The Supreme Court on Trial: Judicial Activism or Democratic Dialogue. By Kent Roach. Toronto: Irwin Law, 2001. 378p. Includes index and notes to pages. ISBN 1-55221-054-5 (softcover) $29.95.

Kent Roach's book *The Supreme Court on Trial* examines a hotly contested constitutional confabulation. In one corner are those that accuse the Supreme Court of Canada of judicial activism when the Court overrides or re-interprets legislation. In the other corner are those kinder, gentler folks that see the Court's work as a nicely balanced democratic dialogue with legislators. There are heavyweights on both sides of this debate, the Chief Justice of the Court, Dean Peter Hogg, and Professor Michael Mandel to identify but a few.

Enter another heavyweight: Kent Roach, a highly acclaimed University of Toronto law professor, author, former Supreme Court of Canada clerk and fellow of the Academy of Humanities and Social Sciences. A fine pedigree indeed. With a self-proclaimed air of detachment he joins the fray. After a book filled with clever argument he declares a winner: democratic dialogue, by four falls to none.

The central question examined in the book is who does or should have the final say about the laws that govern Canadians? Roach details, dissects and adds to the debate with great academic skill. But the book is much more than an academic exercise. It provides an understandable analysis of the balance of power between the Court and the legislators.

This debate is very public and at times very personal. So personal in fact that Roach's preface reads much like an apology, as he explains that having clerked for the Madam Justice Bertha Wilson does not make him an apologist for the Court. Roach appears to anticipate the inevitable critics who would label him a member of the "Court Party" – a pejorative term referring to law professors in league with special interest groups that use the Supreme Court as a political tool for change. The question of who has the final say naturally exercises politicians too. For instance the Reform/Alliance Party has, with breathtaking simplicity, maintained that the Supreme Court of Canada is too powerful and should be made more accountable to Parliament. One prominent member of the Alliance has even suggested that the rulings of the Court have resulted in "legal and constitutional anarchy."

Kent Roach's book sheds much light on the debate as he examines what the Court is really doing and the balance that *really* exists between Parliament and the Court. In doing so he focuses mainly on the role of the Supreme Court of Canada in interpreting the *Charter* and Aboriginal and treaty rights.

The book is divided into three parts. In the first part Roach examines the roots and meaning of judicial activism and how it came to Canada as a result of the 1982 *Charter.* He traces the extent of judicial activism in the Supreme Court of the United States and the work of the Supreme Court of Canada under John Diefenbaker's 1960 *Canadian Bill of Rights.* Roach completes this first part by challenging the critics who assert the courts are engaging in judicial activism to explain what they expect from judges. Using this as a rhetorical question he postulates four components that underlie judicial activism. These are the "four falls" which Roach uses to declare democratic dialogue the winner.

In the second part of the book Roach analyzes the *Charter* work of the Court in the last 20 years and examines the corresponding governmental responses - in most cases none. He leaves little doubt that the Court has had an impact on the major issues of the day. But in many cases the Court's was not, nor need not have been, the final word on the matter. Legislators could respond directly or indirectly if they chose to do so. This ability to respond to an adverse ruling is democratic dialogue. Roach concludes, "Critics of judicial activism on both the left and the right have overestimated the extent to which judges ... have the last word."

In the final part of the book Roach explores a number of myths that contribute to the charges that judges have gone beyond their proper mandate. Finally he provides his views on the theory and practice of democratic dialogue.

In all three parts of the book Roach's arguments are finely crafted and convincing, (despite the, at times, overly long sentences, often used by academics, that, frequently injected with nested phrases, give a reader pause, and which can be difficult to unravel and do go on a bit), well researched and copiously footnoted[1]. As good as the arguments are however, whether they convince those that see the Supreme Court as hijackers of democracy is quite another question. Perhaps the doubters will provide a rejoinder.

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Teaching Legal Research and Providing Access to Electronic Resources. Edited by Gary L. Hill, Dennis S. Sears, and Lovisa Lyman. Binghamton, NY: Haworth Information Press, 2001. 224 pp. Includes index. Co-published as *Legal Reference Services Quarterly*, Volume 19, Numbers 3/4 2001. ISBN 0-7890-1370-3 (Softcover). US$34.95.

