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BIBLIOTHÈQUES DE DROIT**



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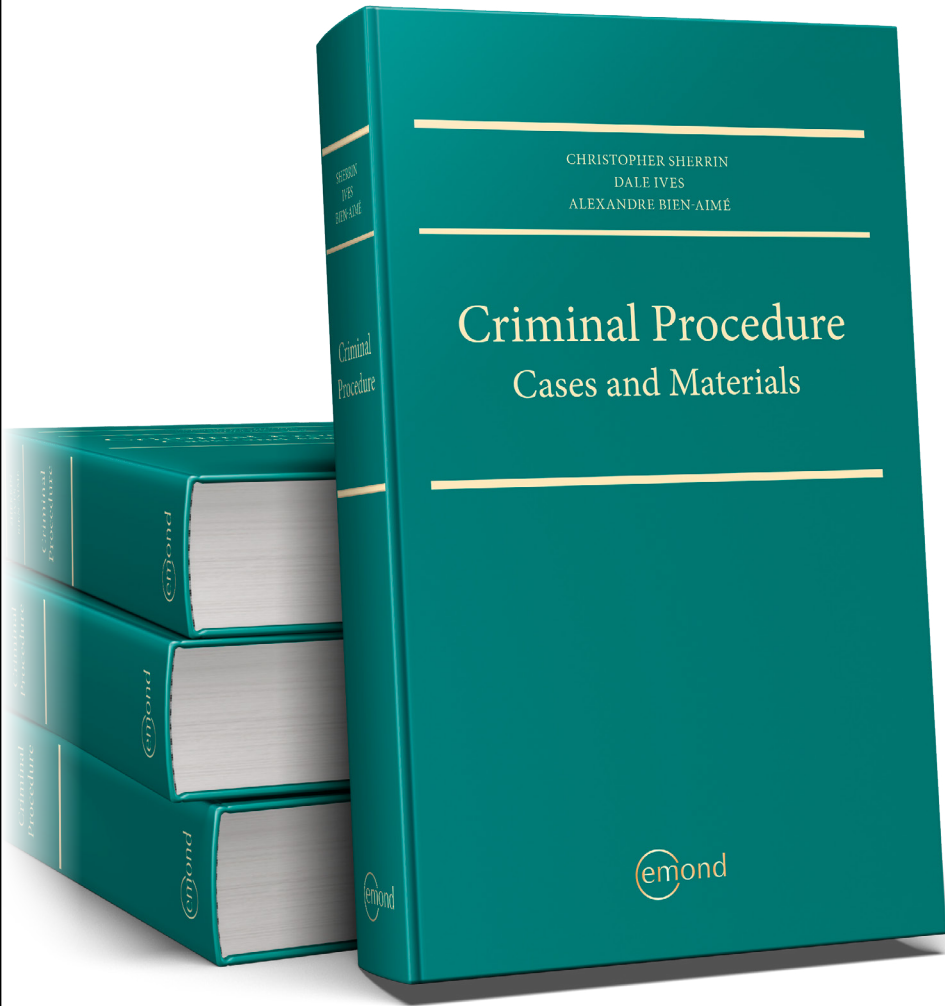
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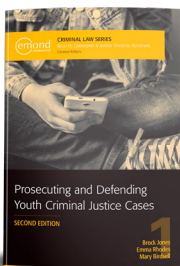
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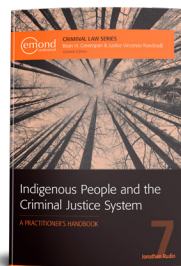


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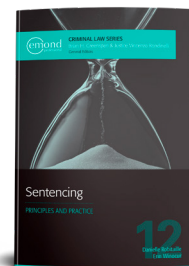


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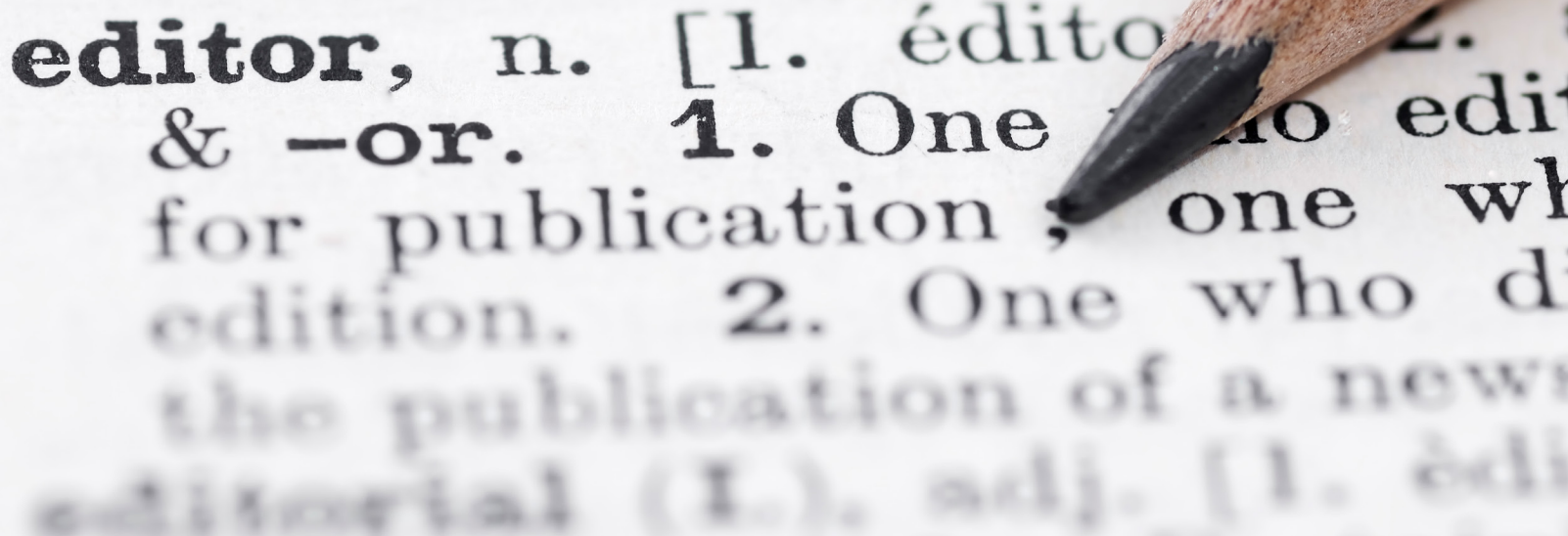
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& -or. 1. One who edits
for publication; one who
edition. 2. One who directs
the publication of a newspaper
editorial (1.), adj. (1.)

III From the Editor / De la rédactrice

Here we are in 2020. It sounds so surreal to say that. Growing up, I remembering thinking about the year 2000 with awe. I would be 16 years old—an unbelievably mature age, I thought at the time—and to couple that with a new millennium was nothing short of amazing. Twenty years after that milestone year, the date jolts me when I see it. How could it possibly be this far into the future? But I have to admit, I’m a bit disappointed so far. Where’s my flying car?

Apologies for the cliché, but a new decade means a chance to start over, set new goals, and follow through with said goals. What are your library’s plans for the new decade? The two articles in this issue may help with your planning, especially if you’re in an academic setting.

First we have Sonia Smith and Mila Bozic Erkić’s article on the McGill Law Library’s wellness collection. Like many of us, the authors wondered how they could find enough money in the budget to pay for non-legal resources. We all know about the pressures of law school, and we want to help our students, but how? Having a dedicated collection of books and materials to help them deal with the negative parts of law school is a great way to put our money where our mouths are. At UNB, we have a small but growing collection of wellness and mindfulness materials and a subject guide that lists what’s in that collection. We held two mindfulness sessions before fall exams in 2018, but unfortunately the sessions were mostly populated with library staff members—ironically, law students felt they couldn’t take time away from studying to attend, even though the sessions were intended to *help* with studying! But that goes to show where their priorities lie and the importance of building a collection they

can access on their own time. If possible—sometimes the funding just isn’t there—we should all collect materials to help students relax, de-stress, and ultimately succeed.

Our other feature, “Implicit Bias and Diversity in Law Libraries” by recent iSchool graduate Kenya Hewitt, picks up the same theme as Lynie Awywen’s “What’s Race Got to Do with It? Law Librarians, Race, and the Reference Desk” from *CLLR* 44:3. When it comes to diversity in the law library world, we need to do better, and not just by reading and agreeing with articles like these. Seeing themselves working in legal information specialist roles can attract more people of colour and other minorities to our profession, which can only make our field richer and stronger. We need to heed Kenya’s advice and follow *good* practices, strive for better ones, and work to ensure that our libraries, firms, offices, etc., accurately reflect the world around us.

Let’s make the 2020s the decade where our law students approach their studies with a focus on mindfulness and self-care. Let’s make it the decade where the faces in our libraries reflect the face of society as a whole. And let’s make all of our professional—and personal—dreams come true. Want to become a manager or head librarian? Throw your hat into the ring. Want to upgrade your skills and/or switch careers? This is the time. Want to finally write that novel? I know you can.

Clichés be damned. I say, new decade, new you, and new opportunities to make our profession better than before.

EDITOR
NIKKI TANNER

Nous voici en 2020. Cela sonne tellement irréal à mes oreilles. Lorsque j'étais jeune, je me souviens que le tournant de l'an 2000 me fascinait. J'avais 16 ans – un âge très mature pensais-je à l'époque – et à cela s'ajoutait un nouveau millénaire, ce qui était tout à fait spectaculaire. Or, 20 ans après ce tournant, je suis encore stupéfaite lorsque je vois cette date. Je ne comprends pas comment il est possible d'être rendu jusqu'à cet horizon. Toutefois, je dois admettre que je suis un peu déçue jusqu'à présent. Elle est où ma voiture volante?

Pardonnez-moi le cliché, mais une nouvelle décennie signifie une chance de repartir à zéro, de se fixer de nouveaux objectifs et d'aller jusqu'au bout de ces objectifs. Quels sont les projets envisagés dans votre bibliothèque au cours de la nouvelle décennie? Les deux articles présentés dans ce numéro pourraient vous aider dans votre planification, notamment si vous travaillez en milieu universitaire.

D'abord, Sonia Smith et Mila Bozic Erkcic nous présentent un article sur la collection d'ouvrages traitant de la santé et du bien-être offerte à la Bibliothèque de droit de l'Université McGill. Tout comme nous sommes nombreux à le faire, les auteures se sont demandé de quelle manière elles pourraient trouver suffisamment d'argent dans leur budget pour acheter des ressources non juridiques. Nous connaissons tous les pressions que vivent les étudiants à la faculté de droit, et nous voulons les aider. Mais comment? Mettre à leur disposition une collection de livres et de documents pour les aider à faire face aux aspects négatifs des études en droit constitue un excellent moyen de joindre le geste à la parole. Par exemple, à l'UNB, nous disposons d'une collection modeste, sans cesse croissante, d'ouvrages sur le bien-être et la pleine conscience, ainsi que d'un guide dressant la liste des sujets de cette collection. À l'automne 2018, nous avons organisé deux séances portant sur la pleine conscience avant la tenue des examens. Malheureusement, ce sont principalement les employés de la bibliothèque qui ont assisté à ces séances. Ironiquement, les étudiants en droit disaient que la participation à ces séances empiétait sur leur temps d'étude alors que ces séances visaient justement à les *aider* à étudier! Cela montre à quel point où se situent leurs priorités, et l'importance de bâtir une collection qu'ils peuvent accéder au moment voulu. Dans la mesure du possible – puisque le financement n'est pas toujours accessible – nous devrions tous essayer de nous doter d'une collection d'ouvrages pour aider les étudiants à relaxer, à déstresser et, finalement, à réussir.

Le deuxième article de fond, intitulé *Implicit Bias and Diversity in Law Libraries*, de Kenya Hewitt récemment diplômée de l'iSchool, reprend le même thème que celui de Lynie Awywen, *What's Race Got to Do with It? Law Librarians, Race, and the Reference Desk* dans le numéro 44:3 de la *RCBD*. Lorsqu'il s'agit de diversité dans le monde des bibliothèques de droit, nous devons faire mieux. Et autrement qu'en lisant et en avalisant des articles comme ceux-ci. En sachant qu'ils peuvent se voir confier des rôles de spécialistes de l'information juridique, les personnes de couleur et d'autres minorités pourraient être davantage attirées par notre profession, ce qui ne peut qu'enrichir et renforcer notre domaine. Nous devons tenir compte des conseils de Kenya et adopter de *bonnes* pratiques, tenter d'en trouver de meilleures et veiller à ce que nos bibliothèques, nos cabinets d'avocats et autres milieux reflètent bien le monde qui nous entoure.

Faisons des années 2020 la décennie où nos étudiants en droit abordent leurs études en mettant l'accent sur la prise de conscience et le bien-être. Faisons de cette décennie celle où les visages de nos bibliothèques reflètent le visage de la société dans son ensemble. Et faisons que tous nos rêves professionnels et personnels se concrétisent. Vous souhaitez devenir gestionnaire ou bibliothécaire en chef? Jetez-vous dans l'arène. Vous souhaitez améliorer vos compétences ou changer de carrière? C'est le temps de le faire. Vous voulez enfin écrire ce roman? Je sais que vous pouvez le faire.

Au diable les clichés. Je dis : nouvelle décennie, nouvelle perspective sur soi et nouvelles possibilités pour améliorer notre profession.

**RÉDACTRICE EN CHEF
NIKKI TANNER**



III President's Message / Le mot de la présidente

As I wrote for the January 2020 issue of our e-newsletter *In Session*, it is a new decade for legal information specialists. The beginning of a new decade is a perfect time to reflect on the past and plan for the future.

We have a lot to congratulate ourselves for at CALL/ACBD. Our association has a solid financial footing, a stable membership, good relationships with sister organizations, respected publications, and a solid position within the law library community. We could stay the current course for the next decade with few negative repercussions.

We are fortunate that our association has capacity to choose our path for the next decade. We are not forced to act because of external factors like massive reductions in law library staff across law libraries or the complete dismantling of our democratic system. We are not forced by lack of funds to reduce services to members so there is no value to an individual in being a member of CALL/ACBD. We do not have a disengaged membership where all of our committees have vacancies in leadership and no one is willing to volunteer. We can decide what the future of our association looks like, the path we want to follow, who we are, and why we join together as a group. Our future is as rosy as we want to make it.

In order to chart a course for our rosy future, we need to decide what that future looks like. Who do we want to be? How do we want others to perceive us? What makes our members want to join, stay, and participate? What will make

us successful as well as sustainable in the ever-changing legal landscape?

These may be questions you are asking in your own life or workplace. These are definitely questions that the CALL/ACBD executive board is working to answer. These are the questions we will ask your input on as we move through our mandate.

As I wrote in a [Slaw](#) post in November,¹ the CALL/ACBD board believes that as the national association developing and supporting legal information specialists, we are anyone with a role or interest in locating, curating, disseminating, advocating for, developing, building, accessing, educating about, having content expertise in, creating, or using legal information.

Yes. That is a very large “we.” What that large “we” means to me is an expansion of our membership. Not simply welcoming but inviting our members to be lawyers and legal publishers, developers of technology in the legal market, legal research and writing educators, people with an interest in legal informatics, and others who are legal information specialists.

There are CALL/ACBD members who do not work in a law library. Our 2018 joint CALL/ACBD–TALL Salary Survey showed that competitive intelligence manager, research specialist, records manager, and knowledge manager are likely to be the job titles of our CALL-eagues.

¹ Shaunna Mireau, “Which Tables Do You Pull Your Chair Up To?” (26 November 2019), online: *Slaw* <www.slaw.ca/2019/11/26/which-tables-do-you-pull-your-chair-up-to>.

What does that mean when we look at it in the context of the objects of our association, as they are currently stated?

The objects of the Canadian Association of Law Libraries are:

1. To promote law librarianship, to develop and increase the usefulness of Canadian law libraries, and to foster a spirit of co-operation among them.
2. To provide a forum for meetings of persons engaged or interested in law library work and to encourage professional self-development.
3. To co-operate with other organizations which tend to promote the objects of the Association or the interests of its members.

The above objects of CALL are excerpted [from the official CALL March 1981 incorporation document](#), often called the CALL “Corporate Charter.” The objects of the association have not changed since that date.

When I reflect on these objects, I can’t help but think that we should redraw the boundaries a bit. I believe that as the creation and format of legal information has expanded and changed, so should CALL/ACBD. Law librarianship is different today than it was in 1981, when these objects were so well defined.

Who do we want to be? How do we want others to perceive us?

Spring 2020 will have opportunities for consultation, so you can add your voice to these big questions. Please watch *In Session* as well as the CALL/ACBD social media channels for opportunities to participate.



