INF2133 Legal Literature and Librarianship - Syllabus

Mondays 4:00 pm to 6:00 pm
Room: 538
January – April 2016

Instructors:

- Susan Barker  (susan.barker@utoronto.ca)
- John Bolan    (john.bolan@utoronto.ca)

Office hours:

- Susan: By appointment, Thursdays from 2:00 to 4:00 pm (Birge Carnegie, Room 3)
- John:  By appointment, Tuesdays from 2:00 to 4:00 pm (Birge Carnegie, Room 3)

Course Description:

This course is a practical introduction to legal bibliography and law librarianship. It will cover strategies and methods of legal research with an emphasis on the use of Canadian primary and secondary legal materials and a brief introduction to some key British, American and international sources.

This course will:

- Introduce the Canadian legal system
- Provide an understanding of Canadian secondary legal materials as well as those for the US and UK
- Show how to use these resources in assisting and teaching users to conduct legal research
- Show how Canadian case law is created and reported and provide an understanding of how the common law operates including the concepts of stare decisis, and binding versus persuasive authorities as well as how to locate cases from the US and UK.
- Explain how Canadian legislation is created, amended and repealed and show how to find current and historical versions of statues and regulations
- Introduce foreign and international legal materials
- Describe the practice of law librarianship as a specialty within a variety of institutional settings
Learning Objectives:

At the conclusion of this course students will be able to:

- Answer a legal reference question by
  - developing an effective research strategy
  - knowing which resources to use
  - knowing how to use these resources
  - knowing when to use different types of resources
  - knowing where to go for help. i.e. to legal research guides, when necessary

- Evaluate the value of a legal information resource

- Understand the roles and responsibilities of legal information specialists in a variety of institutional settings.

- Identify legal literature available in print and electronic versions and explain their usefulness to the practice of law.

Relationship of Learning Objectives to Program Learning Outcomes

The learning objectives of INF2133 are intended to meet the following learning outcomes of the MI program:

1. Students develop knowledge and values appropriate to their future exercise of economic, cultural, and/or social leadership, and thereby provide leadership in defining the social responsibility of information professionals to provide information services for all, regardless of age, educational level, or social, cultural, or ethnic background.

2. Students develop the ability to contribute through research and publication, to the continuous expansion and critical assessment of the body of knowledge underlying the information and archives sciences.

3. Students develop an understanding of the application of new technological developments to the preservation and communication of information, and in the identification of the impact of such developments on society.

4. Students continue in life-long intellectual growth beyond graduation.

Accommodations: We welcome students with diverse learning styles or needs. If you have a disability or health consideration that may require accommodations, please feel free to approach me and/or the Accessibility Services Office [http://www.accessibility.utoronto.ca](http://www.accessibility.utoronto.ca) as soon as possible.
Assignments and Evaluation

There are four assignments in the class:

- **Assignment #1 (20%)** is a hands on assignment that requires the use of secondary materials to recommend resources in response to a reference question. **Due Monday February 1st at the beginning of class**

- **Assignment #2 (20%)** is a hands on assignment that requires the effective coordinated use of case law and secondary legal materials to answer a series of research questions. **Due Monday February 29 at the beginning of class**

- **Assignment #3 (20%)** is a hands on assignment that requires the effective use of statute law to answer a series of research questions. **Due Monday March 14 at the beginning of class**

**Guidelines:** What we are evaluating in assignments 1 to 3 is your research methodology, your ability to evaluate the resources selected, and whether you have made appropriate use of those resources. Details of which resources should be used for each assignment are set out in each assignment.

- Please use 12 point Times New Roman font, single spaced with one line between paragraphs.
- When you are given a choice of topic, state your topic at the start of your assignment or on a title page.
- Identify each source (book, index, database, etc.) you have used and for each source set out a description of how you used that title ("I consulted the index at page 754 and was lead to the following headings, etc.").
- Describe your research strategy for each element of the assignments. For example if you are asked to identify relevant resources on a topic describe how you used the appropriate finding tools to identify the relevant resource.
- Evaluate the different options and explain your choice of resources.

