The Digital Research Utopia

Melanie Hodges Neufeld, BA (Hon), LLB, LLM
Director of Legal Resources

Ken Fox, BASc, MLIS
Reference Librarian

Alan Kilpatrick, BA, MLIS
Reference Librarian
Overview

• Introduction: An Evolution
  Melanie Hodges Neufeld

• Welcome to the Digital Utopia
  Alan Kilpatrick

• 3 Steps Forward, 2 Steps Back
  Ken Fox

• Licensing Pitfalls
  Melanie Hodges Neufeld
Law Society of Saskatchewan Library

An Evolution....
2015 Library Statistics

Members Section

- 63,651 visits from 1,481 individuals, a 22% increase from 2014

- 81.5% of active LSS members accessed materials and services from the Members Section in 2015

Website

- 2014: 969,896 visits
- 2015: 980,953 visits

- Legal Sourcery's first full calendar year

Blog

- 414 posts
- 55,269 views

Reference Inquiries

<table>
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<tr>
<th>Type</th>
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<td>153</td>
<td>54%</td>
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<tr>
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<td>145</td>
<td>181</td>
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<tr>
<td>urban member</td>
<td>323</td>
<td>546</td>
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<tr>
<td>other</td>
<td>94</td>
<td>164</td>
<td>43%</td>
</tr>
<tr>
<td>Total</td>
<td>633</td>
<td>1,044</td>
<td></td>
</tr>
</tbody>
</table>

The reference staff track the number of users we assist and we note that inquiries increased in 2015 by approximately 40% over 2014. In total, the library received 1,044 by phone, email or in person in 2015.
Resource Shift
Future of Libraries: A Service, Not a Space

It's a library, honey—kind of an early version of the World Wide Web.
We have an image problem
“The purpose of the work on making the future is not to decide what should be done tomorrow, but what should be done today to have a tomorrow.”
Oh, crap! Was that TODAY?
Digital Subscriptions

- Subscriptions
  - WestlawNext Canada
    - LawSource
    - CriminalSource, FamilySource, and LabourSource
  - O’Brien’s Internet
  - rangefindr
Ebooks

• Emond Publications
  • More than 50 titles available in the Working With the Law series and Casebook Collection.

• Irwin Law e-Library
  • More than 100 online textbooks, including the entire Essentials of Canadian Law series.
Online Journals

- **HeinOnline**
  - Full text of over 700 legal periodicals from the United States, Canada and the Commonwealth.
  - Includes provincial statutes, English Reports, and all US Supreme Court decisions.

- **Lawyers Weekly**
  - Published 48 times a year, Lawyers Weekly provides lawyers with information essential to maintaining and building a successful practice in today’s competitive business environment.

- **Saskatchewan Law Review**
  - Complete issues in full text from 2013. Prior issues available on HeinOnline.
Welcome to the Digital Utopia

• What is the digital utopia?

• The characteristics of digital information

• What does this mean for the legal information world?

• Principles of the digital utopia

• Examples from the digital utopia
Welcome to the Digital Utopia
Characteristics of Digital Information

“Electronic information flows as easily as water.”

- Downloadable
- Uploadable
- Coping
- Pasting
- Editing
- Altering
- Reformatting
- Resizing
- Reshaping
- Current

- Accessible
- Searchable
- Sharable
- Storable
- Transportable
- Reproducible
- Rewriteable
- Printable
- Transmittable
- Wide range
What does this mean for legal information?
Principles of the Digital Utopia
Principles of the Digital Utopia

1. Case law and legislation are accessed digitally

2. Digital books have a wider reach than print books

3. Public access to the law has never been better

4. The Members’ Section is your gateway to the digital utopia

Adapted from Courthouse Libraries BC
Principles of the Digital Utopia

Public access to the law has never been better

Alberta: Centre for Public Legal Education Alberta (CLEA)
British Columbia: People’s Law School
Manitoba: Community Legal Education Association of MB
New Brunswick: Public Legal Education and Information Service (PLEISNB)
Newfoundland: Public Legal Information Association of NL (PLIAN)
Nova Scotia: Legal Information Society of NS (LISNS)
Ontario: Community Legal Education Ontario (CLEO)
Prince Edward Island: Community Legal Information Association of PEI (CLIPEI)
Quebec: Educaloi
Saskatchewan: Public Legal Education Association of Saskatchewan (PLEA)
Principles of the Digital Utopia

