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**CANADIAN LAW LIBRARY REVIEW**

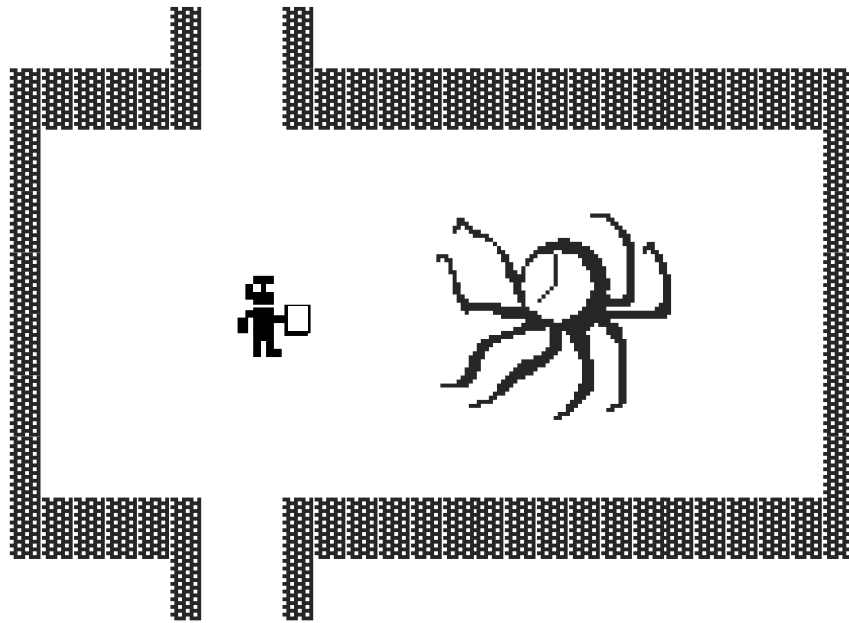
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## Deadlines / Dates de tombée

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

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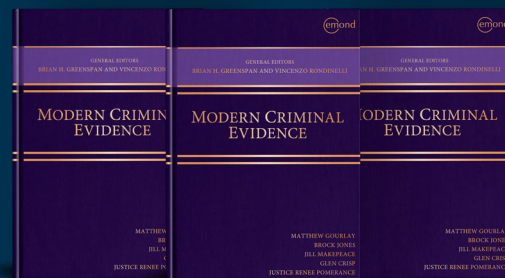
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### CITED AS Can L Libr Rev

*Canadian Law Library Review* is published 4 times a year by the  
Canadian Association of Law Libraries.

### CITÉ Rev can bibl dr

*Revue canadienne des bibliothèques de droit* est publiée 4 fois par  
année par l'Association canadienne des bibliothèques de droit.



## III From the Editor / De la rédactrice

Another May, another fantastic CALL/ACBD conference. Hats off to the conference planning committee for arranging such a great variety of speakers. I was pleased to present our Feature Article Awards during the virtual awards ceremony. In case you missed it, Sonia Smith and Mila Bozic Erkc won the Feature Article Award for “Does a Wellness Collection Have a Place at a Law Library?” and Kenya Hewitt won the Student Article Award for “Implicit Bias and Diversity in Law Libraries.” Both articles appeared in CLLR 45:1, so make sure to give them a read if you haven’t already. Congratulations, Sonia, Mila, and Kenya!

In other news, I’m stepping aside from CLLR for a bit, so I’m leaving you in the hands of Susan Barker, our amazing editor emerita. Joining Susan at the helm is Alisa Lazear, our new associate editor. Alisa is the manager of community and content at CanLII, and we’re thrilled to have her on board. Welcome, Alisa!

I’ll turn things over to Susan now. I hope you enjoy this issue!

**EDITOR  
NIKKI TANNER**

I am glad to be back in the editor’s chair to fill in while Nikki is on leave and to welcome Alisa as our new associate editor.

I am writing this letter on July 12, the day after England’s loss in the final of the European football championships. As someone born in England, despite the loss, I was proud of the team’s accomplishments. However, this feeling was quickly replaced with disappointment and anger after hearing of the blaming and racist online attacks that three Black members of the English team, Marcus Rashford, Jadon Sancho, and Bukayo Sako were subjected to after the

game. These attacks, and others, highlight the importance and necessity of knowledge, information, and education on Anti-Black racism.

When editing the contents of this issue I was reminded of a feature article that was published in 42:3 (2017) of the *Canadian Law Library Review* entitled “Ethics and Law librarianship: Current Issues and Progressive Requirements.” In that article author Sara Klein argued that “[i]t is no longer sufficient to adhere to an ethic which merely requires we do no harm ... law librarians... must be aware of our positive duty to ethics, those that require us to act as opposed to merely remaining neutral” (p 9). CALL/ACBD members Yemisi Dina, Amy Kaufman, and Vicki Jay Leung have shown that positive duty in organizing this issue’s collection of *Anti-Black Racism Legal Resources*, based on the work of scholars Sujith Xavier, Dhaman Kissoon, and Simi Solebo. This collection of resources lists and provides links to academic material, case law, and stories in the popular press on issues such as hate speech, policing, sentencing, racism, legal education and the legal profession, and more. I am sure this article will be a helpful clearinghouse of information for researchers looking for material on Anti-Black racism in Canada.

Also on the theme of law librarians taking action to provide knowledge, information, and education, our feature article in this issue, *COVID-19 In Latin America and the Caribbean: Experts Examining Legal Responses* by Michele A. L. Villagran and Marcelo Rodríguez, describes and explains the impetus and “the desire to do something useful and productive” behind the *Law Librarians Monitoring COVID-19 in Latin America* website project. This article describes the development of the website and the principles on which the information provided was collected and evaluated, including the appropriately named CRAAP test. The authors also

highlight how six Latin American countries have formulated diverse legal and social responses to the COVID-19 crisis.

As always, our regular columns are brimful of current and useful and interesting information. Read on to find out about how the physical filing cabinet revolutionized access to information or to take a look at Sarah Reis's synopses of recent major U.S. Supreme Court Cases.

Enjoy the summer ahead and remember to accept defeat with grace and celebrate wins with pride, but to always treat one another with respect either way.

**ACTING EDITOR  
SUSAN BARKER**

Un autre mois de mai, un autre formidable congrès de l'ACBD/CALL. Chapeau au comité de planification du congrès pour avoir rassemblé une très grande variété de conférenciers. J'ai eu le plaisir de présenter nos prix pour les articles de fond lors de la cérémonie virtuelle de remise des prix. Au cas où vous l'auriez manqué, Sonia Smith et Mila Bozic Erkić ont remporté le prix de l'article de fond pour *Does a Wellness Collection Have a Place at a Law Library?* et Kenya Hewitt a remporté le prix de l'article étudiant pour *Implicit Bias and Diversity in Law Libraries*. Ces deux articles ont été publiés dans le numéro 45:1 de la RCBD, alors n'oubliez pas de les lire si vous ne l'avez pas déjà fait. Félicitations Sonia, Mila et Kenya!

Je vous annonce aussi que je prends un congé de la RCBD pour quelque temps en vous laissant entre les mains de Susan Barker, notre remarquable rédactrice émérite. Alisa Lazear, qui est responsable de la communauté et du contenu chez CanLII, rejoint Susan à la barre de la revue à titre de rédactrice adjointe, et nous sommes enchantés de la compter parmi nous. Bienvenue Alisa!

Je cède maintenant la plume à Susan. J'espère que ce numéro vous plaira!

**RÉDACTRICE EN CHEF  
NIKKI TANNER**

Je suis heureuse de reprendre le poste de rédactrice en chef pendant le congé de Nikki et d'accueillir Alisa, notre nouvelle rédactrice adjointe.

J'écris ce mot le 12 juillet, soit le lendemain de la défaite de l'Angleterre lors de la finale du Championnat européen de soccer. Née en Angleterre, j'étais fière des réalisations de l'équipe malgré cette défaite. Cependant, ce sentiment a été très vite supplanté par la déception et la colère après avoir entendu parler des reproches et des insultes racistes déversées sur les réseaux sociaux après le match contre trois joueurs noirs de l'équipe d'Angleterre : Marcus Rashford, Jadon Sancho et Bukayo Sako. Ces attaques, et d'autres, soulignent l'importance et la nécessité du savoir, de l'information et de l'éducation sur le racisme anti-Noirs.

En révisant le contenu de ce numéro, je me suis souvenue

d'un article de fond qui avait été publié dans le numéro 42:3 (2017) de la *Revue canadienne des bibliothèques de droit*, intitulé *Ethics and Law librarianship: Current Issues and Progressive Requirements*. Dans cet article, l'auteure Sara Klein soutenait «qu'il ne suffit plus d'adhérer aux règles éthiques où l'on exige simplement de ne pas faire de tort à personne... les bibliothécaires de droit... doivent être conscients de leurs obligations déontologiques positives, celles qui nous demandent d'agir plutôt que de simplement demeurer neutres» [traduction libre, p. 9]. Les membres de l'ACBD/CALL Yemisi Dina, Amy Kaufman et Vicki Jay Leung ont fait preuve de cette obligation positive en préparant la collection de ressources juridiques contre le racisme anti-Noirs, qui reposent sur les travaux des spécialistes Sujith Xavier, Dhaman Kissoon et Simi Solebo. Cette collection de ressources répertorie et fournit des liens vers de la documentation universitaire, de la jurisprudence et des histoires dans la presse populaire portant sur des enjeux tels que les discours haineux, les services de police, les condamnations, le racisme, l'enseignement du droit, la profession juridique, etc. Je suis certaine que cette mine d'informations sera utile pour les chercheurs à la recherche de documents ayant trait au racisme anti-Noirs au Canada.

Toujours sur le thème des bibliothécaires de droit qui passent à l'action pour fournir un accès au savoir, à l'information et à l'éducation, notre article de fond dans ce numéro s'intitule *COVID-19 In Latin America and the Caribbean : Experts Examining Legal Responses* par Michele A. L. Villagran et Marcelo Rodríguez, qui expliquent l'élan et «le désir de faire quelque chose d'utile et de productif» derrière le projet du site *Web Law Librarians Monitoring COVID-19 in Latin America*. Les auteurs y décrivent la façon dont le site Web a été développé et les principes sur lesquels les informations fournies ont été recueillies et évaluées, y compris le test CRAAP qui porte bien son nom. Ils font également ressortir comment six pays d'Amérique latine ont proposé différentes solutions juridiques et sociales face à la crise de la COVID-19.

Comme toujours, nos chroniques régulières regorgent d'informations actuelles, utiles et intéressantes. Poursuivez votre lecture pour découvrir comment le classeur physique a révolutionné l'accès à l'information ou jetez un coup d'œil aux résumés de Sarah Reis sur les principaux arrêts récents de la Cour suprême des États-Unis.

Profitez de l'été et n'oubliez pas d'accepter les défaites avec grâce et de fêter les victoires avec fierté, tout en traitant toujours les gens avec respect dans les deux cas.

**RÉDACTRICE EN CHEF INTÉRIMAIRE  
SUSAN BARKER**



## III President's Message / Le mot de la présidente

I write this column as CALL/ACDB enters its 60th year, and CLLR enters its second half-century. We all have been around a while, and we are amid the flux we are due. Some of this flux reflects ongoing change in the world around us, and it's in part positive and exciting and in part uncertain and daunting. Some flux reflects change in our work and learning worlds, and it's again at once invigorating and challenging.

We also find flux that reflects ongoing change in our professions and our association. For instance, I'm the first person of colour to lead CALL/ACBD. While perhaps overdue, this reflects positive change in our work in the legal information sphere. For instance, I welcome this issue's research and writing on the specific topic of resources on anti-black racism.

Flowing from the exciting changes initiated by the last board, CALL/ACBD is now in an era of two vice presidents and single year term of presidency. Complementarily, we have three-year board terms. A result is a board increased in size by one, increasing diversity of thought, and easing the distributed workload. Another result is a reduced commitment for the presidential track by one year. The single year term of CALL presidency aligns with a new change to this journal. CLLR now will publish three issues in a single year. I expect all these changes will keep us nimble and will engage new and wide participation.

In 2021, much of the world entered more fully the era of virtual learning and meeting. CALL/ACBD itself held our first planned fully virtual annual conference and meeting, themed Outside the Box. We had the opportunity to learn from speakers from across the country and beyond, from Victoria B.C. to the eastern seaboard of the U.S., from Yukon to Arizona. And participation extended overseas. Even in

this issue we will read about responsive community-focused activities of legal information colleagues in Latin America and the Caribbean.

CALL/ACBD is looking ever outward and upward. We will find more venues for our voices and our expertise, and ways of hearing and learning from those of others. Even as I write this, colleagues are discussing the implications of *York University v Canadian Copyright Licensing Agency (Access Copyright)*, 2021 SCC 32, released the morning I write this. This case marked the second occasion CALL/ACBD's voice was heard in an intervention in our highest court, advocating for fair access to and use of legal information for our wide-ranging communities. I am gratified not only with the ruling, but that the court and other leading decision-makers are hearing our voice. I hope the new era will continue to allow current and future members, collaborators, and inspirers to reach each other wherever they might be.

**PRESIDENT  
KIM NAYYER**

J'écris ces lignes alors que l'ACBD/CALL est à l'aube de sa 60e année et que la RCBD amorce son deuxième demi-siècle. Nous sommes tous là depuis un bon bout de temps, et nous sommes dans la foulée d'un mouvement qui nous est dû. Une partie de ce mouvement reflète les changements constants du monde dans lequel nous vivons, qui sont, d'une part, positifs et excitants et, d'autre part, incertains et décourageants. Un certain mouvement reflète les changements dans nos mondes du travail et de l'apprentissage, et cela est une fois de plus stimulant et difficile.



Il y a aussi un mouvement qui reflète des changements continus dans nos professions et notre association. Par exemple, je suis la première personne de couleur à diriger l'ACBD/CALL. Même si certains diraient peut-être qu'il était temps, cela reflète un changement positif dans notre travail lié au domaine de l'information juridique. Notamment, je salue la recherche et la rédaction de l'article sur les ressources contre le racisme anti-Noirs dans ce numéro.

À la suite d'importants changements entrepris par le dernier conseil d'administration, l'ACBD/CALL est maintenant dans une nouvelle ère de deux vice-président(e)s et d'un poste de président(e) ayant un mandat d'un an. Il y a aussi d'autres postes qui ont un mandat de trois ans. Un résultat positif est que le conseil est maintenant composé d'une personne de plus, ce qui améliore la diversité des idées et allège la charge de travail. Un autre élément positif est que le mandat du poste de président(e) de l'ACBD/CALL est réduit d'un an. Ce nouveau mandat d'un an s'harmonise avec un nouveau changement apporté à la RCBD, qui publiera désormais trois numéros par année. Je m'attends à ce que tous ces changements nous confèrent une grande souplesse et suscitent la participation de nouveaux et de nombreux membres.

En 2021, la majorité des pays ont dû davantage s'intégrer à l'ère de l'apprentissage et des réunions en mode virtuel. L'ACBD/CALL a elle-même organisé son premier congrès annuel entièrement virtuel portant sur le thème « sortir des sentiers battus ». Nous avons eu l'occasion d'apprendre de

conférenciers de partout au pays et de l'extérieur de nos frontières — de Victoria, en Colombie-Britannique, à la côte est des États-Unis, du Yukon à l'Arizona. Nous avons également eu des participants provenant de pays d'outre-mer. Même ce numéro présente un article sur des activités adaptées aux besoins de la communauté et créées par des collègues de l'information juridique en Amérique latine et dans les Caraïbes.

