those objectives,”⁴ as well as an opportunity to “make changes based on shifting needs and new technologies [and even] ‘planned abandonment.’”⁵

Showing how we are doing exactly what is needed can help convince decision makers that we can and will fulfill their strategic plan’s goals when our teams have the support and funds needed to continue their valuable work. If clients come first, then give examples of how the library’s services put clients first! Not aligning ourselves to the strategic plan of our organization can be dangerous:

Libraries will marginalize themselves and be vulnerable to financial and space reductions if we do not broaden our scope and our value to our law schools. Each of us must be much more creative and align what the library does with the law school’s goals.⁶

Even more dangerous is assuming that we are seen as an essential, valuable, and necessary service. The following statement may feel negative, but it is nevertheless quite accurate:

Never assume that your employer has your best interests at heart. Even the most enlightened organization will not put the concerns of employees above its own mission. Law firms are most concerned with profits for partners. It is up to you to communicate to your employer how your concerns will promote their interests.⁷

Success at a law firm equals winning (the case, argument,

³ Allison C Reeve, “Empowering and Inspiring Law Library Managers to Lead” (2017) 22 AALL Spectrum 18 at 20.

⁴ Taylor Fitchett et al, “Law Library Budgets in Hard Times” (2011) 103:1 Law Libr J 91 at 102 [Fitchett].

⁵ *Ibid* at 101.

⁶ *Ibid* at 95.

⁷ Paul M George, “Care and Maintenance of the Successful Career: How Experiences Law Librarians Make Their Work Rewarding” (2001) 93:4 Law Libr J 535 at 560.

filing, transaction) plus profit. The structure of a law firm forces this attitude and we need to show (not just tell) our firms that our services will help them win and profit in the course of business.

Giving examples of how the library has dropped or put aside tasks that do not fulfill the goals of the strategic plan is also useful, as it shows that the team is actively assessing the situation and prioritizing their work instead of wasting resources on low-value work. This is an important key to saying “no” to new projects and some lofty ideas as well—if it doesn’t fit into the plan, it doesn’t get off the ground!

How else can we show that we align with the needs of our users, and therefore the overall organization? By getting to know them, being available, and simply asking. One possible barrier to offering our users exactly what is needed could be our own biases regarding lawyers’ needs. In the academic sphere, individual circumstances and needs are pointed out as potential keys to providing highly valued customized services that truly align with actual needs, as the lawyers are not a

monolithic entity. Different subgroups (e.g. nontenured, clinical, legal writing) are likely to be motivated by different needs and goals. It is important to recognize that, like all people, individual professors mix values, priorities, and insecurities with other combustible elements.⁸

In all environments, whether academic, law firms, courthouses, or others, librarians need to get to know their users; “[i]nstead of making assumptions about what users need, librarians must engage in real conversations with users and collaborate with them to solve problems.”⁹ Therefore, “[b]y fully engaging in this process, librarians are more likely to get a better sense of the nuances of a user’s situation and to identify gaps in users’ knowledge.”¹⁰ This approach may seem obvious, but it is much easier said than done and can often fall to the wayside in the course of our busy days.

Our need to innovate—our approach, our technology, and how we demonstrate our value within the firm—is a key part of our success. Innovation, of course, has now become *the* buzzword in the legal industry, but it still has meaning. It is also very difficult on a personal and institutional level. We read about innovation occurring in various industries as though it is a regular and easy occurrence. In reality it is a combination of being open-minded, having an “outside the box” vision, a lot of hard work, time, and luck. As librarians we need to ask ourselves bluntly: “Can we be flexible and open-minded about ‘library work’?”¹¹ This speaks directly to the topic of our session, yet I noticed that much of our conversation focussed on what we did in the past and what many of us are currently doing that is just a slight variation

of what was done in the past or simply has a technological twist to it. This default idea that innovation equals technology is not unique to librarians, but is something we should take note of when we think about innovation in our profession:

[W]hen librarians talk about innovation, the conversation quickly turns to technology, a single aspect of innovation, albeit a pervasive one. Innovation also occurs when the library workforce is restructured to better serve the mission of the law school or when a brochure to market library services is produced. Value is being added by a new approach or a new product. Second, innovation is fostered in an environment where risk-taking is acceptable. During rough times, it is not business as usual, and this make people uncomfortable. Everyone wants to protect the things they know, be they books, jobs, policies, or procedures.¹²

Again, innovation is not easy, and the factors listed also point to risk-taking, something that I personally find a lot of lawyers *think* they enjoy, but very rarely truly embrace when it comes to big decisions and investing money within this generally conservative industry. It is aptly noted that “law firms and lawyers historically do not react well to change ... the law is based on precedent.”¹³

We should also ask ourselves: are librarians risk-takers? Or do we tend to stick with what is comfortable? As much as I dislike being stereotyped as a librarian, I find that we relish the idea of being risk-takers and activists. We are proud of standing up for what we believe in and wholeheartedly embrace new technology, but most of our core services and day-to-day behaviour is still fairly subdued. We keep one hand on our traditional core of librarianship while wading into the “deep end” of the new, innovative, and unconventional roles for librarians. Understandably so. It is very hard to do something totally different and let go of what is familiar, going against our nature as humans. Also, to be clear, I don’t think that it is always a bad thing to hold onto our traditions, as library users would likely be very thrown if we suddenly gave up on the things that they associate with our role. How often have you heard, “I didn’t know librarians [are in law firms, are so stylish, had [insert colour] hair, are so outgoing, know how to code, have a graduate degree(s), etc.]”

How do we move forward on this? There are many pieces of advice out there about how to “innovate” our services in order to gain more visibility, show relevancy, and demonstrate value. Many of them you have heard before and many of them were brought up in our session. In fact, as I was researching for this article I noted just how common some of these pieces of advice are, yet we keep putting them forward as the things we need to do. I wonder how many of us are actually doing them, or perhaps we assume that

⁸ Simon Canick, “Library Services for the Self-Interested Law School: Enhancing the Visibility of Faculty Scholarship” (2013) 105:2 Law Libr J 175 at 180 [Canick].

⁹ ALL-SIS Task Force on Library Marketing and Outreach, “Marketing and Outreach in Law Libraries: A White Paper” (2013) 105:4 Law Libr J 525 at 528 [ALL-SIS].

¹⁰ *Ibid* at 528.

¹¹ Fitchett, *supra* note 4 at 99.

¹² Fitchett, *supra* note 4 at 103.

¹³ Monice M Kaczorowski and Jaye AH Lapachet, “Attitude, Creativity, Collaboration, and Tech - The New Success Formula for Law Librarians” (2012) 17:3 AALL Spectrum 22 at 22 [Kaczorowski].

others are not doing them, or maybe not doing them as well as we should.

One of the most popular pieces of advice is that you should brand your final product and services. This does give the library considerable visibility. The report that you compiled, branded with the library logo or slogan, can make its way up to a partner who uses it to gain a big win for the firm, even if it has to go through the marketing department, an articling student, and an associate to get there. Essentially, we want to be “all around,” instead of being associated with just the physical space of the library. One individual notes that they

always answer, “The library is everywhere you need us to be. It’s those CI reports we provided you last month when you pitched to client X. It’s librarian attendance at practice group lunches. The library isn’t just a place anymore, it is service everywhere. It is you calling us on the phone or requesting information via email 24/7. The library is all around you.” This is the kind of answer we all need to give when faced with a joke about print materials.¹⁴

The second most popular response to gaining visibility (in my highly unscientific mental tally) was seeing people in person. “It could be as simple as having coffee with people in practice groups or sending an article to someone related to their area of interest.”¹⁵ The fact is that “[b]uilding personal relationships is just as powerful now as it was in 1988 and perhaps even more so; after all, emails are easily skimmed or deleted and busy attorneys may not have time to visit a library’s website or attend library events.”¹⁶ Often this person-to-person visibility is expanded into the excellent idea that “we must market services, not collections; benefits, not features; and results, not processes. We must also market *ourselves* as the experts who help users find the right information.”¹⁷ The library is nowhere near as valuable without the people who run it and maximize information’s value for the users.

The “be present” argument has been articulated as plainly as: “walking around and talking to people is underrated.”¹⁸ Hosting social events “such as student orientations, faculty lectures, or firm parties,”¹⁹ possibly with the idea of “hosting an event in your space that highlights the collection,”²⁰ was also very popular in the articles I read. Unfortunately, not everyone has a physical space that they want to show off or that is ideal for hosting social events. As an alternative, one idea for enhancing personal connections was to talk to people about “success stories” and then “adding a ‘wall of

fame’ in your library where users can post their own stories of successful encounters with library staff.”²¹

Another popular idea is to embed librarians within practice groups. The downside to embedded librarianship is that it removes librarians from their peers and generally works well only when the library already has high visibility within the group and also has total buy-in from the practice group chair and de facto leaders within the group. The culture of the firm will greatly affect the level of success for these initiatives. With the right support and culture, embedding a librarian can be very successful and greatly increase the library’s overall visibility within the group and generally within the firm as other practice groups learn, and become jealous, of the initial group’s additional service.²²

All of this points to better relationships with our users, moving us away from (with one hand still firmly anchored to) being associated with print books and resources to being associated with the personal service that we provide and to developing our brand: “the library staff could be thought of as a living brand because it is our personalized attention to information education that makes our service unique.”²³ This living brand helps us to be seen “as intelligent, critical, active players who not only add incredible value to client service but, in fact, can even serve as profit centers for our firms.”²⁴ It is also argued that we should apply the same research and analytical skills that we use daily for competitive intelligence, “tracking trends and monitor[ing] industry changes,” and critical thinking in order to “look to the future of our own profession for new challenges that will benefit our firms.”²⁵

As we demonstrate that our skills are where the value lies within the law firm, we can also make the economic argument that utilizing these skills works as a double benefit to the lawyers. Asking a librarian to assist on a question brings back greater value due to their expert skill in using the legal resources and technology compared with the research skill of a lawyer who only uses a select few of the frequently changing resources and technology. Therefore, librarians save time—time that can be spent on higher dollar value income for the firm—while locating a more comprehensive answer to the lawyer’s question in the most effective manner. Our senior leaders have a balance sheet, and we need to stay on it by demonstrating that the library resources lead to higher profits rather than a cost centre. We are optimally placed to make their time more effective by doing what we do best.

Doing what we do best is also an argument for greater

¹⁴ *Ibid* at 22.

¹⁵ Shannon Lynch, “Creative Ways to Promote Your Law Library - 19 Years Later” (2017) 61:1 *Law Libr Lights* 1 at 3.

¹⁶ *Ibid* at 4.¹⁷ Emphasis in original; ALL-SIS, *supra* note 9 at 528-529.

¹⁸ Kaczorowski, *supra* note 13 at 22.

¹⁹ Charles Fisher, “The Library’s Living Brand - Investing in Library Staff Performance Can Create an Atmosphere Where Patrons Want to Dwell, Learn, and Prosper” (2006) 11 *AALL Spectrum* 16 at 18 [Fisher].

²⁰ ALL-SIS, *supra* note 9 at 532.

²¹ *Ibid* at 538.

²² Kaczorowski, *supra* note 13 at 23.

²³ Fisher, *supra* note 19 at 17.

²⁴ Kaczorowski, *supra* note 13 at 22.

²⁵ *Ibid* at 22.

collaboration across departments: by doing what we do best, and allowing others to do what they do best, the overall value of the firm increases. This means that, unless you're doing a barebones design (and admittedly, it does not have to be fancy), the fantastic logo and branding materials the library comes up with is best placed with the marketing department's creative and design team, with whom you should be collaborating in the course of producing reports and providing services anyway. The same argument applies to lawyers and librarians: they do the legal analysis and arguments, and we navigate the wealth of information and tools to help them do so.

The trouble is that with the advent of Google, many believe that their research answer is merely a Google search away; "[t]he greatest challenge to law librarians is the misconception that with the growth of online resources, libraries and librarians are not needed."²⁶ The role of lawyers has shifted to include a lot of what we used to do for them as our online databases begin looking and acting more and more like Google:

"Being seen as an essential ingredient in the provision of efficient and effective access to the materials necessary for legal research is ... becoming more problematic given the increasing propensity of lawyers to do their own case/article retrieval work as well as research. Danger is that it will be seen that it is not necessary to have an in-house information service because they do everything themselves."²⁷

Some also believe that the Millennial generation deserves the "blame" for those who believe they can find everything themselves online, noting a "reluctance to seek the assistance of librarians [due to the] the self-reliant nature of the Millennial generation."²⁸ However, I would argue that self-reliance is simply a human trait that most people want to feel; there's nothing quite so satisfying as being able to feel accomplished in achieving something on your own, without the help of someone else. The current online nature of our world simply makes this feeling appear to be so much more achievable and instantaneous because "[i]t is assumed that everything is available online or that Google searching leads to more efficient and effective research than using a library. As a result, '[p]ublic perception is at least ten years behind the reality of what we do and how we do it.'²⁹ We need to work very hard on this perception of what exactly it is we do and how finding quality information can be much more complex, expensive, and hidden away in databases and even print texts.

This is an important upstream fight for us, because if everything is presumably so easy to find, why do they need us? This article and the session we ran at the conference

has argued for redirecting the library branding away from exclusively promoting the resources (print, databases, cases, etc.) toward the skills and abilities of librarians. At the same time, there is a general societal perception that information is easy to find yourself. In the National Survey of Australian Law Libraries, one individual "described the increased online access of digital information resources as making the law librarian and the library itself 'invisible' to the library user."³⁰ Therefore we must work doubly hard to not only bring the attention to ourselves in addition to the materials, but also to convince our users that the "way into" the materials is *through the librarians*. This is critical, because

Jordan Furlong puts it this way: "Lawyers tend to shrink or cut anything whose function or value they don't really understand. So if your lawyers don't clearly understand the work or readily perceive the value of your library professionals, you've got cause for concern."³¹

Here is where we further dive into the conflicts and cultures of the information that I have summarized and reflected on thus far. Several times during our session, I found that the firm's or organization's culture was brought up as a limiting factor in the ability to carry out an initiative, in determining the type of tasks the library services team would carry out for their lawyers, or in determining how the team might work with other departments. Collaboration can be difficult in a firm that has always operated in silos. It can also be challenging to convince a social committee to host an event within the library space when they have traditionally taken place within a practice group's favourite meeting or case room. Traditions are paramount and people often resist change.

