Greetings to All!

Spring is now the time to set new goals, learn new skills and build your relationships and increase your professional knowledge. I hope everyone has taken advantage of early bird registration and has signed up for our annual conference in Cleveland in June. We've got a great program and fresh ideas to spread!

The Legal Division has worked hard on new sessions that are described in this issue of The Legal Docket. We did this by talking to DLEG members but also by collaborating with members from other Divisions. This is one of the great advantages to membership in SLA – not only can you learn from members with a legal background but you can learn from other members with expertise in many other disciplines. Legal matters and legal operations function best by finding others with knowledge and expertise in management and business, data science, competitive intelligence and other disciplines.

Mary Talley, Chair Elect-elect of our Division, and I attended the Leadership Symposium in New Orleans earlier this year. It was truly a great experience spending time with so many other information professionals with divergent backgrounds. I’m excited to continue that energy at conference.

A member survey is now available to help determine interest in other sessions already for next year and for webinars or other interactive sessions during the year. Please fill this out and give us feedback on what you and your organizations are looking for in rejuvenating yourself and your organization.

Catherine Kitchell, Chair, SLA Legal Division.
ckitchell@bloomberglaw.com/703-341-3311
Hello Legal SLAyers,

Excited for Cleveland? I know we are!

The Legal Division has created several exciting and stimulating programs as outlined by our division Chair, Catherine. This year we’re focusing on competitive intelligence in the law library, cannabis law, artificial intelligence (and how we should use it), as well as, giving patrons a voice when it comes to environmental justice.

We hope you’ll find DLEG’s Cleveland sessions as refreshing as we do. We’re also interested in what you would like to see for programs beyond this year’s conference. Please make sure you fill out the survey mentioned in Catherine’s Chair Column to division members.

While in Cleveland, we’ll be collecting donations for Front Steps Housing and Services, a supportive housing program committed to ending homelessness in the Cleveland area. We’ll be collecting toiletries like toothpaste, soap, etc., as well as gift cards for grocery and discount stores. You can drop them off on SLA’s Main Street in the Exhibit Hall.

This newsletter has an eclectic roster of articles. Jamie Klausner, Legal Researcher at Baker & Hostetler, and Cleveland resident, wrote a wonderful article of the sites to see, visit and dine beyond the conference. Thank you to Jamie who put together such a wonderful recommendation list.

We’ve also included an excerpt of Eugene Giudice’s interview with Bishop Joseph Perry, an auxiliary bishop for the Archdiocese of Chicago, in which they discuss the history and practice of canon law.


We’re rounding out the newsletter with a reprint of Jamie J. Barker’s (The Ginger Law Librarian) blog post, Are Algorithms Required for Ethical Legal Research, published on February 1st of this year. I recently saw her present at NOCALL’s Spring Institute, and found her discussion on the ethical conundrum of relying on proprietary algorithms to do legal research fascinating. In my opinion, this will be a hot topic in the years to come as more attorneys rely on database algorithms to their legal research for them. The reprinted blog post is a continuation of a topic she’s been writing about for quite some time.

We hope you’ll find DLEG’s Cleveland sessions as refreshing as we do. We’re also interested in what you would like to see for programs beyond this year’s conference. Please be sure to complete our member survey.

Thank you for reading, and looking forward to seeing everyone’s photos by one of Cleveland’s six script signs.

Safe and uneventful travels,

--Chrystelle, DLEG Docket Editor
Legal Division programs in Cleveland
By Catherine Kitchell

Sunday, June 16

9 – 10 am

Title: The Secret Sauce: Where You’re Probably NOT Looking to Find Your Client Intelligence

Abstract: We know how to use D&B, Hoovers, EDGAR, and the various legal research and analytic platforms offered by the Big Three – but what are we missing? Join us as we take a deeper dive into the world of client intelligence. What lies beyond the resources everyone uses? Researchers Zena Applebaum and John DiGilio are down in the intelligence trenches. They will share which underutilized resources they use and how they retrieve and analyze the data within. From social media to hidden nuggets on the web, we will be talking about both sites and strategies. Of course, we will also save time to open the floor for everyone to share their successes and failures in developing their own “secret sauce.”

2:30 – 4 pm

Title: Competitive Intelligence Strategy Workshop: Opening a New Office or Practice

Abstract: A panel will explore the CI Strategy related to opening a new office or practice, then attendees will meet in small groups for hands-on planning exercises based on the information shared. The central role of the information professional will be stressed, and advice given about the multitude of factors to be taken into consideration in such an endeavor. Timelines, checklists, and insights into making strategic business decisions will be offered.

