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Developing and Supporting Legal Information Specialists
Perfectionnement et soutien des spécialistes de l'information juridique

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By Kate McCandless

By Erin Clapp

Edited by Dominique Garingan and Julie Lavigne

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III From the Editor / De la rédactrice

Happy New Year! And what a year these three months have already been. We're certainly off to an interesting and eventful start. If 2025 could stabilize at some point, I know I'd appreciate it.

In this issue, Lisa Levesque, Kim Clarke, and Vicki Jay Leung present the results of the CALL/ACBD Diversity, Inclusion, and Decolonization Committee's 2024 survey in "Unmasking Identities: A Diversity Survey of CALL/ACBD." The valuable information gleaned from the survey will undoubtedly improve future events and offerings, as well as our inclusion and accessibility practices. Lisa Levesque is also the author of our Perspectives article "Show Me the Receipts: Using Empiricism to Assess Technology," which discusses using data to assess technology, including generative AI and its penchant for disinformation. As someone *not* on the AI bandwagon—I don't see how it's worth the time it allegedly saves when you have to use that time verifying its hallucinations, not to mention its **negative impact on the environment** due to the **copious amount of water it needs** to function—I find it refreshing to see a *perspective* that presents evidence of its imperfections.

This issue also marks Dominique Garingan's last as co-editor of our book reviews. Dominique joined CLLR in 2020 as our advertising manager and took on book reviews a year later—and performed both roles for two years! Her hard work and dedication greatly benefited CLLR, and we're sorry to see her go. Alexandra Kwan, our advertising manager since 2022, will be joining Julie Lavigne on book reviews, which leaves our ad manager position open. Want to develop relationships with legal publishers and vendors and make meaningful connections with law librarians across Canada, while building your CV in the process? Then this is the role

for you. To learn more (no commitment necessary!), send me an email.

Also leaving us is Sarah Reis, who has been our "American correspondent" for four years. Her updates on the U.S. legal landscape have been insightful and informative, and we wish her well. In her final letter, Sarah expresses hope that the U.S. and Canada will remain allies. I, too, hope our countries remain allies, but regardless, the American *people* will always be our friends. I don't believe the current situation will last, and I think better things are on the way for all of us. As the late, great George Harrison said, "All things must pass," and so will this. We just need to hang on until it does.

EDITOR
NIKKI TANNER

Bonne année! Et quelle année depuis les trois derniers mois écoulés! Nous avons certainement un départ intéressant et mouvementé. Ce serait bien si 2025 pouvait se stabiliser à un moment donné.

Dans ce numéro, Lisa Levesque, Kim Clarke et Vicki Jay Leung présentent les résultats du sondage 2024 du comité de la diversité, de l'inclusion et de la décolonisation de la CALL/ACBD dans un article intitulé « Unmasking Identities: A Diversity Survey of CALL/ACBD. » Les précieux renseignements recueillis dans le cadre de ce sondage permettront sans aucun doute d'améliorer les événements et les services à venir, ainsi que nos pratiques en matière d'inclusion et d'accessibilité. Lisa Levesque signe également

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III President's Message / Le mot de la présidente

As my term as president comes to a close, I find myself reflecting on an incredible journey filled with growth, collaboration, and shared achievements. It has been a privilege to serve this remarkable community of dedicated professionals who continuously demonstrate the vital role of law libraries in supporting access to justice, scholarship, and the practice of law.

The library landscape is constantly evolving, shaped by advancements in legal technology and changes in research habits and user expectations. These shifts require legal information professionals to rethink traditional roles and embrace lifelong learning. Together, we are navigating these significant challenges and embracing new opportunities. Our association plays an important role in providing support and resources like conferences, webinars, mentorship, and the *Canadian Law Library Review* to our members. I'm confident that our strategic plan will help grow the association, strengthen our professional networks, and support the foundation for future legal information professionals. I invite each of you to actively participate in our initiatives and, most importantly, share your feedback on how the strategic plan aligns with your needs and aspirations.

Our mission to serve and support the membership guides the decisions the Executive Board makes. The Board's focus remains on ensuring that your voices are heard and that the association provides meaningful value to your work and career. Our success is the result of collaborative efforts, and I extend my deepest gratitude to the Board of Directors, committee and SIG chairs, and volunteers, whose dedication and hard work made this year so memorable.

As I look forward to our annual conference in Calgary and the passing of the gavel to my successor, I am filled with

optimism for the future of our profession. Our strength lies in our unity and our ability to adapt to the ever-changing landscape of law and information services.

Thank you for trusting me with this leadership role. It has been one of the greatest honours of my professional life, and I look forward to remaining an active and supportive member of this exceptional association.

With sincere gratitude,

**PRESIDENT
MARY-JO PETSCHE**

À l'approche de la fin de mon mandat de présidente, je repense à mon expérience incroyable qui a été riche en croissance, en collaboration et en réalisations communes. Ce fut un privilège de servir cette remarquable communauté de professionnel·le·s dévoué·e·s qui démontrent continuellement le rôle essentiel des bibliothèques de droit pour soutenir l'accès à la justice, aux études et à la pratique du droit.

Le monde des bibliothèques est en constante évolution, il est façonné par les progrès de la technologie juridique et les changements dans les habitudes de recherche et les attentes des utilisateurs. Ces changements obligent les professionnel·le·s de l'information juridique à repenser leurs rôles traditionnels et à s'engager dans un processus d'apprentissage continu. Ensemble, nous relevons ces défis importants et saisissons les nouvelles occasions. Notre association joue un rôle majeur en offrant à nos membres du soutien et des ressources comme des congrès, des webinaires, du mentorat et la *Revue canadienne des bibliothèques de droit*. J'ai la certitude que notre plan stratégique contribuera à la croissance de l'association, au

renforcement de nos réseaux professionnels et au soutien des futur·e·s professionnel·le·s de l'information juridique. C'est pourquoi je vous invite à participer activement à nos initiatives et, surtout, à nous faire part de vos commentaires sur la manière dont le plan stratégique répond à vos besoins et à vos aspirations.

Notre mission de servir et de soutenir nos membres oriente les décisions du conseil exécutif. Ce dernier s'efforce de faire entendre votre voix et de veiller à ce que l'association apporte une valeur ajoutée à votre travail et à votre carrière. Notre succès découle des efforts de collaboration, et je tiens à remercier grandement les membres du conseil exécutif, les présidents des comités et des groupes d'intérêt spécial ainsi que les bénévoles, dont le dévouement et le formidable travail nous ont permis de vivre une année mémorable.

Tandis que j'attends avec impatience la tenue de notre congrès annuel à Calgary et le passage du flambeau à mon ou ma successeur·e, je suis optimiste quant à l'avenir de notre profession. Notre force réside dans notre unité et notre capacité à nous adapter à l'évolution constante du droit et des services d'information.

Je vous remercie de m'avoir fait confiance pour assumer ce rôle de leadership. Cela a été l'un des plus grands honneurs de ma vie professionnelle, et je me réjouis de rester active et solidaire en tant que membre de cette association exceptionnelle.

En vous remerciant de tout cœur,

LA PRÉSIDENTE
MARY-JO PETSCHE

Continued from page 4

l'article de la rubrique Perspectives qui s'intitule « Show Me the Receipts: Using Empiricism to Assess Technology. » Ce texte aborde comment les données peuvent être utilisées pour évaluer la technologie, y compris l'IA générative et sa tendance à la désinformation. N'ayant pas sauté dans le train de l'IA, je ne vois pas à quoi sert le temps prétendument gagné quand il faut ensuite consacrer ce temps à vérifier ses hallucinations, sans parler de *son impact négatif sur l'environnement* en raison de la *grande quantité d'eau nécessaire* à son fonctionnement. Je trouve rafraîchissant de découvrir un point de vue mettant en évidence ses imperfections.

Ce numéro marque également le dernier texte de Dominique Garingan en tant que corédactrice de nos comptes rendus de lecture. Dominique s'est jointe à la RCBD en 2020 comme responsable de la publicité et a pris en charge la rubrique des comptes rendus de lecture un an plus tard. Elle a occupé ces deux fonctions pendant deux ans! Son dévouement et son excellent travail ont grandement contribué au succès de la RCBD, et nous sommes tristes de la voir partir. Alexandra Kwan, notre responsable de la publicité depuis 2022, épaulera Julie Lavigne pour les comptes rendus de lecture, ce qui laisse donc le poste de responsable de la publicité vacant. Ce poste est fait pour vous si vous souhaitez établir des relations avec des éditeurs et des fournisseurs juridiques et nouer de solides liens avec des bibliothécaires de droit aux quatre coins du Canada, tout en enrichissant votre CV. N'hésitez pas à m'écrire pour en savoir plus (sans aucune obligation).

Sarah Reis, qui a été notre correspondante américaine pendant quatre ans, nous quitte également. Ses informations sur le paysage juridique américain ont été éclairantes et enrichissantes, et nous lui souhaitons une bonne continuation. Dans sa dernière chronique, Sarah dit espérer que les États-Unis et le Canada resteront alliés. Moi aussi, j'espère que nos pays resteront alliés, mais quoi qu'il en soit, le peuple américain sera toujours notre ami. Je ne crois pas que la situation actuelle durerà, et je pense que le meilleur est à venir pour nous tous. Comme l'exprime le regretté George Harrison dans la chanson « All things must pass » (tout ne fait que passer), cela aussi passera. Nous devons juste tenir bon jusqu'à ce que cela arrive.

RÉDACTRICE
NIKKI TANNER



III Perspectives

Edited by Kim Clarke

Show Me the Receipts: Using Empiricism to Assess Technology

By Lisa Levesque

Reading about new technology can be an exhausting affair. The tools are always changing (which version of ChatGPT are we on again?), the takes are either spicy or evangelical, and the jargon excludes anyone but an insider. I'm tired of reading the same basic primers of generative AI and alarm-bell ringing opinion pieces that don't offer facts. *I want specifics. I want evidence. I want receipts!*

Lately, the most effective articles for me are those that offer an empirical analysis of technology. By this I mean quantitative or qualitative research where the data collected forms the basis for the analysis. Ideally, the data is published alongside the article, and the methodology used allows the researcher to transparently follow the data where it leads, letting the data shine in the finished work. I like articles that allow the researcher to state, "There, I proved it." In this article, I discuss three recent, impactful examples of empirical research, focusing on legal generative AI, web privacy, and data as a tool to expose and limit violence against women. The works discussed shed light on otherwise murky topics, help to dispel technology-induced nihilism, and prompt us to act.

"Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools"¹ is a good example of empirical research with clear, practical implications, in this case about the unreliability of legal large language models (LLMs). The authors undertook the rigorous step of registering their question bank prior to testing several LLMs (bless them) to avoid criticism that they cherry-picked questions and responses. This article established that prominent U.S. legal LLMs "hallucinate between 17% and 33% of the time."² It is compelling to be able to provide hard numbers like this for new tools as disruptive as generative AI has been. Furthermore, the article's expanded definition of "hallucination" adds important nuance to the topic that extends beyond pure fabrications. In an earlier study testing legal questions on general LLMs, the authors found that "LLMs hallucinate at least 58% of the time."³ To me, these results are more compelling than the anecdotal evidence one often sees online about how generative AI different tools cannot count the Rs in strawberry⁴ and can cause you to grow a botulism culture,⁵ outrageous as these examples are. At Toronto Metropolitan University Law Library, we were inspired to test the Canadian version of LexisAI+ using an open license

¹ Varun Magesh et al, "Hallucination-Free? Assessing the Reliability of Leading AI Legal Research Tools" (2024) [preprint], online (pdf): <dho.stanford.edu/wp-content/uploads/Legal_RAG_Hallucinations.pdf>.

² *Ibid* at 1.

³ Matthew Dahl et al, "Large Legal Fictions: Profiling Legal Hallucinations in Large Language Models" (2024) 16:1 J Leg Analysis 64 at 64, online: <doi.org/10.1093/jla/laae003>.

⁴ Kit Eaton, "How Many R's in 'Strawberry'? This AI Doesn't Know" (28 August 2024), online: *Inc* <inc.com/kit-eaton/how-many-rs-in-strawberry-this-ai-cant-tell-you.html>.

⁵ Puzzleheaded_Spot401, "Google Gemini tried to kill me" (18 June 2024), online: <reddit.com/r/ChatGPT/comments/1diljf2/google_gemini_tried_to_kill_me> (post).

rubric adapted from “Hallucination-Free.”⁶ We did not use as rigorous an approach as that of Magesh et al in our testing; instead, we drew on anonymized student and faculty questions. This has proven to be highly useful as a basis for conversation with students and faculty when teaching about verification. These articles provide the rigorously established facts—that hallucinations are prevalent and take many forms in legal LLMs—librarians need for our instruction about critical approaches to generative AI.

Additionally, these articles directly counter vendor narratives that their generative AI tools are trustworthy and reliable.⁷ Recent reports published by SPARC also contradict vendor narratives through empirical evidence, specifically that vendors safeguard user privacy. In a 2024 report, they analyzed the website data collection and associated vendor policies of Springer Nature’s SpringerLink.⁸ They found that SpringerLink users may have their data collected by over 200 third parties, including “advertisers, data brokers, data intelligence companies, and retailers.”⁹ The collected user data includes personal identifiers (e.g., real name, postal code, telephone number); online activity, such as browsing history; biometric information (e.g., sleep, health, exercise data); and inferences drawn from these (e.g., psychological trends, behaviour).¹⁰ This data was stored locally, enabling “websites to track users for potentially long periods of time, creating a profile with a detailed history of website activity and user behaviour.”¹¹ As a result of the scale of data collection, “some advertised safeguards for user privacy” from the vendor privacy policy “ring hollow.”¹² The authors used a similar methodology to analyze the data privacy practices of Elsevier’s ScienceDirect in 2023.¹³ While this site does not partner with as many third parties as SpringerLink, it has a similar Kafkaesque web of privacy policies and collects

detailed user data for both internal use and external third parties.¹⁴

Analyses on this scale are challenging for individual institutions to conduct due to the “expertise and capacity” required.¹⁵ This is precisely why empirical reports such as these are so valuable. The authors describe specific product risks, providing ammunition for acquisitions librarians negotiating contracts. They also illuminate broad issues about the information landscape, namely the shift by publishers toward data brokerage practices,¹⁶ the asymmetry of power between librarians and vendors concerning privacy,¹⁷ and how the widespread collection of patron data runs contrary to library codes of ethics.¹⁸

Catherine D’Ignazio investigates the sensitive topic of the role data science plays for organizations focused on eliminating feminicide, inclusive of trans and cis women and girls.¹⁹ She describes how grassroots organizations across the Americas collected, categorized, and shared data about murdered women, making their loss visible while simultaneously caring for the communities experiencing loss.²⁰ Sharing this data counters the patriarchal silence and government inaction that allows fatal violence against women to occur, which is a key aspect of the rather tricky definition of “feminicide.”²¹ D’Ignazio uses qualitative research to explore the function of feminicide organizations and produces two technology-focused outcomes for readers, including an app that scrapes news articles and a toolkit for restorative or transformative data science.²²

One of D’Ignazio’s core messages is “what gets counted counts.”²³ This message isn’t without nuance, however, and D’Ignazio dispels a number of myths about data science.