The firm's invisible barriers between departments can also extend to professional cultural barriers. Lawyers, generally, belong to an exclusive class. They have gone to great lengths to become a member of a law society, passing strenuous examinations, and have dedicated their professional, and often personal, lives to their career. Depending on the firm culture and individual personalities, it can be very difficult to present oneself at a lawyer-only firm event or meeting and be seen as a professional colleague if you are without a JD. I personally have seen this dynamic play out at practice group events between lawyers and law clerks as well as other legal professionals. A very subtle cliquing takes place, even within the lawyers themselves. Much of this, I believe, is human nature; we seek out those who are familiar and most similar to ourselves. On the other hand, it is a barrier to true collaboration within a firm and for librarians to successfully talk shop at firm events in an effort to further both the library team and the firm's goals. In the course of my research I came across a great explanation of the dynamic when the

²⁶ Fiona Brown, "National Survey of Australian Law Libraries - Final Report" (2015) 23:2 Austl L Libr 71 at 88 [Brown].

²⁷ *Ibid* at 88.

²⁸ ALL-SIS, *supra* note 9 at 527.

²⁹ *Ibid* at xiv-xv.

³⁰ Brown, *supra* note 26 at 88.

³¹ Kaczorowski, *supra* note 13 at 23.

³² Canick, *supra* note 8 at 189.

suggestion was made for academic law librarians to “check in with professors periodically”³²:

The librarian may need to be aggressive. If a response to e-mail is not received, the librarian must visit the professor’s office and say, ‘This is what I need.’ The challenge is that many librarians are uncomfortable pushing professors. They are used to responding to requests, not making them, and certainly not demanding a response. This transformation from librarian-in-service to librarian with a separate, equally important task will need acceptance and support for it to succeed. Librarians may need coaching, but in the end both groups may end up with more realistic and accurate perceptions of each other—librarians will see professors as regular people, and professors will see librarians as the professionals they are, and think of them more as colleagues.³³

This might be a daunting transformation for some librarians—demanding a response and being aggressive in doing so.

And so, we are faced with another internal barrier for many librarians seeking to market the library services and their own skills: introvertedness. It came up in our session as well—while many of us are outgoing, the vast majority of librarians are introverts. Nonetheless, this was another frequent piece of advice at our session and in articles on gaining visibility for the library services team: be social! Force yourself to get out there and see people instead of working solely by email. Negotiate your comfort zone with yourself, show up at events, and come up with a goal for each event. Talk to X number of people, stay until X time but put in a full effort to chat with people during that time, talk about X number of resources during your time at the event. Perhaps, if you watch the TV show *Scandal*, you sympathize with Huck, who simply could not make small-talk at the White House State dinner for Bashran (a fictional country, for those not in the loop), and fear that, like Huck, you will start rambling about massaging an animal’s heart back to life on the side of the road, only to receive the side-eye from the listener who makes a quick exit from the conversation. The key to small talk is asking other people questions. Another oft-noted tactic is to have an elevator pitch. Cheesy, yes, but a great starting point for those who are not natural “sales people.” One article advises to “[p]repare talking points about the value of the law library” or to make a “half-page list of bullet points.”³⁴

All of the advice throughout this article is valid and can be helpful, although I cannot help but wonder why our profession seems to need a constant pep rally. Most of this information

is not new: we read about many of these pieces of advice in blog posts regularly, yet it seems to be a sticking point. I wonder, do male-dominated business services professions constantly brainstorm self-promotional advice? Perhaps yes, but perhaps not so often and perhaps to greater success. In the course of our session at the CALL Conference in Ottawa, there was one male librarian toward the end who spoke up and said that they “demand to ‘sit at the table’ for meetings,” and when projects that are seemingly outside of the library’s responsibilities (that would greatly benefit from our skills) come up during the meeting he pipes up: “You know who would be really good at that? A librarian.” I could not help but think, how great to be able to “demand” to sit at the table without being perceived as aggressive in a negative way!

The quote about the librarian needing to be aggressive with professors also hits home—Simon Canick is the author and was at the time the associate dean for information resources and associate professor of law at William Mitchell College of Law in St. Paul, Minnesota.³⁵ The College is now part of the Hamline University School of Law, and Simon Canick moved on to the University of Maryland School of Law in 2016, where he is the associate dean for law library and technology and a law school professor. His confidence appears to come from a quadruple sense of privilege: an American male lawyer in a leadership position.³⁶

As a woman, I am conflicted with this information. We should not have to justify being aggressive simply for doing our jobs effectively, yet many of us have had to do this, both internally and out loud, and I personally advocate for women being more assertive (I still agree with his advice). Yet, at the same time it stings to read this advice from our male colleague when many women I know have been chided for being “too aggressive” or “difficult” in the workplace for behaviour that is praised when it comes from a male colleague. His statement is right on the money, but is much more loaded than I expect he realizes. I am sure that many of us have also experienced imposter syndrome, a common occurrence among even the most confident and qualified women, making our feelings about carrying out the advice to be assertive with our lawyers even more mixed and fraught with some level of anxiety. Our own president of CALL acknowledges the role of (and possible cures for) imposter syndrome in her first *CLLR* message to colleagues.³⁷

The most recent statistic I came across in my articles regarding the percentage of law librarians being female notes that: “like most U.S. librarians (84 percent female in 2003), most law librarians are female—about 78 percent, according to the AALL 2003 Educational Needs Assessment survey.”³⁸ Payscale.com’s page for law librarians notes that

³³ *Ibid* at 189, n 78.

³⁴ Fitchett, *supra* note 4 at 101.

³⁵ Canick, *supra* note 8 at 175.

³⁶ From his photograph he also does not appear to be a visible minority, a factor that could make this discussion even wider and longer than my word count allows; additionally, I myself am not a visible minority, although I am female and have a disability (hearing impairment).

³⁷ Ann Marie Melvie, “President’s Message” (2017) 42:3 *CLLR* 7 at 7.

³⁸ Mary Rumsey, “Is the Law Library a Women’s World - An Examination of How, If at All, Gender is a Factor in Law Librarianship” (2006) 10 *AALL Spectrum* 16 at 16 [Rumsey].

³⁹ PayScale, “Law Librarian Salary,” online: <www.payscale.com/research/US/Job=Law_Librarian/Salary>.

⁴⁰ Rumsey, *supra* note 38 at 16.

77 per cent of law librarian workers are female.³⁹ While these are American figures, we hardly need statistics to note that “[l]ike nursing, teaching, and social work, law librarianship is a ‘pink collar’ profession—one filled mostly by women.”⁴⁰ All we need to do is look around at our conferences to see that women clearly dominate the sphere. Nonetheless, as in other professions, surveys have found that women experience the same barriers and frustrations in the workplace, from “men being treated better than women at work [including] special privileges, lower expectations, and faster advancement,”⁴¹ to “male library employees who ‘get away with murder,’ as one said. ‘Murder,’ in most cases, consists of working less or working poorly.”⁴² Perhaps part of the explanation is that law librarianship is a female-dominated profession operating within a traditionally male-dominated industry, rife with unconscious bias toward the individuals and library teams as a whole.

I wonder then, whether we should focus less on these more indirect forms of self-promotion (logos, taglines, having events in the library, collaborating in the background, etc.) and more on the direct forms: in-person self-promotion of services and events, demanding that seat at the table in a professional manner, and factual statements of the library team’s achievements laid out for decision makers come budget time. Perhaps, as one fellow female librarian puts it:

Female librarians in particular may need to learn self-promotion and salary negotiation skills. One librarian speculates that women rise more slowly through the ranks because ‘we don’t have the same sense of touting our abilities and accomplishments (or, perhaps more accurately in some cases, exaggerating them).’⁴³

The same might be said of the departments under our charge, generally; the reason for additional budget cuts for the library over marketing, IT, or facilities might be that our

female-dominated department does not self-promote in the same way. Picture, for a moment, how a seasoned marketing professional pitches to decision makers why their budget should not be further cut, or even makes the argument for an increase. We talk quite a lot about how to gain visibility and demonstrate the library’s value through various tactics, but less about *ourselves as accomplished individuals* even if we do talk about our skills: “as librarians learn how to publicize the value of their libraries, they should also pay attention to publicizing their own skills and accomplishments.”⁴⁴

Many of the tidbits of advice in this article are not new, and I expect that a great number of readers feel that they have a number of new questions and may feel conflicted about the statements and opinions around our profession being predominantly female. I hope that this article at the very least serves to open our eyes and minds to explore new ways of thinking about collaborating, about making a critical analysis of our tasks and alignment, about what it means to be innovative, about demonstrating our value despite the increasingly superficial ease of searching, and about grappling with the external and internal cultural struggles of being librarians in a law firm, being introverts, and working in a “pink collar profession.” I leave you with one final quote from Simon Canick to further contradict previous advice, while encouraging a forward look for our future:

Librarians must understand the context within which they operate, and absorbing that context, they must refine their thinking. Instead of defending current operations, rewriting elevator speeches, confronting deans, or otherwise rearticulating their value, they must radically rethink their services, collections, and facilities in light of the law school’s priorities. They must demonstrate their awareness and creativity by presenting ideas that benefit the school, even if that means reductions in service or reliance on digital collections.⁴⁵

⁴¹ *Ibid* at 17.

⁴² *Ibid* at 17.

⁴³ *Ibid* at 36.

⁴⁴ *Ibid* at 36.

⁴⁵ Canick, *supra* note 8 at 197.

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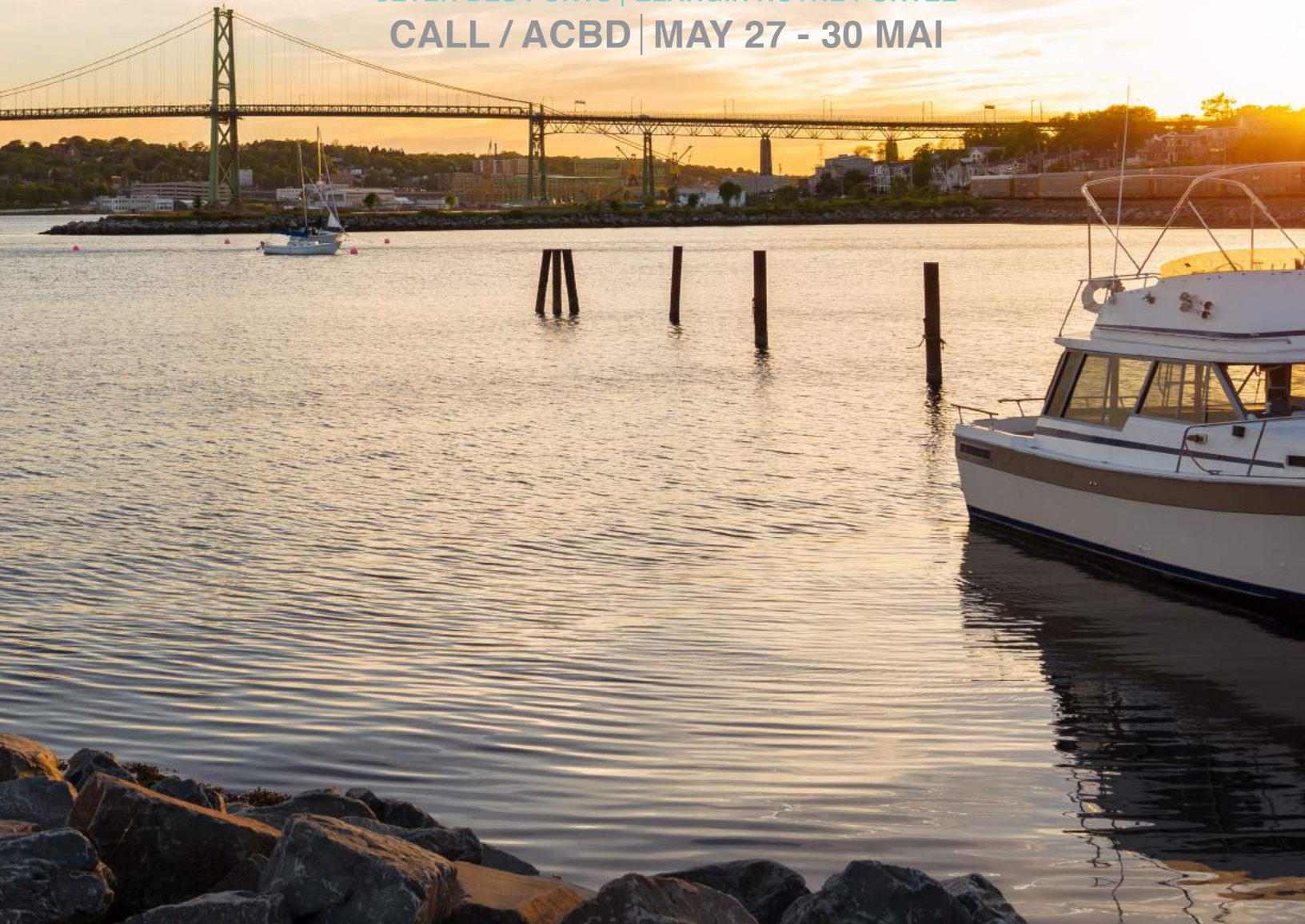
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III Reviews / Recensions

Edited by Kim Clarke and Nancy McCormack

***Criminal Appeals: A Practitioner's Handbook.* By Mark C Halfyard, Michael Dineen & Jonathan Dawe. Toronto: Emond, 2017. xviii, 284 p. Includes index, table of cases, table of contents, and appendices. ISBN 978-1-77255-138-9 (paperback) \$99.00 ISBN 978-1-77255-140-2 (ebook) \$85.00.**

Criminal appeals may be a small part of most criminal lawyers' practices, but getting them right is crucial to a fair justice system. Mark Halfyard, Michael Dineen, and Jonathan Dawe, criminal defence lawyers who specialize in appellate advocacy, have set out "to demystify the conduct of criminal appeals in Canada" (p xv). Their procedural guidance and practical strategic advice is suitable for a range of lawyers, including those approaching a first appeal or looking to expand their practices.

Because this book is aimed at criminal lawyers, it assumes its audience has existing knowledge of criminal law and procedure. The chapters take the reader through "The Nature of an Appeal and Statutory Jurisdiction," "Procedural Steps in an Indictable Appeal," "Grounds of Appeal," "Drafting the Factum" (including guidance on drafting and structuring the factum while paying attention to local rules), "Oral Argument, Motions and Applications," "Fresh Evidence," "Sentence Appeals," "Inmate Appeals," "Summary Conviction Appeals and Extraordinary Remedies," and "Appeals to the Supreme Court of Canada." It then provides nine excellent appendices that contain sample forms and precedents, such as a 32-page factum for the Ontario Court of Appeal and a Notice of Application for Release Pending Appeal.

