

## **LIBR 538-D LEGAL BIBLIOGRAPHY**

Jan. 4 to Apr. 4, 2000

**Instructor:** Pam Clancy, Collections & AV Librarian, Legal Resource Centre, Legal Resources Society. Contact me by email at [pam.clancy@lss.bc.ca](mailto:pam.clancy@lss.bc.ca), by phone (604) 601-6103, or by fax (604) 682-0985, or drop in to the library at #200 – 1140 W. Pender St., Vancouver BC V6E 4G1. I do not keep office hours at SLAIS.

### **Class:**

Meets Tuesdays, 6-9 p.m. in room 839, SLAIS, for classes #1 and #7-13; Courthouse Library, 3d floor, 800 Smithe St. for classes #2-6.

Class limit is 15 due to space constraints at Courthouse Library.

Auditors should request instructor's permission before registering.

Class discussion group is **L-538D** with access through [majordomo@interchange.ubc.ca](mailto:majordomo@interchange.ubc.ca).

### **Course Description**

The **objects** of the course are:

- A. To gain some skills that are particular to legal bibliography such as acquiring a basic vocabulary, understanding how to find and use legislative materials and case law.  
In other words, you will learn how you can be useful in a law library from day 1.
- B. To introduce basic concepts of how Canadian law comes into being; how legal information can be verified, obtained, organized and imparted to others.  
In other words, you will learn how to approach legal reference questions and will have some idea of how to run a law library.
- C. To outline different areas of the legal collection and how to make the most use of resources in-house and in the community.  
In other words, you will learn how to get the most bang for your legal materials bucks.
- D. To situate the legal information function within the context of the public, academic or special library and in either the public or private sector.  
In other words, you can use these skills in any information job you land in.

### **Content:**

- 1) Basic skills with legislation and cases
- 2) Canadian, and to some extent, English and American legal resources
- 3) Online & other electronic legal sources
- 4) Legal research methods
- 5) Legal reference services in the legal, academic and public library
- 6) Practical law librarianship; running the law library

### **Text:**

McEllven, Douglass T. & McGuire, Michael J. *Legal research handbook*, 4th ed. Toronto: Butterworths, 1998. This is available from the instructor at a competitive price. Students will also use recommended reading list & handouts..

### **Methods:**

Lectures, in-library demonstrations, class discussions, guest speakers, computer lab training, field trip, major assignment (library guide to specific area of law), no exam.

### **Evaluation:**

Weekly assignments 45%

Major assignment 45%

Participation 10%

### **Learning Outcomes:**

In this course you will learn

1. About the Canadian legal system, how laws are made, progress of bills through Commons or Legislature; common law provinces, civil code in Quebec.
2. How to find acts & regulations; how to update them; print and electronic sources.
3. About the court system, progress of actions through court levels, appeals, SCC; court rules; civil and criminal cases; decisions by judge only or by jury; court visit.
4. Court cases (reasons for judgment) in unreported and reported versions; summary & digesting services; Quicklaw and Internet versions; how to locate cases; how to order cases from Court Registry, commercial sources or from Courthouse library.
5. How and why cases are cited and noted up; difference between the two; practice in noting up using both print & online sources.
6. Secondary materials: basic legal reference titles, encyclopedias & digests, citators, dictionaries, rules, forms, texts, journals, indexes, etc. Electronic sources. How to clarify legal questions, determine area of law, which sources appropriate for which questions, users, situations. Practice in using.
7. About UK legal materials and minor practice and US legal materials briefly. On-line sources for each.
8. Reference concepts & techniques in law libraries: clarifying what's wanted, accuracy, speed, level of research, print/databases/Internet as appropriate, UPL (unauthorized practice of law) and how to distinguish information from advice, legal community resource sharing and networking, billing for time (in firms).
9. Commercial legal databases with Quicklaw searching and practice.
10. Collection development: selection, acquisition & routine management of materials both print & electronic; networks, consortia, Internet as factors.
11. Library visits; developing a critical, professional eye for assessing a library; UBC Law Library; Courthouse; Legal Services Society's Legal Resource Centre; a firm or agency library in detail; other firm libraries.
12. Electronic services in law libraries: particular selection and management issues of CD and Internet services; systems support; vendors; licenses.
13. Job hunting; practical advice; library marketing; staying sane; continuing education.

### **Course Outline**

Subject to change.

#### **Jan. 4 - Class #1 @ SLAIS**

Student hand out packages distributed

Introductions; about assignments, rules, marks, absences, etc.

