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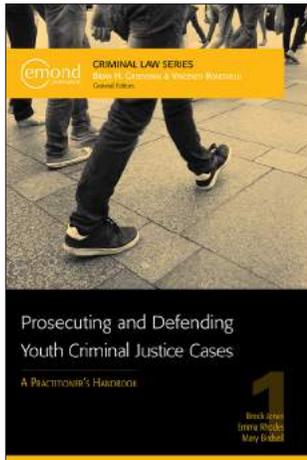
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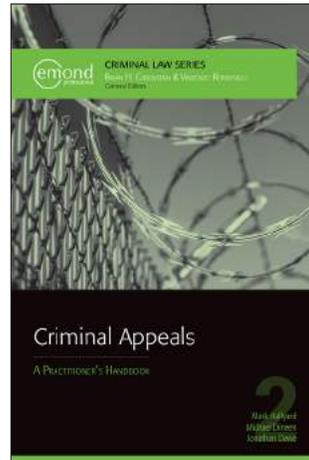


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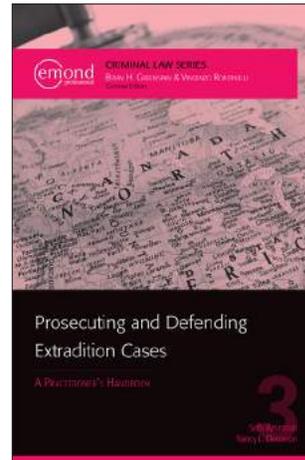
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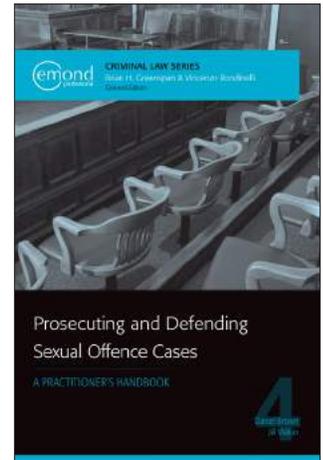
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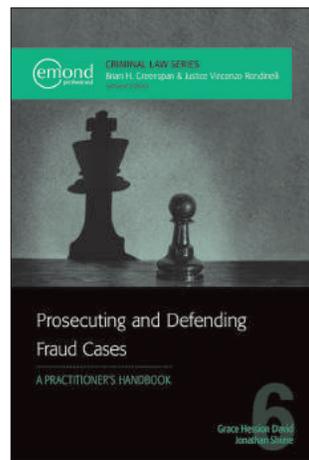
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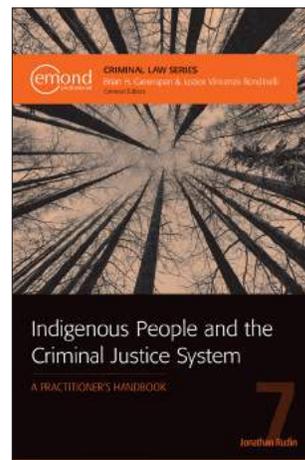
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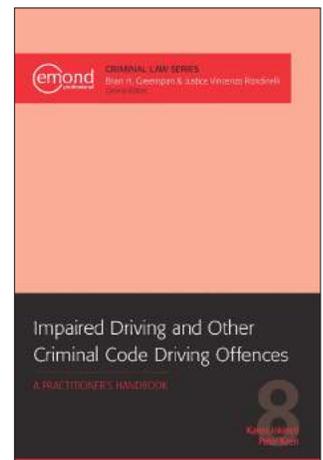
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III From the Editor / De la rédactrice

While this is my first issue as editor of *CLLR*, I introduced myself in last issue's letter from the editor, so I won't repeat myself here. However, I'd like to once again thank Susan Barker for her years of service as editor and for sticking around as one of my associate editors. I've felt a bit like a chicken with its head cut off while preparing this issue, and she's been a welcome advisor during the process. Thanks, Susan!

Before I talk about the current issue, I want to comment on the 2018 CALL/ACBD conference in Halifax. As a former Haligonian, it was great to be back on my old stomping ground, visiting friends, family, and my favourite graveyard (everyone has one of those, right?). Although I am a bit biased, as I was part of it, I feel like I can say the conference planning committee did a great job putting things together. The sessions offered were interesting and engaging—and I often had a hard time choosing which to attend! I have already implemented many of the recommendations that Brenda Lauritzen gave in her *Graphic Design 101* session, and the thought-provoking cannabis panel showed that legalizing it isn't as simple as many people, me included, may have thought. Katie Cuyler's session *Competitive Intelligence & Government Docs: Find, Use & Create Actionable Intelligence* provided valuable and practical information that we can all use, whether we're in firm, courthouse, or academic libraries. If you missed her session, have no fear: the content has been reworked into one of this issue's feature articles.

Also in this issue is Svetlana Kochkina's thorough review of professional and scholarly literature on legal research and government/legal information instruction published between 2000–2018. Those who attended the Legal Research and

Writing special interest group meeting at CALL/ACBD, and thus took part in the lively discussion on the research skills of law students and recent grads, may find it of particular interest.

As Susan mentioned in issue 43:1, *CLLR* is fully open access, and it is now available in CanLII's collection of law journals. There are many benefits to this model, particularly information dissemination. Another benefit is exposure: the editor of *Legal Information Management*, the journal of the British and Irish Association of Law Librarians, approached us with a request to reprint Victoria Baranow's recent article "Reflections in the Fishbowl: The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession." The reason the editor found it was because it was freely available online. We're broadening our reach already!

On that note, if you'd like the chance to be read by members of CALL/ACBD and beyond, submit articles to our features editors, Hannah Steeves and Fuchsia White. While we will always accept features from academic law librarians, we're especially interested in hearing from those outside of academia: law firms, courthouses, law societies, legislative libraries, you name it. Get writing!

As I write this, I'm melting in my office as summer attacks with full force. Those who know me personally are aware of my opinion of this sticky season (spoiler: I'm not a fan). Like many of you, I'm sure, I'm anxiously awaiting fall, especially October. Bring on the pumpkin spice and sweater weather!

Until next time,

EDITOR
NIKKI TANNER

Bien que ce numéro soit mon premier en tant que rédactrice en chef de la *RCBD*, je n'ai pas besoin de me présenter puisque je l'ai déjà fait dans le dernier mot de la rédaction, et je ne tiens pas à me répéter. Cependant, je tiens à remercier une fois de plus Susan Barker pour ses années de service comme rédactrice en chef et pour avoir accepté de rester comme une de mes adjointes. J'ai eu un peu l'impression de courir comme une poule sans tête pendant la préparation de ce numéro, et ses conseils ont été fort appréciés au cours du processus. Merci Susan!

Avant de vous parler du présent numéro, je veux aborder le Congrès 2018 de l'ACBD/CALL qui a eu lieu à Halifax. En tant qu'ex-Haligonienne, ce fut extrêmement agréable de retourner là où j'ai grandi, de revoir les amis et la famille, et de visiter mon cimetière préféré (tout le monde en a un, non?). Bien que je ne sois pas tout à fait objective puisque je faisais partie du comité, je pense qu'on peut dire que le comité de planification du congrès a fait un excellent travail dans l'organisation de cet événement. Les séances offertes étaient intéressantes et captivantes, et j'ai souvent eu de la difficulté à faire un choix entre plusieurs séances! J'ai déjà mis en œuvre bon nombre de recommandations formulées par Brenda Lauritzen dans sa séance portant sur *l'abc du design graphique*, et la table ronde sur le cannabis a montré à quel point la légalisation n'est pas une tâche aussi simple que la plupart des gens pensent - moi incluse. La séance de Katie Cuyler, sur la *veille à la concurrence et documents gouvernementaux : dénicher, utiliser et créer des renseignements exploitables*, a fourni de précieuses informations utiles que nous pouvons tous utiliser dans les cabinets d'avocats, les palais de justice ou les bibliothèques universitaires. Si vous avez raté cette séance, ne vous en faites pas, le contenu a été retravaillé afin de le présenter dans un article de fond de ce numéro.

Vous trouverez également dans ce numéro un examen approfondi d'ouvrages spécialisés et scientifiques, portant sur la recherche juridique et l'enseignement lié à l'information gouvernementale et juridique, qui ont été publiés entre 2000 et 2018. Les personnes qui ont assisté à la réunion de travail du GIS recherche et rédaction juridique au congrès, et qui

ont donc pris part au débat animé sur les compétences en recherche des étudiants en droit et des récents diplômés, pourraient trouver cet article particulièrement intéressant.

Comme l'a mentionné Susan dans le numéro 43:1, la *RCBD* est une publication libre d'accès qui est maintenant offerte dans la collection de revues juridiques de CanLII. Ce modèle présente de nombreux avantages, notamment la diffusion de l'information. Un autre avantage est la visibilité. Entre autres, le rédacteur en chef de la revue *Legal Information Management* de la British and Irish Association of Law Librarians nous a demandé la permission de reproduire le récent article de Victoria Baranow intitulé *Reflections in the Fishbowl : The Changing Role of Law Librarians in the Mix of an Evolving Legal Profession*. Le rédacteur a trouvé cet article parce qu'il était gratuitement accessible en ligne. Nous touchons déjà un plus vaste public!

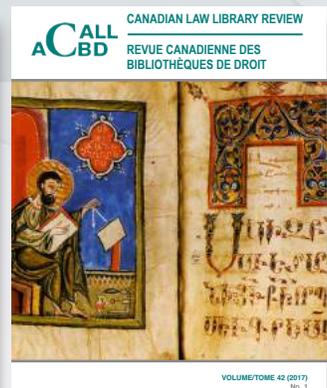
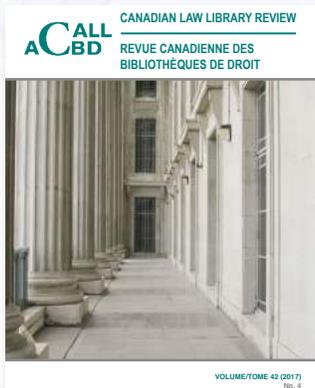
À ce sujet, si vous souhaitez avoir l'occasion d'être lu par les membres de l'ACBD/CALL et à l'extérieur de notre association, n'hésitez pas à soumettre vos articles à nos rédactrices d'articles de fond Hannah Steeves et Fuchsia White. Bien que nous acceptons toujours les articles soumis par les bibliothécaires universitaires de droit, nous sommes particulièrement intéressés à entendre les personnes qui travaillent en dehors du milieu universitaire comme dans les cabinets d'avocats, les palais de justice, les barreaux, les bibliothèques parlementaires. À vos crayons!

En rédigeant ces lignes, je suis en train de fondre dans mon bureau alors que l'été nous frappe de plein fouet. Ceux et celles qui me connaissent personnellement savent ce que je pense de cette saison collante (petit secret : je n'aime pas vraiment l'été). Comme beaucoup d'entre vous, j'en suis sûre, j'attends l'automne avec impatience, notamment le mois d'octobre. J'ai hâte à la saison des citrouilles et d'enfiler un chandail épais!

À la prochaine,

RÉDACTRICE EN CHEF
NIKKI TANNER

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III President's Message / Le mot de la présidente

In my capacity as president of CALL/ACBD, I am the liaison to our sister associations: the American Association of Law Libraries (AALL), the British and Irish Association of Law Libraries (BIALL), the International Association of Law Libraries (IALL), and the Special Libraries Association (SLA). The relationships we have with our sister associations are of great importance to us. We have a lot in common, and we can learn a lot from each other.

We were pleased to welcome representatives from each of these associations to our recent conference in Halifax, which was wonderful, by the way! We had great representation from our sister association to the south. The current president, vice-president/president-elect, and past-president of AALL were all in attendance! The president of BIALL flew across the pond to be with us. The chair of the legal division of the SLA was there. IALL was represented by Daniel Boyer, CALL/ACBD member and member of the board of IALL. Each representative brought greetings to our annual general meeting.

I had the privilege recently of representing CALL/ACBD at the BIALL conference, held June 7–9 in Birmingham, England. The theme was “Designing our future: debate, develop, deliver.” During the conference, I began to realize how much we have in common with our colleagues in the UK. The concerns raised at their annual general meeting are very similar to the concerns we dealt with in ours. Both associations have challenges with membership and with budgets. Both are looking at ways to create an organization that is diverse and inclusive. Both are dealing with a rapidly changing profession. And both associations need to morph

and grow to meet the challenges that this brings.

CALL/ACBD member Kristin Hodgins attended and presented at both conferences. Shortly after the conferences, she tweeted the following suggestion for both our associations: “I think both @biall_uk and @CALLACBD would do well to look at what @aallnet has done in the US. The AALL annual conference is now one of the best legal tech conferences going; the relationship between vendor/ delegate is more collaborative & drives mutual innovation.” Kristin had expressed a similar sentiment after our 2017 conference in Ottawa. We had a conversation about it, and she told me that, indeed, our 2018 conference was much better in the legal tech department. In her tweet, though, she encourages us to do more with this in the future. Our conference planning committee plans the program with submissions that come from our members and other interested parties, so when you see the call for conference proposals this fall, don't be shy about submitting, especially if it involves legal tech! It would be most welcome.

As I reflect on our conference and others that I have been to recently, I can't help but notice what a small world it is. Our associations, whether they be in the US, Australia, the UK, France, New Zealand, or here at home, are all dealing with the same challenges and opportunities. We are all contemplating what our associations will look like in the future. Through the conversations we have in person at our conferences, and virtually through social media, we can share ideas, solutions, and best practices.

One thing I know for sure is that members of our associations

are dedicated professionals, ready to take on any challenge that presents itself. Their enthusiasm and energy make me excited for our future and the future of legal information professionals!

**PRESIDENT
ANN MARIE MELVIE**



En tant que présidente de l'ACBD/CALL, j'assure la liaison avec nos associations sœurs : l'American Association of Law Libraries (AALL), la British and Irish Association of Law Libraries (BIALL), l'International Association of Law Libraries (IALL) et la Special Libraries Association (SLA). Les relations que nous entretenons avec ces associations revêtent une grande importance pour nous. Nous avons beaucoup de choses en commun et nous pouvons apprendre beaucoup les uns des autres.

Nous avons eu le plaisir d'accueillir des représentants de chacune de ces associations lors de notre récent congrès à Halifax, qui fut formidable en passant! Nous avons accueilli plusieurs représentants de notre association sœur au sud de la frontière, notamment la présidente actuelle, la vice-présidente/présidente élue et le président sortant de l'AALL. Le président de la BIALL a traversé l'Atlantique pour être des nôtres. La présidente de la division juridique de la SLA était présente. L'IALL était représentée par Daniel Boyer, qui est membre de l'ACBD/CALL et membre du conseil de l'IALL. Tous les représentants ont transmis des salutations au nom de leur organisation lors de notre assemblée générale annuelle.

Récemment, j'ai eu le privilège de représenter l'ACBD/CALL au congrès de la BIALL, qui a eu lieu à Birmingham, en Angleterre, du 7 au 9 juin 2018. Le thème portait sur « la conception de notre avenir : débattre, développer et mettre en œuvre ». Au cours de ce congrès, je me suis rendu compte que nous avons beaucoup de points en commun avec nos collègues britanniques. Les préoccupations soulevées lors de leur assemblée générale annuelle sont très similaires à celles abordées au sein de notre association. Les deux associations sont confrontées à certains défis sur les plans de l'adhésion et des budgets. Les deux cherchent des moyens de créer une organisation diversifiée et inclusive. Elles doivent composer avec une profession qui évolue constamment, et doivent se transformer et croître pour relever les défis que cela entraîne.

Kristin Hodgins, qui est membre de l'ACBD/CALL, a participé et donné une conférence aux deux congrès. Peu après ces deux événements, elle a fait une suggestion pour les deux associations dans un gazouillis : « Je crois que les deux associations, @biall_uk et @CALLACBD, auraient intérêt à jeter un coup d'œil sur ce que fait @aallnet aux É.-U. Le congrès annuel de l'AALL est actuellement l'un des meilleurs congrès sur les technologies juridiques; la relation entre les fournisseurs et les congressistes est plus collaborative et favorise les priorités mutuelles en matière d'innovation. » Après notre congrès de 2017 à Ottawa, Kristin avait abondé dans le même sens. Nous avons eu un entretien à ce sujet et elle m'a dit qu'effectivement notre congrès de 2018 était nettement mieux sur le plan des technologies juridiques. Cependant, elle nous encourage à continuer d'en faire plus dans son gazouillis. Étant donné que notre comité de planification du congrès organise le programme en fonction des soumissions reçues de la part des membres et des personnes intéressées, n'hésitez pas à soumettre des propositions, notamment si elles touchent aux technologies juridiques, lorsque vous verrez l'appel aux propositions du congrès cet automne! Ces propositions seront très bien accueillies.

En repensant à notre congrès et à d'autres événements auxquels j'ai assisté récemment, je ne peux m'empêcher de constater que le monde est petit. Nos associations, qu'elles soient aux États-Unis, en Australie, au Royaume-Uni, en France, en Nouvelle-Zélande ou ici même au pays, partagent les mêmes défis et les mêmes possibilités. Nous nous demandons tous à quoi ressembleront nos associations de demain. Grâce aux conversations que nous avons en personne lors de nos congrès et virtuellement par l'entremise des médias sociaux, nous pouvons partager des idées, des solutions et des pratiques exemplaires.

S'il y a une chose dont je suis certaine, c'est que les membres de nos associations sont des professionnels dévoués et prêts à relever tous les défis. Leur enthousiasme et leur énergie me permettent de me réjouir pour l'avenir de notre association et des professionnels de l'information juridique!

**PRÉSIDENTE
ANN MARIE MELVIE**





III Teaching Legal Research and Government/Legal Information: Yes, We Do It, But How?

By Svetlana Kochkina¹

ABSTRACT

The article presents the results of a review of professional and scholarly literature published on the subject of legal research and government/legal information instruction between 2000–2018. The goal of the review was to present a comprehensive picture of theoretical and conceptual approaches to pedagogy, as well as teaching techniques, methods, and tools used by law librarians in legal research instruction and information science faculty in government/legal information courses. The review revealed a significant gap in the state of knowledge on the subject that needs to be addressed by future research.

SOMMAIRE

L'article présente les résultats d'un examen d'ouvrages spécialisés et scientifiques, portant sur la recherche juridique et l'enseignement lié à l'information gouvernementale et juridique, qui ont été publiés entre 2000 et 2018. Cet examen a pour but de présenter un tableau complet des approches théoriques et conceptuelles de la pédagogie ainsi que des techniques, des méthodes et des outils pédagogiques utilisés par les bibliothécaires de droit dans l'enseignement de la recherche juridique et par les facultés des sciences de l'information dans les cours d'information gouvernementale

et juridique. L'examen a révélé d'importantes lacunes dans l'état des connaissances sur le sujet qui doivent être examinées dans de futures recherches.