Although the book moves quickly, it gives clear explanations and often employs the helpful strategy of stating a complex procedural rule then giving an example. The authors go beyond explaining important steps and concepts to imparting valuable advice throughout. For example, they observe that lawyers new to criminal appellate work might want to start with sentence appeals, as they "tend to have shorter records, oral argument is brief, and the types of arguments made more closely resemble advocacy in criminal courts" (p 94).

In the chapter on inmate appeals, there is an interesting description of the distinct procedures and different duties of the Crown. For example, once an inmate appeal is scheduled for a hearing, it is the attorney general who must prepare and file appeal books and the other documents relevant to the appeal. In fact, many Canadian jurisdictions do not require inmates to file a factum.

The chapter on appeals to the Supreme Court of Canada gives insight into the justices' internal decision-making processes on whether to grant leave to appeal. Did you know that if one of the three justices dissents with a decision to dismiss a leave to appeal, that judge can request a discussion of all nine justices in a "full court in conference" before a decision is rendered?

Criminal Appeals is volume 2 of Emond's Criminal Law Series, edited by Brian Greenspan and Vincenzo Rondinelli, and continues that series' attractive format and design. It's a portable, reasonably-sized softcover with enough heft

not to disintegrate after a few uses. It provides many easy entry points to find what you're looking for: logical tables of contents for each chapter, headings at the top of each page, and coloured tabs at the side of each page for easy browsing. Its internal organization flows with clear headings, subheadings, and numbering so readers can quickly situate themselves within a broader topic. French flaps let readers easily bookmark a page. The layout of the book is visually appealing, with a thoughtful colour scheme and white space to balance the text.

Criminal Appeals: A Practitioner's Handbook is a succinct, well-written, well-organized guidebook for appellate work in criminal cases. It delivers on its promise of being a practitioner's handbook in both content and design.

REVIEWED BY
AMY KAUFMAN
Head Law Librarian
Queen's University

***The Constitution in a Hall of Mirrors: Canada at 150.* By David E Smith. Toronto: University of Toronto Press, 2017. xiv, 197 p. Includes bibliographic references and index. ISBN 978-1-4875-0247-8 (cloth) \$70.00. ISBN 978-1-4875-2198-1 (paperback) \$25.95.**

Few better opportunities exist to publish a book on Canada's constitution and parliamentary institutions than on the sesquicentennial of Confederation. David E Smith has done just that with his latest book, *The Constitution in a Hall of Mirrors: Canada at 150*, in which he analyses three parliamentary institutions—the Crown, Senate, and House of Commons—in the context of constitutional change and illustrates the importance of their interconnectedness and distinctly Canadian features. Interestingly, the book was originally to be entitled *Counterfeit Constitution*, which the author explains was changed because he wished to illustrate Canadians' misunderstanding of the constitution and not, as the word counterfeit implies, to suggest that the constitution is fraudulent.

David E Smith, OC, FRSC is distinguished visiting professor in politics and public administration at Ryerson University. His awards and appointments include the Saskatchewan Order of Merit, officer of the Order of Canada, and fellow of the Royal Society of Canada. He has authored, co-authored, and contributed to over 100 articles, chapters, and books on Canadian government. He is highly regarded for his expertise on the subject as well as for his contributions to the profession both inside and outside of academia.

The Constitution in a Hall of Mirrors is divided into six chapters. The first chapter provides historical context to Canadians' understanding of the Crown, Senate, and House of Commons. Each of the following three chapters is dedicated to one of these three institutions. Chapters 5 and 6 reframe the question of constitutional change in line with the importance of bicameralism, the roles of each institution, and the understanding (or misunderstanding, as is noted

by the author) by Canadians of these institutions and the constitution. Smith claims that it will be difficult to proceed with parliamentary reform given these misunderstandings, hence the metaphor of the hall of mirrors.

Smith successfully proves, through a thorough comparative analysis between the parliamentary systems of Canada and the United Kingdom, that the Canadian system is not merely a reflection of the United Kingdom's system. Smith supports his comprehensive study with references to parliamentary debates, committee papers, news articles, Supreme Court decisions (in particular *Reference re Senate Reform*, 2014 SCC 32), and literature on the topic of Canadian parliamentary institutions.

The book's strength lies in the author's in-depth analysis, presented in a concise, witty, and well-written style. Smith's comparisons with the United Kingdom, as well as his treatment of the Senate, bicameralism, and bilingualism are of particular interest, especially in the context of other works on such topics. The author notes that much of the existing literature, in particular works that study the Senate, do not adequately treat Canadian parliamentary institutions as interconnected elements, nor do they pay sufficient attention to bicameralism. Indeed, other books on this topic tend to focus on one aspect of Parliament as largely separate from the other aspects. As such, *The Constitution in a Hall of Mirrors* perfectly complements and enhances the existing literature on Canada's parliamentary institutions.

Smith has included several useful features to make the book accessible and well-organized, including a table of contents, subheadings within each chapter, and an index. The endnotes provide additional thoughts and analysis, and a 19-page bibliography follows the endnotes and organizes each referenced work into alphabetical order.

The Constitution in a Hall of Mirrors is an interesting and thought-provoking read. I recommend it for academic or parliamentary library collections. It would complement, in particular, the reading lists of upper-year undergraduate or graduate students of political science. It would also be a worthwhile addition to government special collection, or as leisure reading for a law firm.

REVIEWED BY
CAITILÍN O'HARE
Research Librarian
Legislative Assembly of Ontario

***The Court and the Constitution: A 150-Year Retrospective.* Edited by Matthew P Harrington. Toronto: LexisNexis Canada, 2017. liii, 419 p. Includes bibliographic references. ISBN 978-0-433-49360-0 (softcover) \$110.00.**

This special issue of the *Supreme Court Law Review*, 2nd Series, volume 78, is a collection of papers from scholars from Canada and the Commonwealth that focusses on the role of the Supreme Court of Canada (the Court) in three specific areas: the structure of Canadian federalism, the Charter of Rights, and private law.

In his introduction to this retrospective, Harrington begins with a short historical reference to the Canadian Constitution, underlining that it is a “diverse amalgam of statutes, historical documents, conventions, and unwritten principles dating back, in some cases at least, many centuries” (p xliii). He notes that the Court has determined that the Canadian Constitution is “more than a written text. It embraces the entire global system of rules and principles which govern the exercise of constitutional authority” (p xliii).

This book joins a nation-wide celebration of the anniversary of Confederation in 1867, 150 years ago. Harrington proposes that the *Constitution Act, 1867* (originally known as the *British North America Act, 1867*) stands apart among all constitutional documents and merits inclusion in this 150-year anniversary. He states that “for all its perceived faults, the *Constitution Act, 1867*, succeeded in laying the groundwork for a continuous process of constitutional development” (p xlv). This book examines how the *Act* has developed over time and the role of the Court jurisprudence in interpretation of its provisions.

The articles in Part I, *The Structure of Federalism*, cover the relationship between the Court and Parliament, conventions of the Constitution, the Court’s perceptions of itself (and its judicial independence), administrative law, linguistic issues (found in an article written in French which discusses the Ford decision), steps toward reconciliation, and aboriginal title.

In Part II, *The Charter of Rights*, the articles emphasize the Court’s approach to purposeful limits on expression, freedom of religion, equality rights, fundamental justice, the political compromise doctrine, and language rights. And in Part III, *Private Law*, there is an examination of the Court and the law of torts throughout its history, property law, and the relationship between the general law and collective labour relations regimes.

Enhanced by a substantial table of cases (23 pages), this work contains a plethora of information about the Constitution and the Supreme Court of Canada. It provides an excellent retrospective on the Court, highlighting specific cases and points of law.

Academics and students with a more general interest in the Court and the Constitution will find much to consider in these articles. Court and constitutional scholars will be delighted by the level of detail with which each subject is treated and by the level of analysis that is offered by the authors. It is a most worthy addition to Canada’s 150-year anniversary celebration and highly recommended.

**REVIEWED BY
MARGO JESKE**

*Director, Brian Dickson Law Library
University of Ottawa*

***Cybersecurity in Canada: A Guide to Best Practices, Planning, and Management.* Edited by Imran Ahmad. Toronto: LexisNexisCanada Inc, 2017. xxvi, 145 p. Includes bibliographical references and index. ISBN 978-0-433-49055-5 (softcover) \$90.00.**

The editor of this reference book is Imran Ahmad, a partner at Miller Thompson LLP in Toronto, who specializes in cybersecurity, privacy, and data breach practice. The contributors are a range of cybersecurity experts, writing for an intended audience of in-house counsel, business executives, and corporate lawyers who need a “handbook for managing risk” (p xvi).

The text is well laid-out for easy navigation, with clear sub-headings. The book’s bibliographic elements include footnotes and an index. Several chapters have appendices of helpful checklists and forms. For example, chapter 2, “Best Practices to Implement Prior to a Breach,” includes a table for identifying and prioritizing your organization’s information types, as well as a table for identifying the protection needed by each of these priority information types. The thirteenth and final chapter, “Communications Best Practices for Cyber Incidents,” provides three checklists for actions to take *before the attack, during the attack, and after the attack.*

This book enters a crowded field. A search on Amazon.com brings 1,270 results for cybersecurity or “cyber security”; the Library of Congress shows 1,022 results. In Canada, the national library’s holdings include 94 titles, the UBC Library has 34, and the Vancouver Public Library shows 221 works with these keywords. However, the niche audience and clean arrangement of this book ensure it can elbow its way into the above collections. The first half of *Cybersecurity in Canada* addresses strategies for mitigating risk, while the second is about incident management and litigation exposure when a breach does occur. And as we all know from the headlines, cyberattacks occur with alarming and increasing frequency. Of particular value is its Canadian perspective, with focus on the jurisprudence of Canada.

The book’s succinct style and plain language also make it highly usable, an important feature when the reader might be under the pressure of handling a live breach situation. This is a reference book, but is neither overly technical nor academic in tone. It presumes a certain level of knowledge of the subject matter, but is easily read and navigated by a reader who does not have advanced expertise in technology. Directed at lawyers and business executives, the book could do more to emphasize that these professionals must actively engage with their organizations’ IT professionals. A team approach to preventing and managing problems within the complexity of cybersecurity is essential, at the execution as well as policy levels. There are chapters on tech procurement and supply-chain management, but the imperative for a collaborative approach could be more prominent throughout.

A chapter on cloud computing is particularly interesting because most organizations look for efficiencies, and outsourcing data storage seems like an obvious one. However,

it can be risky from security, legal, jurisdictional, and governance standpoints. This chapter, written by the book's editor, Imran Ahmad, offers guidance on balancing those tensions of convenience and cost-savings against the many risks. Selecting the right service provider and effectively negotiating contract terms is the key, and a handy list of considerations for doing that negotiation is provided.

This Canadian handbook should be considered essential reading for C-suite executives (and their lawyers) in all sectors where the privacy and security of their information is important; in other words, in all sectors.

REVIEWED BY

DEBBIE MILLWARD, MLS *Manager of Information Resources Lawson Lundell LLP, Vancouver*

***Expert Witnesses in Civil Litigation: A Practical Guide.* John Hollander. Toronto: Irwin Law Inc, 2017. 336 p. (Young Advocate Series). ISBN 978-1-55221-426-8 (paperback) \$30.00. ISBN 978-1-55221-427-5 (e-book) \$30.00.**

The latest in Irwin Law's Young Advocates Series, *Expert Witnesses in Civil Litigation* lives up to its subtitle: it is most certainly a practical guide. Beginning with a discussion of key cases that establish precedent in Canada where expert witnesses are concerned, Hollander succinctly lays out the factors considered by the courts when accepting expert witnesses. He then guides the reader through the process of choosing and retaining an expert, obtaining an expert report, preparing the expert for examination, and, finally, subjecting the expert to direct examination and the cross-examination process.

Expert Witnesses in Civil Litigation is not an annotated civil procedure text; the occasional provincial rule is mentioned only in passing and hardly discussed. It is not a robust textbook on expert witnesses: Hollander generally disregards jurisdictional differences and only passes over the factors of relevance, necessity, absence of exclusionary rules, and qualifications. It is not a book of checklists; no form is offered up to ensure that due diligence has been done in retaining and preparing an expert for the courtroom. The guide, however, is very practical and geared towards filling in the gaps that academia did not fill for the young lawyer. It tells the reader what those other resources do not: consider whether the education or the experience of a selected expert will be granted more weight by the court; request that the expert report contain an executive summary; teach the expert the "may I explain?" tactic if she is going to be questioned in court; do not make the mistake of asking the opposition's expert "one question too many" on cross-examination, thereby giving him the opportunity to clarify or retract an earlier statement.

Hollander's practical guide is scattered with real and fictional case studies and questioning samples. The young advocate dealing with their first case involving an expert will gain confidence from this short read.

REVIEWED BY
ANNA MAHOOD
Law Librarian
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***Family Law Litigation Handbook (Ontario).* By Gary S Joseph. Toronto: Thomson Reuters, 2017. 280 p. ISBN 978-0-7798-8011-9 (softcover) \$119.00.**

The second edition of *Family Law Litigation Handbook (Ontario)* is described by the author as a handy "in your briefcase" reference source to which lawyers may refer in family court when seeking a quick answer to a question. The text is aimed at a legal professional audience both in tone and content. It is divided into three parts: the first part covers procedure and how to prepare for family court in Ontario; the second contains region-specific rules, practice directions, and other information to help readers navigate the court system; and the third is a short overview guide to child support and spousal support.

Each chapter in Part I begins with a short summary of the subject, followed by a more detailed description, brief case summary examples, and excerpts from Family Court Rules. The short summaries at the top of each chapter are numbered or bulleted, well-spaced and outlined in a box, making them easy to skim before diving into further detail later in the chapter. While the book does achieve the goal of being a quick guide for family law practitioners, many pages in the substantive content sections of each chapter are tightly spaced and lack white space. This could make it difficult for lawyers to read and flip through in the middle of a trial while trying to find a specific point unless they heavily highlight and tab the book in advance.

The different steps of family law litigation are covered in the 16 chapters of Part I and include topics such as general pre-trial procedural issues, disclosure, settlement offers, motions, using experts, appeals, and costs. Throughout the text, Joseph includes lists to aid lawyers in their work, such as a list of practice tips to help lawyers prepare their clients for questioning. This type of practitioner-focussed content makes this handbook more than just a statement of the law and procedure.

One chapter that stands out is chapter 10: "Office of the Children's Lawyer." It outlines the role of the OCL in family court and in representing minors. In particular, the excerpt written by Dan L Goldberg, senior counsel of the Office of

the Children's Lawyer, is an engaging part of the book, with a detailed discussion of the role of child's counsel generally, and in specific situations such as representing pre-verbal or non-verbal children or examining the circumstances relating to the best interests of the child in situations where a child is alienated from one parent and may be parroting the wishes of the other parent. An interesting discussion covers the topic of child witnesses and the court's preference of avoiding calling child witnesses in order to spare the painful experience of publicly speaking out for or against one parent. Goldberg's part of chapter 10 makes a nuanced and interesting read.