Course objectives

Classes #2-#6 held at Courthouse Library

About law & law libraries generally; origins of law; legal systems

Assignment #1: orientation to Vancouver law libraries. (due Jan. 11; 5% of course mark)

#### **Jan. 11 - Class #2 @ Courthouse Library, 800 Smithe St.**

Reading: MacEIlven: Ch. 1; 4 (in pt.F, BC only), 5 (in pt.C, BC only); Ch.17 B & C  
Morrison, "Canadian Law"; Clancy/Morrison "Canada Statutes", "BC Statutes"

Bring to class: BCCLS Checklists

Discussion of Assignment #1

Lecture: Canadian legislative process and materials; how to find Federal & BC statutes & regulations

Assignment #2: Finding statutes & regs (due Jan. 18; 5%)

### **Jan. 18 - Class #3 @ Courthouse Library**

Reading: MacEllven, Ch. 6; Ch. 11, A.4, B.2-3 & D.2-3

Sinclair, Mary Jane. "British Columbia" Updating Statutes and Regulations for all Canadian Jurisdictions, 4th ed. Toronto, Carswell, 1995, pp. 15-20.

Bring to class: BCCLS Checklists

Review of Assignment #2

Lecture: More on fed'l and prov. legislation; updating, histories, citation & citators. Briefly: municipal bylaws, administrative tribunals, issues relating to legislation in legal research.

Assignment #3: Updating statutes & regs (due Jan. 25; 5%)

### **Jan. 25 - Class #4 @ Courthouse Library**

Reading: MacEllven Ch. 2; Ch. 3; Ch.11, A.3, B.1 & D.1; Ch. 17,A

Morrison, "Law reports and related material"

CLIC "User's guide to case identification"

Practice directive re: Neutral Citation

Review of Assignment #3

Lecture: About case law. Civil & criminal justice; courts; cases; unreported, reported & electronic decisions; summaries; appeals; case tables; cases by topic of law; case citation

Assignment #4: Locating & obtaining case law (due Feb. 1; 5%)

### **Feb. 1 - Class #5 @ Courthouse Library**

Reading: MacEllven Ch. 6, A & E; Ch. 11, B.4, D.4

Review of Assignment #4

Lecture: Case law cont'd: stare decisis and precedence; case histories; authorities; noting up; case citators

Assignment #5: Noting Up Cases (due Feb. 8; 5%)

Assignment #6: Law Library Visits: assessing collections & services (due **Feb. 22**; 5%)

### **Feb. 8 - Class #6 @ Courthouse Library**

Reading: MacEllven, Ch. 7, 8 & 9; Ch. 11, pt.0

Morrison, "Secondary materials"

Campbell, "Cdn legal bibliography"

Review of Assignment #5

Discuss major assignment & selection of topics; discuss library visit assignment

Lecture: Secondary materials A: introduction, types, areas of law, etc.

Speaker: Teresa Gleave, head librarian, Russell & DuMoulin

### **Feb. 15 - no class during Reading Week**

### **Feb. 22 - Class #7 @ SLAIS this eve. & from now on**

Reading: review class #6 readings again

[Assignment #6 due today, but findings will be discussed in Class #10]

QuickLaw for legal research: demo & practice: Krista Wilson, QL Systems Ltd.

Lecture: Secondary materials B: encyclopedias & digests, periodicals & indexes, citators, directories

Assignment #7: Using Secondary Materials (due Feb.29; 5%)

### **Feb. 29 - Class #8**

Reading: Berring, "How to be a great reference librarian"

Berring, "Legal research & legal concepts"  
Pengelley, "How to be a great Australian ref. libn."  
Rice, "Reference service vs. unauthorized legal practice"  
Brown, "From the reference desk to the jailhouse"  
Review of Assignment #7  
Lecture: Legal research v. legal reference; legal advice, UPL, legal information  
Assignment #8: Real questions from law libraries (due March 7; 5%)

### **March 7 - Class #9**

Req'd reading: Morrison, "English legal materials"  
Morrison, "Databases"  
Hill, " Computer research: luxury or liability?"  
Quicklaw Study Guide (to come)  
Review Assignment #8  
UK & US legal materials  
Speaker – Yasmin Chandra, Legal Resouce Centre, on Electronic Law Library

Assignment #9: US & UK materials, QL search strategies (due March 14; 5%)

### **March 14 - Class #10**

Req'd reading: Tilevitz, "Reconciling space & access needs..."  
Charkes, "Information technology: beyond the toolbox"  
Beaufoy, "Focus on CD-ROM technology"  
Review Assignment #9  
Management & evaluation of print & electronic information in law libraries.  
Types of users/law libraries (school, public, genl academic, law school, courthouse, law firm, govt/non-profit social agency, special)  
Discussion of Assignment #6 findings.  
Assignment #10: Compare 2 similar publications (due March 21; 5%)