L'ACBD/CALL se tourne plus que jamais vers l'extérieur et vers le haut. Nous trouverons davantage de lieux pour faire entendre nos voix et notre expertise, ainsi que des moyens pour écouter et apprendre de celles des autres. Au moment où j'écris ce message, des collègues discutent des répercussions de *l'affaire Université York c. Canadian Copyright Licensing Agency (Access Copyright)*, 2021 CSC 32, publiée le matin même. Ce dossier marque la deuxième fois où la voix de l'ACBD/CALL a été entendue dans un appel devant notre plus haut Tribunal en plaidant pour un accès et une utilisation équitable de l'information juridique pour nos communautés très diversifiées. Je me réjouis non seulement de la décision rendue, mais aussi du fait que la Cour et d'autres décideurs de premier plan entendent notre voix. J'espère que cette nouvelle ère continuera à permettre aux membres, collaborateurs et inspirateurs actuels et futurs de communiquer entre eux, où qu'ils soient.

**PRÉSIDENTE  
KIM NAYYER**

# UPCOMING EVENTS



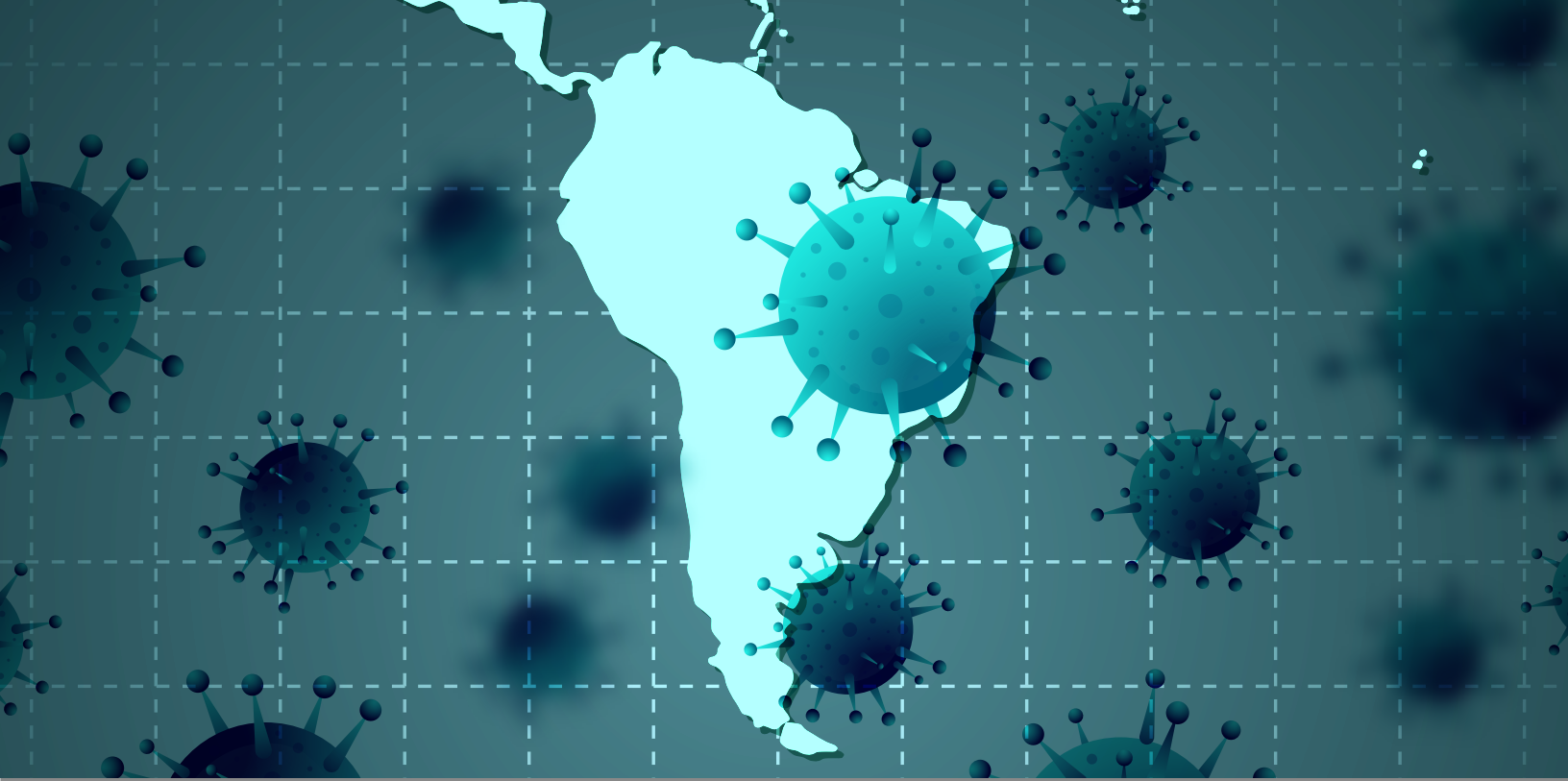
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# III COVID-19 in Latin America and the Caribbean: Experts Examining Legal Responses

By Michele A. L. Villagran<sup>1</sup> and Marcelo Rodríguez<sup>2</sup>

## ABSTRACT

*Since March 2020, a group of librarians, professors, and legal professionals have been monitoring legal responses to COVID-19 throughout Latin America and the Caribbean. Each member of the project is currently following various countries within this region. In this article, the authors will describe how the project was created and highlight the initial challenges in terms of securing and evaluating trustworthy sources of information in the middle of a pandemic. The authors will summarize the legal responses and any disinformation issues within the countries they have been monitoring: Argentina, Chile, Uruguay, Peru, Bolivia, and Paraguay. Finally, the article will conclude with the authors enumerating the achievements of the group as well as future plans for the project.*

## SOMMAIRE

*Depuis mars 2020, un groupe de bibliothécaires, de professeurs et de professionnels du droit suit les réponses juridiques à la COVID-19 émises dans toute l'Amérique latine et les Caraïbes. Chaque membre du projet suit actuellement divers pays de cette région. Dans cet article, les auteurs décrivent comment le projet a été créé et soulignent les défis initiaux en termes de sécurisation et d'évaluation de sources d'information fiables au milieu d'une pandémie. Les auteurs*

*résumant les réponses juridiques et les problèmes de désinformation dans les pays qu'ils ont surveillés : Argentine, Chili, Uruguay, Pérou, Bolivie et Paraguay. Enfin, les auteurs concluent en énumérant les réalisations du groupe ainsi que les plans futurs du projet.*

## Introduction

Latin America and the Caribbean unfortunately became an epicenter of COVID-19 from May until September 2020. The numbers speak for themselves. The entire region accounted for more than 8.3 million confirmed cases and 310,956 deaths as of 15 September 2020. Countries such as Brazil, Mexico, Peru, Chile, Colombia, and Argentina were among the most affected in the entire world.<sup>3</sup> Despite the rapid and catastrophic impact of the pandemic in the region, a few countries have decided to continue or begin their reopening plans, and others have continued to completely ignore or deny the reality of the pandemic in their countries. The calamitous situation in the bigger countries eclipses the fact that some of the smaller countries, such as Uruguay, Paraguay, and Costa Rica, have managed to mitigate the impact of the crisis so far. Furthermore, some island nations in the Caribbean have claimed a certain degree of success against the pandemic which might be threatened by the highly active hurricane season.

<sup>1</sup> Dr. Michele A. L. Villagran is an assistant professor with San José State University School of Information where her research focuses on diversity and social justice in library and information science and cultural intelligence phenomena within libraries.

<sup>2</sup> Marcelo Rodríguez is the Foreign, Comparative and International Law Library, Daniel F. Cracchiolo Law Library, James E. Rogers College of Law, University of Arizona.

<sup>3</sup> "COVID-19 Map Dashboard" (2020), online: *John Hopkins Coronavirus Resource Center* <[coronavirus.jhu.edu/map.html](https://coronavirus.jhu.edu/map.html)>.

The idea for monitoring the legal responses to the COVID-19 crisis in Latin America and the Caribbean came to fruition from the desire to do something useful and productive with the resources available. Co-author Marcelo Rodríguez created the *Law Librarians Monitoring COVID-19 in Latin America and the Caribbean* project because he believes that it is important, in this moment of global crisis affecting every single one of us, that we be aware of what is happening in the rest of our shared continent.<sup>4</sup> Legal professionals have the expertise and professional network to strive for a more comprehensive and nuanced understanding of the complexities of, and possible solutions for, this unprecedented crisis. Applying the law during emergency situations, keeping track of a rapidly evolving legal response, and providing access to justice, health, and government services, particularly to vulnerable communities when it's most needed, are among the most prominent roles of legal professionals during this pandemic.<sup>5</sup>

Since the beginning, our project has included a core team of seven legal professionals closely monitoring their respective countries:

- [Mary Abby Dos Santos](#): Brazil
- [Yasmin Morais](#): Caribbean Community
- [Ana Delgado](#): Puerto Rico, Dominican Republic, Cuba
- [Ulysses Jaen](#): Mexico, Central America
- [Michele A. L. Villagran](#): Chile, Argentina, Uruguay
- [Victoria De La Torre](#): Colombia, Ecuador, Venezuela
- [Marcelo Rodríguez](#): Peru, Bolivia, Paraguay, regional overview

Several additional librarians, professors, and legal professionals have joined our core team members to collaborate and strengthen our purpose by including a diverse set of backgrounds, experiences, and positions to create a robust lens of expertise.

We have developed a website called *Monitoring the Legal Response to COVID-19 in Latin America and the Caribbean* that can be accessed at <https://lawlibrariansmonitoringcovid19.com/>. Our website works as the public face of our project which contains both the most trusted sources for each set of countries and periodic reports on the situation. Project members follow the CRAAP test to identify trustworthy and reliable online resources related to legal aspects for their countries. This test uses the following evaluation criteria:

- currency of the information
- relevance of the information to the project need
- authoritativeness of the source

- how accurate the information is
- the purpose of the information<sup>6</sup>

In addition, project members use critical thinking by following eight steps in their methods to discover the verifiability of an online source. These steps include:

- considering the source
- reading beyond the headline
- checking the author
- a support of the claim
- checking the date
- verifying if satire or parody
- checking their biases
- fact-checking across other sources<sup>7</sup>

Building on the professional expertise and personal attachment of project members, our reports work under the frameworks of “serious storytelling” and “sensemaking” by aiming to make sense of the multiple components affecting this particular situation and by providing relevant information about the everyday during a rapidly evolving pandemic. Lugmayr, et al, define “serious storytelling” as being “where the narration progresses as a sequence of patterns impressive in quality, relates to a serious context, and is a matter of thoughtful process.”<sup>8</sup> Weick defines sensemaking as a process that “involves the ongoing retrospective development of plausible images that rationalize what people are doing.”<sup>9</sup> Using serious storytelling and sensemaking, as a guide, our project follows an evolving sequence of linear actions and schemas arranged in a meaningful way. This sequence of phases led to the creation of the knowledge base on which our legal resource project is founded. The serious storytelling approach and the sensemaking paradigm allowed project members to develop narratives around their selected countries that consider both the current legal and government landscapes. Given the rapid and, at times, contradictory information related to COVID-19, sensemaking has been described as one the best approaches to the current chaotic situation and a precursor to sensible policy-making.<sup>10</sup>

In this article, the authors apply these two frameworks while describing the first legal responses and measures taken in the following countries: Argentina, Chile, Uruguay, Peru, Bolivia, and Paraguay. Based on the organization of our project, the authors each took the leadership in collecting data and monitoring the situation in these six countries due to interest in, or personal connection to, these areas.

<sup>4</sup> “Law Librarians Monitoring COVID-19 in Latin America and the Caribbean” (2020), online: *Law Librarians Monitoring COVID-19 in Latin America and the Caribbean* <[lawlibrariansmonitoringcovid19.com/](https://lawlibrariansmonitoringcovid19.com/)>.

<sup>5</sup> Katharina Pistor, *Law in the Time of Covid-19* (New York: Columbia Law School, 2020).

<sup>6</sup> Meriam Library, “Evaluating Information - Applying the CRAAP Test” (2010), online: *California State University, Chico* <[library.csuchico.edu/sites/default/files/craap-test.pdf](http://library.csuchico.edu/sites/default/files/craap-test.pdf)>.

<sup>7</sup> Eugene Kiely and Lori Robertson, “How to Spot Fake News” (2016), online: *FactCheck.org* <[www.factcheck.org/2016/11/how-to-spot-fake-news/](http://www.factcheck.org/2016/11/how-to-spot-fake-news/)>.

<sup>8</sup> Artur Lugmayr et al, “Serious Storytelling—A First Definition and Review” (2017) 76 *Multimedia Tools and Applications* 15707 at 15709.

<sup>9</sup> Karl E Weick et al, “Organizing and the process of sensemaking” (2005) *Organization Science* 16.

<sup>10</sup> Richard Cordes, “Making Sense of Sensemaking: What it is and What it Means for Pandemic Research” (27 August 2020), online: *The Atlantic Council* <[www.atlanticcouncil.org/blogs/geotech-cues/making-sense-of-sensemaking-what-it-is-and-what-it-means-for-pandemic-research/](http://www.atlanticcouncil.org/blogs/geotech-cues/making-sense-of-sensemaking-what-it-is-and-what-it-means-for-pandemic-research/)>.

## Infodemic Landscape

In February 2020, the World Health Organization (WHO) director, Tedros Adhanom Ghebreyesus declared: “We’re not just fighting an epidemic; we’re fighting an infodemic.”<sup>11</sup> The term “infodemic” was first used in 2003, during the SARS epidemic.<sup>12</sup> The rapid dynamics and real time consequences of both disinformation and misinformation create an infodemic. Misinformation is defined as false or inaccurate information regardless of the intention to mislead. Disinformation, on the other hand, is intentionally false or inaccurate information that is spread deliberately as an act of deception or as false statements to convince someone of untruth.<sup>13</sup> As a whole, there are seven types of mis-and disinformation:

- false connection
- false context
- manipulated content
- satire or parody
- misleading content
- imposter content
- fabricated content<sup>14</sup>

An infodemic poses a fundamental problem when it comes to accessing vital information while keeping people rapidly and constantly informed as evidenced in Latin America and the Caribbean.

Contradictory information can lead to harm not only to the citizens of a country, but to anyone who may need to rely on accurate data in matters of life and death. Both misinformation and disinformation may shape people’s perception and worldview. Infodemics destroy trust.<sup>15</sup> Latin American communities, given their turbulent history, are arguably more averse to uncertainty and ambiguity than other cultures.<sup>16</sup> Many people often find the best security in those they trust. An infodemic can undermine that trust and breed suspicion and cynicism, which can start to polarize and break down an entire community.

Polarization can even impact journalism. According to the *2020 World Press Freedom Index* compiled by Reporters Without Borders, “future decades will be decisive for the future of journalism with the COVID-19 pandemic highlighting and amplifying the many crises that threaten the right to freely reported, independent, diverse and reliable information.”<sup>17</sup> The polarization between state-owned and privately-owned media is still common in Latin American countries. Political corruption and authoritarianism in some countries has also had an impact on free and independent journalism. Despite progress in access to information and Internet use, issues around journalists’ ability to report on specific topics such as political corruption, even in a pandemic, remain.