As mentioned above, this text is aimed at and written for the legal professional, so the lack of plain language is understandable and appropriate. However, the lack of discussion of self-represented litigants or the Legal Aid Ontario (LAO) system was surprising, given the increase of these litigants in recent years (see justice.gc.ca/eng/rp-pr/fl-lf/divorce/jf-pf/srl-pnr.html). Interaction with self-represented litigants is a part of family law practice, and an overview of LAO and practice tips for lawyers who oppose a self-represented litigant would be helpful. One suggestion is to include a section similar to Goldberg's excerpt on the Office of the Children's Lawyer written by a family court duty counsel about the issues and experiences of self-represented litigants in family court.

Part II of the text is divided by region and contains practice directions and other relevant information specific to that region, such as contact information, a list of oft-cited family law cases by topic, and references to other resources. Part III contains child support tables and schedules, as well as a summary of the Spousal Support Advisory Guidelines written by Noel Semple.

Apart from the aforementioned formatting and spacing issues, the book is easy to navigate with a table of contents, table of cases, and index. This book is recommended for practicing family lawyers and law students enrolled in a practicum course in family court.

REVIEWED BY
JOANNA KOZAKIEWICZ
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Osler, Hoskin & Harcourt LLP

***The Law and Practice of Workplace Investigations.* By Gillian Shearer. Toronto: Emond, 2016. xvii, 169 p. ISBN: 9781772551082 (softcover) \$99.00.**

The Law and Practice of Workplace Investigations is a welcome addition to the Emond Professional Employment Law Series, "the only series ... devoted to providing employment lawyers, general litigation lawyers, in-house counsel, and human resources professionals with expertly written, practical, and authoritative monographs" (p ix). The series editor, Peter Israel, has consistently been one of Canada's most recommended employment lawyers. The author, Gillian Shearer, is experienced as an employment lawyer and workplace investigator.

Shearer has covered all the topics you would expect to see in any text on workplace investigation, including the duty to investigate, investigations that go wrong, conduct of an investigation, and investigative techniques. In addition there is a section on the law of privilege as it applies to investigation reports and notes.

The book covers practical information on conducting investigations and managing the process and people involved. It provides a clear, fully explained, seven-step process for conducting the investigation. Additional issues discussed include confidentiality of the process, remaining unbiased and objective with complainants, and assessing credibility.

This title is also not light on the law. Sections such as "Rules of Conducting the Investigation" and "Consequences of an Investigation Gone Wrong" are well annotated with leading case law, from both administrative tribunals and the courts, where appropriate.

The book is well organized and clearly written. Wherever possible, Shearer presents information using numbered lists and summaries of key points. There are also several useful appendices, including a sample harassment policy, a precedent letter to a complainant, and a precedent letter to a respondent. Most importantly, Shearer recognizes that she isn't writing for just one audience. Where necessary, she provides primers on the law for the layperson, but avoids the pitfall of over-explaining to the practitioner.

This is a slim volume, but everything in it has a clear purpose. It has a place in the collection of sole practitioners or firms that advise clients in this area of the law. It would also be invaluable for in-house counsel or human resources professionals who are directly involved in conducting workplace investigations, whether or not they have a legal background. It likely wouldn't be on the top of any

acquisitions lists for an academic law library, unless it was being purchased as part of the larger series, as there are other more comprehensive teaching texts that cover this area of the law.

**REVIEWED BY
HEATHER WYLIE**

*Law Librarian
Alberta Law Libraries*

***The Law on Disability Issues in the Workplace.* By David Harris & Kenneth Alexander. Toronto: Emond, 2017. Includes bibliographic references and index. 424 p. ISBN 978-1-77255-117-4 (softcover) \$120.00.**

The goal of *The Law on Disability Issues in the Workplace* is to assist readers in identifying disability issues when they arise in an employment relationship. This is done by providing comprehensive and practical insights from the perspective of the insured employee, the employer, and the insurer, with a focus on claims made under group disability policies.

Written by David Harris, a well-known author and lawyer in workplace law, and Kenneth Alexander, a litigator and adjunct professor in labour and employment law, it is the third book in Emond Publishing's Employment Law Series, which is dedicated to providing legal practitioners and human resources professionals with comprehensive and practical information on the complicated issues faced in employment law. The book and series are national in scope: they include case law and legislative references from all provinces and territories.

Part I of the book details the procedural and legal issues related to disability claims, including the different types of disability insurance; the interpretation of disability insurance contracts; how to advance and defend disability benefits claims; and issues such as notice and limitation periods, subrogation, and the duty of good faith.

The first two chapters of the book are particularly useful, as they describe the fundamental and step-by-step issues of advancing and defending disability claims. For example, in chapter 1 the authors explain the different types of disability insurance and how to interpret disability policies. Also described in useful detail is the transition between "own occupation" and "any occupation," employers as negligent administrators, and whether a unionized employee should grieve or sue. In chapter 2, the authors take readers through the process of defending claims by reviewing the duty to mitigate, pre-existing medical conditions, and misrepresentation.

Part II describes the common law and human rights issues that arise on the adverse treatment of a disabled employee, including remedies, damages, privacy, and privilege. Of particular importance is chapter 10, "Employment Remedies for Disability Claims." Using case law from all provinces, the authors outline how the issue of frustration coincides

with human rights issues, such as accommodation and the remedy of reinstatement as a human rights relief. The second part of the book ends with practical considerations for disability claims, including termination, tax issues, medical records, and privilege.

The authors of *The Law on Disability Issues in the Workplace* are successful in making a complicated and evolving topic easier to understand. This is done not only through their clear and approachable writing style, but also through their use of lists, headings, a table of cases, and an index. The book's design also adds to its readability: the soft cover means that it can lay flat easily, and its smart use of colour helps distinguish the various parts of the book. It is recommended for labour and employment lawyers and human resources professionals, and it would also be a valuable resource for libraries supporting these practitioners.

**REVIEWED BY
ALEXIA LOUMANKIS**

*Acting Manager
Ministry of the Attorney General Law Library
Toronto, ON*

***The New Lawyer: How Clients are Transforming the Business of Law, 2nd ed.* By Julie Macfarlane. Vancouver: UBC Press 2017. xvi, 301 p. ISBN: 978-0-7748-3583-1 (softcover) \$34.95.**

Given the frequency with which the future of the legal profession is discussed these days, the second edition of Julie Macfarlane's *The New Lawyer* feels like a timely publication. Macfarlane starts off the book by reviewing the current state of the legal profession and the challenges that it faces. All the usual suspects are here: the increased size of the bar; the future of the billable hour; the rise of corporate counsel; problems with diversity; and, of course, the increasing number of self-represented litigants (SRLs). She urges lawyers not to be passive regarding these challenges and to change some of their viewpoints. The *New Lawyer*, she says, needs to incorporate three new dimensions into his or her practice: improved negotiation skills, improved communication skills, and treatment of the client as a partner in problem solving. These three dimensions are discussed throughout the book, with Macfarlane highlighting the role of alternative dispute resolution (ADR) in the legal process, the importance of communication, and the role of the client. Macfarlane sees negotiation as a key part of the skill set of the *New Lawyer* since she feels it gives lawyers more options to address their clients' needs. Conflict resolution advocacy requires that lawyers change their advocacy style in order to move away from what Macfarlane refers to as "zealous advocacy" (p 107). Traditional values and beliefs mean that some lawyers have an innate bias against mediation or other alternative dispute resolution, while others see it as a binary choice: a lawyer can either be a litigator or a mediator. Macfarlane notes that lawyers who have been involved in ADR, willingly or otherwise, have more respect for it than those who haven't. Whilst Macfarlane is extremely

enthusiastic about ADR, she does acknowledge that the collaborative mindset is not always optimal for clients.

The author addresses communication as an ethical issue for New Lawyers, with two particular concerns: ensuring that clients are able to give informed consent and communicating with SRLs. SRLs find it “an intimidating prospect and an uneven contest” (p 94) dealing with the court system, and a lawyer’s tone can make it even more difficult. However, Macfarlane stresses that communication skills are important no matter what the circumstance. She gives the example of a lawyer describing the difference between the language he uses in mediation (as opposed to advocacy) as “plain language rather than inflammatory language” (p 124).

Macfarlane notes that it is important that the New Lawyer treats their client as a partner; she stresses that clients should not be treated as a passive participant or, worse, “as obstacles to [the] pursuit of a rational legal strategy” (p 131). Corporate clients already expect to be equal partners, and this is increasingly becoming the case with personal clients. The prevalence of online legal information means that personal clients tend to come into the relationship better informed. The availability of online legal information can diminish the perceived need for a lawyer, leading to greater demand for value for money. Some of the clients Macfarlane quotes saw lawyers as charging a great deal of money for nothing and felt they were not really on the client’s side. She notes that when young lawyers first enter practice, they have very little experience with clients. In law school, students are taught that their role is “providing legal advice [...] not as offering Kleenex” (p 67). Macfarlane argues that the New Lawyer needs to integrate their clients’ non-legal goals and to be able to refer clients to other professionals.

Throughout the book, Macfarlane provides quotations from lawyers to illustrate her points. While these are obviously not representative of all members of the profession, it is illuminating to hear these individual points of view. Macfarlane also provides two case studies at the end of the chapter on lawyer/client relationships and discusses how a New Lawyer would have approached these two situations.

As a librarian, I was particular interested in the discussions of the role the internet plays in the dissemination of legal information and how it affects the legal industry. Macfarlane notes that SRLs don’t find online information an effective replacement for a lawyer:

Many self-represented litigants describe how frustrating it is to realize the limits of legal information without the context to explore and apply it to their own conflict ... [B]y the end of their experience, few self-represented litigants would prefer Google to a real-life, affordable, competent lawyer (p 55).

One reason for this is that SRLs find legal information available online that is often not helpful, given its “emphasis on substantive legal information and an absence of information on practical tasks” (p 61).

One jarring note is that Macfarlane uses the phrase “World Wide Web” rather than “internet,” which seems rather quaint and slightly undercuts the “embrace change” message of her book.

Macfarlane concludes the book with a discussion of five areas critical to “developing a new professional identity for lawyers in the 21st-century” (p 218): legal education, the role of the judiciary, related professions and inter-professional collaboration, SRLs and access to justice, and “disruptive” technologies. Macfarlane clearly feels that the law societies and law schools have a key role in addressing the new reality; for example, ensuring that codes of conduct catch up with dealing with SRLs. She is also critical of the state of current legal education, commenting that “legal education ... continues to offer ... an alternative reality to legal practice” (p 220).

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

***Regulating Reproductive Donation*. Edited by Susan Golombok, Rosamund Scott, John B. Appleby, Martin Richards, and Stephen Wilkinson. Cambridge: Cambridge University Press, 2016. xii, 382 p. Includes bibliographic references and index. ISBN978-1-107-09096-5 (hardcover) \$143.95.**

Few topics meet at the intersection of ethics, politics, religion, sociology, and law quite like reproductive health. Indeed, reproductive health care is an emotionally sensitive area for many: the people undergoing these procedures; the people who will eventually be born of them; and, seemingly, society at large. This highly complex subject is examined from almost every possible angle in *Regulating Reproductive Donation*.

Derived from a workshop held at the University of Cambridge Centre for Family Research with participants from diverse fields of study, the book presents a series of essays that discuss a number of topics related to reproductive donation. The essays are collected in four parts. Part One, *International, Cross-Border and Global Issues*, opens the book with a look at some of the larger topics with regard to gamete donation. Questions of legal parentage, international donation and surrogacy, and the environmental impact are all covered. Part Two, *How Many Children Per Donor?*, examines one of the oldest concerns with regard to gamete donation. Finally, parts three and four switch the focus onto gamete donors. *Donors: Experiences, Motivations and Consent* looks at both egg and sperm donors in three very interesting chapters, while the final part, *Information about Donors: The Interests at Stake*, looks at how parents choose donors, what donor information is or should be made available, and how families feel toward and about their donors.

From a legal literature perspective, there have been few works dedicated to this topic from Canada. While this book does not present an exhaustive examination of reproductive donation and care in this country, Canadian legislation and

practice is touched upon briefly, offering a comparative look at the situation here versus abroad. As many of the chapters focus primarily on the United Kingdom, this book serves as an excellent discussion and analysis of the myriad topics related to reproductive donation more generally, rather than a treatise examining Canada specifically.

Where this book excels is in weaving together a multi-disciplinary examination of this constantly evolving topic. Each chapter approaches a new facet of the conversation surrounding reproductive donation and looks at all the strands—personal and political—that make up these delicate issues. Most often, the authors land on a compassionate and evidence-based response to the questions that remain. The organization and bibliographic features of this work create a book that is easy to read and provides a suitable starting place for further research. The division of the book into larger themed sections directs the reader to a broad topic, while the chapters themselves are organized in a clear and detailed way that leads the reader to the finer points. Each article is complete with a bibliography, in which relevant legislation and case law are listed separately. A comprehensive index concludes the book.

Overall, *Regulating Reproductive Donation* is an incredibly interesting read from start to finish. This book would be a suitable addition to an academic legal collection, but also a worthwhile read for legal counsel working in this area to better understand the nuances and intricacies of reproductive donation.

REVIEWED BY
JENNIFER WALKER *Head Librarian*
County of Carleton Law Association

***Responding to Human Trafficking: Dispossession, Colonial Violence, and Resistance among Indigenous and Racialized Women.* By Julie Kaye. Toronto: University of Toronto Press, 2017. xxii, 279 p. Includes appendices, endnotes, bibliographic references, and index. ISBN 978-1-4875-2161-5 (softcover) \$29.95.**

With the federal government's renewed commitment to improved relations with Indigenous peoples and its desire to showcase our country as one that welcomes newcomers and embraces multiculturalism, Canada must not only acknowledge its history of oppression of Indigenous peoples and migrants, but also must confront the ways in which government institutions, law enforcement agencies, and non-governmental organizations continue to uphold this legacy of oppression.

Julie Kaye, an assistant professor with the Department of Sociology at the University of Saskatchewan, puts this ugly truth at the centre of her book on human trafficking in Canada and demonstrates how anti-trafficking efforts have done more harm than good to the people they aim to serve. Kaye draws on feminist, anti-colonial, Indigenous, and

postcolonial development theories in her critical analysis of anti-trafficking responses by the federal and provincial governments and by Canadian NGOs, but her focus is on analyzing these responses from the perspective of settler colonialism theory.