### **March 21 - Class #11**

\*\*\*Major Assignment due **today!**\*\*\*

Review Assingment #10  
Publishers, selection & acq. of materials, collection policies; records; management of staff, materials, funds; relating to sr. mgt.; community resources  
Discuss arrangements for law library walkabout next week.  
Speaker -

### **March 25 (Friday) Legal Walkabout**

We will arrange mutually agreeable times for a Legal Walkabout. One group 9 a.m. to 12 noon; other group 1-4 p.m. Possibilities are court watching, escorted library visits to law firms, tribunals, etc.

### **March 28**

Req'd reading: Rorick, "Cold call your way..."  
Discussion of major assignment & distribution of user guides, post-mortem on last week's walkabout .  
Practical issues: Job hunting, references, survival in the law library, networking, associations, continuing library & legal education.  
Course evaluation sheets.  
Wrap-up & send-off.

## Reading List for the course & on the job

### JOURNALS

Australian Law Librarian, 1993-  
Journal of the Australian Law Librarians' Group.

Canadian Law Libraries, 1990-  
Journal of the Canadian Association of Law Libraries.

The Law Librarian, 1970-  
Journal of the British and Irish Association of Law Librarians.

Law Library Journal, 1908-  
Quarterly journal of the American Association of Law Libraries. Substantial, well-researched articles. AALL also publishes a useful newsletter.

Legal Reference Services Quarterly, 1981-  
American, very good.

Trends in Law Library Management & Technology: a Publication for Academic, Firm, Corporate and Government Librarians, 1987- Littleton, CO: Fred B. Rothman.  
Newsletter 10/yr, good articles on CALR and management.

### GENERAL

Berring, Robert C. "Legal research and legal concepts: where form molds substance." California Law Review 75 (1987): 15-27 **Reading Room** Suggests that how we think of law is strongly influenced by its published format; still useful for Berring's great approach to law librarianship.

Brown, Yvette. "From the reference desk to the jail house: unauthorized practice of law and librarians." Legal Reference Services Quarterly 13 (1994): 31-45. **Reading Room** Assists librarians in distinguishing legal advice from legal information.

Cooper, Byron S. "Anglo-American legal citation: historical developments and library implications." Law Library Journal 75 (Summer 1982): 3-33. **Reading Room**

Kehoe, Patrick E. et al., eds. Law Librarianship: a Handbook for the Electronic Age. (AALL Publications series, no. 47) Chicago: AALL, 1995. Comprehensive guide.

Mersky, Roy M. and Richard A. Leiter, comp. The Spirit of Law Librarianship: a Reader. Littleton, CO: Fred B. Rothman, 1991. "Eclectic selection..." Good essay on integration of CALR and manual legal research.

Moys, E.M. Manual of Law Librarianship: The Use and Organization of Legal Literature. 2d ed. Boston: G.K. Hall, 1987. Standard text by author of Moys' Classification scheme. Focuses on legal literature of the U.K.

Murphy, Teresa and Pat Rorick. "Cold call your way to job success." Chapter eight (Fall 1995) 4-7. **Reading Room**

Panella, Deborah S. Basics of Law Librarianship. New York: Haworth Press, 1991.  
Still excellent; still useful.

Rice, Michael E. "Reference service versus unauthorized practice -- implications for the Canadian reference librarian." Legal Reference Services Quarterly 10 (1990): 41-57. **Reading Room** Good overview with Canadian viewpoint.

Tilevitz, Sarah. "Reconciling space and access needs in a small law firm library: a "modest proposal"." Law Library Journal 88 (Winter 1996): 96- **Reading Room**

## CITATION GUIDES

McGill Law Journal. Canadian Guide to Uniform Legal Citation. 3d ed. Toronto: Carswell, 1992. Widely accepted as the standard for legal citation in this country. Please use for this course. Law students call this The Red Book.

Supreme Court of British Columbia. Notice re: Neutral citation of judgments. Nov. 23, 1999. About uniform citation of Canadian judgments in electronic form. **Handout**

Tang, Chin-Shih. Guide to Legal Citation and Sources of Citation Aid: a Canadian Perspective. 2d ed. Don Mills: De Boo, 1988. Now superseded by the McGill guide. This has a handy summary of rules at the beginning & includes CLIC Standards for Case Identification.