Introduction

This article is more a question than an answer and the beginning of a new research project that aims to fill a gap in the literature on the subject of legal research and government/legal information instruction. I became acutely aware of this gap when, after seven years of professional practice as a law librarian actively involved in teaching legal research to undergraduate and, later, graduate law students, I was invited to teach a government and legal information course to master's students at the McGill School of Information Studies. This invitation came at time when graduate legal research instruction at the Faculty of Law was going through a significant revision. Even though I have always kept abreast of current trends and new developments in education, I saw this as an opportunity to renew and refresh my knowledge and toolkit of teaching methods to meet the challenge of teaching Generation Y students, whose learning habits and needs differ significantly from their predecessors. To this purpose, while preparing my courses and with the hope of learning from my colleagues, especially those in Canada, I conducted a study, the results of which I am presenting here.

¹Svetlana Kochkina is a librarian at the McGill University Law Library, PhD candidate, and lecturer at the McGill University School of Information Studies. She teaches legal research to undergraduate and graduate law students and government and legal information to information science students. She researches and publishes on the professional practice of librarianship, history of the book, and private libraries.

Scope of the Study

I designed this study as a comprehensive review of the literature published since 2000 on teaching legal research and government/legal information instruction. The primary goal of this study is to understand a well-established but highly fragmented topic and find out which of the existing panoply of contemporary pedagogical approaches and technology-enabled teaching techniques law librarians use in legal research instruction and information science (IS) faculty use in government/legal information courses, with a focus on the US, UK, and, especially, Canada. The second goal of the study is to identify gaps in the current knowledge to direct future research on the subject.

Methodology

The aim of the review was to discover the methods and approaches that were reported as *actually* being used and not to review the literature on the methods and approaches that could *potentially* be used. Therefore, literature from fields other than law or IS (e.g., education) was not included in the review. Three types of literature on legal research were purposely excluded from the review. The first type to be excluded is publications discussing insufficient and falling levels of legal research skills among graduating law students and the importance of acquiring these skills, but not offering practical and feasible recommendations on how to address these issues and overcome shortcomings. It must be mentioned that the trend of recurring concerns regarding students' ability to conduct legal research is worrisome in its consistency, judging by the number of articles and persistency of this theme going back to at least 1902.² It could be hoped that implementation of some of the innovative teaching methods, discussed below, could help to reverse it. The second type excluded from the present review is literature that discusses which legal research tools, databases, and research techniques students should know and, thus, what should be taught in legal research and writing classes, but again without going into methods of how it should or could be done. Another substantial category excluded from the review is literature such as books, handbooks, and articles on practicalities of legal research. While extremely helpful for anybody conducting or learning to conduct legal research, these publications, due to their scope, do not discuss pedagogical approaches and teaching techniques and methods, except occasionally offering examples of exercises for students, and are, thus, excluded from this study.³

The following sources were used for the review: WorldCat; HeinOnline's Law Journal Library; Library & Information Science Abstracts (LISA); Library Science Database; Library Literature Fulltext; Library, Information Science & Technology Abstracts (LISTA); as well as several subject-

specific journals: *Canadian Law Library Review*, *Journal of Education for Library & Information Science*, *Law Library Review*, *Legal Reference Services Quarterly*, *Legal Information Management*, and *AALL Spectrum*.

Research Questions

The review of the literature was conducted with the goal to answer three research questions:

1. What theoretical and conceptual approaches to pedagogy do law librarians use to develop their instruction in legal research and IS faculty in government/legal information?
2. Are there any new and innovative teaching techniques, methods, and tools developed to respond to progress in technology and digital information that have been used (successfully or not) by both categories of educators?
3. What, if any, are the differences in theoretical and conceptual approaches, as well as in techniques and methods of instruction by discipline: law vs IS?

The emphasis on comparing and juxtaposing teaching methods in legal research instruction for law students with government/legal information courses for IS students has not been predefined solely by my personal practical considerations outlined above. Both disciplines offer highly specialised professional education to students who already hold at least a bachelor's degree (with the exception of law schools from Quebec), and who, thus, have a more advanced understanding of the university-level research process as compared to students still pursuing their undergraduate studies. Therefore, I suggest that instructional methods and techniques designed for one discipline could be successfully borrowed and adapted for another.

Results

The review has not found satisfactory answers to the research questions above in the published scholarly and professional literature. Instead, it has revealed a significant knowledge gap, which I intend to address in future research projects.

There is a reasonable amount of literature on teaching practices adopted in individual institutions or recommended by individual librarians, especially outside of Canada. However, the literature is in dire need of a comprehensive study that would describe a complete picture and analyze the existing state of the pedagogical approaches, techniques, and methods used in legal research instruction for law students. With regard to the pedagogical approaches and teaching practices of IS faculty in teaching government/legal

² See the examples of these kinds of complaints about attorneys' and students' lack of research skills going back to early 20th century reported in: Paul D Callister, "Beyond Training: Law Librarianship's Quest for the Pedagogy of Legal Research Education" (2003) 95 Law Libr J 7 [Callister, "Beyond Training"].

³ Some recent examples include: Marci Hoffman & Robert C Berring, *International Legal Research in a Nutshell* (St Paul, MN: Thomson/West, 2017); Moira McCarney et al, *The Comprehensive Guide to Legal Research, Writing & Analysis* (Toronto: Emond Montgomery, 2016); Maureen F Fitzgerald & Susan Barker, *Legal Problem Solving: Reasoning, Research & Writing* (Toronto: LexisNexis, 2016); Margaret Helen Kerr, JoAnn Kurtz & Arlene Blatt, *Legal Research: Step by Step* (Toronto: Emond Montgomery, 2018).

information courses, the current knowledge is even more inadequate. The literature review found no studies and a surprising dearth of professional or academic literature on the topic, thus precluding me from answering the research questions above. This lack of existing research emphasizes the need for a comprehensive study documenting these practices, and, in particular, one that will provide recommendations for the future as educators try to meet the challenge of teaching students belonging to digital-native generations.

The review shows that current literature on teaching legal research to law students fall broadly into three categories. The first category comprises articles exploring conceptual and theoretical approaches to legal research pedagogy but not necessarily concentrating on any specific examples of methods and techniques that could be used to implement them. The second category consists of the articles discussing possibilities, benefits, and the necessity of basing legal research instruction on the information literacy framework. These could have been included in the first category, but when considering the recency of the topic in the area of law librarianship, it was decided that they are worth particular attention. Third is the category describing how and with what specific instructional methods, tools, and techniques legal research is or can be taught.

As to literature on government and legal information instruction in master's programs in IS schools, the total of six (!) articles published since 2000 addressing this question to some extent constitute a fourth category and are reviewed separately.

Theoretical Approaches to Legal Research Pedagogy

The review of literature on legal research pedagogy published in the last 18 years confirms that a phenomenon described by Paul Callister in several articles, the first of which was published 15 years ago, still holds true:⁴ law librarianship still “lacks sufficient consideration of pedagogical theory from the field of education.”⁵ The field is still in a need of a “suitable, yet flexible, pedagogical model for the acquisition of legal research skills,”⁶ which would have a significant basis in pedagogical theory. While there is a trickle of articles expressing interest in the topic and offering different theoretical approaches to legal research pedagogy, the field as a whole still has not fully engaged in

discussing and finding a common approach. This approach is needed to remediate the lack of “scholarly depth with respect to pedagogical theory” in law librarianship literature, trailing behind both academic librarians in other disciplines and legal educators.⁷

In his 2009 article, Callister offered to use Benjamin Bloom's taxonomy of learning objectives, which identified three domains of learning—cognitive, affective, and psychomotor—and a range of skills for each domain, as well as a list of behaviours by which the level of skill could be assessed, as a suitable theoretical foundation for modern legal research pedagogy.⁸ Callister expounded on the model in 2010, adapting it with examples from the field of legal information and illustrating “the taxonomy's practical application for instructional design in legal research courses.”⁹ It is necessary to mention that it was Maureen Fitzgerald, a Canadian lawyer, author, and educator, who first suggested that legal research instruction could be based on the theoretical foundation of Bloom's taxonomy.¹⁰ At the time, Fitzgerald's suggestion gained no further traction in the field of law librarianship. Callister's call for the profession to blossom and ground its teaching in a sound pedagogical theory elicited a response from the law librarianship community that will hopefully grow into an adoption of a theoretical foundation for legal research instruction. Callister's take on Bloom's taxonomy was suggested as the basis for a taxonomic approach to legal research pedagogy that will assist in aligning teaching objectives and student learning assessment.¹¹ Bloom's and Callister's taxonomies were proposed as theoretical foundations for designing learning activities that elicit metacognition, as well as engage and develop the analytical skills necessary for efficient and competent legal researchers.¹² In the latest development, Callister's revision of Bloom's taxonomy was suggested to be used alongside systems theory and active learning methods to develop a “pedagogy that is adaptive, effective, and prepares students for solving clients' legal problems in practice” that would enable fostering students' metacognitive skills even beyond their legal research application.¹³

At present, Callister's adaptation of Bloom's taxonomy appears to be the pedagogical theory most appealing to, or at least most widely discussed in, the law librarianship community. However, other theoretical approaches to instruction are also being explored in the literature, albeit none so widely. Margaret Butler argued for a resource-

⁴Callister, “Beyond Training”, *supra* note 2; Paul D Callister, “Thinking Like a Research Expert: Schemata for Teaching Complex Problem-Solving Skills” (2009) 28:1–2 Leg Ref Serv Q 31 [Callister, “Schemata for Teaching”]; Paul D Callister, “Time to Blossom: An Inquiry into Bloom's Taxonomy as a Hierarchy and Means for Teaching Legal Research Skills” (2010) 102 Law Libr J 191 [Callister, “Blossom”].

⁵Callister, “Blossom”, *supra* note 4 at 191.

⁶Callister, “Beyond Training”, *supra* note 2 at 8.

⁷Callister, “Blossom”, *supra* note 4 at 194.

⁸Callister, “Schemata for Teaching”, *supra* note 4. Benjamin Bloom first offered his taxonomy in 1956: Benjamin S Bloom, *Taxonomy of Educational Objectives: The Classification of Educational Goals* (New York: Longmans, Green, 1956). It was revised in 2001 by Anderson and Krathwohl: Lorin W Anderson, David R Krathwohl & Benjamin Samuel Bloom, *A Taxonomy for Learning, Teaching, and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives* (New York: Longman, 2001).

⁹Callister, “Blossom”, *supra* note 4 at 218.

¹⁰Maureen F Fitzgerald, “What's Wrong with Legal Research and Writing? Problems and Solutions” (1996) 88 Law Libr J 247.

¹¹Vicenç Feliú & Helen Frazer, “Outcomes Assessment and Legal Research Pedagogy” (2012) 31:2 Leg Ref Serv Q 184.

¹²Yasmin Sokkar Harker, “Information is Cheap, but Meaning Is Expensive: Building Analytical Skill into Legal Research Instruction” (2013) 105 Law Libr J 79.

¹³Paul Jerome McLaughlin Jr, “Finding the Theory and Method for the Pedagogy of Teaching Legal Research: A Response to Callister's ‘Time to Blossom’” (2017) 36:2 Leg Ref Serv Q 74 at 84.

based learning approach to legal research instruction that has a background in constructivist pedagogical theory. In constructivist theory, knowledge is not transmitted from teacher to students but is constructed from students' experiences.¹⁴ It is worth noting that Butler also based her discussion of questioning strategies as instructional technique on Bloom's taxonomy of learning, but not on Callister's adaptation of it. Kristin Gerdy explored other theoretical pedagogical approaches that could be applied to legal research instruction, such as andragogy, or adult leaning theory, with its emphasis on experiential learning, flexibility, and self-direction, as well as Kolb's experiential learning theory model that includes a four-stage learning cycle and four separate learning styles.¹⁵ According to Gerdy, law librarians can make legal research instruction efficient and help students acquire practical research skills by taking students through all four facets of the learning cycle that a learner passes numerous times while they are progressing from novice to expert: concrete experience, reflective observation, abstract conceptualization, and active experimentation until each of them is capable of doing it independently.¹⁶

The articles discussed above signal that law librarians have an interest in developing a theoretical foundation for legal research instruction. However, it is not known how widely, or if at all, the pedagogical theories and models discussed above, as well as others that have not been yet in the focus of literature on law librarianship, are integrated in the day-to-day legal research instruction by practicing law librarians.

Legal Research Instruction and Information Literacy Frameworks

The Association of College and Research Libraries (ACRL) defines information literacy as "the set of skills needed to find, retrieve, analyze, and use information."¹⁷ ACRL adopted their first *Information Literacy Competency Standards for Higher Education* in January 2000. The standards have been recently reworked and enlarged to constitute the *Framework for Information Literacy for Higher Education*.¹⁸ However, law librarians were rather late in espousing information literacy standards. They were adopted only recently after voices were raised strongly and convincingly arguing the necessity

of implementing information literacy as a framework for legal library instruction and assessment.¹⁹ The British and Irish Association of Law Librarians developed their *Legal Information Literacy Statement* only in 2012, and the executive board of the American Association of Law Libraries (AALL) adopted *Principles and Standards for Legal Research Competency*, modeled on the ACRL standards, even later, in July 2013.²⁰

While timely and necessary for "academic law librarians to design curricula that will help correct deficiencies in law students' information literacy skills," AALL-approved *Principles and Standards for Legal Research Competency* were created without guidance on "how the principles are to be incorporated into the curriculum."²¹ To create instructional modules, assessments, and activities based on these principles and standards, a backward model of curriculum design can be used by librarians, as demonstrated by Nancy Talley. Backward design is a technique borrowed from the field of education that "inverts the steps of the traditional instruction design process," requiring "instructors to select an academic standard ... before creating assessments or designing a lesson's instruction and activities."²² The use of this well-established model of course design could help law librarians develop legal research instruction that will integrate acquisition of information literacy skills by law students. Phebe Poydras briefly explored how information literacy standards can be incorporated in teaching legal research to prepare information literate law students, using new teaching strategies and different teaching methodologies based on understanding learning styles such as active, collaborative, and problem-based learning.²³ As law libraries are slow to make the shift in their research instruction to incorporate information literacy principles and standards, legal educators continued to argue the urgent necessity of such change. Margolis and Murray, who advocated information literacy as an underlining framework for research instruction before the adoption of the AALL *Principles and Standards*,²⁴ maintained their argument, demonstrating in their more recent articles that information literacy competencies for critically evaluating and assessing information are needed and necessary to make digital-native law students practice ready, also providing practical solutions on how to make necessary changes to the curriculum.²⁵

¹⁴ Margaret Butler, "Resource-based Learning and Course Design: A Brief Theoretical Overview and Practical Suggestions" (2012) 104 Law Libr J 219 [Butler].

¹⁵ Kristin B Gerdy, "Making the Connection" (2001) 19:3-4 Leg Ref Serv Q 71 at 19; Kristin B Gerdy, "Teacher, Coach, Cheerleader, and Judge: Promoting Learning through Learner-centered Assessment" (2002) 94:1 Law Libr J 59 [Gerdy, "Teacher, Coach"].

¹⁶ Gerdy, "Teacher, Coach", *ibid* at 62.

¹⁷ *Information Literacy Glossary, sub verbo* "information literacy", online: <www.ala.org/acrl/issues/infolit/overview/glossary>.

¹⁸ "Information Literacy Competency Standards for Higher Education" (2000), online: Association of College and Research Libraries <alair.ala.org/handle/11213/7668>; "Framework for Information Literacy for Higher Education" (2016), online: Association of College and Research Libraries <www.ala.org/acrl/standards/ilframework>.

¹⁹ See for example: Dennis Kim-Prieto, "The Road not Yet Taken: How Law Student Information Literacy Standards Address Identified Issues in Legal Research Education and Training" (2011) 103 Law Libr J 605; Ellie Margolis & Kristen Murray, "Say Goodbye to the Books: Information Literacy as the New Legal Research Paradigm" (2012) 38 U Dayton L Rev 117 [Margolis & Murray, "Say Goodbye"].

²⁰ "Principles and Standards for Legal Research Competency" (2013), online: American Association of Law Libraries <www.aallnet.org/advocacy/legal-research-competency/principles-and-standards-for-legal-research-competency>; "Legal Information Literacy Statement" (2012), online: British and Irish Association of Law Librarians <bially.org.uk/careers/biall-legal-information-literacy-statement/>.

²¹ Nancy B Talley, "Are You Doing It Backward? Improving Information Literacy Instruction Using the AALL Principles and Standards for Legal Research Competency, Taxonomies, and Backward Design" (2014) 106 Law Libr J 47 at 47.

²² *Ibid* at 48.

²³ Phebe E Poydras, "Developing Legal Information Literate Law Students: 'That Dog Will Hunt'" (2013) 32:3 Leg Ref Serv Q 183.

²⁴ Margolis & Murray, "Say Goodbye", *supra* note 19.

²⁵ Ellie Margolis & Kristen Murray, "Teaching Research Using an Information Literacy Paradigm" (2014) 22:2 Persp: Teaching Legal Res & Writing 101; Ellie Margolis & Kristen Murray, "Using Information Literacy to Prepare Practice-ready Graduates" (2016) 39 U Haw L Rev 1.

Unfortunately, the Canadian Association of Law Libraries (CALL) does not yet have an official framework on integrating information literacy standards into legal research instruction on its website. However, calls and arguments to adopt and use an information literacy framework and standards for teaching and practicing legal research are also coming from Canadian law librarians. In 2008, Kim Nayyer pointed out that the legal research conducted in the context of law firms by many less experienced researchers and law students “is not centred in information literacy” and “does not incorporate or display the basic elements of information literacy,” and called for this to change.²⁶ In 2009, Michels and Lewis demonstrated that law students now face a different legal information landscape where they are in need of not only legal research skills—knowledge of how to find legislation, caselaw, and secondary literature—but also of information literacy skills, understood as an ability to critically assess and evaluate information and its sources.²⁷ These information literacy skills were less pertinent in the former, expert-driven system, when legal information that was accessible had been assessed, selected, and curated by experts. Now, the onus to evaluate not only “the value, appropriateness, and utility of legal documents” for their specific research question but also “the reliability, validity, accuracy, authority, timeliness, and point of view or bias of the potential information sources” has increasingly shifted to students.²⁸ This is the task for which the student will be better equipped if information literacy is adopted as an underlying paradigm of legal research instruction.

Despite these convincing arguments for information literacy principles and standards to be adopted as an underlying paradigm of legal research instruction, it is not yet known how widely, if at all, this approach has been embraced in legal research instruction in Canadian law schools.

Methods and Techniques in Legal Research Instruction

Researchers and librarians discussed the necessity of changing and updating teaching methods to meet the needs of Generation Y, or millennial, students. These digital natives grew up with technology as an integral part of their day-to-day life and do not respond well to traditional, teacher-centred approaches in legal research instruction but thrive in active learning-centred, collaborative, exploratory, and discovery-oriented environments.²⁹ Therefore, new techniques and methods are being tried, tested, and adopted to help this new generation master an increasingly diverse legal information landscape and acquire research skills that will help them succeed in a practice environment.

Several common themes emerged from the review, most of them pertaining to the topic of integrating one or several active learning techniques, where students learn from projects, hand-on assignments, and practical tasks rather than from lectures and exposure to topics in class; e.g., a flipped classroom, collaborative assignments and projects, use of modern technology, and learning through games.