Learning Outcomes: Attendees will learn the basic elements of CI strategy and how they can help their organizations understand the realities of their markets, constantly reassess their businesses, and generate insights as to managing talent, using information, and working collaboratively.

Monday, June 17

9 – 10:30 am

Title: Understanding environmental justice: Helping our patrons find their voice

Abstract: Although environmental and energy laws affect our daily lives and futures, both information professionals and their clients struggle to navigate legal information. How can we assist individuals and communities struggling with the complexities of laws, legislation, and justice? During this session, three speakers will approach environmental justice (EJ) from their own disciplines and expertise. Dr. Bill Bowen (Public Administration and Urban Studies, Cleveland State University) will discuss the landmark case which set the precedent for filing environmental justice lawsuits under the Civil Rights Act of 1964. Dr. Heidi Robertson (Law, Environmental Studies, Cleveland State University), whose research focuses on helping communities “find a voice” through legal action, will share her expertise on the intersection of environmental, energy, and property law. Brooks Berndt (Environmental Justice Minister, United Church of Christ, Cleveland) will talk about the “big three” events that sparked the Cleveland environmental justice movement and discuss a soon to be released environmental justice report. Attendees will acquire a basic understanding of environmental justice, pertinent legislation, and relevant legal information resources.

10:45 – 11:45 am

Title: What’s the Buzz? Cannabis Law – Tell Me What’s a Happenin’

Abstract: Spending on the legal cannabis market is forecasted to hit $57 billion by 2027. Approximately two-thirds of this market will be in legal recreational use and the other third will be medical. Law firms are increasingly starting Cannabis practices to weed through regulatory, compliance, intellectual property, contract and litigation issues ethically and competently. This session will address cannabis horticulture, cannabis as a business and medical uses of cannabis from the founder of the Cleveland School of Cannabis. Additionally, we will review the history of marijuana laws in California especially regarding dispensaries. Finally, we will discuss best practices for keeping up on new laws and regulations especially in local jurisdictions.

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DLEG Programs (cont’d)

Tuesday, June 18

1:30 – 2:30 pm

**Title: Practical Applications of AI in Law Firms**

**Abstract:** How does artificial intelligence really work in the legal field today? What practical applications are already being used and in what aspects of legal work? How can legal information professionals use the new technologies? Morgan Wright, Publisher of Full Court Press and RAIL: The Journal of Robotics, Artificial Intelligence & Law with Fastcase will concentrate on practical uses of AI in Knowledge Management, Billing and Analytics, Contract Analysis, Legal Research and “Personality Insights” in terms of judges, expert witnesses and others. Additionally, Catherine Kitchell, Senior Reference Librarian with Bloomberg Law, will give tips, pointers and strategies for staying current with new technologies and start-ups that are changing legal analytics and the practice of law.

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We want to hear from you!

Fill out the [online survey](#) so we can learn what kind of programs you would like the Legal Division to provide.

Deadline is May 7, 2019
Help our host city by donating needed personal care items

What’s needed:

- Regular-sized toiletries, including:
  - Toothpaste & toothbrushes
  - Mouthwash
  - Soap/Body Wash
  - Hand soap
  - Lotion
  - Hand Sanitizer
  - Deodorant

- Feminine Products
- Razors
- Gift cards* to—
  - Grocery stores (i.e. Giant Eagle, Aldi US)
  - Drug stores (i.e. CVS, Walgreen’s, Rite Aid)
  - Discount stores (i.e. Family Dollar, Walmart, Target)

No room in your luggage? Ask us about local retailers.

Thank you for your generosity.
DLEG to host a kiosk on “Main Street” in the Exhibit Hall at SLA 2019 in Cleveland
By Bobbi Weaver, baw@cwsl.edu

As at previous conferences, the Legal Division will once again host an information kiosk in the Exhibit Hall in Cleveland. Volunteers will answer questions and provide small gifts promoting DLEG.

This year, the division will be collecting personal care items for Front Steps Housing and Services, a Cleveland nonprofit organization that provides permanent housing to people in need in the community. The organization furnishes and provides supplies in apartments for the people it serves. Items needed are listed in the announcement in this Docket edition as well as on the organization’s website.

Look for information about volunteering to person the kiosk as the date of the conference approaches. The kiosk gets busy, so we could use your help.

If you don’t have room in your luggage or are limiting your luggage to carry-ons, The Tower City Center is nearby and features merchants such as A Dollar, GNC, Bath & Body Works and Victoria’s Secret—all of which sell toiletries. There is also a CVS Drug Store at 1400 E 9th St in Cleveland.