⁶ Lisa Levesque, “Legal AI Assessment Rubric” (last visited 29 January 2025), online: *Google Docs* <tinyurl.com/64eudcs9>.

⁷ Magesh et al, *supra* note 1 at 2; See also the Lexis and Westlaw webpages, which use the terms “reliable” and “trusted”: “Transform your Legal Work with Lexis+ AI” (last visited 29 January 2025), online: *LexisNexis Canada* <go.lexisnexis.ca/lexis-plus-ai-ppc-brd>; “Westlaw Edge Canada Now Has Generative AI” (last visited 29 January 2025), online: *Thomson Reuters Canada* <thomsonreuters.ca/en/c/westlaw-edge-canada-now-has-generative-ai-ppc.html>.

⁸ Becky Yoose & Nick Shockley, *Navigating Risk in Vendor Data Privacy Practices: An Analysis of Springer Nature’s SpringerLink* (3 October 2024), online: SPARC <doi.org/10.5281/zenodo.13886472>.

⁹ *Ibid* at 5.

¹⁰ *Ibid* at 19.

¹¹ *Ibid* at 29.

¹² *Ibid* at 6.

¹³ Becky Yoose & Nick Shockley, *Navigating Risk in Vendor Data Privacy Practices: An Analysis of Elsevier’s ScienceDirect* (7 November 2023), online: SPARC <doi.org/10.5281/zenodo.10078609>.

¹⁴ *Ibid* at 16.

¹⁵ *Ibid* at 4.

¹⁶ *Ibid*.

¹⁷ *Ibid* at 6.

¹⁸ *Ibid* at 32.

¹⁹ Catherine D’Ignazio, *Counting Feminicide: Data Feminism in Action* (Cambridge, Mass: The MIT Press, 2024).

²⁰ *Ibid* at 71.

²¹ *Ibid* at 32.

²² *Ibid*. If you’re intrigued by the possibility of using data science, but want a broader primer, I recommend D’Ignazio’s previous work, a highly readable introduction to the ethical issues of data science from a feminist perspective, coauthored with Lauren F. Klein: *Data Feminism* (Cambridge, Mass: The MIT Press, 2020). It includes numerous examples of data used for good, such as visualization of years of life stolen by gun violence (at 74), and evil, such as describing biased hiring algorithms, including one where the “most predictive factors of job performance success were whether someone was named ‘Jared’ and if they had played lacrosse” (at 245, n 27). It includes numerous empirical case studies that have stayed with me long after reading.

²³ Catherine D’Ignazio & Lauren F Klein, *Data Feminism* (Cambridge, Mass: The MIT Press, 2020) at 97.

She provides useful critiques that keep the reader from overvalorizing data or playing into white saviour narratives,²⁴ noting that in some cases data can be detrimental to the cause.²⁵ She states that data science is only one tool in the toolkit of feminicide organizations that are already aware of the violence the state perpetrates on marginalized populations.²⁶ Other myths about data science exposed includes that data scientists are unicorns, wizards, ninjas, or rock stars,²⁷ or generally that data science can be neutral and without positionality.²⁸ Dispelling myths like these brings us closer to understanding what is actually possible with data science and allows us to cut through the noise, seeing power where it operates.²⁹ Empirical works like these help us parse truth from fiction. As library workers, isn't that what we should be all about?

Works like these can also help us avoid the paralysis that accompanies overwhelmingly large problems like the ones I have discussed here: the rapid impacts of generative AI on the information landscape, widespread loss of privacy, and fatal violence against women. The SPARC reports, which contain clear action steps, help me feel grounded in the data and assured that there are positive steps we can take to create a better technological world. I am sure that others are similarly motivated to take action and, as a co-chair of the SPARC Privacy and Surveillance Community of Practice Resource Library Working Group, I'm proud to share our resource library.³⁰ In addition to providing an overview of the issues regarding privacy and surveillance, the library contains briefing documents that can be used when holding conversations with campus stakeholders and a glossary designed to keep jargon from being a barrier. You are invited to share and adapt these resources for your use, join the community of practice, and be inspired to take action against privacy violations and soul-crushing surveillance.

My perspective as a law librarian who until recently was also an assessment librarian is that many library workers are intimidated by empirical data. Don't be! There are a lot of resources to draw upon. For self-directed learning, use the reference resources and project planner from *Sage Research Methods*; for inspiration, read the key journals *Evidence Based Library and Information Practice* and the *Journal of Empirical Legal Studies*; and for engagement, attend the Library Assessment Conference or Canadian Library Assessment Workshop. A significant value of empirical work is that the methods and data are intended to be published, meaning that the work can be replicated. What would it look like to rerun the research I have described in this article focusing on the Canadian, legal context? For instance, what would a rigorous analysis of Canadian legal AI tools reveal, perhaps using the rubric inspired by Magesh et al? How might the Canadian version of a RELX product like Lexis differ from the American version of ScienceDirect in terms of user data collection? What data is missing from the Canadian legal system regarding Missing and Murdered Indigenous Women and Girls, given that we do not have specific legislation preventing feminicide?³¹ In essence, how could the time, skills, or institutional resources you have access to be used to support equity-focused data initiatives? In my opinion, these are the types of questions we should be asking, and I get excited every time I encounter a work that brings critical issues to the forefront with data to back up their assessment—for every work that *brings the receipts!*

²⁴ D'Ignazio, *supra* note 19 at 219.

²⁵ *Ibid* at 70.

²⁶ *Ibid* at 69.

²⁷ D'Ignazio & Klein, *supra* note 23 at 134.

²⁸ *Ibid* at 76.

²⁹ "Noise" is a good term for the type of inaccurate results produced by generative AI as demonstrated by Magesh et al. Another term that has been used is "bullshit" in the academic sense popularized by Harry Frankfurt, meaning "any utterance produced where a speaker has indifference towards the truth of the utterance" (Michael Townsen Hicks, James Humphries & Joseph Slater, "ChatGPT is Bullshit" (2024) 26:2 *Ethics Inf Technol* 38 at 38). There is a lot of bullshit surrounding discussions of generative AI, in part due to the hype cycle that drives investment (Bonnie Stewart, "Generative Ethics: Confronting What AI Means for Higher Education" (Keynote delivered at the Toronto Metropolitan University Learning and Teaching Conference, Toronto, 16 May 2024) at 24:00, online (video): <bonstewart.com/speaking>).

³⁰ "Privacy and Surveillance Community of Practice" (last visited 29 January 2025), online: SPARC <sparcopen.org/our-work/privacy-and-surveillance-community-of-practice>.

³¹ D'Ignazio, *supra* note 19 at 42.



DIVERSITY

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III Unmasking Identities: A Diversity Survey of CALL/ACBD

By Lisa Levesque, Kim Clarke, and Vicki Jay Leung*

ABSTRACT

To better understand the membership of the Canadian Association of Law Libraries / L'Association canadienne des bibliothèques de droit (CALL/ACBD), the Diversity, Inclusion, and Decolonization Committee (DIDC) conducted a diversity survey. This survey provides representative data on membership location and citizenship, education, employment, age, gender and sexual orientation, language, race and ethnicity, religious symbols, ability and accommodations, and caregiving needs. Through quantitative and qualitative survey data analysis, this survey report includes a discussion of law librarianship employment trends, the future of the profession in relation to worker age and career status, the ability and accommodation needs of members, and comparisons to other major diversity surveys that situate law librarianship within the larger profession of librarianship in Canada.

SOMMAIRE

Afin de mieux comprendre les membres de l'Association canadienne des bibliothèques de droit / Canadian Association of Law Libraries (CALL/ACBD), le Comité sur la diversité, l'inclusion et la décolonisation (DIDC) a mené une

enquête sur la diversité. Cette enquête fournit des données représentatives sur le lieu d'adhésion et la citoyenneté, l'éducation, l'emploi, l'âge, le sexe et l'orientation sexuelle, la langue, la race et l'ethnicité, les symboles religieux, les capacités et les accommodements, et les besoins en matière de soins. Grâce à une analyse quantitative et qualitative des données de l'enquête, ce rapport d'enquête comprend une discussion sur les tendances de l'emploi dans la bibliothéconomie juridique, l'avenir de la profession par rapport à l'âge et au statut professionnel des travailleurs, les besoins des membres en matière d'aptitudes et d'accommodements, et des comparaisons avec d'autres enquêtes importantes sur la diversité qui situent la bibliothéconomie juridique par rapport à l'ensemble de la profession de bibliothécaire au Canada.

Introduction

The Canadian Association of Law Libraries / L'Association canadienne des bibliothèques de droit (CALL/ACBD) Diversity Survey was conducted to enable the Association to better understand the diversity of the members it represents. This analysis of that survey covers membership location and citizenship, education, employment, age, gender and sexual orientation, language, race and ethnicity, religious symbols, ability and accommodations, and caregiving needs. This

* Lisa Levesque, Law Librarian, Toronto Metropolitan University Libraries; Kim Clarke, Law Librarian, Bennett Jones Law Library, University of Calgary; and Vicki Jay Leung, Reference Librarian, Don & Gail Rodzik Law Library, University of Windsor. The authors want to express their appreciation to Survey Working Group members Andrea Black, Connie Crosby, Dominique Garingan, and Louise Hamel for their comments on the survey and its results.

survey is representative of the CALL/ACBD membership, with some geographic exceptions, and can be used to foster inclusion and decolonization through awareness, programming, outreach, and further research. This survey was conducted by members of the CALL/ACBD Diversity, Inclusion, and Decolonization Committee (DIDC).

Background

The Diversity Survey was a long-term project of CALL/ACBD. In 2018, CALL/ACBD formed the DIDC and passed Resolution 2018-1, which proposed two objectives: to foster diversity, inclusion, and decolonization, as well as awareness and acumen about these issues.¹ Specifically, the DIDC was instructed to “[c]onduct or sponsor and publish research into issues of diversity, inclusion, and decolonization in the law librarianship profession and the work of law libraries.”² The DIDC formed a small working group in 2019 to develop a survey of CALL/ACBD members’ demographics. The DIDC began its work on the survey in 2020 by conducting an environmental scan of other library equity, diversity, and inclusion (EDI) surveys; undertaking discussions with library associations that had previously conducted demographic surveys; and consulting with CALL/ACBD members. Following feedback from the Board, survey testing, numerous reviews, and translation into French, the survey was disseminated to members in summer 2024.

This Diversity Survey is the latest in the 50-year history of CALL/ACBD surveys, beginning in 1975.³ The Association’s special interest groups (SIGs) and its Committee on Law Library Statistics used to regularly survey members on matters such as “collection size, electronic databases, staffing levels, budgets, hours of operation, services available, and cataloguing systems and practices” and salary.⁴ These regular surveys ceased in 2005, and the Committee on Law Library Statistics was discontinued in 2009. In 2018 and 2023, CALL/ACBD collaborated with the Toronto Association of Law Libraries on a salary survey of their members.⁵ In addition to questions relating to their employment situation, the salary surveys asked respondents about their gender and ethnicity. Other researchers have examined the educational levels and qualifications needed

for law librarianship⁶ and the job satisfaction of law library workers.⁷ No comprehensive EDI survey has ever been conducted on Canadian law library personnel.

However, other library associations have conducted EDI surveys of different cross-sections of the profession, namely the Canadian Association of Research Libraries (CARL), Canadian Association of Professional Academic Librarians (CAPAL), Visible Minority Librarians of Canada (ViMLoC), and Canadian Health Libraries Association (CHLA). CARL undertook the largest diversity and inclusion survey of library employees in this country to date, with over 1200 employees at 21 member academic libraries completing the survey.⁸ The survey was designed to provide CARL member libraries with data that would aid them in addressing “issues of inclusion, diversity, equity, and accessibility in the workplace.”⁹ Also focusing on academic libraries, CAPAL has undertaken a census of academic librarians twice, most recently in 2018.¹⁰ The survey was designed to provide a comprehensive picture of the socio-demographics of librarians working at college and university libraries in Canada. In addition to general demographic questions such as education level, role, and salary, the survey asked whether respondents were visible minorities and inquired about their sexual orientation. ViMLoC also conducted two demographic surveys of its members, in 2013 and 2021. ViMLoC is dedicated to collecting “statistical, demographical, and professional practice roles data on Canadian visible minority librarians in all library sectors.”¹¹ Finally, CHLA surveyed its members on EDI matters in 2023.¹² In addition to demographic questions, “[q]uestions related to [the Association’s] role in matters of EDI, as well as on continuing education”¹³ were included. These surveys were notable inspirations for the CALL/ACBD Diversity Survey, as covered within the DIDC’s environmental scan.

Method

The CALL/ACBD Diversity Survey was administered using the online survey tool Qualtrics and included 38 questions focusing on demographic data (see Survey [[English](#) | [French](#)]). The survey was available starting in June 2024 in both English and French. The survey invitation indicated

¹ Both actions were spearheaded by Kim Nayyer, who then became one of the DIDC’s inaugural co-chairs, along with Vicki Jay Leung.

² CALL/ACBD, “Diversity, Inclusion, and Decolonization Committee (DIDC)” (last visited 25 November 2024), online (pdf): <callacbd.ca/Committees>.

³ Janet M Moss, “The Canadian Association of Law Libraries/Association Canadienne des Bibliothèques de Droit: A Continuing History, 1988–2012, Part III: Professional Contributions and Advocacy” (2013) 38:3/4 Can L Libr Rev 163 at 165.

⁴ *Ibid* at 166.

⁵ CALL/ACBD, “Publications” (last visited 25 November 2024) at Surveys, online: <callacbd.ca/Publications>.

⁶ Jennifer Shin, “The Role of Legal Education in Law Librarianship: A Canadian Survey” (2014) 39:3 Can L Libr Rev 19; Angela Gibson & Ted Tjaden, “A Study of the Education Levels and Professional Development Needs of Canadian Law Librarians” (2005) 30:5 Can L Libr Rev 242.

⁷ Nancy McCormack & Nicole Eva, “If You Could Do It All Again: Job Satisfaction and Law Library Workers in Canada” (2009) 34:5 Can L Libr Rev 241.

⁸ CCDI Consulting Inc, *Diversity Senses and Inclusion Survey: Insights Report* (May 2022), online (pdf): <carl-abrc.ca/wp-content/uploads/2022/06/CARL-Diversity-Meter-Insights-Report-Final.pdf>.

⁹ *Ibid* at 3.

¹⁰ Canadian Association of Professional Academic Librarians Advocacy Committee, *2018 Census of Canadian Academic Librarians User Guide and Results Summary* (25 March 2019) at 39, online (pdf): <capalibrarians.org/wp/wp-content/uploads/2019/03/2018_Census_March_24_2019.pdf> [CAPAL].

¹¹ Yanli Li et al, “2021 Redux Survey of Visible Minority Librarians of Canada: User Guide and Results Summary” (26 August 2021), online: <doi.org/10.5683/SP3/F4LNZO> [ViMLoC].

¹² Abiola Ajayi et al, “Understanding Equity and Diversity Needs Among Health Library Professionals in Canada: A Survey” (2024) 45 J Can Health L Assoc 44 [CHLA].

