



2017-18
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MEMORANDUM

DATE: June 1, 2017
TO: Law Association Presidents
FROM: Jaye Hooper, Chair
Michael Ras, Executive Director
Cc: FOLA Executive
RE: Feedback from initial consultation on LIRN Proposal

CONFIDENTIAL

We have now held four consultations for Presidents and other stakeholders to provide feedback on the proposal put forward by the Law Society to reform the county law library system – the proposal known as “LIRN” (Legal Information Resource Network).

Over the last seven days, our Executive Director, Mike Ras, has conducted four conference calls where over 120 individuals have participated. Members of the FOLA Board and myself have had numerous one-on-one conversations with presidents, staff and other interested parties as well. These calls have been critical in allowing us to have an evidence-based argument that certain aspects of the proposal have raised significant concerns to our members.

A few key points have emerged from these calls and will inform the next round of our discussions with the Law Society.

Most Presidents, staff and stakeholders have given positive comments with respect to the following aspects of the proposal:

- The name change to LIRN
- The change to a “skills based board”
- The explicit focus on “competence”
- The assurance of no funding cuts, with opportunity to grow funding
- The move from “library levy” to “competence levy”
- An opportunity to “fix” the Administrative Services model and operate the corporation with greater transparency
- Hiring a senior manager for the system that has a broad skill set in legal information and legal resource development and aptitude for relationship and change management
- The extension of the LIRN network to bring paralegals into the system, on the condition that they too will pay a “competence levy”



Note: There may be some of you who have expressed questions or concerns with individual aspects listed above, and we have noted those concerns, we are only referring to the broad consensus that has been supportive of these elements.

Most of the concerns and questions expressed revolved around the very same questions that we have had from the first time LIRN was proposed to us. They include:

- Questions around what the precise indicators of success would be, should we agree to accept this proposal as a three-year pilot project. Associations and staff have stated that they need to know what “performance standard” the system will be held to and whether the objectives are achievable and measurable.
- Questions around why there is a desire to untangle the current staff/association relationship. What is the overriding motivation behind this proposal?
 - *(On the calls we have attempted to provide what we think is the motivation behind this proposal from the LSUC, but we are simply conveying our impression of their position. Many of you have stated – and we agree – that a better rationale is needed to justify such a move.)*
- Questions around how such a shift in the staff/association relationship would functionally operate, or what benefit it would provide over the status quo, particularly for larger associations where multiple staff are in place and the reporting relationships might be muddled.
 - *(Please note we immediately identified this as a concern from the moment we first heard it proposed by the Law Society, but we agreed to present it to the Presidents without prejudice and bias so you could offer your honest opinion ... and you did!)*
- A related question has been raised as to how some Associations would afford to pay a portion of staff salary (and possibly benefits) related to the portion of work deemed to be “Association-related” work.
- Questions around the integration of the Great Library and whether more opportunity exists to rationalize and coordinate operations with the “LIRN”.



As we stated a number of times, the proposal put to you for consideration is just that – a proposal. We agreed to present it to you without prejudice or expressing a bias against it. We also agreed to present it to you because, after being at the table working on these issues for over three years and seeing little progress, we believed there were positive elements to the proposal that merited discussion and support. Our representatives on the LibraryCo Board also felt, based on their experience and intimate knowledge of the issues, that it was a framework to work from, though they also expressed some of the same questions as noted above. At Plenary and on the consultation calls, we also presented some of the bigger outstanding questions that we have and that still need to be worked out. And finally, we have tried to make it clear to all of you that all the shareholders would not be willing to see another period of time go by with the status quo in place. In that respect, we have attempted to communicate what we believe will be the consequences if the Associations reject this proposal.

Our Position (subject to further refinement and suggestions):

Based on the feedback received so far, the next round of discussion with the Law Society will focus on:

- 1) Developing alternatives to the proposal to transfer staff from the local associations to the LIRN. For example, is there a different mechanism that can assuage the concerns expressed by Associations and staff by keeping the staff employed by the Associations while still meeting the objectives for accountability and system advancement expressed by the Law Society? For those Associations who see the transfer of staff as a benefit, is there an "Opt-in" option?

Note that we have suggested in the past the idea of a “performance contract” held by the Association and the LIRN, tied to funding, as a mechanism to achieve these goals but maintain the staff/association relationship. In other words, the Association, with input from the staff, would agree on a year-to-year basis to achieve certain milestones and objectives after negotiation with the LIRN. This is not a “new” idea, per se, and the current LibraryCo system could, in theory, put this in place today, but it has never been implemented. We think such a mechanism has advantages over a staff transfer, but when it was first presented as an alternative, it was rejected by the Law Society. We would like to revisit the idea and utilize the concerns expressed by Associations and staff in our case to the Law Society.

- 2) Examining whether a funding mechanism or formula could be agreed to that recognizes a portion of the staff time can be devoted to “association” business and paid for by the “LIRN” grant, as long as the time allocated does not exceed a certain threshold. *(This is building off a suggestion put forward on the floor of Plenary.)*



- 3) The development of specific and measurable performance or success indicators that would be utilized to measure success. What are they?
- 4) Further discussion of integration of the Great Library. Can we formalize this integration?
- 5) Discussion on all other outstanding questions.

In recent months, our discussions with the Law Society representatives have been positive and we feel progress has been made. We have never been under the illusion that the result of our discussions will be a “perfect” system, but we have always felt that by sticking to the five core principles derived from the mandate given to FOLA in two Plenary resolutions, we would advance the system and make it better. We still feel this is possible, but recognize that we have some distance to go. We appreciate your ongoing support, encouragement and your ideas as we do our best to represent your views.

Next Steps:

- Our consultation with members and users of the system continues and if any other President, staff or Association member is interested in discussing the LIRN Proposal further, we would be pleased to schedule a call. We are also happy to receive any written comment, suggestions or ideas.
- We are attempting to convene a meeting of the PRC Committee of FOLA – an advisory committee of select lawyers and staff in the system – though scheduling that meeting has proven a challenge so is not yet confirmed. We are hoping this group can provide an in-depth analysis of the LIRN proposal that the FOLA Executive can use in the next round of discussion with the Law Society.
- The FOLA Board is meeting June 15 – 16 in a Strategic Retreat and this topic and our response to the LSUC will dominate our agenda.
- The Shareholders are working to find a time in late June or early July to schedule another round of discussions. (Again, scheduling that is proving a challenge.) Coming out of this meeting, whenever it happens, we will work out details for further consultation with the Presidents and other stakeholders.

As always, we appreciate your input as we do our best to represent all of you in these discussions.