Cleveland Rocks!
By Jaime A. Klausner, Esq., Legal Researcher & Content Analyst, Baker Hostetler
jklausner@bakerlaw.com

Welcome to Cleveland, the “best location in the nation!” June is a wonderful month to visit and with so much to experience here, you will certainly want to extend your stay.

A quick and convenient way to get acclimated to the city’s main attractions is a Lolly the Trolley narrated tour, which has 1-hour and 2.5-hour options. SLA Conference attendees can visit the Great Lakes Science Center, Jack Cleveland Casino, the Greater Cleveland Aquarium, the Rock and Roll Hall of Fame, and the beautiful theaters of Playhouse Square, all of which are within walking distance of the Huntington Convention Center (or simply hop on the free trolley around town!) Sign up for a tour of Progressive Field, home of the Cleveland Indians, for an opportunity to sit in the dugout and check out an MLB press box.

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Cleveland Rocks!
[continued from page 6]

As a fellow bibliophile, I recommend a peek in the nearby historic Cleveland Public Library. You can easily get lost in the stacks. It is one of my favorite spots in downtown Cleveland.

The Regional Transit Authority (RTA) buses provide a convenient way to get to Lake Erie’s Edgewater Park beaches. RTA also travels to the museum district of University Circle, where you can experience:

- Cleveland Botanical Gardens;
- Cleveland’s Museum of Contemporary Art;
- Cleveland Museum of Natural History;
- Crawford Auto Aviation Museum, and
- the magnificent Cleveland Museum of Art.

I also recommend a visit to Severance Hall, home of the internationally renowned Cleveland Orchestra. Nearby, visit Lake View Cemetery which is the final resting place of President James A. Garfield, Eliot Ness, John D. Rockefeller, and others of notoriety. Also close, the Little Italy neighborhood has numerous options for authentic Italian fare—bring your appetite!

In fact, for foodies, Cleveland does not disappoint. East 4th Street and West 6th Street, both within walking distance of the Huntington Convention Center, boast numerous restaurants including celebrity chef venues by the likes of Michael Symon and Zack Bruell. Cleveland has many breweries, and even a chocolate-themed restaurant (The Chocolate Bar) adjacent to the architecturally striking Arcade, America’s first indoor mall.

You could also take the RTA to Cleveland’s 107-year-old West Side Market, a unique indoor/outdoor landmark with 100 locally-owned, independent businesses. A must-try: Mitchell’s Homemade Ice Cream—just a few feet from the Westside Market.

Grab an Uber and head over to A Christmas Story House, which features props and memorabilia from the film (and don’t forget to pick up your own Major Award Leg Lamp from the gift shop!).

“This is the house where Superman was born," reads a sign hanging on the front fence of 10622 Kimberly Avenue. In 1932, then 18-year-old Jerry Siegel invented the Man of Steel at this location.

For conference attendees with access to a car, explore some of these areas a bit outside the city:

- Cleveland Metroparks;
- Cleveland Metroparks Zoo;
- Cuyahoga Valley National Park; and
- the Pro Football Hall of Fame.

They will be well worth an extended stay.

About an hour from downtown Cleveland, Cedar Point amusement park in Sandusky (also known as the “Roller Coaster Capital of the World”) is a must for adrenaline-junkies. Spend the night in Sandusky and hop on a ferryboat to Put-in-Bay and Kelleys Islands to explore wineries, take in history and nature, and dine and shop.

Extra room in your suitcase? Visit bucolic “Amish Country.” Explore the villages in and around Holmes County, which offer an array of antiques, fine art, flea markets, local cheese shops and bakeries, old-fashioned tools and toys, and fine furniture and quilts. (Note that many businesses in Amish Country are closed on Sundays.)

Back in Cleveland, shoppers will enjoy Crocker Park on the west-side, and Legacy Village, Beachwood Place, Eton Chagrin Boulevard, and Pinecrest shopping centers on the east-side.

If you extend your visit, take in a Cleveland Indian’s game. Get tickets to the Tri-C JazzFest, and do not miss the opportunity to celebrate Solstice 2019 at the Cleveland Museum of Art.

We are so glad you are here! Enjoy your stay in Cleveland!
Eugene Giudice: There we go. We're on recording. Bishop Joseph Perry interview, 26, April, 2018. Again, Bishop, I want to thank you for taking the time to meet with me, and talk to me about canon law. What I'd like to do is just start off with just some overview questions for the readers of this article talking about the structure of the canon law, how the court system in the church works. Really, we also want to talk more about the pastoral uses, and the pastoral approaches of the canon. The first question I have is, in order to better understand canon law, it maybe useful to explain how the various courts in the church are structured, how jurisdiction is defined, and the like. How does that all work here in the church?