Examining the legal response to the pandemic in Argentina, Chile, Uruguay, Peru, Bolivia, and Paraguay offers us insights into the challenges and differences among these countries, particularly on how the initial responses to COVID-19 have molded their situations.

## Argentina

In March 2020, Argentina began a mandatory and strict quarantine. Non-residents were banned from entering the country and all applications for temporary residence were postponed. This was seen as a very risky move by the newly elected president, Alberto Fernández, given the financial hardship the country was experiencing. In particular, the inflation rate was well over 50 per cent and more than a third of Argentina was already living in poverty.<sup>18</sup> In October 2019, Fernández won the presidential election with the Peronist Party and came into power in December 2019 right before the pandemic set in.<sup>19</sup> The former president, Mauricio Macri, who led Argentina from 2015 to 2019, criticized Fernández saying he was leading a “systemic and permanent attack”<sup>20</sup> on Argentina’s constitution. Protesters took over the streets of Argentina with anti-government supporters expressing their anger at the quarantine measures. Despite these challenges to the government’s decisions, Fernández was choosing social protection and health safety over financial and economic hardship already facing the country.<sup>21</sup>

<sup>11</sup> Department of Global Communications, “UN Tackles ‘infodemic’ of Misinformation and Cybercrime in COVID-19 Crisis” (31 March 2020), online: *United Nations* <[www.un.org/en/un-coronavirus-communications-team/un-tackling-%E2%80%98infodemic%E2%80%99-misinformation-and-cybercrime-covid-19/](http://www.un.org/en/un-coronavirus-communications-team/un-tackling-%E2%80%98infodemic%E2%80%99-misinformation-and-cybercrime-covid-19/)>.

<sup>12</sup> David Rothkopf, “When the Buzz Bites Back” (11 May 2003), online: *The Washington Post* <[www.washingtonpost.com/archive/opinions/2003/05/11/when-the-buzz-bites-back/bc8cd84f-cab6-4648-bf58-0277261af6cd/](http://www.washingtonpost.com/archive/opinions/2003/05/11/when-the-buzz-bites-back/bc8cd84f-cab6-4648-bf58-0277261af6cd/)>.

<sup>13</sup> Claire Wardle, “Understanding Information Disorder” (22 September 2020), online: *First Draft* <[firstdraftnews.org/long-form-article/understanding-information-disorder/](http://firstdraftnews.org/long-form-article/understanding-information-disorder/)>.

<sup>14</sup> *Ibid.*

<sup>15</sup> John Zarocostas, “How to Fight an Infodemic” (2020) 395:10225 *The Lancet* 676.

<sup>16</sup> Cristina López-Pujalte & María Victoria Nuño-Moral, “La ‘infodemia’ en la crisis del coronavirus: Análisis de desinformaciones en España y Latinoamérica” (2020) 43:3 *Rev Española de Doc Científica* 1.

<sup>17</sup> “2020 World Press Freedom Index” (2020), online: *Reporters Without Borders* <[rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus](http://rsf.org/en/2020-world-press-freedom-index-entering-decisive-decade-journalism-exacerbated-coronavirus)>.

<sup>18</sup> World Health Organization, “Argentina: There is No Economy without Health” (29 July 2020), online: *World Health Organization* <[www.who.int/news-room/feature-stories/detail/argentina-there-is-no-economy-without-health](http://www.who.int/news-room/feature-stories/detail/argentina-there-is-no-economy-without-health)>.

<sup>19</sup> Adam Jourdan, “Argentina’s Fernandez pledges to ‘turn the page’ as left wins power” (28 October 2019), online: *Reuters* <[www.reuters.com/article/us-argentina-election/argentinas-fernandez-pledges-to-turn-the-page-as-left-wins-power-idUSKBN1X71ED](http://www.reuters.com/article/us-argentina-election/argentinas-fernandez-pledges-to-turn-the-page-as-left-wins-power-idUSKBN1X71ED)>.

<sup>20</sup> “Macri ‘Breaks Silence’ to Launch Fierce Attack on Fernández” (13 September 2020), online: *Buenos Aires Times* <[www.batimes.com.ar/news/argentina/macri-breaks-silence-to-launch-fierce-attack-on-fernandez.phtml](http://www.batimes.com.ar/news/argentina/macri-breaks-silence-to-launch-fierce-attack-on-fernandez.phtml)>.

<sup>21</sup> World Health Organization, *supra* note 18 ; “COVID-19: Protests as Argentina’s Cases Pass 900,000” (13 October 2020), online: *BBC News* <[www.bbc.com/news/world-latin-america-54522428](http://www.bbc.com/news/world-latin-america-54522428)>.

Within Argentina, there was a lack of access to COVID-19 vaccines. Citizens did not believe in their importance and effectiveness even though historically many believed vaccines were safe and essential. A *Lancet* report, which mapped vaccine confidence in 149 countries from 2015 to 2019, showed there were a high number of respondents strongly agreeing that vaccines are safe, important, and effective in Argentina.<sup>22</sup> In conjunction with the Pan American Health Organization (PAHO), Argentina took steps to inform their citizens about the pandemic through strong media coverage including sharing information with journalists to ensure they understood COVID-19.<sup>23</sup> The country is focusing on scaling up testing and continuing to ensure the citizens have accurate information through communication guidance with the PAHO. By September 2020, Argentina surpassed 500,000 infections and more than 11,000 fatalities.<sup>24</sup> It will certainly be a challenge ahead for Argentina given the current socio-economic crisis, and critical reaction to government policies.

## Chile

COVID-19-related numbers have been constantly undependable. As noted by Benítez, et al, “the effectiveness of the measures was undermined by the existing fragility of the health systems, which are characterized by insufficient investment in health resources, regional disparities, modest information systems and poor communication and coordination.”<sup>25</sup> This observation was based on extensive qualitative document analysis focussing on publicly-available epidemiological data and federal and state/regional policy documents produced since the beginning of the pandemic.<sup>26</sup> Even though the government has provided a sophisticated website to keep citizens informed there are still questions about the figures. At the time of this writing, high case numbers continue to be seen throughout some municipalities in the country. The pandemic hit during unprecedented times in Chile with challenges due to economic inequality and unrest and the government under fire as a result of the economic crisis and cultural conflict. For example, in November 2019, it was agreed upon that

Chileans would be able to vote in April 2020 on whether they wanted a new constitution, however, this vote was postponed until October 2020.<sup>27</sup>

## Uruguay

With a population of 3.5 million, Uruguay has only had 2,452 deaths from COVID-19 between January 3, 2020 to April 29, 2021.<sup>28</sup> President Luis Lacalle Pou was only a few weeks into his first term and took swift action once the first case was confirmed. Uruguay closed its borders beginning in March 2020 and has had strong control over the pandemic. President Pou took a different approach than other countries and asked rather than demanded that citizens stay at home.<sup>29</sup> Decision makers, health officials, and scientists came together from the beginning and focused on the urgency of the situation. One key to Uruguay’s success compared to other Latin American countries has been with testing. Uruguay has tested 233.7 individuals for every confirmed case.<sup>30</sup> Over half of the polymerase chain reaction (PCR) tests used were developed in Uruguay helping the country ramp up capacity for testing, while the rest of Latin America was relying on medical supplies from abroad.<sup>31</sup>

To date, Uruguay’s wider strategy appears to have been successful in controlling the pandemic. The country has also used additional techniques with a mobile app and passed the *Telemedicine Law* to improve communications and information sharing. Uruguay’s COVID-19 mobile app was created to inform about exposure to COVID-19 cases. Due to Google and Apple’s intervention, it was recently updated to allow the tracking of positive or possibly positive COVID-19 cases nearby to a person who has installed the app. Uruguay is the first country in the region to adopt the Google-Apple interface. In April 2020, Uruguay approved *Telemedicine Law No. 19,869* which provides guidelines on the execution and development of telemedicine as a health care service, and aims to improve quality and increase its coverage through the use of information and communication technologies.<sup>32</sup>

<sup>22</sup> De Figueiredo et al, “Mapping Global Trends in Vaccine Confidence and Investigating Barriers to Vaccine Uptake: A Large-scale Retrospective Temporal Modelling Study” (10 September 2020) 396:10255 *The Lancet* 898 at 902–05.

<sup>23</sup> *Ibid.*

<sup>24</sup> Marina Lammertyn, “‘Health Catastrophe’: Argentine Provinces Strain as Coronavirus Cases Top 500,000” (8 September 2020), online: *Reuters* <[www.reuters.com/article/uk-health-coronavirus-argentina-idUKKBN25Z2FV](http://www.reuters.com/article/uk-health-coronavirus-argentina-idUKKBN25Z2FV)>.

<sup>25</sup> María Alejandra Benítez et al, “Responses to COVID-19 in Five Latin American Countries” (2020) 9:4 *Health Policy & Technology* 525 at 539.

<sup>26</sup> *Ibid.*

<sup>27</sup> Dave Sherwood, “Chile to Postpone Referendum on New Constitution as Coronavirus Concerns Grow” (19 March 2020), online: *Reuters* <[www.reuters.com/article/us-health-coronavirus-chile/chile-to-postpone-referendum-on-new-constitution-as-coronavirus-concerns-grow-idUSKBN2163TL](http://www.reuters.com/article/us-health-coronavirus-chile/chile-to-postpone-referendum-on-new-constitution-as-coronavirus-concerns-grow-idUSKBN2163TL)>; Margarita Salazar, “Chile Plebiscite 2020: The Rebirth of Democracy” (30 November 2020), online: *Latina Republic* <[latinarepublic.com/2020/11/30/chile-plebiscite-2020-the-rebirth-of-democracy/](http://latinarepublic.com/2020/11/30/chile-plebiscite-2020-the-rebirth-of-democracy/)>.

<sup>28</sup> WHO Health Emergency Dashboard, “Uruguay” (last visited 10 June 2021), online: *World Health Organization* <[covid19.who.int/region/amro/country/uy](https://covid19.who.int/region/amro/country/uy)>.

<sup>29</sup> Luisa Horwitz, “Uruguay’s Luis Lacalle Pou and his Pandemic Honeymoon” (12 June 2020), online: *Americas Society/Council of the Americas* <[www.as-coa.org/articles/uruguays-luis-lacalle-pou-and-his-pandemic-honeymoon](http://www.as-coa.org/articles/uruguays-luis-lacalle-pou-and-his-pandemic-honeymoon)>; “Uruguay is Winning Against Covid-19: This is How” (26 September 2020), online: *Merco Press* <[en.mercopress.com/2020/09/26/uruguay-is-winning-against-covid-19-this-is-how](http://en.mercopress.com/2020/09/26/uruguay-is-winning-against-covid-19-this-is-how)>.

<sup>30</sup> “Uruguay is Winning Against Covid-19: This is How” (26 September 2020), online: *Merco Press* <[en.mercopress.com/2020/09/26/uruguay-is-winning-against-covid-19-this-is-how](http://en.mercopress.com/2020/09/26/uruguay-is-winning-against-covid-19-this-is-how)>.

<sup>31</sup> Hannah Ritchie et al, “Coronavirus Pandemic (COVID-19)” (2020), online: *Our World in Data* <[ourworldindata.org/coronavirus-testing#tests-per-confirmed-case](https://ourworldindata.org/coronavirus-testing#tests-per-confirmed-case)>; Rita Rubin, Jennifer Abbasi & Rebecca Voelker, “Latin American and its Global Partners Toil to Procure Medical Supplies as COVID-19 Pushes the Region to its Limit” (2020) 324:3 *JAMA* 217.

<sup>32</sup> *Telemedicina: Normas Para Su Implementación Como Prestación De Servicio De Salud (Telemedicine: Rules For its Implementation as a Provision of Health Service)*, (Uruguay) Ley N° 19.869, online: <[perma.cc/XL9J-CJE8](http://perma.cc/XL9J-CJE8)>; Rodrigo Felló, “Uruguay: telemedicine and Covid-19” (9 September 2020), online: *International Bar Association* <[www.ibanet.org/Article/NewDetail.aspx?ArticleUid=344274D5-C73A-4C6A-9CD7-792F962202B9](http://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=344274D5-C73A-4C6A-9CD7-792F962202B9)>.

## Peru

Since the strict and abrupt national lockdown declared on March 16, 2020, many have questioned its efficiency and implementation mechanisms given that the country continues to have one of the highest rates of daily infections in the region, particularly among its most vulnerable populations.<sup>33</sup> Initially, President Martín Vizcarra enjoyed a high approval rating due to his government's response to the pandemic.<sup>34</sup> However, public trust has continued to erode as a result of the unrelenting increase of confirmed cases and the potential socio-economic impacts.<sup>35</sup> Disagreements with the opposition-dominated Congress precipitated Vizcarra's departure and new presidential elections were called for 2021.<sup>36</sup>

In the midst of this intense political drama, the Peruvian people have had to face numerous misinformation and disinformation campaigns coming from different sources.<sup>37</sup> A doctor working for the local government of Ayacucho in the southern part of the country publicly encouraged people to consume industrial disinfectant similar to bleach.<sup>38</sup> The disinfectant was supposed to cure COVID-19 in patients.<sup>39</sup> These misinformation campaigns, especially those regarding miracle cures against COVID-19, have been widely present on social media in Peru. The fact that the messenger of this disinformation was a medical doctor complicated efforts to stop the spread of false and unverified information.<sup>40</sup> However, through a strict approach of imprisonment for creating and propagating "fake news," the government has made it clear that it has taken this problem seriously.<sup>41</sup>

## Bolivia

Bolivia has delayed presidential elections three times: May 3, 2020, September 6, 2020, and October 18, 2020.<sup>42</sup> Two of these date changes have been related to COVID-19.

On November 12, 2019, Jeanine Áñez, a senator for Beni, a department in Bolivia's northeastern lowlands, assumed the interim presidency in an extraordinary session of Bolivia's Plurinational Legislative Assembly.<sup>43</sup> Despite calls for a boycott from the opposition parties, the Plurinational Constitutional Court upheld the vote and declared Áñez interim president with a mandate to call for new presidential elections in no less than 90 days.<sup>44</sup> In the following 10 days, the Legislative Assembly unanimously annulled the October election results and banned Evo Morales from running as a candidate. Subsequently, the new team appointed to the Supreme Electoral Tribunal set May 3, 2020 as the new date for new elections.<sup>45</sup>

On March 21, 2020, a day before a full national quarantine was declared in the country, the Supreme Electoral Tribunal suspended elections scheduled for May 3, 2020, and declared a 14-day suspension of electoral campaigns and preparations. The rapid escalation of the public health crisis forced the tribunal to consider a date later than the prior to August 2 date initially envisioned. After consultation with all political parties, elections were confirmed to take place on September 6, 2020.<sup>46</sup> Áñez, as well as her political party, expressed doubt as to the need to conduct elections in the middle of a pandemic, while her opposition claimed that her doubts were evidence of her desire to remain in power.<sup>47</sup> And then on July 23, the elections were postponed once again. This time the Supreme Electoral Tribunal just issued a statement without consultation with the Legislative Assembly or political parties. Salvador Romero, president

<sup>33</sup> Ian Vázquez-Rowe & Andrea Gandolfi, "Peruvian Efforts to Contain COVID-19 Fail to Protect Vulnerable Population Groups" (2020) 1 *Pub Health in Practice* 10020.

