This pandemic does not know political borders. From Latin America and the Caribbean to Canada and the U.S. Law Library of Congress, law librarians lead the way in their response to COVID-19.

Law Librarians Monitoring COVID-19 in Latin America and the Caribbean

From the desire of doing something useful and productive with the resources at hand, the idea of monitoring the legal responses to the COVID-19 crisis in Latin America and the Caribbean came to fruition. Author Marcelo Rodriguez created the project Law Librarians Monitoring COVID-19 in Latin America and the Caribbean because he believes it is important in this moment of global crisis affecting every single one of us to also be aware of what is happening in the rest of our shared continent.

Law librarians have the expertise and professional network to strive for a more comprehensive and nuanced understanding of the complexities of and possible solutions for this unprecedented crisis. The project’s working group of librarians includes Michele Villagran, Yasmin Morais, Victoria De La Torre, Abby Dos Santos, Ana Delgado, and Ulysses Jaen. They are all members of the Foreign, Comparative & International Law Special Interest Section (FCIL-SIS), the Latin American Interest Group, and the Latino Caucus.

The project aims to study every country in the region—from Belize to Argentina, from Aruba to Uruguay, from El Salvador to Barbados. (Review the project at bit.ly/SO20project.) Through COVID-19 reports, the librarians intend to provide a summary of the current situation in a cluster of countries and territories while paying special attention to the impacts on vulnerable and historically ostracized communities, such as the transgender community, refugees particularly from Venezuela and Haiti, indigenous people, migrants from rural areas, and disadvantaged socio-economic classes. The members of the project are also in the process of writing a few academic articles and presentations in various languages (Spanish, Portuguese, and French), with the help of local law and academic librarians. (View the reports at bit.ly/SO20COVIDreports.)

Besides the reports, the librarians also aim to give readers a list of sources, either on the entire region or on specific countries, with hopes that this information will empower them to follow local information closely. Evaluating sources of information and understanding the impact of how and what information gets disseminated is at the heart of the project. As law librarians, the project members are interested in both the changes in the legal and governmental responses to the pandemic as well as how those changes are communicated. At a time when civilians need it most, the overnight transformation of government information into a solely digital and virtual presence has created a plethora of content curation and accessibility issues—including contradictory, constantly changing, and at times erroneous messaging from governments and experts—that, ironically, are keeping critical information and insights from reaching the intended audience.

The Law Library of Congress’s Response to COVID-19

The Law Library of Congress, apart from housing the largest collection of legal literature in the world, also serves as the research arm for the United States Congress in foreign, comparative, and international law (FCIL). The Law Library’s Global Legal Research Directorate (GLRD) includes a team of multilingual foreign law specialists trained in the legal systems of foreign countries who are responsible for monitoring legal developments in the jurisdictions assigned to them. They conduct foreign law research for Congress as well as the judiciary and federal agencies, and also provide reference services on foreign law to public researchers.

While the Law Library has served as Congress’s FCIL research arm since the mid-twentieth century, COVID-19 provided a new and compelling reason to learn from other countries about public health policy and regulation.

One of the Law Library’s earliest projects during the pandemic was a comparative study of how national legislatures were conducting legislative activities when restrictions on traveling and in-person gathering was rendering normal legislative practices impossible. GLRD surveyed 36 jurisdictions throughout the world to learn about arrangements by national legislatures to continue their work, such as utilizing videoconferencing, special voting procedures to reduce necessary travel and attendance, and other measures. The report,
“Continuity of Legislative Activities during Emergency Situations,” is available among the Law Library’s online collection of reports. (View the report at bit.ly/SO20Emergency and the entire collection at bit.ly/SO20collection.)

- A second multinational study relating to the pandemic focused on courts: GLRD surveyed 25 jurisdictions on whether measures had been adopted to facilitate the use of virtual technologies such as videoconferencing in civil hearings, mediations, and trials. (View the study at bit.ly/SO20study.)

- A third multinational report, “Regulating Electronic Means to Fight the Spread of COVID-19,” reviewed how 23 jurisdictions were using and regulating contact-tracing apps and similar apps used in combatting the virus, with a focus on the privacy and data protection implications of their use. (View the third report at bit.ly/SO20report.)