Joseph Perry: Well, as you know, the Catholic church is a hierarchal church, and the court structure of the church begins at the Vatican, which is for the diocese of Rome, they have their own structure of courts like any diocese in the world, and that's governed by the canons, but the Vatican itself operates often as the appellate structure of the courts. We have an appellate court for matrimonial causes, and it's considered to be the ultimate court, and it drives the church jurisprudence connected with cases. Then, there's the supreme court, which is called the Apostolic Signatura, and that addresses questions, or issues, or appeals from decisions from the various offices that work in the Vatican. They issue instructions, or decisions to people around the world. If there is a dispute, or a question about that decision, or a dispute between various offices of the Vatican, that's resolved by the Apostolic Signatura. That is considered to be the papal court. Decisions issued by the Apostolic Signatura have no appeal thereafter. It's considered to be the Pope's decision.
Each diocese is free to set up its own court structure that's governed by the canon. Some dioceses are rather small, and don't have that kind of personnel, so they have to share their court work with a neighboring diocese. For example, here in the State of Illinois, we have six dioceses. The metropolitan see, which is Chicago, has an archbishop that is considered to be the ultimate appellate court for the diocese of Belleville, Peoria, Rockford, Juliet, and so forth. Any case that's being appealed from Chicago would usually go to the next largest diocese. The next largest diocese would be the appellate structure.

Out in the west, there's places like New Mexico, Arizona, maybe Idaho, some of those places have their own diocese in court, so they would usually send their cases to another diocese, but that diocese has to be appointed by Rome. That's the general overview of how the court structure works.

Now, there's the matrimonial courts, and then there are administrative courts that handle issues having to do with personnel, decisions, and the life of the church, and for people that have nothing to do with marriage. The reason why the marriage courts are a separate entity unto itself is because that's where most of the faithful operate out of, marriage, and it is so busy, they have their own court structure, and their own appeal structure.

Eugene Giudice: Okay.

Joseph Perry: Then, there's the penal section, penal courts that handle crimes, and penalties, and sanctions, and those kinds of things. Much of that is monitored by Rome, and a lot of it has to be appealed directly to Rome, and not the local church. Sometimes, Rome will say, "Well, why don't you try it in first instance, and then we'll look at it in an appeal in Rome?" That's in general.

Eugene Giudice: Now, when was the code first promulgated, and how was it evolved? I know there was a new code that came out in '83. Where are we at in the evolution of canon law? Has it gone through frequent updating? How does it evolve, I guess, is the big question?

Joseph Perry: We really only have two codes in the history.

Eugene Giudice: Really?

Joseph Perry: In our 2000 year history, there's two codes. Pope Pius X first wanted to deal with the accumulation of so much law that it happened over the centuries. Going all the way back to Trent with the responses to the reformers, the Protestant revolution. Before that, the medieval period, where there was less communication, and less civilization in Europe, local bishops were enacting laws for their regions, certain councils were held that issued canons for this, or this, or that thing. Over time, all this was accumulating.

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Some of it was irrelevant because of the passage of time, development in society, closer communications, more and more questions were being sent to the Pope to resolve, and not so much of it was useful anymore, but it kept being collected. It was kept in monasteries, monastic libraries, and Rome’s libraries, and so forth. When people asked a question about something, let’s say something as simple as, "What is the age for confirmation?" Well, we found out that different bishops had different ideas about that.

There was an attempt in the Middle Ages to somehow list all these responses to questions to get some kind of an idea of what was the wisdom of the church on a particular question. Some of that could be resolved, and some of that couldn’t. Pius X, back in 1903, decided that we need a body of laws for the church for our time, the modern days of that time, modern time. We’ll put on the museum shelf all that went before, and all that’s not useful anymore. He really started the first organized systematization of it all, and that was the first code that came into effect in 1917.

Eugene Giudice: The promulgation of the code. In that light, since we were talking about the evolution of the code, and its organization, as you know the civil code here in the United States is organized into various titles. Title such-and-such is for tax, title such-and-such is for environment. Is the code of canon law organized in a similar fashion, that there are titles, or how is it organized for youth by canonists?

Joseph Perry: Sure. The first code under Pius X was organized into five books: general norms that treats the interpretation of laws, and how we interpret laws, how they’re enacted, and so forth. Who has the authority to make law, and so forth. Persons, who makes up the church? The hierarchical structure, the laity, consecrated, religious, and so forth. Things having to do with things like property, and so forth. Procedures, how you handle the appeals, courts, and so forth, and then crimes, and penalties. It was based largely on an ancient Roman law model.

