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**REVUE CANADIENNE DES
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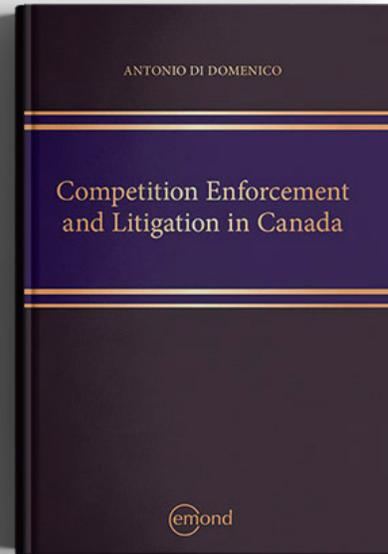
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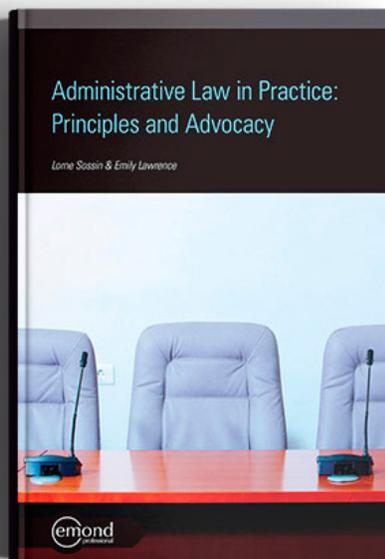
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III From the Editor / De la rédactrice

Happy 2019! I hope everyone enjoyed their well-deserved break. Now it's back to the grindstone! Bring coffee.

This issue brings a few changes to our lineup. First, we have Stef Alexandru, from Lawson Lundell LLP, joining Hannah Steeves as features editor. Welcome, Stef! Don't forget: if you have an idea for an article, or have one written already, send it to Hannah and Stef at hannah.steeves@dal.ca and/or salexandru@lawsonlundell.com.

Second, after almost 11 years on the *CLLR* board, Susan Jones has stepped down as our Bibliographic Notes column editor. Thank you for your years of service, Susan! Taking her place is Nancy Feeney, Research Librarian at Borden Ladner Gervais. It's great to have more law firm librarians on board. This issue marks Nancy's first Bibliographic Notes column, and, in addition to journal articles, she included a podcast about the Library of Congress's collection. Nancy will be including more tech-related resources (apps, podcasts, etc.) in the column, so stay tuned!

This issue also marks Kate Laukys's last time as Local and Regional Updates and SIG Updates editor. Thanks for your hard work, Kate!

This issue's feature article, "The Quest for Reference Help: Asking a Law Librarian" by Sonia Smith, is a deep-dive into McGill's Nahum Gelber Law Library's reference statistics over a four-year period. Sonia's research and analysis of patron data is a great example of how we can all use reference statistics to improve our service model, and why keeping accurate stats is a must.

We all know how important our reference work is, but it's especially rewarding when students acknowledge it, too. In her article, Sonia mentions a student's awe when she is able to find an article in a few minutes when they were searching for hours. It's not uncommon for students to think we have magic powers—an opinion I refuse to dissuade—and I have a desk drawer full of thank-you cards and notes from grateful students. One student even posted Elton John's "Someone Saved My Life Tonight" to my Facebook wall when I saved her hours of work by finding her paper topic in a case digest. We're in a very rewarding profession, folks.

The days are already getting longer, regardless of how far the mercury falls on the thermometer (and, boy, does it fall!). It's hard to believe we're almost finished the second semester (for those of us in academia, anyway). Pretty soon we'll all be in Edmonton for the next CALL/ACBD conference! I've never been to Edmonton, and I'm looking forward to exploring a new city. I always feel more at home amongst tall buildings and busy sidewalks, so I can't wait to check out the coffee shops, art galleries, and bookstores that Edmonton has to offer—in addition to taking in some of the many informative sessions our conference will have to offer, of course. See you then.

EDITOR
NIKKI TANNER

Bonne année 2019 ! J'espère que tout le monde a apprécié leur pause bien méritée. Allez, on reprend le collier ! Apportez du café.

Ce numéro voit quelques changements apportés à notre équipe. Premièrement, Stef Alexandru, de Lawson Lundell LLP, se joint à Hannah Steeves en tant que rédactrice de chroniques. Bienvenue, Stef! N'oubliez pas: si vous avez une idée d'article ou si vous en avez déjà un, envoyez-le à Hannah et Stef à l'adresse hannah.steeves@dal.ca et/ou salexandru@lawsonlundell.com.

Deuxièmement, après près de 11 ans au conseil d'administration du *CLLR*, Susan Jones a quitté son poste de responsable de la rubrique « Chronique bibliographique ». Merci pour vos années de service, Susan! Nancy Feeney, bibliothécaire de recherche à Borden Ladner Gervais, prend sa place. C'est formidable d'avoir plus de bibliothécaires de cabinets d'avocats à bord. Ce numéro est la première chronique de Nancy consacrée à la rubrique « Chronique bibliographique ». Outre des articles de périodiques, elle a inclus un podcast sur la collection de la Bibliothèque du Congrès. Nancy inclura plus de ressources techniques (applications, podcasts, etc.) dans la colonne, alors restez branchés!

Ce numéro marque également la dernière fois que Kate Laukys a mis à jour la rubrique « Mise à jour locale et régionale » et les mises à jour des GIS. Merci pour votre travail acharné, Kate!

L'article de fond de ce numéro, « The Quest for Reference Help: Asking a Law Librarian » de Sonia Smith, décrit en détail la prise de statistiques au bureau de référence à la Bibliothèque de droit Nahum Gelber de l'Université McGill, et ce sur une période de quatre ans. La recherche et l'analyse des données soumises par les usagers par Sonia sont un excellent exemple de la manière dont nous pouvons tous utiliser les statistiques de référence pour améliorer notre

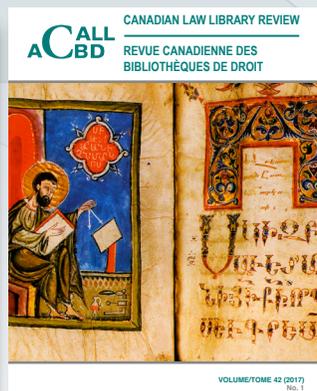
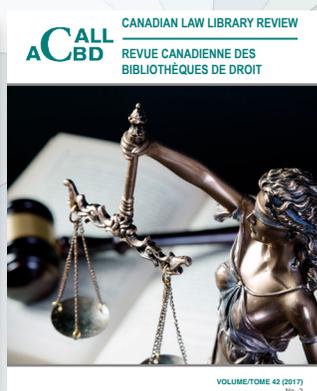
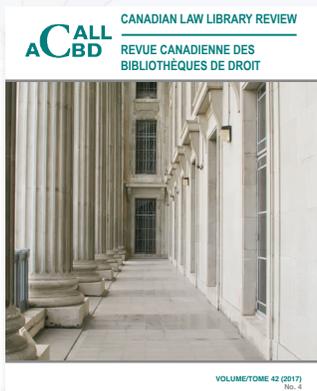
modèle de service et de la nécessité de conserver des statistiques précises.

Nous savons tous à quel point notre travail au niveau de la référence est important, mais c'est particulièrement gratifiant quand les étudiants le reconnaissent également. Dans son article, Sonia mentionne l'étonnement d'un élève quand elle a été capable de trouver un article quelques minutes plus tard, alors qu'elle cherchait depuis des heures. Il n'est pas rare que les étudiants pensent que nous avons des pouvoirs magiques - une opinion que je refuse de dissuader - et j'ai un tiroir de bureau rempli de cartes de remerciement et de notes d'étudiants reconnaissants. Une étudiante a même publié « Someone Saved My Life Tonight » d'Elton John sur mon mur Facebook quand je lui ai économisé des heures de travail en trouvant son sujet pour son travail dans un résumé d'une décision. Nous exerçons une profession très enrichissante.

Les jours s'allongent déjà, peu importe le niveau de mercure qui baisse dans le thermomètre (et, cela descend!). Il est difficile de croire que nous avons presque terminé le deuxième semestre (pour ceux d'entre nous du monde universitaire, en tout cas). Bientôt, nous serons tous à Edmonton pour la prochaine conférence de CALL/ACBD ! Je n'ai jamais été à Edmonton et j'ai hâte d'explorer une nouvelle ville. Je me sens toujours plus à l'aise parmi les hauts immeubles et les trottoirs achalandés. J'ai donc hâte de jeter un œil aux cafés, aux galeries d'art et aux librairies qu'Edmonton a à offrir - en plus d'assister à certaines des nombreuses séances d'information que notre conférence aura à offrir, bien sûr. À bientôt.

RÉDACTRICE EN CHEF
NIKKI TANNER

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III President's Message / Le mot de la présidente

Happy 2019!

A new year brings renewed determination and energy, and that makes it a great time to tackle particularly sticky challenges. One of the most significant benefits of an association such as ours is the ability for us to work collectively on matters of mutual concern. That brings me to today's topic: it's time to discuss frankly, and address together, the high cost of legal materials.

The high prices we have to pay to some publishers are at the forefront of my mind as I write this message in early January. Ah, January...that happy time of year when law libraries receive about a gazillion releases to update their print loose-leaf services. It adds up quickly.

The CALL/ACBD executive board discussed this most recently at our in-person meeting last November. In preparation for the yearly meeting of the executive board, CALL/ACBD committees and special interest groups are asked to provide a report, outlining their ongoing activities, special projects, and any questions they might have for the board. The board reviews and discusses each of these reports in detail, but this year the Vendor Liaison Committee's (VLC) report particularly resonated with the committee, and so we asked Joan Rataic-Lang to join us for part of the meeting

Joan is the current chair of the VLC. In her report to the board, she expressed frustration that no matter what the VLC has tried to do over the years to work with our publishers to solve the problem of high prices, nothing seems to change. She asked for the board's guidance on how to move forward.

At the meeting, we had a productive brainstorming session and discussion about the mandate for the VLC, as well as discussing the next steps for them to take. Joan firmly believes that building relationships and working cooperatively with our legal publishers is the best route to take. And she's right.

The legal publishers and CALL/ACBD have a special partnership. The publishers support our association in many ways, which we appreciate. And we support them in ways they appreciate. It is fine for our publishers to support us as a group, but they also need to support us in our individual capacities as information professionals.

I have been at my job for more than 17 years. During that time, prices have risen exponentially, but my budget has not. As a result, I've had to cut many, many titles that would benefit my patrons. If each publisher kept their prices at a reasonable level and followed some of the great suggestions that our VLC has presented to them, I would be able to purchase more materials from them.

We understand that publishers have a business to run and they need to answer to their shareholders. But these high prices aren't doing any of us any favours. Unfortunately, legal information is increasingly seen as simply too expensive. Law libraries are sometimes seen as cost centres with a negative impact on the bottom line. If publishers truly wish to partner with us, they need to help us rather than further hinder us with their high prices. Law libraries are the voice whispering in management's ear that all of the useful, valid, and necessary information is not freely available on the Internet.

During our discussion in November, the board certainly didn't solve this problem. But we do have some ideas that we can take forward. That's the great thing about our association. It's a safe place where we can have engaged discussions on difficult issues such as this. We can work together cooperatively to find solutions. In this case, we welcome and invite our publishers to become part of the discussion!



**PRESIDENT
ANN MARIE MELVIE**

Bonne année 2019!

Une nouvelle année apporte une détermination et une énergie renouvelées, ce qui en fait le moment idéal pour relever des défis particulièrement difficiles. L'un des avantages les plus importants d'une association comme la nôtre est sa capacité à travailler ensemble sur des questions d'intérêt mutuel. Cela m'amène au sujet d'aujourd'hui: il est temps de discuter franchement et d'aborder ensemble la question du coût élevé des documents juridiques.

Les prix élevés que nous devons payer à certains éditeurs sont au centre de mes préoccupations lorsque j'écris ce message au début de janvier. Ah, janvier...cette joyeuse période de l'année lorsque les bibliothèques de droit reçoivent environ un milliard de publications pour mettre à jour leurs services de feuilles mobiles. Cela s'accumule rapidement.

Le conseil de direction de CALL/ACBD en a discuté récemment lors de notre réunion en personne en novembre dernier. En prévision de la réunion annuelle du conseil de direction, il est demandé aux comités CALL/ACBD et aux groupes d'intérêt spécial de fournir un rapport décrivant leurs activités en cours, leurs projets spéciaux et leurs éventuelles questions qu'ils ont pour le conseil. Le conseil examine et discute de chacun de ces rapports en détail, mais cette année, le rapport du Comité de liaison avec les fournisseurs (CLE) a particulièrement touché le conseil de direction. Nous avons donc demandé à Joan Rataic-Lang de se joindre à nous pour une partie de la réunion.

Joan est la présidente actuelle du CLE. Dans son rapport au conseil de direction, elle a exprimé sa frustration sur le fait que peu importe ce que le CLE a essayé de faire au fil des ans pour collaborer avec nos éditeurs afin de résoudre le problème des prix élevés, rien ne semble changer. Elle a demandé l'avis du conseil pour aller de l'avant.

Lors de la réunion, nous avons eu une séance de remue-méninges et une discussion productives sur le mandat du CLE, ainsi que sur les prochaines étapes à suivre. Joan est fermement convaincue que la meilleure voie à suivre

consiste à établir des relations et à collaborer avec nos éditeurs juridiques. Et elle a raison.

Les éditeurs juridiques et CALL/ACBD ont un partenariat spécial. Les éditeurs soutiennent notre association de plusieurs manières; ce que nous apprécions. Et nous les soutenons d'une manière *qu'ils* apprécient. Nos éditeurs nous soutiennent en tant que groupe, mais ils doivent également nous soutenir dans nos capacités individuelles en tant que professionnels de l'information.

J'occupe mon poste depuis plus de 17 ans. Pendant ce temps, les prix ont augmenté de façon exponentielle, mais pas mon budget. En conséquence, j'ai dû supprimer de nombreux titres qui auraient été utiles à mes usagers. Si chaque éditeur maintenait ses prix à un niveau raisonnable et suivait certaines des excellentes suggestions que notre CLE lui avait présentées, je pourrais leur acheter davantage de publications.

Nous comprenons que les éditeurs ont une entreprise à gérer et qu'ils doivent répondre à leurs actionnaires. Mais ces prix élevés ne nous font aucun bien. Malheureusement, les informations juridiques sont de plus en plus considérées comme trop coûteuses. Les bibliothèques de droit sont parfois considérées comme des centres de coûts ayant un impact négatif sur les résultats. Si les éditeurs souhaitent vraiment s'associer à nous, ils doivent nous aider plutôt que de continuer à nous entraver avec leurs prix élevés. Les bibliothèques de droit sont la voix qui chuchote aux oreilles de la direction que toutes les informations utiles, valides et nécessaires ne sont pas librement disponibles sur Internet.

Lors de notre discussion en novembre, le conseil n'a certainement pas résolu ce problème. Mais nous avons quelques idées que nous pouvons faire avancer. C'est la grande chose à propos de notre association. C'est un endroit sûr où nous pouvons avoir des discussions sur des questions difficiles comme celle-ci. Nous pouvons travailler ensemble pour trouver des solutions. Dans ce cas, nous invitons nos éditeurs à participer à la discussion!



**PRÉSIDENTE
ANN MARIE MELVIE**



III The Quest for Reference Help: Asking a Law Librarian

By Sonia Smith¹

ABSTRACT

Staff at McGill University's Nahum Gelber Law Library recorded reference desk transactions during a four-year period. This paper presents the analysis of these data: who uses this service, what type of questions are asked, how undergraduates' questions differ from those of the graduate students, length of transactions, and contact method. This information will not only help refocus library workshops and library guides but also collection development and reference services.

SOMMAIRE

Le personnel de la Bibliothèque de droit Nahum Gelber de l'Université McGill a enregistré les transactions encourues au bureau de référence, et ce sur une période de quatre ans. Ce document présente l'analyse de ces données: qui utilise ce service, quel type de questions sont posées, en quoi les questions des étudiants de premier cycle diffèrent de celles des étudiants diplômés, la durée des transactions et la méthode de contact. Ces informations aideront non seulement à recentrer les ateliers et les guides de bibliothèque, mais également à développer les collections et les services de référence.