Kaye's goal for the book was to demonstrate that in a context of settler colonialism, Canadian anti-trafficking responses and other anti-violence initiatives reproduce structures of domination more often than addressing ongoing forms of dispossession that continue to naturalize inequalities and produce contexts in which trafficking and varying forms of violence occur (p 3-4).

In the introductory chapter, she describes the characteristics of the settler colonial relationship and the qualitative research she conducted for the book, which consisted of one-on-one conversational interviews, group interviews, and focus groups with people involved in anti-trafficking work or areas affected by anti-trafficking discourses in Vancouver, Calgary, and Winnipeg. Kaye also conducted a media and website review of government agencies and NGOs involved in anti-trafficking efforts.

Within the framework of settler colonialism, Kaye emphasizes the problematic nature of the discourse and narrative that drive anti-trafficking efforts in Canada, and how the language of these efforts serves to uphold and reinforce the values of the established patriarchy rather than truly support the people they claim to protect. Her argument is an important one, but her message is sometimes lost due to its dense language. The book is at its most accessible and enlightening when the author references her qualitative research and provides direct quotations from the interviewees.

The book addresses the narrative around human trafficking and its development and specific topics such as (mis)representations of human trafficking victims and purveyors, the conflation of human trafficking with sex work, and the criminalization of human trafficking. While the Canadian experience is central to Kaye's work, she also touches on the international perspective. She analyzes the problems associated with describing human trafficking as "domestic" and "international" and reviews international and national legislation as they relate to human trafficking.

Appendices include a list of organizations represented by the research participants as well as questions used in conversations with the participants. An extensive list of references demonstrates the range of disciplines from which Kaye draws her research, and a useful index allows readers to access information on specific individuals and organizations.

Kaye's work is a significant addition to the academic literature on anti-trafficking efforts in Canada and should be included in academic library collections. It will be of interest to upper-year and graduate students and faculty with research

interests in policymaking as it relates to anti-trafficking, as well as in settler colonial studies and indigenous studies.

REVIEWED BY
ANGELA GIBSON

*Library Support Assistant, Bora Laskin Law Library
University of Toronto*

The Theory of Self-Determination. Edited by Fernando R Teson. Cambridge: Cambridge University Press, 2016. 256 p. Includes bibliographical references, table of contents, and index. ISBN: 978-1107-545151 (softcover) \$39.95.

This book is a collection of essays by eminent international law scholars on the subject of self-determination from the perspectives of philosophy, history, and law. The central question of the book has to do with when the right of self-determination becomes visible. The question is complex, given that international law must not only establish the right as operational and identify the holder of that right, but also explicitly identify the content of that right.

The nationalist approach to self-determination—i.e., that approach based on the people having ethnic status of language and religion—runs into difficulty, according to the book, when people do not share a common race, religion, culture, or language. In the light of these barriers, new approaches to the right of self-determination have steered away from the concept of nationalism. The matter is further complicated by the conflict between the right of self-determination and the right of a state to preserve and maintain its territorial integrity, as in the situation involving the Ukraine and Crimea, both of which are legally part of Russia.

Thus, three important factors must be taken into account when determining whether the right of self-determination exists. The first requires some conclusion as to whether a specific group is entitled to the right. Second, the right of self-determination must be viewed not as a right *against* a state, but as right to *assert* new political power. Thirdly, along with the right comes the gain of appropriate territory, emphasizing factors such as religion, race, past injustices, and shared common history (e.g., Quebec within Canada).

Throughout the work, moral standards and moral and immoral behaviour loom large. For example, in the first chapter Bas Van Der Vossen concludes that international moral standards are not sufficient to support the right of self-determination, while in the second chapter Christopher Morris argues that nationalism leading to ethnic cleansing and mass murder will undermine any case or efforts for national self-determination. In chapter 3, Frederic Megret notes that the right of self-determination is earned when people organize and behave in such a way that will incline the international community to recognize their right to self-determination.

Legal and moral rights, global justice, and political obstacles are also explored. In chapter 4, “The Right to Exist and the Right to Resist,” Jens David Ohlin explores the right to self-determination as belonging to a host of legal rights, including freedom from aggression or genocide, that emerge from the fundamental right to exist and the right to resist. Chapter 5, Patrick Macklem’s “Self-determination in Three Movements,” considers that the right of self-determination generates more than just distribution of sovereign power among states as recognized in international law, but also bridges the gap between the operation of international law and global justice. Alan Patten, in “Self-determination for National Minorities,” discusses some of the political obstacles to self-determination, such as the requirement that a state is opened up to additional monitoring and greater interference by international community.

Secession takes up the next two chapters. Matthew Lister, in “Self-determination, Dissent, and the Problem of Population Transfers” discusses population transfers that will obviously result in actual cases of secession, and Michael Blake, in “Civil Disobedience, Dirty Hands, and Secession,” highlights the role of secessionist declarations and the rule of recognition, civil disobedience, and secessionist disobedience in international law.

The history and the future of the self-determination round out the collection. In chapter 9, “Mars for the Martians: On the Obsolescence of Self-determination,” John R Morss argues the concept of self-determination had lost its usefulness and validity in contemporary international law. Self-determination, it appears, might be used as strategic rhetorical means but will not yield any positive results. Finally, in “The Evolution of Self-determination of Peoples in International Law,” Elizabeth Rodriguez-Santiago assesses the past evolution of the right and where we are today.

This book is a valuable study and is recommended as an additional source for further research and investigation on the subject of self-determination. It is certain to appeal to scholars and practitioners of international law, global justice, and international relations.

REVIEWED BY
HUMAYUN RASHID
*Bora Laskin Law Library
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When I Die: Financial Planning for Life and Death 2018. By Garry R Duncan and Andrew G Duncan. Toronto: Thomson Reuters, 2017. 125 p. Includes appendices and index. ISBN 978-0-7798-7819-2 (softcover) \$39.00

When I Die: Financial Planning for Life and Death 2018 is partly educational for someone thinking about tax planning, writing a will, or becoming an executor, and partly a workbook covering everything from wills and why they are a good idea, to funerals, tax returns, and the benefits and disadvantages

of various forms of trust. As such, it covers a lot of material (some quite complex) in a limited number of pages. For that reason, the authors suggest that readers speak to a lawyer after using the book. If those readers spend any amount of time with this book, they will have some knowledge of the subject matter and know what questions they need answered when they meet the lawyer.

For fairly simple estates, this book is a very useful tool. It is, perhaps, more useful in educating people on practical issues they should be pondering; for example, four questions found at the beginning of chapter 1:

1. do you have a will?
2. do you remember where you filed it?
3. does anyone besides yourself know where your will is located?
4. have you reviewed your will recently?

After reading this book, I went looking for my will (and found it, thank goodness). I reviewed it and decided that (a) I had better tell my executors where it was being stored and what lawyer had prepared it, and (b) I should probably revise it, given that it is seventeen years old and, among other things, my kids probably do not want to go live with their aunt anymore (as they have since moved out on their own).

If nothing else, it shows that I, for one, benefitted from reading the book. How much benefit? What was my starting point, after all?

From the point of making this review more useful, I should say that (a) I am a lawyer, and (b) for the most part, I send will and estate questions down the hall to other partners or associates. Putting me at my highest, I might be considered a reasonably well-educated consumer when it comes to assessing the value of this little book.

When I Die is aimed at a wide market, and most of the book

is written in clear, straight-forward language. Some chapters are a little more theoretical than others, and others were very practical, indeed. For example, chapter 6, dealing with preparing the final tax return, tells you what to put in each area of the return. How much more practical could it be?

The section dealing with trusts, on the other hand, is much harder to follow and get practical use from, other than identifying issues the reader needs advice on. Logically, this is one of the sections where the authors make it clear that you need professional advice.

Because it is a workbook, each section provides space for notes. For example, when you are considering what kind of funeral you want, there is space for you to write notes for your family about whether the funeral is pre-paid or partially pre-paid, where the funeral will take place, which funeral home, etc. This goes on throughout the book.

Unless you are an expert in wills and estates, *When I Die* will teach you something. This applies both to the educated consumer (as I would classify myself) and to the less-educated consumer. For example, I was actually surprised to discover on page seven, when discussing non-matrimonial home joint tenancy, that if you die holding an interest in a property as a joint tenant, the interest in that property will go to the surviving joint tenant (this I knew), but the transfer to the surviving joint tenant will be deemed to create a transfer of ownership in the year of death, at fair market value. If a capital gain arises, the estate will be liable for any resulting income tax, but won't have the property. This I did not know. I always thought that when an interest pursuant to a joint tenancy is transferred, it is a tax-free transfer all round. This is useful information when determining how to divide an estate. This book provides such information at a reasonable price.

REVIEWED BY
JOHN K LEFURGEY
Partner, Martens Lingard LLP

Are you a student?

Interested in publishing an article in the Canadian Law Library Review?

The CALL/ACBD award of \$250 is given annually to the student author of a feature length article published in the CLLR. Submit an article today to be considered! Articles can be submitted to any of our feature editors.



III Bibliographic Notes / Chronique bibliographique

By Susan Jones

Michelle Crosby, “Roundtable Discussions and the Interview Process: Benefits and Best Practices” (May/June 2017) 21:5 AALL Spectrum 47.

This is a great article if you’re looking to add something new to the traditional interview process. Although geared to academic libraries, a roundtable discussion is something that could be implemented in other library settings, too. In this article, Michelle Crosby, associate director at the Joel A Katz Law Library at the University of Tennessee in Knoxville, provides tips and advice for incorporating a roundtable discussion into the interview process. She begins her article by outlining the different types of roundtable discussions and the benefits of roundtable discussions. She then reviews what to consider when deciding whether to use a roundtable discussion, how to incorporate one into the interview process, the importance of communicating expectations to the participants in the roundtable, and finally, deciding how to use roundtable discussions to evaluate candidates.

The author begins her article by describing three types of roundtable discussions. She calls the first type the *traditional roundtable discussion*. In this situation, candidates are provided with the topic in advance and engage in a discussion of that topic with a small group of active participants. The discussion among the participants should focus on the trends and viewpoints associated with the topic. The second type of roundtable discussion is the *coffee talk*. Here, candidates discuss a topic with the goal of educating the other participants. Everyone actively takes part in the discussion, but unlike in a traditional roundtable,

the point in a coffee talk is for participants to learn something new. The third and final type of discussion described by the author is a *TED-style talk*, where candidates are expected to give a short, persuasive talk on a topic provided to them beforehand. Although participants only listen during the talk, questions are permitted at the end. TED-style talks resemble the formal presentations that candidates typically give during interviews at academic libraries, but are generally shorter in length, usually 15 to 18 minutes. Because of this similarity, the author recommends using a TED-style talk when a formal presentation isn’t used, or when the two presentations can be scheduled on different days.

There are many benefits to adding a roundtable discussion to the interview process, according to the author. One benefit is that it allows search committees to assess qualities and skills that are different from those assessed in a formal presentation. In a formal presentation, candidates are usually asked to speak on a topic about the future of the profession, about the position for which they’re being interviewed, or on a teaching topic. Whatever the topic, there’s typically plenty of information available for candidates to use as they prepare, and such formal presentations allow the search committee to assess candidates’ suitability for the classroom. A roundtable discussion, on the other hand, gives search committees the opportunity to assess different qualities, such as candidates’ creativity or thoughtfulness. Another benefit of adding a roundtable to the interview process is the opportunity to further assess candidates’ communication skills and their ability to respond to questions. A roundtable discussion also gives the search

committee the chance to see how candidates interact with a small group of people, which may give them some idea of how they'll work with others on a daily basis. Roundtable discussions offer benefits for candidates, too. These types of discussion give them the opportunity to set themselves apart from the competition. Candidates may also find that a roundtable discussion is a welcome break in a long day of answering questions in meetings, at formal presentations, and during meal breaks. After all, roundtable discussions offer candidates the chance to steer the conversation and ask questions of the other participants.

The author discusses a few things for search committees to consider when deciding whether to incorporate a roundtable discussion into the interview process. First, interviews at academic libraries are typically day-long affairs already, so adding a new element may make the day even longer. In fact, it might even necessitate tacking on an additional day to the interview process, which will have an impact on candidates' travel and length of stay. It's also important to consider how much time to allot to a roundtable discussion. The author suggests that a roundtable discussion should be half the amount of time given to the formal presentation. So, if the formal presentation is 30 minutes, then give 15 minutes to the roundtable discussion. However, if a formal presentation *isn't* part of the interview process, then allow 20 to 30 minutes for the roundtable. Search committees must also consider which type of discussion will be the most helpful in evaluating candidates. A traditional roundtable could be useful when hiring a student services librarian because it might give the search committee a better understanding of candidates' approach to service. On the other hand, a TED-style talk for a technology-focussed position would give candidates the opportunity to highlight their relevant expertise. Another factor for search committees to consider is the audience, especially for those types of roundtable discussions where the audience are active participants in the discussion. It's equally important to consider the venue. According to the author, it's best to seat everyone around a table, or least close together if a table can't be used. Remember that roundtable discussions are meant to be more relaxed than a formal presentation, so make sure the setup suits the event.

Once a search committee decides to incorporate a roundtable discussion into the interview process, it must then consider how to implement it. One of the first things to do is find an appropriate time slot during the day for the discussion. The author advises against scheduling the discussion immediately before or after the formal presentation when candidates will need time to prepare and wind down. To that end, the search committee should make sure there's at least one other event between the formal presentation and the roundtable. Some of the options for scheduling include first thing in the morning after a tour or breakfast; late in the afternoon, as a way to see what candidates have learned throughout the day; or even the night before the interview, perhaps in advance of dinner with the search committee.

The search committee will also need to decide what, if any, information candidates should receive before the interview. For example, if candidates are expected to discuss how to improve an existing library program or service, they'll need to know how that program or service presently works.

The author also addresses the topic of expectations. Not all candidates will be familiar with roundtable discussions, so it's important for search committees to let candidates know what's expected of them. For example, search committees will want to advise candidates that the informal nature of a roundtable means they shouldn't use a slide presentation during the discussion and that they won't be expected to speak from a podium. In addition to conveying expectations to candidates, it's equally important to let the other participants know what's expected of them. Of course, participants need to know the topic of the discussion, but they also need to know which type of roundtable will be used and what that means for them. For example, if it's a TED-style talk, they need to know that they should reserve their questions until the end, and if it's a coffee talk, that they should feel free to ask questions and express their own opinions throughout the discussion.

The final area addressed by the author is evaluation. Search committees must determine what skills or qualities it wants to evaluate through the roundtable discussion: is it a candidate's creativity, knowledge of a topic, non-verbal communication, or ability to make decisions? Search committees must also decide how much weight to give to the roundtable discussion relative to the other components of the interview process.