- **Assignment #4 (40%)** is a substantial research paper on any topic relating to law librarianship. **Your topic must be presented for approval/feedback by the instructor(s) by March 1st.** The approval process is not formal, a quick e-mail will suffice, but topics that have not been approved will not be accepted for marking. **Due Wednesday April 13 at noon.**

This paper should be 8-10 pages long and be correctly cited using current editions of the McGill Guide for legal material and the Chicago Manual of Style for other matters of general citation. Assignment 4 should be written to a quality as if it were to be published in a legal research journal. Students are encouraged to submit modified forms of their
Assignment 4 to the Canadian Law Library Review for publication. Students may not recycle papers from other courses for this assignment.

**Citations:** Cite all materials in accordance with the 8th edition of the McGill Guide (on reserve at the Inforum and the BLLL). Marks may be deducted if your law-related material is not properly cited in McGill Guide style.

**Deadlines and Extensions.** Each assignment must be handed in on or before the beginning of class on the date indicated (except for Assignment 4, which is due at noon on the date indicated). The deadlines are strict; extensions will only be made in exceptional circumstances to be negotiated in writing with the instructor prior to any deadline. Late assignments for which an extension has not been negotiated prior to the deadline will receive a 5% deduction for each day they are late.

**Evaluation:** All assignments are evaluated in accordance with the University Assessment and Grading Practices Policy
http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/grading.pdf and the Faculty of Information’s Guidelines to Grade Interpretation
http://current.ischool.utoronto.ca/grade-interpretation.

**Academic Integrity:** Plagiarism will not be tolerated – no explanation is necessary!

- **Code of Behaviour in Academic Matters**
- **Code of Student Conduct**

**Writing Support:** If you require writing support contact the Office of English Language and Writing Support [http://www.sgs.utoronto.ca/currentstudents/Pages/English-Language-and-Writing-Support.aspx](http://www.sgs.utoronto.ca/currentstudents/Pages/English-Language-and-Writing-Support.aspx)
Readings:

There is no required textbook for this course. Students will find it useful to consult the following books which provide information to supplement the lectures and assist in the completion of the assignments:

- **Canadian Guide to Uniform Legal Citation = Manuel canadien de la référence juridique.** 8th ed (Toronto: Carswell, 2014)

These books are all available on reserve at both the Bora Laskin Law Library and the Inforum.

Schedule:

We will be actively engaging with the major legal databases in most classes so please bring your computers to each class.

**Class 1 - Monday January 11**

*Introduction to Legal Research and the Canadian Legal System, and Introduction to How Lawyers Reason*

- Introduction to the course and explanation of assignments (SB)
- General introduction to the Canadian legal system, legal research and the practice of law librarianship. (JB)
- The introduction to how lawyers reason will help you understand what a lawyer might be looking for when they come to you for assistance with their research (SB)

Recommended Readings

- **Introduction to Legal Research:**
  - McCormack, chapter 1, or
  - Fitzgerald, chapters 4 and 5, or
  - Tjaden, pp 1-11

- **Law Librarianship:**
  - Theodora Belniak, “The Law Librarian of the Twentieth and Twenty-First Centuries: A Figuration in Flux“ 101 Law Library Journal 427
Nancy McCormack & Nicole Eva, “If You Could Do It All Again: Job Satisfaction and Law Library Workers in Canada” 34 Canadian Law Library Review 241

Class 2 - Monday January 18
Secondary Legal Resources: Treatises and Law Journals (JB)

Recommended Readings:

- McCormack, chapters 6 & 8, or
- Fitzgerald, pp. 71-77, or
- Tjaden, pp. 36-45.

Class 3 - Monday January 25.
Secondary Legal Resources: Legal Encyclopedias and Legal Reference Tools (SB)

Recommended Readings:

- Fitzgerald, pp. 78-87, or
- McCormack chapters 4, 7, 9, 10, 17, 19 (pp. 334-353 only), 20 (pp. 388-396 only), or
- Tjaden, pp. 37-42 and 45-65

Class 4 - February 1st
Online Legal Research (Trainers from Westlaw Canada and Quicklaw/LexisNexis)

This class will introduce you to the basics of using Quicklaw/LexisNexis, Westlaw Canada. Students will also learn to develop effective search strategies using these various databases.

Recommended Readings:

- Fitzgerald, chapter 5, or
- Tjaden, chapters 5 and 6, or
- McCormack, chapter 3.