According to the literature, the approach of a flipped, or inverted, classroom is the most widely spread documented active learning method in legal research instruction. In the flipped classroom, “traditional inside-classroom components, such as lecturing and reviewing concepts [are moved] to outside the classroom. Students complete these outside activities on their own time.”³⁰ By doing so, law librarians create the opportunity to repurpose class time “into a learning lab where students test their skills in applying the knowledge acquired from the readings and other instructional materials” by actively doing research focussed on solving a realistic factual example.³¹ A flipped classroom allows for often scarce face-to-face teaching time to be spent on students “actively learning through practical tasks and discussion to consolidate student learning” with students taking “responsibility for their own learning.”³²

The instruction offered fully or partially, as with an inverted classroom, online “has great potential for accommodating the learning styles and preferences of Millennial law students, as well as for the effective teaching of legal research in the digital age,” but it is not without some challenges and disadvantages.³³ Leslie Taylor and Nicola Sales present a succinct and comprehensive picture of benefits, disadvantages, and challenges of the flipped classroom in their articles, alongside helpful, practical advice for librarians considering inverting their classroom.³⁴ It is important to mention that there is little evidence that the actual learning outcomes are better when using online modules as compared to live lectures. In fact, a recent study demonstrated that by themselves instructional videos are no more effective than live lectures as “offering course material as a self-paced recorded module yielded no advantage to students, in terms of retention of the subject material, over offering the same material through a live lecture.”³⁵ Therefore, the main advantage of a flipped classroom might lie in freeing up face-to-face class time, with which law librarians are often pressed, to allow students to practice the skills learned through recorded online modules.

Integrating new technologies and multimedia tools into the legal research classroom is another approach to teaching

²⁶ Kim Nayyer, “The Information Literate Legal Researcher” (2008) 33 Can L Libr Rev 450 at 450.

²⁷ David Michels & Mark Lewis, “The Changing Shape of Legal Information” (2009) 34 Can L Libr Rev 67.

²⁸ *Ibid* at 71.

²⁹ See especially for the description and analysis of the Generation Y students learning styles: Aliza B Kaplan & Kathleen Darvil, “Think and Practice Like a Lawyer: Legal Research for the New Millennials” (2011) 8 Legal Comm & Rhetoric: JAWLD 153 [Kaplan & Darvil].

³⁰ Cindy Guyer, “Experiential Learning: Context and Connections for Legal Research—A Case Study” (2013) 32:3 Leg Ref Serv Q 161 at 170 [Guyer].

³¹ Catherine A Lemmer, “A View from the Flip Side: Using the Inverted Classroom to Enhance the Legal Information Literacy of the International LL. M. Student” (2013) 105 Law Libr J 461 at 463.

³² Nicola Sales, “Flipping the Classroom: Revolutionising Legal Research Training” (2013) 13:4 Leg Info Mgmt 231 at 231.

³³ Susan Herrick & Sara Kelley Burriesci, “Teaching Legal Research Online” (2009) 28:3–4 Leg Ref Serv Q 239.

³⁴ Leslie Taylor, “Five Flippin’ Good Reasons to Flip Your Legal Research Class” (2016) 25:1 Persp: Teaching Legal Res & Writing 23; Sales, *supra* note 32.

³⁵ Jane Bahnson & Lucie Olejnikova, “Are Recorded Lectures Better than Live Lectures for Teaching Students Legal Research” (2017) 109 Law Libr J 187 at 204.

technology-savvy and collaborative millennial students. Use of intelligent clients to create exercises and practice interactions;³⁶ visualising legal information through colours, sizes, or heatmaps to better teach visual learners about case precedents and history;³⁷ monitoring and assessing students' progress in legal research with mind-mapping software, such as LexisNexis's CaseMap;³⁸ using games (online, TV-show-style in class, or a treasure hunt) to reinforce and improve retention of a course's concepts and skills³⁹ are examples of reported tools and techniques. According to the authors, they make the legal research learning experience more student focussed, active, varied, flexible, and attractive, increasing students' engagement and ultimately enhancing efficiency of instruction.

Both the flipped classroom approach and integration of technology allow instructors to cater legal research instruction to another trait of millennial students: their readiness and preference to learn collaboratively.⁴⁰ Hands-on group exercises in a flipped classroom, the use of wiki software to research a legal issue in a team, or the use of a case annotation platform, such as Casetext, are examples of their application in legal research instruction. The benefits of collaborative learning for millennial students are that it "enables students to practice conducting legal research in a structured setting that provides interaction, feedback, and reinforcement. Students learn from each other and tend to make better judgments than when working alone,"⁴¹ which again makes the instruction more effective. Collaborative learning can, for example, take a form of "think, pair, share" when students work independently on a legal research problem, then pair up and discuss it to finally share their answers with the rest of the class.⁴² Another tactic to make legal research instruction more efficient, either delivered through a flipped classroom, with new technology, or through other methods, is to use research problems connected to real life, modern, and current issues and problems, as they motivate modern students to perform and engage better with the content of the lessons.⁴³

Interestingly, the use of research plans, an instructional technique tried before and not wholly innovative, became highly relevant once again and is recommended by several authors as required in legal research instruction for millennial students.⁴⁴ Inclusion of research plans and regular training in their use is needed because students tend to transfer

their web-searching habits into legal research and begin their work on a new problem without clear understanding of the problem and its legal context. A decrease in the time- and cost-efficiency of their research resulting from this phenomenon becomes a significant issue when they begin their professional lives. Making students aware of the deficiency of such a research technique and helping them use their problem-solving and legal analysis skills to develop a research plan through active learning group work exercises can successfully counter this habit.

Current professional literature, reviewed above, provides law librarians with examples of specific innovative instructional methods and techniques that can be integrated to teach legal research efficiently to modern generations of law students. However, it lacks a comprehensive study of how widespread and widely adopted these methods are, and what other techniques not reported in the literature are being used, especially in Canadian law schools.

Teaching Government/Legal Information in IS Schools

Instructional practices of IS faculty in teaching government/legal information courses are in even a greater need of being described and documented, as the literature review found no studies on the subject and a general staggering paucity of the literature. The IS literature is almost silent on what students should—but do not—know, what should be taught in government/legal information courses, or how it could be done. Similar to literature on legal research, it exists as a number, though smaller, of how-to publications, manuals, and handbooks, useful for searching for government information but not at addressing the question of teaching it.⁴⁵ All this is despite the fact that courses focussed on legal resources, government information, and legal research are offered to students of IS schools on regular basis. It is also worth noting that of the total of six papers, three were authored or co-authored by the same person, clearly indicating not only his motivation to raise awareness of the issue but also a certain indifference to the subject from other IS educators and researchers.

Only three relatively recent papers address the subject of government information instruction in IS schools, with two of them advocating for the necessity of preparing future librarians to work with e-government information.⁴⁶

³⁶ Nancy B Talley, "Imagining the Use of Intelligent Agents and Artificial Intelligence in Academic Law Libraries" (2016) 108 Law Libr J 383.

³⁷ Katrina June Lee, Susan Azyndar & Ingrid AB Mattson, "A New Era: Integrating Today's Next Gen Research Tools Ravel and Casetext in the Law School Classroom" (2015) 41 Rutgers Computer & Tech LJ 31.

³⁸ Kaplan & Darvil, *supra* note 29.

³⁹ Guyer, *supra* note 30; J Davis et al, "Perspectives on Teaching Foreign and International Legal Research" (2001) 19:3-4 Leg Ref Serv Q 55; Nancy Vettorello, "Resurrecting (and Modernizing) the Research Treasure Hunt" (2017) 109 Law Libr J 205; Kaplan & Darvil, *supra* note 29.

⁴⁰ Guyer, *supra* note 30; Kaplan & Darvil, *supra* note 29; Susan Azyndar, "Work with Me Here: Collaborative Learning in the Legal Research Classroom" (2015) 1 Leg Info Rev 1; Lee, Azyndar & Mattson, *supra* note 37.

⁴¹ Kaplan & Darvil, *supra* note 29 at 181.

⁴² Butler, *supra* note 14 at 238.

⁴³ Guyer, *supra* note 30; Kaplan & Darvil, *supra* note 29; Caroline L Osborne, "A Methodical Approach to Legal Research: The Legal Research Plan, an Essential Tool for Today's Law Student and New Attorney" (2013) 32:1-2 Leg Ref Serv Q 54 [Osborne]; Robert M Linz, "Research Analysis and Planning: The Undervalued Skill in Legal Research Instruction" (2015) 34:1 Leg Ref Serv Q 60 [Linz]; Kris Gilliland, "A Motivational Perspective on First-year Legal Research Instruction" (2009) 28:1-2 Leg Ref Serv Q 63.

⁴⁴ Osborne, *supra* note 43; Linz, *supra* note 43; Kaplan & Darvil, *supra* note 29.

⁴⁵ Recent examples include: Eric J Forte, Cassandra J Hartnett & Andrea Severson, *Fundamentals of Government Information: Mining, Finding, Evaluating, and Using Government Resources* (Chicago: American Library Association, 2016); Peggy Garvin, *Government Information Management in the 21st Century: International Perspectives* (Farnham, Surrey, England: Ashgate, 2011).

⁴⁶ Paul T Jaeger, "Building E-government into the Library and Information Science Curriculum: The Future of Government Information and Services"

The articles authored (2008) and co-authored (2012) by Paul Jaeger argue, using the e-government librarianship concentration in the master's program at the College of Information Studies of the University of Maryland as an example, that continued growth of e-government information has and will have significant implications for the work of information organizations and their staff. E-government and the information that it is producing are presenting them with new challenges and opportunities as users seek assistance at public and other libraries with e-government documents, forms, and functions. Jaeger et al stipulate that to prepare future e-government librarians to meet these challenges, IS schools that have "so far paid scant attention"⁴⁷ to this subject have to adopt innovative approaches in their pedagogy and practice and emphasize e-government in their educational programs and research, without, however, discussing methods of how to do it in many details. Only one paper, now becoming dated but still useful, on preparing a course on government statistical information deals directly with teaching methods for this type of government information, outlining course content, instructional methods, textbooks to use, and suggesting issues for the discussion.⁴⁸

The literature on preparing future law librarians demonstrates a similar, almost complete lack of scholarly studies and professional papers. This could be logically attributed to a "near-complete neglect of the education of law librarians" by the library and information science schools well documented in the recent article by Jaeger and Gorham.⁴⁹ This article explores the origins of the long-standing concerns and issues with the professional education and preparation of law librarians in the United States, offering some direction on how these issues could be resolved by making adjustment to IS schools' curricula. Jaeger and Gorham's paper was published in 2017 when the neglect towards the education of law librarians was still alive, despite the fact that as early as in 2005 the study by Gathegi and Burke found that IS schools, and especially iSchools, were making an effort to infuse law into information studies by integrating either substantive law or legal information courses into their curricula.⁵⁰ Interestingly, the findings of Gathegi and Burke's study were not corroborated by another paper published in 2005 that found significant gaps in available educational opportunities, especially in advanced legal information training, offered by IS schools to aspiring law librarians.⁵¹

The paucity of literature on the topic of government/legal information in IS schools precludes me from answering the research questions above, as well as from making any conclusions on the state of teaching these subjects, and clearly indicates the gap in knowledge to address.

Conclusion and Reflections on Future Research

The review of the literature above did not find answers to

the research questions posed. Instead, it revealed a need for a comprehensive study that would describe the current state of the pedagogical approaches and methods used in legal research instruction and government/legal information courses. I know from anecdotal evidence and personal communications that law librarians and IS faculty employ a panoply of teaching methods and use a variety of innovative teaching practices. However, these approaches, methods, and practices, especially the ones adopted at Canadian institutions, are in urgent need of being described and documented. It is necessary to state that my emphasis on Canadian context is not only due to its particular relevancy to my own professional practice but also to two other factors. First, most of the literature reviewed above pertains to approaches and practices in the US or, to a lesser degree, the UK, while Canadian ones are severely under-described and under-documented. Second is the particularity of Canadian legal information that comes into being in a bilingual (French and English) and bijural (common law and civil law) environment. This environment requires different teaching approaches than those used in unilingual, common law jurisdictions, such as the US or the UK. In an upcoming research project, I plan to survey, describe, and document pedagogical approaches and methods used in legal research instruction at law schools and faculties in Canada and government/legal information courses in Canadian IS schools. I hope the results of this future study will not only advance the state of knowledge on the subject but also be of practical value to educators in both disciplines.

Bibliography

MONOGRAPHS

Anderson, Lorin W, David R Krathwohl & Benjamin Samuel Bloom. *A Taxonomy for Learning, Teaching, and Assessing: A Revision of Bloom's Taxonomy of Educational Objectives* (New York: Longman, 2001).

Bloom, Benjamin S. *Taxonomy of Educational Objectives; The Classification of Educational Goals* (New York: Longmans, Green, 1956).

Fitzgerald, Maureen F & Susan Barker. *Legal Problem Solving: Reasoning, Research & Writing* (Toronto: LexisNexis, 2016).

Forte, Eric J, Cassandra J Hartnett & Andrea Sevetson. *Fundamentals of Government Information: Mining, Finding, Evaluating, and Using Government Resources* (Chicago: American Library Association, 2016).

Garvin, Peggy. *Government Information Management in the 21st Century: International Perspectives* (Farnham, Surrey, England: Ashgate, 2011).

(2008) 49:3 J Ed Lib Info Sci 167 [Jaeger, "Building E-government"]; Paul T Jaeger et al, "A New Frontier for LIS Programs: E-government Education, Library/Government Partnerships, and the Preparation of Future Information Professionals" (2012) 29:1 Ed Info 39.

⁴⁷ Jaeger "Building E-government", *supra* note 46 at 167.

⁴⁸ John P Heintz, "Developing a Library School Course in Government Statistics" (2004) 45:3 J Ed Lib Info Sci 189.

⁴⁹ Paul Jaeger & Ursula Gorham, "The Education of Law Librarians in the United States from the Library School Perspective" (2017) 58:1 J Ed Lib Info Sci 3 at 3.

⁵⁰ John N Gathegi & Darrell E Burke, "Convergence of Information and Law: A Comparative Study between I-Schools and Other ALISE Schools" (2008) 49:1 J Ed Lib Info Sci 1.

⁵¹ Serena Brooks, "Educating Aspiring Law Librarians: A Student's Perspective" (2005) 97:3 Law Libr J 517.

Hoffman, Marci & Robert C Berring. *International Legal Research in a Nutshell* (St Paul, MN: Thomson/West, 2017).

Kerr, Margaret Helen, JoAnn Kurtz & Arlene Blatt. *Legal Research: Step by Step* (Toronto: Emond Montgomery, 2018).

McCarney, Moira et al. *The Comprehensive Guide to Legal Research, Writing & Analysis* (Toronto: Emond Montgomery, 2016).

JOURNAL ARTICLES

Azyndar, Susan. "Work with Me Here: Collaborative Learning in the Legal Research Classroom" (2015) 1 Leg Info Rev 1.

Bahnson, Jane & Lucie Olejnikova. "Are Recorded Lectures Better than Live Lectures for Teaching Students Legal Research" (2017) 109 Law Libr J 187.

Brooks, Serena. "Educating Aspiring Law Librarians: A Student's Perspective" (2005) 97:3 Law Libr J 517.

Butler, Margaret. "Resource-based Learning and Course Design: A Brief Theoretical Overview and Practical Suggestions" (2012) 104 Law Libr J 219.

Callister, Paul D. "Beyond Training: Law Librarianship's Quest for The Pedagogy of Legal Research Education" (2003) 95 Law Libr J 7.

———. "Thinking Like a Research Expert: Schemata for Teaching Complex Problem-Solving Skills" (2009) 28:1–2 Leg Ref Serv Q 31.

———. "Time to Blossom: An Inquiry into Bloom's Taxonomy as a Hierarchy and Means for Teaching Legal Research Skills" (2010) 102 Law Libr J 191.

Davis, J et al. "Perspectives on Teaching Foreign and International Legal Research" (2001) 19:3–4 Leg Ref Serv Q 55.

Feliú, Vicenç & Helen Frazer. "Outcomes Assessment and Legal Research Pedagogy" (2012) 31:2 Leg Ref Serv Q 184.

Fitzgerald, Maureen F. "What's Wrong with Legal Research and Writing? Problems and Solutions" (1996) 88 Law Libr J 247.

Gathegi, John N & Darrell E Burke. "Convergence of Information and Law: A Comparative Study between I-Schools and Other ALISE Schools" (2008) 49:1 J Ed Lib Info Sci 1.

Gerdy, Kristin B. "Making the Connection" (2001) 19:3–4 Leg Ref Serv Q 71.

———. "Teacher, Coach, Cheerleader, and Judge: Promoting Learning Through Learner-centered Assessment" (2002) 94:1 Law Libr J 59.

Gilliland, Kris. "A Motivational Perspective on First-year Legal Research Instruction" (2009) 28:1–2 Leg Ref Serv Q 63.

Guyer, Cindy. "Experiential Learning: Context and Connections for Legal Research—A Case Study" (2013) 32:3 Leg Ref Serv Q 161.

Harker, Yasmin Sokkar. "Information is Cheap, but Meaning is Expensive: Building Analytical Skill into Legal Research Instruction" (2013) 105 Law Libr J 79.

Heintz, John P. "Developing a Library School Course in Government Statistics" (2004) 45:3 J Ed Lib Info Sci 189.

Herrick, Susan & Sara Kelley Burriesci. "Teaching Legal Research Online" (2009) 28:3–4 Leg Ref Serv Q 239.

Jaeger, Paul & Ursula Gorham. "The Education of Law Librarians in the United States from the Library School Perspective" (2017) 58:1 J Ed Lib Info Sci 3.

Jaeger, Paul T. "Building E-government into the Library and Information Science Curriculum: The Future of Government Information and Services" (2008) 49:3 J Ed Lib Info Sci 167.

———. "A New Frontier for LIS Programs: E-government Education, Library/Government Partnerships, and the Preparation of Future Information Professionals" (2012) 29:1 Ed Info 39.

Kaplan, Aliza B & Kathleen Darvil. "Think and Practice like a Lawyer: Legal Research for the New Millennials" (2011) 8 Legal Comm & Rhetoric: JAWLD 153.

Kim-Prieto, Dennis. "The Road Not Yet Taken: How Law Student Information Literacy Standards Address Identified Issues in Legal Research Education and Training" (2011) 103 Law Libr J 605.

Lee, Katrina June, Susan Azyndar & Ingrid AB Mattson. "A New Era: Integrating Today's Next Gen Research Tools Ravel and Casetext in the Law School Classroom" (2015) 41 Rutgers Computer & Tech LJ 31.

Lemmer, Catherine A. "A View from the Flip Side: Using the Inverted Classroom to Enhance the Legal Information Literacy of the International LL.M. Student" (2013) 105 Law Libr J 461.

Leslie Taylor. "Five Flippin' Good Reasons to Flip Your Legal Research Class" (2016) 25:1 Persp: Teaching Legal Res & Writing 23.

Linz, Robert M. "Research Analysis and Planning: The Undervalued Skill in Legal Research Instruction" (2015) 34:1 Leg Ref Serv Q 60.

Margolis, Ellie & Kristen Murray. "Teaching Research Using an Information Literacy Paradigm" (2014) 22:2 Persp: Teaching Legal Res & Writing 101.

