

April 6, 2021

Mr. Joseph Groia, Chair
Audit & Finance Committee
Law Society of Ontario
Osgoode Hall, 130 Queen Street West
Toronto, ON M5H 2N6

Via email: jgroia@groiaco.com

Dear Mr. Groia,

RE: LAW LIBRARY FUNDING CUTS

We write to you in your role as Chair of the Law Society of Ontario (“LSO”) Audit & Finance Committee, regarding the recent cuts to courthouse library grants.

In presenting the 2021 budget, Treasurer Teresa Donnelly stated that the budget “ensures the organization is well-positioned to fulfill its mandate to regulate the legal professions in Ontario in the public interest, while also supporting our members and taking into consideration the challenges that many lawyers and paralegals are facing as a result of COVID-19.”¹ We understand that COVID-19 has had a severe economic impact on some members of the Ontario bar, however, that negative impact cannot justify cuts that undermine the competence of the profession. Cuts to library funding run counter to at least two of the four key objectives of Convocation’s 2019-2023 Strategic Plan:

1. Competence and quality of service; and
2. Access to justice.

Competence support comes in many forms including “ongoing professional development of licensees, with specific emphasis on the use and application of legal information, legal research and legal training content and activities,”² all of which are functions of courthouse libraries and their law librarians.

Access to jurisprudence, legal texts and journals, and the ability to conduct legal research is the *sine qua non* of our common law system as it is, in part, judge made law. The common law demands that litigants understand previous decisions to properly plead their case. Indeed, every Officer of the Court is obligated by the *Rules of Professional Conduct* to inform the Court of the developments of the common law. Courthouse library staff perform the necessary task of helping find and access the information that lawyers, paralegals and the public need to effectively perform legal research. Courthouse libraries perform the necessary task of housing expensive legal texts and providing access to online legal research subscriptions, thereby making the otherwise unaffordable tools of the trade accessible.

It is critical that our courthouse libraries receive sufficient funding to maintain the legal research resources that the profession requires, as well as adequate levels of staffing to provide these services. A failure to perform this mandate not only creates barriers to access to justice for the public, it could result in incompetence, particularly for solo or small firm practitioners, with limited resources to commit to their

¹ Law Society Board approves 2021 budget: Reduce fees for a second year & establishes COVID-19 Response Fund, News Release, November 27, 2020

² Transition from LibraryCo to LIRN Inc., Professional Development & Competence Committee, November 29, 2019

own access to legal resources. This will disproportionately affect racialized licensees, including NCA-qualified practitioners, who are more likely to practice in these settings.

One cannot consider library funding without recognizing the invaluable contribution that the Law Associations associated with those libraries make to the profession as a result of library funding. The Law Associations provide resources that so many lawyers need in order to navigate their way through the profession. From continuing professional development on a broader scale, to the mentoring of younger lawyers, whether formally through mentoring programs organized by Associations, or informally through ad hoc discussions and meetings amongst members, the local Law Associations are for so many lawyers the local lynchpin that they need to become and stay relevant and supported in their practices.

The libraries, through their Associations, have become so much more than simply bricks and mortar, but represent living, breathing and, most importantly of all, local lifelines for lawyers in their day-to-day practices. These lifelines become that much more important when the stresses and strains of practice test lawyers' mental health. Those lawyers can reach out locally, within their association, for the support they need – and the associations are there to give it to them. The fact that the Associations are local to each county allows for the direct connection that so many of us desperately need in managing the pressures and stresses of practice. Many law associations also, through bench and bar communication, allow for a sharing of ideas, on a local level, to assist with and help to improve the challenges of access to and administration of justice that can often have unique aspects in different counties across the province.

We believe that it is important that the Audit & Finance Committee understands the work that law libraries actually perform prior to preparing the 2022 budget. To this end we would ask that the committee provide to the Toronto Lawyers Association, the Federation of Ontario Law Associations, and any other legal association that wish to be involved, the opportunity to make submissions to your Committee, preferably at your May or June meeting.

We look forward to hearing back from you on this matter of critical importance to Ontario's lawyers.

Yours very truly,



Brett Harrison
President
Toronto Lawyers Association
brett.harrison@mcmillan.ca



William Woodward
Chair
Federation of Ontario Law Associations
WWoodward@dyerbrownlaw.com

cc: Teresa Donnelly, Treasurer, Law Society of Ontario
Brenda Albuquerque-Boutilier, Executive Director, Finance and Chief Financial Officer, Law Society of Ontario
Johanne Blenkin, LiRN Chair
Adrian Ishak, Chair, RODA
Guy Pratte, President, The Advocates' Society
Charlene D. Theodore, President, OBA