<sup>34</sup> Juan Andres Fuentes, "Peruvian Government's Initial Reactions and First Measures" (5 December 2020), online: *Monitoring COVID-19 in Latin America and the Caribbean* <[lawlibrariansmonitoringcovid19.com/2020/12/05/peruvian-governments-initial-reactions-and-first-measures/](http://lawlibrariansmonitoringcovid19.com/2020/12/05/peruvian-governments-initial-reactions-and-first-measures/)>.

<sup>35</sup> *Ibid.*

<sup>36</sup> Marcelo Rodríguez, "Upcoming Presidential Elections in 2021" (3 January 2021), online: *Monitoring COVID-19 in Latin America and the Caribbean* <[lawlibrariansmonitoringcovid19.com/2021/01/03/upcoming-presidential-elections-in-2021/](http://lawlibrariansmonitoringcovid19.com/2021/01/03/upcoming-presidential-elections-in-2021/)>.

<sup>37</sup> Jack Goodman & Flora Carmichael, "Coronavirus: Fake Cures in Latin America's Deadly Outbreak" (12 July 2020), online: *BBC News* <[www.bbc.com/news/53361876](http://www.bbc.com/news/53361876)>.

<sup>38</sup> Suzanne Leigh, "Peruvian Doctor Fired After for Telling People to Drink Bleach-like Substance" (13 June 2020), online: *BBC News* <[www.bbc.com/news/live/world-53033071?ns\\_mchannel=social&ns\\_source=twitter&ns\\_campaign=bbc\\_live&ns\\_linkname=5ee51006da511906610dfaa0%26Peruvian%20doctor%20fired%20for%20telling%20people%20to%20drink%20bleach-like%20substance%262020-06-13T17%3A47%3A37.881Z&ns\\_fee=0&pinned\\_post\\_locator=urn:asset:7d501330-1aec-4c24-b84c-3c2dba764b46&pinned\\_post\\_asset\\_id=5ee51006da511906610dfaa0&pinned\\_post\\_type=share](http://www.bbc.com/news/live/world-53033071?ns_mchannel=social&ns_source=twitter&ns_campaign=bbc_live&ns_linkname=5ee51006da511906610dfaa0%26Peruvian%20doctor%20fired%20for%20telling%20people%20to%20drink%20bleach-like%20substance%262020-06-13T17%3A47%3A37.881Z&ns_fee=0&pinned_post_locator=urn:asset:7d501330-1aec-4c24-b84c-3c2dba764b46&pinned_post_asset_id=5ee51006da511906610dfaa0&pinned_post_type=share)>.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> Aldo Alvarez-Risco et al, "The Peru Approach against the COVID-19 Infodemic: Insights and Strategies" (2020) 103:2 *Am J of Tropical Medicine and Hygiene* 583 at 584.

<sup>42</sup> Andre Pagliarini, "Bolivia's Covid-19 Election Nightmare is a Warning" (30 July 2020), online: *The New Republic* <[newrepublic.com/article/158666/bolivias-covid-19-election-nightmare-warning](http://newrepublic.com/article/158666/bolivias-covid-19-election-nightmare-warning)>.

<sup>43</sup> "Áñez assume la presidencia para pacificar el país" (12 November 2019), online: *Pagina Siete* <[www.paginasiete.bo/nacional/2019/11/12/anez-assume-la-presidencia-para-pacificar-el-pais-237195.html](http://www.paginasiete.bo/nacional/2019/11/12/anez-assume-la-presidencia-para-pacificar-el-pais-237195.html)>.

<sup>44</sup> Infobae, "El Tribunal Constitucional avaló a Jeanine Áñez como presidenta interina de Bolivia" (12 November 2019), online: *Infobae* <[www.infobae.com/americas/america-latina/2019/11/13/el-tribunal-constitucional-avalo-a-jeanine-anez-como-presidenta-interina-de-bolivia/](http://www.infobae.com/americas/america-latina/2019/11/13/el-tribunal-constitucional-avalo-a-jeanine-anez-como-presidenta-interina-de-bolivia/)>.

<sup>45</sup> Paola Nagovitch, "Explainer: Presidential Candidates in Bolivia's 2020 Special Elections" (6 February 2020), online: *America Society/S/Council of the Americas* [[perma.cc/3EEN-GA79](http://perma.cc/3EEN-GA79)].

<sup>46</sup> "Acuerdan elecciones generales el 6 de septiembre en Bolivia ante Covid-19" (2 June 2020), online: *El Universal* [www.eluniversal.com.mx/mundo/acuerdan-elecciones-generales-el-6-de-septiembre-en-bolivia-ante-covid-19](http://www.eluniversal.com.mx/mundo/acuerdan-elecciones-generales-el-6-de-septiembre-en-bolivia-ante-covid-19) [[perma.cc/4G7A-G4AG](http://perma.cc/4G7A-G4AG)].

<sup>47</sup> Laurence Blair, "Is Bolivia's 'Interim' President Using the Pandemic to Outstay Her Welcome?" (1 June 2020), online: *The Guardian* <[www.theguardian.com/global-development/2020/jun/01/bolivia-president-jeanine-anez-coronavirus-elections](http://www.theguardian.com/global-development/2020/jun/01/bolivia-president-jeanine-anez-coronavirus-elections)>.

of the tribunal, cited the worsening of the health crisis as well as logistical issues during the pandemic as the main reasons for the delay.<sup>48</sup> Calls for protests and blockades throughout the country were immediately taken into action, and they have affected the supply of food and gas in several parts of the country.<sup>49</sup>

Rampant disinformation has also plagued Bolivia from the beginning of the pandemic. Conspiracy theories on how 5G antennas are responsible for spreading the virus or promoting a toxic disinfectant as a possible cure are among the most widespread disinformation efforts in the country.<sup>50</sup> These problems were the main *raison d'être* behind decree no. 4200 issued by the Ñez interim government on March 25, 2020, which contained the following article: “individuals who incite non-compliance with this decree or misinform or cause uncertainty to the population will be subject to criminal charges for crimes against public health”<sup>51</sup> (Art. 13-2). Critics have also worried that these new laws might curtail freedom of expression and of the press at a time when they are both most critically needed.<sup>52</sup>

## Paraguay

Compared to other countries in the region, Paraguay seems to have escaped the worst of the pandemic without the need to implement the same stringent policies. President Mario Abdo Benítez has been both lauded for her government’s actions as well as criticized for slow testing in the country.<sup>53</sup> Landlocked Paraguay is also an example of the pivotal need for a regional and international response to a pandemic that completely disregards political boundaries. Despite its low rate of infection or death, Paraguay faces insurmountable pressure and challenges as Brazil becomes the new hotspot in the region.<sup>54</sup> Brazil’s President Bolsonaro has recklessly downplayed the situation in his country, and he has consequently endangered any progress neighbouring countries might be able to achieve. Porous borders, the presence of isolated indigenous communities across borders, refugees arriving from Venezuela, and much-needed supply chains among countries are all part of an explosive situation which demands a coordinated and collaborative regional and international approach.<sup>55</sup>

## Future Steps

The situation in the Latin America and the Caribbean changes rapidly and often. The initial legal and government responses the authors have outlined might not be reflective of the situation in these countries at this moment. However, the purpose of monitoring and reporting on point-in-time situations is to give readers context of where past, current, and perhaps future conversations can interact.

Our team has contributed to a dedicated website, *Monitoring the Legal Response to COVID-19 in Latin America and the Caribbean*, where we capture summary reports on all countries in the region, top five most-trusted sources, and our publications and presentations. The website serves both as a source of current and accurate information about the pandemic and a time capsule that bears witness to what happened in the region. In September 2020, we presented at the 2020 Law via the Internet conference on “Access to Legal Responses to COVID-19 in Latin America and the Caribbean.” This presentation was the first of many that will take place in spring/summer 2021. We have invited collaborators based in the Latin America and Caribbean region to research and write reports for their respective countries based on experiences and what they are seeing “boots on the ground.” Additionally, we have begun to develop relationships with others within both the legal and library communities to share our findings and coverage. We have been invited by the American Bar Association (ABA) – International Law Section, the International Federation of Library Association (IFLA) – Latin America, and the Association of Caribbean Universities, Research and Institutional Libraries (ACURIL) to present our project and reports, and to engage in conversations about the way forward. Our reports will be compiled in a free e-book available for anyone to download via the *Monitoring COVID-19 in Latin America and the Caribbean website*. Furthermore, the group will host a virtual series of events in September 2021 called the “Conference on Access to Information: Latin America and the Caribbean (CAI:LAC).”

The future of the project is intrinsically tied to the expertise, dedication, and collaborations of its project members. If you are inspired to join us, please do reach out to us.

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<sup>49</sup> Marcelo Rodríguez, “Elections Postponed in Bolivia Once Again” (13 August 2020), online: *Monitoring COVID-19 in Latin America and the Caribbean* <[lawlibrariansmonitoringcovid19.com/2020/08/13/covid-19-reports-on-latin-america-and-the-caribbean-no-2/](http://lawlibrariansmonitoringcovid19.com/2020/08/13/covid-19-reports-on-latin-america-and-the-caribbean-no-2/)>.

<sup>50</sup> Jack Goodman & Flora Carmichael “5G and Microchip Conspiracies Around the World” (27 June 2020), online: *BBC News* <[www.bbc.com/news/53191523](http://www.bbc.com/news/53191523)>.

<sup>51</sup> “Bolivia Enacts Decree Criminalizing ‘Disinformation’ on COVID-19 Outbreak (9 April 2020), online: *Committee to Protect Journalists* <[cpj.org/2020/04/bolivia-enacts-decree-criminalizing-disinformation/](http://cpj.org/2020/04/bolivia-enacts-decree-criminalizing-disinformation/)>.

<sup>52</sup> *Ibid.*

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<sup>56</sup> “Publications and Presentations” (last modified July 2021), online: *Monitoring COVID-19 in Latin America and the Caribbean* <[lawlibrariansmonitoringcovid19.com/2020/05/05/our-publications/](http://lawlibrariansmonitoringcovid19.com/2020/05/05/our-publications/)>.



## Anti-Black Racism Legal Resource Guide

*The focus of this guide is to allow users to find legal materials regarding Anti-Black Racism in the Canadian context. Where possible, links to open sources are provided.*

*L'objectif de ce guide est de permettre aux utilisateurs de trouver des documents juridiques concernant le racisme envers les Noirs dans le contexte canadien. Dans la mesure du possible, des liens vers des sources ouvertes sont fournis.*

### Acknowledgements

The Anti-Black Racism legal resource guide is a culmination of work done by scholars Dr. Sujith Xavier (University of Windsor), Professor Dhaman Kissoon (Queen's University), and Ms. Simi Solebo (JD MBA Candidate 2021 Osgoode Hall Law School, York University), whose teaching and research in the area of race and law forms the basis for the Canadian legal materials listed.

Special thank you to the following University of Windsor law students in compiling the list: Hannah Thackeray, Alana Bujeya, Mallory Allan, Robert Carnevale, Jocelyn Fritz, Justin Di Camillo, and Rushi Chakrabarti.

Organizers: Yemisi Dina (York University), Amy Kaufman (Queen's University), and Vicki Jay Leung (University of Windsor). We welcome your suggestions for other resources to include in this living document. Please send them to Amy Kaufman (kaufman[at]queensu[dot]ca).

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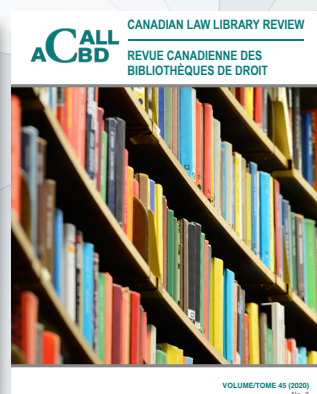
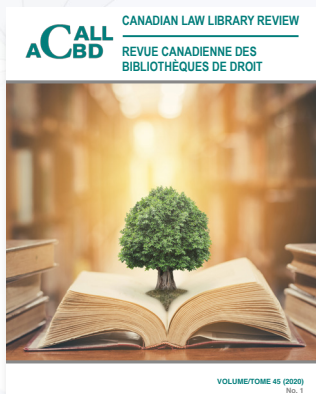
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## III Reviews / Recensions

Edited by Elizabeth Bruton and Dominique Garingan

**[25 Rules for Success... and 10 Tips to Help You Enjoy the Practice of Law](#)**. By Jacqueline L King. Toronto: Thomson Reuters, 2020. 137p. Includes appendices of supplemental resources. ISBN 978-0-7798-9714-8 (softcover) \$54.00.

Jacqueline L King, a partner at Shibley Righton LLP, is the author of *25 Rules for Success... and 10 Tips to Help you Enjoy the Practice of Law*. She is a respected litigation lawyer, a sought-after continuing legal education speaker, an astute collaborator in any committees she sits on, and oh yeah, a mother who also gets involved in her children's lives. In this book, the author explains how she stays on top of commitments while giving her best in all that she sets her mind to. Called to the bar in 1994, she has gained a wealth of knowledge, insight, and experience to write this practical book for lawyers.

As the Honourable Ian Binnie writes in the *Forward*, this book applies to both early and mid-career legal practitioners who seek to improve their practice of law by way of alleviating stress and anxiety. Along with building a network of clients, colleagues, and opportunities, the implementation of automatic and predictable work habits centred around order and structure is also vital. However, and more importantly, the author also reminds readers how important self-care is in order to regroup and refresh before continuing with the task at hand. The author advises readers to accept that mistakes do happen, to remember to self-correct if at fault, and to be kind when the fault lies with others. The author also advises readers to take vacations, to hit the reset button, and to have fun both in and outside of work above all.

As the title indicates, the book has 25 rules for success and 10 tips to help lawyers enjoy the practice of law. At the end of the book, readers will find an appendix of *Additional Resources on Rules* that includes web links and other materials reproduced with permission. Peppered throughout the book are memorable anecdotes such as the author's tale of being hired for a big case only because the originally retained lawyer was caught reviewing emails while in a conference with his client. This is in the book as Rule No. 20: Don't check your phone when a client (or anyone else) is speaking to you. The author also includes historical quotes from notable persons. One by Warren Buffet may be found in Rule No. 22: "It takes 20 years to build a reputation and five minutes to ruin it. If you think about that, you will do things differently."

A search online finds similar career-oriented books aimed at members of the legal profession. For the most part, a number of these books deal with getting accepted into law school, starting a career, developing soft skills, and maintaining a balanced life while engaging in professional practice. For example, LexisNexis has a publication entitled *25 Tips for the New Lawyer* which is less nuanced in comparison with the highlights and references to additional resources found in this book.

*25 Rules for Success* is uniquely positioned as an easily referenced pocket style paperback publication with an easy-to-read style. The tips directed at lawyers as they plot their way through the legal profession may also apply to other occupations. I can see myself as the reader applying the author's tried and true tips and tricks to my own work and personal life to achieve a more meaningful life balance.

Who can argue with giving our best? This includes giving ourselves permission to pay attention to the care we need to put our full attention into the task at hand.