**PRESIDENT
SHAUNNA MIREAU**

Comme je l’écrivais dans le numéro de janvier 2020 de notre infolettre *In Session*, les spécialistes de l’information juridique amorcent une nouvelle décennie. Or, ce début de décennie constitue une excellente occasion de faire un retour sur le passé et de planifier l’avenir.

Les membres de l’ACBD/CALL ont maintes raisons de se féliciter. Notre association a de solides assises financières, un taux d’adhésion stable, de bonnes relations avec ses organisations homologues et des publications respectées. Elle est aussi très bien positionnée au sein de la communauté des bibliothèques de droit. Nous pourrions maintenir ce cap au cours des dix prochaines années en subissant peu de répercussions négatives.

Nous avons la chance d’avoir une association qui est en mesure de choisir sa voie pour la prochaine décennie. Nous ne sommes pas contraints de réagir à des facteurs externes, comme les pertes massives d’emplois dans les bibliothèques de droit ou le démantèlement complet de notre système démocratique. Nous ne sommes pas obligés de diminuer les services aux membres, en raison d’un manque de ressources financières, et ainsi faire en sorte qu’il n’y ait aucun avantage à adhérer à l’ACBD/CALL. Nous n’avons pas de membres désengagés ni de sièges vacants au sein de nos comités puisque nos membres sont prêts à se porter volontaires. Nous pouvons décider de l’avenir de notre association, de la voie que nous voulons emprunter, de notre identité et des motifs qui nous réunissent en tant que groupe. Notre avenir s’annonce aussi rose que nous l’entendons.

Cependant, afin de tracer la voie à emprunter pour ce bel avenir, nous devons décider en quoi il consiste. Qui voulons-nous être? Comment voulons-nous que les autres nous perçoivent? Qu’est-ce qui fait que nos membres veulent adhérer, rester et participer? Qu’est-ce qui assurera notre réussite et notre pérennité dans ce paysage juridique en constante évolution?

Il est possible que vous vous posiez aussi ces questions dans votre vie personnelle ou professionnelle. Ce sont certainement des questions sur lesquelles se penchera le conseil exécutif de l’ACBD/CALL, et aussi des questions sur lesquelles nous solliciterons votre avis au fil de notre mandat.

Comme je l’ai écrit dans un billet sur le site [Slaw](#) en novembre dernier¹, le conseil exécutif de l’ACBD/CALL estime qu’en tant qu’association nationale offrant du perfectionnement et du soutien aux spécialistes de l’information juridique, nous représentons *toute personne* ayant un rôle ou un intérêt dans la localisation, la conservation, la diffusion, la défense, le développement, la construction, l’accès, l’éducation, l’expertise en matière de contenu, la création ou l’utilisation de l’information juridique.

Il est vrai que ce « nous » est très vaste. Mais ce que ce « nous » signifie pour moi, c’est l’élargissement de notre base de membres. Nous ne voulons pas nous contenter d’accueillir dans nos activités les avocats, les éditeurs juridiques, les développeurs de technologies du marché juridique, les éducateurs dans le domaine de la recherche et de la rédaction juridiques, les personnes qui s’intéressent à l’informatique juridique et les autres spécialistes de l’information juridique, mais nous souhaitons les inviter à devenir membres.

Certains membres de l’ACBD/CALL ne travaillent pas dans une bibliothèque de droit. D’ailleurs, notre sondage conjoint sur les salaires de l’ACBD/CALL-TALL de 2018 a révélé que nos collègues sont plus susceptibles d’occuper un poste dont leur titre est gestionnaire de veille concurrentielle, spécialiste en recherche, gestionnaire des dossiers ou gestionnaire du savoir.

¹ Shaunna Mireau, “Which Tables Do You Pull Your Chair Up To?” (26 novembre 2019), en ligne : *Slaw* <www.slaw.ca/2019/11/26/which-tables-do-you-pull-your-chair-up-to>.

Qu'est-ce que cela veut dire sur le plan des objectifs de notre association, tels qu'ils sont actuellement énoncés?

Les objectifs de l'Association canadienne des bibliothèques de droit sont les suivants :

1. Promouvoir une association de bibliothécaires de droit, développer et augmenter la raison d'être d'une loi sur les bibliothèques de droit canadiennes et favoriser un esprit de coopération entre elles.
2. Pourvoir un lieu de réunion pour les personnes engagées ou intéressées dans un travail de bibliothèque de droit et encourager son propre développement professionnel.
3. Coopérer avec d'autres organisations qui tendraient à promouvoir les objectifs de l'Association et les intérêts de ses membres.

Ces objectifs sont tirés du [document officiel de constitution de l'ACBD/CALL de mars 1981](#), communément appelé la « Charte de la Corporation ». Les objectifs de l'association n'ont pas changé depuis cette date.

En examinant ces objectifs, je ne peux m'empêcher de penser que nous devrions redéfinir un peu les limites. Je crois que l'ACBD/CALL devrait s'adapter à l'expansion et aux changements liés à la création de l'information juridique et au format dans lequel cette information est disponible. La bibliothéconomie juridique est aujourd'hui différente de ce qu'elle était en 1981 lorsque ces objectifs ont été clairement définis.

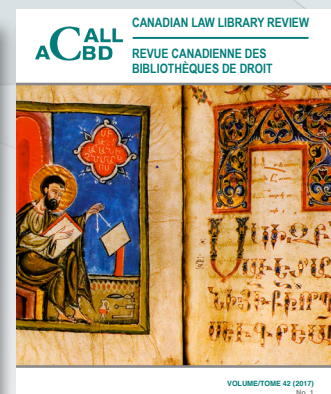
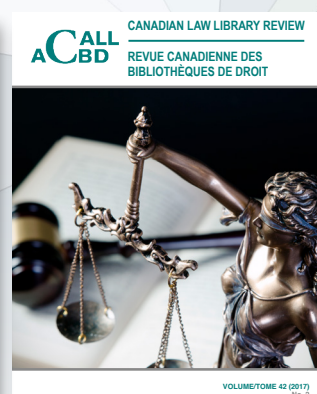
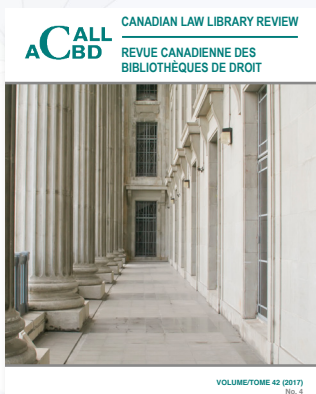
Qui voulons-nous être? Comment voulons-nous que les autres nous perçoivent?

Des occasions de consultation sont prévues au printemps 2020 afin que vous puissiez faire valoir votre voix à ces questions importantes. Je vous invite à consulter *In Session* et les divers médias sociaux de l'ACBD/CALL pour savoir comment vous pouvez y participer.



**PRÉSIDENTE
SHAUNNA MIREAU**

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III Does a Wellness Collection Have a Place at a Law Library?

By Sonia Smith¹ and Mila Bozic Erkcic²

ABSTRACT

In 2018, the Nahum Gelber Law Library at McGill University introduced a “wellness collection” for its users. This initiative was an innovation that deviated from the strict collection development policy regarding the book selection at the library. This article discusses the needs for such a collection, with an emphasis on law students’ stressful academic program. It elaborates on the findings from an analysis of the circulation records of this collection for the duration of one year. Based on these results, the future development of the wellness collection would be adjusted to maximize its usefulness.

SOMMAIRE

En 2018, la Bibliothèque de droit Nahum Gelber de l’Université McGill a introduit une « collection bien-être » pour ses utilisateurs. Cette initiative était une innovation qui s’écarterait de la politique stricte de développement de la collection concernant la sélection des livres à la bibliothèque. Cet article traite des besoins d’une telle collection, en mettant l’accent sur le programme académique stressant des étudiants en droit. On élabore sur les résultats d’une analyse des registres de circulation de cette collection portant sur une année. Sur la base de ces résultats, le développement futur de la « collection bien-être » serait ajusté afin de maximiser son utilité.

Introduction

The Nahum Gelber Law Library at McGill University provides resources and services to primarily support the teaching and research programs of the Faculty of Law at the undergraduate and graduate levels, as well as several institutes and research centres affiliated with the law faculty. These include the Centre for Research in Air & Space Law, the Centre for Human Rights and Legal Pluralism, the Centre for Intellectual Property Policy, and the Paul-André Crépeau Centre for Private and Comparative Law.

After attending a conference session on the topic of stress and the role of academic libraries in helping students’ well-being, the library decided to create a “de-stress” corner. It includes a table with a puzzle and several couches.

The response from students was very positive. Students would gather around the puzzle and work together in a relaxing and friendly way. Several students wrote e-mails to Reference Services, thanking us for this initiative. A few months into this project, we received a new e-mail from a student:

I think a great improvement to the library would be to increase what is available in the small “de-stress zone,” especially in terms of alternative reading

¹ Sonia Smith is a law librarian at the Nahum Gelber Law Library. Her initiative of bringing puzzles to the library and starting a wellness collection after a student’s e-mail resulted in this new service.

² Mila Bozic Erkcic is a recent graduate of the Master’s of Information Studies program at McGill University with more than 11 years of experience as a library services assistant at the McGill Law Library.

materials to use. My suggestion would be to add a magazine/newspaper rack and to get a subscription to a few newspapers and magazines. Puzzles are far too stressful for me to personally relax!

I know we get access to a few of these materials online, but it would be nice to have a space designated in our library to read things other than cases and doctrine.³

This was the suggestion that compelled us to develop a wellness collection for our users.

Library Users' Profile

Presently, the law library serves about 70 faculty members (full time, adjunct, and visiting scholars) and about 900 students at all levels: BCL/LLB leading to degrees in civil law and common law, Master of Laws (LLM), and Doctor of Civil law (DCL).⁴

The McGill law program is very competitive. According to McGill enrolment services, for the 2018 admission year there were 1,365 applicants at the undergraduate level, and only 188 were accepted and registered.⁵ McGill's law students graduate with two law degrees: a Bachelor of Common Law (LLB, equivalent to a JD) and a Bachelor of Civil Law (BCL). The BCL/LLB program is a full-time, first-level professional law degree. Most students complete it in 3.5 years.

It is known that law students perform under a lot of stress, as

[m]andatory grading curves, trial advocacy and writing competitions, high stakes exams, and intense rivalry for 2L summer jobs often have intimidating effects on students who might have been more familiar with group projects, collaboration, and teamwork in their undergraduate learning experiences.⁶

As Jolly-Ryan states, "[t]he priority of many law students, particularly during the first year, becomes survival. Law students are often so busy trying to survive that they forget why they applied to law school and why they wanted to be lawyers in the first place."⁷

At the beginning of 2017, the Institut de recherche en santé psychologique des travailleurs (IRSPT) and Healthy Legal Minds conducted an online survey to identify factors that

may contribute to health issues at the law faculty of McGill University, and 362 McGill law students completed it. In the survey report, the results showed that "a majority (66.7%) of students experienced psychological health challenges while studying at McGill law, a proportion significantly higher than prior entering the program."⁸ The report concludes:

The student body is composed of high-achievers that are used to being the best, creating a lot of competition between students. This competitive environment is magnified by the structure of the program, the culture of performance, and the fact that there are more students than jobs available. Furthermore, by the nature of the admission requirements, the student body is mainly composed of students with unrelenting standards, which helped them achieve the level of performance needed to get into McGill Law. Such standards, which are reinforced by the culture of performance in the Faculty, push students to pressure themselves to do it all.⁹

The effects of law school stress on law students are well represented in literature. According to Siptroth, competition for grades is the source of much of the anxiety that law students face:

When hard work does not pay off, many students endeavor to work harder, often spending more time studying and less time attending to their friendships, intimate relationships, non-academic interests, and physical health and well-being.¹⁰

In "Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?," McKinney reviews several studies on law students' personality characteristics and mental health issues.¹¹ The author found that almost everyone who writes on the topic of legal education agrees that the current system established in law schools places enormous amounts of emotional stress on students that negatively—perhaps irreparably—affect students' self-esteem, their ability to perform, their short-term and long-term health, and their ultimate satisfaction with the profession.

Other authors, like Organ, Jaffe, and Bender, report on the results of the Survey of Law Student Well Being that included 15 law schools in the United States.¹² The study indicates that roughly one-quarter to one-third of respondents reported

³ E-mail from KP (18 January 2018) (on file with authors).

⁴ "McGill Enrolment Reports" (last visited 10 July 2019), online: *McGill University* <www.mcgill.ca/es/registration-statistics>.

⁵ "Admissions Profile" (last visited 10 July 2019), online: *McGill University* <www.mcgill.ca/es/admissions-profile>.

⁶ Filippa Marullo Anzalone & Cameron Vann, "Mental Health and the Role of the Law Librarian" (2018) 22 AALL Spectrum 43 at 45.

⁷ Jennifer Jolly-Ryan, "Promoting Mental Health in Law Schools: What Law Schools Can Do for Law Students to Help Them Become Happy, Mentally Healthy Lawyers" (2009) 48:1 U Louisville L Rev 95 at 105.

⁸ "Report: McGill University Faculty of Law Student Psychological Study" (May 2017), online (pdf): *Teaching for Learning @ McGill University* <mcgillteachingblog.files.wordpress.com/2019/01/d7f86-mcgilluniversityfacultyoflawstudentpsychologicalstudy.pdf>.

⁹ *Ibid.*

¹⁰ Stephen M Siptroth, "Forming the Human Person: Can the Seminary Model Save the Legal Profession" (2007) 2007:1 BYU Educ & LJ 181 at 190.

¹¹ Ruth Ann McKinney, "Depression and Anxiety in Law Students: Are We Part of the Problem and Can We Be Part of the Solution?" (2002) 8 Leg Writing: J Leg Writing Institute 229 at 231.

¹² Jerome M Organ, David B Jaffe & Katherine M Bender, "Suffering in Silence: The Survey of Law Student Well-Being and the Reluctance of Law Students to Seek Help for Substance Use and Mental Health Concerns" (2016) 66:1 J Leg Educ 116.

frequent binge drinking or misuse of drugs, and/or reported mental health challenges. What is very worrisome is that the results indicate that a significant majority of the law students most in need of help are reluctant to seek it.

Creating a Wellness Collection in an Academic Library

The library's collection is developed to meet the information, educational, and research needs of the Faculty of Law's academic programs. The collection policy at McGill University states:

The mission of the Collections services in the McGill Libraries is to build and maintain collections of quality, in traditional and digital formats, through the selection and management of library resources required to support the University's programs of teaching and research.¹³

Collection development at the Nahum Gelber Law Library presents very particular challenges. In order to support a transsystemic legal education in a bilingual program (English and French), the library has a comprehensive collection of Canadian legal materials; acquires in-depth materials on civil law jurisdictions outside of Quebec, including foreign languages; and maintains a strong common law collection.¹⁴

How can the library support mental health when its collection focusses on legal, academic, and research material? After the success of the "de-stress" zone and trying to respond to students requesting different materials besides puzzles to "de-stress," we decided to allocate a small budget to acquire books that would be relevant to the well-being of students. We also made paper versions of two magazines available.

This was the first time that an initiative to buy books unrelated to law was introduced at the law library. The first reaction to this idea was that these books belong in a public library, not an academic, research-intense library. How could we spend part of our budget on books related to well-being and healthy habits when this is not part of the curriculum?

Law students' academic requirements are already so demanding that it is not realistic to expect that they would visit a public library to borrow books on wellness. We need to make these books accessible for them with the expectation that they would serve their purpose.

As stated by Anzalone and Vann, academic librarians should play a role in the development of students' well-being:

In its recommendations, the Report of the National Task Force on Lawyer Well-being focused on five central themes; the fourth, "educating lawyers, judges, and law students on lawyer well-being issues" can be read as an invitation to law librarians to expand our roles and help our users learn to deal with stress and deadlines in order to develop resilience during

their time in legal education. If we can help students cultivate new habits, increase their ability to flourish, and strengthen their grit, we will have contributed significantly to the "clarion call" of the report.¹⁵

Librarians selected 40 books relevant to the well-being of students. The range of titles varied from students' cookbooks to motivational books. These materials were displayed next to the "de-stress zone." After a year of this initiative, the use of this collection was analyzed.

Use of the Wellness Collection

The wellness collection could be divided into seven broad categories: law students' issues, personal motivation, nutrition, general health, graduate students' concerns, books about Montreal, and budgeting. These topics were selected to help students with those aspects of their well-being. Figure 1, *Wellness Collection by Topic*, shows the proportion of books by topic.