¹³ *Ibid* at 45.

that the purpose of the survey was to measure the diversity of CALL/ACBD members so the Association can better understand the diversity of the members it represents. It also stated that participation was optional and shared results would de-identify responses. The CALL/ACBD Diversity Survey analysis was undertaken collaboratively by the authors. Questions that included an open text field were analyzed using qualitative coding, specifically the constant comparative method,¹⁴ to identify recurrent and standalone themes.

Representativeness

This survey was circulated to CALL/ACBD's 357 members and received 127 complete responses, for a response rate of 35.6%. The survey is representative of the population of the CALL/ACBD membership. However, the survey results are not representative of members from PEI, Nunavut, Yukon, or the Northwest Territories; see Location section for details. Similar to other fields within librarianship, white people and women are overrepresented in law librarianship compared to the Canadian population; see Discussion section for comparisons.

Results

Location (Q1–2) and Citizenship (Q3–4)

Respondents work in Ontario (n=61, 48%), British Columbia (n=22, 17.3%), Alberta (n=15, 11.8%), Manitoba (n=7, 5.5%), Nova Scotia (n=7, 5.5%), Saskatchewan (n=5, 3.9%), Quebec (n=5, 3.9%), New Brunswick (n=2, 1.6%), Newfoundland and Labrador (n=1, 0.8%), and outside Canada (n=1, 0.8%). These results closely match the locations of CALL/ACBD members as listed in the membership directory.¹⁵

Respondents Compared to the CALL/ACBD Directory

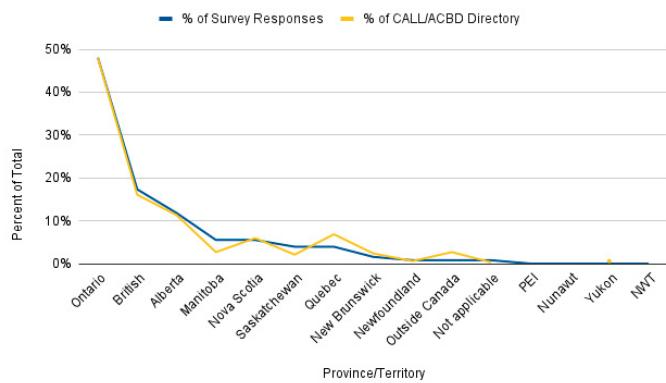


Fig 1: Line chart of survey respondents compared to the CALL/ACBD Directory

The top locations of respondents of Ontario, British Columbia, and Alberta are also the first, third, and fourth most populous provinces according to Statistics Canada.¹⁶ However, as the second most populous province, Quebec

is underrepresented in the survey responses: only 3.9% (n=5) are from Quebec. Quebec is 22.1% of the Canadian population, marking a 18.2% difference. This is primarily because CALL/ACBD membership is also underrepresentative of the population of Quebec: only 6.9% of members in the CALL/ACBD directory are from Quebec, which is 15.2% lower than the Canadian population. This was notwithstanding the survey being available in both English and French. Finally, the questionnaire did not include the territories (Yukon, Northwest Territories, and Nunavut) as selection choices, which limited data collection from these regions. As there are no results from PEI, Nunavut, Yukon, or the Northwest Territories, this survey does not represent CALL/ACBD members from those provinces and territories.

Most of the survey respondents are Canadian citizens (n=123, 98.4%). A small percentage (n=2, 1.6%) represented either permanent residents or those in Canada on temporary work or study permits.

Education (Q5–7)

Respondents were asked about their educational qualifications regarding library and information studies and law or legal studies. The majority (n=93, 75%) of the survey respondents have attained a master's-level degree in library or information studies, followed by those who have attained a library technician diploma or certificate (n=19, 15.3%). Those who have attained a bachelor's degree (n=5, 4%) and those who are currently studying library or information studies (n=3, 2.4%) yielded lower representation.

Most survey respondents (n=89, 70.6%) have not attained any law or legal studies degrees. The most common highest level of legal education is a Bachelor of Laws (LLB) or Juris Doctor (JD) degree, which accounts for 11.9% (n=15) of

What is the highest level of law or legal studies education that you have attained (if any)?

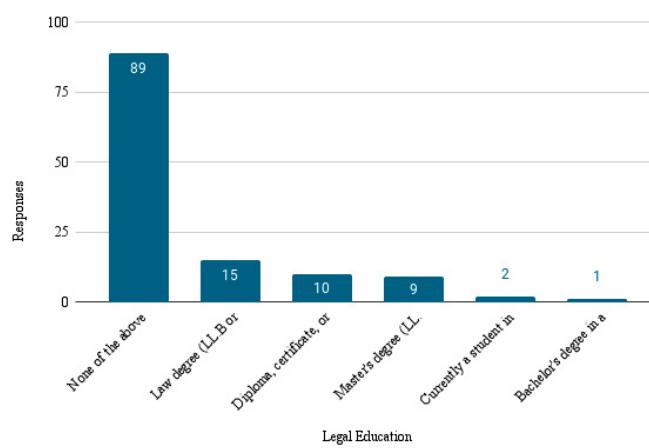


Fig 2: Column chart of survey respondent legal education

¹⁴ Martyn Denscombe, *Good Research Guide: For Small-Scale Social Research Projects*, 5th ed (New York: McGraw-Hill Education, 2014) at 113–14; Saul McLeod, "Constant Comparative Method in Grounded Theory" (updated 29 October 2024), online: <simplypsychology.org/constant-comparative-method.html>.

¹⁵ The CALL/ACBD Directory is available to members at callacbd.ca/members.

¹⁶ Statistics Canada, "Population Estimates, Quarterly" (last visited 28 November 2024), online: <www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=1710000901>.

respondents. A significant minority of respondents have attained either a diploma, certificate, or other program in law or legal studies (n=10, 7.5%) or a Master of Laws or a Master of Legal Studies (n=9, 7.1%). A very small number of respondents (n=2, 1.6%) are currently in a law or legal studies program or hold a bachelor's (n=1, 0.8%).

Employment (Q8–16)

Several employment-related questions were included in the survey. The first related to respondents' employment status. Most respondents (n=108, 85.7%) were working full time. A small portion of respondents were working full time on either a contract (n=3, 2.4%) or a self-employed (n=1, 0.8%) basis. A minor portion of respondents are working part time and either permanent (n=4, 3.2%), contract staff (n=2, 1.6%), or self-employed (n=3, 2.4%). A small portion of respondents were retired (n=4, 3.2%), with one consulting post-retirement.

When asked about their employer type, the greatest number of respondents (n=40, 32.8%) indicated they work in law firms. Academic institutions had the second highest number of responses (n=26, 21.3%), followed by courthouse (n=16, 13.11%), government (n=15, 12.3%), and law society libraries (n=14, 11.5%). The fewest number of respondents (n=11, 9%) selected the choice of "other" and provided detail regarding their employers. These employers were coded as courthouse (n=3), government (n=1), law society (n=1), non-profit (n=3), professional services (n=3), and special library (n=1). This coding increases the number of respondents working in courthouse libraries to 43 (35.2%), government to 16 (13.1%), and law society to 15 (12.3%).

Are you currently employed at/by:

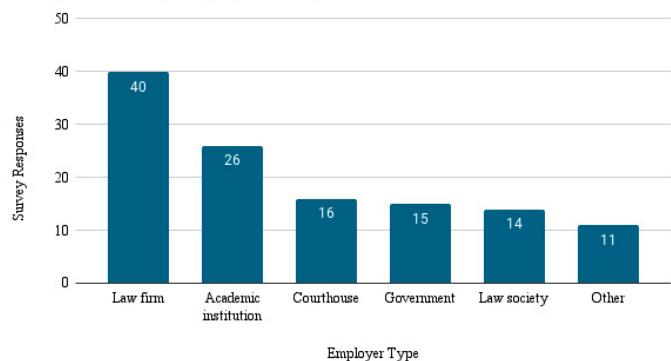


Fig 3: Column chart of survey respondent employer type

The most common position title among survey respondents is that of librarian, researcher, or specialist, which accounts for 51.2% (n=63) of respondents. A significant minority of the population selected head or director roles within their libraries (n=21, 17.1%). A variety of other job titles are represented, including head of branch/department or manager (n=14, 11.4%), technician (e.g., library technician) (n=10, 8.1%), executive (e.g., chief information officer) (n=5, 4%), student position in a library or other institution engaged in legal information work (n=2, 1.6%), and assistant or clerk (e.g., library assistant) (n=1, 0.8%). Those who selected "other" (n=7, 5.7%) included job titles aligning with the

analysis, compliance, knowledge management, copyright, and consultant areas intersecting legal information. Within "other," a small representation of respondents were lawyers (n=1, 0.8%) and court registrars (n=1, 0.8%).

The greatest number of respondents (n=33, 26.8%) have worked in the profession for five years or less, with the second highest number of individuals (n=26, 21.1%) working for 6–10 years, followed by 16–20 years (n=16, 13%), 11–15 years (n=15, 12.2%), 21–25 years (n=13, 10.6%), 26–30 years (n=10, 8.1%), 31–35 years (n=6, 4.9%), 36–40 years (n=2, 1.6%), and 41 years or more (n=2, 1.6%).

Age (Q17)

Respondents were asked to identify the age range to which they belong. The two largest groups, with n=32 (25.4%) each, are the 36–45 and 46–55 age ranges. The next largest range is 26–35 (n=30, 23.8%), followed by 56–65 (n=22, 17.5%), over 65 (n=7, 5.6%), individuals who preferred not to say (n=2, 1.6%), and 25 or under (n=1, 0.8%).

How old are you?

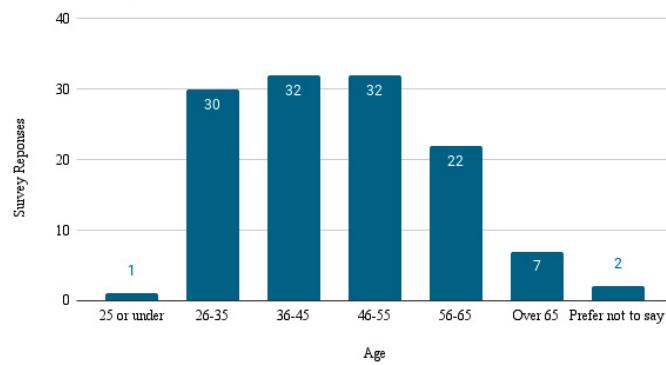


Fig 4: Column chart of survey respondent age

Gender (Q18–20) and Sexual Orientation (Q21–22)

Women form the largest group of respondents (n=108, 85.7%), followed by men (n=15, 11.9%) and individuals who

Please select the sexual orientation with which you most identify

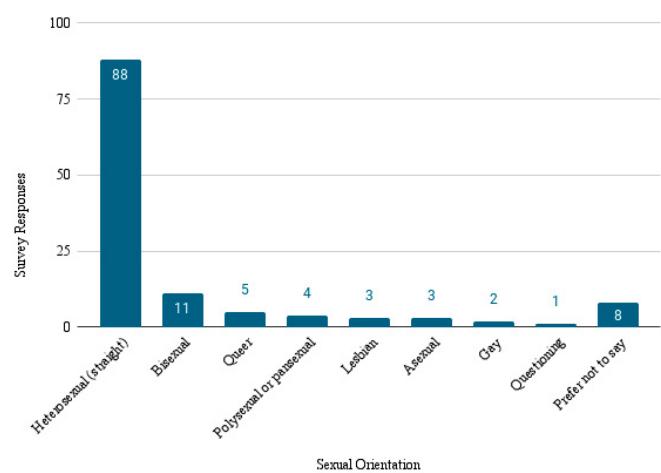


Fig 5: Column chart of survey respondent sexual orientation

don't know or who prefer not to say (n=3, 2.4%). Almost every respondent (n=124, 98.4%) indicated that their gender matched the sex they were assigned at birth, meaning they are cisgendered, with the remainder (n=2, 1.6%) stating they didn't know or preferred not to say.

Regarding their sexual orientation, the largest group of respondents identified as heterosexual (n=88, 70.4%), followed by bisexual (n=11, 8.8%). The next largest group of individuals (n=8, 6.4%) preferred not to say their sexual orientation. The remaining respondents identified as queer (n=5, 4%), polysexual or pansexual (n=4, 3.2%), lesbian (n=3, 2.4%), asexual (n=3, 2.4%), gay (n=2, 1.6%), and questioning (n=1).

Language(s) (Q23–25)

The survey included three language questions, inquiring about the language(s) the respondents learned to speak first, the language(s) they currently speak in their home, and the language(s) used in their workplace. Most of the respondents (n=95, 76%) first learned to speak English. The second largest group (n=17, 13.6%) learned to speak a language other than English and French first, followed by n=5 (4%) who learned to speak English and French simultaneously, n=4 (3.2%) who learned English and another language at the same time, and n=4 (3.2%) who first learned to speak French. Most respondents (n=117, 92.9%) mostly speak English at home, followed by French (n=4, 3.2%). Three (2.4%) individuals mostly speak a language other than French or English at home, and n=2 (1.6%) speak English and another language other than French at home. The vast majority (n=119, 94.4%) mainly speak English at work, with n=4 (3.2%) speaking French, and n=3 (2.4%) speaking English and French in the workplace.

Race and Ethnicity (Q26–28)

Respondents were asked to identify all the listed races or ethnic groups to which they belong, as well as whether they consider themselves a visible minority. The largest group of

respondents identified as white (n=103, 82.4%), followed by Chinese (n=6, 4.8%) and South Asian (n=3, 4.8%). The remaining racial and ethnic groups (Arab; Chinese, white; Indigenous-Métis, white; Japanese, white; Latin American; and Indigenous-First Nations, Status or Non-Status Indian) each had n=1 (0.8%) responses. Three (2.4%) respondents indicated they preferred not to say which racial or ethnic group they identified with, and n=4 (3.2%) selected "other (please specify)." The specified racial or ethnic group(s) provided by the latter group of respondents were Jewish (n=2), European Latin (n=1), and Norwegian (n=1).

While most of the respondents (n=105, 83.3%) do not consider themselves a visible minority, n=17 (13.5%) do. A small number (n=4, 3.2%) were unsure or preferred not to say whether they were a visible minority. The largest visible minority group of members are from or have roots originating in Asia.

Religious Symbols (Q29)

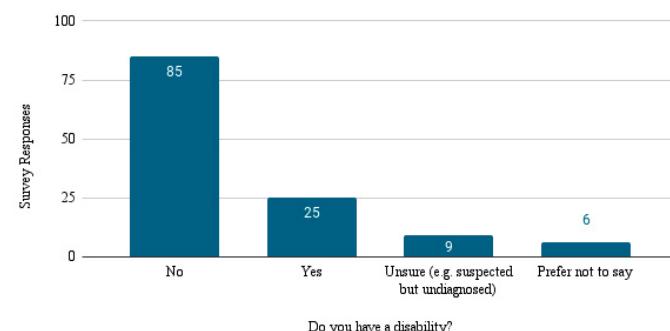


Fig 7: Column chart of survey respondent disability

Most respondents (n=117, 92.9%) do not wear visible symbols of their religion daily, with only n=8 (6.4%) doing so. One respondent (0.8%) preferred not to say whether they did. Of those who wear a visible symbol of their religion, one respondent identifies as a visible minority, and another is unsure or prefers not to say.