## CANADIAN LEGAL RESEARCH: TEXTS

Banks, Margaret A. and Karen E.H. Foti. Banks on Using a Law Library: a Canadian Guide to Legal Research. 6th ed. Toronto: Carswell, 1994. Previously used as text for this course and still considered the standard work by some. Note chapter on Quebec legal research and Appendix 2, Abbreviations. Biased toward Carswell titles.

Canada. Dept. of Justice. The Federal Legislative Process in Canada. Ottawa: Canadian Government Publishing Centre, 1987. Booklet, 28 pp., clear & concise, designed for civil servants.

Castel, Jaqueline R. and Omeela K. Latchman. The Practical Guide to Canadian Legal Research. 2d ed. Toronto: Carswell, 1996. Useful information on research strategies. Designed more for law students than librarians. Biased toward Carswell titles.

Fitzgerald, Maureen F. Legal Problem Solving: Reasoning, Research & Writing. Toronto: Butterworths, 1996. Presents a legal research method to law students using fictional cases with questions and answers. Useful charts & illustrations for legislation and noting up. BC point of view. Worthwhile supplement to MacEIlven.

Foote, Martha, ed. Law Reporting and Legal Publishing in Canada: a History. Kingston, CALL, 1997. (CALL Occasional Paper, no. 2) Collection of papers previously published in Canadian Law Libraries, updated & revised, plus a new article by John Davis on digital case reports. Authoritative.

Fraser, Joan N. ed. Law Libraries in Canada: Essays in Honour of Diana M. Priestly. Toronto: Carswell, 1988. Essays on Canadian law libraries and legal research.

Gall, Gerald L. The Canadian Legal System. 4th ed. Toronto: Carswell, 1995. Comprehensive discussion of our legal system & its political & social context. Interesting chapters on judges and on Quebec civil code.

LeMay, Denis et Dominique Goubau. La Recherche documentaire juridique en droit. Montreal: Wilson et Lafleur, 1994. Detailed guide to Quebec legal research. Updated at <http://www.bibl.ulaval.ca/ress/droit>

MacEllven, Douglas T. Legal Research Handbook, 4th ed. Toronto: Butterworths, 1998. Your text for this course. Detailed listing of Canadian legal research sources. Numerous charts and lists; packed with information. Includes chapter on Quebec law.

Nash, Beverley Gail. Legislation Made Easy. Victoria: Queen's Printer, 1992. Good 40 p. guide to B.C.'s legislative process, written by the Registrar of Regulations. Government viewpoint is evident. Economical choice for public & legal libraries.

Waddams, S.M. Introduction to the Study of Law. 4th ed. Toronto: Carswell, 1992. Written for students entering law. Presents foundations of law in readable style.

Yogis, John A., Innis M. Christie and Michael Iosipescu. Legal Writing and Research Manual, 4<sup>th</sup> ed. Toronto: Butterworths, 1994. Good overview with fine chapters on legislation. Province by province listing of how to locate & update statutes and regulations.

#### CANADIAN LEGAL RESEARCH: ARTICLES

Cambridge, Andrea. "Putting it all together: sampling the electronic smorgasbord." Canadian Law Libraries 21 (Summer 1996): 13-18

Hill, David. "Computer research: luxury or liability?" Notes from VALL meeting, Sept. 1996. [this article has appeared several times elsewhere] **Reading Room**

Jones, Brian. "Evaluating Internet legal resources." Canadian Law Libraries 22 (Spring 1997): 8-12. Maintains that net review services are inadequate and librarians must develop their own evaluation methods to assure quality sources.

LeMay, Denis. "The Quebec legal system: an overview." Law Library Journal 84 (Winter 1992): 189-94.

Marshall, Denis. "An introduction to Canadian legal research." Law Library Journal 81 (1989): 465-88. Now dated & lacking a section on CALR, yet still remains a very good overview.

Medves, Gian. "Legal reference sources on the Internet." Canadian Law Libraries 19 (April 1994): 52-56. Now dated, but a good example of its type.

Smith, J.C. "Legal research: obtaining the best of both worlds." Advocate 55 (May 1997): 403-08. Compares Boolean searching with best match searching and discusses BC-developed Flexicon Information System in detail.

#### U.K. & COMMONWEALTH LEGAL RESEARCH

Campbell, Enid, et al. Legal Research Materials and Methods. 3d ed. Sydney: Law Book Co., 1988. Useful for Australian and New Zealand legal research.

Clinch, Peter. Using a Law Library: a Student's Guide to Legal Research Skills. London: Blackstone Press, 1992. Aimed at law students, not librarians. Flow charts. Includes chapter on EC research.