———. “Using Information Literacy to Prepare Practice-ready Graduates” (2016) 39 U Haw L Rev 1.

———. “Say Goodbye to The Books: Information Literacy as the New Legal Research Paradigm” (2012) 38 U Dayton L Rev 117.

McLaughlin Jr, Paul Jerome. “Finding the Theory and Method for the Pedagogy of Teaching Legal Research: A Response to Callister’s ‘Time to Blossom’” (2017) 36:2 Leg Ref Serv Q 74.

Michels, David & Mark Lewis. “The Changing Shape of Legal Information” (2009) 34 Can L Libr Rev 67.

Nayyer, Kim. “The Information Literate Legal Researcher” (2008) 33 Can L Libr Rev 450.

Osborne, Caroline L. “A Methodical Approach to Legal Research: The Legal Research Plan, an Essential Tool for Today’s Law Student and New Attorney” (2013) 32:1–2 Leg Ref Serv Q 54.

Poydras, Phebe E. “Developing Legal Information Literate Law Students: ‘That Dog Will Hunt’” (2013) 32:3 Leg Ref Serv Q 183.

Sales, Nicola. “Flipping the Classroom: Revolutionising Legal Research Training” (2013) 13:4 Leg Info Mgmt 231.

Talley, Nancy B. “Are You Doing It Backward? Improving Information Literacy Instruction Using the AALL Principles and Standards for Legal Research Competency, Taxonomies,

and Backward Design” (2014) 106 Law Libr J 47.

———. “Imagining the Use of Intelligent Agents and Artificial Intelligence in Academic Law Libraries” (2016) 108 Law Libr J 383.

Vettorello, Nancy. “Resurrecting (and Modernizing) the Research Treasure Hunt” (2017) 109 Law Libr J 205.

INFORMATION LITERACY STANDARDS

“Framework for Information Literacy for Higher Education” (2016), online: Association of College and Research Libraries <www.ala.org/acrl/standards/ilframework>.

“Information Literacy Competency Standards for Higher Education” (2000), online: Association of College and Research Libraries <alair.ala.org/handle/11213/7668>.

Information Literacy Glossary, online: Association of College and Research Libraries <www.ala.org/acrl/issues/infolit/overview/glossary>.

“Legal Information Literacy Statement” (2012), online: British and Irish Association of Law Librarians <biall.org.uk/careers/biall-legal-information-literacy-statement/>.

“Principles and Standards for Legal Research Competency” (2013), online: American Association of Law Libraries <www.aallnet.org/advocacy/legal-research-competency/principles-and-standards-for-legal-research-competency/>.

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III Competitive Analysis in Corporate Law Firms: STEEP* Analysis

By Katie Cuyler**

ABSTRACT

This article has been adapted from a presentation at the CALL/ACBD 2018 conference entitled Competitive Intelligence and Government Docs: Find, Use, and Create Actionable Intelligence. I would like to extend my appreciation to my co-presenter, James Miller, Connect Public Affairs, for his invaluable expertise in creating and presenting this session.

SOMMAIRE

Cet article constitue une adaptation d'une communication présentée au congrès de l'ACBD/CALL 2018, intitulée Competitive Intelligence and Government Docs: Find, Use, and Create Actionable Intelligence (Veille à la concurrence et documents gouvernementaux : dénicher, utiliser et créer des renseignements exploitables). Je tiens également à remercier mon coprésentateur, James Miller, de Connect Public Affairs, pour sa précieuse expertise dans la création et la présentation de cette séance.

There are numerous Competitive Intelligence (CI) frameworks practitioners can employ to help them conceptualize their research and reporting, and each of these frameworks is designed with a specific purpose in mind. The nature of law firm business, and the purpose of law firm CI, means some frameworks are more useful than others. As the primary function of law firms is to serve clients within a wide variety of businesses, many of the

internally focussed CI frameworks are less applicable, and the more macroenvironmental frameworks are often better suited. A macroenvironmental analysis allows lawyers to better understand the environment in which their client is operating, and, ideally, help clients navigate any legal issues that they may face in interacting with that environment. In most cases, it is not required that lawyers understand the inner functions of their client's business, as this is an area where their client is likely already an expert. Lawyers are sought for their legal expertise, not their expertise on the inner workings of their client's business. As such, this article will outline a straightforward and effective CI framework for macroenvironmental analysis: a STEEP framework.

One of the best places to find macroenvironmental information is through government sources. Within a specific jurisdiction, this type of information is one of the most comprehensive and credible sources. Government agencies create legislation and regulations that can have an impact on or directly prescribe how companies and industries operate. Legislation also requires the disclosure of certain information that companies might have otherwise preferred to keep private, and this information is often made publicly available. Additionally, many government agencies collect and disseminate large amounts of information and data on society, the environment, and the economy. To illustrate how much impact government information can have on CI, the STEEP framework outlined herein will incorporate government information examples. By applying the knowledge of the Canadian government and legal system

*Abbr. for Societal, Technological, Economic, Ecological, Political Environment.

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that they gain working within law libraries, law librarians are uniquely suited to expertly source and assess information on broader, social, political, economic, and technological areas of research.

STEEP Framework

One of the leading sources on conducting CI is *Analysis without Paralysis* by Bensoussan and Fleisher. Bensoussan and Fleisher describe the STEEP framework as a macroenvironmental analysis that “has the explicit task of leading executive thinking beyond current activities and short-term horizons while still making frequent and sensible links to current and shorter-term activities to retain credibility.”¹ A lawyer that enables this type of strategic discussion or outcome will be invaluable to the client.

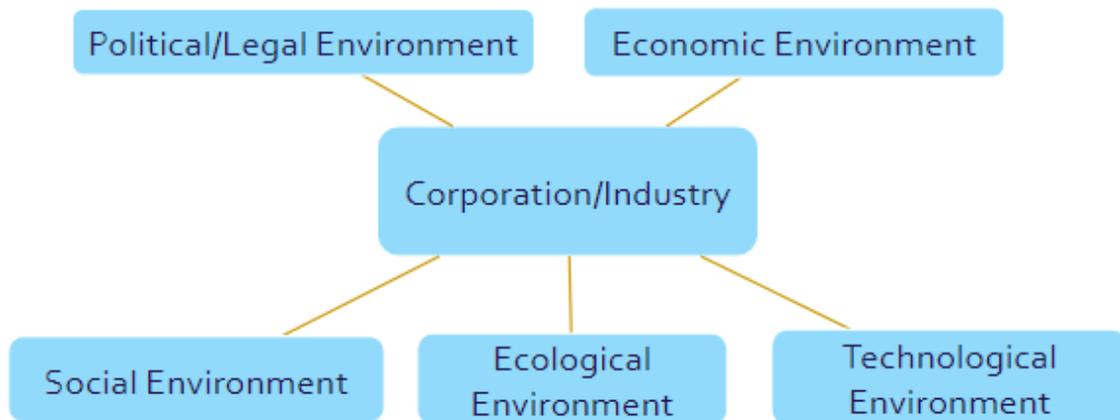


Figure 1: Facets of a STEEP framework.²

The following will outline a basic description of each facet of a STEEP framework, including the types of government information that would be most useful, and how this information can be effective for a requesting lawyer to use. It should be noted that for the purpose of clarity, in the following framework discussion I will reference a target client, but this type of analysis could also be applied to an industry more broadly. Additionally, I will be highlighting only federal government information, but in a real-world analysis many similar and equally valuable types of information can and should be gathered from other government jurisdictions and non-governmental sources. Further, an expert competitive intelligence professional understands the specific requirements of a CI request and defines the boundaries of the information collected and presented so as to have the most research impact on the specific situation that initiated the analysis. For example, a STEEP analysis created for a technology lawyer on a prospective client may include a larger analysis of the technological environment and potential opportunities for that lawyer than one created for a more general client relationship management program. Considering these differences, this article provides a broad overview of this type of framework, while highlighting the valuable role government information can play.

Societal Environment

An organization’s societal environment refers to the individual and collective people that make up the market and environment in which the organization operates. This environment includes ideological beliefs, values, economic makeup and capacity, and lifestyles. Changing trends in these areas can have a positive or negative impact on an organization.

For example, understanding the societal environment within which a retail organization operates can help predict or understand the evolving demands for specific products or services. This information could also be useful if an organization is considering expanding or downsizing, as well as in the development and targeting of marketing plans. Some common indicators to look at would include demographic

and population changes, income and employment statistics, spending habits, and public opinion research.

Government information sources:

- Statistics Canada
- Public Opinion Research Reports (LAC)

Technological Environment

The technological environment refers to the technological capacity of a specific market and includes an awareness of new and upcoming tech developments of the target organization, as well as their competitors.

Understanding the technological capacity of a specific market is important for an organization to understand how that capacity (technological infrastructure) could impact or limit their business and potential growth. For example, a company dependent upon a highly skilled workforce with computer science education and skills may be less successful in opening a new branch in a city without colleges or universities with related programs, and thus graduates, in these areas.

¹Babette Bensoussan & Craig Fleisher, *Analysis without Paralysis: 12 Tools to Make Better Strategic Decisions*, 2nd ed (Upper Saddle River, NJ: Pearson Education, 2013) at 191.

²*Ibid* at 190.

Awareness of new and potentially upcoming developments of a target organization can show which products or markets said organization is invested in developing. Likewise, being aware of an organization's competitors' technological activities can be valuable in maintaining competitiveness and being alerted to potential market disruptions. These insights can be drawn from the assessment of things like patent and other intellectual property filings.

Government information sources:

- Infrastructure Canada
- Innovation Science and Economic Development Canada
- Education and Social Development Canada
- Canadian Intellectual Property Office

Ecological Environment

The ecological environment refers to the physical environment in which an organization operates and includes environmental conditions, waste management capacity, and availability of resources, among others. The ecological capacity for a company's operations is a boundary that needs to be understood, as it will likely be subject to government regulation.

The ecological environment will identify what resources are readily available and the physical capacity available to enable an organization to operate. Additionally, major ecological disruptions can have an impact on business decisions.

Government information sources:

- Federal Science Library
- Natural Resources Canada
- Environment Canada

Economic Environment

The economic environment and system an organization is operating in can be defined by looking at things like exchange rates, inflation, interest rates, GDP, and more.

This information is useful when making financial plans and decisions. A manufacturing company, for example, relying on parts purchased internationally will be largely impacted by changing exchange rates. For another organization, increasing inflation could create pressure to increase employees' wages.

Government information sources:

- Canadian Industry Statistics
- Central Bank
- Statistics Canada

Political Environment

The political/legal environment refers to the legal boundaries within which an organization must operate. Legislation, regulation, political sentiment, and court decisions are the main contributors to this environment.

Understanding the political and legal environment in which an organization operates is essential. Lawyers already have expert knowledge of the legal boundaries in which their client operates, especially as it relates to their practice areas. However, a clear awareness of the complete political environment, beyond a specific area of expertise, is important in illuminating any gaps or potential influences that may exist.

Additionally, government relations can be an important factor in the political environment of an organization. For example, the lobbying activities and the relationships that an organization has with those in government is something to be aware of, as it can be very telling of the priorities and future plans of that company.

Government information sources:

- Hansard/Lipad (Debates)
- LegisInfo
- Gazette
- Departments
- Lobbying activity search

Use Cases

A STEEP analysis can be a valuable exercise to undertake on a current or potential client. If presented clearly and concisely, stakeholders receiving the STEEP analysis will be able to quickly gain an overview and understanding of the macroenvironment in which their client operates. This overview should provide the information necessary for lawyers to have an informed conversation with their client about their business, without having to spend hours, potentially *billable* hours, conducting the research.

In addition, the CI practitioner should take this analysis a step further in order to add the most value. This can be done by taking stock of each environment and asking, are there opportunities for the target organization? Are there gaps, problems, or potential risks for this organization? And then, most importantly, are any of these opportunities areas where the requesting lawyer can add value? Or, are there gaps or problems where the requesting lawyer can minimize risk? While providing a clear and concise overview of target organizations and the environments in which they operate is essential to helping lawyers better understand their clients' needs, this information will be most useful to the requesting lawyer if it provides them with opportunities to further develop their client relationship. The opportunity to provide valuable, timely information, and a stepping-off point to increase business, can be an important opportunity for the law librarian presenting the information as well!

Execution

Considering the above definitions of each facet, a CI practitioner can execute a STEEP analysis with the following steps:

1. Define the boundaries of required information, relevant to the initial request and target organization, within each environment;
2. Collect and source the relevant information;
3. Analyze the collected information through the lens of the objective of the request; and
4. Create a clear and concise deliverable that emphasizes actionable insights upfront.

Deliverable

The deliverable of this analysis should save the requester's time and address what the requestor was trying to accomplish, taking the unique circumstances of the target into consideration. For example, if an M&A lawyer wanted a rundown on a new property development client about to make an acquisition, the deliverable (memo, dossier, report, etc.) should highlight the information most critical to the lawyer's contribution to the execution of that transaction and the unique circumstance of this specific property development client (their market, priorities, competitors, transaction history).

All of the required information may not be gleaned from a STEEP analysis, and not all information required in a STEEP analysis will be available in government sources. A STEEP analysis can provide a foundational framework through

which to conceptualize the research process and upon which to build out an useful deliverable. However, tailoring an analysis and the deliverable to the specific request and surrounding circumstance is crucial. Doing this comes back to the expertise of the CI practitioners, in knowing their clients, the requesting lawyers, and using that knowledge to craft the best deliverable.

Appendix

Potential Deliverable Excerpt

Political/Legal Environment

Opportunities & Risks

- New legislation will have an impact on the client's operations in XYZ
- Lobbying by the client's competitor related to these regulations could have a negative impact the client
 - Note: Potential opportunity to help client with government relations

Overview

More complete description to the target's political/legal environment. A few sentences outlining the key indicators and background information of which the lawyer should be aware. Those opportunities/risks where lawyers may be able to assist their client and/or expand their business should be highlighted upfront. Save their time and give the most useful information right away, as clear and concisely as possible.

Quick Government Information Resource Guide			
Source	URL	Information Included	Possible Insights
Lipad	www.lipad.ca	Digitized Hansard from the House of Commons of Canada from 1901–current. Full text searchable.	<ul style="list-style-type: none"> • Government policy (current/upcoming) • Government sentiment to industry/client • Opportunities for new projects (funding)
LegisInfo	www.parl.ca/legisinfo	Track the passage of legislation through the Parliament of Canada.	<ul style="list-style-type: none"> • Current legislation may impact client • Pending legislation may impact client

Quick Government Information Resource Guide

Source	URL	Information Included	Possible Insights
Lobbying Registry Search and Statistics	lobbycanada.gc.ca/eic/site/012.nsf/eng/00035.html	Search of lobby registrants and previous activity in the Parliament of Canada.	<ul style="list-style-type: none"> Awareness of client lobbying activity and interests Awareness of client's competitor lobbying activity, and client and industry interests
Statistics Canada	statcan.gc.ca	Produces statistics related to Canada's population, resources, economy, society, and culture.	<ul style="list-style-type: none"> Demographic or population changes may impact client market Consumer, economic, business, and retail statistics may direct planning and marketing, or help the advisor better understand client
Infrastructure Canada Projects	infrastructure.gc.ca/map-carte/index-eng.html	Database of publicly funded infrastructure projects.	<ul style="list-style-type: none"> New/current market opportunities or projects
CRTC	crtc.gc.ca	Administrative tribunal that regulates and supervises broadcasting and telecommunications in the public interest.	<ul style="list-style-type: none"> Current and potential market/client regulation Societal perceptions
CIPO	ic.gc.ca/eic/site/cipointernet-internetopic.nsf/eng/Home	Register and make trademarks, patents, copyright, industrial designs, and integrated circuit topographies publicly available.	<ul style="list-style-type: none"> Client/competitor activities: new products, areas of focus, etc.
Industry Canada: Business Research	www.canada.ca/en/services/business/research.html	Industry sector intelligence, financial benchmarks, labour trends, and business statistics.	<ul style="list-style-type: none"> Trade and market data Industry data and profiles Company contact details Labour market information
Canada Gazette	gazette.gc.ca/accueil-home-eng.html	Proposed regulations, government notices.	<ul style="list-style-type: none"> Proposed regulations Government notices Notices from legal community
Access to Information Manual	www.canada.ca/en/treasury-board-secretariat/services/access-information-privacy/access-information/access-information-manual.html#cha7	Instruction manual for government officials to interpret <i>Access to Information Act</i> .	<ul style="list-style-type: none"> Comprehensive guidelines for public servants to interpret ATIP requests
Forward Regulatory Plans	www.canada.ca/en/treasury-board-secretariat/services/federal-regulatory-management/government-wide-forward-regulatory-plans.html	Medium- to long-term plans for implementation of regulations.	<ul style="list-style-type: none"> Identify regulatory threats Identify public consultation opportunities



III Reviews / Recensions

Edited by Kim Clarke and Elizabeth Bruton

***Abortion: History, Politics, and Reproductive Justice after Morgentaler*. Edited by Shannon Stettner, Kristin Burnett & Travis Hay. Vancouver: UBC Press, 2017. vi, 372 p. Includes bibliographical references and index. ISBN 978-0-7748-3574-9 (paper) \$34.95.**

Abortion: History, Politics, and Reproductive Justice after Morgentaler is a carefully crafted collection of essays that detail the historical and contemporary context of abortion and reproductive rights in Canada. The essays are organized into four thematic parts titled “History,” “Experience,” “Politics,” and “Discourse and Reproductive Justice,” respectively.

The essays in part 1 each discuss social issues that dominated the abortion discussion at different points in Canadian history. For instance, Niitsitapi midwifery practices were dismissed as illegitimate due to a lack of official accreditation. Women and girls who sought out abortion services were judged as being responsible for their own problems. The first few essays, far from easing the reader into the underlying social issues surrounding abortion, move directly to the heart of the matter and set the tone for what comes next.

Part 2 is a whirlwind tour through the political movements surrounding abortion. The essays follow the emergence of Canadian feminism alongside the simultaneous rise of the pro-choice versus anti-abortion debate. Readers will note the re-categorization of abortion and reproductive rights as they move from a criminal issue, to a political issue, and, finally, to a healthcare issue. A look at the inconsistency between laws that support a woman’s right to abortion and

the service or disservice provided by medical professionals highlights the unequal treatment of women and women’s bodies.

Part 3 takes a more in-depth look at the legal side of abortion in Canada, including the liberalization and decriminalization of abortion, as well as a comparison of how abortion is treated in Canada versus the United States, and shifts in the anti-abortion movement. The essays specifically talk about section 251 of the Canadian *Criminal Code* as amended in 1969 and section 7 of the *Canadian Charter of Rights and Freedoms* as cited in *R v Morgentaler*, which were instrumental in changes to abortion law in Canada.

Part 4 analyzes the reproductive justice framework and its counterpart, the anti-abortion advocacy framework. Readers who identify as pro-choice are asked to objectively consider the anti-abortion position in order to understand the limits of a choice-centred discourse and come up with solutions for the issues posited by new-age anti-abortion advocates. These final few essays assert that for women experiencing systemic, administrative, and environmental barriers to abortion services, there is an imminent need for an intersectional consideration of access.