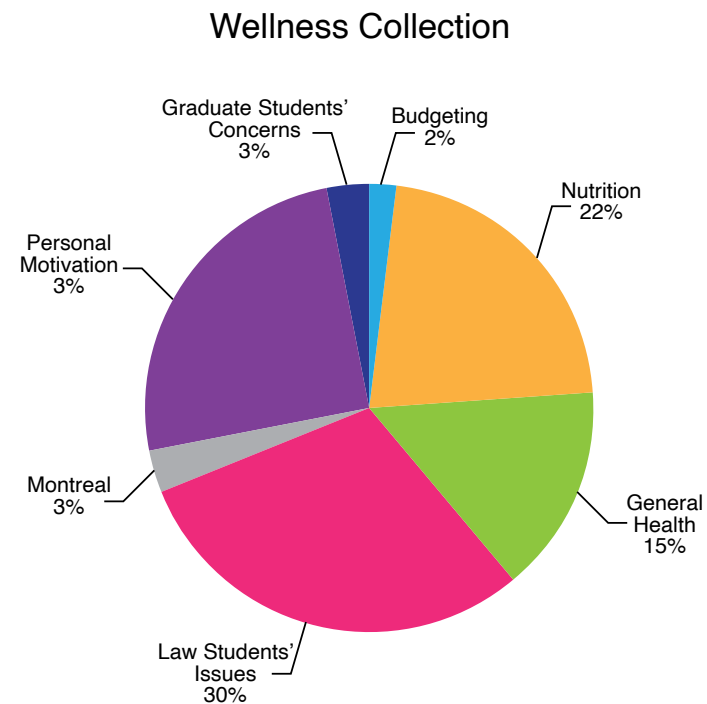


Figure 1. Wellness Collection by Topic

Many of the books acquired (30 per cent) help law students understand what to expect in law school, assist them in developing their careers, and prepare them to the rigors of law school. These are included in the category of *Law Students' Issues*.

The second largest category—*Personal Motivation* (25 per cent)—groups books on how to achieve personal goals, help to succeed in life and at school, turn failure into learning, and keep focussed on established goals.

¹³ "Collection Policy" (last visited 10 July 2019), online: McGill Library <www.mcgill.ca/library/about/collections/collection-policies>.

¹⁴ Transsystemic legal education is "[a]n approach to teaching law that integrates not only the several legal systems (i.e. civil and common law), but also incorporate comparative and interdisciplinary perspectives, in order to teach coherently the fundamental transnational legal principles," in Maryvon Côté, "Building a Transsystemic Law Library Collection" in Sara Holder, ed, *Library Collection Development for Professional Programs: Trends and Best Practices* (Hershey, PA: Information Science Reference, 2013) 327 at 340.

¹⁵ Anzalone, *supra* note 6 at 45.

In the busy lives of law students, one of the first things they can easily neglect is healthy eating habits. We selected books about nutrition (22 per cent) that guide students to prepare healthy meals within a limited budget.

The *General Health* (15 per cent) section includes books on sleeping habits, yoga, and mental health.

The remaining 8 per cent of the wellness collection contains books about student budgeting (2 per cent), living in Montreal (3 per cent), and some specific titles geared toward the well-being of PhD/Master's students (3 per cent). The books in these categories are intended to help students manage their finances, secure financial aid, introduce Montreal to newcomers, and give some useful advice to doctoral students on how to ensure their career path remains successful.

Two physical magazines (*Maclean's* and *The Economist*) were added to the wellness collection. These are personal subscriptions donated by staff. It was decided to limit the magazines for in-library use only, as we started with just a few issues. Although these did not circulate, we noticed that students used them, as they were left on tables and chairs, and their condition revealed that they were well read.

Based on circulation records, users who borrowed this specific collection were grouped into three categories. The first group consists of undergraduate students. The second group, graduate students, includes PhD and master's students. The third group, *Other Users*, comprises authorized borrowers, faculty spouses, course lecturers, visiting scholars, and McGill staff.

Figure 2, *Category of Users*, illustrates the different categories of users of the wellness collection.

Category of Users

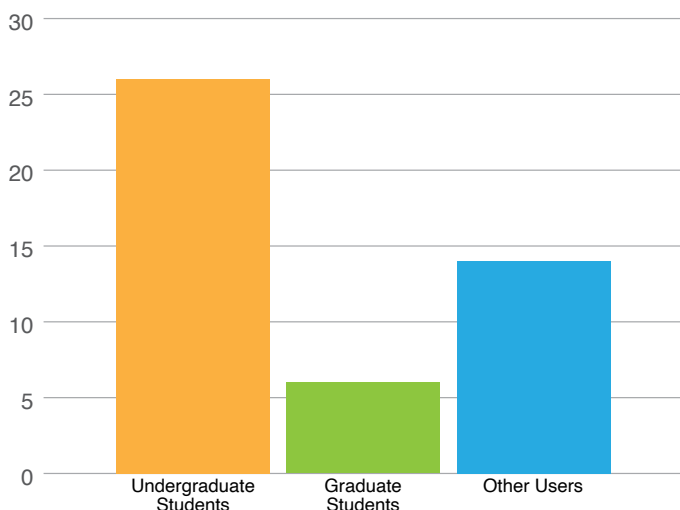


Figure 2. Category of Users

As expected, circulation records showed that undergraduate students are the main users of this collection, as it was mostly developed for the benefit of this group. The use by graduate students was relatively low. We can assume that a more mature group of students would not feel the need for this type of material as much as younger and more inexperienced law students. The wellness collection was also well used by the third group.

The use of the collection was analyzed by topic as well. Figure 3, *Use of the Wellness Collection*, shows how many times books were borrowed according to subject matter. Books on law students' success were very much in demand. Most of these titles would not have been considered for the collection before this initiative, as these were not deemed "academic" titles, but mostly "popular or diversion" books.

Use of Wellness Collection

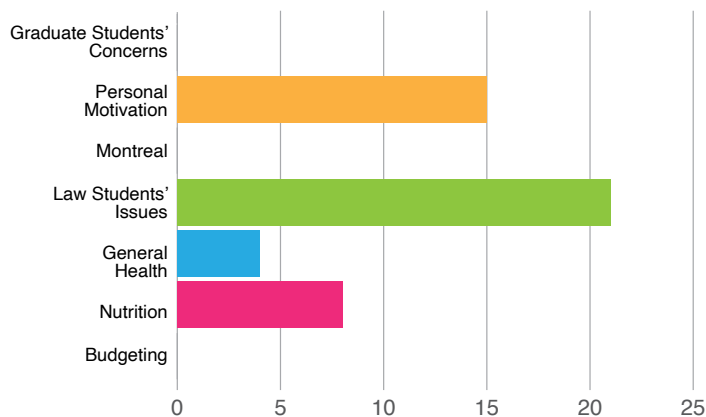


Figure 3. Use of Wellness Collection

We were also interested in understanding borrowing patterns among the three categories of users. This would enable us to know the specific interests of each group of users.

Analyzing the use of the wellness collection showed that undergraduate students were mainly interested in books classified as law students' issues (47 per cent). This section includes titles that advise on how to succeed at law school and guidance for happiness in their schooling and university experience. A slightly lower number of undergraduate students (39 per cent) were interested in motivational books, a section that includes topics such as fighting fear, emotional responses, and achieving success. The least borrowed topic, at 14 per cent, were books on general health. This section includes topics like sleep, fitness, and stress management. See Figure 4, *Undergraduate Students*.

Undergraduate Students

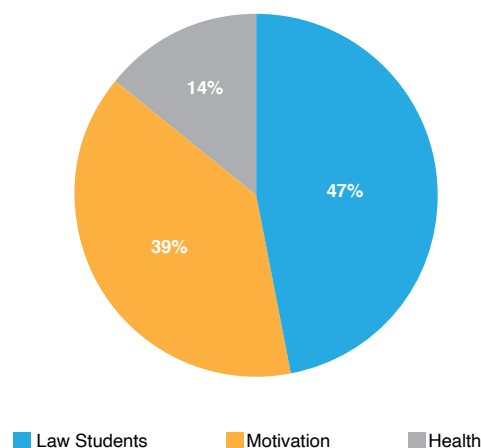


Figure 4. Undergraduate Students

Graduate student borrowing habits showed that 50 per cent of loans were motivational books. This group also showed high interest in books related to guiding law students to succeed. Another difference between these two groups was that the graduate students borrowed books on nutrition, whereas undergraduate students were not interested in this topic. See Figure 5, *Graduate Students*.

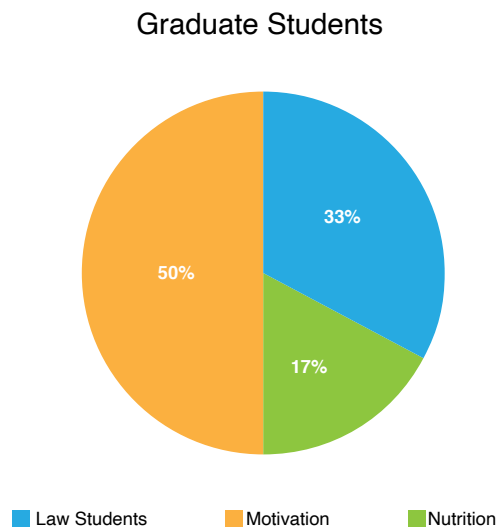


Figure 5. Graduate Students

The *Other Users* category, the group with the widest range of age, education level, professional and cultural background, and life experience, had very different interests when it came to the wellness collection. This group's borrowing statistics showed a 50 per cent interest in books related to nutrition, meal planning on a budget, and healthy, low-cost meals. See Figure 6, *Other Users*.

The category of nutrition-related books were selected under the assumption that undergraduate students would find useful advice on healthy eating as they adapt to life on campus on a student budget, but statistics show this was not the case.

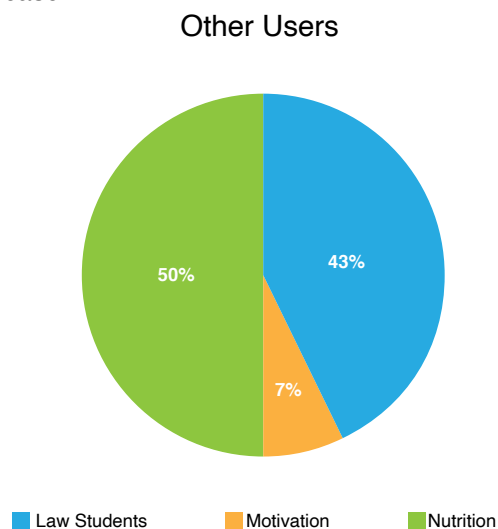


Figure 6. Other Users

Conclusion

One full year after this small collection was made available to our users, we can conclude that it is well used, and that students are appreciative of having easy access to this material. We received several thank you emails and verbal expressions of thanks from our users.

Most of the titles have circulated during this period. Many books were also browsed at the library, although not borrowed. As Jolly-Ryan suggests, law students should be reminded that success in law school requires balancing the things that are important in life.¹⁶ This includes academic commitments, physical health, healthy relations, occupational and spiritual wellness, as well as staying connected with the news and the world. As one student wrote in an e-mail:

To have access to periodicals in the first floor sitting area makes for relaxing breaks for studies and also make me feel more connected with the world, which goes on spinning even as I immerse myself in the drama of *droit de la famille*!¹⁷

If this small initiative conveys to students that we care for their well-being and support them in their studies, as well as their overall health and happiness as individuals, it is a very effective use of our resources.

McGill University is taking an additional step to support students' well-being and, according to the *McGill News*,¹⁸ the Student Wellness Hub will be launched at McGill in fall 2019. As the new culture around wellness establishes itself at the university, libraries should take a proactive role in supporting this trend. With the increasingly busy lives of our students, we can offer them tools to overcome the first signs of anxiety, depression, and other health issues by providing them with access to the wellness collection on hand.

To promote this collection, the library will create a LibGuide that will include electronic resources in addition to the existing print books. We hope that the budget will allow us to expand the collection while supporting the health and well-being of students, faculty, and other library users.

¹⁶ Jolly-Ryan, *supra* note 7.

¹⁷ E-mail from MC (18 January 2018) (on file with authors).

¹⁸ Daniel McCabe, "The Age of Anxiety" (June 2019), online: *McGill News Alumni Magazine* <mcgillnews.mcgill.ca/s/1762/news/interior.aspx?sid=1762&gid=2&pgid=2088>.



Implicit Bias and Diversity in Law Libraries

By Kenya Hewitt¹

ABSTRACT

Diversity initiatives in legal librarianship have been discussed for decades, and yet diversity in the field has not increased significantly. This article provides an analysis of scholarly literature focussed on implicit bias and diversity challenges within the American Association of Law Libraries and looks at best practices and next steps. Major themes revealed include the need for increased efforts in learning what it is that deters minorities from the profession, the impact of diversity on libraries, and a suggested shift into the concept of “diversity by design.”

SOMMAIRE

Les initiatives en matière de diversité en bibliothéconomie juridique sont discutées depuis des décennies, et pourtant la diversité dans ce domaine n'a pas augmenté de manière significative. Cet article propose une analyse de la littérature scientifique axée sur les préjugés implicites et les défis de la diversité vécus au sein de l'« American Association of Law Libraries » et examine les meilleures pratiques et les prochaines étapes. Parmi les principaux thèmes révélés figure la nécessité de redoubler d'efforts pour apprendre ce qui dissuade les minorités d'exercer la profession, l'impact

de la diversité sur les bibliothèques et une suggestion de passage au concept de « diversité par conception ».

Introduction

The mission to promote diversity and inclusion cannot fall on the shoulders of a few. It takes the efforts of every employee to ensure that the workplace is diverse and inclusive.²

The above quotation is from an article detailing a week in the life of a black librarian. The reader follows the narrative of author Shamika D. Dalton as she navigates law librarianship while black. Throughout her piece, she comments on everyday occurrences that are rife with racial microaggressions. Microaggressions are defined as “brief and commonplace daily verbal, behavioral, or environmental indignities, whether intentional or unintentional, that communicate hostile, derogatory, or negative racial slights and insults toward people of color.”³ Dalton concludes by commenting on the collective need to counter the implicit biases that can lead to a lack of diversity and microaggressions in the workplace.⁴

¹ Kenya Hewitt is a recent graduate from the Master of Information program at the University of Toronto, where she studied library and information sciences and knowledge and information management.

² Shamika D Dalton, Gail Mathapo & Endia Sowers-Paige, “Diversity Dialogues: Navigating Law Librarianship While Black: A Week in the Life of a Black Female Law Librarian” (2018) 110:3 Law Libr J 429 at 435.

³ Derald Wing Sue et al, “Racial Microaggressions in Everyday Life: Implications for Clinical Practice” (2007) 62:4 American Psychologist 271 at 273.

⁴ *Supra* note 2 at 429.

The phrase “implicit bias” has been examined to the point where theoretical discussions define the terms “implicit” and “bias” separately from each other as well as together as a phrase.⁵ For the purposes of this paper, however, implicit bias is defined as

[t]he attitudes or stereotypes that affect our understanding, actions, and decisions in an unconscious manner. Activated involuntarily, without awareness or intentional control. Can be either positive or negative. Everyone is susceptible.⁶

To accompany this definition, The Kirwan Institute defines five characteristics that highlight how implicit bias is unconscious and automatic, is pervasive, does not always align with explicit beliefs, has real-world effects on behaviour, and is malleable.⁷ What is important here is its malleability, which tells us that implicit bias can be changed. However, due to its pervasiveness and positioning as unconscious and automatic behaviour, it is difficult to do so. Despite this challenge, it is something that we must attempt to change, as its bias is an important issue for libraries of all types, including law libraries. The American Library Association (ALA) details the effect of implicit bias on libraries, positing that it “can negatively impact all aspects of library operations.”⁸ This can happen through the negative impact on morale and effectiveness of all librarians, and especially librarians from underrepresented groups. The effect of implicit bias does not stop at work relationships in libraries—if left unchecked, it can hinder services that libraries offer to patrons.⁹

Implicit bias is also an important issue because it is a factor found to influence diversity. In this paper, diversity is defined as

a multidimensional term that gets reinterpreted and redefined practically every time it is used, depending on who uses it and in what context ... In most cases, diversity refers to a wide array of community members whom we engage; or to the demographic composition of the professional and academic workforce and student body; or to the versatility and richness of resources and information we handle and make available.¹⁰

Many authors have justified the important impact of diversity within the library setting. Gabriel outlines the most popular reasons for this in her work.¹¹ A major theme is having minority students see librarians who look like them. This is significant in terms of law libraries, as law schools are also pushing diversity initiatives. Therefore, there is a need to reflect the communities they serve. The ability to serve diverse populations allows for better access for minority groups to research resources and other library services. Additionally, diversity brings multi-pluralism, as well as aligning law librarianship with legal education. This shows the profession is willing to change along with society.¹² Thurston, who writes that there are many benefits to increasing diversity within the profession of law librarianship, similarly outlines these justifications.¹³ One of the most important benefits is higher-quality service to patrons, which will improve their ability to research and access law. Additionally, diversity increases the number of role models from different racial and ethnic groups, along with improving a law library’s organizational culture. Moreover, it can help shape the future of the profession while benefitting multiple stakeholders.¹⁴

I find that when going through the literature on the topic of diversity and implicit bias in law librarianship, little is recent. This is not a new phenomenon. As Gabriel notes, literature regarding diversity in law librarianship is scarce and tends to focus on academic law libraries.¹⁵ Rarely is there anything that touches upon law firm, state, court, or county libraries.¹⁶ Given this lack, this essay focusses on a brief review of the literature surrounding implicit bias and diversity challenges in law librarianship and the library profession. Firstly, there will be an identification of influential articles discussing the topic. Secondly, there will be an identification of best practices and initiatives used and suggested for combatting implicit bias and promoting diversity. Lastly, there will be a discussion of next steps that is particular to the diversity problem as it relates to the library profession as a whole and can be applied to all types of library settings, including law librarianship.