INTRODUCTION

The Association of Research Libraries (ARL) defines a reference transaction as “an information contact that involves the knowledge, use, recommendations, interpretation, or instruction in the use of one or more information sources by a member of the library staff.”² The Reference and User Services Association (RUSA) offers the following definition: “information consultations in which library staff recommend, interpret, evaluate, and/or use information resources to help others to meet particular information needs.”³

The current paper analyzes 1,253 reference transactions registered over a four-year period at a research-intensive academic law library. Law library reference services assist users with locating legal information, law-related information and sources, and characterizing the issue at hand.

The main goal of this study was to obtain a detailed assessment of the specific needs of law library users who contacted the reference desk in person, by phone, or by email during the four-year period. By examining these reference questions, the library was able to determine the main topic areas where patrons seek assistance, the type of questions they asked, and the different information needs of different types of users. We were also able to assess their research

¹ Sonia Smith is a librarian at the Nahum Gelber Law Library at McGill University.

² “Definitions of Reference” (29 September 2008), online: *Reference and User Services Association* <www.ala.org/rusa/guidelines/definitionsreference>.

³ *Ibid.*

skills. This assessment enabled the library to identify the need for more targeted library workshops, new or revamped research proficiency courses we could offer as part of students' curriculum, advanced guidance on navigating the legal sources, and improvements to our collections.

Background

Founded in 1821 thanks to a bequest by James McGill, McGill University has become one of Canada's best-known institutions of higher learning, boasting two campuses, ten faculties, and eight libraries. In 2018, *Maclean's* magazine ranked McGill University number one on their annual ranking of Canada's Top Medical/Doctoral Schools,⁴ and Quacquarelli Symonds's World University Rankings rated McGill as 32nd overall on the top 200 universities in 2018.⁵ As of fall 2017, McGill's total enrollment numbered 40,971.⁶

Times Higher Education (THE), a weekly magazine based in London that reports on news and issues related to higher education, released their university ranking by subject on October 4, 2017. *THE* declared McGill the 13th best school to study law worldwide.⁷ *THE* calculates their World University Ranking scores using 13 performance indicators, which fall under five categories:

- *Teaching*: the learning environment
- *Research*: volume, income, and reputation
- *Citations*: research influence
- *International Outlook*: staff, students and research
- *Industry Income*: innovation

The Faculty of Law at McGill University is unique in Canada as it offers a combined Bachelor of Civil Law/Bachelor of Common Law (BCL/LLB) program, from which students graduate with two law degrees. It also offers Master of Laws (LLM), with thesis and non-thesis options; Doctor of Civil Law (DCL); and graduate certificates.

With a bilingual (English and French) and bilingual (common law and civil law) program, the legal education offered at McGill is exceptional. The oldest law faculty in the country, McGill offered official lectures in 1848 as a response to a request from 23 young men who had been studying independently for the Quebec Bar. They petitioned the university for formal instruction in law and the awarding of a BCL degree. In 1853, McGill's principal formally established the Faculty of Law.⁸ It

was Dean Frederick Parker Walton,⁹ whose tenure lasted from 1897 to 1914, who took steps to ensure that the Faculty would have access to a formal law library located within the collections of the main university library.

The New Chancellor Day Hall Library housed a specialized law library collection, but by the mid-1980s it had outgrown its space and the Faculty identified the construction of a new law library building as their fundraising priority. The inauguration of the Nahum Gelber Law Library in August 1998 coincided with the Faculty's 150th anniversary.

The Nahum Gelber Law Library provides resources and services to support the teaching and research programs of the Faculty of Law and several institutes and research centres affiliated with the law faculty. These include the Institute and Centre of Air and Space Law, the Centre for Human Rights and Pluralism, the Centre for Intellectual Property Policy, and the Paul-André Crépeau Centre for Private and Comparative Law.

As opposed to many law libraries where admittance is restricted to students and faculty only, the Nahum Gelber Law Library is accessible to the public from Monday to Friday. A valid McGill ID card is required for access to the library after service hours. As the library is adjacent to the law faculty, this is the preferred library on campus for undergraduate law students.

Presently, the law library serves about 700 law 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), as well as about 70 faculty members (full-time, adjunct, and visiting scholars). It is a very busy library, and we had 28,118 users during the month of October 2017 alone. The library has a team of 10 people, including support staff, who answer frontline questions at the loans desk, and a group of three librarians plus the head librarian, who answer and guide students and faculty with questions that require the skills of an information professional.

Although all library branches formally collect reference transaction statistics during select sampling weeks with LibAnalytics, librarians can opt to register every single transaction if they wish. This paper presents a study of all the reference transactions I entered from January 1, 2014 to December 31, 2017 (a four-year period).

⁴ "University Rankings 2018: Canada's Top Medical/Doctoral Schools" (11 October 2017), online: *Maclean's* <www.macleans.ca/education/university-rankings/medical-doctoral-universities>.

⁵ "QS World University Rankings" (last visited 11 July 2018), online: *QS Top Universities* <www.topuniversities.com/university-rankings/world-university-rankings/2018>.

⁶ "About McGill: Factbook" (last visited 20 July 2018), online: *McGill University* <www.mcgill.ca/about/quickfacts>.

⁷ "World University Rankings 2018 by Subject: Law" (last visited 16 March 2018), online: *The World University Rankings* <www.timeshighereducation.com/world-university-rankings/2018/subject-ranking/law#survey-answer>.

⁸ Ian C Pilarczyk, ed, *A Noble Roster: One Hundred and Fifty Years of Law at McGill* (Montreal: McGill University Faculty of Law, 1999) at 6.

⁹ Frederick Parker Walton (1858–1948) was an active proponent of the study of comparative law. Among his works are his *Historical Introduction to the Roman Law*, *The Egyptian Law of Obligations*, *The Scope and Interpretation of the Civil Code of Lower Canada*, and *Introduction to French Law*, in collaboration with Sir Maurice Amos (HG Hanbury, "Walton, Frederick Parker (1858–1948), jurist" in *Oxford Dictionary of National Biography* (Oxford University Press), online: <www.oxforddnb.com/view/10.1093/ref:odnb/9780198614128.001.0001/odnb-9780198614128-e-36720>).

Methodology

Using the LibAnalytics tool, I recorded basic information after each reference transaction. These records reflect only a portion of total reference transactions at the law library. As the LibAnalytics tool enables the recording of the transaction by specific librarians, this analysis only represents transactions during my on-call shifts at the reference desk. These shifts represent, on average, 20 hours per week.

The information registered after each transaction includes the following mandatory fields: transaction type, contact method, duration of transaction, time, and user group. There is an optional field that allows one to enter information on each specific question, and I completed this field after every transaction to record the nature of the request more precisely.

Findings & Discussion

Librarians offer reference services in person at the desk from Monday to Friday between 9:00 a.m. and 5:00 p.m. We also assist users by phone and email and offer scheduled appointments to anyone requesting a meeting. Although we also offer reference services through online chat and instant messaging, we do not record these methods in the LibAnalytics tool. (For a detailed study of reference services through the McGill University Libraries chat services, see: “Do You Want to Chat? Reevaluating Organization of Virtual Reference Services at an Academic Library.”)¹⁰

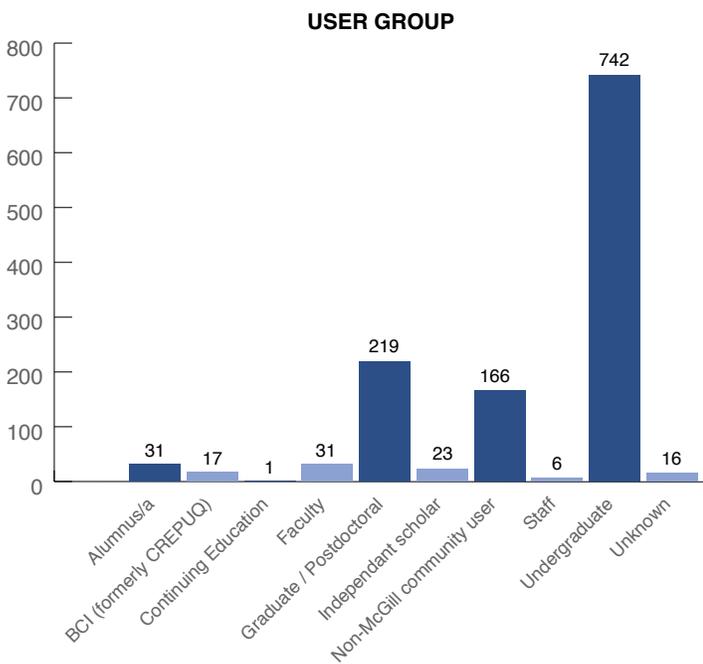


Figure 1. User Group

As shown in Figure 1, *User Group*, the main group of users requesting reference services are undergraduate students. 59.22 per cent of the 1,253 total reference requests were from this user group. The second largest group requesting assistance is composed of graduate/postdoctoral students, with a rate of 17.47 per cent.

An interesting fact is that non-McGill community users requested the assistance of a librarian in 13.24 per cent of the transactions. In fact, this is the third largest group that requested reference assistance. This shows that the general community needs access to legal resources beyond what is available in public libraries in Montreal. As stated by Bilson, “[m]ore members of the public are flocking to the law library reference desk” due to an increase in self-representation and barriers to access to legal services for the lower middle class.¹¹ Although faculty members are heavy borrowers of the collection, their request for assistance is minimal, representing only 2.47 per cent of total transactions. Alumni and independent scholars also benefit from the rich collection and reference services offered.

As Figure 2 shows, the contact method preferred by 88.90 per cent of our users is in-person at the reference desk. This method is also the preferred interaction by librarians as opposed to email or phone, as human interaction allows for an opportunity to conduct a more comprehensive reference interview, teach the users the most effective use of resources, and explain the strategy used in a database search. As Belleste et al. stated, “[t]eaching at the point of need provides an opportunity to convey research methods when the student is most likely to internalize and remember the strategy.”¹²

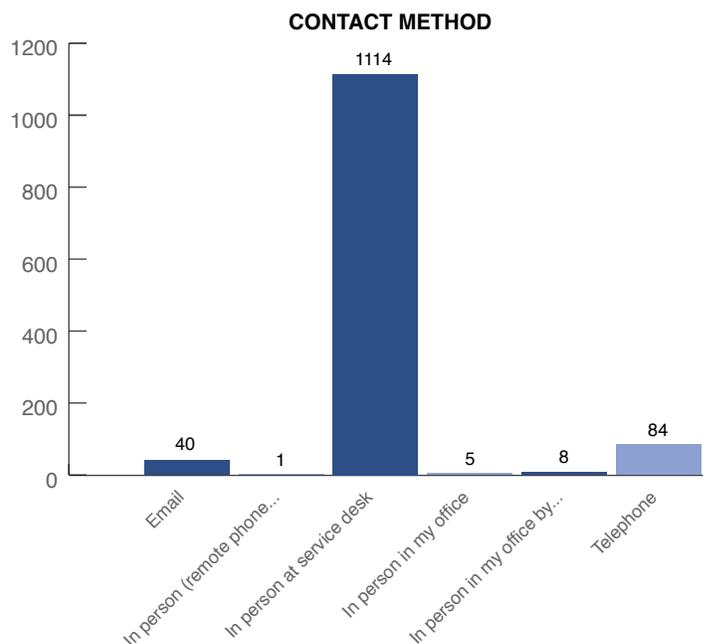


Figure 2. Contact Method

¹⁰ Maryvon Côté, Svetlana Kochkina & Tarah Mawhinney, “Do You Want to Chat? Reevaluating Organization of Virtual Reference Service at an Academic Library” (2016) 56:1 Reference & User Services Q 36.

¹¹ Beth Bilson, Brea Lowenberger & Graham Sharp, “Reducing the Justice Gap through Access to Legal Information: Establishing Access to Justice Entry Points at Public Libraries” (2017) 34:2 Windsor YB Access Just 99 at 111.

¹² Roy Balleste, Sonia Luna-Lamas & Lisa Smith-Butler, eds, *Law Librarianship in the Twenty-first Century* (Lanham, Maryland: The Scarecrow Press, 2014) at 90.

The next category analyzed was the *Transaction Type*. (See Appendix 1 for the definitions provided by LibAnalytics for each transaction type.)

This category can be, to a certain extent, subjective for each librarian. Even though there are definitions for each category, these definitions are not clear. How can one define what an “intermediate question” means or implies? A law reference librarian’s knowledge and experience could render a very different answer to this question. A novice could mark one question as advanced, while a librarian with more experience might consider the same question a basic transaction.

I recognize that during the four years that I gathered these data, my knowledge of law and legal resources grew exponentially. Thus, I may now mark a question as intermediate that I may have marked as advanced at the beginning; equally, I may now consider many questions basic that I entered as intermediate or advanced when the data gathering began.

According to Figure 3, *Transaction Type*, I categorized 46.47 per cent of questions as basic and 37.03 per cent as intermediate.

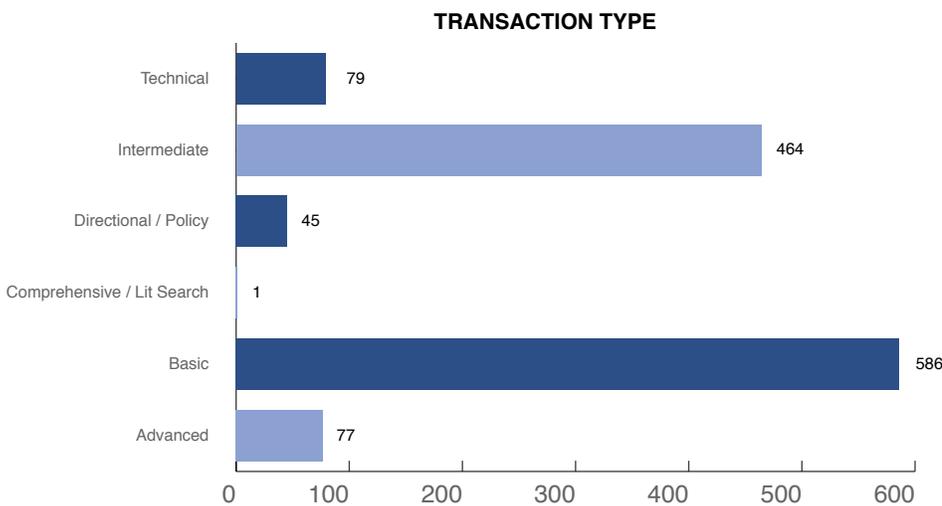


Figure 3. Transaction Type

It is necessary to remark that the library support staff first triaged all these questions, from basic to advanced, and decided when professional training was required to assist the user. In this sense, a basic question is easily and rapidly answered, but only when one has the training, knowledge, and experience with using legal databases, which comes with having vast experience using library resources and an understanding of the subject and legal terminology. As one student once commented to me, “it took you three minutes to find the article that I couldn’t find after two hours of searching!”

DURATION OF REFERENCE TRANSACTION

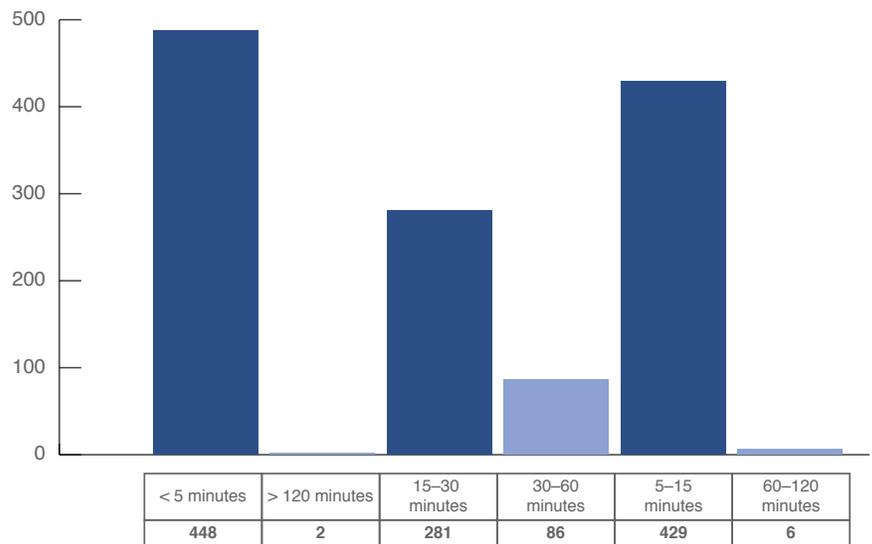


Figure 4. Duration of Reference Transaction

Figure 4 reports another mandatory field: the duration of the transaction. It is interesting to note that the amount of transactions that took less than five minutes is very similar to the amount of transactions that took between five and 15 minutes. These two categories added together represent 69.99 per cent of the total results.