The 14 essays are preceded by an introduction and succeeded by a conclusion written by the editors. The conclusion is followed by a list of biographies describing the contributors of the essays, who are nearly all academics but with expertise ranging from psychology to architecture to gender studies. This book is unique in that it ties together the perspectives of scholars in history, politics, and law, as

opposed to other compilations that focus on works from one particular field, echoing the intersectionality of the modern-day reproductive justice framework. The general message of the book is that true reproductive justice must acknowledge the fact that abortion is more than just a political matter. Rather, abortion is intertwined with larger, underlying social issues including sexism, racism, paternalism, and other forms of exercising power over women, especially for women of colour or women of lower socioeconomic status. *Abortion* explains that while *R v Morgentaler* was a landmark decision in Canadian abortion history, it did not solidify women's rights to abortion nor did it quash the efforts of anti-abortion advocates. It did, however, bring to light the progression of the reproductive justice framework and gaps where there is work to be done.

Canada is now under a Liberal majority government, but that still doesn't guarantee that women's rights, and therefore abortion and reproductive rights, are being supported adequately. It's evident that some changes have happened, but editors Stettner, Burnett, and Hay warn that in the greater scope of things, abortion law in Canada hasn't actually changed a whole lot.

Due to the various intersections captured in *Abortion*, it would be a worthwhile read for those interested in history, politics, law, and, of course, reproductive justice.

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***Abortion Rights: For and Against.* By Kate Greasley & Christopher Kaczor. Cambridge: Cambridge University Press, 2018. 260 p. Includes a bibliography and index. ISBN: 9781316621851 (paperback) \$33.95.**

Abortion Rights: For and Against presents a philosophical approach to abortion as an ethical issue and moral right. Written by Kate Greasley from University College London and Christopher Kaczor from Loyola Marymount University, the book is structured as a dialogue, opening with Greasley's defense of abortion rights, followed by Kaczor's argument that abortion is a human rights violation. Each author then responds to the other's arguments and criticisms.

Greasley and Kaczor debate the nature of personhood: how we define "person," the combination of qualities a being must possess to be considered a person, and "whether the human fetus possesses the same moral standing we readily accord to born human beings" (p 24). Greasley and Kaczor deliberate over when a person can be said to exist, considering common benchmarks such as conception, fetal viability, and post-birth.

The central question, and the point on which Greasley and Kaczor fundamentally disagree, is whether one can consider personhood as something distinct from human species membership in order to justify abortion as a moral right. Greasley argues that "the core constitutive features of a person are developmentally acquired capacities" and

"rejecting the view that pure human species membership, in the form of human genetic coding, is sufficient for the possession of personhood" (p 27), concluding that abortion can be morally justified as personhood supervenes human species membership. Kaczor argues from the position that "the pro-life view holds that *all* human beings—regardless of race, religion, age, disability, or birth—have the same fundamental dignity from which arise basic, equal rights" (p 87) and that any moral justification for abortion must therefore consider when humans, whether or not they meet the criteria for personhood, gain those fundamental rights.

The questions regarding the essence of personhood and humanity are considered through thought experiments such as the Embryo Rescue Case, as well as through the analysis of other philosophers' treatments of abortion, including Don Marquis's "future like ours" argument, and Judith Thomson's "bodily rights" argument. Brief introductions to these thought experiments and philosophical theses provide background for readers unfamiliar with them, and the index is helpful for comparing Greasley and Kaczor's interpretations of the various elements of each that support their differing perspectives.

One of the book's great strengths is that the authors begin from a place of acceptance; neither expects to change the mind of the other, and the tone of the debate remains respectful throughout. Greasley and Kaczor skillfully guide the reader through their methodology and reasoning, ensuring that readers holding the opposite viewpoint can understand (without needing to agree) how each author reaches their conclusions.

Those looking for an extensive treatment of legal rights will be disappointed, as these are considered only in reference to the discussions surrounding personhood, and the consequences for abortion providers and seekers that could result if a fetus were granted full legal rights. This is not to say law students and practitioners won't benefit from this book; as Nancy McCormack demonstrated in "When Canadian Courts Cite the Major Philosophers: Who Cites Whom in Canadian Caselaw" in 42:2 of the *Canadian Law Library Review*, philosophy has a significant influence in legal thought and deliberation. *Abortion Rights: For and Against* is an accessible introduction to modern philosophical arguments that could shape abortion law and jurisprudence.

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Claire L'Heureux-Dubé: A Life. By Constance Backhouse. Vancouver: UBC Press, 2017. xviii, 740 p. Includes index, bibliographical references, notes, and illustrations. ISBN 978-0-7748-3632-6 (cloth) \$49.95.

Constance Backhouse's biography, *Claire L'Heureux-Dubé: A Life*, about the second woman, and first from Quebec, appointed to the Supreme Court of Canada, is an exceptional contribution to Canadian legal literature. Backhouse, a prolific author on the historical struggles of women in law, completely immersed herself in her subject by taking extensive French immersion studies, learning about the Quebec civil law system, and conducting close to 200 interviews over a ten-year period, including several with L'Heureux-Dubé. The result is a meticulously researched but very readable biography of a leading figure in Quebec and Canadian law. The 150 pages of footnotes contain a rich background of material for researchers on multiple topics in legal history.

One recurring theme in the book is the resilience shown by L'Heureux-Dubé in overcoming the personal and institutional barriers she encountered. At home, she entered law school at Laval over stern opposition from her father, a customs and military official. While registering at Laval, she was told by at least two officials that the legal profession was only for men and she should not apply for any scholarships. She prevailed and was one of only two women in her 1951 graduating class. She was also the second woman to enter private practice in Quebec City (Quebec was the last province to admit women as lawyers in 1941).

The first jobs L'Heureux-Dubé applied for resulted in rejection. She was finally hired as a lawyer after working as a secretary for a progressively minded Jewish lawyer, Samuel Bard, who eventually hired her as part of his practice. Even as her legal practice successfully evolved into an appointment to the Quebec Superior Court and Court of Appeal, the long-term illness of her mother, a fractious relationship with her father, and the deaths of her husband and son required her to display particular resilience.

The book chronicles L'Heureux-Dubé's appointment to the Supreme Court of Canada in 1987 and its inside workings over fifteen years. There is a fascinating exploration about the tense relationship she had with Chief Justice (and fellow Quebecer) Antonio Lamer, as well as her interactions with the other two female judges during her tenure, Bertha Wilson and Beverley McLachlin, which underline that sharing the same gender did not always result in arriving at the same decision.

After hearing the sexual assault consent case *Ewanchuk*, the assignment of writing the majority decision proved to be contentious when L'Heureux-Dubé, the more senior judge, was passed over in favour of Justice John C Major. The reasoning was that Major, from Alberta, where the case originated, would be in a better position to write the decision.

The book has a fascinating account of L'Heureux-Dubé's denunciation of the issue of implied consent in sexual assault heard in the *Ewanchuk* case, as well as the wide-ranging criticism and support that her stance attracted from

such disparate groups as defense lawyers, newspaper editorialists, and academics. The Justice from the originating Alberta Court of Appeal decision, which was subsequently overturned, took the unprecedented step of writing an open letter highly critical of L'Heureux-Dubé in the *National Post*.

The last part of the book focusses on the important contributions that L'Heureux-Dubé made with her opinions, which often included citations to social science data. This section highlights a number of decisions from the Supreme Court of Canada on issues of sexual assault, consent, same sex couples, spousal support, tax law discrimination, Quebec secession, and immigration law—decisions that often broke new ground in Canadian law.

Backhouse's biography is extremely informative, not only of L'Heureux-Dubé's rise up the legal and judicial ladder but also as a look at the evolution of the legal profession, the judiciary, and significant issues in Canadian law.

REVIEWED BY
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Courts in Federal Countries: Federalists or Unitarists? Edited by Nicholas Aroney & John Kincaid. Toronto: University of Toronto Press, 2017. xvi, 583 p. Includes index. ISBN 978-1-4875-2289-6 (paper) \$35.96.

This book is the product of a comparative research project completed by the Forum of Federations and supported by the Government of Quebec. The Forum of Federations has the goal of linking academic research to real world practices and is supported and funded by international partners. *Courts in Federal Countries: Federalists or Unitarists?* contributes directly to this goal by providing a well-rounded, highly informed, comparative approach to the topic of the structural issues of federalism. This text is the first of a larger, forthcoming, seven volume series on federalism to be developed by the Forum of Federations.

The book undertakes the task of clarifying the authority of the court in relation to the government, the nation, and society in general. An introductory chapter that defines federalism and reviews its general history from both legal and political perspectives is followed by chapters analyzing individual case studies from 13 federal and quasi-federal countries. The countries examined are a diverse sampling, including historical, leading democratic nations, and countries with newer constitutions that are still in the process of developing their federal systems. They are also a mix of both common and civil law traditions.

Within the introduction, a small number of tables are included to provide background information on each of the countries. These tables include their rule of law and freedom ratings, their level of decentralization, as well as demographic covering information such as population, GDP, constitutional documents, legal tradition, court system, etc.

Each chapter is written by leading authorities from the country

and follows a semi-structured series of questions designed by the editors to ensure a relative level of consistency when discussing countries with distinct variances in their level and type of federalism. Each chapter explains how judicial decisions concerning constitutional issues are linked to whether the federalist country moves toward or away from a centralized system. The titles of chapters are indicative of the context of the commentary in each essay.

The editors use the conclusion to provide a comparative analysis of the varied approaches the 13 countries' high courts take when considering constitutional issues, as well as highlighting exceptional, outlying facts and cases. This analysis is broken down by the same set of questions that are answered in each essay, including each country's history with federalism; whether their populations consist of similar or diverse demographics; how the distribution of powers determined by a constitution affect political institutions, and vice versa; the impact of legal traditions; and the how their judiciary is selected in relation to those political institutions. The editors explicitly avoid offering the reader a theoretical framework on the topic and suggest that this work has laid the grounds for future theoretical research.

Academic literature on the broader topic of constitutional law or the role of the judiciary in federal nations is readily available; however, most literature focusses on an individual or specific group of countries (e.g., commonwealth countries), as a legal history, or on the topic of centralization/decentralization. The foreword states that the only substantial publication with a similar approach to the topic was published in 1959 when many of today's federations had yet to be established. This collection offers a significant contribution by broadening the scope of countries examined.

All contributors of the book are academics, and many have worked within their country's government, as well as having achieved many other prestigious accolades and contributed to a wide variety of research during their careers. Given the contributors' expertise and the previous gap in literature on this topic, this book is appropriate for a wide range of legal professionals. Students may find it valuable for their coursework, while academics and political representatives could use it to inform further research for both theoretical, as suggested by the editors, and institutional advancements. The book could also be dissected into individual articles for course packages or recommended readings, due to its design as a collection of well-written, highly accessible essays for those with differing levels of legal knowledge.

Courts in Federal Countries: Federalists or Unitarists? reaches the goal of linking the world of academia and real-world practices by providing a foundation for further research. It is a necessary contribution to the academic realms of comparative law, constitutional law, federalism, and understanding the significance of the role of the high courts and the judiciary.

REVIEWED BY

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***Everyday Exposure: Indigenous Mobilization and Environmental Justice in Canada's Chemical Valley.* By Sarah Marie Wiebe. Vancouver: UBC Press, 2017. xx, 260 p. Includes forward by James Tully, bibliographic references, photo essays, index, and appendices. ISBN 978-0-7748-3263-2 (hardcover), \$95.00. ISBN 978-0-7748-32649-9 (softcover), \$32.95.**

This revision of Sarah Marie Wiebe's 2013 dissertation, *Anatomy of Place: Ecological Citizenship in Canada's Chemical Valley*, is based on interviews conducted when the author resided with the Aamjiwnaang First Nation, a community located within the city limits of Sarnia, Ontario. The interviews serve as community-based research to illustrate geopolitical policy, biopolitical assemblage, sensing policy, jurisdictional ambiguity, environmental reproductive justice, and power relations. Particularly startling are the statistics of high cancer rates, low male births, and high learning disabilities in Canada's Chemical Valley. Pollution affects traditional and ceremonial ways and Elders indicate that the high cancer rates caused by environmental pollution lead to trapped spirits in the cemeteries. The constant environmental issues of spills, leaks, chemical releases, and accidents are portrayed in powerful photo essays and stories of normal daily life. Coupled with this is a description of the complex practice of reporting environmental hazards to the multiple levels of government responsible for the region.

The corporate phrase "no offsite impact" is used repeatedly in *Everyday Exposure* in relation to environmental incident reporting. However, "a close look at the citizen's experiences of living in this sacrifice zone reveals the entwined impacts of this place on physical and cultural survival" (p 97). The book offers examples throughout of this impact: ever-present smokestacks on the horizon, children playing games involving scooping up mercury, and concerns over a chain reaction of plant fires caused by lightning. In 1992 a chemical spill near the band office and daycare centre led to moving the daycare farther from the reserve boundaries to better protect the children. Despite the government blaming "lifestyle factors" such as smoking, drinking, home carpeting, wearing makeup, and using fabric softeners and cleaning products as the sole reason for wide-spread disease, the Aamjiwnaang people continue to collect air samples via "bucket brigades" and send these, at their own expense, to California for testing.

Wiebe provides a brief historical context and uses political theory to criticize governments of all jurisdictions for their lack of authority, responsibility, and action in responding to issues of environmental pollution (chemical, air, and noise) on reserve lands with the Aamjiwnaang First Nation as her primary case study. Her overview of Canadian Confederation includes a discussion of Aamjiwnaang's treaty surrenders in the Sarnia area where ceded land is now within city limits. She describes how since World War I these lands have been industrialized with very limited consultation with band members. The author explains how the people are unable or unwilling to move away from their land, which is central to their being as opposed to simply being a place. The wampum belt, as a symbol of diplomacy and agreements between peoples, can perhaps represent a more positive perspective on future treaty relations in a decolonized Canada.

Wiebe calls out to our leaders to envision a way to accommodate Indigenous citizenship in Canada while distinguishing between environmental and ecological citizenship. *Everyday Exposure* provides a thorough analysis of the lack of health and environmental protections for First Nations peoples at all levels of government and identifies the need for government regulation to redress what have become complex reporting practices, a better understanding of cumulative environmental effects, and improved health services being administered by Health Canada. Wiebe finds that the moral authority of government is offset by the fiduciary duty of government found in the Constitutional division of powers and *Indian Act* responsibilities. Transborder environmental harm is described as part of a deterritorialized threat to rethinking policy, belonging, and justice.

This book includes a good overview of political theory as it relates to citizenship, colonialism, indigeneity, and feminism, while advocating for improving the way people think about and react to citizenship and policy between governments (federal, provincial, municipal, and First Nations) and calling for greater importance to be placed on health and environment issues. Wiebe advocates for Indigenous environmental justice through a biopolitical lens.

Everyday Exposure contains photo essays, poems and stories written by interview participants, appendices with birth ratios, health hazard information, over 17 pages of references, extensive explanatory notes, and an index. This title is recommended for libraries, law firms, and companies interested in the areas of environmental government policy as well as for policy makers, research organizations, and libraries with public policy programs focussing on Canadian environmental or Indigenous research agendas.

REVIEWED BY
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*Natural Resources, Energy & Environmental Law Librarian
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***Guthrie's Guide to Better Legal Writing.* By Neil Guthrie. Toronto: Irwin Law, 2018. xviii, 182p. Includes bibliographic references and index. ISBN 978-1-55221-472-5 (softcover) \$55.00. ISBN 978-1-55221-473-2 (PDF) \$55.00.**

Neil Guthrie's *Guide to Better Legal Writing* started out as a series of emailed writing tips to the author's old colleagues. These emails were eventually transposed into an advice column at slaw.ca before being grouped together in book form. These early emails themselves began, as the author puts it in the preface, "out of frustration" at the deliberately incomprehensible jargon-filled style of writing often favoured by lawyers. Instead, the author advocates the use of a simpler, more direct (and sometimes more traditional) language.

The book is mainly concerned with legal writing for a broader audience, such as writing blog posts, but also periodically touches on legal drafting. The book offers advice divided in four sections:

- *Get Writing!* This section covers general writing advice on how to write for a lay audience, why writing is important, word choice, layout, and the importance and prevalence of social media.
- *Words Used and Abused.* This section contains specific advice on some words that are often misused, that should not be used at all, or that often give rise to confusion. It also includes the aptly titled section "Miscellaneous little things that annoy me" (p 94).
- *Grammar and Punctuation.* This section delves into the details of adverbs, apostrophes, word endings, and many more.
- *Your Queries Answered.* Since the book was once a series of emails and of blog posts, the author received various questions. The correlative answers are printed here.

Overall, the book is reminiscent of grammar books; an apt alternative title could have been *Guthrie's Elements of Legal Style*. One sometimes feels like a pupil when faced with pages-long tables of similar-sounding words that the author does not like or cringes when he sees misused. The bulk of the book deals with particular rules and exceptions, and many attempts at identifying correct usage in Canada between American and British traditions (the author confesses to a British bias). This amount of detail sometimes makes it difficult to keep in mind the more fundamental message about clear, simple writing.

The tone of the book deliberately clashes with its arid subject matter and meshes instead with its origin. It is surprisingly informal, as befits a series of emails or blog posts, which allows the author to go on light-hearted (but picky) rants about some common misuse or bad lawyerly habit without antagonising the reader. Its conversational tone makes this book entertaining, and the reader may hope for a chance to take the author out for a beer. This is a high bar for a grammar book!

I would recommend the book to anyone actively trying to freshen up their prose, as well as those invested in writing blog posts or other outreach. Lawyers who are just starting out in the profession would certainly do well to heed Guthrie's advice, but pressure from our conservative line of business would probably make that difficult. This is why the initial title of the book, *Please Don't Write Like a Lawyer*, did not make the cut!

REVIEWED BY
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***Value Change in the Supreme Court of Canada.* By Matthew E Wetstein & CL Ostberg. Toronto: University of Toronto Press, 2017. 337 p. ISBN 978-1-4875-0139-6 (hardcover) \$75.00.**

A great deal has been written about value changes in society

and how these changes may or may not reflect judicial decisions rendered by the highest court in Canada. Policy makers, politicians, and social and legal scholars will benefit from reading Wetstein and Ostberg's in-depth analysis of Supreme Court of Canada decisions spanning over four decades (1973–2010) to gain insight into this inquiry.

The authors offer a comprehensive and detailed quantitative and qualitative analysis of disputed cases within the context of Ronald Inglehart's theory of postmaterialism. Inglehart argues that value changes in advanced post-industrial societies lead to what he terms "postmaterialism," a concept whereby society places a higher value on the greater good versus individual needs. While I am greatly simplifying this theory, make no mistake, Wetstein and Ostberg's analysis is meticulous in its process of data interpretation.

The goal of Wetstein and Ostberg's analysis through this lens is to test Inglehart's theory and apply this theory to judicial decisions rendered by the Supreme Court of Canada pre- and post-*Charter* to determine if shifts in societal values have or have not influenced judicial decision making in disputed cases. They explore and analyze the Court's landmark decisions regarding environmental disputes; pollution, energy, and fishing rights disputes; free expression

disputes; political expression and commercial advertising disputes; discrimination disputes; and gay rights and sex discrimination disputes. The authors' unpack the judicial behaviour in these cases and provide conclusions within each category of disputed decisions.