1. Case law and legislation are accessed digitally

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3. Public access to the law has never been better

4. The Members’ Section is your gateway to the digital utopia
Principles of the Digital Utopia
Examples from the Digital Utopia

• Let’s look at some examples that demonstrate the amazing advantages of online legal research over print legal research

• Online resources will save you time because they are far more efficient than print resources

• Online resources enables you to accomplish things never before possible with print resources
Examples from the Digital Utopia

• Searching for a case of unknown name:

  • I am trying to locate a Queen’s Bench judgment by Justice Gerein, made somewhere in the last few years on arbitrary detention

  • Unfortunately, I cannot seem to recall the name of the decision

Court of Queen's Bench for Saskatchewan — Saskatchewan

*arbitrary detention — stay of proceedings — breaches — breath samples — evidence*

[...] I am of the view that a stay of proceedings will not only redress a past wrong, being the *arbitrary detention* of Mr. Poletz, but will also serve to prevent [...] In particular is the case of *R v. Salisbury*, 2011 SKQB 153 (CanLII), 372 Sask.R. 242, a decision of *Gerein J.*, where an accused was detained for over nine [...] Both the trial judge and the summary conviction appeal court judge expressed the view that, if they were in error in failing to find a case for *arbitrary detention*, this [...]

cited by 5 documents — CanLII Connects
   Court of Queen's Bench for Saskatchewan — Saskatchewan
   arbitrary detention — stay of proceedings — breaches — breath samples — evidence
   
   [...] I am of the view that a stay of proceedings will not only redress a past wrong, being the arbitrary detention of Mr. Poletz, but will also serve to prevent [...] In particular is the case of R. v. Salisbury, 2011 SKQB 153 (CanLII), 372 Sask.R. 242, a decision of Gerein J., where an accused was detained for over nine [...] Both the trial judge and the summary conviction appeal court judge expressed the view that, if they were in error in failing to find a case for arbitrary detention, this [...] cited by 5 documents CanLII Connects

2. **R v Zacharias**, 2012 SKQB 491 (CanLII) — 2012-11-23
   Court of Queen's Bench for Saskatchewan — Saskatchewan
   systemic — arbitrary detention — police — overholding — capriciousness
   
   [...] x) As stated by Gerein J. at paras. 9 to 12 of his reasons in R. v. Salisbury, a series of decisions where the provincial court held that arbitrary detention [...] The trial judge had the benefit of both the decision of Gerein J. and the Court of Appeal in Salisbury when she made her decision in this case. [...] was entitled to make, do these conclusions justify as a matter of law her finding an arbitrary detention that constituted a breach under the Canadian Charter of Rights and Freedoms? [...] cited by 3 documents CanLII Connects

   Court of Queen's Bench for Saskatchewan — Saskatchewan
   stay of proceedings — breach — detention — remedy — operate a motor vehicle
   
   [...] [10] All of the cited cases were instances of arbitrary detention which resulted in judicial stays. [...] Both the trial judge and the summary conviction appeal court judge expressed the view that, if they were in error in failing to find a case for arbitrary detention, this [...] [18] We do not intend to deal with the third issue relating to the allegation of arbitrary detention. [...] W. F. Gerein [...] cited by 25 documents CanLII Connects
• Noting up case law:

  • I would like to note up *R v Lewko*, 2002 SKCA 121 on WestlawNext

  • In particular, I would like to identify all appeal level decisions that have cited *R v Lewko*
Examples from the Digital Utopia
2002 SKCA 121
Saskatchewan Court of Appeal

R. v. Lewko


Her Majesty the Queen (Appellant) and Glen Lyn Lewko (Respondent)

Bayda C.J.S., Lane, Jackson J.J.A.