With the second Vatican council, when Pope John XXIII decided we were going to have the second ecumenical council, which was the largest council in the history of the Catholic church, some of the insights, and the enactments that came out of that council, that redirected the church in certain areas, he said concomitantly, "We need a revision of the code." He ordered that in 1959. Well into the sessions of the council, they realized that we really couldn’t effectively revise the 1917 code until the council was finished.

Much of that was slowed down with the death of John XXIII, and his successor Pope Paul VI, who also died in that process. It was Pope John Paul II who actually completed the revision of this first code. That became effective in 1983. These titles were into seven books, general norms, the people of God, the persons who make up, and our citizenship status in the church, hierarchy, religious, laity, and so forth. The office of teaching, the office of sanctifying, which is essentially the seven sacraments, and their rules.

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Temporal goods, property, church buildings, finance, so forth. Sanctions, and penalties, and then administrative, and judicial procedure. That is 1752 canons as opposed to the 2414 of the original code.

Eugene Giudice: Are there specific sources from which canon law is derived? Here, in a common law system, we have court decision, we have statutory material, we have legislative history, and that sort of thing to work with. What do the promulgators, the people who work with canon law have to work with? I mean, does court precedent have a large part to play in it? How is the code promulgated, and how is precedent used in the work of canon lawyers?

Joseph Perry: Let me preface that by saying that there are two legislators in the Catholic church, one is the Pope himself, by being the supreme pontiff. He alone can make law. Then, the bishop in his local diocese is the supreme legislator in his diocese, but his laws, we call that particular law as opposed to universal law, which is governed by the Pope. A bishop's particular law cannot take exception to universal law. His laws would only take on the energy of implementing universal law for the particular circumstances, and the culture of his area.

Legislative history is a source for us. Jurisprudence that comes out of the courts is also a source for us. As you can imagine, the United State of America is 200- something years old, the Catholic church is over 2000-something years old, so legislative history, and as precedent, and doctrine is the furnace, or the engine that keeps the church moving forward. Any law that is enacted, cannot, as you can imagine, come out of the clear blue sky. It has to take into consideration whatever precedent is established by way of doctrine, and by way of discipline.

We have an understanding of the validity, and invalidity of acts. I think they’re similar in the civil realm, who can function, who can't function, and within jurisdictions, because if you step out of your jurisdiction, whatever you enact is invalid, and that sort of thing. Those definitely come into play. Let me ... If you would look at this [see code links at the end of this article], this is the present structure of the code since 1983. That's the code under which we are functioning right now.

That book handles, or describes the norms, and procedures for church courts, appeal courts, and procedure, dioceses courts, ecclesiastical court procedure, norms for adjudicating the seal of marriage upon judicial review of conflict of rights, administrative removal of pastors.

Eugene Giudice: This is what we, in the civil realm, this would be called civil procedure, and criminal procedure.

Joseph Perry: Exactly. Just above it in sanctions, general norms on ecclesiastical penalties, infliction, or remission of penalties, precepts, warnings, ex-communications, other crimes against faith,
unity of the church, and against life itself. There’s precedent that arises out of these
titles, out of the lived experience of the law under these titles.

Eugene Giudice: I see. Great. Many people know ... They think of the Catholic church, and they see the
Holy Father in Rome, they see a local diocese bishop, many people may not realize
that there are different rights in the Catholic church. There’s the Maronite right, the
Coptic right, et cetera. How are those rights reflected in the canon? Do they have
their own set of canon laws? Do canonists, such as yourself, do you have to be famil-
iar ... if there are different codes, do you have to be familiar with understanding
what’s the Latin canon, the Maronite right, et cetera?

Joseph Perry: Right. In many respects, it matches the Latin code, the Latin right code for the west-
ern church, seeing that we are the largest, but there will be specific canons that di-
rectly address the cultural imperatives of history.

Constantine was the first to give us freedom to come out from the underground, and
even began building churches. Of course, eventually he set up the faith as the faith of
the Roman Empire. Even after him, every other emperor was ambivalent about the
church, and then for a while, there was sort of a marriage between the Roman emper-
ors, like the Emperor Justinian, where civil law, and canon law were kind of intermin-
gled for the longest time. Bishops wear a ring that was given to us by the Roman em-
perors. They wore the purple, and they let the bishops where the purple, and it was a
sign to the people, the citizenry that church and state was somehow working together
for the benefit of the people.

Eugene Giudice: Interesting that you mentioned this marriage of civil law, and canon law... One of the
things that I think individuals, especially the lay faithful may not realize is that we as
the lay faithful have specific rights under the canon law. I know in book two, they’re
probably all enumerated, but when you are teaching the young seminarians at Mund-
delein (Mundelein Seminary, located at the University of Saint Mary of the Lake in
Mundelein, Illinois is the major school of theology for the Archdiocese of Chicago),
what are some of the things that you emphasize with them in this matter of the rights
for the lay faithful?