How Are We Doing With Diversity?

Thurston’s seminal article addresses diversity in law librarianship in the 21st century and is an important piece of literature touched upon by many in the ongoing discussion

⁵ See Jules Holroyd, Robin Scaife & Tom Stafford, “What is Implicit Bias?” (2017) 12:10 *Philosophy Compass* 1; See also Katheryn Russell-Brown, “The Academic Swoon over Implicit Racial Bias: Costs, Benefits, and Other Considerations” (2018) 15:1 *Du Bois Rev: Soc Science Research on Race* 185.

⁶ Cheryl Staats et al, *State of the Science: Implicit Bias Review*, 2017 ed (Kirwan Institute for the Study of Race and Ethnicity, 2017) at 10, online (pdf): [kirwaninstitute.osu.edu/wp-content/uploads/2017/11/2017-SOTS-final-draft-02.pdf](http://Ohio State University <kirwaninstitute.osu.edu/wp-content/uploads/2017/11/2017-SOTS-final-draft-02.pdf>).

⁷ *Ibid.*

⁸ Tarica LaBoissiere, Endia Paig & Beau Steenken, “Keeping Up With... Implicit Bias” (February 2019), online: *American Library Association* <www.ala.org/acrl/publications/keeping_up_with/bias>.

⁹ *Ibid.*

¹⁰ Keren Dali & Nadia Caidi, “Diversity by Design” (2017) 87:2 *Libr Q* 88 at 88.

¹¹ See Raquel J Gabriel, “Challenging the Status Quo” (2013) 105:2 *Law Libr J* 263.

¹² *Ibid.*

¹³ See Alyssa Thurston, “Addressing the Emerging Majority: Racial and Ethnic Diversity in Law Librarianship in the Twenty-first Century” (2012) 104:3 *Law Libr J* 359.

¹⁴ *Ibid.*

¹⁵ Gabriel, *supra* note 11.

¹⁶ *Ibid.*

of the diversification of the profession.¹⁷ Her focus is the reasoning behind the challenge of diversity after decades of discussion and initiatives, one that recurs in literature both before and beyond her piece. Thurston gives a brief history on the profession, from 1971 and beyond, and its efforts to increase the recruitment of minorities. However, she finds that despite all these years of efforts, there are still low levels of diversity. Thurston highlights some reasons for this lack in diversity, such as a small pool of qualified candidates, a lack of minority role models, lingering racism within the legal profession, competition with other fields, and time and budget constraints within the American Association of Law Libraries (AALL).¹⁸

Wheeler disagrees with Thurston, as he sees positive results from AALL's efforts to promote ethnic and racial diversity within the organization.¹⁹ Amongst what little literature there is, he appears to be singular in his positive outlook and interpretation of the data on minorities in law librarianship. He believes that the profession is beginning to reflect the demographic numbers of the United States. However, he does not focus on the importance of continuing efforts, especially when it comes to confronting implicit bias. He states:

Diversity begets diversity. Racial homogeneity enforces homogeneity in ways that have nothing to do with intentional bias. "Over 85 percent of Americans, for example, get their jobs through acquaintance contacts. [Therefore] racially homogeneous friendship networks can segregate people out of important networks, and thus out of important opportunities." The lesson to be learned here for law librarians is that even seemingly small efforts at diversifying our profession can yield larger results in the long term.²⁰

Wheeler's view on small efforts seems to indicate that we should continue this same path and rely on implicit bias to work in diversity's favour. If one follows that line of thinking, then one could conclude that eventually there will be more diversity without a change in those types of practices already in place. This will come from a snowball effect where more members of minority groups will be in positions to recruit more individuals who are diverse.

Gabriel responds to Thurston's article quite differently than Wheeler.²¹ She agrees that there has been no significant

change in diversity numbers and calls for a "frank discussion about how diversity could be improved."²² She also notes that there is no way to know the exact number of law librarians of colour. However, she adds her personal experience as one, remarking that she often has the experience of being one of the few. Lucero and Steenken discuss Thurston's article as well and come to similar conclusions as Gabriel.²³ They identify an underlying cause discussed by Thurston as critically important for the profession to get a handle on: the time and budget constraints within AALL.²⁴ They explore this issue by examining AALL's Diversity Committee, which has a mandate to act to increase diversity in libraries. In order to follow that mandate, they are responsible for two annual events: a diversity symposium at the annual meeting and a minority leadership development award. Lucero and Steenken conclude that there needs to be an expansion on using librarian skills in order to amend the underlying causes of the lack of diversity.

In terms of diversity in the library profession, Gabriel highlights literature of interest that deals with diversity in librarianship.²⁵ My research on this topic reflects Gabriel's conclusions. First, she finds that "[t]he profession of librarianship as a whole has an alarmingly low percentage of librarians considered to be 'diverse' under historical definitions of race and gender, and this underrepresentation is even more apparent within the field of law librarianship."²⁶ Her second conclusion is that "[w]hile the profession continues to create opportunities for underrepresented populations, the efforts to do so are scattered and of limited value."²⁷ Lastly she states, "The failure to incorporate diverse populations into the profession may have a wider impact on the perceived value of libraries and librarians and may further marginalize librarians within the communities that need their services the most."²⁸ These conclusions are important, as they pinpoint a critical issue in diversity conversations: the failure to move beyond the same types of conversations and small efforts that have been made to "boost" diversity. There is a strong need for a different way of thinking about diversity, as the lack of it within the profession accentuates the gap between libraries and librarians and the communities they serve. The literature she presents touches on themes she posits in these conclusions and themes found in discussions of diversity in libraries. She breaks up these themes into three groups: the difficulty of achieving diversity at the entry point of the library profession, methods and programs to retain minority librarians (the articles focus on the academic library setting but can be applied to all types of libraries), and recommended reading

¹⁷ Thurston, *supra* note 13.

¹⁸ *Ibid.*

¹⁹ Ronald Wheeler, "Let's Talk about Race" (2014) 106:2 Law Libr J 267 at 267.

²⁰ *Ibid* at 272.

²¹ Gabriel, *supra* note 11; Thurston, *supra* note 13; Wheeler, *supra* note 19.

²² Gabriel, *supra* note 11 at 264.

²³ See Michele A Lucero & Beau Steenken, "Into the Breach with AALL's Diversity Committee – Law Librarians' Struggle to Achieve Diversity Goals" (2013) 17:4 AALL Spec 15; Gabriel, *supra* note 11.

²⁴ *Ibid.*

²⁵ See Raquel J Gabriel, "Selected Readings on Diversity Issues: Part II" (2013) 105:4 Law Libr J 567.

²⁶ *Ibid* at 567.

²⁷ *Ibid* at 568.

²⁸ *Ibid* at 567–68.

for those interested in diversity in law librarianship. Due to the scarcity of articles on this topic, the suggested readings are somewhat old, the most recent from 2009. Interestingly, she concludes with a fear that appears to have come to pass, stating, “I am concerned that in another fifteen years another librarian will still be echoing the sentiments I have expressed, which already repeat some of the concerns voiced in 1998.”²⁹ This comment re-asserts the need for a different approach, for if we continue on the same path, we will surely be reading these same sentiments. It is a call for a reinvigorated effort for the betterment of the profession as a whole, as an increase of diversity brings with it new ideas that can be applied to legal librarianship. Lastly, she identifies the consequence of law librarianship’s failure to take significant action: the loss of relevancy for the community they have traditionally served. This point has been touched on earlier, and will continue to be, as it is significant to the importance of diversity in legal librarianship and beyond. The ability to have minorities seeing other minorities succeed in a given field can create a snowball effect in breaking down those entry-point barriers, as well as continue to build a community based on diversity. One can see this concern reflected more recently by Dali and Caidi when they state that “diversity is at the very heart of practice and scholarship in LIS” and invite readers to think about how the lack of diversity could damage the entire structure of the profession.³⁰ The fight for diversity goes hand-in-hand with the fight for the relevancy of the library profession.

More recently, Donovan did an in-depth review of AALL’s efforts to increase diversity in the law librarianship profession. This review states,

Inclusion and promotion of racial and ethnic minorities’ within law librarianship has been an ongoing concern as evidenced not only in a healthy list of articles but also by the decision of the editor of the Law Journal to devote regular column space to this topic.³¹

The healthy list of articles he refers to is there; however, outside of a recent column titled “Diversity Dialogues” from 2010 to 2014, most of these articles are from the early- to late-1990s. Donovan comments on this lack of recent information when it comes to minority groups in law librarianship. He notes that the most direct way to see how diversity efforts in law librarianship are doing is by examining data from AALL. However, they have not regularly recorded information on minority numbers, and therefore we must rely on information that is “more current but less complete and certainly less reliable.”³² In order to judge AALL’s diversity efforts, Donovan

argues that law librarianship must be placed into broader social contexts in order to meaningfully interpret patterns. He views discrimination and implicit bias similarly in their outcomes, as they both use immaterial characteristics when assigning roles and opportunities. Therefore,

If discrimination is understood in the broadest sense as the raising of barriers to obstruct the flow of persons deemed “undesirable,” this processual view can be contrasted with diversity’s focus on outcomes. Diversity problems may commonly be the consequence of discriminatory acts earlier in the career pipeline.³³

As mentioned earlier, researchers recognize implicit bias as an influence on diversity problems. However, it does not act alone as a barrier for members of minority groups from entering the profession. Donovan also attributes the lack of diversity to a preference for some occupations over others. In the case of legal librarianship, he sees a possible deterrent as the predominance of women in the profession.³⁴ When it comes to how well AALL is fairing in its efforts to increase diversity, he notes that it may be beyond their control. He finds that it is a broken educational process limiting the number of applicants rather than features of the profession. He does, however, call out their responsibility for the deficiency of knowledge about the lack of diversity, stating that their deliberate choice to stop the collection of member demographic data should negatively affect the perception of AALL’s strong commitment to diversity.³⁵

Best Practices

As implicit bias is a precursor to the challenge of diversity, it is a good place to start when attacking that challenge. As Dalton and Vilagran state, “Within our library and information centers, biases can impact diversity efforts, recruiting, and retention, and unknowingly form an institution’s culture.”³⁶ Dalton and Vilagran outline best practices for reducing implicit bias.³⁷ They break down the practices into three categories: when recruiting, when hiring, and for retention. In terms of recruiting, they also give three suggestions for best practices: including a diversity statement, vetting the job postings for suggestive language, and widening the net when recruiting. When hiring, one should script the interviews, diversify the search committee, create clear compensation policies, and institute a “Rooney Rule.” A “Rooney Rule” refers to a policy that would require ethnic-minorities to be interviewed for positions. Lastly, for retention they suggest five practices: cultural awareness training, creation of an inclusive work environment, mentoring programs, promotions, and

²⁹ *Ibid* at 573–74.

³⁰ Dali, *supra* note 10 at 94.

³¹ See James M Donovan, “Diversity: How Is AALL Doing” (2017) 109:1 Law Libr J 7 at 8–9.

³² *Ibid* at 10.

³³ *Ibid* at 14.

³⁴ *Ibid* at 29.

³⁵ *Ibid*.

³⁶ See Shamika Dalton & Michele Vilagran, “Minimizing and Addressing Implicit Bias in the Workplace: Be Proactive, Part One” (2018) 79:9 College & Research Libraries News 478.

³⁷ *Ibid*.

assessment of the employment process through employee surveys.³⁸ Additionally, something mentioned in this article and many others is the Implicit Association Test (IAT) offered by the non-profit organization Project Implicit. This is a great resource to use for revealing unknown implicit attitudes.

Furthermore, Dobbin and Kalev explore which diversity initiatives and programs researchers find to succeed—or not—in the business firm context.³⁹ The three most popular interventions focus on controlling managers' behaviours, and Dobbin and Kalev find them to have poor results. They make firms less diverse and include the practices of mandatory diversity training, testing job applicants, and grievance systems.⁴⁰ Thankfully, they find other programs to be successful. These programs are less about control tactics and focus more on framing the initiatives around positivity. These programs include voluntary training, self-managed teams, cross-training, college recruitment targeting women, college recruitment targeting minorities, mentoring, diversity task forces, and diversity managers. Dobbin and Kalev state that the most effective programs “engage people in working for diversity, increase their contact with women and minorities, and tap into their desire to look good to others.”⁴¹ They conclude that since we have found what does and does *not* work, we need to do more of what *does* work to reduce bias and increase diversity. Although the context for this research is business organizations, one can apply these findings to libraries and law libraries, as many of these initiatives could fit easily into the library context. It could be as simple as reframing programs and training as voluntary to engage managers in libraries, or regularly sharing mentorship opportunities with librarians. These initiatives fit well with the profession of librarianship, as it already values this type of engagement; it is just a matter of strategically thinking about how and where to best use resources.

Black examines diversity efforts in librarianship through the widely offered solution of recruiting minority groups.⁴² She notes that the responsibility for diversifying the profession has been mostly assigned to academic library and information science programs. When it comes to predominately white institutions, they do not have a diversification mission in the same way that institutions with ALA accredited programs do. This is a critical issue, as most librarians in the U.S. are educated at predominately white institutions.⁴³ Black lays out approaches for diversifying the profession, and within each approach she presents a variety of strategies found in the literature, namely:

1. The creation and use of standards and frameworks around cultural diversity, mission statements, and professional statements;
2. Recruitment of diverse practitioners and mentoring;
3. Scholarships and the elimination of financial barriers;
4. Internship programs, residencies, and service-learning projects;
5. Conducting research on diversity issues;
6. Training and workshops on diversity, interest groups, and diversity organizations;
7. Hiring diverse faculty in education programs/role models;
8. Courses on diversity; and
9. Cultural infusion of diversity in LIS education programs and curricula.⁴⁴

She concludes that since the responsibility is largely assigned to LIS education programs, we should focus on primarily black institutions, as they can play a critical role in diversification. Creating more library programs in these institutions can expose more minority groups to the profession.

Next Steps

Literature identifies implicit bias and diversity as central issues in the library profession. Dali and Caidi address this often-noted problem, as well as the often-offered solutions to it.⁴⁵ They write that the common solution is one that calls for an increase in the number of diverse individuals in the workplace and in the variety of available resources. They note that despite best efforts in addressing diversity, there is still much work to be done. As we have just read, the diversity problem has not been improving quickly enough. What is unique about their examination of the issue is their presentation of the idea of “diversity by design.”⁴⁶ They see that the inclusion of diversity remains an “add-on” in the library field. They posit that diversity ideas, ideals, and considerations should be built in from the start as a foundational design rather than by chance. To reframe diversity in this manner would allow the library field to tackle diversity from a different angle and perhaps create a space for the significant change that has been found lacking. Dali and Caidi discuss the idea of a diversity mindset as an element of diversity by design. It includes elements such as a deep conviction of diversity as integral to social structure,

³⁸ *Ibid* at 480–481.

³⁹ See Frank Dobbin & Alexandra Kalev, “Why Diversity Programs Fail” (2016) 94:7/8 Harv Bus Rev 52.

⁴⁰ *Ibid* at 54–56.

⁴¹ *Ibid* at 55.

⁴² See Kimberly Black, “Recruiting Under-represented Groups to Librarianship” (2018) 13:1 Multicultural Learning & Teaching 1.

⁴³ *Ibid* at 3.

⁴⁴ *Ibid* at 3–6.

⁴⁵ Dali, *supra* note 10.