In closing her article, the author notes that roundtable discussions can be incorporated into the interview process for any library position, whether it's public services, technical services, technology, or administration. Roundtable discussions give search committees an additional evaluative tool and a means to assess skills or qualities of candidates that they might not otherwise tease out during the interview process. Roundtables add a new and refreshing element to the interview and can be very useful in separating the top candidates from the rest of the pack by giving them a platform to convey their creativity, thoughtfulness, and ideas in a small-group setting.

Lesley Ellen Harris, "Creating Copyright-Savvy Slide Presentations" (September/October 2016) 20:5 Information Outlook 19.

This article is a great reminder about the importance of copyright when creating slide presentations. In this article, Lesley Ellen Harris—copyright lawyer, author, and educator—shares her own copyright best practices so we can better understand the issues involved in creating slide presentations. With this information in hand, we can then educate others about how to create copyright-compliant

presentations, and, most importantly, help protect ourselves and our organizations. The author's first best practice is to *assume that copyright applies*. As we all know, copyright issues are complex matters, and since the answers to many of the questions about copyright-compliant usage are not cut and dried, it's best to proceed as though any content or images selected for a presentation are protected by copyright.

The second best practice for creating copyright-compliant slide presentations is to *only use the facts and data*. Instead of seeking permission to share or adapt a table or chart, the author recommends simply using the data. Similarly, when it comes to using other types of content, just state or summarize the facts instead of seeking permission from the copyright holder to reproduce the information exactly as found in the original source.

The third best practice is to *limit the amount of material used*. According to the author, using small portions of a work, such as a short quotation or thumbnail print of an image, is acceptable in most cases.

The fourth best practice is to *consider the alternatives*. Instead of using content and images from copyright-protected works, consider linking to the original source on the creator's, or copyright holder's, website. You could also just describe the image or content you wish to use, instead of reproducing it in the presentation. The author also suggests creating your own content or images to use in a presentation. For example, create your own table or chart with the data you want to present or take your own photo to include in a slide. Keep in mind, however, that the copyright in content created for work and in the course of your employment may rest with your employer. Another alternative is to use a stock photo agency. Of course, any images from a stock photo agency must be used in accordance with its license and the terms and conditions of your agreement. The author's final alternative is to use images or content subject to a Creative Commons license. Given the number of different types of Creative Commons licenses available, it's important to carefully read the terms of the license attached to the image or content to ensure it's used appropriately.

The author's fifth best practice concerns *prior permission, fair use, and fair dealing*. If you're granted permission to use protected content by the copyright owner, make sure you understand the terms of that permission. For example, permission to use the content in a one-time only local presentation to your fellow employees doesn't necessarily mean the content can be used again in a different presentation to a different audience. If necessary, seek additional permission for subsequent use of the copyright-protected content, or use an alternative. If you don't seek permission to use copyright-protected work, you may still be able to use it in your presentation through the fair use (United States) or fair dealing (Canada) provisions in copyright legislation. However, the author advises anyone relying on fair use or fair

dealing provisions to proceed with caution. As noted earlier, copyright issues are complex matters, and assessing the applicability of fair use or fair dealing to copyright-protected content is no exception. In fact, the only way to know for sure is in a court of law, but as that's not a realistic option for most people, the author recommends that you understand your organization's position on such copyright matters and seek the advice of a copyright expert or legal counsel.

The sixth and final best practice for creating copyright-compliant presentations is to *familiarize yourself with the basics of copyright*. According to the author, everyone in an organization needs to be familiar with the basics of copyright, and taking the appropriate courses can provide that awareness and help them understand when and where to get help.

Alexandra Gallin-Parisi, "It's a Marathon, Not a Sprint, and Other Lessons for Supporting Librarianship and Motherhood" (August 2017) 31:4 Library Leadership & Management 1. Available online: <journals.tdl.org/llm/index.php/llm/article/view/7213/6429> (accessed 1 November 2017).

If you're a library administrator at an academic library, then you probably know that lots of questions arise upon learning that a librarian on staff will soon be taking maternity leave: questions related to your organization's leave policies, about reassigning responsibilities during maternity leave, and about how a new mother's schedule might change when she returns to work. Often there is little information to help library administrators answer these questions, but the author of this article tries to fill that gap. In this article, author Alexandra Gallin-Parisi, instruction librarian and assistant professor at Trinity University in San Antonio, Texas, draws upon her own research and the current literature to present four key lessons for library administrators who want to better support academic librarians who are also the mothers of young children.

Right off the top, the author is quick to point out that her article is not a substitute for consulting your organization's human resources professionals, so she encourages library administrators to seek their expert advice on these matters. She also acknowledges that her article focusses specifically on how to support librarians who are *the mothers* of young children. In other words, she doesn't address any of the issues facing librarian-*fathers* in a similar situation. So with those caveats in place, let's move on to the author's four key lessons.

The author's first key lesson for library administrators is to *know the relevant university and departmental policies*. Library administrators should be familiar with the applicable university and departmental policies, including those that address pregnancy leave, returning to work, tenure clock extension, and lactation support. Just as it's important

to know and understand the relevant policies, it's just as important to share that knowledge with staff. In fact, the author recommends that administrators have regular discussions with staff about these policies, and that means everyone on staff, not just the librarians of child-bearing years. It's important that colleagues, coworkers, and especially those with responsibility for evaluating librarians, are familiar with the policies available to mothers.

The second key lesson is to *be flexible and support librarian-mothers in their use of the relevant policies*. Not all policies—federal legislation, for example—can be modified or tailored to suit individuals or particular work environments. Library administrators, however, can practice flexibility in other ways. Flexibility can have different meanings and take different forms depending on the situation. For example, flexibility might mean that staff members pull together to ensure that bibliographic instruction continues in the librarian-mother's absence. It could also mean that reference shifts are covered, projects are completed on time, or that a new schedule is developed to enable new librarian-mothers to better balance their responsibilities at home and work.

The third lesson is to *be aware of flexibility stigma, bias avoidance, and other campus culture hurdles*. Some librarian-mothers are reluctant to take advantage of their institution's policies for fear that others may think they're not committed or devoted to their careers. Unfortunately, their fears are not unfounded. Bias and stigma surround caregiving in the workplace, and librarian-mothers may say or do things to avoid such negativity. As an example, they might prioritize work over family to demonstrate their focus and commitment to the job, or avoid mentioning their caregiving responsibilities to skirt any questions about their priorities.

Needless to say, a librarian-mother's experience of balancing work and family is influenced greatly by the attitude of her coworkers. Library administrators should be aware that not all staff will necessarily be supportive of their colleagues who are also the mothers of young children. A librarian's maternity leave, flexible schedule, and need to leave work unexpectedly for family reasons can all put a strain on her relationship with others in the workplace. When it comes to stigma, bias, and unsupportive colleagues, library administrators should model the behaviour they expect from their staff. They should also ensure everyone understands that discreditable behaviour toward librarian-mothers, including snide remarks and comments, is unacceptable and won't be tolerated. Library administrators should strive to create a workplace environment where there's no "ideal" librarian, and where using maternity leave and other institutional policies are considered normal and routine, rather than special treatment.

The fourth key lesson is to *remember that being a librarian-mother is a marathon, not a sprint*. There are adjustments to make in order to accommodate the needs of expectant librarian-mothers and those raising young children. Some of those adjustments may be difficult to implement, but it's important to remember that accommodations for mothers of young children are only for a short period of time when considered in the context of their entire careers. It's also important to remember that all employees, not just mothers, may need accommodation and flexibility at different points over the course of their working lives. Librarians who are also the mothers of young children can only benefit from their supervisors' or administrators' greater attention to, and awareness of, the above-noted lessons. As a further aid to interested library administrators, the author includes a list of reports, toolkits, initiatives, and other documents from academic institutions that may help them better understand how they can support their librarian-mothers as they try to balance their responsibilities at work and home.



NEW LAW LIBRARIANS' INSTITUTE

Not just for NEW law librarians - everyone welcome!

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

By Kate Laukys

From east to west, here is a quick look at what has been happening in the law library community across the country.

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

Le 14 septembre 2017, l'ABDM a tenu son lunch annuel de la Rentrée au restaurant St-Hubert. Le 20 octobre 2017, l'ABDM a organisé une conférence intitulé « L'humain : la maillon faible? » avec Daniel Marcotte. Daniel Marcotte est directeur, Architecture technique/sécurité pour Stikeman Elliott. La présentation a porté sur quels seront les impacts sur le futur de la cyber criminalité et comment nous réussirons à garder le contrôle sur notre vie privée, nos données et toutes informations confidentielles.

On September 14, 2017, MALL held our annual return lunch at the the Rôtisserie St-Hubert. On October 20, 2017, MALL organized a conference entitled "Human: The Weak Link" with Daniel Macotte. Daniel Marcotte is the director of technical and security architecture for Stikeman Elliott. The presentation focussed on how cyber crime will impact the future and what we can do to control our private lives, data, and confidential information.

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

National Capital Association of Law Librarians (NCALL)

Fall 2017 was busy for the National Capital Association of Law Librarians. In September, the new executive hosted a panel on library training offered to legal professionals from the academic, courthouse, and private firm perspectives. October included a session on government information. In December NCALL held a holiday luncheon for members and discussed changing the association's terms of reference. For the New Year we put together sessions on the Truth and Reconciliation Commission and legal officers in the Canadian Armed Forces.

SUBMITTED BY ALLISON HARRISON
National Capital Association of Law Librarians, Secretary

Ontario Courthouse Libraries Association (OCLA)

We are pleased to welcome the following new members into our association: Amelia Hardy is the new librarian at the Cochrane Law Association and is a recent graduate of the law clerk program; Laura Richmond is the new librarian at the Hamilton Law Association; Durham Law Association has hired a new assistant, Shanna Giguere, who is a graduate Library Technician; at the Peel Law Association,

Arielle Vaca, a recent Seneca college graduate, is covering Maida de Vera's maternity leave; and the Carleton County Law Association welcomed back Amanda Elliot from her maternity leave.

At our fall conference in Toronto, our association approved changes to our bylaw and policy documents. As well, we approved moving forward with a project on creating an app that will provide basic information for lawyers visiting our county law libraries across the province. This app will provide not only library locations, but also contact information and hopefully other important details for visiting counsel.

During our conference we had a short presentation by Jennifer Walker from Carleton County Law Association on their innovative project Willcheck.ca. This currently provides a searchable database of wills filed in the Ottawa region and could ultimately be expanded to a province-wide database. We also had presentations on Quicklaw Advance, Steps to Justice (CLEO), communications, etc. Our conference ended with a wonderful tour of the Great Library. Many thanks to the staff of the Great Library, especially Chris Kycinsky (reference librarian) and Jeanette Bosschart (head, library client services), for providing an interesting and delightful tour! As well, Jaye Hooper, the chair of FOLA, reported on the status of the Legal Information Resource Network (LIRN) proposal. Currently the transition team is working on establishing a new board of directors. Discussions on this new framework for LibraryCo continue, but one decision has been made: the county law library staff will remain employees of their local associations. We look forward to future communications from the LibraryCo/LIRN Board in 2018.

SUBMITTED BY HELEN HEEREMA
OCLA, Chair

Edmonton Law Libraries Association (ELLA)

At our business meeting in September, our new executive was put in place. Julie Rainey and Anke Eastwood are co-chairs, Shane Allan is our new secretary-treasurer, and Susan Frame is the new member-at-large.

In October we were fortunate to have the Honourable Justice Andrea Moen (Alberta Court of Queen's Bench) and Diana Lowe (executive counsel to the Associate Chief Justice and Director) provide us with an update on the Reforming the Family Justice System (RFJS) initiative. "The RFJS initiative is committed to working collaboratively to effect system-wide change in the family justice system. The collaborators are motivated by a desire to help Alberta families settle their disputes in ways that won't necessarily involve litigation, that they can afford, and that protect the needs of their children." For more information on this project, visit rfs.ca.

In December, ELLA hosted our annual Christmas gathering at The Nook for an evening of socializing and celebration.

January brought the Honourable Judges Anderson and Johnson of the Provincial Court of Alberta to our meeting to update us on the status of the Mental Health Court and the Drug Treatment Court.

SUBMITTED BY SUSAN FRAME
Member-At-Large, ELLA

Vancouver Association of Law Libraries (VALL)

Greetings from Vancouver!

VALL's varied program of education and social events is in full swing. We held a lively and interesting program in October with guest speaker Daniel Reid of Harper Grey LLP speaking on "Reputation Matters: Tips and Tricks for Dealing with Online Defamation and Privacy Actions." Vanessa Boname of Dentons Canada LLP hosted a well-attended morning social as part of our library visits and morning social events. The highlight of our festive season is our annual Christmas lunch, which also honours the memory of Peter Bark, a founding member of VALL. We welcomed two new lifetime members in December: Liisa Tella and Sandra Varga. Our guest speaker for our December event was Rebecca Slaven, who told us "How to Be a Librarian in Kazakhstan." Looking ahead to 2018 we are eagerly anticipating the launch of our new website in mid-January.

SUBMITTED BY TERESA GLEAVE
President, Vancouver Association of Law Libraries



III News from Further Afield / Nouvelles de l'étranger

Notes from the UK London Calling

By Jackie Fishleigh

Hi folks!

“Just Get on with It”

As the clock ticks ever louder towards the UK's exit from the EU, David Greene, senior partner at London law firm Edwin Coe, has written a timely article entitled “Brexit Manoeuvres” in *New Law Journal* (16 February) stating that we “still have yet to agree among ourselves the fundamentals of the relationship.” Many ordinary people have by now lost interest in the process and, like a considerable proportion of Europeans, are saying “just get on with it.” Meanwhile, how the future will look has got completely bogged down in a political impasse. The issue of Europe has divided the ruling Conservatives for decades. However, becoming a third country to the EU without a transition period would be “cliff edge” stuff and popular only with right-wing Tories who favour a so-called “Hard Brexit.”

The All-Important Transition Period

The transition period does thankfully appear to have been agreed on in principle and commences at the end of March 2019.

According to the BBC, the plan is for a time-limited period (of approximately two years) before the eventual permanent

arrangements for UK-EU relations—which have yet to be negotiated—kick in.

Prime Minister Theresa May has said that the transition period, which the UK side tends to refer to as an

implementation phase, will allow businesses time to prepare for the new arrangements and avoid disrupting holiday-makers and things like international security measures.