Joseph Perry: Well, those rights begin for everybody with baptism. A baptismal certificate becomes
the passport to move within the Catholic church. Everything stems from that. Once
you’re baptized, you have a right to administrations by the clergy, you have the right
to the sacraments, and so far as you are qualified, you have the rights to participate
in the governance of the church, so far as there are defined functions for hierarchical
clergy types, laypeople, and so forth. You have a right to Christian burial, you have a
right to ask questions in the church, you have a right to place a question before the
church court, and have it clarified. You have a right to appeal that, whatever that

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decision is if you need to appeal. Those are the most striking rights.

Joseph Perry: On the other side, it would be obligations-

Eugene Giudice: Yes, please. Can you elaborate on some of those?

Joseph Perry: You're obliged to worship with the faithful, and the assembly on Sunday. That's the premortal day of assembly. You have an obligation to support the church out of your resources, and so far as you're reasonably able, you're obliged to respect the hierarchy of the church as being representatives of Christ, and His governance that is outlined in scripture, and enunciated in the canons thereafter.

The rights, and responsibilities, as you'll notice in the book, tend to be more than the obligations, but both of them are listed far more than they ever were in the first code. The first code was more top-down. The second code sees it more as a participative unit, a cooperative unit, and it's necessarily hierarchically ordered.

Eugene Giudice: I've got one more question, and then I'd like to talk about some pastoral considerations about the code. It may be odd to think about innovations in canon law given the fact that over 2000 years we've only had two codes. If one were to think about, and wanted to read, and understand the current thinking in canon law, where is this fertile ground of scholarship, and insight, and thinking being done? Is it being in the U.S., or is it being done in Rome? Is it being done say in the Dutch church? Where of the, for lack of a better word, the innovative thinking about canon law, its use, its application, where is that being done, and who is doing that?

Joseph Perry: Every major country, especially the English speaking countries, the United States, Canada, Australia, New Zealand, the U.K., they have their own publications for that. Germany, as well as Poland, and Spain, there are a number of canon law schools in Spain, and Rome. Our principle American publication for that is called "The Jurist".

Eugene Giudice: Yes, I'm familiar with that publication. That is available on HeinOnline, which is a service that many law firms subscribe to, and my colleagues who subscribe to that product will be able to see The Jurist. It's in the law bulletin, or the law review part of it.

Joseph Perry: Exactly. We have a major convention every year where English speaking canonists come together to discuss ongoing topics, and the proceedings, the CLSA, Canon Law Society of American Proceedings would publish this volume after every convention.

That treats topics, and speakers on the development of law, things that might possibly exist in the future, where the law is taking us, and so forth, and so on. These are the two principle publications for the English, for the American speaking world. Each country has its own publication in that regard. Spain has its own, Poland, Germany, and all those. CLSA Proceedings, and The Jurist are ours.
Eugene Giudice: Let's talk a little bit about the pastoral use of the canon, and of the code. Many will think that it's something only for clergy, that it's a clergy thing, and you don't deal with it, but can you give some examples, and context of how parish priests use the canon? We've talked about the matrimonial context already, but what are some of the other contexts that really could impact the lay faithful, and how priests have to interact with their lay faithful in the application of the code?

Joseph Perry: One area obviously is the mass, and the sacraments, the other, which is a more burgeoning issue for the church, is that they've seen that there are more laypeople involved in the actual administrative life of the church. Are there rights when it comes to employment, and things of that nature?

Eugene Giudice: Yes.

Joseph Perry: With respect to issues, concerns, or disputes in that arena for which you might need conciliation, or reconciliation, or arbitration. Certainly, thanks be to God, the code can be translated now into the vernacular languages, so that the ordinary person in the pew can refer to the code, and read the code exactly. Before the 1917 code, it could only be in Latin. In that sense, it was kind of removed from the people.

Eugene Giudice: What do you emphasize about the code in its pastoral use? What do you tell them? "When you get to a parish, when you're implementing the code, always remember this..."

Joseph Perry: I try to emphasize to them that the code is not a dos and don'ts kind of an instrument. It really is an instrument for the growing life of the church, for people to find the Kingdom of God in an orderly fashion, and what are their rights, and responsibilities in that ecclesial structure? It's an instrument of freedom not so much of finger pointing. Hopefully, we find Christ through it. If there are any laws in the book that don't help you do that, eventually they should be shelved like some of the popes did when we got to the first code, law that was no longer useful to the church. The only law that is useful to the church is if it helps them find, and live the gospel.