The librarian’s expertise with searching library resources and experience with extracting the precise citation or case affects the duration of the reference transaction. With the necessary skills, a librarian can quickly answer many pointed questions.

As noted above, there is an optional field in LibAnalytics to enter the question asked in each transaction. This field allows for a maximum of 140 characters to record information related to the particulars of each transaction, like kind of material requested, specific topic of the transaction, or any other data chosen by the librarian.

In the four years during which these records were registered, I populated this field with succinct wording related to the transaction topic. In order to compile results, it was necessary to review, analyze, and categorize each of the 1,253 records. I selected a heading that accurately represented the type of assistance required and allowed us to include very similar types of questions in defined categories. This way, it was possible to narrow all questions to 15 main topics. In Figure 5, *Assistance Requested by All Users*, we can see these 15 categories of questions and the total number of transactions by topic. This table represents all users. (See Appendix 2 for further explanations and examples of questions entered under each category.)

The category that recorded the most assistance, at 16.64 per cent, was *help locating a specific book or article*. This category included help using eJournals and eBooks, how to expand searches, and how to use the legal indexes to find secondary sources. We try to take advantage of these interactions to teach users how to conduct research, keep track of sources, and build their research.

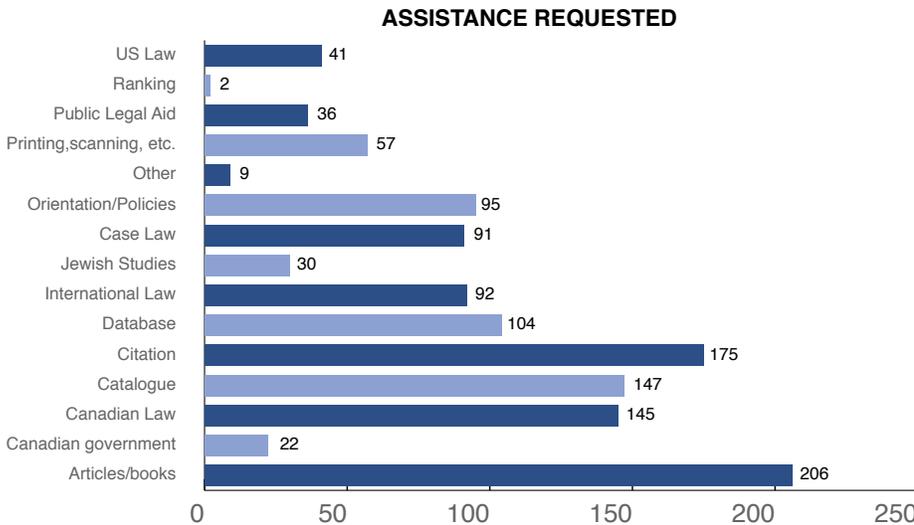


Figure 5. Assistance Requested by All Users

The next category with the highest numbers, at 13.96 per cent, is *questions related to legal citations*. McGill Law School has five student-run, peer-reviewed journals: *McGill Journal of Law & Health*, *McGill Journal of Sustainable Development Law*, *McGill Law Journal*, *McGill Journal of Dispute Resolution*, and *McGill Journal of International Law & Legal Pluralism*. One of the main tasks of the members of the different journals is to ensure that they carefully check each submitted article for errors, right down to the case citations and footnotes. Students requested our help with locating obscure citations, fixing footnotes, and finding parallel citations.

The third largest category of questions, representing 11.73 per cent of total questions, relates to the *catalogue*. Familiarity with searching the catalogue is one of the skills that we need to address when students begin their studies, so they can benefit from all the resources offered by the library. Although we cover these topics in the introductory workshop to the library, this study shows that a more extensive, hands-on workshop on locating articles and books, learning how to request interlibrary loans and place holds on books, and accessing eBooks and eJournals would greatly benefit users.

In fourth place, with 11.57 per cent, is *questions related to Canadian law*. As students in the undergraduate level must

familiarize themselves with Canadian law, the number of reference questions on this topic is to be expected.

Assistance related to legal databases also had a notable number of requests (104) at 8.3 per cent. Although students take mandatory library workshops as part of the curriculum that provides overviews of the main databases, questions surfaced when students needed to conduct more advanced searches or failed to return relevant results. This reference interaction allows for a fast teaching opportunity about the uniqueness and specifications of each legal database.

The category *orientation/policies* groups questions as diverse as copyright issues when showing a movie, information about the moot rooms, and where to find a librarian specializing in medicine. This category represents 7.5 per cent of the total questions.

There were a fair number of questions (30) related to Jewish Studies. This is due to my responsibility as a liaison librarian for the Department of Jewish Studies and liaison librarian at the law library.

I also analyzed the total number of transactions at the reference desk by type of user. Figure 6, *Reference Questions by Undergraduate Students*, shows the number of questions by category when the request came from undergraduate students.

It is interesting to compare Figure 6 with Figure 7, *Reference Questions by Graduate Students*. The most frequent question by undergraduate students is assistance with legal citations (18.73 per cent). As mentioned above, undergraduate students run five journal titles, and part of their responsibility is the verification of citations. Another reason is the inexperience with the precise rules of legal citation and the requirement to cite correctly in their assignments.

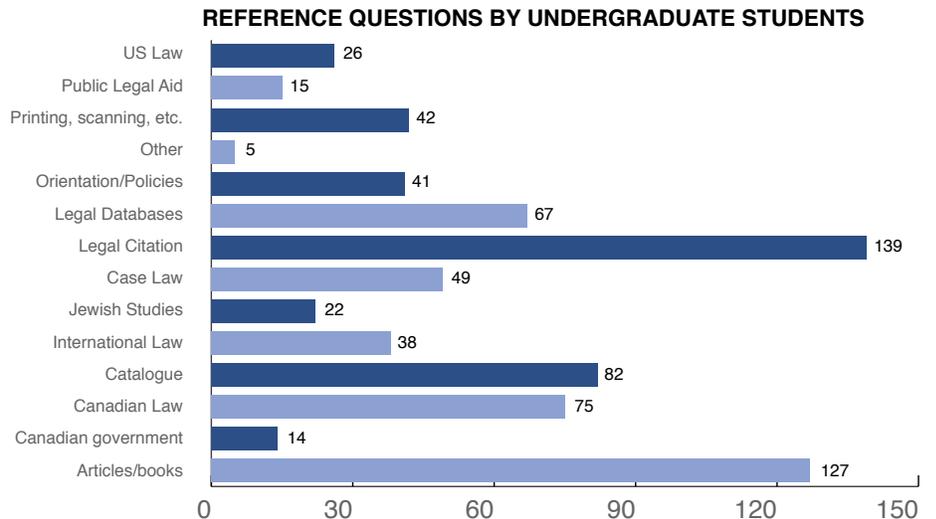


Figure 6. Reference Questions by Undergraduate Students

For graduate students, the legal citations category occupies third place, at 14.15 per cent. We can assume that graduate students are more experienced with legal citation formats; therefore, questions on citations from this category of students is lower compared to undergraduate students.

Another interesting point of comparison is on questions related to international law. For graduate students, this category was the second type of assistance most frequently

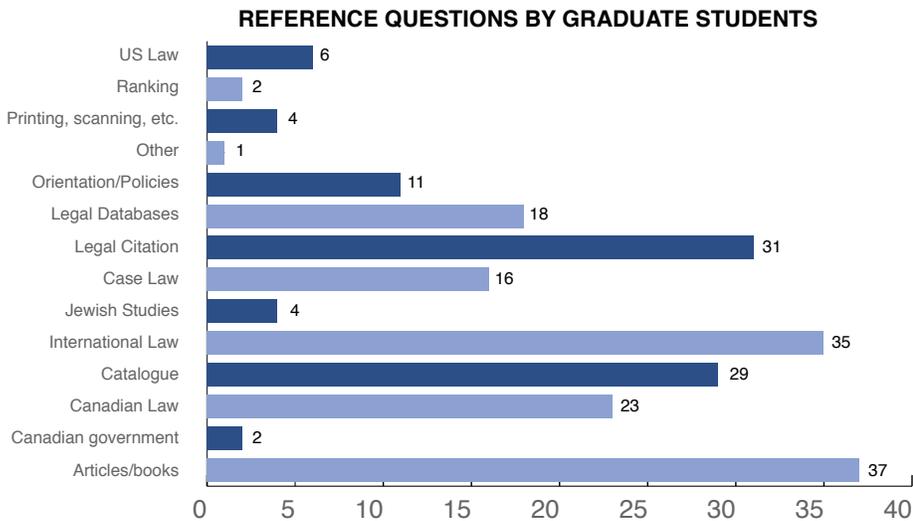


Figure 7. Reference Questions by Graduate Students

requested at 15.98 per cent in comparison to only 5.12 per cent for undergraduate students. The McGill law faculty receives graduate students from around the world. In the words of the previous dean, Daniel Jutras, “This is one of the most diverse graduate programs in Canada.”¹³ This could explain why this group of users requested more assistance on this topic, in accordance with the curricula in the LLM and DCL programs.

Another reason is that many graduate students come from around the world to study at the McGill law faculty. After graduation, they return to their home countries to practice law; therefore, they focus their interest on international and comparative law, rather than Canadian law.

The request for assistance to locate articles and books is similar in both groups of users, at 17.11 per cent by undergraduate students compared to 16.89 per cent by graduate students.

Assistance needed for case law is also very similar between both groups, at 9.02 per cent by undergraduate students compared to 8.21 per cent by the graduate cohort.

I analyzed questions received from another specific group of patrons: non-McGill users. This category encompasses the general public and excludes students from other universities, as the latter are categorized in *Alumnus/a* and *BCI*.¹⁴ Figure 8, *Reference Questions by Non-McGill Users*, presents the results for this group.

The main request for assistance by this group of users is about Canadian law, representing 20.48 per cent of the total, followed by orientation/policies at 14.45 per cent. This last question mostly relates to access and use of the library, legal databases, and access to the library’s computers.

The third category for most frequent questions by non-McGill users relates to public legal aid, at 12.65 per cent. Every year, a number of people come to the library for assistance with researching their personal legal problems. The assistance involves providing information about public legal clinics in Montreal, lawyers’ directories, and pointing to open-access Internet resources such as CanLII. We concluded that many Montrealers are not aware of the free or low-cost legal services available to them.

The particular needs of this group gave us the justification to create a new LibGuide: *Public legal resources*.¹⁵ This LibGuide is very useful for users who require access to free legal databases, law-in-plain-language resources, information about legal information clinics, and lawyers’ directories. Anyone can access the guide from home.

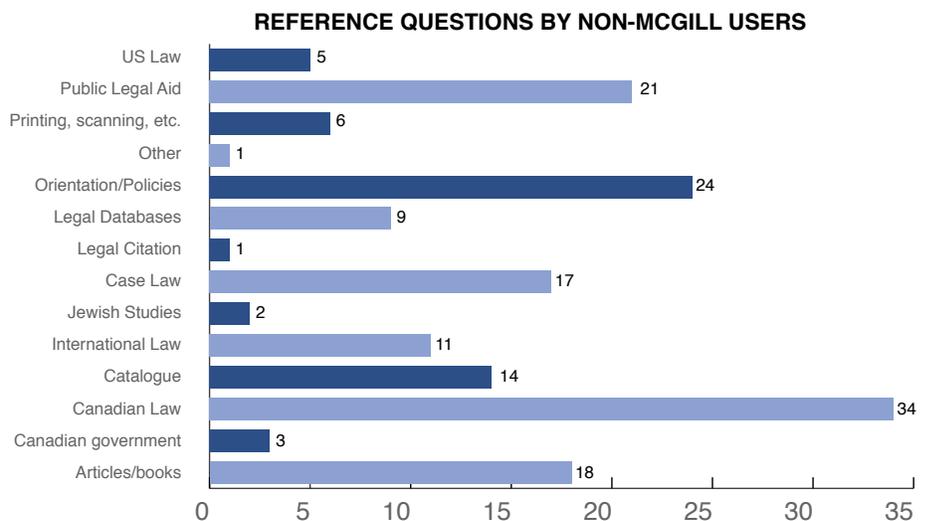


Figure 8. Reference Questions by Non-McGill Users

¹³ “A Community of Difference” (September 2014), online: *Law: Focus Online* <publications.mcgill.ca/droit/2014/09/08/grad-orientation>.

¹⁴ Bureau de Coopération Interuniversitaire: students affiliated with other Quebec universities, continuing education, and independent scholars.

Conclusions

Entering data related to reference transaction in LibAnalytics during the sample week (twice a year) is adequate for general inferences about a service. However, if we want a very accurate profile of the users and questions that we encounter on a day-to-day basis, keeping track of each transaction is a necessity.

It takes less than a minute to record the information of each transaction, and the system saves the data for several years. This allowed us to have a precise understanding of our users' needs.

After analyzing all the records, we can easily argue that students would benefit from more in-depth library instruction. We tend to assume that law students, who mostly earned bachelor's degrees prior to entering law school (an exception to this rule are Quebec students who can apply to law school in Quebec universities directly from the CEGEP, the pre-university college in the province of Quebec), already have good research skills. However, this paper demonstrates that many of the consultations relate to seeking assistance with locating articles and books. One of the contributing factors could be that many students complete their undergraduate studies elsewhere and come to McGill to do their law degree.

Every year, we offer a mandatory library introduction presentation and explain basic information about the library and resources. However, more in-depth, hands-on workshops would be beneficial for first-year students.

Another conclusion is the need for a structured, formal instructional workshop on how to use McGill's *Canadian Guide to Uniform Legal Citation*. Questions relating to this topic were the first reason for undergraduate students to seek assistance at the reference desk and the third for graduate students. Even though librarians organize an annual walk-in clinic for students to drop in with concrete questions about citations, this study demonstrates that a formal, curriculum-integrated workshop about the nuances of citations with practical examples on applying the rules would be useful to students. To support this need, we plan to offer several workshops on the use of the *Canadian Guide to Uniform Legal Citation* during the term, open to undergraduate and graduate students, so they can feel more at ease following the rules for citation.

The results also showed that students are in need of guidance in the use of legal databases. Although we cover this topic during the curriculum-integrated library workshops, many times we offer this instruction before students need to use them. As with any new skill, if students do not practice using these databases, they might become frustrated when required to use them due to their lack of familiarity and the overwhelming number of results that can accompany inefficient searching. Librarians should offer workshops on different legal databases throughout the law program

to ensure that students' legal research skills are optimal when they graduate and need to apply their abilities in their articling positions and new careers.

In a report by Steven A. Lastres, "Rebooting Legal Research in a Digital Age,"¹⁶ he presents the results of a survey conducted by the Research Intelligence Group. The respondents included 190 recent law school graduates. In his findings, Lastres notes that "[c]onsidering the significant amount of time that associates spend conducting online legal research, nearly half surveyed (49%) feel that legal research should be a larger part of the law school curriculum."¹⁷

To this aim, we started offering more legal research training workshops focussing on students' particular needs. As an example, we are now targeting students working for specific law Institutes like the Paul-André Crépeau Centre for Private and Comparative Law. We also offered specialized training for students working for the different law journals, as well as advanced training in Quebec legal databases for students working with the McGill Legal Clinic.

We are also promoting curriculum-integrated workshops for upper-year students, as these will reinforce the students' skills navigating legal databases.

As this study enhanced our understanding of our users' needs, we can now serve them better. I consider that tracking reference questions for the last four years was a worthwhile undertaking.

APPENDIX 1

Definitions from LibAnalytics for each transaction type:

- **Technical:** responds to problems or user difficulty with hardware or equipment.
- **Directional/Policy:** facilitates the general use of library building and services.
- **Basics:** responds to simple questions using library information sources.
- **Intermediate:** assists users with intermediate questions or support.
- **Advance/Consult:** responds to a user's question using advice expertise in the service area.
- **Comprehensive/Lit Search:** provides comprehensive information services for specialized needs.

¹⁵ "Public Legal Resources" (last updated 22 January 2019), online: McGill Library <libraryguides.mcgill.ca/c.php?g=701581>.

¹⁶ Steven A Lastres, "Rebooting Legal Research in a Digital Age" (last visited July 26, 2018), online (pdf): *Insights Paper* <www.lexisnexis.com/documents/pdf/20130806061418_large.pdf>.

¹⁷ *Ibid* at 6.