REVIEWED BY  
VICKI LEUNG

Reference Librarian  
University of Windsor Law Library

***By the Court: Anonymous Judgments at the Supreme Court of Canada.* By Peter McCormick and Marc D Zaroni. Vancouver: UBC Press, 2019. xv, 252p. Includes bibliographic references and index. ISBN 9780774861717 (hardcover) \$89.95. ISBN 9780774861724 (softcover) \$32.95. ISBN 9780774861748 (EPUB) \$32.95. ISBN 9780774861731 (PDF) \$32.95.**

As I was reading this publication, I came across this interesting footnote: "... this book came into being only because a graduate student's thesis project wound up disproving most of what his supervisor thought he knew about the subject" (footnote 25, p 232).

Marc D Zaroni, with Peter McCormack as his thesis supervisor, was working on a Master of Arts degree in political science at the University of Lethbridge. Zaroni's thesis topic involved "an examination of the Supreme Court of Canada's *By the Court* decisions—those decisions that are not attributed to any specific individual but mysteriously and cryptically *to the Court*" (p xi). During his literature review, Zaroni was surprised to discover that there was no academic literature on the topic! There were no books, no articles, and no "focused discussion" of the phenomenon. After various twists, turns, and discoveries in the research process, Zaroni and McCormick ended up writing this book, a well-researched exploration of *By the Court* decisions of the Supreme Court of Canada (SCC).

The authors conducted a remarkably thorough study of the *Supreme Court Reports* and turned to the Court's archives to gain a deeper understanding of the decision-making and reporting process in the early years of the Court. Zaroni and McCormack begin their investigation with the most basic question, "What are *By the Court* decisions?" They then set out the assertions they plan to defend and demonstrate in the coming chapters as they "examine when and how the Supreme Court presents its reasons anonymously in cases that really matter" (p 10).

The second chapter of the book provides an informative and succinct history of the Supreme Court of Canada based on the authors' assertion that the Supreme Court has been, for the past 50 years, primarily a constitutional court. In Chapters 3-5 we find a discussion of the importance of presentation and packaging of Supreme Court decisions. The authors explore the *By the Court* phenomenon and whether this is primarily a Canadian experience or if the decisions share the tradition with the British House of Lords, the United States Supreme Court, or perhaps have a French connection. A comparison of comparable common law courts defends the authors' assertion that the Supreme Court's use of *By the Court* is, in fact, unique.

In Chapter 6, the authors trace the early history of *By the Court* decisions through eight decades and three distinct phases, referring to this period as the "minor tradition." Chapter 7 highlights the decisions that marked the transformation of the "minor tradition" into the modern practice the authors have labelled the "grand tradition." Chapter 8 provides a more complete list of *By the Court* decisions in the grand tradition, organized by Chief Justice. Chapters 9 and 10 explore four categories of judgments that are given *By the Court* designations and the reasons underlying each. Reference decisions are explained very well here, and I enjoyed the explanation behind the court's use of *By the Court* judgments in response to problematic and controversial "hot potato" cases. In the final chapter, the authors organize their study's conclusions with a look to the future of the *By the Court* format.

To better illustrate the discussions, the authors provide 19 detailed tables and figures along with detailed footnotes, which provide a good jumping-off point for readers to explore other valuable sources. I enjoyed the many interesting tidbits I learned throughout the book, such as the fact that the Judicial Committee of the Privy Council has jurisdiction to hear appeals from the High Court of Chivalry. As well, this book contains interesting anecdotes about why the Supreme Court of Canada had to delay issuing certain judgments. Furthermore, readers may be surprised to know that on December 15, 1988, four *By the Court* decisions were issued in one day!

This is an appealing book, and I recommend it to members of the Canadian Association of Law Libraries (CALL/ACBD). Anyone with an interest in the history of the Supreme Court of Canada, their judgments, and the judgment writing process will enjoy this book.

REVIEWED BY  
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Court of Appeal for Saskatchewan

***Feminist Judgments: Rewritten Tort Opinions.* Edited by Martha Chamallas and Lucinda M Finley. Cambridge: Cambridge University Press, 2020. xxiv, 427 p. Includes bibliographic references, table of contents, table of cases, and index. ISBN 978-1-108-706247 (paperback) \$56.95.**

*Feminist Judgments: Rewritten Tort Opinions* is the latest installment of the *Feminist Judgments* series published by Cambridge University Press. This book is edited by Martha Chamallas, the Robert J Lynn Chair in Law at the Ohio State University, and Lucinda M Finley, the Frank G Raichle Professor of Trial and Appellate Advocacy and Director of Moot Courts at the University at Buffalo, State University of New York. It features a number of legal academics as contributing authors, analysts, and feminist judgment writers. This book specifically addresses tort decisions, and it should be noted that the content of the book features solely American tort cases. The introduction emphasizes that the book is meant to be used in law schools, and one assumes that it is American law school students who are the target audience.

As with the other books in the series, and as the title suggests, *Feminist Judgments: Rewritten Tort Opinions* rewrites existing tort decisions using a feminist lens. For its structure, the book is broken up into four sections: The Classics, featuring eminent U.S. tort cases; Intentional Torts; Negligence and Vicarious Liability; and Damages. Each of these sections contains several chapters with one judgment per chapter. Each chapter comprises an introduction to the facts of the case followed by an analysis of the feminist judgement. Here, one legal scholar reviews the feminist judgment spotlighted in the chapter. The rewritten feminist judgment, which is authored by another legal scholar, then forms the conclusion of every chapter.

The sequence found within the book's chapters feels akin to reading a movie review before watching the movie. However, if we consider that the audience is intended to be made up primarily of law students, and that the text was published with the perception that it would be used in class to engage students in debate about the substantive differences that feminist perspectives may bring to a judgment, then sequencing the analysis ahead of the actual opinion or judgment may arguably help inform a student's reading of the rewritten decision.

The feminist perspectives on these tort opinions provide an enriching and timely context that helps to oppose the notion that tort law should be gender neutral. The contributing authors of the rewritten opinions rarely criticize the original judgments. Instead, they point to their implicit bias. The rewritten opinions make efforts to reframe each decision with the recognition of women's realities in society. In many of the original decisions chosen for the book, the fact that the plaintiff is female is not considered by the court. Furthermore, in certain cases, the race or economic circumstance of the woman is likewise unacknowledged.

In one notable case involving a black woman who was sterilized by a doctor without her consent, the original trial judge made no mention of the woman's race, whereas the rewritten opinion calls attention to intersectionality and emphasizes the history of mistreatment of African Americans within the U.S. healthcare system. Other rewritten decisions which hold particular relevance include a case of sexual harassment, where the original opinion looked at the limits of what should be tolerated in a decent society exclusively from a male perspective, and a case in which it was not deemed reasonably foreseeable that a rape might occur in a darkly lit parking garage. The rewritten opinion in the latter case made certain to point out that, for a woman, rape is always reasonably foreseeable.

It is worth mentioning that not every case in the book involves a female plaintiff. One opinion applies the feminist lens to a case of a gay man whose sexuality was exposed by a newspaper. The contributing author of this chapter effectively uses the feminist lens to illustrate a judge's lack of ability to distinguish private and public spheres as they applied to personal identity.

A strong point of this book is that the cases are all relevant and interesting, and each analysis differs enough from the original opinion. Each rewritten judgment makes enough

relevant points that it is easy for readers to wish that they had been the actual decisions. Academic librarians, practitioners interested in gender and the law, as well as law students would certainly benefit from reading this book.

REVIEWED BY  
**EMILY BENTON**  
*Research Librarian (Law)*  
*University of Ottawa*

***In Your Face: Law, Justice, and Niqab-Wearing Women in Canada.* By Natasha Bakht. Toronto: Irwin Law, 2020. xiii, 251 p. Includes illustrations, bibliographic references, and index. ISBN 978-1-55221-549-4 (softcover) \$34.95. ISBN 978-1-55221-550-0 (e-book) \$34.95.**

In this highly readable book, author Natasha Bakht, professor of law and the Shirley Greenberg Chair for Women and the Legal Profession at the University of Ottawa, provides an insider's view of women that wear the niqab or face covering.

The niqab, a veil that covers the face and leaves the eyes uncovered, is an integral part of some Muslim women's cultural and religious expression. As many people in Canada have likely never met or talked with a niqab-wearing woman, this book opens the door to understanding the niqab from the perspective of the wearer. For this book, Bakht interviewed nine niqab-wearing women in Ontario and Quebec who worked in various fields, were university students, or were stay-at-home mothers. Each of them decided to wear the niqab to bring value to their lives and beliefs.

While focusing mainly on Canada, the author also refers to other countries where niqab-wearing women's choices have been debated. Bakht uses media interviews, debates, newspaper articles, blogs, academic articles, case law, legislation, and secondary sources from several jurisdictions to supplement the voices of the women interviewed. The author compares her observations with the research on veil-wearers from the Netherlands, Denmark, Belgium, France, and England.

One motivation of the author for writing this book lies in her perception of the disregard for the basic dignity and human rights of niqab-wearing women over the last decade. As a legal scholar, Bakht is interested in uncovering and remedying existing inequalities and preventing their reoccurrence. In this book, Bakht's primary objective is to analyze the reasons offered by the majority to restrict the individual choice of a small minority, and this is accompanied by the hope that a commitment to respect and understanding would lead to a more conducive interaction between people.

In a similar book entitled *Women in Niqab Speak: A Study of the Niqab in Canada* (Gananoque, ON: Canadian Council of Muslim Women, 2013), Linda Clarke reports on the findings of an empirical study involving surveys, focus groups, and in-depth individual interviews. This study involved eighty-one women living in different parts of Canada who wore the niqab. The study did not focus on the religious or theological basis of the practice itself, but the lived experiences of the women and the diverse narratives they shared. Clarke's conclusion was similar to Bakht's, in that although women



did not feel the niqab was an absolute requirement by Islam, they wore the face covering as a way to express their personal relationship to God.

Since Clarke's book, several changes have taken place in Canada. Certain politicians have denounced the niqab for a variety of reasons, calling on Muslim women to remove it. Legislative attempts have been made, some successfully, to prohibit women from covering their faces in certain environments and contexts, including courtrooms, citizenship ceremonies, while voting, while working in the public service, and when receiving certain government services. In June 2019, Bill 21, *An Act respecting the laicity of the State* (SQ 2019, c 12) was passed by Quebec's national assembly to ban teachers, police officers, and other public employees from wearing religious symbols in the exercise of their functions.

Bakht critically examines the arguments presented by different governments and societies for opposing the wearing of the niqab. These arguments include the idea of the niqab as a symbol of non-integration, a sign of women's oppression, an affront to secularism, an engagement in radical and extremist behaviour, a security concern, frightening or impolite, an affront to national values, a perceived problem of identification, and a cultural symbol rather than a personal religious choice.

The author also addresses the impact of the niqab in the courtroom. Niqab-wearing women have been in courts as advocates, plaintiffs, witnesses, observers, and accused. The author suggests that courts must adapt their customs and practices to be more inclusive of the needs of Muslim women who cover their faces so that they too have access to legal institutions, so that their basic rights are addressed, and so that they can also participate and engage with judicial processes.

Bakht posits that niqab bans have had the effect of legitimizing discriminatory beliefs and conduct. While this book focuses primarily on the Canadian context, the author offers a global survey of legal proscriptions of Muslim women's face veils, as well as the harmful political, social, and economic consequences of these exclusionary laws on niqab-wearing women.

In the book's final chapter, Bakht examines the voices and perspectives of niqab-wearing women regarding their own views and includes a short discussion on images of veiled women in arts and popular culture. Abundant bibliographic notes and an index are included in the book as finding and further research tools.

As of this time, the book's topic holds its present relevance given that the Quebec Superior Court has largely upheld the controversial Quebec law barring civil servants in positions of authority from wearing religious symbols at work. This book comes highly recommended for law libraries with collections covering the subjects of civil liberties and human rights.

REVIEWED BY  
**SONIA SMITH**  
*Liaison Librarian*

*Nahum Gelber Law Library, McGill University*

***Law and Neurodiversity: Youth with Autism and the Juvenile Justice Systems in Canada and the United States.* By Dana Lee Baker, Laurie A Drapela, and Whitney Littlefield. Vancouver: UBC Press, 2020. Includes bibliographic references and index. ISBN 9780774861373 (softcover) \$32.96.**

*Law and Neurodiversity* is a well-researched, broad academic review of the current state of youth justice systems in Canada and the United States as they relate to autistic youth in conflict with the law. The book puts forward four questions to guide the text:

1. Why consider autism in the context of juvenile justice?
2. How do juvenile justice systems particularly affect youth with autism and autistic youth?
3. How can circumstances be improved for youth with autism, autistic youth, and the personnel who interact with them in juvenile justice settings?
4. What does a rights-based disability policy look like in the context of the rehabilitation of children with autism and autistic children involved with juvenile justice systems? (pp 3-4)

The book opens with a conversation about language and terminology: what is meant by disability; intersectionality; and how to refer to someone under the age of 18 in conflict with the law. The authors explain that the text tries to use terminology interchangeably and together. For example, some people who are neurodiverse may describe themselves as "a person with autism," while others prefer being referenced as "an autistic person." This is a helpful framework to ensure clarity for the reader and acknowledge individual preferences that exist for people who may share a common diagnosis. The authors also include a glossary to define terms that may be unfamiliar to people who are new to criminal justice or autism research.

The book addresses several key topics: the history of youth criminal justice; specific issues particular to youth with autism in conflict with the law; healthcare issues; the role of the education system; how custody affects autistic youth; and best practices to support youth transitioning from the youth criminal justice system back into the community. Each chapter includes an overview of the Canadian and U.S. system while identifying specific challenges neurodiverse youth encounter in navigating both the system itself and those working within the system. At the end of each chapter, the authors provide a summary framed as answers to the four guiding questions.

Overall, the authors recommend a holistic approach in that neurodiverse youth need to be held accountable for offending, but also deserve to be treated fairly. Short, medium, and long-term recommendations include the justice system's employment of screening tools that identify ableism, and the introduction of policy changes and specific training for justice system participants that would contribute to the equitable treatment of autistic youth.

*Law and Neurodiversity* does not lay claim to a one-size fits

all approach to working with autistic youth within the youth criminal justice system. However, the book could have benefitted from more practical examples of best practices for working with neurodiverse youth. Unfortunately, the more high-level overview of both Canadian and U.S. systems and practices results in little discussion of how the *Youth Criminal Justice Act* can be used to seek assessments and reports.

*Law and Neurodiversity* is recommended for academic libraries and people working with young offenders.

REVIEWED BY  
**LORI O'CONNOR**  
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*Melfort, Saskatchewan*

***Prosecuting and Defending Drug Offences*, 2nd ed. By Peter M Brauti and Brian G Puddington. Toronto: Thomson Reuters, 2020. lxxiii, 543 p. Includes table of cases, forms, and indices. ISBN 978-0-7798-9719-3 (hardcover) \$196.00.**

The first edition of *Prosecuting and Defending Drug Offences* was written in 2003 by the same authors. This second edition is rather inconsistent in its content update. Although it does include a comprehensive table of contents, prosecution forms, and well-organized indices, the table of cases is not current. The *Preface* and *Forward*, written by Peter M Brauti and Kent Roach, respectively, are from October 2003.

Although dated, the content of the book does contain relevant legal foundations and principles related to the substantive law of drug offences. Rather than being a practical publication such as a handbook, it is written for a historical academic audience. This may explain the lack of recent updates to legal principles.