Eugene Giudice: In a similar vein, individuals, the lay faithful, how would you tell them to think about using the code... What advice, what counsel would you give them with regard to the code?
Joseph Perry: I think it helps if anybody is inclined to read the code. I think they will find it an enormously enlightened book that really tells them about themselves. It's a book that I think they would be impressed to find what's inside of it.

Eugene Giudice: Excellent. Our last wrap up question is, again, what message would you like my readers to take away from this article about the canon law? What's the one salient thing that you want them to remember after reading this article? They might forget everything else, but what's the one thing you'd like them to remember?

Joseph Perry: How beautiful the society of the Catholic church is. It is a remarkable, ordered society of faith, and charitable practice, missionary activity ... We're one billion in the world? We're the most ordered society of that size that anyone has ever seen, otherwise we would've crumbled a long time ago, and went by the by.


An HTML version of the Code of Canon Law, 1983, is available at the Vatican's website at http://www.vatican.va/archive/ENG1104/_INDEX.HTM

Links to supplemental documents regarding the code are available on the Vatican's web site at http://www.vatican.va/archive/cdc/index.htm
As we are increasingly aware, the ethical Duty of Technology Competence requires lawyers to keep abreast of “changes in the law and its practice, including the benefits and risks associated with relevant technology.” To date, 35 states have adopted the duty.

In a previous post, I highlighted the risks of blindly relying on algorithmic results (relevant technology) as a potential violation of the Duty of Technology Competence. We now have case law from Canada focusing on the benefits of using algorithmic results to perform legal research. In fact, this case law may be interpreted as requiring the use of algorithmic results when ethically performing legal research.

In both Cass v. 1410088 Ontario Inc. (“Cass”) and Drummond v. The Cadillac Fairview Corp. Ltd. (“Drummond”) justices of the Ontario Superior Court made comments about artificial intelligence and legal research.

The Cass case was a slip and fall in which the defendant prevailed. The plaintiff, who was liable for costs, argued that defendant counsel fees were excessive and unnecessary. One issue raised was a $900 fee for case precedents, which the plaintiff argued, are available for free through CanLII or publicly accessible websites. Justice Whitten, perhaps also a lover of legal tech, agreed. He stated in relation to both the excessive amount of time counsel had spent on legal research, as well as the fee that, “[i]f artificial intelligence sources were employed, no doubt counsel’s preparation time would have been significantly reduced.” The defendant’s claims for disbursements was ultimately reduced from $24,300.67 to $11,404.08.

In Drummond, the defendant objected to the $1,323 claimed for legal research costs incurred using WestLaw. Justice Perell commented that the law is divided regarding whether a disbursement for legal research is a recoverable cost. One view is that legal research tools are simply part of a lawyer’s overhead and not recoverable, another is that they are a reasonable and recoverable disbursement.

Justice Perell’s own view aligns with the latter. In allowing the $1,323 disbursement for legal research he commented that, “computer-assisted legal research is a necessity for the contemporary practice of law and computer assisted legal research is here to stay with further advances in artificial intelligence to be anticipated and to be encouraged.” He further noted that, “computer
assisted legal research provides a more comprehensive and more accurate answer to a legal question in shorter time than the conventional research methodologies."

While the case law is from Canada, it provides insights into the foundation of modern legal practice. All lawyers perform some type of legal research when preparing a case. The major benefits of using algorithmic results (a form of artificial intelligence and a relevant technology used in law practice) for legal research is the efficiency and comprehensiveness associated with the results. If done properly, legal research performed on databases powered by algorithms takes much less time and is generally more comprehensive than performing research in print.

When using these Canadian cases to further interpret the Duty of Technology Competence, we see that a competent lawyer will understand the benefits of using algorithms for legal research. As such, attorneys should use these resources to ensure that legal research is performed comprehensively and efficiently.

On the flip side, while algorithms should absolutely be used for the utmost benefit, lawyers must still understand the risks associate with the use of algorithms for legal research and use reasonable care when relying on the results. While Justice Perrell in the Drummond case mentions that "computer assisted legal research provides a . . . more accurate answer to a legal question," that may not be true in every instance. Lawyers must not blindly rely on the algorithm to provide an accurate result. Competent lawyers must use their legal training and independent judgment to test and carefully review the results to determine any anomalies.

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The events of the famous U.S. Supreme Court case of *Terry v. Ohio*, 392 U.S. 1 (1968), transpired in downtown Cleveland. There is an historical marker for the event. In this case, the Court determined that it was not unconstitutional for a police officer to stop and frisk a suspect on the street if the officer had reasonable suspicion that the suspect was engaging or about to engage in illegal activity.

