

## **INF2133 Legal Literature and Librarianship – Syllabus – Winter 2017**

We wish to acknowledge this land on which the University of Toronto operates.

For thousands of years it has been the traditional land of the Huron-Wendat, the Seneca, and most recently, the Mississaugas of the Credit River.

Today, this meeting place is still the home to many Indigenous people from across Turtle Island and we are grateful to have the opportunity to work on this land.

**Date and time:**           **Mondays 4:00 pm to 6:00 pm**

**Room:**                   **BL 507**

### **Instructors:**

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

### **Office hours:**

- Susan: Mondays from 1:00 to 3:00 pm  
(Bora Laskin Law Library, Room P207)
- John: By appointment.  
(Bora Laskin Law Library, Room P219)

### **Course Objectives:**

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 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- Explain how Canadian legislation is created, amended and repealed and show how to find current and historical versions of statutes and regulations
- Introduce foreign and international legal materials

- Describe the practice of law librarianship as a specialty within a variety of institutional settings

### **Course Learning Outcomes:**

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 between Course Learning Outcomes and 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.

The program learning outcomes can be viewed at  
<http://current.ischool.utoronto.ca/studies/learning-outcome:>

## Accommodations

Students with diverse learning styles and needs are welcome in this course. If you have a disability or a health consideration that may require accommodations, please feel free to approach me and/or the Accessibility Services Office (<http://www.studentlife.utoronto.ca/as>) as soon as possible. The Accessibility Services staff are available by appointment to assess needs, provide referrals and arrange appropriate accommodations. The sooner you let them and I know your needs, the quicker we can assist you in achieving your learning goals in this course.

## Assignments and Evaluation

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

### Assignment Requirements:

- 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
- Citation according to the *Canadian Guide to Legal Citation (McGill Guide)*

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 January 30 at the beginning of class 4**
- **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 27 at the beginning of class 7**

- **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 13 at the beginning of class 9**

- **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 February 27th. 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 12 at noon.**

Assignment 4 should be 8-10 pages long. References must be correctly cited in accordance with the current edition of the *McGill Guide*. 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. Use 12 point Times New Roman font, single spaced with one line between paragraphs.

**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.

**Grading:** 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!

- Please consult the University's site on Academic Integrity (<http://academicintegrity.utoronto.ca/>).
- The iSchool has a zero-tolerance policy on plagiarism as defined in section B.I.1.(d) of the University's Code of Behaviour on Academic Matters (<http://www.governingcouncil.utoronto.ca/Assets/Governing+Council+Digital+Assets/Policies/PDF/ppjun011995.pdf>). You should acquaint yourself with the Code.
- Please review the material in Cite it Right and if you require further clarification, consult the site How Not to Plagiarize (<http://www.writing.utoronto.ca/advice/using-sources/how-not-to-plagiarize>).
- Cite it Right covers relevant parts of the [U of T Code of Behaviour on Academic Matters \(1995\)](#). It is expected that all iSchool students take the Cite it Right workshop and the online quiz. Completion of the online Cite it Right quiz should be made prior to the second week of classes. To review and complete the workshop, visit the orientation portion of the iSkills site: [uoft.me/iskills](http://uoft.me/iskills)

## Writing Support

As stated in the iSchool's Grade Interpretation Guidelines, "work that is not well written and grammatically correct will not generally be considered eligible for a grade in the A range, regardless of its quality in other respects". With this in mind, please make use of the writing support provided to graduate students by the SGS Office of English Language and Writing Support (<http://www.sgs.utoronto.ca/currentstudents/Pages/English-Language-and-Writing-Support.aspx>). The services are designed to target the needs of both native and non-native speakers and all programs are free. Please consult the current workshop schedule (<http://www.sgs.utoronto.ca/currentstudents/Pages/Current-Years-Courses.aspx>) for more information.

**Readings :** 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.*** 8<sup>th</sup> ed (Toronto: Carswell, 2014)
- Maureen F. Fitzgerald & Susan Barker, ***Legal Problem Solving: Reasoning, Research and Writing***, 7<sup>th</sup> ed (Markham, ON: LexisNexis, 2016)
- Maureen F. Fitzgerald & Susan Barker, ***The Ultimate Guide to Canadian Legal Research***, 3<sup>rd</sup> ed (Markham, ON: LexisNexis, 2016)
- Nancy McCormack, John Papadopoulos & Catherine Cotter, ***The Practical Guide to Canadian Legal Research***, 4<sup>th</sup> ed (Toronto: Carswell, 2015)
- Ted Tjaden, ***Legal Research and Writing***, 3<sup>rd</sup> ed (Toronto: Irwin Law, 2010)

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.

At the beginning of each class students will engage in a reflective exercise involving a brief discussion of one of the previous week's readings as assigned

### **Class 1 - Monday January 9**

#### **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)

Readings for discussion/reflection

- **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”](#) (2009) 101:4 Law Libr J 427
  - Nancy McCormack & Nicole Eva, [“If You Could Do It All Again: Job Satisfaction and Law Library Workers in Canada”](#) (2009) 34:5 CanL Libr Rev 241

### **Class 2 - Monday January 16**

#### **Secondary Legal Resources: Treatises and Law Journals (JB)**

Readings for discussion/reflection:

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

**Class 3** - Monday January 23.

**Secondary Legal Resources: Legal Encyclopedias and Legal Reference Tools (SB)**

Readings for discussion/reflection:

- 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** - January 30th

**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.

Readings for discussion/reflection:

- 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 5

**Substantive Topics in Canadian Law and Training Skills for Librarians**

In this session groups of students will be asked to briefly introduce a few of the major areas of Canadian law to your fellow students. This introduction doesn't not require any prior legal knowledge but it does require you to use the tools described in classes 2 and 3 to locate a succinct description of those substantive topics. This is an informal ungraded exercise the purpose of which is to enable you to think about training and the librarian's role as a trainer of legal research.

**Class 6 – Monday February 13**

**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.

Readings for discussion/reflection:

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

**Monday February 20 – Family Day – No class.**

**Class 7 - Monday February 27.**

**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.

Readings for discussion/reflection:

- 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 6.**

**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.

Readings for discussion/reflection:

- **Regulations:**
  - Fitzgerald, chapter 8, or
  - McCormack, chapter 15, or
  - Tjaden chapter 3 (section e only)
  
- **Legislative History and Legislative Intent:**
  - Researching Legislative Intent – Part I: Evolution  
[https://prezi.com/rn\\_ggxxi-9u/researching-legislative-intent-part-i-legislative-evolution/](https://prezi.com/rn_ggxxi-9u/researching-legislative-intent-part-i-legislative-evolution/)
  - Researching Legislative Intent – Part II: History  
<https://prezi.com/lakfaiqstbiy/researching-legislative-intent-part-ii-legislative-history/>

**Class 9 – Monday March 13.**

- 1) Business Research** (Guest Speaker)
  
- 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.

Readings for discussion/reflection:

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

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

**Class 10** - Monday March 20.

**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 27.

**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
- Tax Research

Readings for discussion/reflection:

- 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 Rev 275
- Vincent DeCaen: ["There is No F in Qwerty: On the Locking-In of KE Classification Three Decades Later"](#) (2008) 33 Can Law Lib Rev 445
- Tim F. Knight, ["KF Modified and the Classification of Canadian Common Law"](#) (2009) 34 Can Law Lib Rev 227

**Class 12** - Monday April 3.

**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.