Assignment #1 is due at the start of this class

Class 5 - Monday, February 8
Substantive Topics in Canadian (JB)

It is useful for law librarians to have an understanding of the fundamental principles of Canadian law. In this session we will briefly introduce you to a few of the major areas of Canadian law that are typically covered in first year law school.
Monday February 15 – Family Day – No class.

Class 6 – Monday February 22,
Primary Legal Resources: Case Law (JB)

In this session students will be given an introduction to the judicial process, how legal disputes are handled, how judicial decisions become law and how case law is published and disseminated. The focus will be on Canadian case law, but students will also be taught about U.S. and British case law and its role in Canadian jurisprudence. We will also discuss finding case law using tools as case law digests, as well as using citators for "noting up" case law.

Recommended Readings:

- Tjaden, chapter 4.
- McCormack, chapters 11, 12 & 13, or
- Fitzgerald, chapter 9

Class 7 - Monday February 29.
Primary Legal Resources: Legislation (SB)

The next two sessions will provide a theoretical discussion of the legislative framework and process, combined with a practical understanding how to conduct research involving legislation, a key primary source of legal information. This week’s session will focus on an essential component of legislation: statutes. The emphasis will be placed on Federal and Ontario statutes.

Recommended Readings:

- Fitzgerald, chapter 7, or
- McCormack, chapter 15, or
- Tjaden, chapter 3 (except section e).

Assignment #2 is due at the start of this class
Class 8 - Monday March 7.
Primary Legal Resources: Legislation (continued) (SB)

In the second legislation session, we will continue to explore statutes, with a special focus on the fundamentals behind historical legislative research. Another important component of legislation: regulations and the framework within which they operate will also be examined. Emphasis will again be placed on Federal and Ontario statutes and regulations. The basic elements of proper citation of legislative materials will also be explained in this class.

Recommended Readings:

- **Regulations:**
  - Fitzgerald, chapter 8, or
  - McCormack, chapter 15, or
  - Tjaden chapter 3 (section e only)

- **Legislative History and Legislative Intent:**
  - British Columbia Court House Library Researching Legislation, Parts 1 and 3: [http://www.courthouselibrary.ca/training/HowToGuides/VideoTutorials.aspx](http://www.courthouselibrary.ca/training/HowToGuides/VideoTutorials.aspx)

Class 9 – Monday March 14.

1) **Business Research**

2) **Treaties, International and Foreign Legal Materials** (JB and SB).

This part of the class will give the students a general introduction to international legal research. We will compare, contrast and build sound strategies needed to effectively research public, private and foreign law. The session will also highlight some major players and key resources (both in print and online) relevant in the arena of international law.

Recommended Readings:

- McCormack, chapter 22, or
- Tjaden, chapter 7

**Assignment #3 is due at the start of this class**

Class 10 - Monday March 21.
**Working as a Law Librarian** (SB and JB)

In this class we will put the knowledge of the research tools we have gained in the first nine classes to use and approach a number of real-life research problems from the perspective of a law firm and academic librarian.
Class 11 - Monday March 28.
Skills and Miscellaneous Issues

This class will cover practical topics associated with the practice of law librarianship. The emphasis will be on law librarianship as practiced in a private and academic setting.

- Effective legal reference interview skills
- Ethical considerations in legal librarianship
- Legal citation
- Legal classification
- Acquisitions Challenges
- Knowledge Management

Recommended Readings:

- Joanne Colledge and Lea Lapointe, "How Does a "Uniform" Citation Guide Fail to Be Uniform? A Review of the Canadian Guide to Uniform Legal Citation. 7th Ed." (2011) 74 Sask L Rev275
- Tim F. Knight, “KF Modified and the Classification of Canadian Common Law” (2009) 34 Can Law Lib Rev 227

Class 12 - Monday April 4.
Guest Panel - The Real World of Law Librarianship

A guest panel of practicing law librarians will discuss working as a law librarian and will take questions from students. We will also discuss strategies for finding jobs as legal information professionals.

Assignment #4 is due by noon on Monday Wednesday April 13. No extensions will be granted beyond this date. Assignment #4 may be handed in at the start of the last class, if so desired.