While some people might see this finding as a way to give more needed discretion to police officers and be used to prevent crime, legal scholars have noted that the case might have opened the door to racial profiling by law enforcement. (See, Thomas B. McCaffee, *Setting Us Up for Disaster: The Supreme Court’s Decision in Terry v. Ohio*, 12 Nev. L. J. 609, 612+ (2012), available online; and Devon W. Carbado, *From Stop and Frisk to Shoot and Kill: Terry v. Ohio’s Pathway to Police Violence*, 64 UCLA L. Rev. 1508 (2017), available online).

In the actual case, police observed John W. Terry (an African-American man) and a companion repeatedly looking into a store window in downtown Cleveland. The police argued that they suspected the men of “casing a job, a stick-up.” The police officer briefly detained Terry and his companion and frisked them. He found a pistol in Terry’s coat pocket and a revolver in his companion’s coat pocket. The men were arrested and charged with carrying concealed weapons. (See case opinion above).

In this book, Prof. Davis has compiled a series of essays, some of which have cited *Terry* as well as other cases and incidents in examining the impact on how the legal system treats men of color.

In the first essay—“A Presumption of Guilt”—writer Bryan Stevenson recounts his experience in Atlanta. Stevenson, a man of color, sat inside his car parked in front of his apartment building. He was listening to music when he was approached by a police officer with a gun drawn. Fortunately, he was able to convince the police officer that he was not a threat. Stevenson goes on to detail the historical background of the criminal justice system in the U.S. and how it has impacted people of color.

In his chapter, Marc Mauer cites the vast disparity in arrests and incarcerations by race. In one section of this chapter, Mauer discusses the “stop and frisk” policies of police that were upheld by *Terry*. He cites to statistics from New York City regarding the use of “stop and frisk” methods on civilians. In 2002, police stopped approximately 97,000 pedestrians. However, in 2011, that number dramatically increased to 685,000. Of the 2011 total, 87 percent of the people stopped were African-American or Latino.

Kristin Henning discusses police officers’ tendency to suspect and apprehend Black young males.

[continued on page 19]
Book Review: Policing the Black Man  
[cont’d from page 18] 

at a higher instance, sometimes with tragic consequences. Henning argues that this treatment impacts the perception of young Black people with respect to their attitudes regarding law enforcement. She contends that more needs to be done regarding improving police-youth relations.

Professor Renee McDonald Hutchins writes about the issue of racial profiling in her chapter. She notes that while most Americans acknowledge the racial profiling exists, there does not appear to be a clear definition of the term.

Prof. Hutchins cites to Supreme Court cases in which race was at issue. She details the finding in Korematsu v. U.S., in which the court allowed the conviction of Korematsu, a Japanese-American, for failure to leave his home and go to an internment camp for immigrants of Japanese ancestry—one of many camps established during World War II and justified for the sake of national security.

She also discusses Terry v. Ohio and notes:

Notwithstanding language condemning overbearing police conduct [citing Terry], the Court’s 1968 decision in Terry v. Ohio is plausibly seen as one of the cases most responsible for current instances of racial discrimination in street-level policing. [p. 111]

Prof. Hutchins describes the social context in which the Court decided Terry, noting it was in the midst of the Civil Rights movement and the support of the movement by Whites was often counteracted by conservative politicians who portrayed protesters as criminals.

She notes that Terry lowered the threshold for a police stop from probably cause to “reasonable suspicion.” She further explains that the Court established a balancing test in which law enforcement should balance the infringement on one’s rights with the potential severity of the crime police are seeking to stop. She cites a study indicating Terry stops of vehicles are more racially-biased against Black people.

Prof. Angela Davis also criticizes the “reasonable suspicion” standard of Terry in her contributed essay titled “The Prosecution of Black Men.” She argues:

For example, if a black man is running in a so-called “high-crime” area, that otherwise innocent behavior may be sufficient to permit a police officer to stop and question him or maybe even frisk him for weapons. [p. 183].

Many of the remaining chapters address the issue of police accountability in light of the many reported instances of police officers killing unarmed people of color. The final chapter, written by Jeremy Travis and Bruce Western, examines the impact of poverty on the incidence of violent crimes and incarceration of disadvantaged people of color.

While Terry v. Ohio was decided in 1968, it still has a significant impact on the criminal justice system in the United States. Unfortunately, part of that impact might be to contribute to racial disparities in who gets arrested, prosecuted and incarcerated. The authors in this book look at the issues from a multidisciplinary approach, e.g. historically, sociologically, psychologically and legally. Accordingly, it would be a good resource to include in many academic libraries.

The book is available for purchase on Amazon, Barnes & Noble, Powell’s, and Better World Books. You might also find it at your local public or research library.
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