One should not assume from the title of this work, as I did, that it is a guide or manual offering an approach to teaching library users how to conduct legal research in the American context or how to use electronic research tools. The volume is actually a collection of articles, published si-

[1] 47 pages of footnotes.

multaneously by Haworth Information Press as an issue of *Legal Reference Services Quarterly*. If one is searching for such a manual, this will not fill the need. It would however be a useful resource for anyone seeking the benefit of others' experience on a number of different aspects of providing legal research instruction.

The editors have compiled a collection of articles written by librarians and instructors working in a range of settings: academic, law firm, and government libraries. Most of the authors are academic librarians, but among their articles is a considerable variety of points of view and aspects of legal research instruction. Some articles discuss legal research instruction from a methodological perspective and so are applicable to legal research instruction generally. Others cover specific aspects of legal research. There is a very interesting series of pieces by librarians who have implemented programs providing instruction in foreign and international legal research. The other series contains several pieces on different aspects of accessing certain legal research resources electronically and creating electronic legal resource databases or collections.

The articles themselves vary in style, contributing to the readability of the volume as a whole. Some of the pieces are more scholarly, containing literature reviews and discussion of legal research methodologies and adult student learning styles. A greater number of the articles, though, are reports of the author's personal experiences with legal research instruction programs and point-of-need training in his or her particular setting or on the specific aspect of legal research about which that author writes. I found one or two of these quite simplistic but, on the whole, the articles offer considerable wisdom to readers who may be engaged in creating or improving both formal and informal programs.

Many readers are likely to find the various resources mentioned in several of the articles highly useful. For example, Canadian legal researchers might value the many URLs for Internet resources providing U.S. legal information, as well as the detailed descriptions of alternatives to the larger commercial publishers, which can offer lower-cost access to primary American legal materials. Similarly, some of the pieces on foreign and international legal research point to some resources that are likely to be useful to those who conduct this research from time to time, or who themselves provide instruction in this area. As well, the vast human rights library described in one of the articles is likely to offer an invaluable resource for human rights researchers, particularly those researching in the international context.

While I found some of the pieces to be weaker than others in both writing style and information conveyed, this might reflect my own work setting and accompanying information needs. Overall, I consider this volume to offer some useful reference information to those engaged in legal research instruction. Its most appreciative readers are likely to be those interested in the lessons of other people's experience in teaching legal research and enabling access to electronic information resources, and those who are looking for references to useful resources in the areas mentioned above.

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Administrative Law. Essentials of Canadian Law. By David J. Mullan. Toronto: Irwin Law, 2001. xxi, 585 p. Includes bibliographic references, glossary, table of cases and index. ISBN 1-55221-009-X (softcover) $ 49.95.

This is a very modern and readable book written for today's lawyer. It is a worthwhile addition to any legal library and is destined to become a classic in a fast developing and exciting area of law, where executive power and the law converge. The author, David J. Mullan, has been a professor of law at Queen's University since 1971 (apart from four years at Dalhousie Law School in the 1970s). He is co-author of *Administrative Law: Cases, Text and Materials.*

The book is divided into 5 Parts: Background, Substantive Review, Procedural Fairness, Remedies, and Administrative Law in the Twenty-First Century. Each Part contains several Chapters, each of which ends with a comprehensive bibliography of further reading. In the first Part, entitled "Background," against an historical backdrop Professor Mullan describes "The Players, Their Roles and Their Limits." In a section entitled "Patrolling the Limits: Avenues of Recourse When Statutory and Prerogative Authorities 'Behave Badly'," he examines what happens when authorities "behave badly."

The second Part, "Substantive Review," includes a scholarly analysis of the various meanings of the word "jurisdiction" and its practical application to judicial review, and to such matters as errors of law or fact and abuse of discretion. Again demonstrating that it is a very readable text, Professor Mullan includes a chapter entitled "Jurisdictional Wrangling."

The longest Part by far is that entitled "Procedural Fairness," which comprises 8 chapters. For those of us practising in the trenches, this is a very welcome addition, for this is where the real battles take place. He considers bias, the Charter, Procedural Codes nation-wide as well as the basic principle of *audi alteram partem*, translated and described in the context of practical issues.

Part 4 on Remedies contains the customary discussion of prerogative writs, but importantly also considers more contemporary types of remedies or defences such as interim relief, issue estoppel and collateral attacks. There is a small but helpful section on "The Consequences of a Successful Application for Judicial Review."

Finally, Professor Mullan ends with a short but insightful