Heard: September 9, 2002
Judgment: October 31, 2002
Docket: 421


Counsel: W. Dean Sinclair, for Crown
Nicholas J. Stooshinoff, for Respondent

Subject: Criminal

Related Abridgment Classifications
For all relevant Canadian Abridgment Classifications refer to highest level of case via History.
<table>
<thead>
<tr>
<th>Title</th>
<th>Considered In</th>
<th>Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. R. v. Moise</td>
<td>2018 SKCA 133 (Sask, C.A.)</td>
<td>(Judicially considered 1 time)</td>
</tr>
<tr>
<td>2. R. v. Golaski</td>
<td>2014 BCCA 80 (B.C. C.A.)</td>
<td>(Judicially considered 30 times)</td>
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<tr>
<td>3. R. v. Eashapple</td>
<td>2003 SKCA 5 (Sask, C.A.)</td>
<td>(Judicially considered 7 times)</td>
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</tbody>
</table>

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**Depth Of Treatment**
- 1
- 1
- 1

**Jurisdiction**
- British Columbia: 1
- Saskatchewan: 2

**Court Level**
- All Courts of Appeal: 3
- All Other Courts: 200

**Treatment Type**
- Considered in: 3

**Citation Frequency**
- Unrestricted: 3
- 1 or more times: 3
- 5 or more times: 2
- 10 or more times: 1
Finding similar case law with the Abridgement:

- *R v Lewko*, 2002 SKCA 121 is a leading case dealing with the refusal to comply with roadside screening demand

- I would like to locate additional case law dealing with this same legal topic
Examples from the Digital Utopia
Most Negative Treatment: Recently added (treatment not yet designated)

R. v. Lewko

2002 SKCA 121
Saskatchewan Court of Appeal

Her Majesty the Queen (Appellant) and Glen Lyn Lewko (Respondent)

Bayda C.J.S., Lane, Jackson J.J.A.

Heard: September 5, 2002
Judgment: October 31, 2002
Docket: 421


Counsel: W. Dean Sinclair, for Crown
Nicholas J. Stobmingo, for Respondent

Subject: Criminal

Related Abridgment Classifications
For all relevant Canadian Abridgment Classifications refer to highest level of case via History.

Criminal law
VI Offences
VI.74 Impaired driving/care or control
VI.74.1 Proof of impairment
VI.74.1.f Miscellaneous

Criminal law
VI Offences
VI.126 Refusing to comply with roadside screening demand
VI.126.a Elements
VI.126.a.iv Provision of such sample as necessary
1. **R. v. Bath**

   Ontario Court of Justice | Ontario | 2016 CarwellOnt 18207, 2016 ONJC 859, 133 W.C.B. (2d) 511

   Police officer named C drove to parking lot in response to call about possible impaired driver — Caller reported that intoxicated woman got into vehicle and caller also provided vehicle’s licence plate — When C arrived he saw woman getting into passenger side and he saw that she was fairly intoxicated — Woman got out of car and she was arrested for not obeying police instructions — Accused sat in driver’s seat, which was fully reclined and he was undisposed — Engine of vehicle was turned off but accessories such as radio were turned on — C smelled alcohol on accused’s breath and he made approved screening device (ASD) demand — C did not have ASD with him and parties had to wait for one to arrive — Accused was given eight opportunities to provide sample but then were all unsuccessful — Accused was charged with refusing to provide sample for ASD — Accused convicted — C was honest witness and his evidence was true — Accused’s evidence was not believed and it did not give rise to reasonable doubt — Time period that elapsed from time when C formed reasonable suspicion and made ASD demand to time that ASD analysis was completed was 11 minutes — Demand was valid for it was made forthwith and C was prepared to take sample forthwith — Crown proved beyond reasonable doubt that accused intentionally refused to provide suitable ASD sample — Crown also proved that ASD was in proper working order.


2. **R. v. Keddie**


   Accused was convicted of refusing to comply with demand to provide breath sample for analysis by approved screening device — Police were dispatched on impaired driver call to restaurant at approximately 9:30 a.m. and found accused in restaurant with female friend, having dinner there from nearby fast food restaurant where he had been involved in argument with some sort with staff — When approached in restaurant by arresting officer, backed up by two other officers, accused engaged in aggressive verbal exchange with them and at one point demanded to be handcuffed before stepping outside of restaurant — Arresting officer attempted to persuade accused to provide breath sample and ultimately read accused formal demand, while accused was in back seat of police car, but accused continued to refuse to provide breath sample and was charged — Trial stated argued that police had no lawful basis to ask him to provide breath sample and that he was never asked to do so, at least in way that he could understand — Accused appealed his conviction — Appeal dismissed — Trial Judge made adverse findings about accused’s credibility which appeared to be demonstrably justified by evidentiary record — Accused said that he only came to understand what had been asked of him when he telephoned police some hours after incident to discuss situation — However, this was not borne out by accused’s own trial evidence — Trial Judge’s conclusion that demand to provide breath sample had been made was unsustainable and admitted in accused’s own evidence — If breath demand failed to register with accused, it was because accused was refusing to listen.


