June 28, 2022

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Rosalie Fox, Theresa Leitch, and Jacquie Fex
Legal Information and Resource Network
130 Queen Street West
Toronto, ON M5H 2N5

Via Email (rosaliefox613@gmail.com; TLeitch@lirn.ca)

Dear Ms. Fox, Ms. Leitch, and Ms. Fex:

Re: Follow-Up comments on Draft Library Policies

Thank you for speaking with representatives of the Federation of Ontario Law Associations (FOLA) on Friday June 17, 2022 to discuss the draft Library Services and Management Responsibility Policy, HR Policy, and Guidelines. FOLA would like to take this opportunity to follow up on our comments in writing.

Division of Responsibilities Between Library and Association

CPD

It is FOLA's position that continuing professional development (CPD) should be divided into "for-profit" and "not-for-profit" CPD. For-profit CPD should be the responsibility of the law association. As such, the association should pay for any expenses related to preparation and attendance at these types of CPD events or initiatives.

However, not-for-profit CPD is within the scope of LiRN's mandate and should reasonably be included within the library budget. As result, library staff that help to prepare not-for-profit CPD should be within the scope of the grant provided by LiRN to the associations each year. This division will create the most flexibility for each association to arrange their affairs.

We acknowledge that some of the larger associations (including the TLA) include CPD within the association budget at present and nothing should be done to disturb their delivery of CPD services. At the same time, many other associations only conduct not-for-profit CPD.

This is an important part of the ongoing education system for Ontario lawyers. It is the goal of FOLA – as well as LiRN – to provide access to justice in every region of the province. Allowing for a flexible CPD system encourages competency and promotes access to justice.

Association Board Management

It is recognized that at Appendix C of the document we reviewed that LiRN is setting some minimum standards for law associations (as an employer) to achieve for their staff. In addition, it is acknowledged that the associations are responsible for supervising and maintaining the library collection for their region.

In order for any association to carry out the duties required they would likely need a functioning board, executive, library committee, nominating committee, and certainly would need to have an annual general meetings.

It is FOLA's view that all such staff assistance required to support the functioning of the board and these committees should reasonably be expected by LiRN. Thus all of the staff function required to support these efforts of the board should be included within the LiRN grant each year. It is not fair to expect associations to meet standards and not provide them with the staffing support necessary to function efficiently. Much of the institutional memory of law associations resides with staff, and – by analogy to the public library system and other public sector organizations – it is entirely normal for staff to support the governance function of their organization.

Where possible, associations should be able to delegate the responsibility for achieving the goals in Appendix C of the document to a senior library staff person as directed by the individual association.

Association Contributions Towards Staff Salaries

At page 8 of the document, LiRN suggests that if an association is using more than 10 percent of a staff person's time for association business, they should pay a proportionate share of that employee's salary. It is the position of FOLA that 20 percent would be a far more reasonable threshold, over which the association would then have to pay a proportionate share of the staff person's salary.

Other Matters

With respect to page 12, under routine tasks, it is not clear why scheduling of meetings and controlling meeting space is an association task as opposed to a library task. Depending on what the purpose of the meetings or the meeting space is being used for it could clearly be either.

By-Law 13 of the Law Society of Ontario

By-Law 13 grants access to all libraries for all licensed lawyers in Ontario. FOLA has no issue with respect to By-Law 13; however, any further expansion of access to law association libraries should be done in consultation with all LiRN shareholders.

Conclusion

FOLA requests a transition period of 2 years for implementation of these policies and guidelines to help ensure association compliance. We are happy to collaborate with LiRN to provide opportunities at our fall and spring plenaries to assist with the necessary transition over this period.

It is FOLA's hope that we will be able to come to some agreement on these outstanding matters. We believe that FOLA should be recognized as an important partner to help ensure the smooth implementation of these policies and guidelines and to support the ongoing compliance of local law associations thereafter.

We welcome further communications with respect to these matters. Thank you, again, for your efforts to confer with us on these important issues and policy developments.

Sincerely,

Douglas W. Judson
Chair

C. Allen Wynperle, Chair, Professional Resources Committee, FOLA, *Via Email (allen@wynperlelaw.ca)*