Wetstein and Ostberg conclude that there is evidence supporting a postmaterialist shift in judicial decision making. While they acknowledge that this is not the case in all areas of law, they are correct, in my view, in pointing out that in the event of a threat to the security of the person, or a shift in economic security or uncertainty, Supreme Court of Canada judicial decisions in the future may result in disputed cases leaning towards a more materialistic outcome.

This book offers a unique exploration and in-depth analysis within a particular lens, and, precisely because of the nature of analysis, this book would appeal to academics; the social and political sciences; lawyers, particularly those in practicing human rights, public and/or constitutional law; and policy makers and government organizations.

REVIEWED BY
TRACY PYBUS

Lawyer, Legal Aid Ontario





III Bibliographic Notes / Chronique bibliographique

By Susan Jones

Barbara A Wood & David J Evans, “Librarians’ Perceptions of Artificial Intelligence and Its Potential Impact on the Profession” (January/February 2018) 38:1 Computers in Libraries 26. Available online: <www.infotoday.com/cilmag/jan18/Wood-Evans--Librarians-Perceptions-of-Artificial-Intelligence.shtml> (accessed 9 June 2018).

Artificial intelligence, or AI, is a hot topic these days, and its impact on our daily lives is frequently discussed in the popular media. Not surprisingly, the discussion of AI has also made its way into the scholarly literature, including in the areas of medicine and law. I’m sure we’ve all read about how AI is used in hospitals for diagnostic purposes and in law firms for contract review and billing. One area, however, where discussion of AI is conspicuously absent is librarianship. It’s this absence that surprised and intrigued the authors of this article, Barbara A Wood and David J Evans, two librarians from Kennesaw State University in Georgia. Librarianship is a profession that has ably dealt with disruptive technologies over the years, so it’s curious that there’s been no meaningful discussion of AI among librarians, especially when compared to the research and literature on this topic in medicine, law, and other professions. For this reason, the authors sought to understand their fellow academic librarians’ perceptions of AI and its impact on the profession.

To better understand their colleagues’ thoughts on AI and librarianship, the authors developed a 10-question survey that was then circulated to academic librarians via professional listservs in the spring of 2017. In the survey, IBM’s Watson served as the authors’ representation of AI. They felt Watson was a form of AI, and a concept, that librarians could easily

understand—both Watson and librarians answer questions, but, unlike librarians, Watson uses machine learning and massive computing power to formulate its responses to those questions.

The first question in the survey asked respondents whether they think supercomputers like Watson will have a transformative effect on librarianship. Over 56 per cent of respondents answered in the affirmative. That means over 43 per cent believe AI will have little or no effect on librarianship. The authors were surprised by this latter figure for a couple of reasons. First, librarianship is a profession that requires expert-level technological know-how, and while there’s been little discussion of AI in the library literature, what research does exist suggests that few forms of technology will remain untouched by AI. Second, the American Bar Association (ABA) has acknowledged the significance of AI in its publications, and at its 2016 annual meeting the ABA encouraged its members to “embrace [AI] now so that it can be a tool as opposed to an impediment.”

The survey’s second question asked respondents to identify which departments in the library will most likely be affected by AI. Over 77 per cent identified virtual services/discovery, 70 per cent said reference, and over 51 per cent think cataloguing will be affected by AI. Respondents also think collection development (over 33 per cent), acquisitions/technical services (over 33 per cent), and instruction (over 30 per cent) are areas of the library most likely to be affected by AI. The authors, for the most part, were not surprised by these results. The aforementioned departments are either affected by AI now or are the ones experts expect to be affected by AI in the future. They were surprised, however,

about respondents' thoughts on access services. Only 26 per cent of respondents believe there will be any impact on access services, even though the prevalence of self-services and self-checkout seem to indicate a move toward AI in this area.

Questions three, four, and five asked respondents about the probability that supercomputers like Watson will be used in libraries within two years (2019), 10 years (2027), and 30 years (2047). The majority of respondents believe there's a 90 per cent probability that supercomputers will be used in libraries within 30 years. Most respondents also felt there was little probability that supercomputers will be used in the very near future. The authors note that respondents' perceptions are at odds with other predictions about when AI will be used in libraries. In support of their argument, they refer to a report from New Media Consortium, a partner of the Association of College and Research Libraries, which predicts AI will be used in libraries within four to five years.

Questions six, seven, and eight asked if supercomputers like Watson will affect the occupational outlook for librarians, whether supercomputers will eventually replace librarians, and finally, whether the overall impact of supercomputers will be positive, negative, or have no effect at all. Respondents generally have a positive outlook toward AI and librarianship. Over 45 per cent think AI will have no effect on the occupational outlook for librarians, and over 56 per cent believe it will have an overall positive impact on the profession. It probably won't come as a surprise then that over 76 per cent of respondents believe AI won't replace librarians. In response to these results, the authors note the development of a talking, interactive library robot in China, as well as the legal profession's recognition of the existence, and increased use, of robo-lawyers. According to the authors, Watson's Ross Intelligence platform can read one million pages of case law in one second and save law firms 20 to 30 hours of billable research per file.

In question nine, respondents were asked if they had ever read an article from the library literature about supercomputers like Watson. More than 77 per cent responded that they had not read any such article. The tenth and final question asked respondents if they would be interested in attending a workshop on supercomputers and AI in libraries. Less than half of those surveyed replied in the affirmative. Again, the attitude of the respondents toward learning about AI differs from those in the legal profession. According to the authors, one of the most popular on-demand, continuing education programs for lawyers by the ABA is called, "The Rise of the Machines: Artificial Intelligence and the Future of the Legal Profession."

What the authors conclude from the survey is that academic librarians believe AI will have little impact on the profession, or at least not in the next 30 years. What's more, they seem to have little interest in learning or reading about it. For a group that has successfully navigated the integration of technology into their work over the past 35 years, the authors are surprised by their colleagues' complacency toward AI. The authors compare it to our attitude toward climate

change in that many of us choose to ignore the reality of the phenomenon, despite the evidence of its impact on the environment.

To bring the profession around to the reality of AI, the authors recommend that librarians start by recognizing it as a transformative and disruptive technology. They also suggest that academic librarians begin to look at AI as a tool that will enable them to focus on other tasks, like instruction and research. The authors have recommendations for others, too: library school directors should consider whether current enrollment numbers can continue, researchers should take advantage of the opportunities AI presents for further study of the impact on librarianship, and professional associations should develop special interest groups and professional development offerings about AI. As with computerization, the authors are confident that librarians will successfully weather the challenges that AI will undoubtedly bring in the years to come. AI presents many exciting opportunities, and the sooner we accept and embrace the reality of AI's impact on librarianship, the better.

Maribel Nash, "Educating Lawyers: A Law Firm Approach to Effective Training" (March/April 2017) 21:4 AALL Spectrum 16.

It's easy to find articles about teaching and training students while they're at law school, but as the author of this article notes, education doesn't end with graduation. Law firm librarians play an important role in training lawyers to use time-saving research tools and resources to their best advantage. It might be a challenge to persuade busy lawyers to take time out for training and education, but teamwork, enthusiasm, and a unified approach to training among librarians goes a long way toward encouraging their participation. This is a great tip for law firm librarians, and in this article, author and research analyst at DLA Piper LLP (US) Maribel Nash shares more of her tips for increasing attendance at, and interest in, law firm research training.

The author's first tip is to *make research training relevant*. One way to make research training relevant is to offer *subject-specific training*. Lawyers are more likely to attend training if it's pertinent to their immediate research needs, so in addition to offering general database training, the author recommends offering sessions geared toward specific practice groups, training sessions focussed on a particular type of work, or sessions directed at recent developments in the law. Another way to make research training relevant is to offer it on a *recurring or rotating basis*. How often sessions are offered will depend on the size of the firm and its practice groups. The author suggests keeping track of which lawyers, and what practice groups, attend training sessions because these statistics will help librarians know how frequently to schedule sessions in the future. The author also notes the positive connection between frequent training and the adoption of new resources. This, in turn, helps law firms realize the return on their investment in expensive tools and resources.

The author's second tip is to *offer training beyond the traditional research tools and databases*. In this case, the author is referring to things like artificial intelligence products (e.g., ROSS Intelligence), litigation analytics tools (e.g., Lex Machina, Ravel Law, Bloomberg Litigation Analytics), and research and drafting assistants (e.g., Casetext's CARA, Thomson Reuter's Drafting Assistant, LitIQ's LexCheck). Law firm librarians are well placed to introduce innovative new tools and demonstrate how they can save lawyers time, effort, and money.

The third tip is to *brand research education as a core function of the library*. At the author's firm, a dedicated email account is used for all messaging about research training, including the invitations to lawyers for training and communication with vendors' training consultants. What's more, all scheduling and coordination of research training are done by one person in the library. Having one librarian dedicated to these tasks ensures that contact and exchanges with lawyers and vendors are organized and consistent. Branding research education as a core function of the library conveys to lawyers and vendors how important training is to the firm's librarians.

The fourth tip is to *involve librarians and vendors in the training sessions*. At many law firms, both librarians and vendors play an important role in training lawyers. In the author's case, librarians offer general research training that provides an overview of various databases and research tools, as well as training on general research strategy. However, when it comes to teaching lawyers how to use specific resources, the library team turns to the vendors' experts. A vendor's training consultants understand every aspect of their resources, including updates, new features, and bugs: things a firm's librarians may not know. Because of their own specific knowledge and insight, the author suggests that law firm librarians and vendors work together. Librarians can inform vendors about the firm's training needs and, in turn, vendors can provide targeted training sessions.

Working together on scheduling and the many other details of training can also make for smooth, well-run sessions. The author notes that working together with vendors has been one of the most effective training strategies at her firm.

The author's fifth tip for improving research training attendance and engagement is to *make it easy*. One way to make training easy is to create a central learning site. At the author's firm, a central learning site is used to send training invitations, as well as Microsoft Outlook calendar invitations that include login and call-in information. The central learning site also includes a monthly calendar that lawyers can consult to see what's on offer in the coming weeks. It's also the place where lawyers can leave feedback on trainers and training sessions, and where they can request additional training or suggest training topics for future sessions. Any questions lawyers may have about training can be directed through this site as well, saving them time in determining who can best address their inquiries. On the administrative side, librarians use the central learning site to prepare reports on attendance and the popularity of sessions, as well as to collate other information that demonstrates the important role librarians play in ensuring lawyers understand how to make the most of the firm's investment in research tools and databases.

Another way to make training easy is to *get the timing right*. When possible, offer the same session on different days and at various times, recognizing that lawyers will undoubtedly have other meetings and commitments to work around. If it's only possible to offer a single session, schedule it at a time that works for all the firm's offices. At the author's firm, most training sessions are scheduled between 1:00 p.m. and 4:00 p.m. (EST) so that lawyers in offices across all time zones can attend within their normal working hours. The firm's librarians also avoid scheduling sessions on Monday mornings, Fridays, and during firm-wide or practice group meetings.

CALL/ACBD Research Grant

The CALL/ACBD Research Grant was established in 1996 to provide members with financial assistance to carry out research in areas of interest to members and to the association. The Committee to Promote Research manages the grant process, receiving and evaluating applications and making recommendations to the Executive Board for award of the Research Grant.

Previous applicants who were not awarded funding are welcome to reapply.

Please contact

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The author's final suggestion for making training easy is to *offer in-person training*. At a large, multi-office law firm like the author's, web-based, virtual training is often the easiest and most efficient way to reach the largest number of lawyers. However, there are situations when it's best to offer training in-person, such as when you need to introduce a new resource or an updated platform. It can be difficult to find time to schedule in-person training, so the author suggests teaming up with other departments to find opportunities for face-time with the firm's lawyers. In the author's case, this has meant fitting in a training session as part of the firm's Technology in Practice series, a technology roadshow featuring time-saving, collaborative tools. There are also opportunities for impromptu one-on-one training sessions when you're in a lawyer's office to address a question about a resource or troubleshoot a technical problem.

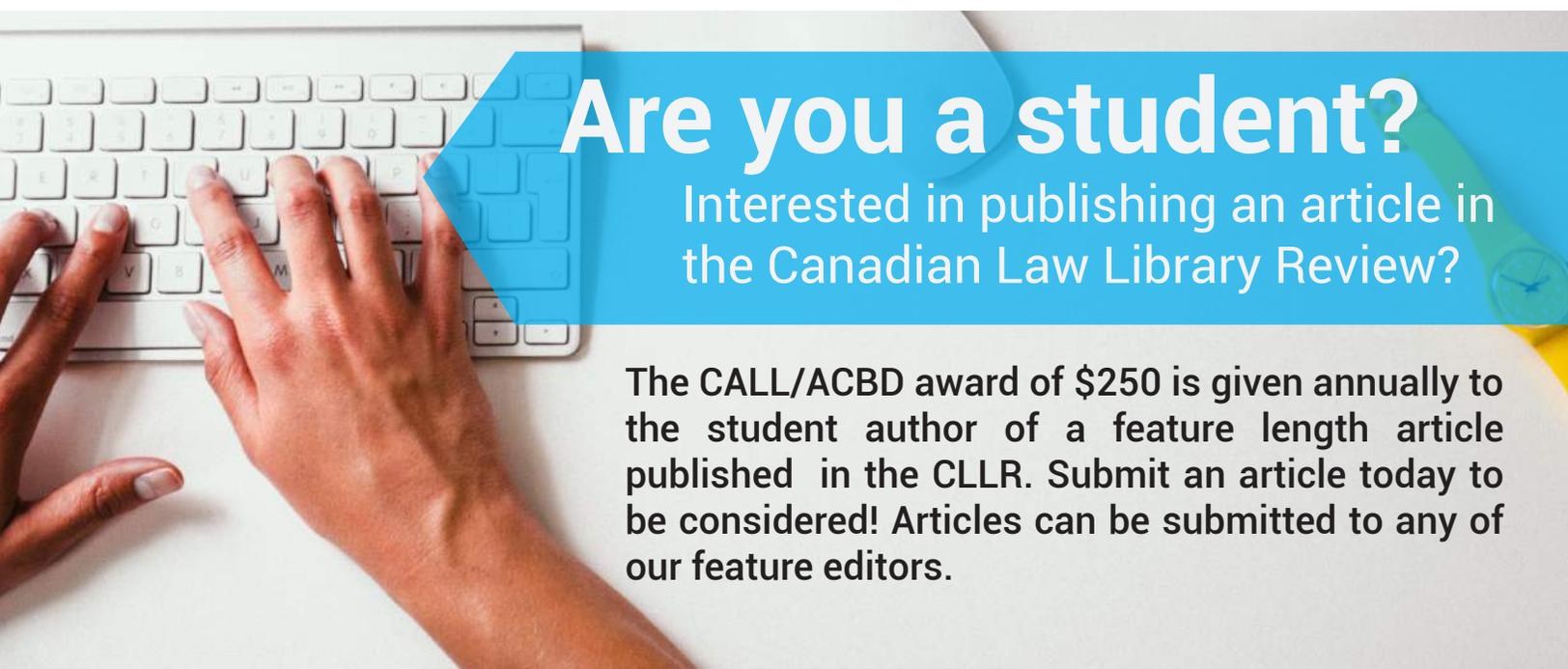
The author's sixth tip is to *know your audience*. There are a few different audiences at a law firm, including *summer associates*. Although only at the firm for a relatively brief period of time, summer associates are still expected to conduct research, and for that reason they need to know what resources are available at the firm. At the author's firm, librarians provide summer associates with a research orientation within the first few days of their arrival at the firm. This is soon followed by a series of training sessions from vendors that give summer associates a broad introduction to their products.

Another law firm training audience is *first-year associates*. In

the author's case, this group's training starts with the large, comprehensive databases that are useful to everyone, regardless of their practice group. Then, over the course of the next few weeks or months, first-year associates are introduced to the tools and resources geared toward their specific practice areas.

The final law firm audience is *experienced associates and partners*. Given their experience, one might think partners have little interest in training, but not so, according to the author. While associates may be the largest group of attendees at training sessions, there are still a number of partners keen to learn about new and new-to-them resources and tools. Partners may want to improve and enhance their own research skills or simply be better informed about what resources are available to the associates working for them. For this reason, it's important to offer the same training opportunities to both experienced associates and partners. One way to increase partners' attendance at research training is to offer subject-specific or update-based training for those interested in staying current with what's new in their area of practice.

The seventh and final tip for improving research training attendance and engagement is *finding value*. At the author's firm, the library places great importance on training every lawyer to use the available resources and tools to their best advantage. The library also values staff that understand the importance of research education and the significant role they play in training. Librarians' enthusiasm and positive outlook is key to the adoption of new tools, increased attendance at research education sessions, and improved engagement with training.



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

By Kate Laukys

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

EDMONTON LAW LIBRARIES ASSOCIATION (ELLA)

On March 27, Heather Close, reference and research coordinator at the Legislature Library of Alberta, hosted several ELLA members. We heard many interesting stories about the library's history, which goes back to 1905 when Alberta became a province. Back then, Alberta was paid \$6,000 by Saskatchewan, who kept all of the books for its Legislative Library. Only \$400 of that was spent on materials, and the rest went into general provincial funds. Alberta is one of only a few jurisdictions that uses "legislature" instead of "legislative" in its title. Heather also provided a full overview of the Legislature Library's current array of clients and services.

In April, Leanne Monsma of Field Law visited for a talk on cannabis in the workplace. She outlined the relevant legislation, including the *Access to Cannabis for Medical Purposes Regulation* (ACMPR) under Bill C-45 and *An Act respecting cannabis and to amend the Controlled Drugs and Substances Act, the Criminal Code and other Acts*. As far as the workplace is concerned, cannabis will be treated like any other addictive substance. Employers are entitled to medical substantiation for the addiction and entitled to information concerning what specific accommodations are required. Ensuring a workplace policy for employees to declare substance addictions or dependencies will help manage failures to disclose. With medically prescribed cannabis, the balance between the rights and privacy of the employee will need to be balanced with the employer's rights of proving undue hardship. Lastly, we have a way to go when it comes to accurate testing for the presence of THC, as it can remain in the body far beyond the period of acute impairment.

Our final event before September will be our AGM, to be held on June 14.

**SUBMITTED BY
SUSAN FRAME**
Member-at-large, ELLA

HALIFAX AREA LAW LIBRARIES (HALL)

The big excitement for HALL this spring was the May CALL/ACBD conference, "Build Bridges / Broaden Our Reach." Most HALL members were involved in conference planning or volunteering at the event. We were delighted to see so many friends and colleagues present and to show off local venues. HALL wishes to thank the National Office organizers, as well as all others who put so much time and effort into the conference.

A correction is noted to our last update: Hannah Steeves, instruction & reference librarian, achieved a permanent position with Dalhousie University's Sir James Dunn Law Library, not tenure as reported.

One of our members celebrates a milestone this year. Linda Keddy, director of research with law firm Pink Larkin, began her professional career in July 1978 at Dalhousie's Law Library. This marks her 40th year working as a law librarian and being an active participant in the law library community. Congratulations to our Linda!