3. **R. v. Stewart**


   Police officer followed vehicle driven by accused after it spun its tires and was speeding — Officer radioed in plates and nothing unusual came back but officer decided to check on operator’s licence and sobriety and stopped vehicle — Accused provided documentation and he told officer he had not been drinking — Officer noted that accused avoided eye contact with him but he could smell alcohol on accused’s breath and his eyes were glossy — Officer read roadside demand to accused four times but he claimed that he could not understand demand and he would not provide sample — Accused was not given last chance opportunity to comply and he was also not given time to think things over — Accused was then arrested and he again claimed that he did not understand — Accused was charged with refusing to comply with demand for breath sample on approved screening device — Accused acquitted — Court was not satisfied beyond reasonable doubt that accused intentionally refused to provide sample.
Examples from the Digital Utopia

- Researching historical legislation:

  - What did The Real Estate Act, SS 1995, c R-1.3 look like in 2004?
Examples from the Digital Utopia
### Real Estate Act, SS 1995, c R-1.3

<table>
<thead>
<tr>
<th>Comparing version</th>
<th>Real Estate Act, SS 1995, c R-1.3 past versions</th>
<th>Real Estate Act, SS 1995, c R-1.3 past versions</th>
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<tr>
<td>1. between Sep 1, 2002 and May 26, 2005 (past)</td>
<td>Prior versions are unavailable on CanLII</td>
<td>Prior versions are unavailable on CanLII</td>
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</tbody>
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**Please note that amendments that are not included in the current version of this statute come into force on 2015-05-14 (SS 2015 c 21).**

This statute replaces **SS 1986-87-88, c R-2.1.**

**Current version:** in force since May 14, 2015

**Print:**
- [PDF](http://canlii.ca/t/2y03)
- [http://canlii.ca/t/52h9s](http://canlii.ca/t/52h9s)

**Citation to this version:**
Real Estate Act, SS 1995, c R-1.3, [http://canlii.ca/t/52h9s](http://canlii.ca/t/52h9s) retrieved on 2017-01-26

**Last updated from the** [Freelaw](http://canlii.ca/t/2y03) **site on 2017-01-19**
Real Estate Act, SS 1995, c R-1.3

Please note that amendments that are not included in the current version of this statute come into force on 2015-05-14 (SS 2015 c 21).
This statute replaces SS 1986-87-88, c R-2.1.
This version is not the latest.

Past version: in force between Sep 1, 2002 and May 26, 2005

Print: PDF
Link to this version: http://canlii.ca/t/h7d9
Citation to this version: Real Estate Act, SS 1995, c R-1.3, <http://canlii.ca/t/h7d9> retrieved on 2017-01-26

Share: Tweet Share
Examples from the Digital Utopia

• Using eBooks to pinpoint content:
  • I seem to recall an Irwin law texts about torts that mentioned “the duty of care”
  • Unfortunately, I cannot remember the title, author, or date the book was published
Examples from the Digital Utopia
"duty of care"
E. THE DUTY OF CARE

The establishment of a duty of care is an essential element of liability in negligence. It is a question of law which determines the judge to determine if the defendant is under a legal obligation to exercise reasonable care in favour of the plaintiff. This has proved to be a difficult and contentious task, and the outcome of the last hundred years a variety of approaches have been utilized.

Prior to the decision in Donoghue v Stevenson, courts approached this issue by examining the particular relationship between the defendant and the plaintiff in the light of prior authority and the surrounding circumstances, and by declaring whether or not a duty of care was owed by the defendant. This incremental process of examination and classification provided guidance in respect of those relationships that

---

364. The Scottish Parliament has recently departed from that view. It enacted the Scottish Tort Reform Act 2010 but following guidance from the Law Commission.
366. Noteworthy has been the decision in McEachern v. C.J. Hebbard & Sons, a case where the Court of Appeal, 2006 BCSC 2 (S.C.) (Re: the sale of goods).
What's Next?
Burn the Books
VOTE TO CLOSE LIBRARY

BOOK BURNING PARTY

facebook.com/BookBurningParty
BUT...
YES!