APPENDIX 2

During the four years that I collected this data, I entered the reference questions in a specific box that allows for 140 characters. In order to analyze the vast amount of data, I categorized the questions by topic:

- **Articles/Books:** This category included all the questions where the user needed assistance locating a specific title, suggestions on secondary sources to research a topic, or had questions related to works by a specific author.
- **Canadian Law:** This included all questions related to legislation, helping to trace statutes, and showing users how to find previous versions of an act. Questions spanned different Canadian provinces.
- **Canadian Government:** Questions included in this category related to Parliamentary debates, government documents, immigration, statistics, and information on a variety of government departments and services.
- **Catalogue:** Includes all questions related to how to download eBooks, access eJournals, request interlibrary loans, find different versions of titles, locate reserves, and access eResources from home or laptops.
- **International Law:** This includes assistance locating legal or government documents from all countries, excluding Canada.
- **Jewish Studies:** As stated above, part of my professional responsibilities includes being the liaison librarian for the Jewish Studies department. Professors in this department refer their students to me for assistance with their research needs in this topic.
- **Case Law:** Includes questions related to cases, parallel citations, finding reporters, noting up cases, unreported cases, and English translation of French cases.
- **Legal Citation:** This category encompasses all questions related to citing, from verifying a citation to explaining how to apply citation rules to particular documents.
- **Legal Databases:** Queries included here related to accessing and using legal databases, including questions on particulars of each database.
- **Orientation/Policies:** Questions included here related to storage materials, reserves, copyright issues, access to resources, and library policies.
- **Other:** These were unique and random questions that fell outside the scope of already defined categories.
- **Printing, Scanning, etc.:** Includes all questions related to installing drivers on users' laptops for printing using the library's printers, maximum photocopying allowance by copyright, and scanner use.
- **Public Legal Aid:** Assistance on personal legal issues, how to locate legal clinics, how to contact a lawyer, annotated codes.
- **Ranking:** Questions about the ranking of journals and finding these rankings.
- **US Law:** Everything related to the US, from legislation to government, US cases, and policies.

Acknowledgment: The author is grateful to Svetlana Kochkina for her assistance with Excel to create the graphics.



III Reviews / Recensions

Edited by Kim Clarke and Elizabeth Bruton

Courts in Federal Countries: Federalists or Unitarists? Edited by Nicolas Aroney & John Kincaid. Toronto: University of Toronto Press, 2017. xvi, 583 p. Includes index. ISBN 9781487500627 (hardcover) \$35.96.

Courts in Federal Countries examines the high courts in 13 federal countries, and their role—or lack thereof—in shaping rulings on diverse topics such as human rights, economic policy, and social issues. The authors ask a complex question: Do the courts in these countries rule in a unitary direction by fostering centralization, or do they move in a federalist direction by fostering the powers of the federation's constituent policies of provinces, states, or regions? The book examines well-known federal countries, including Canada, the United States, and the United Kingdom, as well as other lesser-known nations including Ethiopia, Mexico, and Brazil.

Courts in Federal Countries does something differently than other books on the topic of federal systems of government. In Canada, there are numerous books about our federal system of government and our court system, and similar books about countries such as the United States. However, there is little—if any—literature on the comparative aspects of federal court systems between multiple countries. Some works may compare one or two countries. This work looks at 13 countries.

The author of each chapter is a native of the particular country and a scholar in the areas of constitutional law and governance. Each writer knows the history of the country in

terms of its politics as well as the intricacies played between the court system and the constitutional and political life of the country.

In each chapter, the authors examine the evolution of the different countries' highest courts. A case in point is Belgium, whose constitutional reforms have resulted in more and more powers, including the power to conduct international affairs being transferred to the individual regions. In effect, Belgium has gone from being a primarily unitary state to very much a federalist one.

The Constitutional Court, Belgium's highest court, has become the safeguard of this transfer of power. The Court has introduced the notion of economic and monetary union as a way of limiting the power of the regions and the states. It has also implemented the principle of federal loyalty within the Constitution by committing the federal government and the individual regions to being responsible for taking into account the federation when making their decisions.

Interestingly, and fortunately for this work, there is no examination of the court systems inside each country's federal system. The work, for example, does not examine Scottish law in the United Kingdom or the *Civil Code* in Quebec, although in the case of Quebec it does highlight the *Civil Code* in terms of how Quebecers see themselves. It also highlights the constitutional question of Quebec separatism. However, it does not go into what the *Civil Code* is or how the Supreme Court of Canada has ruled on matters relating to it. To go in depth into each country's legal

subtleties according to the individual regions would make this an overwhelmingly long work and detract from the focus of the book.

This book is certainly suitable for an academic library. It could be used in political science courses, particularly those that compare different systems of government and the court system. In law schools, it would prove useful in comparative constitutional law or governance courses.

REVIEWED BY

DANIEL PERLIN

Reference Librarian

Osgoode Hall Law School of York University

***Governing Climate Change: Global Cities and Transnational Lawmaking.* By Jolene Lin. New York: Cambridge University Press, 2018. viii, 214 p. Includes bibliographic references and index. ISBN 978-1-108-42485-1 (hardcover) \$120.95; 978-1-108-44098-1 (softcover) \$39.95; 978-1-108-62096-3 (eBook).**

When the United States pulled out of the Paris Accord in 2017, Pittsburgh, New York City, and other municipalities announced that they would adopt the principles of the agreement themselves. *Governing Climate Change: Global Cities and Transnational Lawmaking* looks at how climate change can be addressed at the local level, how select cities are already doing so, and what it all means for the study and practice of climate change and international law.

Author Jolene Lin is director of the Asia Pacific Centre for Environmental Law and associate professor of law at the National University of Singapore. The book has its origins in her Ph.D. thesis and, as such, emphasizes theory over practice. The introductory chapter lays out research questions; the second chapter sets out a theoretical framework drawing from fields such as sociology, political science, and international relations; and the final chapter attempts to answer those questions and suggests topics for future research.

The chapters in between, however, are an engaging discussion weaving together theory and fact. They lay out the norms, policies, regulations, standards, and practices put in place to address climate change by large cities around the world, including London, Mexico City, New York City, Rotterdam, and Seoul. The book describes the actions they have taken to reduce greenhouse gas emissions and develop low-carbon alternatives, as well as to adapt to the effects of climate change, including heat, floods, droughts, and infectious disease.

One chapter is devoted to international networks of municipalities, such as the C40 Cities Climate Leadership Group and the World Mayors Council on Climate Change, that facilitate an exchange of information, ideas, best practices, and even financial support between members. The book also discusses partnerships between cities and non-profits or private sector actors who can supply

technical and policy expertise and devote time and labour to implementing programs.

Governing Climate Change adds to the growing body of literature on climate change law by contributing case studies of urban climate law. Another strength is its emphasis on the benefits of soft law instruments and informal collaboration, describing how they operate in a mutually beneficial relationship with hard law, supporting and strengthening the international regimes addressing climate change.

This book would be of interest to lawyers and policy makers who want to stay on the forefront of policies and practices being adopted to address climate change, particularly at the local and international levels. It could also benefit non-lawyers with a more-than-passing interest in the subject. While it contains many acronyms and footnotes, the writing is clear and not too jargon-heavy. Given its focus on theory, it might be more at home in an academic library than a general practice law firm, but it could benefit, or at least inspire, those in an environmental law practice.

REVIEWED BY

ANDREA BLACK

*Research Specialist
Dentons Canada LLP*

***International Court Authority.* Edited by Karen J. Alter, Laurence R. Helfer & Mikael Rask Madsen. Oxford: Oxford University Press, 2018. xix, 464 p. Includes bibliographic references and index. ISBN 978-0-19-879559-9 (softcover) \$95.00.**

International Court Authority is the culmination of a collaborative and thorough investigation of the authority and reality of international courts (ICs) based out of iCourts, the Danish National Research Foundation's Centre for Excellence for International Courts, and part of the International Courts and Tribunals Series published by Oxford University Press. In 2012, the Danish National Research Foundation provided research funding to the Danish Centre for Excellence for International Courts. Following a successful review, the Centre received additional funding in 2016, which extended its term to 2022.

International Court Authority comprises three parts:

- The Varied Authority of International Courts
- International Courts in Their Social and Political Context
- International Court Authority in Question

The two chapters under the "varied authority" section analyze the authority and context of international courts. An evaluation process for international court authority is proposed with a broad measurement of three levels of authority: *extensive* (relevant acceptance of IC's authority), *intermediate* (authority is accepted by litigants and partners), and *narrow* (specific disputes accept court authority). These three levels were narrowed down from the original five levels

referred to in a 2017 iCourts Working Paper Series (No. 112). The earlier measurement had included a *no authority* level as well as a popular authority level. Tables at the end of the chapter help to summarize contextual factors and possible conclusions related to institutions, jurisdictions, and authority.

Part two devotes one chapter to each of the 13 international courts based in Africa, Latin America and the Caribbean, and Europe. Chapters addressing a named international court provide an introduction to the Court, the context or evolution of the named court, the function of the court, issues specific to the court environment, and a conclusion.

Part three includes commentaries spanning the disciplines of legal theory, philosophy, international relations, and anthropology. In a time of changing world authority, these discussions provide a very interesting read.

This book looks at the creation of international courts and their current state moving from the first permanent international courts to the new style international courts, examining how litigation is initiated, and the affects of court authority.

The three editors have connections with the Danish Centre for Excellence at the University of Copenhagen. They have enlisted many influential, award-winning, and recognized academics to assist with the evaluation of international court scope and authority as well as 13 of the current international courts in Africa, Europe, and the Caribbean. The bulk of the authors hail from North America with a small number from Europe and Africa.

International Court Authority would be a welcome addition to any collection specializing in this area. The book's discussion is weighty but well worth the read. The text is available in print (hardcover and softcover) and eBook formats, with online access via Oxford Scholarship Online. The iCourts website provides readers with a myriad of working papers and other resources. The book itself includes a preface acknowledging the many contributors, a detailed table of contents, useful lists of tables and figures, abbreviations, and footnotes to cases and secondary literature. Librarians and specialized lawyers will consider this a must-have title for a law firm, academic, or governmental organization.

REVIEWED BY

LAURA LEMMENS, BA B.Ed. MLIS

Information Literacy Librarian

*Alberta Government Library—Capital Boulevard
Enterprise Data and Analytics, Service Alberta
Edmonton, Alberta*

***The Law of Work: Industrial Relations and Collective Bargaining.* By David J. Doorey. Toronto: Emond, 2017. xi, 330 p. ISBN: 978-1-77255-166-2 (softcover) \$98.00.**

The Law of Work: Industrial Relations and Collective Bargaining is intended for a broader audience than the usual

labour law text. David J. Doorey states in the introduction that the book is intended to present the subject in a “more accessible and contextual manner” (p ix).

The book comprises three parts: an overview of the law of work, labour law, and the *Canadian Charter of Rights and Freedoms*. The overview of the law of work discusses the three regimes that apply to labour and employment law: common law, the regulatory regime, and the collective-bargaining regime. While the focus of this book is labour law, there is a companion volume—*The Law of Work: Common Law and the Regulation of Work*—that deals with employment law in greater depth.

Doorey does not assume that the reader has any great familiarity with the subject, or with Canada's legal system, so readers who already have a basic understanding of Canadian labour and employment law may want to head straight to the second section, which is where the book begins its discussion of labour law proper. Topics addressed in this section include the unionization process, how collective bargaining works, strikes, collective agreements, grievances, “just cause” in discipline and dismissal, and the legal status of unions.

Doorey strongly emphasizes that labour law does not exist in a vacuum and makes an effort to ensure that readers understand it in context. He does this by outlining the history of labour relations and unions in Canada and the different legal institutions that are involved in the collective bargaining regime, along with statistics on union proceedings. Doorey begins the book with a timeline of the law of work that allows the reader to see the development of labour law in context. He also provides references to the various social aspects that affect law, such as workplace norms.

One of the things I really appreciated is how Doorey integrates real life examples other than case law into the book. For example, in chapter 11, he describes the collective bargaining process that took place in 2011–2012 between the City of Toronto and CUPE Local 416 to illustrate how the process works.

The book refers to CanLII frequently, recognizing that not everyone has access to paid legal research services. It is also a good way to introduce an inexperienced legal researcher to some of the available resources. The book directs readers to additional information available on the Emond website.

Like other Emond books, it is well laid out, allowing the reader to easily absorb information. For example, at the bottom of each page are definitions of terms used on that page. Relevant cases are separated from the main body of the text using boxes, with each case divided into key facts, issue(s), and the decision. For readers who are not familiar with the Canadian court system, the book includes a graphical depiction of the court system on page 8. Given the target audience, it would have been nice if the index had used layman's terminology in addition to more legal terminology.

The Law of Work would be excellent as a textbook with each chapter beginning with learning objectives and ending with exercises. Readers with little background in the area who are looking for a thorough grounding in the subject will appreciate the ability of Doorey and his contributors to provide instructive content while managing to avoid being simplistic.

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

***The Misery of International Law: Confrontations with Injustice in the Global Economy.* By John Linarelli, Margot E. Salomon & Muthucumaraswamy Sornarajah. Oxford: Oxford University Press, 2018. iv, 304 p. Includes bibliography and index. ISBN: 978-0198753957 (hardcover) \$125.00.**

This book analyzes the ways in which international law contributes to the growth of inequality and poverty in the global economy. Surprisingly, the promotion and growth of misery is a product of trade, investment, and finance *in conjunction with* human rights laws. The norms within the International Economic Order and capitalism deprive the poor of their human rights protections. Alternatives that could serve humanity better are ignored in order to increase the benefits to the powerful and rich. In short, the challenge within *The Misery of International Law* is to resolve the imbalance within the global economy between international investment, trade laws, and human rights.

Each chapter in *The Misery of International Law* outlines specific international economic legal regimes and their impacts on human rights.

In chapter one, the authors discuss how regimes of international trade, investment, global finance, and human rights have been constructed and constituted by capitalism in conjunction with international law. The authors argue for a different type of international order that can meet the demands of both justice and equality, while also improving ordinary life.

In chapter two, the authors assert that international law needs to play a bigger role in meeting the principles and demands of justice while achieving global cooperation. Since the current state of international law has been a failure in this area, there is a strong need for a theory of justice in international law based on moral and legal accountability, which meets the standards of respect and justification to each individual.

Chapter three highlights aspects of the global economic order that are tied to neoliberalism where global governance rules adhere more strictly to the Washington Consensus Model rather than to programs that would encourage the sovereignty of the individual state to choose and pursue its own economic policies. The United Nations Conference on Trade and Development recognized the rights and powers

of multinational corporations, but even with binding codes to regulate the behaviour of multinationals, their human rights obligations were often ignored. International law was actually indirectly sanctioning grave injustices and economic violence in the wake of this extreme form of global capitalism.

Chapter four discusses the influence of trade agreements on the global trade architecture. These trade agreements protect the interests of capitalism and multinational corporations while intruding on the individual state's domestic policies. Morally, these agreements should be subjected to the demands of justice in order to generate the international cooperation needed to remedy this imbalance.

In chapter five, we see how international economic law protects the rights of investors and foreign investment at the expense of public interest. Historically, investment laws, reflected in such mega-regional treaties as the Trans-Pacific Partnership (TPP) and the Transatlantic Trade and Investment Partnership (TTIP), curtailed the rights of states to regulate inside their own jurisdictions and further destabilized economic controls. However, if justice were provided, economic policies of individual states would need to be developed based on their individual internal economic priorities.

In chapter six, we are presented with a description of the design of global financial structures, yet another example of how outside imposition on and control over states results in the creation of instability and a loss of benefits to state citizens. A case in point is the World Bank's handling of the Greek sovereign debt crisis. The overall risky financial structure of banks leads to instability and serious damage to the standard of living. Sovereign debt gives immense power to creditors at the expense of the welfare of a state's citizenry.

Chapter seven considers the purpose of human rights as a defence against the abuse of political and economic power. This misconduct is ignored when current capitalist regimes are allowed to operate under such doctrines as the United Nations International Covenant on Economic, Social and Cultural Rights (CESCR). While human rights protections are meant to protect potential victims, they also endorse conventional models of economic growth, thereby contributing to the abuse. In order to achieve the objective of addressing the effects of economic and social injustice, human rights laws must be allowed to expose and eliminate the root causes of immiseration.

In the current regime of international law, powerful states shape international economic law and order to perpetuate capitalist expansion, the effect of which is social injustice and inequality. This is clearly reflected in contemporary trade agreements. International human rights law continues to provide concessions to capitalism while simultaneously narrowing the field of opportunity for alternatives to serve humanity. In order for international law to fulfill its true role, there needs to be a restructuring of the international economic order that can accommodate a world order based on social justice and equality.