Ability (Q30–34) and Accommodations (Q36–37)

Most survey respondents do not have a disability (68%, n=85), followed by 20% (n=25) who do have a disability, others who are unsure if they have a disability (e.g., suspected but undiagnosed) (7.2%, n=9), and those who preferred not to say (4.8%, n=6). Respondents could choose to describe their disability (n=15, 12%), and these descriptions were coded as mental illness (n=7), neurodivergent (n=7), deaf/hard of hearing (n=2), or other (n=3), which includes chronic illness, chemical sensitivity, and having a learning disability. For respondents that are unsure of their disability (n=4) or prefer not to say (n=1), the textual responses all relate to neurodivergence, specifically ADHD and autism.

With which racial or ethnic group(s) do you most identify?

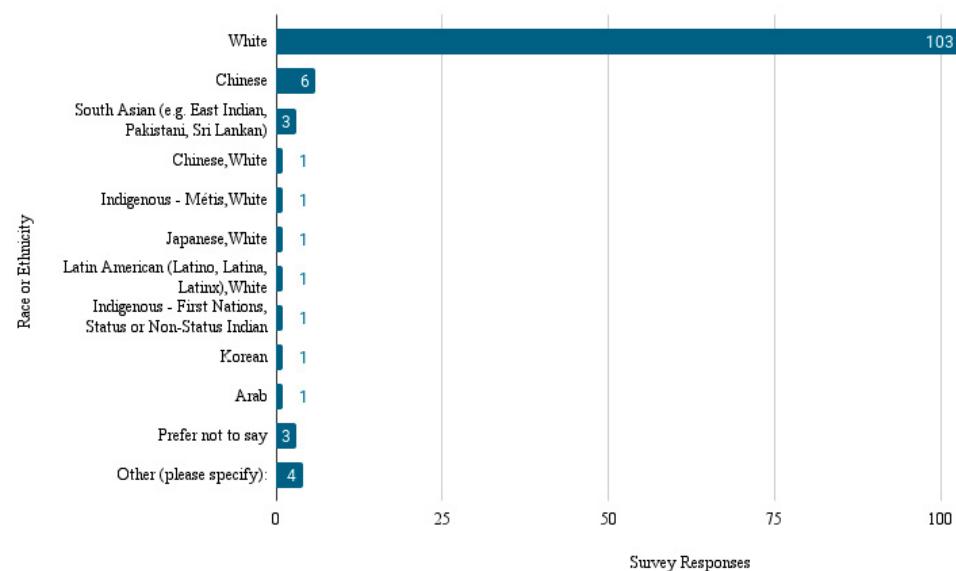


Fig 6: Bar chart of survey respondent race and ethnicity

When asked if they have requested accommodations that were not made available at a CALL/ACBD event, two respondents have requested accommodations that were unavailable to them (n=2, 1.6%) and five were unsure or preferred not to say whether they required such accommodations (4%). Most respondents did not need accommodations, selecting that these were not required (n=106, 84.1%) or that the question was inapplicable to them (n=13, 10.3%).

Caregiving (Q35)

A majority (n=80, 64%) of respondents do not consider themselves a caregiver. The next largest group indicated they have children living at home (n=26, 20.8%), followed by those with other caregiving responsibilities (n=8, 6.4%), followed by individuals who frequently care for a parent or partner who requires personal or medical care (n=5, 4%). Two groups of respondents have multiple caregiving responsibilities, with four respondents (3.2%) having children living at home and frequently care for a parent or partner who requires personal or medical care, and one (0.8%) having children living at home and other caregiving responsibilities. One person (0.8%) preferred not to say whether they had caregiving responsibilities or not. Overall, one-third of respondents have caregiving responsibilities, with most of these having children living at home. Some of these parents have additional caregiving responsibilities, either having frequent care of a parent or partner requiring personal or medical care or some other unspecified responsibilities.

Discussion

Employment Trends

The CALL/ACBD Diversity Survey results have implications for understanding employer preferences in law librarianship. The high proportion of members with a master's in library and information science (75%) reflects the fact that many employers require this degree for librarian positions. However, the significant minority of members with other educational backgrounds suggests some employment opportunities are less restrictive. While 75% of respondents indicated they had their master's degree or were in the process of obtaining it, that is lower than the 88% of CHLA respondents in the same situation.¹⁷ A large portion of respondents (70.8%) have not attained law or legal studies degrees. This suggests that education in library or information studies may hold primary prevalence as the qualification required for entering law librarianship. As 98.4% of respondents are Canadian citizens, this suggests employer preferences for hiring Canadian citizens. It is also possible that structural barriers exist to employment for non-citizens, although these were not indicated by respondents who had not obtained

work in their field.

For position titles, the dominance of librarian, researcher, or specialist roles (51.2%) among survey respondents reflects the traditional focus on library services and information management. This may also be influenced by historical factors, educational programs, and organizational structures. When combined, managerial and leadership roles represent a significant minority (32.5%) of survey respondents, which contrasts with the smaller representation for those in technician, assistant, or clerk roles (8.9%). The latter individuals may be underrepresented in the Association due to factors such as limited visibility, career advancement opportunities, or membership costs not being shouldered by employers.

For employment type, while most responses (91%) are what would be expected of the membership (law firm (32.8%), academic (21.3%), courthouse (13.1%), government (12.3%), and law society (11.5%)), a significant minority selected "other" (9%). This can be interpreted to mean a significant minority of legal information professionals are working in "non-traditional" law libraries, such as non-profit and professional services. Three respondents who selected "other" were coded as working in courthouse libraries based on their description of their employer ("regional law association," "judicial," and "a courthouse library funded by a law society").¹⁸ However, the respondents themselves may not agree that "courthouse" is an accurate depiction of their employers. Additional qualitative research is needed, perhaps through outreach to regional law associations, to determine the nature of these employment types and their relation to those listed in the survey.

Future of the Profession

There are several results from the survey that are positive for the future of the profession. Approximately half of the respondents (48%) have worked in our profession for a decade or less, which suggests that employers have continued to hire law librarians either in newly created positions or as positions become vacant. Our results are slightly higher than the CHLA and CAPAL surveys, which found that 44% and 41.96% of their respondents, respectively, had worked in the profession for a decade or less.¹⁹ One-half of our respondents are 45 and younger, suggesting they may have two additional decades or more in their working life. This result is identical to the CHLA survey, which found that 50% of their respondents were 44 years old or younger.²⁰ It also falls between the 55.4% of academic librarians who responded to CAPAL's survey²¹ who were in this age group and the 46.33% of library workers in the 2021 Canadian Census.²² CALL/ACBD respondents are younger than the overall Canadian library worker population, 31.8%.

¹⁷ CHLA, *supra* note 12 at 70.

¹⁸ The first was coded as a courthouse, as regional law associations in Ontario are members of the Ontario Courthouse Libraries Association (Ontario Courthouse Libraries Association, "About Us" (last visited 19 November 2024), online: <oclanet.com>). The other two were coded as courthouse employers due to the libraries' physical location in courthouses.

¹⁹ CHLA, *supra* note 12 at 47; CAPAL, *supra* note 10 at 39.

²⁰ CHLA, *supra* note 12 at 47.

²¹ CAPAL, *supra* note 10 at 8.

²² Librarianship.ca, "2021 Census and the LIS Community" (last visited 21 October 2024), online: <librarianship.ca/features/2021-census-and-the-lis-community> [Librarianship.ca].

of whom are 55 and older.²³ This bodes well for the continued viability of our profession, as it is likely that most current members will continue to work in the profession for decades.

Also related to age, one potentially surprising figure is that few respondents (4%) have responsibility for frequent care of a parent or partner. With almost a quarter of respondents aged 56 and older (23.1%), one might expect them to care for parents aged 75 and older. The lower figure could possibly be due to how individuals define caregiving, perhaps interpreting it as being the primary caregiver. This is a topic requiring further investigation.

From the results it also appears that CALL/ACBD members are able to obtain full-time employment related to their field of study. Most respondents (85.7%) are full-time, permanent employees. This suggests that full-time employment is the primary work arrangement within the law librarianship profession. The relatively small number of respondents in part-time and contractual work arrangements suggests that these employment types are less common in the field. Additionally, only 5.5% (n=7) of the survey respondents are not working in a role related to their program of study. Of those that are not, this is because they received a better offer in a related field (n=2), could not find work in their field (n=2) are semi-retired (n=1), work in an adjacent field (n=1), or they did not enjoy the profession or feel qualified (n=1). This report cannot include information about non-members, as it only surveyed current members, so we cannot speculate about others who have ceased CALL/ACBD membership and/or left the profession. However, from the results, we can deduce that members are gainfully employed.

Comparisons to Other Fields of Librarianship and the Canadian Population

When interpreting the survey data related to race and ethnicity, it is useful to draw comparisons to the Canadian population and other library association data. Regarding race and ethnicity, most of the respondents to this Diversity Survey are white (81.1%) and most are not a visible minority (n=105, 82.7%). Correspondingly, 13.4% are a visible minority and 3.2% are unsure or preferred not to say if they are. These results reflect an underrepresentation of visible minorities in comparison to the Canadian population, which includes 26.5% visible minorities.²⁴ The results align with the 11% of academic librarians who are visible minorities

according to CARL²⁵ and the labour market information about library workers that reflects a 14.11% representation of visible minorities.²⁶ The results are also similar to other demographic surveys of library and information professionals, as CAPAL reported 89.62% of respondents as white²⁷ and 86% of CHLA's respondents were white.²⁸ It is worth noting that these surveys used slightly different questions regarding race and ethnicity.

Women are overrepresented in law librarianship in comparison to other fields of librarianship, which are themselves already higher than the general population. The percentage of women in our survey (85.7% women) was higher than the corresponding figure in the ViMLoc survey (80.8%) and the CAPAL survey (73.6%).²⁹ Our results are also higher than the 2021 Census, which showed that 83.5% of the individuals who studied library science and are in the labour force are women.³⁰ By contrast, the general Canadian population is estimated to be 50.01% women.³¹

Interestingly, individuals identifying as a member of the LGBTQ2+ community account for 22.4% of all respondents, which is slightly higher than the 20% of CHLA respondents and almost double the 11.57% results in the CAPAL survey.³² It is also much higher than the 4% of the Canadian population counted in the census.³³ It may be that law librarianship is a more inclusive field for LGBTQ2+ individuals, perhaps due to the relatively young age of members, or conversely that there is a higher comfort level with self-reporting sexual orientation in this survey compared with others.

Language use among legal information professionals also differs from the general Canadian population and other associations, with CALL/ACBD members speaking English more often at work and being less likely to speak a non-official language at home. While 17 (13.6%) respondents first learned a language other than one of Canada's official languages, only three individuals (2.4%) primarily speak a language other than French or English in their home as an adult. This is significantly lower than the 1 in 8 (12.5%) Canadians who speak a non-official language at home according to the census.³⁴ Additionally, our respondents only speak the official languages, either singly or in combination, in their workplaces. The percentage of respondents who mainly speak English at work (94.4%) is higher than the 83.7% of all Canadians, and those that primarily speak French at work (3.2%) is substantially lower than the 23.9% of all Canadians

²³ *Ibid.*

²⁴ Statistics Canada, "Census Profile, 2021 Census of Population" (last visited 28 November 2024), online: <www12.statcan.gc.ca/census-recensement/2021/dp-pd/prof/index.cfm>.

²⁵ Kathleen DeLong, Marianne Sorensen & Vicki Williamson, *8Rs Redux: CARL Libraries Human Resources Study* (May 2015) at 15, online (pdf): <era.library.ualberta.ca/items/66f8e129-fe8f-4d70-97e9-9048cb765e88>.

²⁶ Librarianship.ca, *supra* note 22.

²⁷ CAPAL, *supra* note 10 at 65.

²⁸ CHLA, *supra* note 12 at 46.

²⁹ ViMLoc, *supra* note 11 at 8; CAPAL, *supra* note 10 at 9.

³⁰ Librarianship.ca, *supra* note 22.

³¹ Statistics Canada, "Population Estimates on July 1, by Age and Gender" (last visited 28 November 2024), online: <doi.org/10.25318/1710000501-eng>.

³² CHLA, *supra* note 12 at 47; CAPAL, *supra* note 10 at 10.

³³ Statistics Canada, "LGBTQ2+ People" (last visited 28 November 2024), online: <www150.statcan.gc.ca/n1/pub/12-581-x/2022001/sec6-eng.htm>.

³⁴ Canada, "Question Period Note: Demographic Trends for Official Languages (2021 Census of Canada)" (31 October 2022), online: <search.open.canada.ca/qnnotes/record/pch,PCH-2022-QP-00175>.

who do so, as reflected in the 2021 Census.³⁵ As both CALL/ACBD membership and Diversity Survey responses from Quebec are low, this likely accounts for the difference in results. The percentage of respondents who first learned English (76%) is very similar to the 75.4% for the same figure of the CAPAL survey.³⁶ However, the 13.6% of law librarians who first learned to speak a language other than English or French is higher than the 7.7% of the academic librarians; additionally, the 3.2% of our respondents who first learned to speak French is lower than the 16.9% of CAPAL respondents.³⁷ English is the predominant working language for our members and for the Association at its meetings and events and in its informal communication. As of 2023, the Association's formal written communication, including the monthly *In Session* newsletter, has been released in both official languages, which may strengthen French speaking members' comfort and connection with the Association, thereby attracting more French speaking colleagues into the Association.

Ability and Accommodation

Regarding disability, 20% of CALL/ACBD members report having a disability and another 7.2% indicate they are unsure if they do. All respondents who stated they are unsure if they have a disability indicated that they may be neurodivergent, potentially having ADHD or autism. This is logical if we consider that being neurodivergent is often underdiagnosed, especially in adult women, due to male-based diagnostic criteria and assessment cost.³⁸ One respondent indicated that they have not pursued an autism spectrum disorder diagnosis due to "financial constraints" and the "impact a [diagnosis] would have on [their] professional life." This response may indicate a need for greater workplace support to overcome stigma. For our survey results, some respondents' disabilities are time-limited (e.g., a current injury), others are an issue of the past that impacts the present (e.g., recovering from a mental illness), and others are persistent (e.g., chronic illness). These results illustrate how disability can be either temporary or permanent and can be impactful following resolution.

For the impact of these results on the Association, very few respondents (1.6%) have requested accommodations that were not made available at a CALL/ACBD event. A slightly larger number (4%) were unsure or preferred not to say whether they required such accommodations. Only one of the individuals who indicated that they had required an accommodation that was not available at an Association event specified their accommodation, which was a request for an "online/hybrid conference during a continuing airborne

pandemic." The question of whether COVID-19 continues to be a global pandemic is a topic of debate,³⁹ and many within the disability community continue to be cautious of infection because COVID-19 is both a source of disability and poses increased risk to those with a disability.⁴⁰ Although the overall unavailable accommodation figures are small, the Association should investigate how to make the accommodations process more transparent to reduce uncertainty for members. In addition, discomfort with in-person events suggests the need for increased online and hybrid events. The Association also has a chance to be proactive in making choices reflective of the array of disabilities in the membership when planning meetings and events.