Cope, C. & Philip A. Thomas. Dane & Thomas on How to Use a Law Library. 3d ed. London: Sweet & Maxwell, 1995. Classic British legal research text in easy to read style with good "how to" sections. Includes LEXIS & LAWTEL.

Jeffries, John & Christine Miskin. Legal Research in England and Wales. Blackshawhead: Legal Information Resources Ltd., 1990. Not great on background, but has useful checklists and examples.

Pengelley, N. "How to be a great Australian reference librarian." ALLG Newsletter 95 (December 1989): 166-70 **Reading Room** An entertaining take-off on Berring's "How to be a great reference librarian." Valuable tips on "the real mud of reference work."

Watt, Robert. Concise Legal Research. Leichhardt, N.S.W.: Federation Press, 1993. Good coverage of Australian legal resources.

#### U.S. LEGAL RESEARCH

Berring, Robert C. "How to be a great reference librarian." Legal Reference Services Quarterly 4 (Spring 1984): 17-37. **Reading Room** Dated, but still a fun introduction to legal reference service by one of its gurus.

Cohen, Morris, et al. How to Find the Law. 9th ed. St. Paul, MN: West, 1989. Standard text on U.S. legal research. Excellent chapter on research strategies.

Jacobstein, J. Myron and Roy M. Mersky. Fundamentals of Legal Research. 5th ed. Westbury, NY: Foundation Press, 1990. Very useful for its list of terms used in legal research.

Kehoe, Patrick E. et al., eds. Law Librarianship: a Handbook for the Electronic Age. Chicago: AALL, 1995.

Logan, Robert. United States Legal Research. Hebden Bridge, Eng.: Legal Information Resources, 1990. U.S. legal research from a British point of view. Helpful explanations of U.S. legal jargon.

Olson, Kent C. Legal information: how to find it, how to use it. Phoenix: Oryx Press, 1999. Good example of guide to legal information for the layperson. U.S. only.

Price, Miles, Harry Bitner and Shirley Bysiewicz. Effective legal research. 4th ed. Boston: Little, Brown, 1979. Dated but still a major source for U.S. legal materials.

Richards, Rob. "A legal publishers' list: librarians cooperate to discern the corporate affiliations of U.S. legal publishers." Legal Reference Services Quarterly 17 (1999): 23-31. A Who Owns Whom of U.S. & some Canadian legal publishing. Updated at <http://www.colorado.edu/law/lawlib/ts/legpub.htm>

Woxland, Thomas A. "'Forever associated with the practice of law': the early years of the West Publishing Company." Legal Reference Services Quarterly 85 (Spring 1985): 115-24. **Reading Room** Brief history of the major U.S. legal publisher & its influence on the legal world.

#### INTERNATIONAL LEGAL RESEARCH

George Washington University Journal of International Law and Economics. Guide to International Legal Research. 2d ed. Salem, NH: Butterworths, 1993.

Guide to International Treaty Research in the Vancouver Courthouse Library. Vancouver: B.C. Courthouse Library Society, 1996-

#### COPYRIGHT

Harris, Lesley Allen. "Canadian copyright law." Law Librarian 25 (Sept. 1994): 137-39. Outline of the law and its implications for libraries.

Pearse, Richard. "Library open-distribution systems and copyright infringement in Canada and the United States." Law Library Journal 86 (Summer 1994): 399-443. Well researched history of the law and issues facing libraries.

Vaver, David. "Copyright inside the law library." TALL Newsletter 14 (Feb. 1995): 4-10. Good discussion of copyright issues affecting the practice of law and law libraries. Looks at R. v. Laurier Office Mart Inc. involving Cancopy and an Ottawa copy shop.

\*\*Because the Canadian copyright situation is still fluid, check recent articles in Canadian Intellectual Property Review, Canadian Law Libraries and Intellectual Property Journal.

#### TECHNOLOGY

Charkes, Susan. "Information technology: beyond the toolbox." Special Libraries 86 (Fall 1995): 265-71 **Reading Room** Contends that the distinction between content & technology is false & leads to loss of control over the tools of our trade.

Jacso, Peter. "Know when to hold 'em, know when to fold 'em." Computers In Libraries March 1999, 38-42. Collection policy issue of CD v. online.

Spence, Jim. "Rumpole of the Information Highway...or the courts & lawyers get wired!" Information Highways 1 (Oct. 1994): 4-11, 40-41. Reviews legal profession's glacial pace towards use of technology. Discusses information tools as well as developments in the use of computers, videos, etc. in the courts.