GLRD also covered new developments relating to the pandemic in the Law Library’s legal news service, the Global Legal Monitor, and its blog, In Custodia Legis. Entries were compiled by the Law Library’s Public Services Division’s regularly updated Coronavirus Resource Guide, a portal to legislative and executive branch responses to the epidemic, which also included publicly available reports on domestic law by the Law Library’s sister agency, the Congressional Research Service. (View the resource guide at bit.ly/SO20guide.)

The Law Library also featured, as part of its Legal Research Institute FCIL webinar series, programs related to the pandemic, covering topics such as “Between Cooperation and Conflict: Islamic Religious Authority and Governmental Responses to COVID-19 in Saudi Arabia, Egypt, and Pakistan”; and “Avoiding the New Wave: Response to the Pandemic in Japan and South Korea.”
A Crowdsourcing Experiment in Canada

A more experimental attempt at tracking COVID-19 resources took place in Canada. In hindsight, this attempt that can probably be seen as yet further confirmation of the inapplicability of a crowdsourced and decentralized approach to content creation in law.

To face the tsunami of COVID-19-related materials issued by Canadian legislatures, governments, and courts as the virus hit all spheres of legal activity, one of the article’s co-authors, Xavier Beauchamp-Tremblay, wondered on Twitter if a wiki wouldn’t be the best way to collect, organize, and eventually preserve that content.

A wiki-style site was set up and Xavier reached out to the Canadian Association of Law Libraries/ L’Association canadienne des bibliothèques de droit (CALL/ACBD) board to ask if they had an interest in contributing to the resource. (View the site at bit.ly/SO20wikisite.) The board was supportive of the idea and a message was sent to the CALL/ACBD membership. The main goal of the wiki was to serve as a one-stop shop for current information about the practice of law during the pandemic by tracking relevant documents, including practice notices, deadline suspension orders, virtual hearing instructions, government decrees, etc.

The reader can be forgiven for thinking that wikis and crowdsourcing are no longer buzzwords and that it’s a little bit passé to write about these things in 2020, when artificial intelligence continues to monopolize the attention of legal tech enthusiasts. Still, the author of these lines is adamant that, as Wired recently wrote, “Wikipedia is (one of) the last best place[s] on the internet.” Given how frequently so-called intelligent speakers regurgitate content from Wikipedia, Silicon Valley seems to agree.

It’s been written before that only a few of the numerous attempts at crowdsourcing in law actually worked. CanLII is lucky to be able to say that it operates one of the few that did work. (Learn more about CanLII at bit.ly/SO20CanLII.) The magic of Wikipedia just doesn’t seem to translate easily to building resources in law. There are successful projects in law that rely on a wiki-style technology, but they still rely on a “central leadership” that directs the effort as opposed to Wikipedia’s organic, decentralized process.

It’s not unreasonable to think that the main obstacle to replicating the success of Wikipedia in law is one of critical mass: Since the law is a national (and regional) topic, there are fewer people who can contribute to any given legal resource than can for a more universal topic. To refer to the title of what is perhaps the best-known book on the dynamics behind the success of Wikipedia, it seems like there’s just not enough “cognitive surplus” in law to make it work.

However, since the pandemic stopped many people’s professional activity dead in its tracks, one might easily have concluded that the pandemic meant that we could finally have the required cognitive surplus to make a decentralized crowdsourcing project happen in law, especially in reaction to a crisis of its magnitude.

That said, as we all quickly realized as the events of March 2020 unfolded, a lot of people whose “normal” professional lives were interrupted were not suddenly stagnant. They were likely hard at work setting up alternate ways to provide their services while reorganizing their life at home (e.g., staying with their children who were suddenly out of school or daycare).

In the end, a few enthusiastic volunteers responded to our call to participate in the wiki, but, sadly, not enough of them to tackle the monstrous task of taming the pandemic information tsunami, at least not in a decentralized way. The good news is that Gurvir Sangha, a particularly entrepreneurial law student who had just graduated from the University of Toronto Law School, volunteered to take on the task of creating the wiki at CanLII and turned it into a summer job with the CanLII team.

Moving Ahead: This Pandemic Knows No Borders

The efforts highlighted here aim to collect, analyze, and provide a wealth of information specific to the current pandemic affecting everyone in the world. This pandemic does not know of political borders. The more we understand and learn from each other, the more we can strive for a solution to the crisis for the benefit of everyone.