The case law that is included is heavily slanted towards the prosecution, providing aids in the conviction of the accused rather than presenting any examples of defences. For example, Chapter 1 (*Offences*), Chapter 3 (*Nature of Substance and Continuity*), and Chapter 11 (*Experts*) all provide sample questions for the prosecution only. Chapter 2 (*Defences*) does not provide any sample questions. Chapter 4 (*Judicial Interim Release*) includes suggestions as to how one would restrict an accused's release. *R v Tunney* (2018) would have been a good case to include here as being useful for the defence.

While reading this book, I often found myself mentally including material I thought should be there. Chapter 6, entitled *Privileges*, does not include any in-depth examples or tips such as using anonymous informers, paid informers, or using a "Step 6" application. Although there is extensive case law on obtaining standing, which is crucial to the defense when attacking warrants, Chapter 8 (*Searches and Detentions*) fails to include examples. What I would have expected to find would be examples of how to attack warrants at various levels. For example, there were no tips on how to decipher the "Information to Obtain," how to cross examine the affiant, or how to obtain leave. Although Chapter 10 (*Exclusion of Evidence*) mentions a decision tree, no example of one is included.

Throughout the publication, the case law provided is not up to date with the current state of the law. Even though the *Table of Cases* includes cases as recent as 2018, there have been pre-2018 changes and additions to the practice of law that are not reflected in this publication. For example, *R v Gladue* (1999) is referenced but *R v Ipeelee* (2012) is not.

In Chapter 12 (*Sentencing*), references to Indigenous and race caselaw are outdated with decisions which are equally important to the bail process as well as sentencing. For example, *R v Borde* (2003) is not included. I would note that Chapter 13 (*Drug Descriptions*) is a useful addition. However, reference to ancillary orders such as weapons prohibitions are insufficient even though there is a plethora of case law for mitigation in sentencing and specific deterrence rehabilitation and restorative justice principles.

Overall, I was not impressed by the lack of updating put into this new edition. Between 2003 and 2020, there has been much new material that should have been included. However, this book seems to contain more or less the content found in the original edition.

REVIEWED BY  
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***Statutory Interpretation: Pragmatics and Argumentation*. By Douglas Walton, Fabrizio Macagno, and Giovanni Sartor. New York, NY: Cambridge University Press, 2021. 331p. Includes figures, tables, and bibliographic references. ISBN 978-1-108-42934-4 (hardcover) \$126.95.**

The product of a long-standing and fruitful international collaboration, this work is a unique multidisciplinary contribution to the literature on statutory interpretation. Authors Douglas Walton (1942–2020), adjunct professor in the Department of Philosophy and Distinguished Research Fellow at the Centre for Research in Reasoning, Argumentation and Rhetoric (CRRAR) at the University of Windsor; Fabrizio Macagno, assistant professor of Philosophy and Communication at the Universidade Nova de Lisboa; and Giovanni Sartor, professor of legal informatics at the University of Bologna, combine their diverse research interests in argumentation, legal theory, pragmatics, dialectics, and artificial intelligence to present a framework for identifying, representing, and assessing the argument structures that underlie statutory interpretation.

The work is divided into six sections, each progressively building on the concepts elaborated in the previous section. Drawing on a diverse body of literature in legal theory and linguistics, in the first section the authors establish their characterization of statutory interpretation as a fundamentally argumentative activity and then introduce the notion of argumentation schemes (typologies of arguments or interpretative canons) that is further explored in depth in the subsequent sections.

In the second section, the authors argue that statutory interpretation is a species of problem-solving dialogue. Building on the instrumentalist theory of statutory

interpretation, as well as the deliberation dialogue model of formal argumentation from the field of artificial intelligence, the authors distinguish statutory interpretation as dialectical problem solving from adversarial legal argumentation in which opposing parties seek to establish that a claim is acceptable to a required standard of proof. The authors contend that the goal of statutory interpretation “is not to establish the acceptability of a viewpoint, but rather to make a decision on the meaning to attribute to a legal statement” (p 55). They create a general argumentation model of problem solving that can be represented diagrammatically and apply this technique to analyze the argumentation and decision-making process in *Google Spain v Costeja González* (2014), in which data protection regulations are interpreted in relation to search engines and the right to be forgotten.

In the third section, the authors explore the concept of ambiguity through the lens of pragmatics and philosophy of language. They contend that so-called linguistic or textual arguments derive from pragmatic inferences. To support this argument, they apply linguistic techniques to analyze the treatment of syntactic and semantic ambiguity in several well-known U.S. Supreme Court cases and diagram the relationships among the various linguistic arguments and counterarguments to reveal their structure. For example, the authors’ analysis of *District of Columbia v Heller* (2008), a case that addressed whether a ban on handguns violated the Second Amendment right to “keep and bear arms,” reveals that both the majority and dissenting views rely on “pragmatic enrichment” of the text to resolve ambiguity.

The fourth section further develops the possibility of the pragmatics of legal interpretation by examining the relationships among Paul Grice’s pragmatic maxims, the legal cannons of interpretation, and the types of interpretative arguments and by seeking to order the underlying presumptions in a logical hierarchy. The fifth section builds upon the authors’ previous work on the logical analysis of interpretive arguments to classify interpretative arguments into five main types, laying the groundwork for the formalization of these types as argumentation schemes, which they define as “abstract structures that allow the identification of the different types of premises used, and the assessment of both the acceptability of the inference and the strength of the evidence used” (p 151). In the sixth section, the authors propose that these argumentation schemes can be modelled using a formal and computational argumentation system in which graphs with nodes represent propositions and relationships among them. To illustrate, the authors use the Carneades argumentation system to map out the complex legal reasoning (premises, conclusions, supporting arguments, attacks, counterattacks, and inferences) employed in *Dunnachie v Kingston-upon-Hull City Council* (2004), a case dealing with the interpretation of the term “loss” in the *Employment Rights Act 1996* (UK).

This work contributes meaningfully to the literature on legal reasoning by presenting a compelling case for further examination of an instrumentalist and pragmatic approach to statutory interpretation, which in turn opens new avenues for research in the application of computation and artificial intelligence to the field. The strength of this work is the extensive use of real-world examples drawn from both

common law and civil law cases to illustrate the application of the authors’ analysis. The authors do not assume extensive prior knowledge of the five varied disciplines that the work integrates, defining key concepts as needed and pointing out relevant areas of controversy in the literature. However, the work falls short of its ambitious aim to offer practitioners and laypeople the tools necessary to render comprehensible the logic and justification of statutory interpretation. The culminating section where the argumentation schemes are fully developed using formal computation argumentation systems will be challenging for those without a background in computational logic. This work will be of primary interest to researchers in artificial intelligence and law, statutory interpretation, argumentation theory, and pragmatics.

REVIEWED BY

EMILY DA SILVA

Research Librarian

(Education, Law, Management, and Social Sciences)

University of Ottawa

***The Role of Monarchy in Modern Democracy: European Monarchies Compared.* Edited by Robert Hazell and Bob Morris. Oxford, New York: Hart, 2020. xiv, 311 p. Includes bibliographic references, table of monarchs and their close families, and index. ISBN 978-1-50993-101-9 (hardcover) \$90.00. ISBN 978-1-50993-102-6 (EPUB).**

*The Role of Monarchy in Modern Democracy: European Monarchies Compared* is volume 27 of the *Hart Studies in Comparative Public Law* series.

This slim, but information-packed volume on modern European constitutional monarchies is an edited collection of papers presented at a March 2019 conference of leading scholars from Belgium, Denmark, Luxembourg, the Netherlands, Norway, Spain, Sweden, and the UK, all of which have constitutional monarchies. Twenty-five papers are “woven” into 10 chapters to permit topical analysis and comparison of the functions and regulation of each monarchy. The analyses and comparisons use the political theory of the monarchy developed by Walter Bagehot in the 1860’s *The English Constitution* (Oxford World’s Classics, 2001) as a touchstone.

This project, which culminated at the conference and in this very book, arose out of earlier works by the editors Robert Hazell, of The Constitution Unit of University College London, and Bob Morris of the School of Public Policy, University College London. The paradox of modern monarchies, about which there is little academic writing, peaked both their interests. Central to their research is the question of why this “ancient hereditary institution” should “play a central role in some of the most advanced democracies in the world” (pp v-vi). The editors analyze several questions to help “develop a better-informed public debate about our expectations of the monarchy, its role and its future” (p 3) by contrasting and comparing eight European constitutional monarchies.

The editors explore the topic in two broad parts. Chapters 3-6 examine the histories and the various functions performed by each of the eight royal families: constitutional; day-to-day political; ceremonial, service, and welfare; and international.

This examination covers the modern period dating back to the nineteenth century. Chapters 7-9 analyze and compare how the monarchies are regulated. They discuss the size of the respective royal families, lines of succession, finances, constraints placed upon members of the royal families, and public opinion and the media. Each chapter opens with a helpful introduction and ends with insightful conclusions synthesized from the analysis made in that chapter. The final chapter of the book draws all prior analyses together to provide answers to the research questions posed at the outset. It then lists key findings for the future successes of the eight European constitutional monarchies.

*The Role of Monarchy in Modern Democracy* is timely considering recent discussions in Canada about the role of the monarchy and the need for a governor general. It is also current, with references to and foreshadowing of the changes in the roles of the Duke and Duchess of Sussex. One of the themes of the book is the relationship between the decline in the direct political and constitutional powers of the monarchies and the rise of the “welfare” and service roles of royal family members. Chapter 6 of the book explores this unique relationship. Through the obituaries written on the recent death of Prince Philip, Duke of Edinburgh, it becomes clear how active he was in service roles.

The book has an extensive bibliography, an index, and a table of monarchs and their close families. My brief glance at the index was disappointing. The first entry in the index, *Abdication*, does not refer to the U.K. experience even though King Edward VIII's abdication was referred to several times in the text, and the page references to the other countries listed do not always correspond to the subheading *Abdication* found under each country's name. I also found an unfortunate typographical error on page 114. Armistice Day in the U.K. is held on November 11 and not December 11.

*The Role of Monarchy in Modern Democracy* is a scholarly yet enjoyable read. The commentary is thought-provoking and insightful with much for the reader to mull over. Tables of data reveal the public mood and illustrate trends. The rearranging of the original papers does make the narrative a bit disjointed in places and at times repetitive. However, the introductions and conclusions to each chapter are helpful in guiding the reader through the text. As the editors predicted in the book's *Forward*, this structure, in the end, "makes for a stronger analytical approach and sharper comparison." It is a worthwhile read for those who wonder how an anachronism like a monarchy is surviving in modern times.

I recommend this book for all academic law libraries, academic libraries serving historians and political scientists, and government libraries with constitutional law collections.

REVIEWED BY  
**SANDRA GEDDES**  
*Bennett Jones*

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## III Bibliographic Notes / Chronique bibliographique

By Nancy Feeney

**Craig Robertson, “The Filing Cabinet,” (May 2021), online: *Places Journal* <[placesjournal.org/article/the-filing-cabinet-and-20th-century-information-infrastructure/](https://placesjournal.org/article/the-filing-cabinet-and-20th-century-information-infrastructure/)>.**

Media historian, Craig Robertson, is an Associate professor of media studies at Northeastern University; his areas of study include the history of paperwork, information technologies, and identification documents. In 2010, he published *The Passport in America: The History of a Document*, which traced how a particular piece of paper became the accepted means of proving one’s identity. While researching that book, Robertson serendipitously discovered the moment that governmental record-keeping and storage was forever altered. That discovery led to his latest publication on the history of the filing cabinet; this essay is adapted from that book, *The Filing Cabinet: A Vertical History of Information*, published in early 2021.

The organization of the U.S. State Department records that Robertson consulted at the National Archives for his passport research was markedly different before and after 1906. That was the year that Elihu Root, the Secretary of State in U.S. President Theodore Roosevelt’s administration, demanded the adoption of a vertical filing system within the Department of State. Consequently, instead of having to scroll through chronologically organized microfilm images as he did for older records, Robertson was able to utilize the numerical filing system which was instituted in 1906. The previous system of organization was based on chronologically ordered bound volumes of correspondence and documents; limited indexing of these volumes restricted their usefulness.

According to Robertson, “the shift from bound volumes to filing systems is a milestone in the history of classification; the contemporaneous shift to vertical filing cabinets is a milestone in the history of storage.” The filing cabinet, he posits, became ubiquitous in offices around the world, because it provided a way to store large amounts of easily retrievable paper. Filing cabinets revolutionized paper storage, by permitting paper to be stand upright, rather than being placed in piles or in bound volumes. Filing cabinets utilized space more efficiently, and made sheets of paper more accessible.

The generally accepted inventor of the filing cabinet is the Library Bureau, the Boston based company established by Melvin Dewey, of classification fame, in 1876. Robertson details contributions by others to the technology, as well as the numerous patents issued for the new office equipment, which was foundational to the idea of the “modern” workplace. Additionally, the filing cabinet contributed to the idea that information is distinct from knowledge, that it was something “that could be standardized, atomized and stripped of context.”

Robertson believes the filing cabinet played a part in maintaining gender rolls in the workspace: “In the 20<sup>th</sup> century office, female file clerks were expected to handle papers, but not to understand their contents; in contrast, it was male managers and executives who read the files, performing jobs that purportedly required thought.”

Early computer interfaces adopted the idea of the office desktop, and incorporated folders and filing drawer icons for saving functions; however, the filing cabinet metaphor lost

cachet over time, as Robertson notes, as “Googling” and keyword searching offered an alternative to the “location-based-search-and-storage logic” of folders and files.

Robertson masterfully lays out the historical significance of the deceptively modest piece of office furniture, the filing cabinet. Its role was complicated: it changed how information was stored and retrieved, and revolutionized office work; yet, it was used to perpetuate unfair gender rolls. Its function influenced computer taxonomy, before devolving into an anachronistic metaphor for disorganization and information overload. This delightful essay is a great reminder of how often there is complex historical and social significance hidden in plain sight.

**Jonathan Zittrain, John Bowers, and Clare Stanton, *The Paper of Record Meets an Ephemeral Web: An Examination of Linkrot and Content Drift within The New York Times* (26 April 2021), online: SSRN <[ssrn.com/abstract=3833133](https://ssrn.com/abstract=3833133)> or <[dx.doi.org/10.2139/ssrn.3833133](https://dx.doi.org/10.2139/ssrn.3833133)>.**

Jonathan Zittrain, professor of law and computer science at Harvard University, John Bowers, an affiliate at Harvard’s Berkman Klein Center for Internet & Society, and Clare Stanton, of the Harvard Law School’s Library Innovation Lab, investigated the extent of the ephemerality of weblinks in *New York Times* (NYT) articles from 1996 through mid-2019. Modern journalists utilize hyperlinks within their articles as a way of providing richness and interactivity for their readers; however, web content has a tendency to change, relocate or disappear without warning. URLs that no longer work are known as “linkrot.” “Content drift” occurs when changes are made to the content at a particular URL without warning, which has the potential to lead the reader away from the author’s original intent by referencing such a link.

The authors and their team of researchers reviewed over 500,000 NYT articles that contained more than 2 million hyperlinks to content outside the paper. One quarter of the relevant links suffered from linkrot and were no longer accessible. Thirteen percent of the sampled URLs were deemed to have suffered from content drift, and were no longer linked to the information the original article referred to when first published. The extent of linkrot and content drift varied depending on the sections of the newspaper; travel articles tended to display higher rot rates, while health articles had low rates. Additionally, the age of the article was a constant factor; older articles were more impacted than more current articles.