⁴⁶ *Ibid*.

an internalized belief that diversity is everybody's business, and "an ability to see the multiple contexts and expressions of diversity in our professional and academic settings."⁴⁷

Dali and Caidi may be the first to present the idea of diversity by design; however, others have touched upon similar concepts. Hudson-Ward examines the rise of values-based diversity in workplace diversity management and its impact on librarianship.⁴⁸ She presents a definition of values-based diversity that is "a management philosophy in which the values that individuals bring into the workplace (such as differences in communication styles, work ethics, and motivational factors) are elevated as diversity issues."⁴⁹ This type of diversity fits nicely into the aforementioned notion of diversity by design as it similarly promotes the idea of placing diversity as a value and therefore creating a diversity mindset. Some libraries are already embracing this in their policies. Hudson-Ward notes that this does not mean abandoning the work around representative diversity but posits that a critical first step is employing an inclusive values-based approach. She also notes that recent demographic data (2009 from U.S. census and 2013 from an ALA study) show that diversification is still a challenge and that the majority of librarians are white.⁵⁰

Conclusion

In conclusion, various recurring themes surround the challenges of implicit bias and diversity. The main challenge seems to be that initiatives over the past few decades have not made a significant impact on increasing diversity, especially when it comes to efforts to recruit minorities to the profession and the apparent small pool of applicants. Implicit

bias is identified as an underlying cause for this lack of diversity, but due to its position as an unconscious behaviour, it is impossible to eradicate completely. Therefore, efforts for understanding what deters members of minority groups from entering law librarianship is critical. The impact of diversity on libraries is another major theme, as the literature posits that diversity in libraries means higher-quality services and improved research and access to information. In the context of law libraries, this translates into improved research and access to law, as well as other traditional library services and resources.

Lastly, I would like to touch on the phrase "best practices." Although they are referred to as *best practices*, I believe they should be referred to as *good practices* or perhaps only as *practices*. The review of discussions surrounding diversity and implicit bias have centred on the fact that the implementation of practices and initiatives is not enough to make a significant difference. Therefore, I believe that calling them *best practices* is misleading. If they are truly best, then should there not be a more significant change happening in the profession? Instead of reverting to these best practices, we should instead view them as *good practices* to keep using. Simultaneously, we should continue to focus on discovering and creating new and better practices to help reach the diversity goal librarianship—and law librarianship in particular—says it is committed to achieving. As mentioned earlier, I believe exploring the idea of diversity by design is a step in that direction. It is a unique way of attacking the issue that could lead to new *good practices*. However, even if we do find new practices that end up creating significant change, I think it is dangerous to revert to calling them *best practices*, as it could slow new research for progress and innovation.

⁴⁷ *Ibid* at 91.

⁴⁸ See Alexia Hudson-Ward, "Eyeing the New Diversity: An Emerging Paradigm for Recruitment and Retention" (2014) 45:7 American Libr Magazine 32.

⁴⁹ *Ibid* at 32.

⁵⁰ *Ibid*.



III Reviews / Recensions

Edited by Kim Clarke and Elizabeth Bruton

***British Conservatism and the Legal Regulation of Intimate Relationships.* Andrew Gilbert. Oxford: Hart, 2018. xviii, 231 p. Includes bibliographic references and index. ISBN 978-1-50991-588-0 (hardcover) \$108.00; ISBN 978-1-50991-590-3 (ePub) \$86.39; ISBN 978-1-50991-589-7 (PDF) \$86.39**

In Canadian terms, the subject of this book is family law, as developed by the Conservative Party in Britain. The term “intimate relationship,” rarely used in the text, refers to marriage, civil partnership, and co-habitation.

The book begins with a brief introductory chapter, followed by a historical account of conservatism and family law. Four chapters are devoted to political analysis of individual acts: [The Marriage and Family Proceedings Act 1984](#), [The Family Law Act 1996](#), [The Civil Partnership Act 2004](#), and the [Marriage \(Same Sex Couples\) Act 2013](#), and there is an intervening chapter covering policy developments between 1984 and 1996.

The author defines “conservative” with reference to eighteenth-century statesman Edmund Burke and his thoughts on the importance of tradition and authority, pragmatism, resisting or managing change, and the “inherent evil of humankind.” The author himself is a conservative, and as such, to his credit, places himself within the debates detailed in the text and not as an outside observer.

As a book written from within conservatism, *British Conservatism* concurs with the idea that traditional marriage is important and ought to be maintained as an institution, but contains little in the way of historical or philosophical analysis as to why traditional marriage is important. Thus, when the importance of marriage comes into conflict with, say, the importance of social equality, the former is assumed while the latter needs to be proven beyond doubt.

Within the conservative political spectrum, the conflict between moral ideology and realism is prominent. Gilbert wins sympathy from progressive readers by consistently tacking toward realism and away from social engineering. He is able to take modern life into account along with conservative ideology.

At the same time, he tacitly consents to the assumption that there exists a large class of people whose moral behaviour needs to be governed, and a much smaller class that possesses both the privilege and the qualifications to conduct moral governance. If you are able to imaginatively place yourself in the governing class to which Gilbert is a party, you will likely enjoy Gilbert’s interesting accounts of many historic debates. In my own case, I often felt a condescending tone that was no doubt unintended by the author.

Perhaps the narrowness of the intellectual climate in which Gilbert’s class lives could be illustrated in a statement like

“the views of many non-C/conservatives coalesced with the dominant narrative that high divorce rates are a symptom of individual moral decline” (p. 128). This statement assumes that non-C/conservatives agree with the conservative beliefs on divorce and that there is only one way (the conservative way) of interpreting this issue. But, is this the prominent or even dominant view?

Despite his unhistorical appeals to moralism, and lack of a reasoned defense of the importance of traditional marriage (an idea that looms as an unrelenting nemesis to legislative innovations on these pages), Gilbert’s political analysis is engaging and insightful. His accounts of various conservative positions are lucid, and his critiques of them valid and plausibly argued. Given the parallels between British and Canadian family law, I would recommend this book for Canadian academic law libraries and legislative libraries.

REVIEWED BY
KEN FOX

Reference Librarian
Law Society of Saskatchewan Library

***Canadian Indigenous Peoples and Criminal Jury Trials: Remediating Inequities.* By Brian Manarin. Toronto: LexisNexis Canada, 2019. xxvii, 193 p. Includes index. ISBN 978-0-4335-0066-7 (softcover) \$95.00.**

This book is an academic text that seeks to address the role of Indigenous people and their participation in Canadian criminal jury trials. It opens with a personal anecdote from Manarin, who as a young man observed a jury selection for an accused person of colour where the jurors selected were all white men. His experience inspired the questions raised in this book, based on his doctoral thesis.

Manarin begins by discussing the significance, history, and legislative framework for jury trials, then laying out questions he seeks to address in this text and the research methods used to do so. His questions are:

- Should jurors be disqualified because of criminal history, and what is the impact of this policy on Indigenous peoples?
- Does the “challenge for cause” procedure work fairly for Indigenous peoples when attempting to expose bias?
- Is the “peremptory challenge” neutral?

The first substantive chapter situates Canadian Indigenous peoples within a legal, political, and historic framework. This chapter provides a useful introduction to the unique position of Indigenous people in Canada and the challenges they faced, and continue to face, due to colonialism.

The next chapter analyzes the current *Criminal Code* provision that prohibits anyone sentenced to one year or more in custody from serving on a jury. Manarin reviews the history of the requirement, which is based on the

presumption that an individual who has been incarcerated is likely to be biased or not of good character. He compares legislation regarding jury composition across Canada and in other Commonwealth countries and notes that juror disqualification due to criminal history varies dramatically between jurisdictions. In this chapter, the academic works cited are primarily American, likely due to a dearth of penal literature in this country. Ultimately, his conclusion is that the administration of justice suffers because people are deemed ineligible because of their past criminal record.

Next, he turns to the “challenge for cause” procedure and its ability to expose partiality, particularly as it affects Indigenous peoples, no matter their role in the proceedings. Challenge for cause is a process wherein potential jurors may be excluded if there is a reason to do so, including bias. Manarin outlines the current process, cases, and relevant literature from Canada and other jurisdictions, which includes the surprising statistic that 25 per cent of potential jurors are questioned during challenges for cause due to their failure to provide material information. Much of this evidence comes from other jurisdictions, primarily the United States, due to the Canadian requirements of jury confidentiality. The current system does not effectively screen for bias and could be revamped to work better for Indigenous people.

In the last chapter, Manarin considers whether peremptory challenges are neutral or discriminatory toward Indigenous people. He reviews the presumed representativeness of random jury selection and considers the ethics of parties to a trial investigating potential jurors. This chapter also addresses the use of peremptory challenges for improper purposes, such as excluding people who are visible minorities, women, or others who are non-conforming. Manarin proposes four potential options to reduce the risk of partiality in peremptory challenges. He addresses systemic factors that bar Indigenous people from participating in jury trials. He does not offer recommendations or suggestions for increasing engagement and attendance in jury pools.

Manarin specifies that the law referenced in this text is current as of February 23, 2019. Since the book’s publication, Bill C-75 was passed and has come into force, abolishing peremptory challenges. Manarin refers to this in the final footnote in the text, and it will be interesting to see how this change affects Indigenous participation in juries across the country.

The book includes a detailed table of contents, a table of cases, and a table of statutes. As well, there are significant footnotes, including both commentary and references. I recommend it for academic libraries, particularly those with a significant criminal law collection. It will be helpful in addressing systemic and legislative factors that affect Indigenous people who are involved in the criminal justice system.

Lastly, the book cannot be read without acknowledging the context in which it has been published. In the winter of 2018, Saskatchewan farmer Gerald Stanley was acquitted

of manslaughter in the shooting death of Colten Boushie, a young Cree man. During that trial, there was a significant outcry because there were no visibly Indigenous people selected, and as a result there has been increasing public engagement with this issue.

REVIEWED BY

LORI O'CONNOR

Crown Prosecutor

Melfort, Saskatchewan

***Fitness to Stand Trial: Fairness First & Foremost.* By Richard D. Schneider & Hy Bloom. Toronto: Irwin Law, 2018. v, 251 p. Includes index, table of cases, tables of contents, and appendices. ISBN 978-1-55221-497-8 (paperback) \$85.00; ISBN 978-1-55221-498-5 (eBook) \$85.00.**

Any legal issue involving a common law test needs to be understood clearly and precisely. This book is a thorough exploration and in-depth analysis of the fitness to stand trial standard. In the opening paragraph of their introduction, the authors state without fanfare exactly why we should care deeply about this issue: "The rules regarding fitness to stand trial are in place to help ensure that the accused receives a fair trial" (p 1). Their goal in tackling this issue is no more and no less than to attempt to ensure that fairness.

The Honorable Richard D. Schneider (Ontario Court of Justice and Territorial Court of the Yukon) and Hy Bloom (a forensic psychiatrist and lawyer) expertly describe the concept of fitness to stand trial, assisting in clarifying the test for fitness while at the same time thoughtfully critiquing its application. The cross-section of expertise between mental health considerations and the legal system brought to this work by these authors allows for an extremely meticulous description and analysis of the fitness to stand trial issue from multiple perspectives. Having medical- and legal-focussed chapters highlight the particular expertise of each author, and their analyses of the issues bring these chapters together as a whole.

This book has a superb level of detail in the tables of contents, greatly assisting the reader in distinguishing the issue or question pertinent to their research. Included in the many topics covered are: histories of the fitness rules, the test for fitness to stand trial, the timing of the test at trial, psychiatric aspects of fitness, assessments of fitness, next steps upon a verdict of unfit, self-represented litigants and the issue of fitness, and an overview of the fitness rules in the U.S. and U.K. Each of the 10 chapters is broken down into as many as 20 extremely specific subheadings, allowing the reader to home in on the pertinent information they are looking for. These subheadings are outlined in a second, detailed table of contents. Additionally, each chapter ends with a 10-point review of what the chapter covered, which is very handy for those who need a quick overview of a subject and are working to a deadline. Also included are a few related sample forms from the *Criminal Code*, as well as some Ontario-specific forms.

While this book is primarily aimed at practitioners, providing granular explanations of how and when fitness to stand trial may become an issue at each stage of a proceeding and how it is dealt with at that stage, it is also readable and, more importantly, understandable by a wide range of parties. It does not presume the reader possesses any prior knowledge of the subject matter and was written to catch the interest of novices, students, and researchers, along with seasoned attorneys.

As a point of interest, when a legal point is mentioned in the text, the history of that concept is fully described, allowing the reader to not only understand the nature of the test, for example, but why it has evolved to be the way it is. The authors succeed at compartmentalizing history, facts, explanations, and opinions, which makes each section have significant impact on its own. I would say the only drawback to this level of detail is that while the facts are worth reading, they are a bit dry compared to the analysis, which is a much smaller portion of the book.

As someone new to this particular procedural subject, I believe this book would allow me to confidently approach one's fitness to stand trial in a practical setting. I particularly appreciated the notes on how the points of law raised differ in practice from their formal expression.

REVIEWED BY

SARA KLEIN

Faculty Services Librarian

Seton Hall University School of Law

***Grace and Wisdom: Patrick G. Kerwin 1889–1963, Chief Justice of Canada.* By Stephen G. McKenna. Ottawa: Petra Books, 2017. ix, 314 pages. Includes illustrations. ISBN 978-1-92703-268-8 (softcover) \$24.00.**

Grace and Wisdom is a biography of Canada's 10th chief justice, Patrick Kerwin, as told by his grandson, Stephen McKenna. McKenna describes how Kerwin was a significant part of his early life until Kerwin's death in 1962. The author, exposed to many stories and memories about his grandfather, synthesized family records and external research to produce an in-depth book about Kerwin's life. What emerges is an account of Kerwin's career as a lawyer and jurist, as well as a portrait of a thoroughly decent and humble individual. The early chapters set out his modest younger years.

Born in Sarnia during Queen Victoria's reign, Patrick Kerwin was raised mainly by his mother while his father was away for months at a time working as a sailor on the Great Lakes. When he was eight, Kerwin lost his father, and the family continued to live above a liquor store they had purchased. As the oldest of three children, Kerwin quit school at age 14 to take a delivery job, and later he became a part-time clerk in a local law firm. He was able to resume his high school studies while also supplementing the family income with trombone performances, and later as a student at law with a local Sarnia law firm. He attended Osgoode Hall Law School in Toronto, where he graduated in 1911.

Guelph law firm Guthrie & Guthrie hired the young lawyer the year he graduated. While senior partner Hugh Guthrie held multiple cabinet positions in three different federal governments, and thus was absent from the day-to-day law practice, Kerwin found himself essentially running the firm from 1911 to 1932. He handled significant responsibilities in municipal and criminal law for Guelph and Wellington County, as well as representing a local Jesuit institution appearing before a royal commission in a conscription controversy in 1919.

Appointed to the Ontario High Court of Justice in 1932, Kerwin spent just three years as a trial judge before being elevated to the Supreme Court of Canada on the advice of then Minister of Justice Hugh Guthrie.

The last half of the book concentrates on Kerwin's time on the Supreme Court, including his time as Chief Justice. There are useful background chapters on the Court itself and the buildings that have housed it. Details of the ceremonial role of the Chief Justice and the office's activities outside the court, such as public speaking and filling in for the Governor General, provide interesting reading. Other fascinating topics covered include meetings with Queen Elizabeth II and U.S. President John F. Kennedy. A synopsis of the leading cases of Kerwin's tenure helps to illustrate the broad range of issues he faced.

The strength of the book comes from the treasure-trove of family information that the author had access to. Stories about supporting his daughter while she grieved her husband's death in 1959 and discussions about the effect of his Catholic background on his judicial career underline the character of the book's subject.

These more serious topics are tempered by humorous stories of Kerwin's enjoyment of summers at the cottage, his lack of expertise with a hammer and nail, and when he put a call from the Prime Minister's office on hold to take out the garbage.

While *Grace and Wisdom* is quite detailed about Kerwin's life, some subjects might have been explored in more depth. For example, the role that Hugh Guthrie played in elevating a trial judge with only three years experience to the country's highest bench merited discussion. As well, Kerwin's relationship with other judges on the Supreme Court such as Ivan Cleveland Rand might also have been looked at, especially if there were any family records covering this association.

Overall, McKenna succeeds in presenting us with a picture of the man who was his grandfather: Patrick Kerwin.

REVIEWED BY
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Guelph Historical Society

***Incomprehensible!: A Study of How the Legal System Encourages Incomprehensibility, Why It Matters, and What Can Be Done about It.* By Wendy Wagner & Will Walker. New York: Cambridge University Press, 2019. xviii, 342 p. Includes bibliography and index. ISBN13 978-1107400887 (paperback) \$39.95; ISBN13 978-1107008472 (hardcover) \$102.95.**

It is a common lament that the law has become increasingly complex and, in some cases, only really understood by the specialist (e.g., tax law). Despite attempts by government and industry to become more transparent, the amount of legal information the average citizen is expected to digest to even buy a phone is increasingly unmanageable. This is the problem *Incomprehensible!* seeks to address. This book is written primarily for insiders: the legal community, regulators, and state actors. These are the people who the authors feel are responsible for much of the incomprehensibility, either by creating it or allowing it to go unchallenged. The focus is on American institutions and processes, and although the issues they raise are familiar to Canadians, there was no attempt to generalize to other jurisdictions.