In this discussion section, we have covered many of the predominant traits of the CALL/ACBD membership: most are white, cisgender women, able-bodied, speak English at work, have full-time permanent employment in a field related to their area of study, hold a degree in library science, and do not hold a law degree. We have also covered significant minority traits among members: many have a disability, are neurodivergent, grew up speaking a non-official language at home, and work for a non-traditional employer. With these characteristics in mind, we pose the question: how can the Association best support members of marginalized groups within CALL/ACBD? We have suggested areas for further research and will be publishing a supplementary report to the CALL/ACBD Board with additional suggestions.⁴¹

Conclusion

The results of this inaugural survey can enable us to better understand diversity within law librarianship and enable inclusion. They can provide guidance to the Professional Development Committee and conference planning committees when planning or selecting programs for webinars and the annual conference and should be used by the DIDC when developing EDI-related sessions pursuant to the Committee's mandate. The Board may find the results useful in the creation of promotional materials and targeted outreach campaigns to potential new members, allowing them to emphasize the diverse backgrounds of our members.

The survey's results provide a snapshot of the demography of the CALL/ACBD members in 2024. Periodically repeating the survey will allow the Association to analyze demographic changes over time and to potentially assess the impact of EDI-focused actions undertaken by CALL/ACBD. Having obtained this foundational data about our members, future surveys should be extended beyond the Association to capture this information for the broader law librarianship profession in Canada.

³⁵ Statistics Canada, "All Languages Used at Work by Single and Multiple Responses of Language Use That Work and Mother Tongue: Canada, Provinces and Territories, Census Divisions and Census Subdivisions" (last visited 21 October 2024), online: <www150.statcan.gc.ca/t1/tbl1/en/tv.action?pid=9810052901>.

³⁶ CAPAL, *supra* note 10 at 71.

³⁷ *Ibid.*

³⁸ Sarah Law, "This Thunder Bay Woman with Autism, ADHD Says She Was Misdiagnosed for Decades and is Now Calling for Change", *CBC* (12 February 2024), online: <cbc.ca/news/canada/thunder-bay/thunder-bay-autism-adhd-women-1.7110419>.

³⁹ Jamie Ducharme, "Experts Can't Agree if We're Still in a Pandemic", *Time* (11 March 2024), online: <time.com/6898943/is-covid-19-still-pandemic-2024>.

⁴⁰ Pandemic Accountability Index, "What COVID-19 Does to the Body: 500+ Studies Later, What Have We Learned?" (7 August 2024), online: <panaccindex.info/p/what-covid-19-does-to-the-body-fifth>.

⁴¹ For more information, contact Vicki Jay Leung (vicki.jayleung@uwindsor.ca).



III Reviews / Recensions

Edited by Dominique Garingan and Julie Lavigne

***Constitutionalising Social Media*. Edited by Edoardo Celeste, Amélie Heldt & Clara Iglesias Keller. New York: Bloomsbury, 2022. 352 p. Includes bibliographic references and index. ISBN 9781509953707 (hardcover) \$175.50; ISBN 9781509953745 (softcover) \$86.50; ISBN 9781509953714 (ePUB) \$77.85; ISBN 9781509953721 (PDF) \$77.85.**

Constitutionalising Social Media is an anthology of essays on fundamental rights in the era of social media platforms. It comprises four parts and includes an extensive index, making it an invaluable resource for expert readers seeking specific information. CALL/ACBD members concerned about the “quasi-sovereign authority” (p. 6) granted to large social media companies and digital platforms like Meta (whose assets include Facebook) will find this volume especially engaging. For those unfamiliar with the concept of constitutionalising, the introductory chapter provides a thorough definition of the process of translating fundamental rights to the social media sphere, setting the stage for the research that follows.

Part 1, Social Media as a Modern Public Square, offers an accessible overview for those new to the study of modern communication, information dissemination, and political engagement in the digital age. In the opening essay by Tetyana Lokot, key concepts such as “networked publics,” “affordances,” and “digital citizenship” are clearly defined, ensuring that readers are well equipped to navigate the diverse perspectives presented in the following chapters. This section lays the groundwork for understanding how social media platforms have become constitutionally relevant as “powerful instruments for exercising fundamental rights”

(p. 5). The authors also advocate for “regime-agnostic” (p. 23) regulation that would protect citizens’ agency online, thereby enabling them to influence complex power dynamics through platform-facilitated political advocacy.

Part 2, Fundamental Rights and Platforms’ Governance, outlines deficiencies in state law and the failure of private platforms to adequately protect users’ constitutionally guaranteed rights. As technological behemoths acquire sovereignty by designing and implementing politically influential “private structures” (p. 82), they are increasingly able to elude nation-state power. In the essay “Structural Power as a Critical Element of Social Media Platforms’ Private Sovereignty,” Luca Belli argues that the “delegation of regulatory functions to private intermediaries” was an intentional choice for efficiency’s sake, but that “ultimate oversight” must be public if we are to ensure that “fundamental rights, due process, and the rule of law are respected” (p. 88). The next essay, “No Place for Women: Gaps and Challenges in Promoting Equality on Social Media,” highlights the shortcomings of social media regulation by examining gender-based online harassment. While networked feminism has the potential to “support material equality” (p. 102), the social media space can also exacerbate misogyny through a reciprocal dynamic wherein technology both shapes, and is shaped by, misogynistic attitudes.

Part 3, States and Social Media Regulation, delves into the state’s interaction with digital platforms through various case studies, including China’s extensive surveillance of online activity and Israel’s practice of “voluntary enforcement” (p. 187) for content removal. This section offers a nuanced view

of how governments try to regulate or control online spaces, shedding light on different national approaches to digital governance.

The book concludes with Part 4, Constitutionalising Social Media, which explores potential solutions to the complex relationship between public oversight and private platform governance. In the essay "Content Moderation by Social Media Platforms: The Importance of Judicial Review," Amélie P. Heldt argues for the crucial role of judicial review, asserting that court decisions can safeguard human rights and "serve as the mouthpiece of minorities whose voices are completely left out of platform regulation" (p. 265). In their discussion of content moderation, the authors of "Digital Constitutionalism: In Search of a Content Governance Standard" explore the concept of legal pluralism, where the absence of a single, unified standard for human rights enables companies to create their own rules. They also examine the efforts of civil society groups to develop "rights and principles for the digital age" (p. 268), which could help shape the governance frameworks of private platforms.

Constitutionalising Social Media is a valuable contribution to the scholarship on fundamental rights in our increasingly networked world. This book is part of a rapidly growing research field, as demonstrated by the establishment of the Digital Constitutionalism Network in 2019 and recent related publications. Readers familiar with *Digital and Social Media Regulation: A Comparative Perspective of the US and Europe* (Palgrave Macmillan, 2021) will appreciate this collection's inclusion of cases from beyond the Western context. Additionally, those who enjoyed *Social Media, Fundamental Rights and Courts: A European Perspective* (Routledge, 2023) will find this current text to be complementary, particularly in its examination of relevant legislation. *Constitutionalising Social Media* is also accessible to a broader audience, and CALL/ACBD members who may not have an extensive background in social media or its regulation are encouraged to pick it up.

REVIEWED BY
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COVID-19, Law & Regulation: Rights, Freedoms, and Obligations in a Pandemic. By Belinda Bennett, Ian Freckleton & Gabrielle Wolf. Oxford: Oxford University Press, 2023. vii, 674 p. Includes bibliographic references and index. ISBN 9780192896742 (hardcover) \$165.00.

COVID-19, Law & Regulation looks at the legal and regulatory challenges and implications of the pandemic with five main themes: the layers of law, the role and scope of law, the understanding of risk, the human rights issues, and the impact on individual obligations. The foreword by Lawrence O. Gostin, the first O'Neill Chair in Global Health Law and director of the WHO Collaborating Center on National and Global Health Law at Georgetown University, sets the scene. Professor Gostin reminds us of the challenges we faced in the early days of the pandemic, from lockdowns and contact tracing requirements to the eventual imposition of vaccination mandates, as well as the disproportionality of

illness and death experienced in marginalized populations.

In the first chapter, "COVID-19, Law, and Regulation," the authors provide a detailed timeline of the pandemic, an overview of the key themes of the book, and a synopsis of each chapter. It concludes with the authors' hopes for the book.

The second chapter, "Past Legal and Regulatory Responses to Infectious Diseases," reviews prior epidemics and their effects on legislation. From the Black Death to the recent Ebola outbreak in West Africa, epidemics and their legal responses, including mandatory quarantines, vaccinations, and labour law changes, are discussed.

After these introductory chapters, the book dives into a thorough examination of the COVID-19 pandemic, beginning with an in-depth look at the various restrictions on movement, such as the closing of borders and the quarantining of cruise ships. The book then moves into a discussion about domestic law and emergency measures, including travel restrictions, masking requirements, vaccine passports, and the rules and regulations that developed around testing and contact tracing. While the authors are based in Australia, they also examine each of these measures internationally, discussing the different methods used by various countries, all reviewed with a human rights lens.

An extensive examination of litigation responses to the emergency orders follows, again from an international perspective. The challenges are grouped by theme: border closures, curfews, rights to protest, etc. The last chapter in this section of the book discusses the risk of contracting COVID-19 compared to the risks imposed by the emergency orders, including social isolation, collective mental health effects, and economic challenges.

The next few chapters of the book look at the legal impacts of COVID-19 responses on criminal justice, civil liability, and workplace health and safety. Many countries are again referenced, and while the discussion of the longer-term impacts is succinct, there are many footnotes provided should one want to follow up on specific areas of interest.

The final chapters of the book turn to the development, production, regulation, and distribution of vaccines. These chapters provide a fascinating look into the development of vaccines in general, including issues around human trials and other forms of research. Certain challenges of research publication protocols are also discussed, such as the hydroxychloroquine and ivermectin treatments that were initially successful but whose research results have since been challenged. The chapter on distribution was particularly insightful in its discussion of the systemic inequities in vaccine distribution, which led to wealthier countries being able to easily access the vaccines, as well as in equipment distribution, where ventilators, masks, and sterile gloves were in short supply overall but especially for poorer countries.

The concluding chapter is one of reflection: What worked and what didn't? How can we reduce the inequity of treatment options for less wealthy countries, as well as for

marginalized residents everywhere? Can the mental health and legal aspects of the responses, including the human rights challenges and criminal justice issues, be balanced with the need to protect as many people as possible? When the next epidemic hits, how can we be ready?

With 81 pages of bibliographic references, including case law and legislation from around the globe, *COVID-19, Law & Regulation* is a well-researched and thorough book. The chapters, while long, are broken down into shorter sections and arranged in a logical manner that flows well, both within the individual chapter as well as the book as a whole.

This is an essential read for anyone interested in the early timeline of COVID-19 and is a detailed examination of much of the pandemic. The book ends in early 2022, just when the Omicron variant was starting to spread, as many countries were providing booster vaccinations and widespread masking was on the decrease. In many countries, including Canada, public health emergency declarations would not be rescinded for another 1–2 years, with the full effects of the pandemic and the responses yet to be discovered. I do think the text deserves to be updated with the knowledge we have gained over the past two years. However, for anyone interested in an overview of the legal issues of the pandemic, this is nonetheless a worthy read.

REVIEWED BY
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***Legal Guide to Emerging Technologies.* By Imran Ahmad & Shreya Gupta. Toronto: LexisNexis, 2023. xiv, 113 p. Includes index. ISBN 9780433524748 (softcover) \$130.00.**

Legal Guide to Emerging Technologies provides a clear and structured introduction to six key emerging technologies: biometric data, autonomous vehicles, the Internet of Things, generative artificial intelligence, the Metaverse, and blockchain and non-fungible tokens. The six chapters of the book—one for each technology—are organised similarly, making it easy to navigate. Each chapter begins with an accessible overview of the technology followed by an analysis of its legal considerations. The governing legal frameworks are then outlined, with a primary focus on Canadian law supplemented by references to foreign legislation (often the United States and the European Union). Each chapter concludes with a list of best practices, offering practical guidance for organizations involved in developing or deploying these technologies.

The Legal Considerations section in each chapter stands out for its breadth. While it would have been easy to focus exclusively on privacy and cybersecurity, authors Ahmad and Gupta examine how these technologies affect a variety of legal fields, broadening the book's appeal. Their clear and concise explanations of complex technologies are also especially valuable for legal professionals and business leaders who must understand these technologies in order to navigate their legal implications effectively.

It is worth noting that the book is introductory in scope, targeting lawyers and business professionals who are beginning to encounter these technologies in their work, rather than seasoned technology professionals. While the legal analysis and practical guidance are insightful, the discussions are relatively brief. The Legal Frameworks section, which makes up the bulk of the content in each chapter, risks becoming outdated as laws evolve. Indeed, just 18 months after publication, much of this content already requires updating. The authors acknowledge these limitations in their introduction, however, framing the book as a “starting point” and a “quick reference guide” designed to aid with issue-spotting and developing foundational knowledge (p. x).

The book would also benefit from more rigorous editing. The Best Practices sections are repetitive, with subtitles often nearly as long as the advice and the phrasing only slightly varied. Additionally, the referencing and footnoting could be more consistent and detailed, particularly in a text aimed at professionals who may wish to delve deeper into specific issues. Improved formatting of bullet points and lists would also enhance its readability.

Despite these issues, the book is a valuable resource because of its clear explanations, insightful analysis, and practical guidance. It will appeal to a wide audience, including legal professionals, regulators, policymakers, corporate leaders, and academics. Privacy lawyers, in-house counsel, and technology specialists will find it to be a practical tool for advising clients or ensuring compliance with emerging legal standards. Regulators and policymakers will appreciate its concise summaries of evolving legal frameworks, while corporate leaders can rely on its advice to manage technology-related risks. For academics, law students, and law librarians, the book's structured approach makes it a useful teaching aid and reference for understanding the intersection of law and technology.

Ahmad and Gupta have crafted a resource that not only informs but also empowers readers to navigate the complexities of emerging technologies with confidence. As these technologies evolve, I look forward to future editions that will update existing content, introduce other new technologies, and potentially retire those that are no longer “emerging.”

REVIEWED BY
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***Wrongfully Convicted: Guilty Pleas, Imagined Crimes, and What Canada Must Do to Safeguard Justice.* By Kent Roach. Toronto: Simon & Schuster, 2023. xxxvii, 359 p. Includes bibliographic references and index. ISBN 9781668023662 (hardcover) \$34.99; ISBN 9781668023679 (softcover) \$24.99; ISBN 9781668023686 (eBook) \$24.99.**

Imagine being accused and convicted of a crime you did not commit. This is something that few of us want to contemplate, and yet an untold number Canadians undergo this horrific experience every year. While the Canadian public may be

aware of a handful of high-profile wrongful conviction cases, most cases receive little public attention.