This book, which addresses the promotion of misery, will be valuable to scholars of international law as well as students of international economic law and order. Readers will find that the select bibliography at the end of the book, which includes relevant monographs, references to chapters from edited collections, and journal article citations, will facilitate further research and investigation into this area.

REVIEWED BY
HUMAYUN RASHID

*Head of Cataloguing & Reference Librarian
Bora Laskin Law Library
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Startup Law 101: A Practical Guide. Edited by Catherine Lovrics. Toronto: LexisNexis Canada, 2017. xxxv, 432 pp. Includes list of contributors, preface, table of contents, index. ISBN 978-0-433-49118-7 (softcover) \$115.00.

An entrepreneur generates an idea for the next successful venture. But what happens next? This highly practical book aims to give the guidance an entrepreneur needs to bring inspiration to action. It offers insights and practical exposition of considerations, from business form and funding of the venture through to its operation.

Startup Law 101 is neither an academic treatise nor a reference book. Rather, it is akin to a user's manual for the entrepreneur, designed to help the would-be founder identify and address key steps, considerations, and options for establishing the venture. The preface expresses the goal of the book well: the high-risk tolerance considered typical of startup founders does not discharge the persistent legal issues that could, if unrecognized or unaddressed, become barriers to either the success of the venture or the preservation of investors' financial stake in it.

Organized in three parts, with 21 chapters from 32 contributing authors, *Startup Law 101* is comprehensive in its scope though sometimes shallow in its depth. Some matters are covered in considerable detail, such as sections on potential financing options available to startup founders. Others are sparingly presented, presumably to ensure clear communication of key issues, as minimal legal detail and analysis suits the practical purpose of the book. At the same time, the large number of contributors and chapters underscores the complexity of legal issues that intersect with startup companies' launches and operations.

Part 1 addresses business formation and structure options and their tax implications, along with financing strategies, explanation of debt and equity financing, and alternative funding models such as sweat equity and crowdfunding. This part focusses on Ontario, with the remainder of Canada discussed by way of contrast. Part 1 concludes with a comprehensive, 67-page guide to funding sources, incubators, and investor sources.

Part 2 looks at the operations of the new venture. This part features chapters on human resources matters, including the differences among employees, independent contractors, and dependent contractors; important contractual terms,

including non-disclosure, non-solicitation, and non-competition clauses; the importance of various policies, including terms of service; marketing and consumer protection law issues; and legal considerations important particularly to businesses operating in the internet sphere, such as defamation and privacy law issues. Many of the chapters in this part discuss key legal authorities from across Canada that support the positions presented; for example, the human resources discussion includes a table of employment standards basics or key provisions across the country. Part 2 also offers some valuable supplementary materials: precedent clauses, template agreements, and sample policies.

Part 3 is different from the other two parts in that it does not follow the track from inspiration to formation to operation. Rather, the editor presents Part 3 as material integral to all stages of a startup's life. This part details strategies to protect the startup's intangible assets, or intellectual property, and the importance of attention to intellectual property considerations from the initial stages onward, including inadvertent misuse of another party's intellectual property. Part 3 begins with an overview of the types of intellectual property applicable to a startup, including the more commonly recognized types like patents, trademarks, and copyrights, along with trade secrets, industrial designs, and integrated circuit topographies. A chart highlights the subject, applicable legislation or governing law, and key requirements of each type, and a simple checklist outlines questions to consider in each area. Part 3 also explains the process of intellectual property due diligence and offers due diligence checklists from the buyer and the seller perspective.

Startup Law 101 is a manual that offers a wealth of useful information to startup company founders and operators, and those who may advise them. It will be of greatest value to entrepreneurs in the early stages of planning or launching a startup. Though it doesn't seem to be designed to be a law student text, students or early stage lawyers considering a future in advising startups will appreciate the broad scope of matters to be considered. Similarly, the book will assist lawyers who encounter clients engaged in startup ventures to spot issues for their own handling or for potential referral.

REVIEWED BY
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Wigmore on Cannabis: The Forensic Toxicology of Marijuana for Lawyers and Other Medicolegal Professionals. By James G. Wigmore. Toronto: Irwin Law, 2018. xxxviii, 554 p. With a foreword by Robert M. Langville. 9781552214848 (paperback) \$110.00.

Author James G. Wigmore worked as a forensic toxicologist for over 29 years at the Centre of Forensic Sciences in Toronto. He has testified in over 700 criminal cases and at numerous personal injury civil cases and coroner's inquests. He has published over 70 scientific articles in forensic toxicology and authored *Wigmore on Alcohol*, published by Irwin Law in 2011.

Given the growing number of jurisdictions legalizing the sale and use of cannabis (including Canada in 2018) and the complexity of this drug, it became clear to the author that information, in the form of a book, was required. Wigmore extensively assessed peer-reviewed scientific literature on the human forensic toxicology of tetrahydrocannabinol and other cannabinoids found in marijuana (cannabis). In this book, he presents over 550 of the approximately 5,000 studies he examined. Studies are organized into eight different chapters covering how cannabis is absorbed and eliminated, biomarkers of cannabis use, effects on driving ability and on health and other behaviours, post-mortem cannabinoids, and various types of cannabinoids and related compounds.

For each study presented, there is a reference number relating to the chapter and specific section, as well as a complete citation for each reference, followed by an abstract written by Wigmore wherein he attempts to avoid as much scientific jargon as possible. Abbreviations are often used, and readers will be glad to find an appendix of abbreviations to which they can refer. Studies abstracted provide information on cannabis use, risks, and consequences, and include a general picture of the current state of medical cannabis use among a sample of approved users in Canada (Ref. No. 10114). Additional studies reveal the following: 1) the presence of cannabidiol, cannabinol, or THC-glucuronide indicates recent use but their absence does not exclude it (Ref. No. 10403); 2) exhaled breath sampling may provide a procedure not only more convenient for the donor but also easier to control for the collector (Ref. No. 40101); and 3) public education concerning THC impairment should also be a priority (Ref. No. 50801).

In addition, where applicable, Wigmore has created tables summarizing and simplifying data found in the study. These tables greatly assist the reader in understanding the differences and similarities between the effects of alcohol and cannabis use. Tables illustrate such topics as the advantages and disadvantages of various methods of inhaling cannabis (Ref. No. 10115); odds ratio of driving error/violation with cannabis, alcohol, or a combination (Ref. No. 50524); and legal THC thresholds in various European countries (Ref. No. 50710). Finally, Wigmore excerpts the studies' authors own words, giving the reader a quick look at each study presented.

Of note, a cannabis timeline is included that provides a quick history of how cannabis was discovered and has come to be legalized in several jurisdictions. Indices covering the studies, authors, publication years, and subjects enable researchers to focus on areas of interest and will assist readers in the pursuit of additional information.

The importance of the examination of cannabis and its legalization is evident in the plethora of books that are now being published. Medical and legal practitioners will find this an indispensable tome with up-to-date scientific evidence related to cannabis and its use. Academic law libraries will also benefit from having this practical book in their collections, as it emphasizes the depth of analysis that has been undertaken and will continue to be required as new cannabis-related issues arise in our courts.

REVIEWED BY
MARGO JESKE

University of Ottawa Library

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

Jonathan de Vries, “Legal Research, Legal Reasoning and Precedent in Canada in the Digital Age” (2018) 48:1 Adv Q 1.

Lawyers are trained to be skeptical. They identify, probe, and address worst-case scenarios, and they resist change. Even when accepted, whether reluctantly or enthusiastically, change often moves at a glacial pace. However, after a certain point, like a triggered rockslide, change happens quickly, and it takes time before the altered landscape can be assessed. This article reviews the ways that changes brought about by the digitization of legal resources have affected the legal landscape. Jonathan de Vries, a partner at Shillingtons LLP in London, Ontario, posits that this shift from print to digital legal information affects not only research but also the practice of law, legal reasoning, and the substantive content of law itself. He warns that this should be of concern to legal practitioners, as how “they locate, comprehend, interpret and present arguments regarding case law directly impacts the law itself” (p 3).

With a particular focus on Canadian law, de Vries considers the impact of the transition from print to digital sources. He summarizes the existing scholarship on the interaction between legal media, legal reasoning, and substantive law. Much of the existing scholarship concentrates on the UK and US, where the existence of robust print media and their related structures and strictures create a framework around which the change occurs. A similar, fully entrenched framework of print sources does not exist in Canada; consequently, de Vries believes that the disruption to the common law legal system that the shift to digital media generates poses a more acute threat in Canada.

The article comprises two parts. The first part traces the general history of legal information distribution, focussing on the publication of judicial decisions, and explains how digitization is displacing the system. The second part focusses on how the procedure of case law reporting and the curation of legal information created the structures and organization of substantive law and demonstrates that these two aspects are not present in the emerging digital system. De Vries focusses specifically on case law and lays out three main reasons for this approach. First, the study of case law is the best way to understand the substantive content of the law and to apply that law to new legal problems; it is how law schools train students to “think like lawyers.” The study of case law is also the preferred method of interpreting, explaining, and applying legislation. Finally, case law is the way that precedent, the defining concept of common law, is established.

Prior to the 19th century, nominate reports—collections of cases and judicial proceedings compiled by individual editors—were sources of case law; however, they were neither universally accepted nor treated as authoritative pronouncements of law. The accuracy and quality of these reports varied, and they presented a patchwork of the law influenced by the interests, skill, and foibles of the compilers. In the 19th century, concerns about the timeliness, accuracy, and quality of these nominate reports led to attempts to standardize case law reporting. Ultimately, partnerships developed between the judiciary, legal profession, and private publishers. In the UK, members of the legal profession established the Incorporated Council for Law Reporting (ICLR), a non-profit that still publishes law reports today. In the US, West Publishing Company became the preeminent publisher of law reports. Private enterprise law

reporting occurred in Canada as well, but no dominant player emerged, leading to fractured and uncoordinated reporting.

The field of law was one of the first to embrace the digital distribution of information, as judicial decisions are inherently suitable for computer-based storage and retrieval. They are text-based, generally short, with few attachments, and have little need for editing. Early providers set up computer terminals in law libraries; however, legal research did not change significantly at the time. Cost prohibition was one factor that stymied universal acceptance within the profession, along with inconvenience and the inherent conservatism of lawyers. As a result, print remained the dominant mode of legal research well into the 1990s. But when change came, it came rapidly.

The rise of the Internet, the availability of online legal databases and proliferation of personal computers did away with the need for dedicated commercial terminals in law libraries. The costs related to print materials increased, prompting users to find alternatives. Additionally, the maturation of “digital natives” has had a profound effect on legal professional conservatism, as younger professionals are more likely to have extensive exposure to online materials and less experience with print, pushing the profession away from exclusive reliance on paper sources. Presently, digital resources are so widely available and used that it is possible to imagine accusations of malpractice against legal professionals for failing to conduct online legal research. Digital resources are here to stay.

All change comes with consequences, and de Vries discusses the effect that the transition to digital legal sources has had on legal research and the practice of law. He focusses on the loss of selectivity and curation, two aspects underpinning print-based case law that he believes are not present in the digitized world of case law. In fact, he argues that the digital system is completely at odds with these characteristics.

The print system’s selectivity meant that publishers did not print every judicial decision, and they used screening criteria based on varying degrees of objectivity and arbitrariness to determine which decisions to record and preserve. The print system’s curation included additional information published alongside the reported cases, finding aids, and commentary, which provided useful tools to assist researchers in their quest to find relevant case law. De Vries argues that both selectivity and curation had an influence on the development of legal reasoning and substantive law.

In the UK, the ICLR used a high degree of selectivity and attempted to report decisions that had precedential value or clarified a particular point of law, and they did not publish decisions that were limited to their facts or had little value for subsequent disputes. While this process was not foolproof, it did lead to the publication of only a small percentage of rendered decisions. In the US, West Publishing Company took a different approach and published all decisions from federal and state appellate courts. This tactic fed the need of lawyers looking for a comprehensive landscape of the law and better equipped them to counter their opponents’ arguments. In Canada, due primarily to the dearth of

resources and limited markets, case law selectivity originally mirrored the British model. Nevertheless, even as Canadian legal publishers like Carswell, Canada Law Book, and Maritime Law Book established themselves in the market, uniformity remained elusive. Some publishers selected case law based on precedential value, while some published all the decisions rendered by a specific court.

With digitization, the volume of case law available to lawyers in practice has increased dramatically. De Vries argues that this availability has the potential to alter the idea of precedent. As it becomes more difficult to reconcile a large body of available case law, it is possible to undermine the underpinnings of *stare decisis*, fairness, certainty, and predictability. De Vries describes various schools of thought as to what precedent might come to look like under the digital system: reliant on the reputation of certain courts and/or jurists or contingent on the number of times a proposition is endorsed or followed. The speed and volume of case law dissemination will undoubtedly affect the traditional, glacial pace of change characteristic of the legal profession.

Free-text searching has relegated finding tools and secondary sources to the sidelines. Digitization has fundamentally altered the curation of court decisions, including the addition of editorial enhancements and finding tools. Search engines have developed into the preferred method of locating decisions. De Vries articulates a number of issues that searching raises: loss of structure, disaggregation, or overemphasis on the discovery of a specific answer rather than investigating the reasoning process or the surrounding context of information. De Vries cites scholars who believe that the emerging dominance of free-text searching fundamentally changes the very core of legal reasoning and concepts like *obiter* and *ratio decidendi*.

De Vries is no Luddite: he recognizes that digital legal resources are here to stay. He advises that legal professionals be aware of the effects of the transition and believes that the “legacy of print leaves behind an intellectual architecture that can act as [a] bulwark” (p 40) against the disruption to legal reasoning and substantive law. The absence of a strong, authoritative organizational source or definitive system of law reports in Canada poses singular problems: historical, structural fortifications are absent. The disruptive effects to the legal profession of transitioning to digital sources pose a more serious threat in Canada than in the US or UK.

De Vries’s arguments should serve as warnings to legal professionals and researchers: the impulse to embrace technological advancements without question can have sweeping consequences. Digital case law is not the functional equivalent of case law in a print format. There are significant differences, with far-reaching effects on how legal professionals carry out their jobs.

Susan Nevelow Mart, “The Algorithm as Human Artifact: Implications for Legal [Re]Search” (2017) 109:3 Law Libr J 387.

As legal researchers, we are adept with using Boolean operators, knowing the quirks and variations of a variety of databases, and formulating and modifying search strings that garner results with a high degree of accuracy. Nevertheless, do we really know what happens after we hit enter? Why do identical search strings used in different databases bring back varying sets of results? Database algorithms are responsible for these variations. Algorithms are trade secrets, the details of which database owners are unlikely to reveal. Tip sheets and user guides provide limited information; however, researchers are generally not privy to the mechanisms of prioritization, classification, association, or filtering employed by legal databases.

In response to the lack of algorithmic transparency by legal database creators, Susan Nevelow Mart conducted a study to expose the extent to which inherent biases and assumptions embodied in these processes affect the results. She examined the outcomes of identical case law searches conducted across six databases: Casetext, Fastcase, Google Scholar, Lexis Advance, Ravel, and Westlaw. Using simple keyword searches crafted to include multiple words and at least one legal phrase or concept, Mart found little overlap in the top ten results of each database. The relevancy of the results varied widely, from 39.7 per cent for Casetext to 67 per cent for Westlaw. Irrelevant cases were included in the top ten results of all the databases; however, Westlaw and Lexis Advance generally produced the highest percentage of relevant results. Their long-standing, august framework of case curation, classifications, headnotes, and other editorial enhancements undoubtedly influenced the pertinence of their results. Overall, Casetext, Fastcase, and Westlaw produced the largest number of recent cases, while the Google Scholar results included the greatest number of older cases.

Mart asserts that being aware of the unique biases and assumptions built into each legal database will assist researchers when formulating search strings, and such knowledge will enable them to maximize the accuracy and relevancy of results according to the database searched. Relevance ranking, classification schemes, associative relationships, and filtering are all attributes that can affect search results.

Mart posits that digitization has increased the complexity of the search task. In exchange for instant access, a user must master increasingly complex tasks to recover information effectively. The increased availability of information necessitates extensive strategies of research. More does not always mean better, and curation is still a crucial factor for all case law research. The more information a researcher has regarding the attributes of a database’s underlying algorithm, the better equipped they are when conducting online legal research. Researchers will be more effective once they understand that every algorithm has a unique voice.