We at the Library are ready to burn all of our books, demolish our buildings & embrace the Digital Utopia –

But ...
ARE WE THERE YET !?!
No, we’re not quite there yet...
Properties of Digital Texts

- Storable & retrievable
- Transportable
- Searchable
- Reproducible
- Re-writable
- Attractive
- Printable
- Universally Accessible
PDF Files

• Portable Document Format
• Navigable
• Searchable (unless text is scanned as image)
• Attractive
• Printable
• Universally compatible
• Easy to share by email or upload
• NOT writable once created
eBook Formats

- Secure
- Attractive
- Navigable? (usually)
- Searchable (not always)
- Printable (sometimes)
- Copying text? (sometimes, sort of)
- Storable, shareable? (generally not)
Civil Litigation
THIRD EDITION

Laurence M. Olivo
Mary Ann Kelly

Emond Montgomery Publications
Toronto, Canada
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Proceedings to Close of Pleadings

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Chapter 3: Client Management and Interviewing

Chapter 4: Introduction to the Rules of Civil Procedure and the Courts of Justice Act

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Working with the Rules

Computation of Time: Rule 3

Format for Court Documents

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Chapter 5: Identification of Parties, Joinder of Claims and Parties

Chapter 6: Commencing Proceedings

Chapter 7: Drafting Pleadings
Fact Situation: The Sad Tale of Abigail Boar

Introduction

It is now time to introduce you to the unfortunate Abigail Boar, who set out to buy a sports car and ended up with serious injuries resulting from the apparent negligence of others involved in what lawyers usually refer to as a "slip and fall case." We will follow Abigail's case from the time Abigail consults a lawyer, through the various pretrial stages, to trial in the Ontario Superior Court. As we proceed, we will discuss the steps that are taken, including the preparation of many of the documents that are required in a civil action. The facts set out here present a broad outline of what occurred. As we proceed we will add more detail where it is required.

Facts

Abigail Boar is a 28-year-old securities analyst employed by Megadawn Investments Ltd. She is earning more money than she ever thought she would and decides the time has come to do some conspicuous consuming, so she buys her first car. After talking to friends, she decides that the right kind of car for her is a two-seater sports coupe. On September 14, year 0, she decides to go after dinner to look at the hot new line of sports coupes manufactured by the Skunk Motorcar Company Ltd., which are being sold at Rattle Motors Ltd. After work, she stops at Barbereau's, a trendy bar frequented by financial types, where she has a quick dinner and two glasses of wine. She then walks over to Rattle Motors Ltd. at 1240 Bay Street, Toronto.

At about 6 p.m., Fred Flogom, a salesperson employed by Rattle Motors Ltd., notices there is some oil on the floor next to the Super Coupe model. He peers underneath the car and discovers oil leaking from underneath the engine. Because this is hardly good advertising for a new car, Fred does not want to draw customers' attention to the problem by cleaning up the mess immediately. Instead, he shuts off two of the four spotlights that illuminate the Super Coupe, hoping that no one looking at the car will notice the mess on the floor. Fred intends to clean up the mess when there are no customers in the showroom, or when the showroom closes for the day.
Introduction

This chapter presents the "big picture" of how a civil proceeding unfolds. The balance of the book fills in the details. In order to help you see both the big picture and later the details, we start by setting out a fact situation involving Abigail Boar and her various difficulties. Using Abigail's story, we demonstrate how a civil case progresses from the initial stage of hiring a lawyer to the final stage of appealing a trial judgment.

Fact Situation: The Sad Tale of Abigail Boar

Introduction

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third party claim

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The Third-Party Claim

When a third-party claim brings another party into the proceedings and creates a new claim, it is known as a counterclaim. In a civil action, a defendant may be required to answer a third-party complaint by the plaintiff or by another defendant. The defendant may then file a separate complaint against the third party. The third-party defendant may then file a separate complaint against the third-party claimant.