In *Wrongfully Convicted*, renowned legal scholar and lawyer Kent Roach explains that wrongful convictions are an inevitable product of flaws found in both human nature and the Canadian criminal justice system and that, while it may be easier to make corrections to the latter than the former, we must examine and address both where possible. Roach takes an in-depth look at the reasons why wrongful convictions occur in Canada and proposes measures to address these. He also urges the Government of Canada to identify and correct wrongful convictions more quickly and humanely, pointing to the 2021 *Miscarriages of Justice* report by the Hon. Harry LaForme and the Hon. Juanita Westmoreland-Traoré as a roadmap for achieving this.

Roach categorizes wrongful convictions into three types: (1) false guilty pleas, (2) imagined crimes, and (3) wrong perpetrator convictions. In Part One, *Guilty Pleas*, Roach explores the reasons why an innocent person might plead guilty to a crime they did not commit. While acknowledging a variety of distinct factors that can contribute to a false guilty plea, Roach points to mandatory minimum sentences and a justice system that too readily accepts guilty pleas in exchange for lesser sentences as key drivers of this problem. For example, Roach examines cases of caregivers who falsely pled guilty to infanticide. In many of these cases, the accused were from marginalized groups and evidence given against them by an expert witness was only later discredited. The defendants believed that the judge or jury would prefer the expert's evidence over their own, and they feared receiving a mandatory life sentence for first-degree murder. As a result, they made the decision to plead guilty to the lesser offence of infanticide, which does not carry a minimum sentence, even though they were innocent.

In Part Two, *Imagined Crimes*, Roach delves into the reasons innocent people are sometimes convicted of crimes that did not happen. The main culprit for this type of wrongful conviction, Roach explains, is a mental phenomenon called "thinking dirty," in which an agent of the criminal justice system allows stereotypes, generalizations, and other mental shortcuts to lead them toward mistaken conclusions. Cases brought against young mothers, racialized caregivers, people on welfare, and Indigenous persons are provided as examples where unconscious bias and dirty thinking has led to a conviction for a crime that did not happen. "Thinking dirty" may be a natural human tendency that can turn an accident into a crime, but various actors in the criminal justice system are supposed to function as checks on one another to prevent this from happening. However, thinking dirty is also contagious, and one person's dirty thinking can influence the thinking of others, causing a so-called "snowball effect." Roach gives many examples of how this snowball effect can play out. For example, when forensic pathologists conduct their autopsies in suspicious death cases with police present, the background information they receive from the police officers can influence the conclusions they reach.

In Part Three, *Who Done It?*, Roach explores "wrong perpetrator" convictions, the type where "police were right to

think dirty but got the wrong person" (p. 139). According to Roach, these convictions originate from a type of cognitive bias called "tunnel vision," where investigators focus on one suspect to the exclusion of others. He discusses famous examples of wrong perpetrator cases, such as David Milgaard and Guy Paul Morin, as well as some lesser-known cases of wrongfully convicted Indigenous persons.

Roach explains that this tunnel vision comes from a natural human tendency to use mental shortcuts and to discount discordant information when faced with the challenge of solving a crime. However, he also argues that there are exacerbating factors within the criminal justice system that can be better controlled. He points to failures by police to coordinate information and make effective use of computerized case management systems, as well as the use of controversial investigation tactics such as jailhouse informants as key contributors to the problem.

In the final part of the book, *What Must Be Done*, Roach proposes changes to the criminal justice system aimed at reducing the number of wrongful convictions in Canada. Recognizing that it may be impossible to prevent wrongful convictions entirely, he urges the Government to correct those that do occur in a more efficient and humane fashion. To this end, he advocates for the passage of Bill C-40, the *Miscarriage of Justice Review Commission Act (David and Joyce Milgaard's Law)*, which, at the time Roach was writing this book, was making its way through Parliament. Bill C-40, which received Royal Assent on December 17, 2024, creates a new commission to investigate miscarriages of justice and implement a compensation scheme for the wrongfully convicted.

Wrongfully Convicted is not the first book on the topic of wrongful convictions in Canada, and many of Roach's ideas build on those already identified in the existing literature. It does, however, contribute to the field by thoroughly cataloguing and examining not just well-known wrongful conviction cases but also ones that are hardly known at all, including those of Indigenous persons whose cases have previously gone unexamined. Roach's book offers a new typology of wrongful conviction cases that may help in understanding the causes and solutions to this problem in Canada.

Everyone who works in the Canadian criminal justice system should read this book, and I would recommend that any law library that collects criminal law materials purchase it. I would also recommend this book to public libraries, as the issue of wrongful convictions is one that affects all members of the Canadian public.

REVIEWED BY
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III Bibliographic Notes / Chronique bibliographique

By Kate McCandless

John J Digilio, “The Books Have Left the Building: Rethinking Library Spaces and Decision-Making in a Digital Age” (2024) 29:3 AALL Spectrum 13, online: <aallnet.org/spectrum_issue>.

For decades, law firm libraries have been “shrinking” as physical collections are replaced with digital materials (p. 13). Libraries are often one of the first things to be pared down as “[f]irms continue to seriously rethink the massive expense that is real estate and, whether it is a relocation or a re-build, librarians are being called upon even more frequently to reconsider the space commitments of their libraries” (p. 14).

In this article, author John J. Digilio recounts his experience reducing his law firm library’s collection. While he and his staff successfully pared down the holdings by over 90 percent, “the sight of empty shelves created an immediate issue, giving the once-bustling floors and air of abandonment” (p. 14). Regardless of the physical collection, librarians and library work are still vital, and, of course, space is still required for library services. Thus, Digilio states, the focus had to shift from “accommodating paper to positioning people for success” (p. 14).

Digilio has several tips for librarians who find themselves in similar situations when tasked with reducing their library’s physical footprint. His first tip is “not to wait for the firm to come to you about the unused space” and take charge of “physical space in conversations about how we could put that space to better use for the good of the firm” (p. 15, emphasis in original). He also suggests librarians try to “[m]arry form

to function” by “talking to your teams about what they need to do their jobs and re-evaluating how your present layout is helping or hindering your library’s current and future service offerings and initiatives” (p. 15). Does your library need more collaborative space? Can staff share offices while working alternate days in-office and remotely?

The author closes by noting that librarians need to “[b]e prepared to lose a lot of the space you currently consider to be part of your kingdom” (p. 15). Remember that all employees are part of achieving the firm’s business goals, and “our approach must focus on strategic partnerships with our firms’ planners and responsible stewardship of their valuable real estate” (p. 15).

Erin Gow, “The Value of Law and Library Degrees in the Legal Information Profession” (2024) 116:4 Law Library Journal 369, online: <aallnet.org/llj_issue>.

Erin Gow, a satellite librarian at the Library of the U.S. Court of Appeals for the Sixth Circuit in Louisville, Kentucky, undertook analysis of several AALL salary and profession surveys from 2009 to 2022, along with hundreds of job ads from across the U.S. and existing related academic literature. She aims to answer the question: does one *really* need both a library degree and a law degree to work in law libraries? She found that law degrees can be advantageous, depending on one’s role, but they often do not have the same return on investment regarding salaries that one would expect.

According to Gow, while the “belief in the need for dual degree legal information professionals is almost universal

in the academic sector ... it seems risky to accept the necessity of a potential barrier to the profession in the form of a standardized requirement for dual library and law degrees without deliberate examination of the value of each degree" (p. 370–71). Gow evaluated the perception of the value of the law degree versus the library degree for three value markers: employment requirements, usefulness to workplace responsibilities and tasks, and financial value (p. 371). She chose these value markers "in a deliberate attempt to avoid the realm of intangible value apparent in concepts such as knowledge for the sake of knowledge or value markers based on local practice, such as the idea that academic law librarians need to have a law degree in order to teach or achieve tenure" (p. 371). Both degrees do have value in the profession, but "a law degree may be undervalued financially" (p. 372).

Historically, more law librarians had library education than legal education. According to a 1936 survey, only 5 percent of law librarians in all sectors had both library and law degrees, "while just 7 percent of respondents in academic law libraries had both" (p. 373). In the 1950s, there was a perception that a legal background was more valuable, but many commentators acknowledge that a law librarian's role is not that of a lawyer, which is what a law degree trains students to be (p. 373). In 1971, a "survey found that less than 10 percent of respondents had both a library and law degree" (p. 374). By 1998, the dual degree requirement began to be included in reference and administrative law librarian job descriptions, especially in the academic sector (p. 374). However, as Gow states,

in recent decades, 'fewer than one-third of law librarians have law degrees' ... and most non-academic legal information professionals, such as those in firms, hold only an MLS ... Even in these academic library settings where dual-degrees are most common, a 2016 study found that just one-third of advertised librarian positions asked for a second advanced degree even when they required advanced subject knowledge. (p. 374–75)

A law degree tends to be more important for reference librarians than those in more technical roles, and "[s]everal commentators have noted that a basic understanding of legal terminology and concepts is vital in order 'to provide competent, let alone exceptional, service to clients' and that a mixture of both library and legal knowledge is necessary for any legal information professional" (p. 375). Other survey respondents argue that there is no need for a law degree, stating "no amount of law school would ever be enough to provide sufficient knowledge to tackle the breadth of questions reference librarians receive" (p. 375–76).

The cost of law degrees, and their return on investment regarding potential salary increases, appear to be the sticking point. Practicing as a lawyer is usually much more lucrative than working as a librarian, and "[t]here continues to be a gap in salaries between traditional law faculty and law librarians in the academic sector. A 2022 study of the average salaries of academic law librarians with teaching

responsibilities found that 'non-director librarians make about 47 percent less than non-dean faculty'" (p. 377).

While salaries for roles where a dual-degree is required tend to be too low for the cost of the schooling required, one positive perspective is that "salaries in the legal information field are often higher than in other types of libraries, so it can be a good field for qualified librarians without a JD to choose to enter, but the requirement for both law and library degrees in many positions limits the roles that single-degree librarians can apply for" (p. 378). This catch-22 occurs at a time when it has become difficult for universities to find adequately qualified staff for librarian positions (p. 378).

A 2021 AALL salary survey reports that "only in academic law libraries do the majority (72.8%) of legal information professionals report holding a law degree" (p. 383). Of the job advertisements that Gow reviewed, it became clear that "dual library and law degrees are highly valued for employment purposes in the academic sector, while a library degree alone is particularly valuable for hiring purposes in the firm or corporate sector" (p. 387). There was no common requirement for a combination of degrees in governmental law librarian roles (p. 387).

Academic law librarians "may find holding dual degrees particularly valuable as a marker of legitimacy and credibility in the law school community," where the "deeply ingrained hierarchies" often mean that librarians "possess a lower status in the school" (p. 379). Thus, the status that comes with having a law degree, and the associated respect from colleagues and students that comes with it, is an influential factor for respondents (p. 396).

Moreover, librarians with law degrees tend to be more confident in their skills and perceive more value from the degree than those who only have a library degree (p. 390). The survey results further indicate "that library degrees are highly valuable in technical services and cataloging positions, while dual library and law degrees are more valuable in areas such as instruction and research" (p. 392). Therefore, depending on one's role within the law library, "a library degree may provide value in certain job responsibilities for library directors such as management ... while a law degree may be valuable in other areas of responsibility for a director such as subject matter knowledge or credibility in the law school community" (p. 397–98).

Gow encourages employers to re-evaluate their requirement for a law degree on their job postings. Library degrees are "widely valuable and likely to underpin the work of most professions within the legal information sector" (p. 407). It is important to review the tasks that each role is required to complete. Does having legal education truly benefit a cataloguing role? Likely not. It may, however, be beneficial in roles that actively engage with law students, not just through the knowledge that can be imparted, but through the respect the degree can bring. Regardless, Gow argues that it is vital to ensure there are "multiple paths into the field that allow future law librarians to navigate around the barriers presented by the increasing dual degree requirement" (p. 407).

Ming Liu, “Application of Trial-and-Error Theory to Legal Research Teaching” (2024) 43:4 Legal Reference Services Quarterly 253, online: <doi.org/10.1080/0270319X.2024.2417529>.

In this article, author Ming Liu recounts and evaluates the use and success of the trial-and-error learning theory in the legal research course at the Law School of Renmin University of China's Master of Law program (p. 254). As law students are setting the foundation for their future careers, legal research instruction aims to teach students “to effectively gather and apply legal information to address legal issues. The focus of legal research instruction should be capability building” (p. 255) and that hands-on, active learning “is vital because it fosters understanding, aids memory, and improves retention” (p. 254).

Since there is currently no Chinese legal research textbook, the instructors sourced information from other jurisdictions. Instructors would “revise teaching materials through summarizing and analyzing common mistakes that students make in retrieving relevant information” (p. 255–56). These teaching materials comprised two parts: “first, an introduction of relevant research resources and retrieval methods, and second, a discussion of frequently made mistakes in the research process” (p. 256). Understanding underlying concepts proved to be essential, as “when discussing the authority of legal information, such as primary sources of law and secondary literature, many students assumed that they had already understood the concept of legal information authority and overlooked the importance of accurately understanding them … [and] rarely question whether the information located through [internet searches] is reliable, current, or accurate” (p. 256).

The author provides an example of an often mis-sourced legal decision from the Shanghai High Court, which has even been misattributed to the Supreme People's Court by judges in further decisions. This common error “led the Supreme People's Court to issue a guideline on the uniform application of laws and strengthened the searches of similar cases” (p. 256–57). This example “illustrates an important point: had [they] verified the legal information and found the original source when quoting it, [they] wouldn't have had such an embarrassment” (p. 257). As a result, students are more likely to remember the lesson, thus making it “much more effective than lecturing them about the authoritativeness of legal information in a direct way” (p. 257).

This method of teaching emphasizes for the students that there is no right or wrong starting point to their research. “[A]s long as the authoritative resources can be found quickly and accurately,” then a strong research memo will be the end result of the search (p. 259). According to Liu, students enjoy these types of exercises, as they are often asked to do this work for legal internship job interviews and in their early careers as legal professionals (p. 260).

The author concludes the article by emphasizing that it is “paramount to prioritize teaching students the fundamental methodology and the principles behind it, rather than placing undue emphasis on getting the right search results. While the search results hold significance, they shouldn't overshadow the foundational concepts” (p. 262).

Dunstan Speight, “The British Library Cyber-Attack and Implications for Law Libraries: Some Initial Thoughts” (2024) 24:2 Legal Information Management 84, online: <doi.org/10.1017/S1472669624000215>.

In October 2023, the British Library was the victim of a ransomware attack. The British Library is a historical and world-renowned national institution. If it can be targeted and attacked, so could your library. Its story should be a wake-up call and provide some lessons to other libraries.

The attack caused a range of services to be unavailable, including the catalogue, resulting in the inability to loan physical materials as well as digital (p. 84). Even the gift shops were affected (p. 84). They were also threatened with the sale of financial and personal data. The British Library has a huge network of readers, customers, and current and former staff who all have records in some capacity within the system (p. 85).

What ultimately caused the cyber-attack? With the onset of the pandemic, more employees were working from home and there was “an increase in remote access” to library services (p. 85). There were also more third parties involved with delivering available services. The attack was likely rooted in a phishing scheme (p. 85).