The Nova Scotia Legislative Library's Reading Room is closed for the month of June to allow for repairs to the plaster ceiling. Library services are ongoing, although that part of the collection is not accessible. If all goes according to plan, the Reading Room will reopen in early July.

HALL's new membership policies were approved in May. The language has been updated to reflect changes to the profession. Policies have been revised to encourage membership by anyone working within traditional and non-traditional venues, and to clarify details such as voting and quorum.

Our year-end luncheon takes place July 4 at the Harbour City Bar and Grill. Christine Eidt is retiring from her extended term as co-chair. Her replacement has not yet been named.

**SUBMITTED BY
ANNE VAN IDERSTINE**
HALL Co-chair
Manager of Information Services, Nova Scotia Legislative Library

LAW SOCIETY OF NEWFOUNDLAND AND LABRADOR LAW LIBRARY

We are happy to announce the appointment of Leah Griffiths as the Law Society's new library technician; she joined us at the end of April 2018. Leah has a bachelor of arts degree from Simon Fraser University in BC and a diploma in library and information technology from Nova Scotia Community College. Rosie Myers, our previous library technician, has gone on to new opportunities for which we wish her the best of luck.

The Law Library is in the process of transitioning from the KM/KN call numbers of the Library of Congress to the KF Modified system. We are three quarters of the way into transitioning our 4,677-item collection. Leah will be assisting with finalizing that project this summer as well as completing the migration from our previous ILS system to our new ILS: ResourceMate by Jaywill Software.

**SUBMITTED BY
JENNY THORNHILL**
Law Librarian, Law Society of Newfoundland and Labrador Law Library

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

Le 5 avril 2018, l'ABDM a organisé une conférence intitulée : La recherche juridique au 21^e siècle et l'impact de l'intelligence artificielle présentée par Me Anne-Marie Santorineos. Une autre conférence a eu lieu le 4 mai 2018 et qui avait pour sujet 'Les Veilles Juridiques' animée par Mme Anik Dumont-Bissonnette. L'Assemblée Générale se tiendra le 8 juin 2018.

On April 5, 2018, MALL organized a conference entitled

"Legal Research in the 21st Century and the Impact of Artificial Intelligence," presented by Anne-Marie Santorineos. Another conference was held on May 4, 2018, on the subject of "Legal Monitoring," hosted by Anik Dumont-Bissonnette. The annual general meeting is set for June 8, 2018.

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

ONTARIO COURTHOUSE LIBRARIES ASSOCIATION (OCLA)

We are pleased to welcome the following new members to our association: Cassie Anker has joined Durham Law Association, Robert Girard is at Cochrane Law Association, Shawn McKinnon is at Peel Law Association, Shirin Ganji at York Law Association, and Erin Westcott will soon be joining the staff at the Toronto Law Association. We said goodbye to Andre Blake at Halton and Leah Strudwick at Toronto. We wish them the best in their future endeavours.

Our most recent meeting took place on May 27 in Halifax at the CALL/ACBD conference, with an excellent time slot of 3:00–4:30 p.m.! This was a most welcome change from our previous years of having to meet at 7:00 a.m. In regard to governance, the LibraryCo board has hired a consultant to gather information from its stakeholders on the skill sets required for the new LIRN (Legal Information Resource Network) board of directors. This process is now in full swing with a report due by early fall. Other projects our association is working on include an e-newsletter, an app containing general information on all county law libraries in Ontario, and our fall conference in October.

We were a large contingent of members at this conference, with 37 Ontario county law librarians in attendance. The conference location, program content, accommodations, etc., were outstanding. The cannabis panel discussion was very interesting and provided a good overview on the implications of Bill C-45 for the provinces. And, of course, we loved the Graphic Design 101 session led by one of our own, Brenda Lauritzen. From the opening reception at the Halifax Library to the closing reception at Citadel Hill, and everything in between, kudos to the conference committee!

**SUBMITTED BY
HELEN HEEREMA**
OCLA, Chair

VANCOUVER ASSOCIATION OF LAW LIBRARIES (VALL)

Greetings from Vancouver!

Vancouver is enjoying a beautiful, if late, spring. We celebrated our 30th anniversary in March with a lovely party that was attended by 60 VALL members and alumni. Honoured member Tom Shorthouse provided a witty and entertaining toast to our organization, and the rest of the

evening was devoted to socializing, enjoying old photos and memorabilia, and catching up with each other. We continued our programme of morning coffee socials with a meet and greet at the BC Courthouse Library, hosted by CEO Kensi Gouden. Kensi welcomed us and shared his vision for the Courthouse Library, and law libraries in general. Our final event for the 2017–2018 season is a lunch session with guest speaker Suzanne McBeath, the corporate librarian at Metro Vancouver, who will enlighten us about Metro Vancouver by-law research.

**SUBMITTED BY
TERESA GLEAVE**

President, Vancouver Association of Law Libraries

LEGAL RESEARCH AND WRITING (LRW) SIG

On May 27, the LRW SIG held its annual business meeting at the CALL/ACBD conference. It was well attended, possibly due to its 9:30 a.m. start time—much better than 7:15 a.m. in 2017! Topics discussed included the Instructional Resources Bank and a potential partnership between the LRW SIG and the Academic SIG, as well as a lively discussion on how LRW is taught across the country. A hot topic, indeed!

As noted above, the Instructional Resources Bank is once again the focus of the SIG's attention. The co-chairs are planning to work with the Academic SIG to expand the repository of teaching materials, including videos that can be used in LRW by CALL/ACBD members across the country. Stay tuned.

**SUBMITTED BY
NIKKI TANNER AND HANNAH STEEVES**
Co-chairs, LRW SIG

III Conference Report

By Holly James

Visualizing Progress: Law via Internet 2017

As the recipient of the CALL/ACBD Janine Miller Fellowship, I attended the Law via Internet (Lvi) annual conference held October 19–21, 2017, in Newark, New Jersey. Lvi is the official conference of the [Free Access to Law Movement \(FALM\)](#), an annual gathering of professionals from around the world who are working on making the law accessible to the people: lawyers, librarians, programmers, academics, and activists.

FALM is an international association of over 50 voluntary member organizations. Its members subscribe to the 2002 [Montreal Declaration on Free Access to Law](#) and, in keeping with those principles, provide and support free access to the law and legal information. For those interested in reading further on the history of FALM in Canada and the creation of CanLII, a founding signatory of the Montreal Declaration, please refer to Daniel Poulin's excellent article "Free Access to Law in Canada" for a comprehensive discussion of the topic.¹

Under the theme of "visualizing progress," two keynote speakers focussed their presentations around a singular question: *who owns the law?* Ed Walters, CEO of [FastCase](#), and Corynne McSherry, legal director at [the Electronic Frontier Foundation](#), engaged conference attendees in a thought-provoking discussion around this deceptively straightforward question. Walters and McSherry highlighted

the often competing interests around a citizen's right to access the law as part of the public commons and the property rights afforded to legal publishers as private owners of the law.

Individual sessions highlighted impressive products of the intersection between human collaboration and technological innovation; for example, [A2J Author](#) allows self-represented litigants to complete court forms using online guided interviews, and [AustLII Communities](#) is an open-source platform for collaboratively generated plain language legal handbooks, commentaries, and textbooks. Other sessions shared challenges around sustainability and the evolution of business models to support the continuation and expansion of free access to law initiatives around the world. The [African Law Library](#), an initiative of the African Innovation Foundation, and the [eLangdell Bookstore](#) are successful examples of development, adaptability, and sustainability.

Attendance at Lvi deepened my understanding of technological innovation as it relates to free access to the law. It also underlined the critical importance of the human collaboration and, in some situations, social/political activism that make these initiatives not only accessible but sustainable.

Sincerest thanks to CALL/ACBD for making this educational opportunity possible.

¹Daniel Poulin, "Free Access to Law in Canada" (2012) 12 Leg Info Mgmt 165.



III News from Further Afield / Nouvelles de l'étranger

Notes from the UK London Calling – June 2018 By Jackie Fishleigh

Hi, folks!

The Beast from the East is now a distant memory as we enter another week of a heatwave that has left many of our beaches soaking up Caribbean temperatures, and many a lawn gasping for water. In fact, my local railway station has posters up asking us to try and use less water because Sutton (one of the 32 London boroughs) is a water-stressed area, apparently.

The Royal Wedding

Glorious weather was an important factor in making these nuptials a beautiful treat for the senses. The highlights for me were Pastor Michael Curry's "Power of Love" address; the incredible wall and arch of flowers at the entrance of St. George's Chapel, Windsor Castle, which framed the couple as they stepped out as man and wife; and 18-year-old cellist Sheku Kanneh-Mason, whose music totally transported me to another place when he performed Maria Theresia von Paradis's "Sicilienne," Franz Schubert's "Ave Maria," and Gabriel Fauré's "Après un Reve," while Prince Harry and Meghan Markle signed the register.

According to *The Telegraph* on 21 May, the new Duchess of Sussex has been given the blessing of the Palace to champion women's rights in her royal role.¹

First Statue of a Woman in Parliament Square

(I often end up typing "statute" instead of "statue"! Blame my job. ☺)

A bronze casting of suffragette leader Millicent Fawcett now stands as a reminder that it is 100 years since some women over the age of 30 got the vote. The work by artist Gillian Wearing shows Fawcett holding a banner that reads, "Courage Calls to Courage Everywhere," and was commissioned as part of this year's centenary of the *Representation of the People Act, 1918*.

The World in One City

Another unusual feature of life here at the moment is that we are still in the World Cup and are down to the final 16 teams. The knock-out stages start tonight with the match between England and Colombia. According to a 2011 census, our total population of Colombian-born residents is 25,761, mostly living in London—well, they do say London is "the world in one city." This year's World Cup is being held in Russia, which brings me to...

¹Hannah Furness, "Meghan Markle to Fight for Feminism: New Duchess of Sussex Given Palace Blessing to Champion Women's Rights", *The Telegraph* (21 May 2018), online: <www.telegraph.co.uk/news/2018/05/20/meghan-markle-given-palaces-blessing-fight-feminism-takes-place>.

The Skripals

Against all the odds, both Yulia and Sergei Skripal survived their poisoning by nerve agent on 4 March. After three weeks in a critical condition, Yulia regained consciousness and was able to speak. Sergei was also in a critical condition until he regained consciousness one month after the attack.

In the week that our National Health Service (NHS) turns 70 years old, it is heartening to think that the treatment received at Salisbury District Hospital saved both their lives. Meanwhile, Russia still strenuously denies any involvement. Foreign minister Sergei Lavrov has even suggested that the UK could have carried out the attack!

Betrayal of the Windrush Generation

The name “Windrush” derives from the ship MV Empire Windrush, which docked in Tilbury, Essex, on June 22, 1948, bringing nearly 500 Jamaicans to the UK. Between 1948 and 1973, around 550,000 people arrived here to start new lives.

This whole generation of workers, who were invited over from the Caribbean to fill jobs that British people didn’t want to do, have been badly let down, as have their families, many of whom have been forced to return “home” because they lacked proper documentation and fell victim to the Home Office’s “hostile environment” immigration policy. The latter effectively threw them out of the UK. Perhaps it was hoped that they would go quietly. Considerable numbers also found themselves shut out when they visited the Caribbean and tried to return. Those who stayed often experienced difficulties finding work and getting access to healthcare. A huge media campaign led by *The Guardian* newspaper managed to raise awareness of their plight, which was quickly dubbed a “national disgrace” as it shocked those from all political parties and none.

A stench as strong as a crate of mouldering bananas hung over the scandal, and it dominated the Commonwealth Summit in London on 17 April. Our PM finally apologized to 13 Caribbean nations for her immigration officials’ harsh treatment, which she admitted had caused “anxiety,” and accepted that the Windrush generation have played a major role in making the UK what it is today. The summit had been called to strengthen Britain’s ties to the Commonwealth as it prepares to leave the European Union.

Home Secretary Amber Rudd was later forced to resign over her perceived mismanagement of the situation. Theresa May was herself at the Home Office for six years during this period when reducing immigration was the bedrock.

The Windrush debacle = one giant political banana skin left on the floor.

Fake News—If Only

In April, I attended a LIKE (London Information and Knowledge Exchange) seminar entitled “50 Shades of Fake (Darker)” by Jo Tinning-Clowes, relationship manager at Dow Jones. Jo is passionate about our role in verifying sources and identified the following types of fake news:

- Malicious intent
- Troll/Sock Puppet
- Propaganda/Disinformation
- Lazy Journalism
- Mismatch
- Misinformation
- Satire/Parody

She also gave us this great quote:

“A lie can travel halfway around the world and back again while the truth is lacing up its boots.”

—Mark Twain/Jonathan Swift/Thomas Jefferson/Winston Churchill/Terry Pratchett

So when I read the murder rate in London was now higher than in New York, I did wonder. There have been over 60 murders already this year as part of a “knife crime epidemic.”

Stephen Lawrence Day Announced for 22 April

One murder 25 years ago has etched its way into our national consciousness. Now a national day of commemoration for murdered black teenager Stephen Lawrence will take place on 22 April every year. The 18 year old was stabbed to death while waiting for a bus in a cowardly, racially motivated gang attack in Eltham, south London, in 1993.

PM Theresa May said that Stephen’s mother, Doreen, now a peer in the Lords, and his father, Neville, “have fought heroically to ensure that their son’s life and death will never be forgotten.”²

With very best wishes,

Until next time!

JACKIE

² Shehab Khan, “National Day Announced to Commemorate Stephen Lawrence’s Life Every Year”, *The Independent [UK]* (23 April 2018), online: <www.independent.co.uk/news/uk/home-news/stephen-lawrence-day-national-annual-22-april-anniversary-racial-prejudice-a8318826.html>.

Letter from Australia

By Margaret Hutchison

It's now winter here, and I hope you had a successful conference in Halifax, though I'm sure it seems a long time ago.

Early in May, I attended the Australian Law Librarians' Association conference in Darwin. Getting to Darwin is a long haul, as there are no direct flights from Canberra. We flew to Brisbane (an hour and a half), then from Brisbane to Darwin (four hours), arriving at midnight into tropical humidity. The planes were turned around and would depart around 1 a.m., arriving in Sydney at 6 a.m., probably one of the first flights in.

The next day, there were tours of the Northern Territory Assembly and the Supreme Court, which are situated next to each other in the city. The Northern Territory has an interesting history, as benefits a territory that runs from one extreme to the other: tropical waters, mangroves, and crocodiles up north, and red desert down south. This is the view from the Assembly Terrace looking out on the Timor Sea.



Makassan traders from Sulawesi in Indonesia began trading with the Indigenous people of the Northern Territory for trepang (sea cucumber) from at least the 18th century onwards, and possibly 300 years prior to that.

Europeans first sighted the coast of the future Territory in the 17th century. British groups made attempts to settle the coastal regions of the Territory from 1824 onwards; however, no settlement proved successful until the establishment of Port Darwin in 1869. Prior to that in 1863, the Northern Territory was annexed by South Australia by letters patent. Previously it was a nameless part of New South Wales.

On 1 January 1911, government of the Territory was transferred to the Commonwealth from South Australia,

basically for financial reasons, as the NT was a drain on South Australia's economy. The Territory was basically left to its own devices. During the 1930s, there were increases in defences against an increasingly aggressive Japanese Empire. The port and airfield facilities were developed, coastal defence batteries constructed, and its garrison steadily enlarged. The outbreak of war in the Pacific resulted in the rapid enlargement of the military presence in Darwin, and it was used as a base from which to deploy forces for the defence of the Dutch East Indies. In February 1942, Darwin was bombed, the first time that a foreign power had launched a major attack on Australia. After the chaos of the bombing and the war, Darwin went back to obscurity until it was devastated by Cyclone Tracy on Christmas Day 1974.

Cyclone Tracy killed 71 people and destroyed more than 70 per cent of Darwin's buildings, including 80 per cent of houses. Tracy left more than 25,000 out of the 47,000 inhabitants of the city homeless prior to its landfall and required the evacuation of over 30,000 people. Most of Darwin's population was evacuated to Adelaide, Whyalla, Alice Springs, Brisbane, and Sydney, and many never returned to the city. Today Darwin bears almost no traces of the damage caused by Cyclone Tracy.

To return to the conference, it was opened by the administrator of the Northern Territory, Vicki O'Halloran. The administrator is the equivalent of a state governor, except the Territory isn't a state. She spoke of the need to retain information for history. She spoke of researching school assignments using encyclopaedias in her local public library, but the idea of an encyclopaedia actually goes back to Pliny and ancient Greece. She also spoke of the changes in what the library means to the younger generation, from "expanding the mind" with resources such as encyclopaedias to "learning commons."

The first day's keynote speaker was Ruth Bird. Ruth is an Australian law librarian who went from school librarian via several firms and the University of Melbourne to be the Bodleian law librarian in Oxford. Now retired, she is a consultant for [EIFL \(Electronic Information for Libraries\)](#), part of the Open Society Foundation, which is part of the Soros Foundation.

Ruth started by saying that libraries used to be judged by the size of their collection, but now it's the quality of their service. She reflected on her own career and the skills she has used and passed on to her staff to inspire, assist, and develop them.

Ruth then went on to discuss her involvement in libraries in Myanmar. It started through Aung San Suu Kyi, who, when given an honorary doctorate by Oxford University, put the vice chancellor on the spot by asking him what the university could do for Myanmar. The Faculty of Law sent boxes of books, and when Ruth visited several months later the books were still in boxes, as there were no shelves. She showed photos of the post-graduate students who spent a Saturday

listing all the books on Excel spreadsheets, classifying them by cupboard and shelf for a location. These listings are the library catalogue.

She went on to point out that Myanmar, through only having had access to the Internet since 2012 through cell phones, has missed the clunky development stages of e-resources, but they have also had to adjust later from being organisers and custodians of books, journals, etc., to providers of services beyond the dreams of many librarians.

The next speaker was Kirsty McPhee from a firm in Western Australia. She spoke on the grey area of law librarians and legal work. She suggested that law librarians could do a better job than law students providing advice at community law centres; however, the issue of “unqualified legal practice” prevents them from assisting. There is a dividing line between legal research and legal advice, but the base of any legal advice is legal research. She pointed out there is the potential for prosecution in any librarian’s daily work of research, but in the US no librarian has ever been charged for providing legal information though “unqualified,” and a survey of recipients of assistance has found that 92 per cent were not harmed by receiving unqualified legal advice from librarians.

We also had presentations on managing in a VUCA (volatility, uncertainty, complexity, and ambiguity) world, where the rate of change is faster than the ability to adapt to change. That’s my new acronym for being unable to make a decision! Another session in similar vein was on team building.

One session after lunch that did keep everyone awake was by Danial Kelly from Charles Darwin University. Danial spoke on Aboriginal customary law of north eastern Arnhem Land. This form of law, or Madayin, belongs only to the Yolngu people, as all customary law systems are all highly localised to specific tribes and sites.

The highest authority is the Ngarra, a combined High Court and Parliament that is absolutely binding on all parties. People are either Dhuwa or Yirritia, born into which ever moiety their father belonged to. The two moieties are co-dependent for many social and legal purposes. Tribal leadership is not democratic; rather, it is passed from one family generation to the next.