It is important to distinguish this book from others written on this topic, like Zariski's *Legal Literacy* (Athabasca, AB: AUP, 2014), which I previously reviewed. In this work, the authors argue that previous attempts to address the problem of law's incomprehensibility have failed because they focussed on the audience (citizens, industry, etc.) and not the speaker (lawmakers, regulators, etc.). They further argue that there may be more incentives for speakers to keep law incomprehensible, and thereby thwart initiatives like transparency and plain speech by techniques such as data-dumps, fine print, and deliberate ambiguity. They argue that incentivizing the speakers to minimize the effort required by the audience to make sense of the information has the greatest hope of success.

The book comprises three parts: an introduction and model, six case studies applying the model in various areas of regulation and law making, and a blueprint for reform. I will illustrate the authors' approach with one of the case studies: "Comprehension Asymmetries in Legislative Processes." The authors begin by providing examples of incomprehensible laws produced by Congress, and then move on to discuss the institutional process that can lead to legislation that confounds even members of Congress, their primary audience. The authors suggest some of the reasons why tools like ambiguity and practices, such as block voting in committees and omnibus bills, may serve both political and practical ends. They then offer proposals for reform that would motivate lawmakers to pass comprehensible legislation. The book's final chapter draws together the conclusions from each of the studies. There is a detailed table of contents, substantial endnotes, an excellent bibliography, and subject index.

I found this book well researched and meticulously referenced. The authors have been careful in building and illustrating their arguments, drawing on many previous analyses of American institutions and regulatory processes.

Although I recognized a number of the issues raised in the Canadian context (yes, omnibus bill, I am looking at you), I wondered if we have the kinds of analyses of our institutions like the ones Wagner relied on in crafting her arguments. Despite its American focus, this book offers valuable ideas for Canadians and suggests research opportunities for our own analyses and applications. Since the book does require an understanding of legislative and regulatory processes, I would recommend it for academic and government audiences, particularly those interested in regulatory reform.

REVIEWED BY

DAVID H. MICHELS

Sir James Dunn Law Library
Schulich School of Law
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***The Law is (Not) for Kids: A Legal Rights Guide for Canadian Children and Teens.* By Ned Lecic & Marvin Zuker. Edmonton, AB: Athabasca University Press, 2019. xiii, 289 p. Includes tables and appendices. ISBN 978-1-77199-237-4 (softcover) \$22.99.**

In 1976, Marvin Zuker collaborated with June Callwood to write *The Law Is Not for Women*, a resource meant not only to inform Canadian women of their legal rights, but also of the rights they were denied because they were women. Now, 23 years later, Zuker and co-author Ned Lecic have written a guide for Canadian children and young adults in a similar vein. Using plain language, the aim of the authors is to empower young people by providing them with information about their legal rights while at the same time emphasizing the inequalities resulting from the limitations of those rights and thus encouraging them to become advocates for themselves.

The first chapter is a very general introduction to Canadian law and includes an explanation of the concept of jurisdiction; a description of where laws (statutes and case law) come from; and brief introductions to *The Indian Act*, the court system, the Constitution and the *Charter of Rights and Freedoms*, and relevant international treaties and conventions.

Chapters 2 through 7 are overviews of areas of law and legal concepts that affect young people, including the age of majority and what it means to be a minor; family law and the best interests of the child; young people's legal rights at school and at work; and finally, matters related to sex and relationships. Each of these chapters includes sections with a "question and answer" format to handle common queries. For example, Chapter 4, "Going to School," describes the right to public education and relevant laws such as Ontario's *Education Act* but also provides answers to very specific questions such as "Can the school open my locker?" and "Do I have any control over the education I receive?"

The focus of Chapter 7 is the role played by social services in protecting children. Chapter 8 describes what happens when young people break the law, including the process of getting arrested and the importance of requesting a lawyer at the time of arrest. Chapter 8 also describes the process of being released on bail and what going to court entails.

Finally, in Chapter 9, "Fighting for Your Rights," the authors discuss different ways in which young people can advocate for change. This includes writing letters to members of parliament, organizing demonstrations, and creating petitions.

Throughout the book, the authors refer to relevant statutes and precedent-setting cases, including cases where young people themselves initiate changes to laws. The authors point out that while the laws that affect children are found mostly within provincial jurisdictions, the scope of this book does not allow them to cover similar laws in every province and territory. Through the use of tables, the authors are able to convey information about relevant legal provisions across the provinces and territories (i.e., the minimum age for leaving home and the minimum age for employment).

Appendices include a glossary of legal terms; a description of how a bill becomes law; a list of resources, which includes children's rights websites and the names of organizations that provide legal information and support for children; and a list of relevant legislation, conventions, charters, and case law.

With this book, Zuker and Lecic offer a friendly and positive starting point for young Canadians to learn about their legal rights and how to advocate for themselves. It is this latter point that makes the book unique; it is not just a book for children on how a bill becomes a law. Rather, the authors believe that children are unfairly treated and do not possess adequate rights within Canada's legal system, and the information in this book is meant to inform the reader to take action. As such, this book is an invaluable resource to which all young people should have ready access, and it should be included in elementary and secondary school libraries, public libraries, and any other library used by adults who work with children.

REVIEWED BY

ANGELA GIBSON

Bora Laskin Law Library
University of Toronto

***Law's Indigenous Ethics.* By John Borrows. Toronto: University of Toronto Press, 2019. vii, 381 p. Includes bibliographic references and index. ISBN 978-1-4875-0491-5 (hardcover) \$59.73; ISBN 978-1-4875-2355-8 (softcover) \$39.95; ISBN 978-1-4875-3115-7 (eBook) \$39.95.**

John Borrows is the Canada Research Chair in Indigenous Law at the University of Victoria Faculty of Law. His research focusses on environmental laws of Indigenous peoples and how unique approaches to regulating communities and settling disputes can be applied more broadly. These approaches involve custom, stories, song, dance, and other Indigenous traditions. His previous work includes *Canada's Indigenous Constitution* (Canadian Law and Society Best Book Award, 2011) and *Freedom and Indigenous Constitutionalism* (Donald Smiley Award for the best book in Canadian political science, 2016). He is Anishinaabe/Ojibway and a member of the Chippewa of the Nawash First Nation in Ontario.

Essentially, this jurisprudential work incorporates different legal theories and will help develop Indigenous rights in

Canada. Borrows relies on section 35(1) of the *Constitution Act*, dealing with existing Aboriginal treaty rights, throughout the book. Borrows maintains that constitutional originalism, or the belief that the Constitution is immutable, has excluded and marginalized Indigenous peoples.

Law's Indigenous Ethics follows the author's tradition of creative and insightful scholarship. It relies on Anishinaabe Grandmother and Grandfather teachings of *love, truth, bravery, humility, wisdom, honesty, and respect* as ethical relationships in Indigenous laws. The introductory chapters on *love* and *truth* examine treaties between Indigenous peoples and governments. The following chapters on *bravery* and *humility* examine the concept of Aboriginal title. Law and legal education are considered in depth in the chapters on *wisdom* and *honesty*. The final chapter on respect examines collective responsibilities regarding residential schools.

Borrows admits that these seven Anishinaabe Grandfather/Grandmother teachings may be relatively "new"; however, they are now a form of discourse as legal thought develops around Indigenous rights. Borrows has situated his study from the perspective of the Anishinaabe, and he readily admits that this work is not representative of all legal traditions and Indigenous orders in Canada. Rather, the perspective provides some context for how Indigenous orders can develop together with Canadian law. He prefers to consider this book not as a pronouncement of a legal theory but rather as an exercise of "issue identification" in the development of Canadian constitutional law. As such, this book will be deemed a foundational treatise in Canadian legal theory.

REVIEWED BY
MARY HEMMINGS

*Law Librarian and Instructor
Faculty of Law, Thompson Rivers University*

***Reasons to Doubt: Wrongful Convictions and the Criminal Cases Review Commission.* By Carolyn Hoyle & Mai Sato. Oxford: Oxford University Press, 2019. xxi, 383 p. Includes bibliographic references and index. ISBN 978-0-19-879457-8 (hardcover) \$99.00.**

Reasons to Doubt: Wrongful Convictions and the Criminal Case Review Commission is a careful work of scholarship, but quite narrowly focussed. Those expecting a broader discussion of wrongful convictions will be disappointed. However, for readers with a genuine interest in the role and impact of individual discretion in institutional decision-making, this book will be well worth your time.

The Criminal Cases Review Commission, established in 1997, reviews applications from individuals in England, Wales, and Northern Ireland who claim they have been wrongfully convicted. The Commission is empowered with referring the case to the Court of Appeal if, on review of the application, there is a "real possibility" that the appeal court would quash the trial verdict.

Since its establishment, the Commission has faced considerable criticism: it is too slow; it does not refer enough

cases; it is too deferential to the courts; it devotes too many resources to trivial cases; it does not care about factual innocence. One recurring criticism is that the Commission's decisions are too dependent on the personality of the investigating commissioner and staff.

This book is an attempt to address these criticisms through empirical research. It summarizes the results of four years of careful analysis into the inner workings of the Commission, providing a rare glimpse into the decision-making process of an independent Commission. The authors review 146 cases, as well as the results of 90 interviews with commissioners, Commission staff, and others with extensive experience working with the Commission.

Hoyle and Sato apply the theoretical framework of Keith Hawkins, whose data analysis centres on three theoretical principles: the surround (the social, economic, and political environment in which the Commission operates), the decision field (the law and internal policies governing the Commission), and the decision frame (the structures of knowledge, experience, values, and meaning that members of the Commission employ in decision-making).

Reasons to Doubt walks us through the review process from the initial "triage" to referral or dismissal, while exploring the interactions between the Commission and the various stakeholders throughout the process. The book devotes one chapter to each of four main categories of cases that come before the Commission: those that turn on forensic or expert evidence; sexual offence cases, including historical institutional abuse cases; cases that raise concerns about breach of due process or police malpractice; and claims of inadequate legal representation. Each of these categories of cases presents unique challenges. The authors' identification of the distinct institutional responses to each of these both temper and constrain the variability precipitated by the unique approaches of individual commissioners and staff. Of note to Canadian readers will be the different legal approaches taken by the English courts to each of these familiar concerns.

In the current climate of legal aid cuts, systemic disclosure issues, and declining trust in forensic sciences, the risk of wrongful convictions is on the rise. Ultimately, the authors conclude that while the Commission is imperfect, it is not fatally flawed. Like so many similar bodies, it does the best it can with the limited resources it is allocated.

REVIEWED BY
PETER AADOSON
*Counsel, Judicial Education
National Judicial Institute*

***Stretching the Constitution: The Brexit Shock in Historic Perspective.* By Andrew Blick. Oxford: Hart, 2019. 359 p. Includes bibliographical references and index. ISBN-13 9781-509905812 (hardcover) \$91.00.**

Andrew Blick, author of numerous pamphlets, articles, and books, is a senior lecturer in politics and contemporary history and the director for the Centre for British Politics and

Government, King's College London. From 2010 to 2015, he was a research fellow to the first public inquiry looking into the adoption of a written constitution for the U.K. In 2016, he was an adviser to the Welsh Government during its intervention at the U.K. Supreme Court in the [Article 50 \(Miller\)](#) case (which decided that the U.K. could not withdraw from the European Union without an Act of Parliament).

At the time of writing this book, Brexit was in a state of flux. Rocked by deep divisions in public opinion and political discourse, the June 2016 referendum on E.U. membership put to the test the ultimate status of the U.K. as a constitutional entity. Blick examines the constitutional history of the U.K. and its impact on challenges to democracy. As the U.K. does not have a written constitution, any constitutional "measures" are communicated through the Acts of Parliament, judicial decisions, and parliamentary rules or conventions. To this, Blick asks what the implications of the vote for the constitution are, and whether the policies applied in response to it were legitimate. What other challenges will the U.K.'s political system face?

The book comprises two parts. Part 1 demonstrates how the referendum was energized by populism and drew strength from social media's political influence. It examines constitutional issues, the role of Parliament, the status of Northern Ireland, and the legislation that provided for the 2016 referendum. In it the author aims to demonstrate "what happens to the country seeking to leave a unique supranational organization?" (p. 5).

Part 2 discusses related constitutional debates and reforms over the course of the past century. It analyzes proposals for constitutional reform from 1900 onwards and their current applicability. We also learn about the tension between

direct and representative democracy. The author addresses multi-state organizations, past referendums, systems of representative democracy, the territorial constitution, the U.K. executive, and finally "the digital constitution" (relationship between digital technologies and democracy).

In his closing chapters, Blick offers his assessment of the 2016 referendum and its legitimacy. To his credit, the author avoids discussing official governmental or party-political materials in order to maintain some objectivity. Blick proposes constitutional changes that he believes would improve the democratic system of the U.K. He argues that the resolution of the Brexit quagmire may lie in adapting past practices to suit present political realities.

I enjoyed reading about the internet and social media aspects of the Brexit campaign. I was also drawn to the chapters that probed more deeply into the wider implications of Brexit for the U.K. political system and international relations.

Notwithstanding that this book was written without knowledge of the final outcomes of the Brexit talks, *Stretching the Constitution* is insightful and thought-provoking. The book is recommended to scholars of constitutional affairs as well as to "political junkies" curious about the historical parallels and precedents behind the Brexit process.

REVIEWED BY
DONATA KRAKOWSKI-WHITE

Judges' Librarian
Province of Nova Scotia, Department of Justice
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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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For more information.

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III Bibliographic Notes / Chronique bibliographique

By Nancy Feeney

Think Clearly Blog (2015–), online (blog): *Lucidea* <lucidea.com/blog>.

Lucidea is a British Columbia-based company that develops library automation and knowledge management solutions. The company hosts the *Think Clearly Blog*, which features guest bloggers writing on a wide range of topics relevant to information professionals. Virtual library environments were the focus of four recent posts¹ that addressed the challenges facing information professionals working in such settings.

To set some context, technological advances, shifting priorities, and changing values in the workplace are leading to creative ways of working. Balancing work, family, and personal responsibilities continues to be a priority for many Canadians, but how employees achieve this balance is changing. In an effort to strike this balance, today's workforce increasingly values autonomy and flexibility over place and hours of work.

Since September 1, 2019, workers covered by section 177.1 of the [Canada Labour Code](#) have the right to request flexible work arrangements. While definitions of flex work can vary,

the general idea is that an employee can request flexible start and finish times, a compressed workweek, or the option to work from home, among other possibilities. Currently, no provincial or territorial laws in Canada provide employees with an express right to request flexible work arrangements, but it has been argued that such requests may be permissible under human rights legislation, provided the request is based on an enumerated ground; furthermore, any modifications to flexible work arrangements may be subject to claims of constructive dismissal.²

It is clear that the trend toward remote working is on the rise across Canada. A recent survey by The Conference Board of Canada found that 86 per cent of Canadian organizations are now offering at least one type of flexible work option.³ This development, coupled with the proliferation of online resources and the premium placed on traditional office space, has accelerated the growth of virtual libraries. Information professionals, always on the cutting edge of technological advancement, are once again the vanguard of change. As the physical workspace changes, information professionals are uniquely situated to effectively provide their services in a virtual environment. The posts I will focus on offer practical advice on how to leverage this new normal.

¹ Lauren Hays, "Maintaining Connections in a Virtual Library" (10 September 2019), online (blog): *Lucidea: Think Clearly Blog* <lucidea.com/blog/maintaining-connections-in-a-virtual-library>; Miriam Kahn, "For Virtual Librarians, Marketing and Visibility are Critical" (5 November 2019), online (blog): *Lucidea: Think Clearly Blog* <lucidea.com/blog/for-virtual-librarians-marketing-and-visibility-are-critical>; Miriam Kahn, "Building Skills as Virtual Librarians" (26 November 2019), online (blog): *Lucidea: Think Clearly Blog* <lucidea.com/blog/building-skills-as-virtual-librarians> [Kahn, "Skills"]; Miriam Kahn, "Versatility: A Crucial Skill for Virtual Librarians" (8 October 2019), online (blog): *Lucidea: Think Clearly Blog* <lucidea.com/blog/versatility-a-crucial-skill-for-virtual-librarians>.

² Jonathon Ward & Jessica Russell, "Working from Home: Tips and Traps for the Agile Workforce" (24 September 2019), online: *DLA Piper* <www.dlapiper.com/en/canada/insights/publications/2019/09/working-from-home>.

³ Kathryn MacLean, "Flexible Work Arrangements: Transforming the Way Canadians Work" (30 May 2018), online: *The Conference Board of Canada* <www.conferenceboard.ca> (subscription required).