In 2019, the British Library was accredited in Cyber Essentials Plus, an annual assessment that ensures an organization has the minimum level of cyber security protection needed, but it failed to maintain this designation from 2022 onward, as they needed to phase out some aging systems to comply with the standard. Legacy IT systems, and numerous databases linked to those aging systems, proved difficult to restore. Some software suppliers no longer supported these older programs. Eliminating and decreasing reliance on these legacy systems is one of the many lessons the British Library learned (p. 85).

According to Speight, “[a] failure to prioritize the move from local to cloud-based storage meant that the hackers were able to wreak extensive damage,” which included swiping confidential documents from financial and HR systems (p. 85). These documents were ultimately published on the dark web, as the British Library would not, or could not, pay the ransom (p. 86). Another lesson learned: organizations must “change their document naming conventions” to make such documents harder to identify within systems (p. 86).

The U.K.’s “network of copyright deposit libraries” opted to move to a digital-first system to save physical storage space; however, “the failure to coordinate a system where at least one print copy might be held by one of the institutions” seemed “short-sighted” to the author (p. 86). The British Library manages all these copyright deposit libraries; thus, because of the attack, “all six copyright deposit libraries in the UK and Ireland … lost access to their e-books” (p. 86).

Speight closes by reminding readers that “although digital publications have huge numbers of advantages, there is still a place for print collections” (p. 86). No system can ever be guaranteed to be 100 per cent cyber-attack proof. Therefore, it is “always a question of ‘when’ not ‘if’ your system could be subject to similar attacks (p. 86).

Marci Wicker, “EDI Perspectives: Neurodivergence Meets Law Librarianship” (2024) 41:9 *Information Today* 20, online: <infotoday.com>.

As author Marci Wicker states, neurodiversity is common, and “[a]pproximately 15%–20% of the worldwide population is considered neurodivergent” and therefore “[t]he workplace, including libraries, must evolve to foster inclusion and understanding” (p. 20). Neurodivergent law librarians are often “advocates for change in their institutions, promoting accessibility and understanding among faculty and the student body” (p. 20). Mike Muehe, a research librarian and assistant professor at the University of San Francisco’s Zief Law Library, “offers a positionality statement at the beginning of each semester, explaining his neurodivergence and how it influences his teaching style and inviting students to provide insights or needs they have so that he can meet them where they are and possibly present information differently” (p. 20). This statement “encourages others to think about their own learning preferences and challenges” (p. 20).

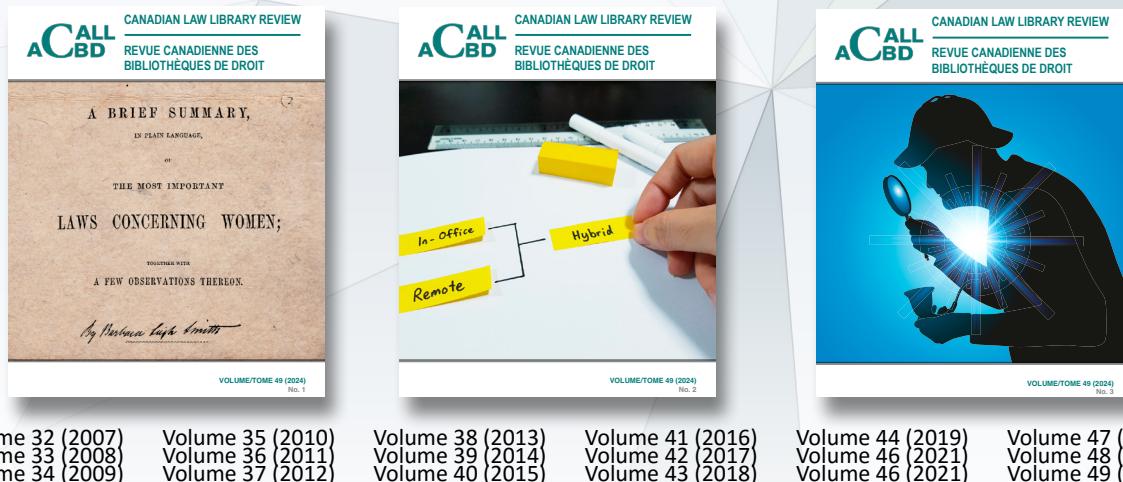
Muehe has four methods for navigating neurodivergent challenges:

1. **Research and self-awareness.** Educate yourself on neurodivergence and understand that it is a spectrum—different folks will have different needs (p. 20).

2. **Open communication.** Be open with your colleagues and supervisors about your needs, as it can lead to a supportive workplace (p. 21).
3. **Meetings.** Follow good meeting protocol, like having—and keeping to—an agenda. It can alleviate anxiety and keep time focused and dedicated to the task at hand (p. 21).
4. **Boundary-setting.** Learn to say no or limit distractions to keep productive and mentally well (p. 21).

Wicker concludes the article with a statement on how the neurodivergent and non-neurodivergent alike can work together to ensure their law library and law school foster inclusivity:

[T]he neurodivergent law librarian, in their openness, displays immense bravery—advocating not just for themselves but for a broader, more inclusive community. Likewise, those who are not neurodivergent show their bravery by offering empathy, providing help by encouraging all individuals to put their needs into words, and taking action to ease struggles. (p. 21)



THE NEWS

BUSINESS NEWS

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Local and Regional Updates / Mise à jour locale et régionale

By Erin Clapp

Edmonton Law Library Association

On September 11, 2024, the membership convened for a Special Meeting to vote on a motion to dissolve the Edmonton Law Library Association (ELLA) and to re-form as a division under the Library Association of Alberta (LAA). The membership present at the meeting made quorum, and the motion was passed. ELLA will now begin the process of dissolution, with the current Board working with LAA to set up as a division within that association.

The Board would like to thank all previous ELLA board members and the membership, past and present, for their support, time, and work with Edmonton's law library community. They look forward to continuing this work to support law librarians and law library professionals throughout Alberta.

SUBMITTED BY
ROB HUDSON
Alberta Law Libraries

Vancouver Association of Law Libraries

Happy New Year to everyone! Allow me to recap what the Vancouver Association of Law Libraries (VALL) did the first half of the 2024/25 programming year.

In October, we hosted our first substantive session of the year. We invited speakers from Courthouse Libraries B.C., Borden Ladner Gervais LLP, and the UBC Law Library to speak on collection management and weeding projects. There was lively discussion on the subject, and hearing

the different practices and decisions when it comes to weeding led to a very interesting—and sometimes divisive—conversation.

We wrapped up the year with our annual Holiday Networking Lunch at Steamworks. We opted for a new venue this year because we wanted to have more accessible pricing for our members and also be cost-conscious as an organization. The new venue was a hit, and we had another sold-out event, which included a delicious buffet lunch with a vast array of food to satisfy all our palates. There were also lots of prizes given out, and many members got to take home gift cards and other goodies (and tons of food leftovers!). We received glowing reviews regarding the new location, so we hope to return in the future.

In December, we also published our fall edition of the *VALL Review* (it was before December 21st, so technically it was still fall!). The issue focused on training and instruction, and I, along with many other legal information professionals across different libraries, wrote about the specific training sessions we provide and the importance of instruction to our users.

We look forward to our next gathering: a brown bag roundtable lunch and networking event at the end of February.

I hope the beginning of 2025 is treating everyone wonderfully. Be well, everyone.

SUBMITTED BY
KURTIS KOLTHAMMER
President, VALL



III News from Further Afield / Nouvelles de l'étranger

London Calling: Notes from the U.K.

By Jackie Fishleigh

Former Library and Information Manager (Retired), Payne Hicks Beach, London, U.K.

Happy New Year!

We appear to be living in an increasingly mad world, currently reeling from keyboard warrior-style comments expressed by the world's wealthiest man, Elon Musk, using his vast social media profile. He has claimed that our Prime Minister should [face charges of complicity in violence against women](#) and that our Victims' Minister, Jess Phillips, should be jailed as a ["rape genocide apologist."](#) Both have spent their careers bringing violent men to justice for such crimes. Their safety has been endangered because of what many view as misinformation.

Meanwhile, Musk's friend Nigel Farage is telling his supporters he is delighted that ["free speech is back"](#) as he holds meetings of his new Reform Party at large racecourse venues around the country. One of these took place this weekend at Epsom Downs, which is very near where we live. Reform is signing up thousands of members who are angry about immigration, the cost of living, the decisions of the new government, the failings of the Tories, etc. When asked whether he thought his friend Trump might give Reform some money, Farage reacted positively saying that this would make Reform ["look cool"](#) to young people.

Assisted Dying: Terminally Ill Adults (End of Life) Bill

After months of heartfelt and passionate discussion in the

country and in Parliament, the first historic steps have been taken towards landmark legislation, which would legally allow terminally ill adults to end their lives in England and Wales.

The watershed vote was passed in the House of Commons by [330 to 275](#) on the 29th November. It was introduced as a private members' bill rather than as part of the Government's business. It was proposed by Kim Leadbeater, a Labour MP.

Last time an assisted dying bill was voted on in 2015, it was comprehensively rejected. Public support has since increased in its favour, according to surveys. Dignity in death has been one powerful argument in favour, while those against the proposed legislation fear that it will expand quickly and make sick and elderly people feel a burden. There are many issues to consider on both sides.

Under the proposals, doctors would only be able to help terminally ill patients over 18 who are expected to die within six months. The patient must have mental capacity to make their decision and make two separate declarations about their wish to die. The latter must be witnessed and signed to the satisfaction of two independent doctors and a high court judge. The lethal drugs must be self-administered.

There will be many more months of scrutiny and debate by MPs and peers in the House of Lords, who may decide to amend it. It will require the approval of both houses of Parliament to actually become law.

National Parks

It is now 75 years since the [National Parks and Access to the Countryside Act 1949](#) appeared on the statute book.

This law has done a great deal to create, maintain, and improve our National Trails. It has secured access to natural, beautiful places and protected wildlife on our National Nature Reserves. The creators of the act understood the importance of access to nature and beauty for everyone, regardless of where they live.

There are 10 national parks in England, which cover 10 per cent of our land area. These are the New Forest, South Downs, Northumberland, Yorkshire Dales, North Yorkshire Moors, Lake District, Peak District, Dartmoor, Exmoor, and the Broads. All highly recommended and personally visited by me!

The oldest of these is the Peak District. The reason it was the first to be designated a national park is as follows. In 1932, [a mass trespass](#), led by a 20-year-old called Benny Rothman, took place at a moorland plateau called Kinder Scout in Derbyshire. Four-hundred ramblers were involved. Rothman was arrested at the time, along with others, but now he has a blue plaque in his hometown celebrating his achievements! He first discovered the great outdoors when he was unemployed.

U.K. “Going Backwards” on Online Safety

Influential campaigner Ian Russell says the U.K. is “[going backwards](#)” on online safety since the groundbreaking *Online Safety Act* finally passed in December 2023.

After his 14-year-old daughter, Molly, took her own life as a result of viewing harmful content on social media in 2017, Russell set up the [Molly Rose Foundation](#) to keep the topic in the spotlight. He now claims that unless there are changes to the legislation, “[the streams of life-sucking content seen by children will soon become torrents: a digital disaster.](#)” According to Ofcom, the regulator for the U.K.’s communications services, [almost a quarter of children aged 5–7 have smartphones](#).

Russell has written to PM Keir Starmer, father-to-father, claiming that Ofcom’s implementation of the *Online Safety Act* has also been a “disaster.”

Platforms were to be legally required to assess the risk of illegal content, such as hate, terrorism, fraud, and child abuse. Safety measures were to be implemented by March. If not, enforcement action was to be taken.

The act was first worked on five years ago, and its Codes of Practice are out of date now, he and others claim.

Although the statute gave Ofcom the power to fine the largest firms up to £18 million for failing to meet their duties, as well as the option of seeking clearance to block access to offending sites in the U.K., Russell says there were structural weaknesses with the legislative framework. He also believes that Ofcom has “fundamentally failed to grasp the urgency and scale of its mission.”

Meta boss Mark Zuckerberg and X’s Elon Musk are now actually attempting to recalibrate the technology industry by [scrapping fact-checking](#) in the U.S. and restoring “free speech.”

Russell is alarmed that this shift away from fundamental safety measures amounts to a laissez-faire “[bonfire of digital ethics](#)” at the expense of vulnerable children.

The Luke Littler Phenomenon

A 17-year-old known as [Luke “the Nuke” Littler](#) has become the biggest thing in the U.K. right now, and he is already a record breaker at his chosen activity. What makes him so special? Well, his incredible prowess at darts. Darts has been part of pub culture here since the late 19th century, and there is a lot of prize money in the sport for successful professional players. He has just won the World Championships at only his second attempt! Last time he made the final he was only 16. When he made his debut, there were chants of “[You’ve got school in the morning](#)” from the crowd!

I wonder if he works out at a gym?!

Until next time, with very best wishes,

Jackie

Letter from Australia

By Margaret Hutchison

Former Manager of Technical Services and Collection Development (Retired), High Court of Australia, Canberra, Australian Capital Territory

It’s January, so half the country is on holiday, especially in Canberra, where most people decamp to the south coast, about a two-hour drive over the mountains to “Canberra-by-the sea,” more properly known as Bateman’s Bay and surrounding areas.

A federal election must be held by 17th May 2025, and the leaders of the main parties are starting to have events around the country and announce new policies—nothing to do with the election, oh dear, no! I don’t think the rest of the country has woken up to the forthcoming election yet. We’ve had the cricket tests against India, and now the Australian Open tennis has started, which will run for the next fortnight, and then it’s time for the year to start again.

One somewhat quiet change has been the June 2024 jurisdictional change that allows the Federal Court to hear criminal cases brought within the regulatory remit of the Australian Securities and Investments Commission, including before a jury. This was introduced in a very bland-sounding act entitled the [Attorney-General’s Portfolio Miscellaneous Measures Act 2024](#). These cases will involve those under not just the *Australian Securities and Investments Commission Act 2001* itself, but also the *Corporations Act 2001*, the *National Consumer Credit Protection Act 2009*, and the *Superannuation Industry (Supervision) Act 1993*. The Federal Court already has criminal jurisdiction for cartel offences against the *Competition and Consumer Act 2010* (*Competition and Consumer Act*). One consequence of this change is that jury rooms and associated other rooms have to be constructed in all the various court buildings that the Federal Court uses around the country.

This change is already taking effect. Last year, two men were committed to stand trial in the Federal Court before a jury for dishonesty and misuse of client funds offences. The court has also taken its first-ever guilty plea, from one of these men.

Before this, most corporate criminal matters have been conducted only in the Supreme Courts of each state, or in the District Courts of Sydney and Brisbane, and in Melbourne's County Court, before juries. The Federal Court is usually known for hearing the country's biggest civil cases—often between companies, and sometimes their regulators—based on issues of law relating to commercial matters, competition, and taxation, as well as a small but extremely high-profile defamation list. Matters such as the [Ben Roberts-Smith defamation trial](#) against several major newspapers and the endless [Bruce Lehrmann-Brittany Higgins](#) saga, other tentacles of which are bubbling away in various courts around the country.

This new jurisdiction will operate concurrently with the existing state and territory courts for these matters, which leaves open the possibility of forum shopping. The final version of the act states that “[t]he court should assess the interests of justice on a case-by-case basis, having regard to the relevant circumstances. In this regard, the Bill is consistent with transfer regimes provided for in other Commonwealth legislation, particularly the Cross-Vesting Act.”

