

April 6, 2021

Mr. Sidney Troister, Chair

Competence Task Force

Law Society of Ontario

Osgoode Hall, 130 Queen Street West

Toronto, ON

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Via email: stroister@torkinmanes.com

Dear Mr. Troister,

RE: COURTHOUSE LIBRARY FUNDING CUTS

We write to you in your role as Chair of the Competence Task Force, regarding the recent cuts to courthouse library grants.

We are concerned that these cuts negatively impact one of the central mandates of the Law Society: to ensure that the public is served by lawyers and paralegals with high standards of learning and competence. The link between law libraries and competence is well known, as recently stated by the Law Society of Ontario's ("LSO") own Professional Development & Competence Committee:

High-quality library and legal information services are components of the Law Society's supports to licensees, and are an element of the Law Society's competence platform. Competence has been identified as a priority for the 2019-2023 benchers term.¹

The ability to conduct effective legal research is of fundamental importance to the practice of law in Ontario. The common law demands that lawyers and self-represented litigants understand the law as it has been decided previously, and how it is developing. This is the premise on which the entire legal system rests. It is essential that lawyers, paralegals, and the public have access to legal research materials in order to adequately inform the Court of the development of the common law when arguing their case. We cannot forget that this obligation is an ethical and professional requirement of legal professionals as Officers of the Court.

Legal texts and databases are very expensive – beyond the financial reach of many practitioners – and their proper navigation is critical to ensuring the identification of relevant law. The public, sole practitioners, and professionals from smaller and medium sized law firms often do not have the resources to support this required bank of knowledge. This is where our law libraries step in by providing access to legal texts, research tools, and law librarian services.

¹ Law Society of Ontario, Professional Development & Competence Committee, "Transition from LibraryCo to LIRN Inc. (Legal Information and Resource Network)"

Simply put, not everyone practicing law in this province can afford an adequate legal resource collection in their office. The public cannot. Well stocked, staffed, and funded courthouse libraries enable all legal professionals to carry out the research required of them for their clients and under their obligations per the *Rules of Professional Conduct*. LSO cuts to law library funding directly and negatively impacts on lawyer and paralegal competence.

As a result of the negative consequences these cuts will have on this primary mandate of the LSO, we believe that it is critical for the Competence Task Force to carefully consider and provide guidance to Convocation on the issue. We also believe that it is important that the Competence Task Force obtain input from the bar during that process, so that it can be fully informed of the impact of these cuts on the competency of lawyers and paralegals across Ontario.

To this end we would ask that the Task Force provide the Toronto Lawyers Association, the Federation of Ontario Law Associations, and any other legal association which wish to be involved, with the opportunity to make submissions to the Task Force. Given the timing for the budget process we would ask that this occur no later than June of this year.

Yours very truly,



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