However, the two sides have different ideas about what it should look like.¹

The EU has issued stark warnings of the consequences to the UK in civil justice and international law. UK judgments in civil and family law will no longer be recognised and enforceable in the EU under Brussels I or II. Time is ticking on putting in place the alternatives to avoid these problems. In replacement for the Brussels Regulations, the government has committed to join the Lugano Convention but timing to do so is now difficult, as the lead in for joining the Convention is at least 12 months.

The House of Lords and the EU Withdrawal Bill

In an elegant article from the same issue of the *New Law Journal*, Michael Zander considers how the House of Lords Constitution Committee believes the bill to be “fundamentally flawed from a constitutional perspective in multiple ways” and proposes changes to make it more fit for purpose. The House of Lords is stuffed with Remainers, but as an

¹ “A Quick Guide: What Is the Brexit Transition Phase?”, *BBC News* (1 February 2018), online: <www.bbc.com/news/uk-politics-42906950>.

unelected House it has to be careful not to overstep the mark for fear of disrespecting the “will of the people.” However, since we are heading for the last chance salon in terms of tempering Brexit, it may be prepared to stick its neck out and flex whatever muscle it has.

Human Slavery – Modern Slavery Is Closer Than You Think

In my case, Croydon, the most affected London borough, is where I went to school, which I find deeply unsettling. Human slavery is something I thought happened elsewhere.

Councillor Toni Letts, Mayor of Croydon, said when opening a recent conference on the subject:

It’s shocking to think that the scourge of slavery remains a problem in modern Britain, yet there is strong evidence that men and women of all backgrounds and ages are suffering what is often inhuman treatment on a daily basis.²

Judge Travels to Sierra Leone to Hear Evidence

On 29th January, Mr. Justice Turner became the first UK judge to travel to a foreign jurisdiction to hear evidence. He undertook this as part of proceedings he is hearing over allegations of human rights abuse by a company against its workers and villagers near its mines in Sierra Leone, West Africa.

Equal Pay, #MeToo, and Barry Bennell

The sexual abuse scandal surrounding Hollywood mogul Harvey Weinstein has sent shockwaves around the world, the UK included. Women here are standing up for their rights in a way I have not previously seen, calling out those who have taken advantage of them either sexually or by paying them less than men for equivalent work.

The latest, and in some ways most appalling, abuse to come to light since the Jimmy Savile scandal is actually of a man abusing young males in his trust. Ex-football coach Barry Bennell has just been jailed for 31 years at Liverpool Crown Court for 50 counts of child sexual abuse. Bennell, described as the “devil incarnate” by the Judge Clement Goldstone QC, was convicted of abusing 12 boys aged eight to 15 between 1979 and 1991. Bennell worked for major football teams such as Manchester City. These teams are being asked to explain how no one intervened to stop this horrible man molesting young boys on an “industrial-scale.”³

PyeongChang 2018

As I write this, the Winter Olympics are in full swing and going well for Canada so far as I can tell. I am mainly watching the

highlights, which are shown at 8pm over here as the live coverage starts at midnight and would interrupt my beauty sleep!

Tessa Virtue and Scott Moir are absolutely awesome ice dancers, I must say.

I am also loving all the snowboarding thrills and spills, although the bitter -16°C South Korean wind has dashed the hopes of many, including our hopeful, Aimee Fuller.

Team GB might claw the odd medal, but we take nothing for granted. Traditionally, skeleton has been our forte. Amy Williams won gold in Vancouver in 2010. Originally a runner, she began training in skeleton after trying the sport on a push-start track at the University of Bath! We just don’t get the right weather here... Lizzie Yarnold achieved the same feat at the Sochi games in 2014.

British Cycling: Answers in a Jiffy Bag?

Our unrivalled prowess at cycling, which the public had been led to believe was down to the “marginal gains” championed by performance director Dave Brailsford, has now been questioned in a recent BBC documentary looking at doping allegations and an alleged mystery package delivered to Bradley Wiggins in 2011.

In November 2017, the House of Commons Culture, Media and Sport Select Committee investigation into wrongdoing at Team Sky and British Cycling received some answers by those who sat before it, including “jiffy bag” deliverer Simon Cope and UK Anti-Doping CEO Nicole Sapstead, but it was what wasn’t answered that is troubling, according to *The Cyclist* magazine.

It was agreed in the documentary that the quest for gold had become unhealthily obsessive at Team Sky. The head coach of the GB Sailing Team has moved to cycling after the Rio Olympics in 2016. From now on, the team needs to take great care to ensure that everything is properly documented.

The Crown Always Wins...

My partner, Rob, and I have been watching Netflix’s “The Crown,” written by Peter Morgan. This is a biographical story about the reign of Queen Elizabeth II. The first season covers the period from her marriage to Philip, Duke of Edinburgh, in 1947 to the disintegration of her sister Princess Margaret’s engagement to Peter Townsend in 1955.

So many people have recommended this that I felt I had to see what the fuss was about. We have not been disappointed. In fact, we watched it as often as we could, fitting it into any spare hour we had. It is fascinating and incredibly well done. Our poor Queen has been through many traumas. As soon

²“Modern Slavery – It’s Closer Than You Think”, *Your Croydon: News from the Council* (2 October 2017), online: <news.croydon.gov.uk/modern-slavery-closer-think/>.

³Daniel Taylor, “Barry Bennell Branded ‘Sheer Evil’ as He Is Sentenced to 30 Years”, *The Guardian* (19 February 2018), online: <www.theguardian.com/football/2018/feb/19/barry-bennell-branded-sheer-evil-as-he-is-sentenced-to-31-years>.

as her father, King George VI, died, she had to embrace a life of public duty.

In a letter that the Queen receives from her grandmother, Queen Mary, after her father's death in 1952, she is told:

While you mourn your father, you must also mourn someone else, Elizabeth Mountbatten, for she has now been replaced by another person, Elizabeth Regina.

The two Elizabeths will frequently be in conflict with one another, but the Crown must win. Must always win.

Morgan wrote the letter to set up the series' central theme: Elizabeth's internal struggle between the monarchy and her personal life.

Royal Wedding on Saturday 19th May

When Meghan Markle marries Prince Harry this spring, she will face some similar conflicts. She has already been forced to renounce her US citizenship (and move to London) in the same way Philip had to renounce his Greek citizenship before he married Elizabeth.

I am really hoping these sacrifices and many others, such as not speaking out on hot topics, will be counterbalanced by a lasting love for her husband, an amazingly luxurious life, unique opportunities, and a chance to have her place in history.

For the record, I am not really a Royalist, but I do admit to being quite an enthusiastic Royal watcher!

Until next time!

JACKIE

Letter from Australia, February 2018

By Margaret Hutichson

Hello from Australia,

It has been a long, hot summer here, but thankfully there have been not too many damaging bushfires around the major cities. In fact, today is the first total fire ban (I think) this summer, as there are very strong westerly winds, and we were supposed to reach 32°C. Those here who went out said it was very hot and windy, and I can see white caps on the waves on Lake Burley Griffin from my window. Earlier on January 7, in Canberra, we reached 41°C, and Penrith, just west of Sydney, where my mother lives, was the hottest place on Earth with 47.3°C!

As it has been January, the country has been on holidays, except for the High Court and the various law firms, both government and private, involved in the ongoing s 44

matters. Section 44 of the Constitution concerns grounds for disqualification for election candidates. As I mentioned in my last letter, there were two more referrals: one (known as the former Senator Lambie referral) involves whether the position of a mayor is an office of profit under the crown, and the other concerns whether a second choice candidate, when no longer a member of the party for which he stood as a candidate, can still be elected in a recount. As well, there was another s 44 replacement that was pending on the outcome of the mayoral case.

There were directions hearings during January, and both cases were finally heard during this past fortnight. After a directions hearing and a recount by the Electoral Commission, the mayor of Devonport, a city of 30,000 people on the north coast of Tasmania, was declared able to be considered as a candidate and declared elected as a replacement for Senator Jacqui Lambie and her Jacqui Lambie Network. Lambie was removed from office for having dual British and Australian citizenship. However, the same evening, he was sacked from the Jacqui Lambie Network because he refused to resign his, only hours old, Senate seat. If he had resigned, this would have allowed the Jacqui Lambie Party to select a replacement for him, which would have been Jacqui Lambie. The High Court gave a decision on the day but will hand down reasons at a later date.

This week also saw the hearing of the Senate referral of Senator Kakoschke-Moore. The decision in this matter again was handed down but reasons will be published at a later date. However, the runner-up candidate, no longer a member of the Nick Xenophon Team party, will be declared elected and will enter the Senate as an independent, adding to the plethora of independent senators already there.

Also in my last letter, I mentioned that the same sex marriage postal survey had shown that most Australians were in favour of same-sex marriage, and after that the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* was passed and declared in force on 8 December 2017. Surprisingly, there has not been a great tide of same-sex couples rushing to marry. It is said that couples are waiting and making arrangements in their own time.

The Marriage Amendment (Definition and Religious Freedoms) Act 2017 also inserted sections to attempt to protect religious freedoms in relation to marriage. The new law changed the definition of marriage in the *Marriage Act* by removing the words "a man and a woman" and replacing them with "2 people." This was the minimum required reform to enable same-sex marriage. However, it went further by inserting three main features of the marriage reform law that attempt to balance marriage equality with religious freedoms. First, some gain the capacity to be identified as "religious marriage celebrants." To meet this definition, a person must be both a registered marriage celebrant and a minister of religion.

Second, the law sets out circumstances in which ministers of religion and religious marriage celebrants can refuse to

solemnise marriages. Although the grounds for refusal are not limited to same-sex marriages, these provisions have been included in the bill so that ministers and religious celebrants cannot be required to solemnise same-sex marriages.

Ministers of religion may refuse to solemnise a marriage where any of the following conditions apply:

- a) the refusal conforms to the doctrines, tenets or beliefs of the religion of the minister's religious body or religious organisation;
- b) the refusal is necessary to avoid injury to the religious susceptibilities of adherents of that religion;
- c) the minister's religious beliefs do not allow the minister to solemnise the marriage.⁴

Thirdly, the law permits bodies established for religious purposes to refuse to make facilities available or provide goods and services in relation to the solemnisation of marriages. The circumstances in which this applies are if the refusal:

- a) conforms to the doctrines, tenets or beliefs of the religion of the body;
- or
- b) is necessary to avoid injury to the religious susceptibilities of adherents of that religion⁵.

So, for example, a same-sex couple could be refused the use of a church or church hall for their wedding ceremony, if that refusal meets the above conditions.

The marriage reform law also makes amendments to the *Sex Discrimination Act*. These changes ensure that no complaints of unlawful discrimination can be made in relation to refusals to solemnise marriages that are permitted under the *Marriage Act*. There is still room for discussion about wedding cake makers!

Before the passage of the marriage reform bill, Prime Minister Malcolm Turnbull [announced an inquiry](#) into religious freedom protection in Australia. Chaired by former MP Philip Ruddock, the inquiry is due to report by March 31, 2018. The terms of reference are:

- consider the intersections between the enjoyment of the freedom of religion and other human rights
- have regard to any previous or ongoing reviews or inquiries that it considers relevant
- consult as widely as it considers necessary⁶

This is regarded as a sop to conservative members of parliament to get the same-sex marriage bill through. The

terms of reference sound very vague.

This week also saw the opening of another Royal Commission, this time into banking. The *Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry* is chaired by a former High Court Justice, Kenneth Hayne. This Royal Commission was established after a decade of scandals that have rocked the sector. Australia's "Big Four"—Commonwealth Bank (CBA), ANZ, National Australia Bank (NAB), and Westpac—collectively have about 80 per cent of the country's banking market but have all faced misconduct allegations, including risky financial advice, dodgy mortgages, rate-rigging lawsuits, and alleged breaches of money laundering laws. The Royal Commission has a year to complete its investigation and submit a report by February 2019.

There are already many more public submissions on bank misbehaviour than can be analysed by human eyes, and public hearings will be held so some people can give their evidence as representative of many others. The Commission held its first hearing earlier this week, with the Commissioner reprimanding the banks collectively on Monday after a handful of "major" financial institutions did not properly respond to his request for a listing of misconduct within each institution. Instead, some unnamed financial institutions provided examples of misconduct that were not exhaustive, and some major institutions asked for more time to compile the initial lists as there was so much material to compile. So we wait for more revelations to come.

To finish on a sporting note, the Commonwealth Games baton passed by the High Court in late January on its way to the Gold Coast for the Commonwealth Games in early April. There seemed to be a lack of publicity, as there were very few people around to see it, with more Commonwealth Games organisers and police than spectators. Well, if they do it the day before Australia Day, which itself was a Friday, most of Canberra will be away! This is a picture of Pat McCabe, a former rugby union player with the local team, the Brumbies, and the national team, the Wallabies, when he ran past the High Court with the baton.



Until next time,

MARGARET

⁴*Marriage Amendment (Definition and Religious Freedoms) Act 2017*, (Cth), s 47 (3).

⁵*Ibid*, s 47B.

⁶Religious Freedom Review, online: Australian Government: Department of the Prime Minister and Cabinet <pmc.gov.au/domestic-policy/religious-freedom-review>.

The US Legal Landscape: News From Across the Border

By Julianne E. Grant

I'm writing this column the same day that President Trump signed a major tax overhaul into law that few citizens seem to actually understand. All I can say is, I'm glad I don't work in payroll. This latest event capped off a bizarre year of political wrangling, incessant tweets from the Oval Office, and big hits on healthcare, immigration, and net neutrality. Not to mention, of course, Robert Mueller's Trump-Russia probe that shows no signs of losing steam. Meanwhile, politicians, Hollywood execs and stars, broadcasters, and even a celebrity chef, hit the road after disturbing sexual harassment claims were lodged against them. It was certainly one for the history books. What's in store for 2018? Not even an experienced soothsayer could tell us.

For this column, we have law school and law firm news and highlights of the first three months of SCOTUS' 2017-2018 term. The Senate Judiciary Committee continues to scrutinize the president's nominees for the federal bench, including one Mr. Peterson, who failed a basic law school exam during his hearing. Also check out the "Legal Miscellany" section for updates on former President Obama's activities,⁷ as well as an unusual cease and desist letter delivery in Minneapolis. What a great country!

AALL News

The 2017 executive board election results are in: Michelle Crosby (associate director, Joel A. Katz Law Library, University of Tennessee) is VP/president-elect, and new board members, starting July 2018 with three-year terms, are June Hsiao Liebert (firmwide director of library and research services, Sidley Austin) and Karen Selden (metadata services librarian, University of Colorado Law Library). According to AALL's [November 1 eBriefing](#), 29.67 percent of the membership cast ballots.