Establishing connections with clients or stakeholders is an important feature of any service profession. This is especially true for information professionals. These connections are much easier to create and maintain when interacting in close physical proximity with users. Virtual libraries negatively affect face-to-face services, which poses unique challenges to information professionals attempting to establish connections. The theory of transactional distance posits that as the level of interaction between instructor and learner decreases, learner autonomy increases. Such autonomy can lead to user frustration and negatively affect perceptions of information professionals. Virtual librarians must be cognizant of this potentiality and should work to maintain strong professional connections with their clients. Lauren Hays, assistant professor of instructional technology at the University of Central Missouri, offers a number of practical tips to lessen the effect of transactional distance. She suggests that librarians respond quickly to requests for assistance, including acknowledging the inquiry or communicating an expected time for a response. She recommends creating training resources that are self-paced and available for “just-in-time” learning. She believes it is important to include contact information for additional follow up, to let the user know that there is a real person available for assistance. Hays also recommends tailoring services to specific groups and individuals as a good way to counteract any negativity brought about by transactional distance.

Miriam Kahn, founder of MBK Consulting, provides services to libraries, archives, corporations, cultural institutions, and individuals on topics related to database searching, government documents, and preservation. Her three blog posts focus on a number of skills vital to information professionals working in virtual environments: versatility, building proficiencies, and raising visibility.

For generations, librarians have been described as “Jacks of all trades,” knowing a little bit about everything and able to find information about the rest. Agility, adaptability, and versatility are the fundamental skills upon which a successful information professional relies. Moreover, these are the very skills necessary for a smooth transition into the virtual working environment. Kahn posits that versatility and a broad spectrum of knowledge make information professionals marketable and adaptable, regardless of where clients or stakeholders are based.

For information professionals, virtual environments present distinctive challenges. Active listening skills are essential for any successful information professional. When the two individuals are not in the same room, listening can be challenging. Body language is absent and distractions can be rife. To counteract these challenges, Kahn recommends the following:

- Reiterate and describe the research question using your own words.
- Drill down to synonymous and controlled vocabulary terms when discussing the research question.
- Maintain focus on needs of the patron rather than jumping into the search or drawing conclusions.⁴

Active listening requires a series of questions and re-phrasings to reach the nub of the actual research request; librarians working in virtual environments must be skillful communicators to be effective. Offering online instruction, via WebEx and Skype, is another way information professionals can flourish in a virtual environment. Embracing the technologies guarantees relevance. Khan also recommends frequently producing written materials, like blog posts, to maintain relationships with users and clients. Khan suggests such posts take no longer than five minutes to read and include useful tips and techniques for efficient use of research tools, databases, and resources. Blogging is also a tool that one can use to keep the virtual library visible.

Khan believes marketing is the most serious challenge to information professionals working in virtual environments. Patrons and users must be made aware of the resources offered and reminded of the value added by using information services. The accessibility of Google and Wikipedia often relegates other databases to the forgotten hinterlands. Virtual librarians must regularly promote content, resources, and training sessions to clients and users, without losing their attention or interest. The promotion of reference tools and databases reminds clients that information professionals, even virtual ones, have the ability and expertise to access specific subject research tools, in a timely, cost-efficient manner.

Information professionals have always embraced change to maintain and cultivate relevance. As virtual work opportunities burgeon, librarians can once again take the lead and demonstrate best practices and potentialities when working in such environments. The foundational skills of successful information professionals, active listening, clear communication, versatility, and adaptability will allow us to flourish in this ever-changing world.

Aasif Mandvi, *Lost at the Smithsonian* (2019–), online (podcast), *National Museum of American History* <americanhistory.si.edu/connect/podcasts/lost-smithsonian-aasif-mandvi>.

In keeping with the theme of virtual environments, this podcast is an entertaining and enlightening audio expedition that brings to life 10 iconic artefacts housed by the Smithsonian’s National Museum of American History in Washington, D.C. Aasif Mandvi, a comedian and self-proclaimed pop culture fanatic, hosts this ten-part series. Only one per cent of the museum’s holdings are ever on public display; therefore, Mandvi’s behind-the-scenes access offers an exclusive glimpse of some of the items regular visitors might not see. Through conversations with museum staff, archivists, and other guests, Mandvi enthusiastically explores the acquisition, storage, history, and cultural significance of objects such as Archie Bunker’s chair, Muhammed Ali’s robe, Dorothy’s ruby slippers, and Carrie Bradshaw’s laptop. A poignant episode featuring José Feliciano’s guitar includes a rare, serendipitous interview with the artist and examines current societal issues through the lens of historical intolerance.

This podcast illustrates a creative way museums can use technologies to provide virtual access to their collections. By embracing different tools, museums can expand their user bases, amplify their relevance, and enhance their visibility.

⁴ Kahn, “Skills”, *supra* note 1 at Listening.



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

By Jonathon Leroux

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

VANCOUVER ASSOCIATION OF LAW LIBRARIES (VALL)

Greetings from Vancouver, and best wishes for a happy and healthy 2020!

At VALL's November education session titled "How Hansard is Made: Insight from Experts at the Legislative Assembly of B.C.," Julie McClung, Index Team Leader, and Dan Kerr, Manager of Publishing Systems, walked us through how Hansard is transcribed, the editorial style of Hansard, and what "substantially verbatim" actually means. It was a fascinating session presented to a full house!

Our December session was a networking social, where our members were able to catch up with old friends and discuss what we've learned over the last decade in the legal information field.

**SUBMITTED BY
MARNIE BAILEY**
President, VALL

HALIFAX ASSOCIATION OF LAW LIBRARIES (HALL)

In 2019, the leadership of the Halifax Association of Law Libraries completed a survey of its members to better understand their needs. As a result, HALL has changed its meeting schedule to six times year: two lunch meetings, two business meetings, and two professional development meetings. The theme for this year is "sharing our diverse

professional experiences." The first scheduled PD meeting is a luncheon for members with the Legal Research and Writing instructors of the Schulich School of Law to share perspectives on the current curriculum and future student needs. The second PD meeting will be a showcase and demonstration of new tools and products being trialed by local firm, government, and academic law libraries. The co-chairs for HALL 2019–2020 are Jacob Erickson and David Michels.

**SUBMITTED BY
DAVID H. MICHELS**
Co-chair, HALL

EDMONTON LAW LIBRARIES ASSOCIATION (ELLA)

ELLA held its 2018–2019 AGM on Friday, September 27, as spring was simply too busy with the 2019 CALL conference in Edmonton in May and HeadStart 2019 held in June. At the AGM, we elected a new executive: Samantha Allan as chair, Sara Tokay as chair elect, Anke Eastwood as past chair, Christine Brown as treasurer, and Lucinda Johnston as webmaster. Samantha is currently covering the secretary duties as well. Thank you to Julie Rainey for her service as co-chair and Susan Frame as member at large these past two years!

In 2019, ELLA partnered with the University of Alberta to host HeadStart's 18th (almost) annual legal research training event for recent law school graduates entering their articling year. We had a good turnout and response, and we are

looking forward to another successful HeadStart in 2020!

ELLA members and adherents did find some time to gather on a sunny patio overlooking the North Saskatchewan River in July, and this will likely become an annual event as well. A subcommittee was struck over the summer to revise the bylaws, making them more inclusive and less redundant. They also provide an executive structure that encourages more overlap from one year to another.

On November 22, Brian Beresh, a well-respected local criminal lawyer, discussed the recent changes to jury selection as brought in by Bill C-75. There was a good turnout for ELLA's cardinal event on December 19 at a downtown café. Michelle De Agostina spoke to us about her work as a prison librarian at the Edmonton Institution for Women on January 23.

For more information on any past or upcoming events, visit edmontonlawlibraries.ca.

SUBMITTED BY
ANKE EASTWOOD
Past Chair, ELLA



Are you a student?

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

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



III News from Further Afield / Nouvelles de l'étranger

Notes from the U.K.: London Calling

By Jackie Fishleigh*

Hi folks!

The past three months have whizzed by, and a lot has happened in the U.K.

Australia: My Walkabout

As I mentioned last time, I attended the excellent IALL Conference in Sydney in October/November and then had a holiday exploring afterwards. This amounted to an 18-day "walkabout," which was wonderful. It can be difficult to uproot oneself for longer trips, but if you can fit them in, they can be really life-enhancing.

One of the things that surprised me Down Under is the extent to which Australians know about U.K. life, current affairs, and politics. We don't hear much about Australia in comparison (however, at the time of writing, the bush fires are causing devastation and 24 lives have been lost, including volunteer firefighters and countless animals. Many thousands have lost their homes. This horrible and dramatic weather event has been amply covered by the media here).

Back at the conference, I was one of a handful from the U.K. It was odd being one of the few Europeans who had made the longest journeys.

A U.S. delegate remarked that it was good of me to attend, considering what was going on in the U.K. in terms of Brexit, etc. Well, I am not exactly running the country, but all compliments gratefully received!

I learnt a great deal, such as the fact that there has been a very damaging drought for several years. This was constantly mentioned on the news, as was the closure of the climb up Uluru (Ayers Rock), finally respecting the wishes of the Aboriginal peoples, the traditional owners of the land. The bush fires were going on while we were in Sydney, and at the end of the conference during a visit to the Courts of New South Wales, the usually spectacular views were rather smoggy, and there was a burning smell that was noticeable on leaving the building.

Climate Emergency

2019 will remain in my consciousness as the year global warming and climate change rose to the top of the agenda. This rise occurred largely thanks to the efforts of Extinction Rebellion and Greta Thunberg, the youngest person ever to grace the cover of *Time* magazine as Person of the Year, and rightly so, in my view.

Election 2019: The Build Up

The date for our election was announced while I was in Australia. The last time we had a December election was back in 1923!

There were numerous hustings and debates between the party leaders. "Uninspiring" is the adjective that springs to mind to describe all the shouting matches I tuned in to. The only one that really moved me was [Channel Four's Climate Change Debate](#), held on 28 November. This was a passionate, considered discussion about how we in the U.K. are going to play our part in tackling the climate emergency. The leaders of the Labour Party, Liberal Democrat Party,

the Greens, Scottish National, and Welsh National parties all contributed to a really valuable and constructive debate. There were two empty seats marked by melting ice sculptures for the absent Boris Johnson and Nigel Farage. It was really noticeable that, on this occasion, the leaders who had bothered to attend did not constantly interrupt each other and fling insults around.

One of the most interesting facts to come out of it was that 15 per cent of those who fly make 70 per cent of the total number of flights, according to a Department of Transport survey carried out in 2014. There have been calls for a [frequent flyer levy](#).

Election Night

Here are some of the WhatsApp messages received in answer to my query, “Have you voted?”

Friend in southern England: “Yes, 2 weeks ago by post. Felt after reading manifestos, considering the personalities now & their histories that I had to vote for the lesser of several evils etc.”

Friend in Scotland: “I have, for the first and hopefully only time, voted for a party that I don’t want in order to avoid a party that I really don’t want. I think the exit polls are going to be pretty accurate.”

Justin Trudeau, anyone? Or Scott Morrison in Australia—not a popular man amongst the law librarians I met in Sydney. Politicians seem to be at an all time low with electorates all over the world.

The Conservative manifesto would have been a quick read, as it was a deliberately thin one and made no mention of social care, which is one of the great ticking time bombs.

Meanwhile, Labour’s pledges became so costly that Boris Johnson taunted Jeremy Corbyn for having not just a magic money tree, [but a whole forest!](#)

Brexit

The Tory slogan of “Get Brexit Done” was trotted out at every meeting and in every interview. This tapped into the fury and frustration of those who voted Leave back in 2016 and felt their views had been thwarted in Parliament.

As an erstwhile Remainer, I would point out that the U.K. is indeed a parliamentary democracy, and that referenda therefore do not sit well with our constitution. The consequences of leaving should have been properly prepared for. Boris Johnson was supposed to be showing us the way, but he mysteriously declared that he was not the “right person” to do so. He has now submarined himself back into the heart of the drama over three years after letting everyone down.

The Result and Aftermath

It quickly became very clear that the exit polls were right! Labour strongholds along their so-called “red wall” fell one after the other in places like Sedgefield, Redcar, and Wakefield in

the north and Hastings and Watford in the south. By midnight, it was clear Boris was on course for a landslide.

As soon as he was re-elected as PM, BoJo [pledged](#) that we will leave the E.U. at end of January 2020 and that we will not seek an extension to getting a trade deal by end of next year.

Boris spoke of his humility when he thought of voters poised with hovering pen, thinking of parents and grandparents who were staunch Labour supporters. He promised not to let them down when they had “[lent him](#)” their votes. [A Towns Fund](#) has been established to help regenerate “left behind” areas.

Older people were five times as likely to vote Conservative in this election than younger people. Of those over 70, [around 58 per cent](#) voted Tory. The older voter tail is wagging the young voter dog in terms of the future of our country.

Labour’s dismal performance was their worst showing since 1935. Jeremy Corbyn came immediately under fire for running a campaign that failed to convince the public. Many still blamed him for dithering over Brexit and failing to stamp out [anti-Semitism](#) in his party. He also refused to step down immediately, as he wanted the party to conduct a proper leadership race to replace him while he held the fort. In any event, his deputy, Tom Watson, [resigned](#) some weeks before the election.

The Labour Party is currently in total chaos. It seems likely that a female leader will be selected.

Jo Swinson, the high-profile leader of the Lib Dems, [lost her seat](#) to the Scottish National Party (SNP) and had to stand down. She bravely stuck out her neck against Brexit and paid the price for going against the tide. This was a shame, as many find her approach quite refreshing and authentic.

Goodbye, EU; Goodbye, Scotland

With the success of the SNP, it is probably only a matter of time before Boris is forced to agree to a second referendum on Scottish independence.

Goodbye, Steve Bray

Steve Bray is a Liberal Democrat activist from Port Talbot in South Wales. He [dressed in E.U. colours](#) and draped an enormous E.U. flag around himself in 2018 and 2019, making daily protests against Brexit in College Green, Westminster. He disrupted hundreds of TV broadcasts with his bellowing and shoved his placards in front of the cameras at every opportunity. He is variously known as Stop Brexit Man, Mr Stop Brexit, or the Stop Brexit Guy.

Prince Andrew Out in the Cold

The Observer of 23rd November carried an article on the fall-out from the Queen’s favourite son’s ill-judged and now [notorious interview](#) with *Newsnight* anchor Emily Maitlis, the British-Canadian journalist. Curiously, she hardly challenged him on anything he said.

According to Robert Lacey, an historian, biographer, and advisor to Netflix’s series *The Crown*,

Prince Andrew has been de-royaled, if there is such a word ... At the risk of sounding melodramatic, I really would compare it to 1936 and the abdication of Edward VIII. What we are talking about is effectively the removal of a member of the royal family as a result of public opinion.

Until next time, with very best wishes,

Jackie

Letter from Australia

By Margaret Hutchison**

Greetings from an extremely smoky and hot Canberra, where we've topped the world in air pollution levels—forget about Beijing, we're miles higher. I started this in mid-December, but as Nikki very kindly gave me an extension, it's now early January and I can update this. When I wrote in mid-December, it was hot, and the temperature reached 41 degrees in Canberra. Western Sydney almost made 47 degrees. This was record breaking for December; normally the really hot weather is in January and February.

Australia on Fire

Before Christmas, there were two bushfires to the east of Canberra bringing in smoke as the cooling easterly breeze came in at night. The King's Highway to the south coast from Canberra was closed due to those fires and will be closed for some weeks after the fires are extinguished to repair the damage. The towns down the coast, that normally become "Canberra-by-the-Sea" over summer, were facing financial disaster this summer as Canberrans cancelled their bookings because the King's Highway was closed. However, lots of people did take the long route, via Cooma and the Snowy Mountains Highway, to reach the south coast. Unfortunately, after Christmas, fires exploded all down the southeastern coast of Australia. All access roads were closed, and those people who were down there were stranded and spent a frightening New Year's Eve in shelters or on beaches. Businesses have suffered more than financial losses from lack of customers, and many have been totally destroyed. Today is the first day that the roads out were open, but the Prince's Highway (imaginative names we have for roads) has been closed again due to fire activity, and holiday-makers have been ordered to leave. The Royal Australian Navy is preparing to evacuate stranded people from the Victorian township of Mallacoota by sea. Most people in Canberra know of someone who's affected somewhere down the coast, either there on holidays or retired down the coast.

There are also large fires in Western Australia where the Eyre Highway between Western Australia and South Australia has been closed, and many trucks are stranded at roadhouses. Tasmania has fires, as has South Australia. The smoke has been blown as far as New Zealand. So, it's been a very worrying new year.

Religious Freedom Legislation

As usual, it was very quiet here, and as things slowed down for Christmas, the opportunity was taken to introduce measures that would normally cause uproar. On December 10, [the second exposure drafts of a package of legislation on religious freedom](#) were released. The Attorney-General released the first exposure drafts of the bills at the end of August 2019. A public submission process on the package of legislation was open between then and October 2019 and received close to 6,000 submissions, including a number of campaign-based submissions. However, the changes between the exposure drafts largely heed the concerns of churches and religious groups and have been panned by the Greens and LGBTIQ groups as increasing the potential for discrimination.