Redundancy in searching has always been a factor in legal research. One source is often not sufficient to provide a fulsome answer. This study clearly demonstrates that the need for redundancy has not declined with the rise of digital searching. Mart believes that searching in multiple databases may be the present-day version of making sure that a library’s collection includes multiple authorial viewpoints.

The results and analysis of Mart’s research raise important issues of which lawyers, law students, and legal researchers should be cognizant. The fact that each of these databases generate such varied results should give legal professionals pause and might affect subscription decisions. Legal database providers should be required to provide more information about how their databases operate. Algorithmic accountability is necessary to improve research results. The adage “garbage in, garbage out” is an appropriate descriptor of what legal researchers face when conducting online case law research. If they are not aware of the biases and assumptions built into their tools, they cannot formulate the best questions to find the best answers.

Jer Thorp, *The Artist in the Archive* (2018) (podcast), online: <artistinthearchive.podbean.com>.

Last year, the Library of Congress established an Innovator-in-Residence Program to support new and creative uses of digital collections. The first innovator-in-residence is Jer Thorp, a Canadian-born artist and educator. During his tenure, Thorp created an informative and entertaining podcast that charts his exploration of some of the treasures in the library’s collection and his discussions with the librarians, archivists, and technologists tasked with curating those items. In one episode, Thorp speaks with an archivist who unearthed the transcripts of interviews conducted in 1957 by Margaret Mead and Rhoda Métraux. They spoke with a wide range of American children and adults about their thoughts and feelings in response to the launch of Sputnik. These documents provide a wealth of historical cultural information. In another episode, Thorp interviews a long-tenured library cataloguer who provides amazing context for the development, scope, and consequences of the digitization of records. This podcast covers a wide range of topics that any library-phile or information professional would enjoy.

There's another reference that you might not know about for research and news on Canadian employment law and internal control

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

By Kate Laukys

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

EDMONTON LAW LIBRARIES ASSOCIATION (ELLA)

ELLA has been fortunate to have some very interesting presentations during the fall of 2018.

We started with a business meeting in September, where we made some amendments to our bylaws, discussed possible future presentations, and received an update regarding the CALL/ACBD conference to be held in Edmonton on May 26–29, 2019.

In October we had a rare opportunity to tour the Edmonton Law Courts file room and learn about the life cycle of court records from Marcel Lafleche, Court Records Disposition Clerk and Assistant Supervisor.

Donald Netolitzky, Complex Litigant Management Counsel for the Court of Queen’s Bench, visited us in November to share his presentation titled *A Rebellion of Furious Paper: Pseudolaw as a Revolutionary Legal System*. Donald shared information about both the beliefs of OPCA (Organized Pseudolegal Commercial Arguments) litigants and how they try to transfer these beliefs into the legal system. OPCA litigants are also referred to as Freeman on the Land, Sovereign Citizens, and Detaxers. The court often refers to them as vexatious litigants.

Our final event of the year was our annual Christmas party. We always look forward to the opportunity to connect with our colleagues in a more relaxed environment.

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

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

Le 27 septembre 2018, l’ABDM a tenu son lunch annuel de la Rentrée au restaurant St-Hubert. Le 27 novembre 2018, l’ABDM a organisé une conférence intitulée « La légalisation du cannabis : enjeux en milieu de travail » avec Me Justine B. Laurier et Me Marie-Pier Emery avocates au cabinet Borden Ladner Gervais.

On September 27, 2018, MALL held its annual lunch meeting at St-Hubert. On November 27, 2018, MALL organized a conference titled *The Legalization of Cannabis: Issues in the Workplace* with Justine B. Laurier and Marie-Pier Emery, lawyers with Borden Ladner Gervais.

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

ONTARIO COURTHOUSE LIBRARIES ASSOCIATION (OCLA)

We are pleased to welcome the following new members into our association: Grace Bedwell is the new librarian at the Halton Law Association; Emmanuel Mandez is the new library technician at the Frontenac Law Association; the Toronto Lawyers Association has hired a new outreach and reference librarian, Erin Wescott; Sarah Bittle is the new library technician at Perth Law Association; and Tyler Roy is

the new library assistant at the Cochrane Law Association. Stacy Zip is covering Laura Richmond's maternity leave, and the Durham Law Association welcomed back Shanna Giguere from her maternity leave.

Pat Henry, Simcoe County Law Association, will retire in December of 2018 after 34 years of service.

A new OCLA Board has been elected for 2019/2020. The following represent the new OCLA Board:

- Chair: Pia Williams (Waterloo Region Law Association)
- Co-vice-chairs: Laura Dobbie (Peterborough Law Association) and Janet Marchment (York Law Association)
- Secretary: Maria Berezowski (Kenora Law Association)
- Treasurer: Michelle Gerrits (Lambton Law Association)
- Past President: Helen Heerema (Thunder Bay Law Association)
- Member-at-large: Ciara Ward (Northumberland Law Association)

Our fall conference was held in Toronto from October 25–26, 2018. The conference had a presentation on the new OCLA app. During our conference we had a short presentation by Jennifer Walker and Brenda Lauritzen from the Carleton County Law Association on their innovative project willcheck.ca, a searchable database of wills filed in the Ottawa region. They hope to expand this service into a province-wide database. As well, Jaye Hooper, chair of the Federation of Ontario Law Associations, reported on the status of the Legal Information Resource Network (LIRN) proposal. Currently the transition team is working on hiring a new board of directors. Discussions on this new framework for LibraryCo continue, but one decision has been made: county law library staff will remain employees of their local associations. We look forward to future communications from the LibraryCo/LIRN board in 2019.

OCLA is excited to rollout our new mobile-friendly site, designed to be a lawyer-centric portal to the county and district law libraries in the province. We've packaged the individual law library profiles into one convenient site, offering an easy-to-digest overview of the information and services being offered. Some of the features include:

- Highly visible quick link icons to contact information, location-based mapping, weather, and association websites.
- Quick catalogue access to diverse resources, directly from the home page.
- A persistent header with a drop-down menu for easy navigation by association or city.
- Information about hours, access, electronic resources, parking, robing rooms, lounge facilities, value added extras, and more.

Enhance your travel experience to an Ontario Courthouse Library by visiting oclanet.com/webapp.

**SUBMITTED BY
PIA WILLIAMS**
Chair, OCLA

TORONTO ASSOCIATION OF LAW LIBRARIES (TALL)

A new executive was ushered in at the Toronto Association of Law Libraries (TALL) and consists of:

- Candice Fong, President
- Julie Hetherington-Field, Vice President
- Laura Chuang, Treasurer
- Heather Bennett, Membership Liaison
- Ashleigh Graden, Secretary
- Robert Keshen, Past President

Part of my mission as president is to promote professional development, outreach, and support. In addition to our usual social and learning activities, we had some major milestones. Our one-day TALL eXchange 2018 conference in late October was a success. This year's theme was innovation and legal technology and how these developments impact the information and knowledge fields. We were fortunate to have some excellent sessions and interest went beyond the Greater Toronto region, as we had attendees from Ottawa and Edmonton! We hope to have our next one in 2020, so please keep your eyes peeled for that. The other great news is the joint salary survey with CALL/ACBD. TALL has regularly published a biennial salary survey, but we wanted to expand our scope, and we were excited to partner with CALL/ACBD. I'm looking forward to seeing the results of the survey and understanding our community from a perspective complementary to the knowledge we possess. We have some other projects in the pipeline that I hope will come to fruition during my term, and they will be announced when they do, but if you have any ideas or feedback, please feel free to reach out to me and the executive.

**SUBMITTED BY
CANDICE FONG**
President, TALL

VANCOUVER ASSOCIATION OF LAW LIBRARIES (VALL)

Greetings from Vancouver!

VALL's October programming event was a brown bag session called "Bring Your Own Book (BYOB): Best in Basics Edition." Attendees brought one book from their own collection that they felt best conveyed the basics of a specific practice area or focus of law. Books brought to the session included *Administrative Justice: A Practitioner's Guide* and the *Canadian Master Labour Guide*.

VALL's last educational session of 2018 was an interactive one led by Kayla Strong and Nathan Lapper of Norton Rose Fulbright Canada LLP that reviewed some of the most significant cases decided by the Supreme Court of Canada this year.

On a sadder note, Astrid Kenning, a founding member of VALL and a former member of CALL/ACBD, passed away in October 2018. Astrid was the inaugural library manager at the BC Industrial Relations Council and remained there until her retirement.

**SUBMITTED BY
SUSANNAH TREDWELL**
President, Vancouver Association of Law Libraries
2018/2019



III Conference Report

6th Annual Ontario Government Information Day By Janet Macdonald

As a part-time government library worker, I was eligible to attend the 6th annual [Government Information Day](#), hosted by the Ontario Government Libraries Council (OGLC) on Friday, November 30, 2018. Thank you to Simone O’Byrne, organizer of the GI Day, and Frank Van Kalmthout, OGLC chair and host of the GI Day.

The predominant theme of the many presentations was the collection, preservation, and accessibility of government information. The following is an overview of several projects discussed.

Post-depository: Investigating the Persistence of Federal Government Publications in Former Depository Libraries.

Following the 2014 cancellation of the Depository Services Plan and the move to digital publishing, former depository libraries have had to move from automatically receiving print to acquiring digital. The Canadian Association of Research Libraries (CARL) funded a project that will survey 23 libraries, both full and limited depository, to determine how they address several issues related to federal government publications. Do they acquire, maintain, repurpose, re-evaluate, access, catalogue, etc., the digital versions? The project will assess three points in time—1995, 2005, and 2015—to compare collection content, status, distribution, etc. The results will be relevant for resource sharing and preservation, as well as instructive to former depository libraries.

Web Archiving (panel). Representatives of CARL’s [Canadian Web Archiving Coalition](#) (CWAC) presented

summaries of their web archiving initiatives. Library and Archives Canada (LAC) has been preserving web data since before 2005. They collect a variety of material, including social media, on specified topics: themes like cannabis, events like Humbolt, political parties, hashtags, etc. The data is full-text searchable internally and will be publicly available. Archives Ontario has been collecting static snapshots since 1997 and provides public access to government websites such as official records, material related to SARS, etc. Concerns include content mapping, government website changes before and after elections, long-term value of the data, and establishment of conventions. Using [Archive-It](#), the University of Toronto is periodically collecting Ontario ministry websites, City of Toronto websites, thematic collections, event-based collections, election material, and more. Issues include depository responsibilities, expertise and collaboration, copyright compliance, selection, design, technology, and metadata standardization.

Legislative Library Government Documents Collection and Evolving Open Technology Platforms. [OurDigitalWorld](#)

is a public portal that archives and makes available both Legislative Assembly and Ministry of the Environment material. Building on the Ontario experience, OurDigitalWorld is working on a pilot project with British Columbia. Issues of concern relate to the technical formats of the collections and their impact on searching and access: conversion of MARC to SML, open source, API, parsing records using XSLT, OCRing PDFs, enrichment, and capturing graphics.

Government and Grey Literature Web Archiving Pilot (Scholars Portal). The Ontario Council of University Libraries (OCUL) has formed a steering committee and content advisory working group to collaborate on [Scholars Portal](#), a project to archive web data related to the Ontario Legislative Library, Canadian public documents, etc. Access will be restricted to subscribing institutions. Beginning in the summer of 2019, they intend to work with other similar groups to preserve and protect data. Of particular interest is data that was published in microform; e.g., Microlog from ProQuest, which was discontinued in 2018.

Linked Parliamentary Data Project (LiPad). [LiPad](#) is “digitizing Canada’s Parliament.” Currently, the Hansard from 1901 forward is fully searchable, and they intend to add committee debates and other relevant materials, as well as videos from CPAC. Along with searchable full text, each speech will include details relating to finances, speaker biography, party, etc. LiPad has been testing the ability of automated systems to reflect the sentiment and ideology of the speaker, whether positive or negative, energized or subdued. The addition of French content is being addressed, as well as backdating to 1885.

Digitization of At-risk Government Publications. The [Internet Archive](#) is addressing issues with print and digitizing everything. The plan is to provide enhanced access, combine content into sets, and print as required.

The [Canadian Knowledge Research Network](#) (CKRN) announced that “the [Canadiana](#) collections of archival material, government publications, periodicals, monographs, annuals, and newspapers will be free to access as of January 1, 2019.”

Librarianship in the Digital Age: Challenges, Threats and Opportunities. This session addressed the influence of the FANG (Facebook, Amazon, Netflix, Google) sector and its sustainability, monopolization as opposed to management, quality control as opposed to traffic generation, lack of oversight, changes in attention span, and commercial interests controlling content and availability.

FOI Inside Out: Librarians Working in FOI. A panel of government and government information librarians discussed freedom of information (FOI) as it applies in Ontario under the *Freedom of Information and Protection of Privacy Act* and the *Municipal Freedom of Information and Protection of Privacy Act*. FOI requests are complicated, time-consuming endeavours. The panel advised requesters to begin by consulting with an FOI officer to form the request, identify possible collections, and understand timelines and costs. Requested material may be exempted for a number of mandatory and discretionary reasons listed in the acts.

Is a 50% Reduction of Government Doc’s Space Possible? - The Curation Weeding Dance. This session reviewed the steps that the University of Waterloo took to reduce the government documents collection to provide space for the main collection with very little time or funding. The long runs are key to the collection, so various other criteria were considered: value to the local community, research emphasis, avoiding duplication of other collections, historical value, digital alternatives, etc.

An Update on APLIC’s GALLOP Portal. [GALLOP](#) provides a one-stop searching solution for library catalogues from all Canadian parliamentary libraries. The intent is to reduce duplication and provide wide availability; however, content varies with each jurisdiction, the portal is not comprehensive or exhaustive, and it is currently experiencing technical difficulties, delays, and issues with non-standardized catalogue records.

New Book Announcement: Government Information in Canada. [Government Information in Canada: Access and Stewardship](#), edited by Amanda Wakaruk and Sam-chin Li, will be available in March 2019. University of Alberta Press is accepting pre-orders via Indigo or Amazon, and the PDF will be open access.

Law via the Internet 2018

By Margo Jeske

The purpose of the Janine Miller Fellowship is to provide funding for one CALL/ACBD member to attend the Law via the Internet (LVI) Conference each year. Since it began in 1997, the LVI conference aims to bring together the various communities involved in all aspects of free access to law. It is organized annually under the auspices of the [Free Access to Law Movement](#) (FALM), a consortium of more than 60 non-profit institutions dedicated to providing free and open access to the world’s law.

Having been awarded this fellowship at the CALL/ACBD conference in 2018, I had the privilege of attending LVI in October. The conference was held in Florence, Italy, at the University of Florence, with most sessions held at the Aula Magna of the Rectorate, Piazza San Marco. This year the LVI conference was organized by the [Institute of Legal Information Theory and Techniques](#) of the [Italian National Research Council](#), and the theme was “Knowledge of the Law in the Big Data Age.”

The conference proposed to explore issues of trust in accessing law for democratic purposes in the big data age. During the two-day conference, speakers discussed how scholars, researchers, legal practitioners, and information professionals use very large or complex data sets to distill meaning and develop public policy. They emphasized the critical role knowledge management plays for organizations seeking to establish trustworthy digital repositories, with an objective to make the future open and diverse, based on genuine verified legal content.

Lunches, breaks, and networking opportunities were held in the outside courtyard, and we were fortunate to have lovely weather as we enjoyed Italian specialties, including espresso. Other concurrent sessions were held nearby at Sala Strozzi of the Natural History Museum of the Department of Earth Sciences.

Presentations were given in English, although some opening remarks and a special session were held in Italian. We were reminded of the theme, with big data being described as

either the greatest peril or greatest innovation. Emphasis was placed on legal data analysis while fostering public interest in the law. The morning keynote examined legal frameworks and epistemologies in the big data age. We were reminded that although data has always existed, the sheer volume of data now requires new tools to understand, extract, and use them.

A question on the impact of technology led the sessions on Legal Data under (Free, Open, Linked, Big) Data Deluge, and Giancarlo Vilella discussed European Parliament's digital transformation journey, highlighting the need to enlarge borders between technology and the law. The interoperability of the European Legislation Identifier (ELI) and how it can be used to enhance access to legislation, was also a topic of discussion. Document types covered in searches include directives, regulations, decisions, international agreements, opinions and recommendations, and the EU Budget, with treaties under development. The presenters gave examples of how they are working on a transposition between European and national laws to encourage a different way of accessing the law. The decisions of the European Council have been tagged with a European Case Law Identifier (ECLI). Over 10 million decisions have an ECLI, with the participation of 28 member states and European courts. In addition, the roles of legal information institutes in the building of a commons of free access legal expertise were examined.