On December 14, 2017, the FCC repealed the Obama-era net neutrality protection rules, and AALL was quick to express its displeasure. In a [December 14 eBriefing](#) signed by AALL President Greg Lambert, the association declared, "Net neutrality provides all Internet users with equal access to lawful content on the web, regardless of an ISP's opinion of the material. AALL strongly urges Congress to act to reverse today's ill-considered decision by the FCC." Will we soon be paying more to access Facebook? That's up to the ISPs now, unfortunately.

GRE v LSAT: The Debate Continues

On October 17, 2017, Columbia Law School [announced on its website](#) that it will begin accepting GRE scores, or LSAT scores, as part of a pilot program starting next fall. Columbia

follows the leads of other elite law schools (Harvard, Georgetown, and Northwestern) that will now also consider GRE scores in the admissions process. To compare sample questions from the GRE and LSAT, see Jane Karr's November 3, 2017, piece in *The New York Times*, "[On Trial: GRE v. LSAT.](#)"

Law School News

According to [Valparaiso University's website](#), the University's board of directors directed the law school to suspend the admission of first-year students for the fall of 2018. The same announcement indicates that the school is exploring several options, including affiliating with another law school or re-locating.

The ABA's Section of Legal Education and Admissions to the Bar [placed the Thomas Jefferson School of Law \(San Diego, California\) on probation](#) in early November, and the school must submit a reliable remedial plan by February 16, 2018. Meanwhile, the Thomas M Cooley Law School, affiliated with Western Michigan University (Kalamazoo), filed a [federal lawsuit](#) against the ABA, claiming that a [letter made public](#) pertaining to the school's accreditation non-compliance violates the *Higher Education Act* and due process. Cooley asked for a [temporary restraining order](#), which was denied on December 12. Across the country in Boston, Suffolk University Law School is launching an [accelerated J.D. program](#) that will allow students to complete the degree in 24 months.

In October, *The Princeton Review* released its 2018 "[Best Law Schools](#)" rankings, with NYU grads having the [best career prospects](#); University of Virginia, the [best profs](#); and Stanford, the [best classroom experience](#). Brian Leiter's 2017 edition of "[The Top 40 U.S. law faculties in terms of scholarly excellence](#)" was released on November 13. At the top of that survey were Yale, Harvard, University of Chicago, NYU, and Stanford, in that order.

The big news here in Chicago is the University of Illinois at Chicago (UIC)'s possible takeover of The John Marshall Law School (JMLS). As reported in various media, JMLS (now private) would become part of UIC, and thus the only public law school in the city. According to a [November 21 report in Above the Law](#) by Staci Zaretsky, a name being floated for the new school is the University of Illinois at Chicago's John Marshall Law School. Stay tuned.

Law Firm News

In an October 19, 2017, post in *Above the Law* ("[What Does The Mass Exodus Of Partners At This Biglaw Firm Mean?](#)"), Kathryn Rubino noted that something was "going on at Sedgwick." Rubino was right, as only about a month later, the firm announced that it was closing its doors in January 2018 after more than 80 years in business. The *ABA Journal*

⁷For a hilarious and nostalgic music video on our former president, see "Come Back, Barack" (Saturday Night Live, November 18, 2017), online: <www.nbc.com/saturday-night-live/video/come-back-barack/3622165?snl=1>. The video features Chicago's own Chance the Rapper.

reported that the firm had purportedly been in discussions to merge with UK-based Clyde & Co, but those talks broke down.⁸

In other law firm news, *Law360* reported that Ropes & Gray has named its first female chair in its 152-year history.⁹ Julie Jones, private equity partner and member of the firm's government board, will take over in 2020 when R Bradford Malt retires. Ropes & Gray has more than 1,200 lawyers working in 11 offices. *Law360* also reported that McGuireWoods will have a new chair: one of the firm's star litigators, Jonathan P Harmon.¹⁰ Harmon has been with the firm since 1995 and will be the first African-American chair in McGuireWoods's history, which spans over 180 years. According to its [website](#), the firm has over 1,000 attorneys working in 23 offices.

SCOTUS News

SCOTUS opened the 2017-2018 term on October 2 and on the following day heard a blockbuster gerrymandering case out of Wisconsin (*Gill v Whitford*). In 2011, a Republican-controlled Wisconsin legislature passed a redistricting plan, which challengers contended would essentially allow Republicans "to cement control of the state's legislature for years to come, even if popular support for the party wanes."¹¹ The US District Court for the Western District of Wisconsin agreed, and the case went directly from there on appeal to SCOTUS. According to the *ABA Journal*, Justice Anthony Kennedy appeared skeptical when questioning lawyers defending the redrawn map, and he is considered the swing vote for the case.¹² Interestingly, SCOTUS has agreed to hear another gerrymandering case this term, *Benisek v Lamone*, out of Maryland (oral argument date not set, as of this writing).

On November 29, the Justices heard *Carpenter v United States*, a case that explores whether police must secure a search warrant to obtain cellphone location and movements information from wireless providers. This is a Fourth Amendment challenge, brought by the American Civil Liberties Union.

On December 5, the Court addressed a Colorado baker's refusal to prepare a wedding cake for a same-sex couple (*Masterpiece Cake Shop v Colorado Civil Rights Commission*). At issue is whether Colorado's public accommodations law compels the defendant to create something against his religious beliefs about marriage in violation of the First Amendment's free speech or free exercise clauses. The plaintiffs were represented by the American Civil Liberties Union. Justice Kennedy is again expected to be the swing vote in this case, one that is

certainly no cakewalk for the Justices. The decision will have far-reaching implications and is expected to come down in summer 2018.

SCOTUS has also agreed to hear *United States v Microsoft Corp*, which will examine whether a US email service provider must provide access to data stored on overseas servers (in this instance, on a Microsoft server in Ireland). Oral arguments are scheduled for February 27, 2018. As always, check the [SCOTUSblog](#) for updates.

SCOTUS Justices: Out and About

Justice Neil Gorsuch spoke at the University of Louisville (Kentucky) on September 22 about his role on the Court. On October 16, Justice Sonia Sotomayor participated in a Q&A session with undergraduates at Queen's College in her old stomping ground of Brooklyn, NY. Although not commenting on any specific cases, Justice Sotomayor stressed the importance of civil engagement and a liberal education.¹³ Meanwhile, Justice Clarence Thomas gave a rare media interview on Fox News (November 1) during which he denied reports that Justice Gorsuch was "ruffling feathers" on the Court.¹⁴ In Chicago, Justice Elena Kagan told students at the Chicago-Kent College of Law that the Justices learned a lot about compromise during the 2016-2017 term with only eight Justices on the bench.¹⁵ She also mentioned that she was responsible for the frozen yogurt machine, now operating in the SCOTUS cafeteria.

SCOTUS for Foodies

Even if you can't share a cup of frozen yogurt with the Justices, you can still eat like one of "The Nine." Now available is *Table for 9: Supreme Court Food Traditions & Recipes* (Clare Cushman, 2017), which includes more than three dozen recipes related to SCOTUS Justices and their families. According to the [book's description](#) on the SCOTUS Historical Society website, recipes include Marie Louise Gorsuch's English marmalade and Maureen Scalia's pasta sauce (no word on whether the recipes overall represent an even liberal-conservative ideological split). The book also contains tidbits about the Justice's culinary habits and preferences, along with previously unpublished photos. Justice Ginsburg wrote the forward. The book is available online and in SCOTUS' onsite gift shop. *Bon Appétit*; or, as Justice Scalia would've said, *Buon Appetito*; or, as Justice Sotomayor would say, *Buen Provecho*.

Federal Bench Nominations: A Train Wreck of a Process

As of October 30, 2017, President Trump had announced 58 nominations for the federal judiciary.¹⁶ At that point, the ABA's

⁸ Debra Cassens Weiss, "Sedgwick Announces It Is Closing in January," ABA J (21 November 2017), online: <www.abajournal.com/news/article/sedgwick_announces_it_is_closing>.

⁹ Aebra Coe, "Ropes & Gray Names 1st Female Chair In Its 152-Year History," LAW360 (20 November 2017).

¹⁰ Matthew Guarnaccia, "McGuire Woods Taps 1st African-American Chair In Its History," LAW360 (4 December 2017).

¹¹ Amy Howe, "Argument Preview: The Justices Tackle Partisan Gerrymandering Again," SCOTUSblog (26 September 2017), online: <www.scotusblog.com/2017/09/argument-preview-justices-tackle-partisan-gerrymandering>.

¹² Debra Cassens Weiss, "In Oral Arguments, Swing Voter Kennedy Appears Skeptical Of Partisan Gerrymandering," ABA J (4 October 2017), online: <www.abajournal.com/news/article/swing_voter_kennedy_appears_skeptical_of_partisan_gerrymandering_in_oral_ar>.

¹³ Sam Reisman, "Sotomayor Promotes Civic Engagement In College Q&A," LAW360 (16 October 2017).

¹⁴ See Debra Cassens Weiss, "Is Gorsuch Ruffling Feathers? Thomas Calls His New Colleague 'A Good Man,'" ABA J (2 November 2017), online: <www.abajournal.com/news/article/is_gorsuch_ruffling_feathers_thomas_says_his_new_colleague_is_a_good_man>.

¹⁵ Jordyn Reiland, "Kagan: Justices Learned from Year of Stalemate," Chi Daily L Bull (17 October 2017) 1.

Standing Committee on the Federal Judiciary had rated 28 “well qualified,” 13 “qualified,” and two “not qualified.”¹⁷ The two “not qualified” were Leonard Steven Grasiz for the 8th Circuit appeals court, and Charles Barnes Goodwin for the US District Court for the Western District of Oklahoma. The ABA subsequently rated two other Trump nominees as “not qualified”: Brett Joseph Talley for an Alabama district court, and Holly Lou Teeter for the US District Court for the District of Kansas.

On December 12, the Senate Judiciary Committee confirmed Grasiz. The Committee considered Goodwin’s nomination the following day, but hasn’t yet voted on it, so he will likely have to be renominated in 2018. According to Robert O’Harrow, Jr’s [November 17 article in *The Washington Post*](#) on Brett Talley, “By day, he was a clerk to a federal judge, a Harvard Law School graduate at the start of his career. By night, he was a ghost hunter and a devotee of the macabre.” Despite being approved by the Judiciary Committee, the White House withdrew Talley’s nomination before it went to the full Senate. The Judiciary Committee did approve Ms. Teeter’s nomination, however, which will go to the full Senate for confirmation.

Then there was Matthew Spencer Petersen, the federal court nominee who could not answer questions that most third-year US law students would find routine. Petersen, who serves as a commissioner on the Federal Election Commission, was up for a judgeship on the Washington, DC, district court. Surprisingly, the ABA had rated him “qualified.” After his disastrous Judiciary Committee [hearing](#) (December 13, 2017) went viral, he withdrew his name. Perhaps the ghosts of Justices past are watching over us.

On November 17, 2017, President Trump [announced the addition of five names](#) to his list of potentials for the next SCOTUS nomination. The new members of the list include three federal circuit court judges and two state supreme court justices. Among the new additions are Judge Amy Coney Barrett, recently appointed to the US Court of Appeals for the Seventh Circuit and a former law clerk for Justice Antonin Scalia. Judge Brett M Kavanaugh, now on the DC Circuit appeals court, was previously a Kirkland & Ellis partner and clerked for Justice Kennedy. The addition of the five new names brings the president’s potential list of SCOTUS nominees up to 25.

The ABA’s Web 100

The December 2017 issue of the *ABA Journal* included the ABA’s picks for the “Web 100,” which includes 50 blawgs, 25 law podcasts, and 25 tweeters. Some of the blawgs include [The Algorithmic Society](#), [Artificial Lawyer](#), [Clio Blog](#), and [Legal Evolution](#). Podcasts include [The Citizen’s Guide to the Supreme Court](#), [Law School Toolbox](#), and [The Happy](#)

[Lawyer Project](#). Tweeters include [Ross Guberman](#) (legal writing guru), [The Florida Bar](#), and [Stephen Louis A Dillard](#) (chief judge of the Court of Appeals of Georgia). Added to the “Blawg Hall of Fame” were [Arbitration Nation](#), [The Employer Handbook](#), [Lawfare](#), and [Strategic Legal Technology](#).

Legal Miscellany: Obama, Hamilton, and Dilly Dilly

As well known around Chicago, former US President Barack Obama was called for jury duty in Cook County (Chicago) in early November. Obama arrived at the Daley Center in a motorcade, but was not selected to serve. Much to the delight of other potential jurors, Obama shook hands and signed autographs. Cook County jurors earn \$17.20 per day. In other Obama news, the Obama Presidential Center will not house an official US government presidential library. According to the *Chicago Sun-Times*, the Obamas are sidestepping the National Archives and Records Administration (NARA) and are in talks to house an official branch of the Chicago Public Library at the Center.¹⁸

In other miscellany, the Alexander Hamilton craze continues here in the US, and the Library of Congress recently [digitized and posted](#) his papers. The collection encompasses some 12,000 items, dating from 1708-1917. Also noteworthy is a new book about Hamilton that came out in August, [Alexander Hamilton and the Development of American Law](#) (Kate Elizabeth Brown, University Press of Kansas, 2017).

And finally, this has to be a first. According to a [December 6 ABA Journal post](#) (Debra Cassens Weiss), a guy dressed like a town crier delivered a cease and desist letter to a craft brewer in Minneapolis. The letter asked the Modist Brewing Co to limit the run of its new brew, the Dilly Dilly Mosaic Double IPA, to one. Anheuser-Busch uses the slogan “Dilly Dilly” in its Bud Light commercials and has trademarked it. According to the so-called town crier, “Disobedience shall be met with additional scrolls, then a formal warning, and finally, a private tour of the pit of misery.” A video of the unusual event is posted on [YouTube](#).

Conclusion

Well, it’s been quite a year here in the US in many respects. My impression is that we Americans are not a popular bunch in the global arena right now. I investigated whether I could apply for Canadian citizenship, as the great grandchild of a Canadian citizen, but it’s a no-go. I guess I’m stuck trying to convince my foreign friends and colleagues not to give up on us. Thanks for your understanding.

If any readers would like to comment on any of the above, or make suggestions for additional content, please feel free to contact me at jgrant6@luc.edu.

¹⁶ Lee Rawles, “Second Trump Judicial Nominee Gets ‘Not Qualified’ Rating from ABA: What’s the Rating Process?,” *ABA J* (30 October 2017).

¹⁷ *Ibid.*

¹⁸ Lynn Sweet, “Obama Presidential Center Will Have Public, Not Presidential Library,” *Chicago Sun-Times* (1 November 2017), online: <chicago.suntimes.com/chicago-politics/sweet-obama-presidential-center-wont-house-presidential-library>.

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

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

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