While their focus was on journalism, the researchers believe that their findings are important for any area of work reliant on the written word and web content. In fact, their previous research in the legal field led to modifications in legal citation guidelines. The authors laud the Internet Archive as one means of fighting linkrot and content drift, but recognize its limitations. They believe new systems of link preservation must be adopted, and suggest that news organizations should collaborate with information professionals to come up with effective solutions and strategies.

**Matthew W Schmidt, “What You Can Learn From Frogs About Legal Research,” (7 May 2021), online: *Above the Law* <[abovethelaw.com/2021/05/what-you-can-learn-from-frogs-about-legal-research/?rf=1](https://abovethelaw.com/2021/05/what-you-can-learn-from-frogs-about-legal-research/?rf=1)>.**

Nature has designed frogs to jump far, with accuracy. Using this amphibian’s self-preservation skills as a guide, Matthew W Schmidt, a litigation lawyer from New York, cleverly outlines the goals of legal research.

He believes an effective legal researcher must not only cover a lot of ground, they must also demonstrate accuracy and thoroughness. All three elements are necessary; otherwise, the whole thing falls apart.

First, good legal research needs to be extensive. An effective researcher must cover a wide distance in order to avoid missing key subjects. Second, a researcher must be accurate; if an important case or concept is missed, it could be fatal to the case or argument. Finally, being thorough, is crucial and maintains credibility.

While Schmidt’s use of the frog as an analogy for legal research falls short with regard to the third element, thoroughness, it does offer an effective description for breadth and accuracy.

**Daniel Nield, “7 Gmail Browser Extensions That Are So Good They Should be Native Features,” (12 May 2021), online: *Gizmodo* <[gizmodo.com/7-gmail-browser-extensions-that-are-so-good-they-should-1846857822](https://gizmodo.com/7-gmail-browser-extensions-that-are-so-good-they-should-1846857822)>.**

Nield reviews a number of extensions for Google’s Gmail that have been developed by third party vendors. Highlights include:

- *Checker Plus*—an organizing tool with customizations; works well managing multiple email addresses
- *Inbox When Ready*—schedules when mail appears in the inbox, as well as when and how long you can spend looking at your emails; this can help reduce email anxiety and inbox distraction
- *Simple Gmail Notes*—enables you to append notes to emails and conversation threads
- *Trocker*—a tool that allows you to block common email-tracking technologies, preventing senders from seeing when and where you open the email.

Nield believes that many of these extensions are so useful and popular that they will eventually be adopted as standards by Google.

**The Atlas Obscura Podcast, online (podcast) *Atlas Obscura* <[www.atlasobscura.com/podcast](https://www.atlasobscura.com/podcast)>.**

Dylan Thuras, co-founder of *Atlas Obscura*, the online magazine and travel company, hosts this podcast which takes listeners on an audio journey to unique and hidden places, and puts each featured location into historical

or social context. Fifteen-minute episodes drop Monday through Thursday each week; show notes for each episode link to additional features, like photographs and recommended readings. Recent episodes include a story on a wide variety of statues across the world that are believed to confer good fortune to those that touch them or leave them offerings of flowers; the history of a decades-long fire in a crater in Turkmenistan known as “The Gates of Hell” and, an introduction to the Library of Mistakes, in Edinburgh, Scotland, established after the worldwide financial crisis in 2008 with the mission of preventing future recessions. The podcast was launched in March 2021 and is available on Stitcher, Apple Podcasts, and Spotify.

**Overdue Finds, online: (podcast) Edmonton Public Library <[overduefinds.libsyn.com/](http://overduefinds.libsyn.com/)>.**

Librarians Bryce Crittenden and Caroline Land of the Edmonton Public Library (EPL) engage in conversations with authors, librarians, and other special guests about books, movies, music, and pop culture. This award-winning podcast

was launched in 2018, with episodes dropping approximately twice a month. A recent episode featured an interview with Caitlin Miller, lead member of the EPL’s Indigenous Services team where they discussed books of all genres written by Indigenous authors as well as the library’s programming focused on the Indigenous community. A popular annual feature is the “March Madness” tournament that creatively utilizes the NCAA’s bracketing system to determine a themed winner. This year, the tournament was entitled “Best Character” and the ultimate winner was Moana; last year, The Princess Bride was crowned “Best Movie Based on a Book.” The podcast is available on Apple Podcasts, Spotify, Stitcher, and Google Podcasts.

# CALL/ACBD Research Grant

Perhaps it is time to start thinking about your next research project. The deadline for the 2021 research grant will be February 28, 2022 and the grant will be awarded in April 2022.

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

The maximum amount of the grant award is \$3000.

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

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

By Josée Viel

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

### Edmonton Law Libraries Association (ELLA)

It has been well over a year since we've sent in any news from the Edmonton Law Library Association, so we have a fair bit of catching up to do!

As with many other matters in life, COVID-19 did upset our plans for the last few months of the 2019-2020 season, which typically would conclude with the AGM at the end of June. We regrouped after a few months of getting used to the "new normal" and hosted the AGM in October, our first via Zoom. The Executive proposed that for the 2020-21 we waive membership fees, in recognition of potential financial hardships of the year; this was unanimously supported by the membership. We also elected/acclaimed the following executive for 2020-21, with our departing Chair/ Secretary, Samantha Allan, who joined us from her new home in White Horse, Yukon, presiding.

Continuing Executive Members: Sara Tokay (Chair); Anke Eastwood (second-time Past Chair, thanks to Samantha's departure); Christine Brown (Treasurer); and Lucinda Johnston (Webmaster). Newly elected Executive: Michael McNichol, Secretary. Lakshmi Balaraman subsequently filled the position of Chair-Elect, 2020-21. Doris Wagner reported that the HeadStart program, which is a one-day research workshop for law and library students, was cancelled this past year because of the pandemic.

ELLA had a busy year, with two seasonal online evening socials, featuring trivia challenges and six lunch-hour educational sessions with virtual participation being as good or better than our previous in-person attendance has been. The first educational session was with three librarians, Kirk MacLeod from Alberta Law Libraries, Christine Brown from the University of Alberta Libraries, and Dolores Noga from McLennan Ross LLP giving an overview of how their respective locations responded to COVID-19 in their services to their clients. We also hosted a series of vendor and database companies from January to April: Thomson Reuters, LexisNexis, Emond, and vLexJustis. We finished the educational sessions with Consentia, a locally based global information and records management solutions company. It was great to see some of our Calgary colleagues able to join us. For more information on these sessions, please see our website [edmontonlawlibraries.ca](http://edmontonlawlibraries.ca).

As I write this piece, our 2021 AGM is being planned for June 23, and we are recruiting for three positions which are becoming vacant, namely Chair-Elect, Treasurer and Webmaster. We hope to continue to evolve as a valuable association into our 45th year and beyond.

**SUBMITTED BY  
ANKE EASTWOOD**

*Past Chair September 2019-August 2021, ELLA*



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

Lors de l'Assemblée générale du 9 juin 2021, des changements sont survenus dans la composition du Comité exécutif. Le poste de vice-présidente est maintenant assumé par Dominique Monette (Stikeman Elliott), le poste de secrétaire par Audrey-Anne Guay (Clyde & Co) et celui de la trésorière par Nathalie Bélanger (Université de Montréal). Esther Bélanger (Fasken) occupe désormais le poste de présidente et Ruth Veilleux celui de présidente sortante (Stikeman Elliott).

At our general meeting on June 9th, 2021, we made changes to our executive committee: Dominique Monette (Stikeman Elliott) is vice president, Audrey-Anne Guay (Clyde & Co) is secretary, Nathalie Bélanger (University of Montreal) is treasurer, Esther Bélanger (Fasken) is now president, and Ruth Veilleux (Stikeman Elliott) is past president.

**SUBMITTED BY  
JOSÉE VIEL**

*MALL member / Membre de l'ABDM*

**Vancouver Association of Law Libraries (VALL)**

In May, VALL had a successful soft launch of our new Members Forum platform on Lawbster, supported by the BC Courthouse Library. I think this will be another great way to get members to connect as more people begin to use the forum. In March, we offered a webinar titled "Engaging your virtual learner audience" with Dorothea Hendricks and at the end of April offered a webinar titled "US Law 101 with Adam Lederer." Both sessions were well attended by our membership and the speakers were excellent, providing timely, on-point instruction. We have our last virtual session planned for June, a panel discussing the COVID-19 experience in different organizations—government, academic, courthouse and law firm. As this challenging year comes to a close for VALL programming, we are hopeful for a return to in-person meetings for 2022.

**SUBMITTED BY  
BETH GALBRAITH**

*President, Vancouver Association of Law Libraries 2020/2021*

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## III News from Further Afield / Nouvelles de l'étranger

### Notes from the U.K.: London Calling

By Jackie Fishleigh\*

Hi folks!

I hope you are all getting vaccinated or even double vaccinated. The return to a more normal way of life seems possible now.

I am still working from home and enjoying the positives, such as getting more sleep than I used to when I was a commuter! As I write this, the first full-scale online BIALL conference is currently in full swing this week, and it has been great to meet in larger numbers on screen. The venue should have been Harrogate in Yorkshire, but we are keeping the theme “Bodies in the library: sleuthing, plotting and making the case.” Agatha Christie famously vanished in Surrey, not far from where I live, for 11 days in 1926, reappearing at the Swan Hotel in Harrowgate, thus inspiring the theme of the conference.

I am hoping to disappear myself... from a Sherlock Holmes themed online escape room at our social event later tonight!

### UK Civil Justice System Post-COVID

In an article entitled “[Civil Justice: No Going Back](#)” published in the *New Law Journal* (21 May), Shirley Denyer, technical director of the Forum of Insurance Lawyers (FOIL) reflects on the transformation the civil justice system has undergone in rising to the challenges posed by the pandemic. She writes that an extraordinary effort has been shown by the judiciary, legal representatives and parties, while confined to

their homes in adapting to new ways of doing things, during a time when attendance at court was impossible. Access to justice was maintained and the system was kept in operation.

Now that the vaccination programme is well underway and there is hope of normality returning, the longer-term implications of the pandemic on the court system are in the spotlight.

COVID has effectively been the catalyst for the biggest pilot scheme ever experienced in the court service. The insights gained are being used by organisations like FOIL to consider how the civil justice system should work going forward.

### Service of Documents

Service by email, including for proceedings, has become the norm. The existing rules on service via hard copy delivery of documents now seem outdated. FOIL are proposing, as a start, that email service on legal professionals should be allowed without permission, but with new rules to ensure certainty and clarity as to the requirements. An email address for service needs to be readily identified and perhaps recorded on the Solicitors Regulation Authority (SRA) website.

### Remote Hearings

The procedures put in place over the crisis have been piecemeal as they were implemented out of necessity, but FOIL are hoping that a more standardised, predictable approach to the listing and conduct of remote hearings can be established, with a rebuttable presumption in the rules on

how hearings should be carried out. Feedback has shown that hearings for interim applications, case management and cost management conferences, Stage 3 hearings, detailed assessments and appeals, can be heard successfully by video but that trials and other hearings involving oral evidence or litigants in person should be presumed to be unsuitable for remote hearing. Judicial discretion can then be focused on cases where the default may not be appropriate.

The evidence so far indicates that conducting remote hearings is very tiring and that new skills and effective technology are required to handle them successfully. A standard workable platform and changes to standard directions would help matters. To maintain the dignity of the virtual courtroom, effective framing and lighting are needed. Court staff should be available to make sure the requirements for remote hearings are in place and can go ahead, with a helpline connected to a court officer who can assist with any problems.

### Use of E-documents

The use of e-bundles has been particularly challenging during COVID because of a multitude of different requirements across the courts. FOIL propose a standard procedure is introduced for preparation and delivery of e-bundles. They also suggest that sensitive documents included in e-bundles are looked at as a separate category, so that their use can be controlled.

### Positive Thoughts on the Future

The State Opening of Parliament took place on May 11<sup>th</sup>, 2021, at which the Queen opened the second session of the 2019 Parliament, with the traditional Queen's speech. This set out the government's legislative programme: ministers intend to pass thirty laws in the coming year. It was a significant occasion for a number of reasons: it involved many restrictions due to COVID-19, the current session of Parliament has gone on an exceptionally long time, and it was her Majesty's first major royal duty since the death of the Duke of Edinburgh a month earlier. She dressed down a little and did not use the usual ceremonial carriage.

The [Online Safety Bill](#) included in the Speech would create a new duty of care towards their users for online platforms, requiring them to take action against harmful content, whether legal or illegal. This may include online trolling, illegal pornography and underage access to legal pornography, and some forms of internet fraud. It aims to deliver the government's manifesto commitment to make the U.K. the safest place in the world to be online, while defending free expression. Platforms failing in this duty would be liable to fines of up to £18 million or 10% of their annual turnover, whichever is higher.

Critics claim its proposals to restrain publication of "lawful but harmful" speech effectively create a new form of censorship of otherwise legal speech.

### Duke of Edinburgh – The Stateless Refugee Who Proved the Perfect Husband for our Queen and Country

The tributes to Prince Philip have provided some fascinating

insights into the Duke's long and, at times, turbulent life. He was born in Crete on a kitchen table, after a revolutionary court banished his father, Prince Andrew, from Greece for the rest of his life and the whole family were forced to flee the country when he was just 18 months old. When he was just eight in 1930, his mother, Princess Alice of Battenberg, great-granddaughter of Queen Victoria suffered a nervous breakdown and was committed to a secure psychiatric centre.

Reflecting later on his childhood, Prince Philip said:

"The family broke up. My mother was ill, my sisters were married (in Germany), my father was in the south of France. I just had to get on with it. You do. One does."

June 10th would have been his 100th birthday. Would he have wanted the "fuss"? Of course not, but I did think his carefully crafted send off with his Land Rover coffin was rather beautiful.

Until next time... take care still and stay safe!

With very best wishes,

Jackie

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### Letter from Australia

By Margaret Hutchison\*\*

Hello from Australia again,

There must be things happening, but I never can think of them when it's nearing deadline for this letter.

COVID is still very much around, though compared to the rest of the world, we're doing well with infection rates but not with vaccination rates. At the time of this writing, Melbourne is gradually coming out of its 4th lockdown, with two causes, a returned traveller was infected while in hotel quarantine in Adelaide with the Delta variant and unwittingly spread it on his return to Victoria. Melbourne also had a short lockdown in February when the Alpha variant was found in the community. Also, the Kappa variant was found in a family that travelled from Victoria to regional New South Wales in early June. However, genomic tracing has found no source for this variant of the infection, though it is assumed it has come from hotel quarantine.

During this latest lockdown, the vaccination rate in Victoria trebled, though Australians don't have choice of vaccines unlike other parts of the world. We have either the Pfizer or the Oxford/AstraZeneca vaccines. The Pfizer vaccine was first reserved for priority groups of quarantine and border workers, frontline health workers and aged care and disability sector staff, residents, and politicians. If you're over 50, you receive the AstraZeneca vaccine, but if you're under 50, you get the Pfizer vaccine. The uptake hasn't been helped by the publicity surrounding the possible side effect of serious blood clotting sometimes causing death after an AstraZeneca injection, though I've noticed the media is changing its wording. The risk is 4-6 people in one million dosages administered, which is less than the contraceptive pill risk.