Various speakers tackled challenges, opportunities, and limitations in opening legal data. Topics included the dissemination of legal information, with a view from France on the wedding or divorce between open data movement and the implementation of personal data protection law principles. Sessions on data visualisation in law included a presentation on legal design and the application of a human-centred design approach to legal services, which generated great discussion and much interaction.

And that was only day one! After the day's sessions, we enjoyed a five-course meal at the Teatro della Pergola. Dinner was an excellent opportunity to meet new delegates and learn about the work being done in different parts of Europe and Australia in the areas of legal research and dissemination of legal information.

Day two began with a keynote speech from Deirdre Curtin, Department of Law, European University Institute, who addressed transparency and information sharing in the European Union. This was followed by speakers who examined open judicial data and case law publication from Australian, Finnish, Italian, Cypriot, and French perspectives.

Legal knowledge sharing is critical moving forward. A presentation on meeting the legal information challenge of Brexit was most informative and included discussion on how to reintegrate legislation from the EU back to the UK, while maintaining the integrity of what happened during the UK's membership in the EU. The scope of work undertaken already, and what lies ahead, is daunting.

My final session of the day highlighted experiences in accessing the law across the globe. I was delighted to again

make acquaintance with Janet Odetsi-Twum (Ghana School of Law), who presented at the IFLA Law Libraries section in Cape Town, South Africa, in 2015. In this talk she focussed on the opportunities and challenges to access to primary legal information in Ghana, open data initiatives, and how law librarians are pursuing credit hours for development of research skills.

This snapshot of LVI 2018 refers only to some of the sessions that I attended and does not come close to covering the breadth of information shared. There is much to think about and follow up on in terms of data protection, privacy, access, anonymization, linked open data, authenticity, and identifiers.

Additional information about LVI 2018 can be found at lvi2018.ittig.cnr.it and presentations are accessible at lvi2018.ittig.cnr.it/presentations. Details on how to apply for the Janine Miller Fellowship are on the CALL/ACBD website. LVI 2019 merits your consideration.



III News from Further Afield / Nouvelles de l'étranger

Notes from the UK

London Calling

By Jackie Fishleigh*

Hi, folks!

I am writing this on my first day in the office after the Christmas break, when it is always a tad difficult to get into the swing again. This year it seems surprisingly quiet on the trains and in the streets. There is a distinct chill in the air after a very mild spell.

Looking back on 2018, I suspect the main memories for English people like me will be the three-month heatwave in which we basked and the very creditable performance of our team in the Football World Cup. These two elements combined led to a few weeks of great happiness for millions.

No one knows quite what 2019 will bring, but it is likely to be pivotal year.

Our New Year fireworks were apparently even more extravagant this time around. Controversially, as the fireworks went off along the Thames, we heard the phrase "London is open" in French, German, Italian, Spanish, Polish, Romanian, as well as English. Tracks from European artists were to the fore. The EU colours appeared briefly around the London Eye.

Some Brexiteers have since accused Sadiq Khan, our Labour mayor, of hijacking the event for political purposes, as he opposes Brexit and has called for a second referendum.

Everything seems to be about the B word these days.

Brexit, Brexit, Brexit...

The turmoil rumbles on.

The front page of the *Daily Telegraph* on 5 December 2018 had an article titled "The Day May Lost Control" and included an opinion letter which read:

Night had long fallen over Westminster before Theresa May got to her feet to open the momentous five-day debate on her Brexit deal with the EU. Another dramatic day at Westminster began with a motion tabled by Labour declaring the Government to be in contempt of Parliament for refusing to publish the legal advice it had received about the ramifications of the Withdrawal Agreement, in breach of an instruction from MPs.

There have been many unusual events linked to Brexit, but it is unheard of in modern times for a government to be found in contempt. As a result, it will disclose the legal advice in full today.¹

On 10 December, the ECJ advocate general ruled that Article 50 *could* be unilaterally revoked.

A day later, Parliament eagerly awaited the hard fought "meaningful vote" on Theresa May's hugely unpopular Brexit deal. This had long been scheduled to be held on 11 December, but was abruptly cancelled the day before, to the absolute fury of large numbers of MPs in the House of Commons. Theresa

¹"May's Authority is Draining Away", *Daily Telegraph* (5 December 2018) 21.

May cancelled the vote due to the ever-growing threat of the government's Brexit deal being voted down.

The Speaker, John Bercow, summed things up as follows: "Halting the debate after no fewer than 164 colleagues had taken the trouble to contribute will be thought by many members of this house to be deeply discourteous."²

The fallout from this debacle meant that the PM had to return and face the Tory music, cutting short a hastily arranged tour to see various key characters in Europe and get a better deal. *The Metro* free newspaper ran the hilarious headline "Nice to See EU Again" with a snap of May awkwardly shaking hands again with her nemesis Jean-Claude Juncker in Brussels. At a later meeting, she also appeared to get stuck in her official car, leaving Angela Merkel waiting on the red carpet.

On 12 December, the PM was subjected to a vote of confidence by her own party. She won this, after securing 63 per cent of the total vote and is now immune from a leadership challenge for a year. It is understood that to achieve this result, May had to commit to standing down in the near future.

Laura Kuenssberg, the BBC's political editor, tweeted:

Of course her colleagues in govt relieved that she can try to carry on but it's a survival not success tonight - another big knock to the PM's credibility, and no solution at all to the gridlock in Parliament - she's survived, her brexit compromise can't in its current form³

The meaningful vote is due to be applied by the Commons in the week commencing 14 January 2019.

In case any readers are wondering why we can't just stay in the EU, since there is a clear legal path to remaining, the problem is that this is seen by many as undemocratic, given the vote to leave in the referendum two years ago.

I (Don't) Predict a Riot

Would there be rioting if Brexit was stopped?

There are three reasons why I feel that large scale rioting is unlikely.

Firstly for geographical reasons: all the major UK cities, bar two, voted to remain. London voted by 60 per cent to stay in the EU. So any rioting is likely to be in more rural areas, particularly Lincolnshire, which had a leave majority of over 70 per cent.

Historically, we do not tend to have rioting in our blood. As recently as 20 October 2018, 600,000 people marched down Whitehall to demand a second referendum on Brexit. None

were arrested or hurt, and even during the dramatic events last month, hardcore protesters on both sides have held camps outside Parliament right next to each other. On the late night political chat show *This Week*, retired senior Tory politician Michael Portillo even described the mood amongst protestors as "good humoured."

One man on the Remain side has deliberately displayed a large anti-Brexit poster in the background whenever a reporter is doing a piece to camera. He's got in the way so many times that special temporary buildings have been put up to shut him out. His response? He has simply made an exceptionally long pole on which to mount his placard and remains visible!

At the time of writing, there has been full-scale rioting in the centre of Paris led by "professional" rioters. The French have always been much more inclined to resort to street protests when they are unhappy!

Two hundred years ago on this side of the Channel, the tragic event known as Peterloo occurred in Manchester when 60,000 gathered in St. Peter's Fields to demand the vote. Seventeen citizens died and 500 were injured as knife-wielding soldiers rode horses into the crowd. Manchester, the UK's third largest city, at that time had a population of half a million but no elected representative at Westminster. There was no effective means of maintaining public order, as this was pre-police. Magistrates and watchmen, as depicted in *Shakespeare's Henry IV, Part 2*, could only call on the help of the military after literally reading out the *Riot Act 1714*. This meant that anyone assembled who did not leave within the hour had committed an offence punishable by death.

Acclaimed film director Mike Leigh worked on the recently released film *Peterloo* to mark the anniversary. Sir Geoffrey Bindman, QC has written a fascinating article in the *New Law Journal* (7 December 2018) in which he opines that the whole business still influences the way in which UK "governments have learned to manage public order without resort to the lethal violence of Peterloo."⁴

#metoo Tragedy

Just before Christmas, a Brexit lawyer and partner at global law firm Eversheds Sutherland was found dead on a Welsh beach in an apparent suicide after inappropriate behaviour allegations made by two female staff members had led to an investigation into his conduct. Staff are said to be devastated.

Lawyers in the "Gig Economy"

Over 1,000 are now working remotely at "platform" law firms.⁵ Excello Law was one of the first law firms in the UK to pioneer true agile working. The firm was set up in 2009 as a direct response to the experiences of its founder, George

² Peter Walker & Jessica Elgot, "May Admits She Would Have Lost Brexit Deal Vote by Large Margin", *The Guardian* (10 December 2018), online: <www.theguardian.com>.

³ Laura Kuenssberg, "Of course her colleagues in govt relieved that she can try to carry on but it's a survival not success tonight - another big knock to the PM's credibility, and no solution at all to the gridlock in Parliament - she's survived, her brexit compromise can't in its current form" (12 December 2018 at 17:44), online: *Twitter* <twitter.com/bbclaurak/status/1072970412458471424>.

⁴ Geoffrey Bindman, "Peterloo Remembered" 168:7820 *NLJ* 22 at "Comment," online: *New Law Journal* <newlawjournal.co.uk/content/peterloo-remembered>.

⁵ Jan Miller, "Lawyers in the Gig Economy" 168:7817 *NLJ* 5(1), online: *New Law Journal* <newlawjournal.co.uk/content/lawyers-gig-economy>.

Bisnought, as both a lawyer and a client. He believed the traditional equity partnership and hierarchical structure of many law firms did not meet changing expectations and set out to establish a new-model firm offering an alternative, credible career path for senior lawyers within private practice. Excello Law acquired its license as an Alternative Business Structure in 2013. The firm recently acted for a former NHS employee who has been awarded a £1 million compensation after being unfairly dismissed following an incident in a hospital car park.

The firm has grown rapidly to a team of over 80 fee-earners, with year-on-year growth averaging 20 per cent. Excello now has five UK offices across London, Liverpool, Leeds, and Chester; an office in Sweden; and a partnership with a new-model firm in the US.

Mental Health in the Legal Profession

There is currently a drive to beat the stigma around mental health which persists in the barristers' branch of the legal profession. This is branded as "Wellbeing at the Bar." Watch the impressive video on the [Wellbeing at the Bar website](#) with a very diverse group of talking heads from all areas of the bar promoting it.

Solicitors Qualifying Examination (SQE) to be Introduced in Autumn 2021

Solicitors Regulation Authority chief executive Paul Philip said it "offers a fresh opportunity to increase access to the profession."⁶

Should an Automated Vehicle Mount the Pavement to Let an Ambulance Through?

Driverless cars and other automated vehicles will be the subject of law commission consultation into potential regulatory reform following a public consultation, which is due to end next February. It looks at how to ensure safety for passengers and the wider public and who would be responsible for accidents. It is part of a three-year government review.

Having used a driverless pod at Heathrow airport in the recent past, I am quite enthusiastic. The Docklands Light Railway (DLR) in the eastern side of London has always been driverless since opening on 31 August 1987!

Livestreaming of the Court of Appeal

The week of 12 November saw the first Court of Appeal hearing to be [livestreamed in full](#). Although Supreme Court cases have been available in this way for some time, the media have only been allowed to film and broadcast selected Court of Appeal hearings since 2013.

The live proceedings kicked off with a dispute over West Ham United's use of their stadium, which was built for the 2012 London Olympics. This is a case of personal interest to

me and millions of other members of the British public, who were promised that the stadium would continue to be used for athletics as part of our Olympic legacy. In the summer of 2017, I was sitting watching both the World Athletics and World Para Athletics Championships in its very seats! Meanwhile, a colleague who is a lifelong West Ham fanatic moans that his club is thrown out of its ground, and he has to keep going to away games! The cost of converting the stadium to and from football to athletics and back is very high. The case is [WH Holding Ltd v E20 Stadium](#); in other words, the West Ham football club versus the leasehold owners of the London Stadium located in Stratford, East London. The postcode is E20.

Sir David Attenborough Chosen to Represent the World's People

The 92-year-old naturalist and broadcaster, who recently produced yet another brilliant wildlife series entitled *Dynasties*, gave a widely reported and terrifying speech on 2 December at the G20 in Poland. He challenged world leaders by stating "[t]he continuation of civilisation is in your hands."⁷

My partner, Rob, and I recently visited the Eden project in Cornwall, which houses the world's largest indoor rainforest. My main takeaway from this was that the use of palm oil should probably be banned right now! In the same way that plastic should have been several decades ago, save for restricted essential use.

Please Note: Stephen Hawking!

We have been having a popular vote to decide on the new face for one of our bank notes. The chosen person must be a scientist (non-living). I would put my money on Stephen Hawking (actually, I am hoping it will be the other way around!). He gave, and continues to provide, inspiration to all. As a mobility- and speech-restricted man who was told in his 20s that he had only a year or so to live, his achievements are astonishing.

On that positive note (pun intended), until next time...

Jackie

Letter from Australia

By Margaret Hutchison**

Greetings from Australia! Would you believe it, we *haven't* had a change of prime ministers since I last wrote! The media is salivating at the infighting happening within the Liberal Party, both actual and supposed. The most recent former prime minister, Malcolm Turnbull, has joined his predecessor, Tony Abbott, in sniping at his successor and the Liberal Party. One federal Member of Parliament, Julia Banks, who, when I wrote last time, was not going to stand at the upcoming election, has now resigned from the Liberal

⁶ "SQE Coming in 2021" (14 November 2018), online: *New Law Journal* <newlawjournal.co.uk/content/sqe-coming-2021>.

⁷ Guardian News, "Continuation of Civilisation is in Your Hands,' Attenborough Tells World Leaders" (3 December 2018), online: YouTube <[youtube.com/watch?v=b6Vh-g0oZ9w](https://www.youtube.com/watch?v=b6Vh-g0oZ9w)> at 00h:01m:52s.

Party and is sitting on the crossbenches, considering running as an independent in the next election.

More recent elections were not good news for the government. The by-election for the most recent former prime minister's seat in eastern Sydney was won by a high-profile independent. This was the first time ever since Federation that this seat was not won by the Liberal Party or its predecessor parties. This also meant that the government has lost its majority in the House of Representatives and has to negotiate with the crossbench members to pass legislation.

Also, the Victorian state election held at the end of November resulted in a thumping loss for the Liberal Party, even though they were in opposition anyway. It was lost partly on state issues and partly the federal party leadership changes. The next election coming up is the New South Wales state election in late March 2019, with a Liberal and National coalition government up for re-election. The New South Wales premier, Liberal Gladys Berejiklian, has already told her federal colleagues to keep out of the NSW election: "We stand on our own two feet in NSW."⁸

The federal election is due in May and looks like it will be held then, no earlier. The Federal budget has been moved forward to April 2 (please note not April 1) instead of the usual date in early May. Though the Federal Parliament will only sit for 10 days between February and April, the Federal Minister for Home Affairs, Peter Dutton, still faces the possibility of being referred to the High Court.

In the rush to finish Parliament for the year, the major piece of legislation to pass was the [Telecommunications and Other Legislation Amendment \(Assistance and Access\) Act 2018](#). The bill is long and complex, but, arguably, its most significant new provision is the ability to issue companies or individuals with a technical capability notice. These notices compel companies to modify software and the services they provide to allow access to information that could not otherwise be obtained. There are large financial penalties for companies that do not comply.

A technical capability notice can be issued through a judicial warrant at the request of law enforcement bodies, including state; federal; foreign law enforcement bodies, in some circumstances; and the Australian Security Intelligence Organisation (ASIO). The capabilities permitted in the bill can only be used by law enforcement when investigating crimes with a maximum penalty of three years' jail or more. This covers a much broader range of offences than terrorism or the distribution of child abuse material. The bill is very broad in the types of assistance that could be requested. The one attracting most attention is the ability to intercept messages sent through end-to-end encryption used by tools such as WhatsApp, iMessage, and Telegram.

Naturally, the giant United States tech companies have denounced the new act and have argued long and hard against it, and will continue to do so.

The prime minister today announced the establishment of a Commonwealth Integrity Commission. While it's too early to clarify its role (and that may change depending on who wins the next election), there will be two divisions: a Law Enforcement Integrity Division overseeing federal law enforcement areas, and a Public Sector Integrity Division, which will cover the remainder of the public sector, including all parliamentarians, departments, agencies, their staff, and federal judicial officers. The government has been arguing against the establishment of such a federal body for years but has not yielded to pressure from the Labor opposition, the Greens, and the independents. Can I smell an election coming on?

Also released today finally is the [Ruddock Review on Religious Freedoms](#). The prime minister will take a proposal for a dedicated religious discrimination act to the next election. Various recommendations from the Ruddock Report have been leaked to the media over the past few months, causing controversy.