The changes include extra protections to enable professionals to express personal beliefs, including on social media, limiting the scope for conscientious objection by medical professionals, and extending beyond schools the range of religious facilities that can discriminate on the basis of faith when hiring staff.

Cardinal Pell's Appeal

In November, the High Court [ruled](#) on Cardinal George Pell's application for special leave to appeal. It was, like most applications for special leave, done "on the papers" rather than oral argument. The decision was to refer the application for special leave to a full bench for hearing. This means it's basically a special leave application and full appeal hearing rolled into one and will probably be heard in the first part of 2020. Interest is great in this matter—the High Court's website crashed when the decision was announced.

Gobbo Update

[The Victorian Royal Commission into the Management of Police Informants](#) (also known as the "Lawyer X Royal Commission") is still continuing in Melbourne. So far, evidence has been given by various former police commissioners and senior officers during that time. It looks a lot like a case of "don't know, don't ask" at present. The most recent bombshell was the [television interview](#) given from a secret destination overseas by Lawyer X, Nicola Gobbo herself, to the ABC in mid-December.

It appears that while Ms Gobbo had been arguing through her lawyer that she was too physically and mentally unwell to appear in person at the inquiry, she had been filming an interview. The next day, her lawyer, in response to questions from the Commissioner, Justice Margaret McMurdo, said he had known nothing about the interview. Previously, in early December, the commission had ordered her to give evidence on January 29, 2020, and agreed to hear the evidence by phone in two-hour blocks due to Ms Gobbo's health issues. Needless to say, the Commissioner was not impressed with this.

In the interview, Ms Gobbo said she fears that Victoria Police may kill her and does not trust them enough to enter witness protection in Victoria. She said she had left the country prior to the start of the Royal Commission because she feared for

her safety, saying she has been left stranded overseas and “effectively stateless.”

Ms Gobbo also said that she had been threatened by police with the removal of her children if she was to return to Victoria. Victoria Police declined to comment on these statements.

Caribou, the Canadian Bar!

In lighter matters, you may remember I mentioned in my last letter that a Canadian bar was opening in the suburb of Kingston. Well, it’s opened, and it’s called [Caribou!](#) My spy has been past and said it was packed. Poutine is on the menu, but it’s far too hot for that at present, and televisions play ice hockey (that’s what we call it here—our hockey is field hockey to you), NBA and NFL games, and other North American sports.

Cruising around South America

These photos were from my cruise round South America in November. South America isn’t quite me, but a cruise is my style. The King penguins are from a tour I did to Volunteer Point in the Falkland Islands, and it’s me going ’round Cape Horn. It was a bit cool, but quite calm, as we’d had the storms in the Pacific Ocean. The mountains were in Tierra del Fuego National Park. This year’s holidays are much less exotic!



Until next time,

Margaret

The U.S. Legal Landscape: News from Across the Border By Julienne E. Grant***

On January 1, 2020, I woke up in a U.S. state where recreational marijuana is legal (and no, I hadn’t smoked a joint the evening before). Illinois is just the 11th U.S. state to allow adults to purchase pot from designated dispensaries and smoke weed in private settings. Meanwhile, the country is still reeling from the impeachment saga. What remains to be seen is whether (or when) Nancy Pelosi, the Speaker of the U.S. House, will deliver the impeachment articles to the Senate. If she does, SCOTUS Chief Justice John Roberts will be getting a lot of exercise, making trips between the Supreme Court Building and the U.S. Capitol to preside over Trump’s trial in the Senate. Oh, and did I mention that the United States is in a military standoff with Iran?

That is indeed a lot of excitement, but there’s more. Check out my quarterly roundup of U.S. legal and library news below.

AALL & ALA Happenings

The American Association of Law Libraries (AALL) held its 2020 executive board election online in October 2019. Vice president/president-elect (July 2020–July 2021) is [Diane M. Rodriguez](#) of the San Francisco Law Library. The association’s [Biennial Salary Survey & Organizational Characteristics](#) report was released in November and is available for members without charge via the AALL website. Members and non-members may also purchase print copies. A [summary of the survey was published](#) in the January/February 2020 issue of *AALL Spectrum* (p. 40). In other news, AALL’s annual leadership academy will be held in Oak Brook, Illinois, at the end of March.

Meanwhile, after more than 50 years, the [American Library Association](#) (ALA) is moving its headquarters to downtown Chicago from the River North neighborhood. The new digs are located just a few blocks north of Millennium Park, close



to the heart of the city. According to a December 6 [press release](#), the new location “will provide ALA with modernized workspace, including enhanced meeting space.” The River North facility was sold; no word on the buyer yet.

Law Schools & the Bar Exam

According to [ABA data](#), the total number of students at ABA-accredited law schools increased slightly in 2019, but the number of 1Ls decreased (compared to 2018). The 2019 JD enrollment figure was 112,882, with 38,283 first-year students. The [National Conference of Bar Examiners reported](#) that the mean scaled score for the July 2019 Multistate Bar Exam (MBE) increased slightly in 2019. Even with higher passage rates, however, some [U.S. law schools with accreditation issues are concerned](#) that they will not be compliant with the recently revised [ABA Standard 316](#). The standard requires that “at least 75 percent of a law school’s graduates in a calendar year who sat for a bar examination must have passed a bar examination administered within two years of their date of graduation.”

The *San Francisco Daily Journal* published an interesting article in December about a joint initiative between the [James E. Rogers College of Law](#) (University of Arizona) and the [Universidad Nacional Autónoma de México](#) (UNAM) (Mexico City).¹ The [initiative](#) consists of a four-course certificate that focuses on Mexican public law and policy. Courses are taught in Spanish by UNAM professors and top members of the Mexican judiciary, covering such topics as Mexican constitutional law, electoral law, and human rights. Classes, which began this spring, are held online and on the University of Arizona’s campus in Tucson.

Law Firms & Lawyers

In November, *Law360* published its 2019 Social Law Firm Index, which ranks the 200 largest U.S. firms on their social media savvy.² At the apex of the list is [DLA Piper](#), followed by [White & Case](#), [Norton Rose Fulbright](#), [Baker McKenzie](#), and [Orrick Herrington & Sutcliffe](#). At the bottom of the list is [Williams & Connolly](#). According to the index, [Quarles & Brady](#) is *número uno* on Facebook, Baker McKenzie tops the list for its use of LinkedIn, [Squire Patton Boggs](#) is the most accomplished on Twitter, and DLA Piper is best at using Instagram. *Law360* also announced its 2019 MVPs—160 attorneys from 76 firms representing 35 practice areas.³ [Gibson, Dunn & Crutcher](#) and [Skadden, Arps](#) tied for the number one spot, with nine MVPs each.

Also in November, the ABA and ALM (American Law Media) released a report, “[Walking Out the Door: The Facts, Figures, and Future of Experienced Women Lawyers in Private Practice](#).” According to the study, “[w]hile entering associate classes have been comprised of approximately

45% women for several decades, in the typical large firm, women constitute only 30% of non-equity partners and 20% of equity partners.”⁴ Some of the other statistics in the report are equally as disturbing, including the gender discrepancy in terms of reported experiences of demeaning comments, stories, and jokes: 8 percent of men, 75 percent of women. Why does this not surprise me?

For those law grads who wanted to be in large firms but were passed over, there may be hope. On December 10, the [ABA Journal reported](#) that a start-up called [Legal Innovators](#) is hiring talented young law grads who were essentially overlooked by the big firms; the company then sends them out as contract attorneys, charging between \$200 and \$250 per hour. Firms that contract to use the skills of Legal Innovators lawyers must make a one-year commitment, with the expectation that the attorneys will stay on for a second year. The hope is that the firms will eventually hire them permanently. Legal Innovators partnered with [Georgetown Law](#), [George Washington University Law School](#), and [Howard University School of Law](#) for its first group of hires.

Any guesses as to what the four “hottest practice areas” in 2020 will be? A *Law360* article published on January 1 reported that experts say they will be cannabis (also not surprising), cybersecurity and data privacy, sports betting, and crisis management.⁵ We will see...

Impeachment Lore: *Quid Pro Quo* & the Tote Bag

On December 18, 2019, the U.S. House of Representatives impeached President Donald J. Trump, voting along party lines. The [U.S. House Select Committee on Intelligence’s](#) hearings held prior to this historic vote added a new term to the nation’s general lexicon (*quid pro quo*) and introduced the public to a new cast of characters: [Fiona Hill](#), [Marie Yovanovitch](#), [Gordon Sondland](#), [Jennifer Williams](#), [Pamela S. Karlan](#), [Adam Schiff](#), and [Stephen Castor](#). Who’s that last guy? Stephen R. Castor is the general counsel for the Republicans on the [House Oversight and Reform Committee](#). Mr. Castor’s facial expressions, demeanor, and even his accessories garnered much attention during the hearings. The *ABA Journal* published some of the more colorful descriptions of him in a [November 14 article](#), including that of [SFGate](#), which described Castor as “a ‘sideshow of entertainment’ for his skeptical facial expressions and posture that signals he is ready for a nap.” Then there was Castor’s grocery tote that he used instead of a formal briefcase to carry his papers—a [green one](#) that said “live—eat—shop—reuse.” CNN correspondent Jeanne Moos put together [a whole segment](#) on the infamous bag, which certainly would have met the approval of Greta Thunberg. At least there was some humor in an otherwise stoic affair. You can read the Intelligence Committee’s full report [here](#). Any takers?

¹ Lyle Moran, “Law School Wants to Help US and Mexican Lawyers Understand Each Other” *San Francisco Daily Journal* (24 December 2019).

² Emma Cueto, “DLA Piper Named the Best in BigLaw Social Media Game,” *Law360* (19 November 2019).

³ “Law360 MVP Awards Go to Top Attorneys from 76 Firms” *Law360* (11 November 2019).

⁴ Eric Bachman, “Why Women Lawyers at Big Law Firms Are Walking out the Door,” *Forbes* (14 November 2019), online: <www.forbes.com/sites/ericbachman/2019/11/14/brand-new-aba-report-digs-into-biglaw-glass-ceiling-discrimination/#1314ab1144d2> (quoting the ABA and ALM report).

⁵ Michele Gorman, “The 4 Hottest Practice Areas for 2020,” *Law360* (1 January 2020).

SCOTUS News

SCOTUS heard some big cases last fall. On October 8, in [RG & GR Harris Funeral Homes v Equal Employment Opportunity Commission](#), the justices were asked to decide whether [Title VII of the 1964 Civil Rights Act](#) protects LGBTQ individuals in the workplace. More specifically, is it legal for employers to fire workers based on their sexual orientation or gender expression (i.e., gay or transgender)? On November 12, SCOTUS heard [Department of Homeland Security v Regents of the University of California](#), which asks whether it is legal for the Trump administration to shut down the Obama administration's DACA ([Deferred Action for Childhood Arrivals](#)) policy. Also at issue this term is whether U.S. states may impose copyright protection on works that lack the force of law, such as the annotations in the *Official Code of Georgia Annotated* (OCGA). This case, [Georgia v Public.Resource.Org](#), was argued on December 2, 2019. Opinions for all these disputes are expected in June.

SCOTUS will also hear some blockbuster cases this spring. On January 22, the justices will hear [Espinoza v Montana Department of Revenue](#), a case that asks whether it is unconstitutional to invalidate a generally available and religiously neutral student-aid program because recipients have the option of using the scholarships to attend religious schools. An abortion case is scheduled for oral arguments on March 4, [June Medical Services v Gee](#), which will examine the Fifth Circuit's upholding of a Louisiana law that requires doctors who perform abortions to have admitting privileges at a local hospital. The issue in this case is very similar to that in [Whole Woman's Health v Hellerstedt](#), where SCOTUS struck down an almost identical law in Texas in 2016.

SCOTUS has also agreed to hear several cases involving government subpoenas of President Trump's personal financial records: [Trump v Mazars USA](#) (consolidated with [Trump v Deutsche Bank](#)) and [Trump v Vance](#). Then there is [McGirt v Oklahoma](#), which addresses whether a member of the Muscogee (Creek) tribe whose alleged crimes were committed within the historical boundaries of the Muscogee (Creek) reservation is exclusively subject to federal jurisdiction, rather than state. This issue was raised in an earlier SCOTUS case, [Sharp v Murphy](#), which was heard last year but is still undecided. Justice Gorsuch recused himself from that case, but will participate in the *McGirt* decision, thus ensuring a nine-member court. Oral arguments have not yet been scheduled for any of these cases.

On December 31, 2019, Chief Justice John Roberts released his [annual report on the federal judiciary](#). In it, he expressed his concern that Americans "take democracy for granted" and that civic education has "fallen by the wayside." He also implored members of the judiciary to extol that branch of government's independence:

I ask my judicial colleagues to continue their efforts to promote public confidence in the judiciary, both through their rulings and through civic outreach. We should celebrate our strong and independent judiciary, a key source of national unity and stability. But we should also remember that justice is not

inevitable. We should reflect on our duty to judge without fear or favor, deciding each matter with humility, integrity, and dispatch. (p. 4)

In other SCOTUS news, [Fix the Court](#) has ranked SCOTUS the least transparent among federal appellate courts. In its November 2019 report, "[Transparency across the Judiciary: How Federal Courts Stack Up](#)," the non-profit found the [Ninth Circuit Court of Appeals](#) in San Francisco to be the most transparent. The Ninth Circuit is the only U.S. appellate court at the federal level that routinely provides live audio and video coverage of oral arguments.

SCOTUS Justices: Out & About

Justice Elena Kagan visited [George Mason University](#) on November 18, sitting down for [a discussion](#) with *Washington Post* columnist Steven Pearlstein. Justice Kagan touched upon a variety of topics, including the politicization of the confirmation process for SCOTUS justices. She also expressed her displeasure with a [new SCOTUS policy](#) that allows advocates to speak for two minutes in their opening arguments without interruption.

Despite recent health scares, the notorious Ruth Bader Ginsburg (RBG) hasn't missed a beat. In [an interview with the BBC](#) on December 17, RBG had the following reaction to President Trump's insistence that SCOTUS halt the impeachment process: "The president is not a lawyer. He's not law-trained. But the truth is, the judiciary is a reactive institution. We don't have a program, we don't have an agenda. We react to what's out there." In an [interview in her chambers](#) in early January with CNN, the 86-year-old justice announced that she is cancer free. Here's to RBG's health, for many years to come.

Around the States (But Mostly in California)

The year 2020 ushered in a new decade and a slew of new laws around the nation, including the recreational weed law in my own state. [CNN summed them up on January 1](#), and here's a selection:

- Minimum wages are increasing in 72 jurisdictions.
- The new [California Consumer Privacy Act](#) is now the country's toughest law on privacy and data collection.
- California has suspended and expanded its statutes of limitations on certain types of sex crimes, while Illinois has eliminated time limitations for prosecuting felony-level sex crimes, regardless of a victim's age.
- [Colorado's "red flag" gun law](#) went into effect on January 1.
- If you go to the grocery store in Oregon, you can't get a plastic bag for your groceries.
- California's new [C.R.O.W.N. Act](#) (Creating a Respectful and Open Workplace for Natural Hair) makes it illegal to enforce dress codes or grooming policies that ban such hairstyles as afros, braids, twists, and locks.

Legal Miscellany: K-9 Comforters & Some New Resources

Last fall, I met Lake County (Illinois) State's Attorney [Mike Nerheim](#) and [Mitchell](#), one of two comfort dogs that the Lake County Children's Advocacy Center is using "to comfort and provide compassion to child victims." The Cook County (Illinois) State's Attorney here in Chicago has [also added a comfort dog](#), Hatty, to calm children and the mentally disabled who are in the throes of the county court system. [Illinois law](#) allows therapy animals in courtrooms when certain alleged sex crimes and child or developmentally disabled victims are involved.

Professors and students at [Hamline University](#) (Saint Paul, Minnesota) have assembled an online database that contains detailed histories of mass shooters in the United States. The histories, which contain 100 pieces of information, include the individual's mental health background and how the shooter obtained their weapon. The [Mass Shooter](#) database is part of the larger [Violence Project](#), which is funded by the National Institute of Justice. If nothing else, let's hope this source can provide data that will help prevent this database from enlarging.

The Law Library of Congress is teaming up with the U.S. Government Publishing Office (GPO) to [digitize the voluminous U.S. Congressional Serial Set](#). The set contains congressional reports and other documents, starting in 1817. The library reports that the collection contains almost 16,000 volumes and some 12 million pages. No word when this massive project will conclude.

Conclusion

Speaking of conclusions, that wraps it up for another crazy three months. What 2020 has in store, I can't say. 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.

Julienne E. Grant

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

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CALL/ACBD Research Grant

Perhaps it is time to start thinking about your next research project. The deadline for the 2019 research grant will be March 15, 2019 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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