Australians can't leave the country without great difficulty, though a travel bubble with New Zealand has been opened and there are suggestions that Singapore is next on the list. However, Singapore won't open to Australian travellers without a greater rate of full vaccinations and people aren't rushing to be vaccinated unless directly affected, so it's a bit of a Catch-22.

Australians who have registered with the government are being offered charter flights back to Australia, though they must pay for these flights and their mandatory two-week hotel quarantine. I was on holiday recently and flew home from Darwin. I noticed the departure board had a Qantas flight to New Delhi, which would go over empty and bring registered Australians from India who would undergo quarantine in the Howard Springs Detention Facility.

Australia is being referred to as the new "hermit kingdom" as the government has stated that borders won't open until mid-2022 at the earliest. There are suggestions being made to start thinking about "encouragements" for people to be vaccinated. After all, the Sydney Opera House was completed with state government lottery profits.

In other news, Nine Entertainment Company officially signed a 5-year deal with Facebook and Google for the use of their media and stories on Facebook and Google's various sites. The deal will provide a pre-tax profit of about \$35-40 million. This is the last of the major media players in Australia to sign up, though the Australian Broadcasting Corporation and the Guardian have signed letters of intent.

Now the holiday snaps. As we can't travel overseas except to New Zealand, many of us are seeing our own country instead. I joined them recently, doing a coach tour from Adelaide to Darwin (straight up the middle of Australia) in just over 2 weeks with a diversion to Uluru. The longest day was 793 km from Coober Pedy to Yulara, the area where Uluru is located. The whole trip was equivalent to driving from Vancouver to Toronto but with far less hospitable conditions. The number of grey nomads with new 4WDs towing varieties of caravans or motorhomes was amazing. At some roadhouses on the Stuart Highway, it was traffic chaos.



One place that was fascinating was our tour of the [Alice Springs School of the Air](#). As far as I can tell, these are an Australian invention, developing from the "galah session" where neighbours, families and friends, scattered over thousands of kilometres, could exchange news using the Royal Flying Doctor Service (RFDS) network after normal transmission hours. In 1944, the first suggestion was made about a school radio service and in 1951, the [School of the Air](#) opened at the RFDS base. The school started as a correspondence school with material provided by South Australia, who administered the Territory then. It now follows the Northern Territory curriculum from kindergarten up to year 9 when the students either move to the Northern Territory School of Distance Education from Darwin or boarding school in Alice Springs or Darwin to continue their education. There are get-togethers once a term where many students come in to Alice Springs for a week to meet each other and the teachers go out on "patrol" to visit the students at home and assist the parent or [governess](#) (also known colloquially as a govie) who supervises the lessons. The students are children on properties, police in remote communities, mining areas, roadhouses and some are overseas. Some are even 2<sup>nd</sup> generation School of the Air students. We were shown a quilt where several students had made a block depicting handcuffs (their father was a policeman), then shown another where the father had made one while he attended School of the Air.

In the early days, lessons were conducted by two-way radio, but in the early 1990s with upgrades in technology, students could make and receive clear phone calls. From 2006 the school was completely based on two-way satellite video conferencing technology. So, while everyone was struggling with Zoom technology during COVID, the School of the Air has been doing it for many years! The other states have similar schools of the air operating from various locations.

Also, in Alice Springs, I took a balloon flight. This was very brave, since I remembered the High Court case of [Work Health Authority v Outback Ballooning Pty Ltd](#), about a balloon accident in Alice Springs. The case resulted from an accident where a passenger, had been injured when the scarf she was wearing had been sucked into an inflation fan. The operators of my flight were very strict about any loose scarves or ponchos not being allowed to be worn. The highlight was seeing all the [planes parked at Alice Springs](#)

[airport due to COVID](#). The climate is like Arizona where the best-known plane graveyard is located. The planes ranged from several Singapore Airlines A380s down to much smaller planes from some of the budget airlines such as Scoot, Jetstar, and over 50 Cathay Pacific planes stored there.



Now that I've come back to the real world, can I plug the [Australian Law Librarians Association conference](#) to be held in Canberra in September? I know it's nearly impossible to come but if you manage it, you'll be assured of a warm welcome. The speakers are all being asked for permission to record their presentations so they will be available afterwards if you can't make it.

Until next time, best wishes,

Margaret Hutchison

### **The U.S. Legal Landscape: News from Across the Border** By Sarah Reis\*\*\*

Greetings! I am writing this at the beginning of June when summer and warm weather has finally arrived here in Chicago. Our students are now hard at work studying for the bar exam or at their summer jobs. Throughout the summer, my law school, like many other workplaces, will be gradually phasing all of us back to working on-site. The law school has instructed students to plan to return to campus before the fall semester begins because we expect to offer a primarily in-person experience in this upcoming academic year.

In the United States, our [vaccination rate](#) has unfortunately started to plateau, which will adversely affect our country's ability to truly return to normal as soon as possible. We are still at only 43% of the population fully vaccinated as of the

time of this writing. This is not due to a supply shortage that many other countries around the world are experiencing, but rather the troublesome fact that many Americans are anti-vaccine. The Centers for Disease Control and Prevention issued [guidance](#) in May indicating that fully vaccinated people can resume activities without wearing masks or social distancing. But because the United States does not have a vaccine passport system or any mechanism to verify vaccination status, businesses are operating on an honor system. Consequently, most Americans, despite whether they truly are fully vaccinated, have taken this guidance as permission to walk around maskless everywhere. Some states, such as [Florida](#), have even passed laws prohibiting businesses, schools, and government entities within the state from asking for proof of a COVID-19 vaccination. It is sad and frustrating that something intended to improve public health and make us safe has been politicized.

Fortunately, the university where I work will require students to receive the COVID vaccine prior to the upcoming academic year, which will hopefully make it possible for the law school to offer in-person services again.

### **Law Schools**

In late March, the *U.S. News & World Report* released the [Best Law Schools in 2022 rankings](#). The top three law schools remained Yale, Harvard, and Stanford, which was the same as the previous year. The T14 schools also largely remained the same set of schools, with the exception of Georgetown dropping out of the T14 and UCLA taking that spot instead. The questions and methodology for how law libraries get factored into these rankings changed. The law library's weight in a law school's total ranking score is now 1.75%, which is an increase from 0.75%. A few examples of metrics pertaining to libraries include the number of hours per day that students have access to library study space, ratio of full-time professional and paraprofessional library staff to full-time law students, and number of electronic databases available to law students.

The ABA Council of the Section of Legal Education and Admission to the Bar [proposed](#) revising law school accreditation standards to require law schools "to provide training and education to law students on bias, cross-cultural competency and racism." These proposed standards are in the notice-and-comment stage, and the comments will be considered by the Council during their August meeting. If adopted by the Council, the revised standards would go before the ABA's House of Delegates next February for a vote. If the ABA's House of Delegates vote in favor of adopting and revising these standards, they would go into effect in Fall 2022.

The University of Illinois at Chicago merged with John Marshall Law School in 2019 to form UIC John Marshall Law School. However, on July 1, the law school will be [renamed](#) and become the University of Illinois Chicago School of Law. UIC is dropping "John Marshall" from the law school's name because "despite Chief Justice Marshall's legacy as one of the nation's most significant U.S. Supreme Court justices, the newly discovered research regarding his role as a slave trader,

slave owner of hundreds of slaves, pro-slavery jurisprudence, and racist views render him a highly inappropriate namesake for the Law School.”

## Law Firms and Employment

The ABA Section of Legal Education and Admissions to the Bar released [data](#) about employment status for 2020 law school graduates. As expected, due to COVID-19’s negative effect on employment rates, this data shows that more students from the Class of 2020 were unemployed or still seeking employment ten months after graduation compared to the Class of 2019 (8.3% vs. 6.4%).

The NALP Foundation also released its annual [Update on Association Attrition report](#) in April, which indicated that overall associate hiring among the surveyed firms declined in 2020 with a decrease of almost 50% from 2019.

However, [new data](#) indicates that hiring at many law firms has started to rebound with an increasing number of open legal jobs since late last year.

Yale Law Women issued its annual [Top Firms 2021 Report for Gender Equity & Family Friendliness](#) in April, which indicates that only 19.4% of new associate hires were women of color and 13.7% were men of color, compared to 30.3% white women and 36.4% white men. Additionally, white men account for 68% of equity partners compared to 19.6% white women, 7.7% men of color, and 4.6% women of color.

## Bar Exam

The [July 2021 bar exam](#) will be administered either remotely or in person depending on the jurisdiction, with 29 jurisdictions planning to administer it remotely and 24 jurisdictions planning to administer it in person. The National Conference of Bar Examiners [announced](#) that it anticipates a return to in-person testing in all jurisdictions for the February 2022 bar exam.

## AALL and ALA

Both the [AALL Annual Meeting & Conference](#) and [ALA Annual Conference & Exhibition](#) will be in virtual formats this summer, but both organizations hope that in-person conferences will resume in 2022. [ALA Midwinter 2022](#) is scheduled to take place in San Antonio, TX, and provides both an in-person option and an online-only option for attendees.

## SCOTUS

We are approaching the end of the term before the justices go on summer recess. Usually, the justices issue all of their decisions by the end of June. However, last year ([October Term 2019](#)) was an exception because they finished up arguments later than usual due to COVID-19 delays, so the last set of opinions for that term were issued on July 9.

One case from this current term involved copyright’s application to software, where the Supreme Court ruled in [Google v Oracle](#) that Google’s limited copying of aspects of Oracle’s Java programming framework in Google’s Android

mobile operating system constituted a fair use of that material under copyright law and thus was lawful.

Another case, [United States v Cooley](#), addressed the scope of the sovereign powers of Native American tribes. The Supreme Court unanimously ruled that tribal law enforcement officers can search and detain non-Native Americans on tribal land.

Many of the major cases from the current term are still outstanding as of the time of this writing, with the opinions expected in late June. Those highly anticipated opinions include an attempt by Republican-governed states to invalidate the Affordable Care Act ([California v Texas](#)), a dispute involving LGBT rights vs. religious rights ([Fulton v City of Philadelphia, Pennsylvania](#)), and a case involving voting restrictions that, if upheld, could further harm voting rights in this country ([Brnovich v Democratic National Committee](#)).

A [study](#) examining Supreme Court cases from the 1953 term to the 2019 term found that the Supreme Court has supported religion in 81.3% of the religious cases under Chief Justice John G. Roberts, Jr., meaning that rulings are becoming increasingly pro-religion. The five most pro-religion justices during the timeframe of this study sit on the current court.

The Supreme Court will begin hearing cases for October Term 2021 on October 4, 2021.

## Courts

Federal courts have been [increasing the number of jury trials and in-person proceedings](#) as COVID-19 cases fall in the United States.

The U.S. Senate [voted 83-16](#) to confirm Zahid N. Quraishi as U.S. District Judge for the District of New Jersey. Quraishi, who was formerly a United States Magistrate Judge, is the first Muslim Article III federal judge.

The Brennan Center for Justice released an [updated report in April](#) on state supreme court diversity, which highlights racial, ethnic, and gender disparities. Some of the key findings include that only 17% of justices across all state courts are Black, Latino, Asian American, or Native American and that 22 states have no justices who publicly identify as a person of color.

As I mentioned in my last letter, it is relatively easy to obtain U.S. federal court dockets and filings from the past twenty years or so to the present because they are available through [PACER](#) (with selected dockets and filings are available for free through [Court Listener’s RECAP Archive](#)), but obtaining state court dockets and filings is usually a challenge. Many states are beginning to use electronic case management systems, which should improve access to court filings in the future, but implementation of these online systems is expensive and has resulted in various access to information issues. In my last letter, I noted how Maine courts were charging \$1 per page to view documents online, which is a substantially higher fee compared to the federal courts’

PACER fee, which is 10 cents per page. More recently, news organizations and First Amendment advocacy groups sued the Vermont judiciary, which transitioned to an electronic case management system in March 2020, over access to court filings in [Courthouse News Service v Gabel, 2:21-cv-00132 \(D. Vt. May 20, 2021\)](#). The complaint alleges that the “inordinate delays in public and press access in the Superior Courts of Vermont to newly filed civil complaints” violates the First Amendment because many complaints are not made available to the press and public until days after the filing instead of contemporaneously.

## U.S. Legal Research

The Chicago Association of Law Libraries (CALL) published the second edition of [Finding Illinois Law](#). Written and updated by CALL members, this publication offers guidance to non-lawyers on how to conduct Illinois and federal legal research. This guide would also be useful for those who are located outside of the United States because it includes an introduction to the U.S. legal system, offers advice on how to find U.S. legal materials such as statutes, cases, and regulations using resources beyond Westlaw or Lexis, and provides suggestions for free and low-cost legal research resources.

The U.S. Department of State released the [2020 Country Reports on Human Rights Practices](#). These reports are issued annually and describe events and situations affecting human rights occurring in countries around the world during calendar year 2020.

The U.S. Government Publishing Office (GPO) [announced](#) that it is undertaking an effort to digitize every U.S. Government document through the *National Collection of U.S. Government Public Information* and make all of these documents publicly available through govinfo.gov, Catalog of U.S. Government Publications, and Federal Depository libraries.

## Miscellaneous News

The major trade publishers in the United States have been quickly consolidating over the past few years. Back in 2013, Penguin and Random House merged to form Penguin Random House, which turned the Big Six into the Big Five. Late last year, Penguin Random House (the largest book publisher in the United States) [announced](#) that it would buy Simon & Schuster, which is currently one of the Big Five publishers. More recently, in May, [HarperCollins, the second largest trade publisher behind Penguin Random House, purchased and acquired Houghton Mifflin Harcourt Books & Media](#). Consequently, the largest book publishers in the United States continue to get larger at an alarmingly quick rate.

Amazon Publishing and the Digital Public Library of America [signed an agreement](#) that will permit libraries to license e-books and digital audiobooks published by Amazon Publishing and make content available to users starting at some point this summer.

The [Presidential Records Act](#) requires the National Archives to archive records created or received by the President,

which includes tweets. Twitter has been willing to host other government accounts that have officially been archived by the National Archives, such as @PressSec45 or @POTUS45, but the former president was [permanently banned from using the social media website on January 8](#) because he incited violence using his Twitter account. Twitter has [declined to host an archival account](#) of former President Donald Trump’s Twitter account for the National Archives on its platform, so the National Archives will need to figure out an alternative method for hosting an archive of @realDonaldTrump tweets.

Back in January 2020, the U.S. Office of Management and the Budget [announced](#) that it was going to close the National Archives facility in Seattle and move records to other locations in other cities. This decision was made without consulting local Tribes despite the fact that the archives contain records for many federally recognized Native tribes in from the region. Fortunately, the Biden administration [halted the sale and closure](#) of this facility in April of this year.

Finally, in April, Derek Chauvin, former Minneapolis police officer, was [convicted](#) on all charges for causing George Floyd’s death last year. The trial began on March 8, with opening statements on March 29 and closing arguments on April 19. The verdict was reached the day after closing arguments. The charges included second-degree unintentional murder, third-degree murder, and manslaughter. The sentencing date has been set for June 25. Prosecutors have requested 30 years in prison due to aggravating factors, while the defense has asked for probation. This trial verdict was historic because police officers are rarely held accountable for misconduct in this country, but we still have a very long way to go in dismantling systemic racism and ending police brutality against Black people.

Until next time!

Sarah

# Call for Submissions

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

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

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

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

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is published by:

*Revue canadienne des bibliothèques  
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