The Morrison government will move a separate omnibus bill to amend other discrimination laws to provide "equal status" to freedom of religion alongside the right to non-discrimination. The federal attorney-general, Christian Porter, said the bill would "not necessarily be very contentious" because it "follows a very standard architecture" for other federal discrimination laws.⁹

The law will define religious belief as a protected attribute in the same way federal law prohibits racial and sexual discrimination but will not include an equivalent of section 18C of the [Racial Discrimination Act 1975](#) that prohibits speech that offends, insults, or humiliates a person based on their race. A religious freedom commissioner will be appointed to the Australian Human Rights Commission to handle religious discrimination complaints.

Now to legal matters. The recent High Court case [AB \(a pseudonym\) v CD \(a pseudonym\); EF \(a pseudonym\) v CD \(a pseudonym\)](#) has lifted the cover on one of Victoria's biggest legal scandals. The case dates back to Melbourne's bloody gangland war in the early 2000s and threatens to quash the convictions of notorious underworld crime figures involved in drug trafficking, police corruption, and murder during that period. The most well-known of these figures is a man called Tony Mokbel, who is currently serving a sentence of 30 years for drug importation amongst other matters. "EF" was simultaneously Tony Mokbel's barrister as well as an informer for Victoria Police about her own clients.

While the central events of the scandal played out from 2005 to 2009, the High Court's involvement arises from one of its aftermaths, concerning the question of whether the

⁸ Alexandra Smith, "The Liberal Brand is Damaged, but Berejiklian Has to Wear Some Blame" *Sydney Morning Herald* (1 December 2018), online: <[smh.com.au](#)>.

⁹ Paul Karp, "Coalition to Unveil New Laws to Guard Religious Freedom but Stalls on LGBT Students", *The Guardian* (12 December 2018), online: <[www.theguardian.com](#)>.

“Convicted Persons” (Tony Mokbel and six of his associates) can be told about the findings of a suppressed 2013 report by Victoria’s anti-corruption commission. The main legal dispute before the Court was between “CD” (Victoria’s director of public prosecutions), who wanted to tell Mokbel et al what the commission had found as part of its duty of prosecutorial disclosure, and “AB” (the chief commissioner of Victoria Police), who didn’t want them told because of the extreme danger the revelation would pose to both “EF” and the future use of informers. In a separate action, “EF” also sought to stop the director of public prosecutions from revealing her identity because doing so would be a breach of confidence.

Known by the pseudonyms “Informer 3838,” “Witness EF,” or “Lawyer X,” the barrister claimed her information led to the arrest and charging of 386 people and generated more than 5500 internal information reports that were key evidence in several gangland investigations. As a result of the judgment, the newly re-elected premier of Victoria, Daniel Andrews, announced a royal commission to investigate how many sentences have been affected and also the use and management of informers. Commissioners have not yet been announced, but they will definitely be from outside Victoria. The commission has a final report date of 1 December 2019. Then the Victorian courts will be busy from 2020 onwards, as will the criminal appellate bar.

Outside politics and law, November 11 was, as in Canada, the centenary of the Armistice. At the Australian War Memorial, there were 62,000 knitted or crocheted poppies in an area of the grounds. The 62,000 were for all Australian lives lost in World War I. People from all over Australia created the poppies, and I think there were more than the War Memorial knew what to do with around the country.



On a popular radio program, *Australia All Over* (ABC, Sunday mornings from 6:00 a.m.), one caller said she’d been to the War Memorial at dawn one day and ended up spending several hours replanting the poppies, as the kangaroos had been through them.

There were poppies in the Warriors’ Chapel at my church, a large carpet outside Parliament House running down the axis towards the War Memorial, and a full wall inside Parliament House with poppies pinned all over it. My photo is looking back towards Parliament House.

The night before Armistice Day, there were projections of photos onto the front of the War Memorial and onto a large tree beside the main steps. These photos had a very spooky effect, though some portraits came out better than others, as some of the leaf portraits were rather zombie-like.



That’s about all from here. Until next time,

Margaret

The US Legal Landscape: News from Across the Border By Julieanne E. Grant***

As I write this, it’s day 17 of the partial shutdown of the US government, with no sign of an agreement between President Trump and the Democrats over the infamous “border wall.” The Smithsonian museums and National Zoo are closed, our national parks are overrun with trash, and couples can’t get marriage licenses in Washington, DC. These are just a few of the adverse effects of the impasse. Most disturbing, however, is its disastrous impact on some 800,000 federal employees who are furloughed or working without pay. Ironically, members of the US Congress continue to be compensated. What a country.

Speaking of Congress, the [116th](#) (sworn in on January 3, 2019) will be [the most diverse](#) in US history. In the House, the firsts include the memberships of a Somali-American, two Native American women, and two Muslim women. In the Senate, Kyrsten Sinema is the first woman from Arizona to serve there, and she is the first openly bisexual senator. At least the complexion of Congress seems to be evolving towards a more accurate representation of the fabric of our society. The 116th Congress also includes its first member selected through a [ranked-choice voting system](#): Jared Golden, a Democrat from Maine, who now serves in the House.

As far as legal-related news, the autumn of 2018 was a wild ride (as it has been since Trump took office). So much to report, so little time, so here is a running list of the major players off the top of my head (in no particular order): Donald Trump (plus various family members), Robert Mueller, Brett Kavanaugh, Mitch McConnell, Michael Cohen, Maria Butina, Jeff Sessions, Jim Acosta, Matthew Whitaker, and Robert Barr. If you haven't heard of some of these people, just do a Google search and you will be flooded with info. Read on, though, for some (hopefully) interesting news items that may not have hit the Canadian press.

AALL

Ms. Oolagamani (Vani) Ungapen is AALL's new executive director. She previously worked at the National Association of Realtors, where she managed global education and membership. Ms. Ungapen has degrees from the University of Manchester (England) and Stetson University in Florida.

After an online election in October, AALL's incoming executive board was announced in a [November 1 eBriefing](#): Emily R. Florio will serve as vice president/president-elect (July 2019–July 2020), Cornell H. Winston will be treasurer (July 2019–July 2022), and new board members for the July 2019–July 2022 term are Emily Janoski-Haehlen and Jason Sowards. According to the eBriefing, 30 percent of AALL's members voted in the election.

This year's [annual meeting](#) will be held July 13–16 in Washington, DC, with the theme “Capitalizing on Our Strengths.” Let's hope that the US government is functioning full throttle at that point.

Law Schools, the Bar Exam, and the LSAT

An [October 9 article in the ABA Journal](#) reported on a study that concluded that the average price of a JD at ABA-credited schools fell an inflation-adjusted 6 percent between 2010 and 2016. Accordingly, the same study found that ABA-accredited schools are jointly losing an estimated \$1.5 billion annually in tuition. In December, the [ABA announced](#) that the enrollment of new 1Ls at ABA-accredited schools increased almost 3 percent between 2017 and 2018, with over 38,000 new 1Ls starting their studies in the fall 2018 term. Interestingly, the number of new students enrolled in non-JD law programs (e.g., LLMs) increased by a higher percentage than JD enrollment: 8.2 percent in those programs over the same time period.

Several elite east coast law schools had a rough autumn last year, particularly Harvard. According to the [ABA Journal](#), a Texas group filed a pair of lawsuits in October, alleging that the *Harvard Law Review* and the *New York University Law Review* violated federal laws by showing a preference for women and minorities when choosing their members and articles. Harvard filed a [motion to dismiss](#) on December 17, 2018, alleging that the plaintiffs didn't have standing to sue. Harvard itself was [on trial in October](#) for allegedly disfavoring Asian-American undergraduate applicants in favor of students with other racial backgrounds. US District

Court Judge [Allison D. Burroughs](#) (Massachusetts), who was actually a college classmate of mine, heard the case. No opinion yet as of this writing. Yale also took a pounding in a POLITICO piece that appeared during the Kavanaugh hearings, “[The Elite Legal World's 'Conspiracy of Silence'](#)” (September 27, 2018).

In other law school news from around the country, Stanford received a \$25 million donation to fund what is now the [W.A. Franke Global Law Program](#), named after the generous donor. Also in California, Dean Erwin Chemerinsky of UC-Berkeley [recommended in November the removal of references to John H. Boalt](#) in connection with the law school, due to Boalt's newly recognized racist past. Meanwhile, at the University of Pennsylvania, the law school there will be the first in the country to launch a [pilot program on mental health training](#), and the ABA placed Atlanta's John Marshall Law School [on probation](#). On a lighter note, Campbell University's law school in North Carolina recently purchased a [ConferenceBike](#), which seats seven people in a round configuration. The CoBi, as it's affectionately called, was custom made in the Netherlands. I wonder if this thing has manual and interactive settings.

Update on the LSAT: the Law School Admission Council [announced in December](#) that, starting in July 2019, the LSAT will be administered on Microsoft Surface Go tablets. This is the first time the exam will be offered digitally. The June 2019 test will also exclude the essay section, which will be moved to a secure online platform, allowing test takers to write the essay “at a time and place of their choosing.”

Finally, what is it with California? The California bar exam continues to confound test takers. According to a [November 19 ABA Journal article](#), only 40.7 percent of bar takers on the July 2018 exam passed. This was apparently California's lowest passage rate in 67 years. First-time test takers reportedly had a 55 percent passage rate, while it was only 16 percent for repeat takers. According to the same article, New York had a passage rate of 63 percent. Overall, passage rates for the July 2018 sittings were down from 2017.

Law Firms

In October, *Law360* reported that 13 litigators left McKool Smith to form a new firm, Reichman Jorgensen LLP, which will not operate under a billable hour model but rather with an alternative fee basis (flat- and success-based).¹⁰ According to a December *Law360* article, the largest law firm mergers in 2018 were Bryan Cave with Berwin Leighton Paisner, followed by Foley & Lardner with Gardere Wynne Sewell.¹¹ *Law360* also reported that experts predict that high-stakes litigation, private equity, and cybersecurity will be the three hottest practice areas in 2019.¹²

In other law firm news, [Baker McKenzie](#) announced that it plans to open a global services center in Tampa, Florida, in late summer 2019. [Ropes & Gray](#) named 24 new partners in October, the largest promotion round in its 153-year history. [Jones Day announced](#) in November that it hired 11 former SCOTUS clerks as associates, the largest group of former

¹⁰ Aebra Coe, “New Trial Boutique Eschews Billable Hours, Partner Track,” *Law360* (15 October 2018).

SCOTUS clerks to be brought on board in the firm's history.

News about Kirkland & Ellis was splashed all over the legal industry press last fall. In early November, the [Pipeline Parity Project](#) at Harvard Law launched a boycott against Kirkland over the firm's use of mandatory arbitration agreements for its new associates. Kirkland [quickly ditched](#) the practice. On November 15, [the ABA Journal](#) reported that Kirkland had begun offering concierge services (some complementary) to help its overwhelmed staff with personal tasks. On December 7, [American Lawyer](#) reported that Kirkland & Ellis's longtime chairman, Jeffrey C. Hammes, will retire in 2020, and Jon Ballis, a Chicago-based private equity partner, will replace him. Kirkland was [also named Law Firm of the Year](#) at [American Lawyer's](#) first annual industry awards in New York in early December.

According to another *Law360* piece, the number of jobs in the US legal industry numbered 1,136,700 on December 31, 2018.¹³ This was a decline of 400 since the end of 2017. The article, however, notes that legal industry consultants and recruiters do not see this decrease as a "major concern."

The States: "I Get the Dog," "I Want a Straw," and Other New Laws

The new year brings with it a plethora of new state laws, too numerous to list here. Unsurprisingly, many relate to gun control and sexual harassment, while 19 states raised the minimum wage on January 1. In California (what is it about California?), full-service restaurants can no longer hand out plastic straws to customers unless requested, and pets will be treated like people in divorce cases (the "best interest" of the pet standard). In Illinois, nursing moms can be excused from jury duty, and hunters can now make a fashion statement wearing pink vests, while in Ohio, kids must be able to write legibly in cursive by the fifth grade. In Florida, citizens approved a measure to restore the voting rights of most former felons.

Also noteworthy is the addition of Vermont to the list of states that have adopted a "tech competence" standard for attorneys, which brings the total number to 35.

SCOTUS

After his riveting and highly controversial confirmation hearings, Brett Kavanaugh was confirmed by the Senate and [quickly sworn in as a SCOTUS justice](#) on October 6, 2018. For the most part, Kavanaugh stayed under the radar during a fairly quiet fall term with the justices hearing [32 oral arguments](#). For the spring 2019 term, the justices are scheduled to hear a number of compelling cases: [Dept of Commerce v USDC](#) (2020 census citizenship question depositions dispute), [American Legion v American Humanist Assoc](#) ("establishment clause" question on religious

displays), and [Kisor v Wilkie](#) (question regarding deference to a federal agency's interpretation of its own ambiguous regulations).

In an extraordinary move, Chief Justice John Roberts released a statement on November 21 [supporting the independence and integrity](#) of the federal judiciary. The statement was obviously a rebuke to an earlier Trump comment criticizing an "Obama judge." The chief justice also released his [2018 year-end report](#) on the federal judiciary, focusing primarily on the judiciary's efforts to address sexual harassment allegations in the workplace.

As was widely reported in the media, Justice Ruth Bader Ginsburg (RBG) [fell in her office](#) in November and broke several ribs. RBG also had [cancer surgery](#) in December, and her prognosis is good, although she did [miss oral arguments](#) on the first day of the spring session. A new film about her early legal career, [On the Basis of Sex](#), has received generally positive reviews. The *ABA Journal* published a piece on RBG's popularity in its October issue, ["Supreme Icon,"](#) which includes some [fun pictures](#) of RBG merchandise. RBG will be 86 in March.

Noteworthy Lawsuits

In June, British sculptor Anish Kapoor [sued the National Rifle Association](#) (NRA) for using an image of his Chicago "Cloud Gate" sculpture (also known as "The Bean") in one of its videos promoting gun rights. [CNN reported on December 6](#) that the NRA had agreed to remove the image as part of an out-of-court settlement.

Who owns the term "Scouts"? Girls or boys? In November, the Girl Scouts of the USA [filed a trademark infringement suit](#) against the Boy Scouts of America seeking to preclude the organization from rebranding itself as simply "Scouts." Meanwhile, in Texas a federal district court judge [ruled in December](#) that the *Affordable Care Act* is unconstitutional. The decision is unnerving many Americans who have benefited from Obamacare; the case is expected to end up at SCOTUS.

Legal Miscellany: How to Avoid Jail Time with a Piano, Happy Gets a Habeas, and Other Tidbits

- Last June, a former neurological researcher at Yale and NYU, who is also a trained pianist, pleaded guilty to stealing government research funds. He avoided prison time, however, as a New York trial judge [sentenced him to playing the piano](#) for senior citizens in various Connecticut retirement facilities for three years.
- According to a [November 5 ABA Journal article](#), an attorney in Iowa called a client an "idiot and a terrible criminal" on Facebook. The lawyer later removed the post.

¹⁰ Aebra Coe, "New Trial Boutique Eschews Billable Hours, Partner Track," *Law360* (15 October 2018).

¹¹ —, "The 6 Biggest Law Firm Mergers of 2018," *Law360* (14 December 2018).

¹² —, "The 3 Hottest Practice Areas for 2019," *Law360* (1 January 2019).

¹³ —, "Legal Sector Jobs Slump, But Firms Are Doing OK," *Law360* (4 January 2019).

- On November 16, a New York trial judge issued a [habeas order for Happy](#), an allegedly sad 47-year-old elephant at the Bronx Zoo.
- In December, the Chicago Bar Association staged its 2018 holiday show, [Big Little Laws](#). The Bar Show has been presented for nearly 50 years, and it traditionally mocks politicians and celebrities (not hard to do in the current environment).
- Merriam-Webster chose “justice” as its [word of the year for 2018](#).
- In December, the *ABA Journal* released its annual [Web 100](#), which includes its staff’s selections of useful blogs, apps, podcasts, and Twitter accounts for lawyers.
- The *University of Memphis Law Review* has published [an issue](#) dedicated to the work of John Grisham. Grisham’s latest book is [The Reckoning](#), which was released in October 2018.
- The Kane County Law Library in Illinois recently celebrated its 20th year of Family Reading Night, where the county’s circuit court judges read bedtime stories to children. After listening to the tales, the kids visit a courtroom and sit behind the bench.

Conclusion

Happy 2019!! Onward and upward (we can only hope). 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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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.

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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.

Please contact

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For more information.

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

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