The change in jurisdiction also seeks to remedy the delay in hearing white-collar crime offences in the Supreme Court or lower courts, given most people charged with these types of crimes are on bail, and those courts tend to prioritise hearing matters of people on remand, out of fairness.

The situation involving people released from immigration detention after the High Court of Australia handed down judgment in the [NZYQ case](#) in November 2023 continues to evolve. These people, who are not Australian citizens, have been imprisoned for committing serious crimes and have not been granted a visa to remain in Australia. However, they cannot be deported to their place of origin because they are refugees, or they cannot be accepted in their original country due to their beliefs or lifestyle, or they are stateless. After *NZYQ*, more than 200 people were released, but the government tried to find ways to re-detain them or monitor them in an effort to protect the community.

New laws were rushed through federal parliament imposing close surveillance of those released, including nighttime curfews and ankle bracelets for tracking movements. Breaching the curfew or trying to remove the ankle bracelet would be punishable by a jail term of between at least one year and a maximum of five years.

Several visa holders launched legal challenges, only to have the cases dropped when the Government removed the conditions before hearing of the case could occur.

But the case brought by YBFZ proceeded. YBFZ was born in Eritrea in 1987. His family fled Eritrea when he was 10 years old, having had their citizenship revoked because they were Jehovah's Witnesses. He arrived in Australia on a refugee

visa in 2002 but committed a string of violent offences over the following decade.

YBFZ's visa was revoked, and in 2018, once he was released from prison after serving his sentence, he was put in immigration detention. He remained there until he was released with others following the *NZYQ* ruling and was required to wear an ankle bracelet and abide by the nighttime curfew.

The [High Court judgment](#) from November 2024 held that, first, the curfew and ankle bracelet were punitive measures, and second, they were not justified, given there had not been a particular assessment of the risk posed by YBFZ individually.

Because they were judged both punitive and unjustified, they infringed the separation of powers, punishment being the domain of the courts.

According to the judgment, curfews and ankle bracelets imposed automatically “are a form of extra-judicial collective punishment based on membership of the class,” and they “infringe on the judicial power of the Commonwealth vested exclusively in the judiciary by Ch III of the Constitution” (para 87). The ruling doesn't mean that such conditions can't be imposed at all; rather, it means they can't be done in a way that is punitive and indiscriminate.

The Government was ready for this ruling (unlike after *NZYQ*) and quickly rushed in new regulations and legislation the day after the judgment was handed down. The new rules require the Minister to assess, on the balance of probabilities, that an individual poses a substantial risk of committing a serious offence before imposing curfews and ankle monitors. Under the new regulations, the conditions are applied so they are not by default, but rather after the consideration of the circumstances of each case.

There are doubts as to whether these changes will stand up in court, so this issue will continue, depending on who wins the election this year.

Until next time,

Margaret Hutchison

The U.S. Legal Landscape: News from Across the Border

By Sarah Reis

Foreign & International Law Librarian, Pritzker Legal Research Center, Northwestern Pritzker School of Law, Chicago, IL

This new year brings so many uncertainties with the return of Donald Trump to the White House. In the face of much anxiety about our country's future, as well as concerns about our future relations with other nations, it has been comforting how certain things at work at least are falling into a familiar pattern and routine. Our spring semester kicked off this week, and I am once again teaching my FCIL Research course, which always gives me a good opportunity to get to know a new cohort of students and help them become

more confident, efficient researchers. I am also looking forward to chairing two upcoming searches for new positions at the library because being able to expand the size of our team is exciting. I've been trying to focus on work instead of spending too much energy worrying about things outside of my control, but it is very likely that several of the Trump administration's plans will have drastic effects on higher education, including the law school where I work.

Law Schools

For those of us who work at academic law libraries, news of strong and robust application cycles for law schools is always welcome for job security purposes. [LSAC data](#) suggests that the 2025 law school admission cycle will be competitive due to increases in LSAT test taker volumes and first-time test takers, along with a large number of early applicants.

The ABA's Council on the Section of Legal Education and Admission to the Bar [voted](#) in November to drop the LSAT requirement and allow law schools to admit some or all students without requiring the LSAT or other standardized test. This change could potentially expand access to law schools and result in a more diverse pool of applicants.

Bar Exam and Alternative Pathways

With the NextGen bar exam set to debut in July 2026 in a few jurisdictions, states continue to commit to adopt the NextGen bar exam, explore or develop alternatives to practice law via other pathways than the bar exam, or expand bar exam options.

New York and California are the jurisdictions that have the most bar examinees in the United States. The New York State Court of Appeals [announced](#) that it will administer the NextGen bar exam starting in July 2028. In contrast, California is adopting its own version of the bar exam rather than adopting the NextGen bar exam. California [will permit](#) bar examinees to take the new bar exam remotely or in test centers located in states other than California and in other countries to offer more flexibility.

The California Supreme Court [declined](#) to adopt a proposal called the Portfolio Bar Examination, an alternative to the bar exam that would have allowed graduates of accredited law schools to engage in supervised practice working with real clients and generate a portfolio of work product to submit for evaluation as to whether they have demonstrated competence to practice law.

The Nevada Supreme Court [agreed to proceed](#) with an alternative lawyer licensing process called the Nevada Plan that consists of a foundational law exam and a lawyering performance test (traditional bar exam components) and a supervised practice requirement. Nevada [will not use](#) the NextGen bar exam in its Nevada Plan.

Finally, a few states have continued to embrace alternative pathways for people to practice law other than taking and passing the bar exam. In December, the Washington Supreme Court [approved a pilot program](#) that would allow entities such as companies or non-profit organizations not

owned or operated by lawyers to provide legal services.

ABA, State Bars, and DEI

As anticipated, the Supreme Court's 2023 decision [Students for Fair Admissions v Harvard](#), which struck down affirmative action programs in college admissions, has already resulted in numerous setbacks to improving diversity in law schools.

In response to a threat of a lawsuit from the Wisconsin Institute for Law & Liberty, a conservative group with a mission to dismantle DEI, the ABA [revised the description for its Judicial Clerkship Program](#) to remove references to "underrepresented communities of color."

A coalition of State Attorneys General [submitted a letter](#) in January to the ABA to criticize ABA Standard 206 and recent proposed revisions. In the [ABA Standards and Rules of Procedure for Approval of Law Schools 2024–2025](#), Standard 206 (Diversity and Inclusion) states: "a law school shall demonstrate by concrete action a commitment to diversity and inclusion by providing full opportunities for the study of law and entry into the profession by members of underrepresented groups, particularly racial and ethnic minorities, and a commitment to having a student body that is diverse with respect to gender, race, and ethnicity"; and "a law school shall demonstrate by concrete action a commitment to diversity and inclusion by having a faculty and staff that are diverse with respect to gender, race, and ethnicity." Republican State Attorneys General took issue with the current standard and proposed revisions because they oppose initiatives intended to promote diversity, equity, and inclusion. They argue that Standard 206 directs law schools to violate the Constitution and Title VII.

Diversity initiatives and policies in many states are also being rolled back. For instance, the Florida Bar Board of Governors [voted in December](#) to amend its standing board policies to remove the term "diversity and inclusion." Standing Board Policy 1.90, formerly titled "Diversity and Inclusion," was renamed to "Improvement of the Quality of Legal Services," and no longer includes language stating that the Florida Bar is "fully committed to the enhancement of diversity and inclusion within the bar."

However, some states are still committed to retaining their diversity programs and initiatives despite the threat of anti-DEI or "reverse discrimination" lawsuits. The Appellate Division of the Superior Court of New Jersey [ruled in December](#) that the New Jersey State Bar Association can continue to reserve leadership positions for members of underrepresented groups and that the diversity program is protected by the First Amendment.

Legal Profession

The National Association for Law Placement released a report in mid-October containing employment reporting for the Class of 2023. Despite a strong job market, according to [NALP's press release](#), the data showed significant disparities in employment outcomes by race/ethnicity: "While the overall employment rate was 92.6%, rates were lower for graduates of color" and "the employment rate for White graduates was

higher than that of the class overall, at 94.0%.”

The California State Bar is [seeking to expunge attorney discipline records](#) after eight years. This proposal was approved in November by the State Bar of California’s Board of Trustees and must be reviewed and approved by the California Supreme Court before the change to the rule can take effect.

SCOTUS

The Supreme Court began hearing cases for the new term on October 7. One high profile case, [United States v. Skrmetti](#), involves a Tennessee law that bans gender care for minors. [Tennessee Code § 68-33-103](#) prohibits healthcare providers from administering medical treatments if the purpose of those treatments is to “enabl[e] a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex” or to treat “purported discomfort or distress from a discordance between the minor’s sex and asserted identity.” Several states have similarly enacted laws that restrict access to puberty blockers and hormone therapy for transgender youth, so this decision will affect transgender people throughout the country. Oral arguments took place on December 4. With a conservative Supreme Court, it is largely expected that this ban will be upheld.

In December, the Senate Judiciary Committee [released a report](#) titled *An Investigation of the Ethics Challenge at the Supreme Court*, which contains the findings of its 20-month investigation on the need for ethics reform for the Supreme Court. Some of the key findings include how Justices Scalia, Thomas, and Alito accepted lavish gifts without reporting or disclosing those gifts in violation of federal law and/or misused the “personal hospitality” exemption to the *Ethics in Government Act* to hide or obscure these gifts. The concluding paragraph of the executive summary states, “While the justices interpret the law, they are not above it. The Roberts Court has seemingly forgotten this, and the only way forward is the implementation of an enforceable code of conduct.”

AI in the Courts

Various states have been issuing rules or policies addressing the use of generative AI in the courts because it has become abundantly clear that AI is here to stay and many people in the legal profession wish to utilize it.

In October, the Delaware Supreme Court issued an [interim policy](#) to offer guidance on the use of generative AI by judicial officers and court personnel. This policy does not prohibit the use of generative AI, nor does it require the use of it. Rather, it states that users who choose to use generative AI tools remain responsible for the accuracy of their work product, must have a working understanding of the tools and their limitations, and may not delegate decision-making to GenAI tools.

In December, the Illinois Supreme Court released its [policy on artificial intelligence](#), which states, “The use of AI by litigants, attorneys, judges, judicial clerks, research attorneys, and court staff providing similar support may be expected, should not be discouraged, and is authorized provided it complies

with legal and ethical standards.” This policy specifically emphasizes that “[j]udges remain ultimately responsible for their decisions, irrespective of technological advancements,” which is a good thing because that is necessary to retain public trust in the judiciary.

Copyright

The Internet Archive [announced](#) that it would not seek review by the Supreme Court despite the disappointing [Second Circuit’s ruling](#). *Hachette v Internet Archive* has been a closely watched copyright case involving controlled digital lending, so it was of particular interest to libraries. The Internet Archive’s decision not to appeal ends multi-year litigation.

In happier copyright-related news, on January 1, many works published in 1929 and sound recordings from 1924 [entered the U.S. public domain](#). Some well-known works include the sheet music for “Singin’ in the Rain” as well as the following literature: *The Sound and the Fury* by William Faulkner, *A Room of One’s Own* by Virginia Woolf, and *A Farewell to Arms* by Ernest Hemingway.

Public Libraries

Cyberattacks and global network outages seem to have become increasingly prevalent, and libraries are not immune to these disruptions and have even been the target of attacks. In September, a [ransomware attack](#) on virtual servers forced Delaware state library computer systems to be taken offline.

In December, a federal court [struck down](#) parts of [Arkansas Act 372](#) as unconstitutional. This law would have allowed criminal prosecution of librarians and booksellers for making available “a harmful item to a minor.” The Arkansas Code defines “harmful to minors” as a material or performance where an average adult would find that it “has a predominant tendency to appeal to a prurient interest in sex to minors,” “depicts or describes nudity, sexual conduct, sexual excitement, or sadomasochistic abuse in a manner that is patently offensive to prevailing standards in the adult community,” or “lacks serious literary, scientific, medical, artistic, or political value for minors.” This decision will be appealed, but for now, we can take it as a victory for libraries and the freedom to read.

U.S. Legal Research

The Government Printing Office (GPO) has made great headway over the past few months in improving public access to federal government documents.

In mid-October, the [GPO announced](#) that it has added more than 3,000 volumes of the Congressional Serial Set to GovInfo, which is the official website providing free public access to official publications from all three branches of the U.S. federal government. The Serial Set, which was first published in 1817, compiles all numbered House and Senate reports and documents issued for each session of Congress. This new addition of 3,000 volumes brings the total up to around 7,000, with approximately 11,000 volumes remaining to be digitized and made accessible.

In mid-December, the GPO also introduced [DiscoverGov](#), a new search tool that allows users to search across many U.S. Federal Government databases, including GovInfo, at once. DiscoverGov looks like many library catalogs because it uses Primo as the discovery layer. DiscoverGov includes a citation generator and permits advanced filtering.

Farewell

This will be my last letter for the *Canadian Law Library Review* as I turn my attention to new endeavors. I have appreciated the opportunity to write this column for more than four years through various ups and downs in the United States. It is one of my greatest hopes that the United States and Canada remain allies through upcoming political transitions and changes that are coming for both of our countries.

Sarah

CALL/ACBD Research Grant

The Committee to Promote Research and CALL/ACBD invite members to apply for the CALL/ACBD Research Grant. Applications are currently closed, but visit callacbd.ca/awards for information on other funding opportunities.

The CALL/ACBD Research Grant was established in 1996 to provide members with financial assistance to carry out research in areas of interest to members and to the association. Please refer to our Committee page for a copy of the application form and to view our collection of past research projects.

The Committee is excited to receive proposals and we encourage members to apply or to contact us to discuss a project you are interested in. Members who previously applied but were not awarded funding are welcome to reapply.

Co-Chairs, CALL/ACBD Committee to Promote Research:

Beth Galbraith (bgalbraith@cwilson.com) & Dominique Garingan (dominique.garingan@gowlingwlg.com)



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 callacbd.ca.

The Association is unable to make any payment for contributions. The Canadian Association of Law Libraries does not assume any responsibility for the statements advanced by the contributors to, and the advertisers in, the Association's publications. Editorial views do not necessarily represent the official position of the Association.

Canadian Law Library Review/Revue canadienne des bibliothèques de droit is indexed in the Index to Canadian Legal Literature, Index to Canadian Legal Periodical Literature, Legal Information and Management Index, Index to Canadian Periodical Literature, and Library and Information Science Abstracts.

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 callacbd.ca.

L'Association ne peut rémunérer les auteurs et auteures pour leurs contributions. L'Association canadienne des bibliothèques de droit n'assume aucune responsabilité pour les opinions exprimées par les collaborateurs et collaboratrices ou par les annonceurs dans les publications qui émanent de l'Association. Les opinions éditoriales ne reflètent pas nécessairement la position officielle de l'Association.

Les articles publiés dans *Canadian Law Library Review/Revue canadienne des bibliothèques de droit* sont répertoriés dans Index à la documentation juridique au Canada, Index to Canadian Legal Periodical Literature, Legal Information and Management Index, Index to Canadian Periodical Literature et Library and Information Science Abstracts.



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