The Third-Party Defence

Once the third-party complaint has been served, the defendant must defend the claim. The defendant may either deny the claim or admit it and assert a defence. The defendant may also file a separate complaint against the third party.

Reply to Third-Party Defence

If the defendant has filed a third-party complaint, the plaintiff may file a separate complaint against the third-party claimant.
"mens rea"
Copyright law forbids the printing or copying of more than 10% of a copyright work. Your print order has reached that limit.

La loi droit d'auteur interdit l'impression ou la copie de plus de 10% d'une œuvre régi par droit d'auteur. Votre commande d'impression a atteint cette limite.
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Never have I heard such gratuitous use of the word “butt”!
HAZY FUTURE: THE IMPACT OF FEDERAL AND STATE LEGAL DISSONANCE ON MARIJUANA BUSINESSES

Rosalie Winn

INTRODUCTION

Under the Controlled Substances Act of 1970 (“CSA”), it is a federal crime to possess, cultivate, or distribute marijuana. Historically, states largely mirrored the CSA’s criminal treatment of marijuana, with state laws making the possession, growth, and distribution of marijuana a state crime. However, starting in 1996, many states began legalizing or decriminalizing the use of marijuana for medical purposes under state law. In November 2012, voters in Colorado and Washington legalized the possession of marijuana for recreational purposes, citing marijuana enforcement costs and added tax revenue as rationales for the new policies. Colorado and Washington have since developed regulatory frameworks for the production and sale of recreational marijuana. Most recently, ballot initiatives legalizing marijuana passed in Oregon, Alaska, and the District of Columbia.

While state laws regulating marijuana have changed dramatically in the past few decades, change to the federal law through either legislation or executive action has been slow. Instead, the Department of Justice (“DOJ”) under President Obama has taken a lenient approach to federal marijuana enforcement, and President Trump has continued to take a similarly hands-off approach.

In 2016, the DOJ issued a statement that it would not challenge states that had legalized marijuana, so long as the states were enforcing their laws in a manner consistent with federal law. The DOJ also stated that federal law enforcement resources would not be directed to states that are complying with federal law.

However, the DOJ's approach to marijuana enforcement is not absolute, and it can change at any time. Additionally, the states with legalized marijuana still face a number of legal and regulatory challenges, including issues related to taxation, banking, and insurance.

Therefore, the impact of federal and state legal dissonance on marijuana businesses remains a complex and evolving issue. The goal of this article is to provide an overview of the legal landscape surrounding marijuana businesses and to offer insights into the challenges and opportunities that arise from the ongoing tension between federal and state law.
While marijuana has been listed as a Schedule I Controlled Substance since the passage of the CSA, the Attorney General has the authority under the CSA to "transfer between . . . schedules" or "remove any drug . . . from the schedules" after a formal rulemaking and a scientific and medical evaluation and recommendation from the Secretary of Health and Human Services. Despite this authority, the Drug Enforcement Administration ("DEA"), the responsible agency within the Justice Department, has consistently refused to consider moving marijuana to a different schedule or delisting marijuana from the CSA.

Because marijuana is a controlled substance, banks and other financial institutions working with marijuana producers or suppliers may be charged as co-

8. See Gonzales v. Raich, 545 U.S. 1, 15 (2005).
12. Id. § 811(c).
13. Id. § 812(b)(1). Characterization of marijuana as having no medical benefit has been scientifically criticized. See Igor Grant et al., Medical Marijuana: Clearing Away the Smoke, 6 OPEN NEUROLOGY J. 18, 24 (2012), http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3358713/pdf/TONEUJ-6-18.pdf (describing clinical trials indicating that marijuana can have medical benefits, particularly with regards to management of pain).
15. Id. §§ 811(a)–(b).
CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 2004