General Madayin law is very practical; the main idea is to teach people how to live. It regulates the economy, instructs a parent to send their children to school, and states how and when to use clap sticks and didgeridoos. The law evolves through time; the Ngarritjngarritj and Makarrata (ceremonial spear punishment) ceremony, which was originally sharpened spears thrown deliberately to injure the guilty man, changed after the influence of Christianity.

There were lightning talks as well, ranging from current awareness services, an outline of government responses to Aboriginal problems, and how to apply for and change jobs.

The keynote talk the next morning was given by Sue Tongue, who is a public lawyer specializing in administrative law. Sue led the Australian Law Reform Commission and later the Migration Review Tribunal, amongst other appointments. Sue made statutory interpretation sound interesting and fun. Her idea is to unlock legislation by “going global” to understand the whole act and the circumstances surrounding this act by studying the material around the bill, such as any explanatory memoranda, second reading speeches, and parliamentary debates. After that, the reader can close in on the sections of the act using the tools of statutory interpretation such as the *Acts Interpretation Act* and other interpretative legislation, the standard text [Pearce & Geddes’ Statutory Interpretation](#), the legislation handbook produced by the Department of Prime Minister and Cabinet, and other such tools.

After that there was a session about visualisation in legal matters from Emily Allbon from the UK, showing how graphics can make legal requirements clearer and more easily understood. Then there was a gamification talk—for those attending who weren’t in university libraries, it was a new area.

Later in the afternoon there were sessions ranging from OpenRefine, which is open-source software for working with messy data as a replacement for Excel; creating a timeline for legislation research on a frequently amended act; advanced searching in Google; and Thomson Reuters’s forecast for the future.

One talk close to home for me was from the NSW Law Courts Library staff about surviving the great flood. There’d been a burst pipe in the NSW Law Courts building that left the foyer ceiling in danger of collapse, so the entire Sydney CBD court system was put on hold for days until spare courtrooms could be found. The Law Courts Library, being on the 15th floor, did not suffer any damage but was inaccessible except for fire stairs (as was the Sydney registry of the High Court—



being on the 23rd and top floor, we had the Sydney-based judges here in Canberra for two weeks). The entire research service was run out of one librarian’s personal mobile phone for one day until they were found offices in other buildings.

Another result from the great flood was that the business continuity plan showed it was focussed on front-line services, but technical services staff were not able to be

redeployed easily. Some staff were eventually sent to their local courthouses to assist the staff there or were assisting in the Probate Division sorting documents. One unexpected professional development was that library technical services staff showed their adaptability and the transferability of their skills.

I'm not forgetting the social aspects of the conference. Between the end of the sessions one day and the conference dinner, some of us went to Mindil Beach Markets to walk amongst the multicultural food stalls (raclette, anyone? In 30+ degrees?) and joined the crowds watching the sunset over the water.

The conference dinner was at [Crococaurus Cove](#) where Burt, star of *Crocodile Dundee*, and Leo, both very large salt water crocs, swam up to the windows during the speeches, creating much more interest than the speeches. Yes, there was crocodile offered as a canapé, along with kangaroo and buffalo.

I took an extra day to see round Darwin, plunge in the pool afterwards, and flew home straight down the middle to Adelaide, so I saw the Red Centre and came back to real life in Canberra.

As I mentioned in the last letter, the [report on section 44 of the Constitution](#) from the Joint Standing Committee on Electoral Matters was handed down on 17 May. The recommendations included suggesting a referendum be held to either repeal sections 44 and 45 or insert into sections 44 and 45 the phrase "Until the Parliament otherwise provides..." meaning that Parliament itself could set the rules for disqualification.

If the government decided not to hold a referendum, the committee recommended that there be greater checks implemented by the Australian Electoral Commission for candidates to certify their citizenship status.

As expected, the government is highly unlikely to hold a referendum about section 44. The first problem is that it is doubtful a referendum would succeed, a point acknowledged by the committee. To succeed, a referendum question must be approved by a majority of voters in a majority of states. That means a referendum can be defeated with only 19.8 per cent of Australians (being a majority of voters in each of the four smallest states) voting no.

It is improbable that the Australian people would vote "yes" in a referendum that simply asks them to repeal section 44, which is precisely what the committee has recommended. That would not only mean voting "yes" to allowing dual citizens to be elected (itself a controversial proposition) but would also allow individuals to be elected where they have been convicted of treason, are under sentence for a serious crime, or have a financial conflict of interest.

The committee, though, does go on to recommend that if the referendum passed, the Parliament should enact laws to address matters of qualification and disqualification. Any such laws would most likely ensure that many of the circumstances described above would still result in disqualification.

But the difficulty with this is two-fold. The first is that—rightly or wrongly—many Australians blame our politicians for the problems with section 44. The idea they should put those same politicians in charge of deciding what disqualifications should apply to politicians in the future is unlikely to be met with great enthusiasm.

After the latest High Court decision on section 44, [Re Gallagher, \[2018\] HCA 17](#), four members of Parliament resigned, as they were in the same situation of not renouncing their dual citizenship in enough time. Another member of the House of Representatives resigned the week previously for family reasons, so there will be a "super-Saturday" of by-elections for five members in four states. The by-elections will be held in late July, as the government wishes to implement the new citizenship regulations in the process, so extra time needs to be allowed for this.

So hopefully that's the end of section 44 matters for a while.

Next time, I hope to have the report and response to the Ruddock review of religious freedom that was handed to the Prime Minister in early May.

Until then, enjoy your summer,

MARGARET

The US Legal Landscape: News from Across the Border By Julienne E Grant

To all of my Canadian colleagues: I apologize for the behavior of the US president at the 2018 G7 Summit in Québec, as well as his subsequent tweets about your prime minister. As an American, and as the great grandchild of a Canadian, I'm ashamed. Meanwhile, on a more positive note, [CNN has reported](#) that Barack Obama has met with ten Democratic hopefuls for the 2020 presidential election. I was in Vermont recently for a college reunion, and I did see a lot of support for Bernie Sanders, including this slogan planted on everything from t-shirts to bumper stickers: "Make America Vermont Again." Will Bernie challenge "the Donald"? Time will tell.

As far as legal-related news, as usual I have collected a full range. There are sections below covering the AALL, ABA, and US law schools, as well as SCOTUS (Supreme Court of the United States). The "Legal Miscellany" section highlights some unusual "animal stories" and reports on [Lawyer.com's](#) somewhat surprising new spokesperson. Until next time.

AALL

AALL was quite busy this spring, advocating for various causes. On April 11, 2018, the association offered online training for members to participate in AALL's [Virtual Lobby Day](#), held April 12. The training focused on skills needed to influence members of Congress to vote affirmatively for the [FDLP Modernization Act of 2018](#) (HR 5305). The following week, AALL President Greg Lambert [testified](#) before the House Appropriations Committee's [Legislative Branch Subcommittee](#), supporting the 2019 Congressional budget requests for the GPO and Library of Congress (LoC).

On May 3, AALL [wrote to the librarian of Congress](#), Dr. Carla Hayden, expressing its reservations about an earlier-announced restructuring of the LoC. The restructuring will reposition the Law Library of Congress from a standalone unit to a subunit of the LoC. Dr. Hayden [responded](#) by assuring AALL that the restructuring will not significantly change the Law Library's operations. A month later, in a [June 7 letter](#), AALL (through its attorney) asked LexisNexis to "cease its recently enacted policy of tying access to its electronic and print publication products to the purchase of a license to its Lexis Advance search product." For background on the letter, see Jean O'Grady's [June 7 post](#) on her *Dewey B Strategic* blog. No word if Lexis has responded or otherwise addressed AALL's concerns.

ABA

The American Bar Association is also restructuring. The association's membership has dropped significantly in recent years, along with its income from membership dues.³ According to an [April 5 article](#) in the *ABA Journal*, staff cuts will be made, and nine centers will be created that focus on the following areas: operations and finance, member engagement, member practice groups, ABA policy and governance, access to justice and the profession, accreditation and education, diversity in the profession, global programs, and public interest law. Some ABA employees have already accepted buyouts, which were offered for the first time in the association's history.

The ABA has recently proposed removing the accreditation requirement of a "written assessment" by law school libraries in terms of their effectiveness (see [Standard 601\(a\)\(3\)](#)). According to a [March 22 post](#) on the *Ginger (Law) Librarian*, "The requirement that the assessment be written is excessive, not required of any other unit of the law school, and has led to confusion for both library directors and the [ABA] Accreditation Committee." The Society of Academic Law Library Directors (SALLD) and AALL, however, are opposed to this change. For summaries of both organizations' comments, see the aforementioned *Ginger (Law) Librarian* post.

Law Schools

On March 20, *US News & World Report* released its [2019 law school rankings](#). The top eight remain unchanged from last year (Yale, Stanford, Harvard, Chicago, Columbia, NYU, Penn, and Michigan). UC Berkeley moved up three spots to number nine (a tie with Virginia), and Minnesota jumped three spots to number 20. Duke and Northwestern tied for 11th place. Speaking of Northwestern, [Kimberly A Yuracko](#) has been selected as the law school's first female dean.

Adding to the growing list of US law school closings is Savannah Law School (Georgia), which shut down this spring. The Charlotte School of Law (North Carolina) closed last year, and a graduate and former professor have sued the ABA (and others), claiming that the association should have known the school was not complying with accreditation standards (see [US ex rel Bernier v Infilaw](#)). Arizona Summit Law School lost its ABA accreditation in early June. Arizona Summit, Florida Coastal, and the now defunct Charlotte School of Law have all [sued the ABA](#) over accreditation disputes. All three were/are part of [Infilaw](#), a consortium of for-profit law schools owned by Chicago-based [Sterling Partners](#).

In more positive news, the number of applicants to US law schools increased [over eight percent this past year](#), according to the Law School Admission Council (LSAC). For other recent statistics on US law schools, including bar passage rates, see the ABA Section of Legal Education and Admission to the Bar's [statistics page](#).

Law Firms

Chicago-based Foley & Lardner and Dallas-based Gardere Wynne Sewell [officially merged](#) on April 1, 2018. The combined firm has around 1,100 attorneys. Meanwhile, *Law360* reported that McDermott Will & Emery snatched about 50 lawyers from DLA Piper.⁴ *Above the Law* [reported](#) that Kirkland & Ellis's 2017 earnings shot up 19 percent, which makes it the largest law firm in the world in terms of gross revenue.

[Yale Law Women](#) released its 13th annual [Top 10](#) enumeration of family-friendly law firms, which for the first time includes a separate list for female-friendly firms. Included in the latter are Arnold & Porter Kaye Scholer; Bryan Cave; Hogan Lovells; Holland & Knight; Katten Muchin Rosenman; Littler; McDermott Will & Emery; Morgan, Lewis & Bockius; Morrison & Foerster; and Orrick, Herrington & Sutcliffe. Firms are listed alphabetically rather than by individual ranking. In a similar vein, *Law360* published its 2018 "Glass Ceiling Report," which ranked the best firms for women, grouped by number of total attorneys.⁵ There was some overlap with the Yale list.

3 Aebra Coe, "ABA to Cut Staff and Restructure Amid Membership Slump," *Law360* (6 April 2018).

4 Dorothy Atkins, "McDermott Nabs 50 DLA Piper Attys, Expects \$100M Boost," *Law360* (30 March 2018).

5 Jacqueline Bell, "The Best Law Firms for Female Attorneys," *Law360* (28 May 2018).

Attorneys: One is the Loneliest Number

A recent [study](#) published in the *Harvard Business Review* suggests that many US lawyers are members of the Lonely Hearts Club. Sixty-one percent of attorneys in the study ranked above average on a loneliness scale designed by UCLA researchers, compared to 45 percent of workers in education and library services. Guess I'm glad I chose law librarianship over practicing law.

In May, the ABA released [survey data](#) on the population of lawyers in the United States. The study showed a 0.2 percent increase in the total number of licensed, active attorneys over the past year. There was a [15.2 percent increase](#) over the last decade. The largest numbers of attorneys, according to the ABA study, are found in the following states: New York, California, Texas, Florida, and Illinois (in that order).

Federal Bench: Home-State Deference Bites the Dust

Traditionally, the US Senate has shown deference to home-state senators when considering nominees for the federal bench. According to *Law360*, however, this custom has seemingly gone by the wayside with Trump nominees.⁶ The president nominated and the Senate confirmed David Stras for the Eighth Circuit appeals court, without the support of both home-state senators from Minnesota. In early May, the Senate confirmed Michael Brenner to serve on the Seventh Circuit appeals court, despite the objections of Wisconsin Senator Tammy Baldwin. Trump's nomination of Ryan Bounds for the Court of Appeals for the Ninth Circuit is heading to the full Senate at the time of this writing. Both home-state senators from Oregon oppose his nomination.

On June 5, Senate Majority Leader Mitch McConnell [announced](#) that he was cancelling the Senate's August recess in part to "make additional progress on the president's nominees." The Trump administration's push to change the complexion of the federal judiciary marches on.

SCOTUS

SCOTUS wrapped up oral arguments in April; the Court heard 63 during the 2017–18 term. According to a [May 8 post](#) on *Empirical SCOTUS*, only Justices Ginsburg, Roberts, and Sotomayor were vocal at all 63.

As noted in my last column, SCOTUS has released its opinions at a remarkably slow pace this term. Decisions published since my last column include [Jesner v Arab Bank](#), which held in a five–four vote that foreign businesses can't be sued in US courts by foreign victims of extremist attacks and human rights abuses. The Justices also released an opinion for three consolidated cases: [Epic Systems v Lewis](#), [Ernst & Young v Morris](#), and [Nat'l Labor Relations Bd v Murphy Oil USA](#). There, SCOTUS opined in another five–four vote that

individual, non-unionized employees can be forced to use arbitration in disputes over wages and overtime. In another opinion involving consolidated cases, SCOTUS struck down a federal law that bans sports betting: see [Murphy v Nat'l Coll Athletic Assoc](#) and [NJ Thoroughbred Horsemen's Assoc v Nat'l Collegiate Athletic Assoc](#). In [Husted v A Phillip Randolph Inst](#), again in a five–four vote, the Court upheld Ohio's aggressive method of removing voters from its voter-registration rolls.

One of the most anticipated opinions of the 2017–18 term was [Masterpiece Cakeshop v Colo Civil Rights Comm'n](#). In that case, which involved a Colorado baker who refused to make a wedding cake for a same-sex couple, the Court handed down a limited decision. SCOTUS ruled seven–two that the Colorado Civil Rights Commission violated the gay couple's rights under the First Amendment, but the Court declined to decide the larger issue of whether there is a religion-based exemption in antidiscrimination laws. In what was supposed to be another blockbuster case, [Gill v Whitford](#), which addressed gerrymandering in Wisconsin, the Court sent the case back to the lower court to determine whether the challengers even had standing to sue.

The end of the 2017–18 term also saw the conclusion of Justice Neil Gorsuch's first year on the SCOTUS bench. Unsurprisingly, "A *Law360* analysis of the junior [J]ustice's voting behavior shows that he has become a reliable member of the [C]ourt's right bloc, agreeing most frequently with the conservative stalwart, Justice Clarence Thomas."⁷ Indeed, Justices Gorsuch and Thomas jointly signed 33 of the 37 opinions that the new Justice has signed since joining SCOTUS. Somewhat surprisingly, though, the SCOTUS rookie has agreed with the Court's liberal wing in some instances—specifically, in cases involving government surveillance and law enforcement powers.⁸

Ever wonder what SCOTUS Justices do during their free time and summer vacations? They are out and about, according to a [May 24 article](#) in the *Chicago Daily Law Bulletin*. Justice Thomas spoke at Christendom College's graduation, and Justice Breyer spoke at New York Law School's commencement. This summer, Justice Kennedy will teach in Salzburg, Austria, for the University of the Pacific's McGeorge School of Law. Justice Gorsuch will teach two courses in Padua, Italy, for George Mason University's Antonin Scalia Law School. Justice Ginsburg will be teaching at my own institution's summer law program in Rome, and so will her daughter, Jane.

Speaking of Justice Ginsburg, she is the focus of the new film [RBG](#), which has opened at theatres across the country. The film, a documentary, covers the personal and professional lives of the popular 85-year-old SCOTUS member. Included in the film are snippets of audio recordings of her oral arguments as a young attorney, as well as video clips of her

⁶ Michael Macagnone, "Gass Weber Partner Overcomes Dems for 7th Circ Seat," *Law360* (10 May 2018).

⁷ Jimmy Hoover, "The Junior Justice: A Look Back at Gorsuch's 1st Year," *Law360* (9 April 2018).

⁸ *Ibid*.

workouts with a personal trainer. Reviews have generally been positive. The *New York Times's* [AO Scott calls it](#) “a jaunty assemblage of interviews, public appearances and archival material, organized to illuminate its subject’s temperament and her accomplishments so far.”

Legal Miscellany: Fido in the Courts and Other Monkey Business

Courthouse facility dogs are gaining popularity in the United States. This is despite opposition from defense attorneys, according to an [April 11 article](#) in the *Chicago Daily Law Bulletin*, “Comfort Dogs in Courtroom Bring Yelps.” In other animal-related news, the Ninth Circuit appeals court held that a crested macaque monkey named Naruto had no standing to sue under the federal *Copyright Act*. For the court’s opinion in this unusual case, see [Naruto v Slater](#) (No 16-15469, April 23, 2018).

Turning to the more human side of things, US actress and bad girl Lindsey Lohan is the new spokesperson for [Lawyer.com](#). As reported in a [March 22 ABA Journal article](#), the company’s CEO, Gerald Gorman, said that her projects will be “‘clever and creative’ and could include TV advertising, mini-movies and online ads.” The choice of Ms. Lohan may seem odd for a gig like this; however, she self-admittedly has intimate experience with the US legal system. Finally, the following are finalists for the 2018 [Harper Lee](#)

[Prize for Legal Fiction](#): *Exposed* (Lisa Scottoline), *Proof* (CE Tobisman), and *Testimony* (Scott Turow). The prize was established in 2011 by the University of Alabama School of Law and the ABA. The prize will be awarded in August at the LoC.

Conclusion

As I conclude this column, there is an international outcry about the United States’ treatment of immigrant families at our country’s border with Mexico. Specifically, border control agents on the US side are separating children from their detained parents. US politicians (Republicans and Democrats alike), child welfare advocates, mental health professionals, and members of the public are banding together to try and compel the Trump administration to stop this practice. As of this writing (June 19, 2018), a Facebook page called [Reunite an Immigrant Parent with their Child](#) has collected well over \$4 million. I am hopeful that, when I check in again in three months, I can inform my Canadian colleagues that this deplorable family separation policy is no longer in force.

That wraps it up. 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.

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

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

***Julienne Grant, *Reference Librarian/Foreign & International Research Specialist at the Law Library, Loyola University Chicago School of Law.*

Please note that any and all opinions are those of the authors and do not reflect those of their employers or any professional body with which they are associated.

Call for Submissions

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

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

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

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

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CALL/ACBD Research Grant

Perhaps it is time to start thinking about your next research project. The deadline for the 2018 research grant will be March 15, 2018 and the grant will be awarded in May.

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

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

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

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For more information.

<http://www.callacbd.ca/Resources/Documents/Awards/Research%20Grant1.pdf>

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