GONZALEZ, ATTORNEY GENERAL, ET AL. V. RAICH ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE NINTH CIRCUIT

No. 03-1454. Argued November 29, 2004—Decided June 6, 2005

California's Compassionate Use Act authorizes limited marijuana use for medicinal purposes. Respondents Raich and Monson are California residents who both use doctor-recommended marijuana for serious medical conditions. After federal Drug Enforcement Administration agents seized and destroyed all six of Monson's cannabis plants, respondents brought this action seeking injunctive and declaratory relief prohibiting the enforcement of the federal Controlled Substances Act (CSA) to the extent it prevents them from possessing, obtaining, or manufac-
While marijuana has been listed as a Schedule I Controlled Substance since the passage of the CSA, the Attorney General has the authority under the CSA to “transfer between... schedules” or “remove any drug... from the schedules” after a formal rulemaking and a scientific and medical evaluation and recommendation from the Secretary of Health and Human Services.\(^ {15} \) Despite this authority, the Drug Enforcement Administration (“DEA”), the responsible agency within the Justice Department, has consistently refused to consider moving marijuana to a different schedule or delisting marijuana from the CSA.\(^ {16} \)

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15. Id. §§ 811(a)–(b).
the Tenth Amendment therefore would likely prevent the federal government from requiring state legislatures to enact specific marijuana laws, or from mandating the use of state or local police forces to enforce the CSA.\textsuperscript{47}

While the federal government is prevented by the Tenth Amendment from forcing a state to act, the federal government may stop a state from acting if there is a conflict between federal and state law.\textsuperscript{48} Preemption of state law by federal law is rooted in the Supremacy Clause, which makes the Constitution and the laws of the United States the "supreme Law of the Land,"\textsuperscript{49} although there is a presumption

\begin{itemize}
\item [39.] \textit{See generally} Garvey, \textit{supra} note 2 (discussing enforcement difficulties created for the federal government by the "principles of federalism").
\item [40.] \textit{Id.} at 2–4.
\item [42.] U.S. CONST. art. VI, cl. 2.
\item [43.] U.S. CONST. amend. X ("The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.").
\item [44.] \textit{New York}, 505 U.S. at 157. Article I enumerates areas in which Congress has authority to legislate, including the powers to tax, borrow money, and regulate commerce, and grants Congress the implied authority to make all laws necessary for executing the enumerated powers. U.S. CONST. art. I \S\ 8.
\item [45.] \textit{See id.} at 166 ("The allocation of power contained in the Commerce Clause, for example, authorized Congress to regulate interstate commerce directly; it does not authorize Congress to regulate state governments’ regulation of interstate commerce.").
\item [46.] \textit{See Printz v. United States}, 521 U.S. 898, 904–18 (1997) (describing a historical record of federalism to support the conclusion that state law enforcement officials cannot be directed to administer federal programs).
\item [47.] \textit{Cf. id.} at 943 ("The Federal Government may not compel the States to enact or administer a federal regulatory program." (quoting \textit{New York}, 505 U.S. at 188)).
\item [48.] \textit{See Garvey, supra} note 2, at 7.
\item [49.] U.S. CONST. art. VI, cl. 2.
\end{itemize}
-But-- But-- But--
-Make him stop!
Digital myth:
It’s all online
Digital Reality:

It is difficult and expensive to maintain an online collection of high-quality legal resources, and even more difficult to create those resources in-house. We have come a long way, but have a long way to go.
Digital myth:
Once it’s online, traditional research skills are no longer required – I already know how to shop online ...
Digital reality:
Effective online research requires at least as much skill and knowledge as print research. The sources are varied in their content, organization, and mode of access. It is dangerous to assume you know how to find it because you have used google.
Digital myth:
But the best stuff is all on the Members Section, you don’t have to look beyond there – I mean, you guys have taken care of us right?
Digital Reality:
We’re doing our best! But no, there is still a vast world of legal texts and primary materials that cannot be accessed from the Members Section. And the sources that are available there are not guaranteed to be there forever. It’s all about $$$. But we’ll try!
It is important the Library continues to maintain physical copies of textbooks, as these are still the best resource when learning about a particular area of law.

The Library has many resources which are not available on-line, so this would all be lost without the Library being maintained.
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We’re Information Experts. Really.
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Jennifer L. Selby, Reference Librarian, University of Michigan Law Library.

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Law Society Library staff make it easier to find resources and they are experts at information management.

The Library staff are key to effective research and are able to locate things I would not otherwise find.
The Library staff are knowledgeable and can reduce my time in coming up with appropriate resources considerably. The staff are not dispensable, It is an error to think that lawyers can effectively research topics without further training.
Questions?

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- Email: reference@lawsociety.sk.ca
- In person: Regina Library  2425 Victoria Ave  Saskatoon Library  520 Spadina Cres E
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