



2020-2021  
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February 1, 2021

Dear Gerard Charette (SW Regional Bencher) and Jacqueline Horvat,

Trusting you are staying well and enjoying your enhanced roles at the Law Society of Ontario.

As you likely recall: I am the Federation of Ontario Law Associations' South West Regional Representative and it is in that capacity that I am writing. In particular, there is Regional concern (and as the FOLA executive appreciates, also a Provincial concern) about the Law Society of Ontario's decision to reduce the LiRN 2021 budget by 10%.

On January 11, 2021, I chaired a South West Regional Call of Association Presidents and it was arranged for the librarians to attend, the first part of our conference call, to share regional information with respect to our libraries.

It was a most informative meeting and I would like to share some of the concerns raised and the background surrounding this matter. As this letter is lengthy, I apologize, but FOLA believes the issue is of great importance to the practice of law by the Ontario Bar.

#### **BACKGROUND:**

The Unanimous Shareholders Agreement negotiated in 2019 noted the key objectives of LiRN were "ensuring that the public is served by professionals with high standards of learning and competence: supporting ongoing learning and development with a specific emphasis on the use and application of legal information, legal research and legal training content and activities; establishing a platform that provides effective access to legal information; and considering the development of supportive legal information services targeted to the needs of users."

Libraries, are also referred to as "Practice Resource Centers" in an effort to reflect not just the print resources but the broad supports of services provided to lawyers in Ontario. FOLA supports that libraries are integral to the development, maintenance and enhancement of competence for legal professionals in all areas of the province. These spaces support the provision of legal information and resources, training, and competence/professional development in addition as a place to support the collegiality of the bar, which includes mentorship opportunities.

#### **HISTORY & IMPACT:**

FOLA contends that the Law Society of Ontario fell short of supporting the objectives of LiRN, and in turn the courthouse library system, with the 2021 budget cuts.

Everyone recognizes that 2020 was a tough year with the onset of a world pandemic, but Law Society of Ontario budget cuts for libraries put LiRN in an added position of difficulty.

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The LiRN Board, having just been put in place, had to pivot from re-building a library system through evaluation and planning for the future, to supporting the provision of services in a remote manner during the pandemic. LiRN is still in its infancy, having just hired a Managing Director in late August. It is unfortunate that they were also put in a position to deal with an ill-timed material reduction to their budget for 2021 while still trying to meet the mandate of revitalizing the system.

FOLA's effort to stress the value of this library system to the Law Society of Ontario is not new. The past two decades have illustrated many repeated pleas by the lawyers of the province, through the entity of FOLA, and previously CDLPA, to keep the system supported. Historically, prior to the inception of LibraryCo., there were struggles with budget support of law association courthouse libraries.

Since 2013 there has been a push to modernize and improve the system, starting with the termination of LibraryCo. staff in 2014, and the subsequent development of the Legal Information and Support Services (LISS) Working Group. The conclusion of this Working Group was that “lawyers require constantly updated resources to provide quality service and a physical library was critical to providing service”.

Following that Groups' conclusions, Phase 5 Consulting was hired to conduct surveys and focus groups in 2016, which further reinforced the need for libraries, resources and services. The results of that survey indicated that lawyers valued their libraries, and the importance, in particular, to solo and small firms in the province who could not afford to build libraries of their own due to the high cost of legal materials. This survey also noted comments from practitioners, some of whom stated that they would be willing to pay more for increased service.

The counties of the Southwest stress that it is difficult to revitalize and improve a system when the cut of 10% (\$801 900) was handed down to LiRN which directly impacts each library's budget. The Southwest region is comprised of 8 libraries – 2 regional and 6 local designated libraries. The cuts were as follows:

Middlesex (London)	\$55,730
Essex (Windsor)	\$43,223
Elgin (St. Thomas)	\$ 3,595
Lambton (Sarnia)	\$ 3,341
Huron (Goderich)	\$ 3,334
Oxford (Woodstock)	\$ 3,126
Kent (Chatham)	\$ 3,096
Perth (Stratford)	\$ 2,407

The amounts cut to regional libraries totaled \$98,953 and the six local libraries totaled \$18,899. Throughout the Southwest the cuts totaled \$117,852. In perspective, the cuts were almost the equivalent of two of the smaller libraries' annual budgets. These libraries provide eleven staff members to support the lawyers practicing in the southwest region, the practitioners largely being solo or small firm, and the staff in the local libraries all at a part-time level. Regional libraries are staffed full-time.

I have learned from the South West library staff that: since 2006 the Law Society of Ontario has held LibraryCo., now LiRN, to limited increases, with the norm being 2% or less since 2009, unless a special need was indicated. It is important to acknowledge that operating expense and collection expenses far surpass 2% annually. Operating expenses tend to reflect 4-5% per year, and collections cost increase 10 to 20% per year. Over the past decade libraries have been forced to compromise the collections to implement the 2% budget increases. **A key point raised by the librarians, on the aforementioned conference call, is the result of these budget cuts and**



**chronic lack of proper funding is the eroding of Library collections.** Most local libraries began reducing the loose-leaf titles they held in 2006 to the point of only retaining a handful, with the strategy of relying on the Regional centers who held them in order to borrow as needed. However, with the 2021 budget decision regional libraries were forced to cancel many of those holdings as well, creating a diminished pool of resources for all practitioners. The tight timeline of the late budget announcement did not allow for a thorough comparison from region to region to ensure that some titles were retained by someone in the province. This is also important as smaller associations are impacted with a trickle-down effect as the larger can no longer gift their past year materials.

In addition, I am told that, the staffing budgets have been negatively impacted over the last decade as the ability to pay staff to industry standard could not be maintained with 2% increases year to year. Hiring and maintaining competent staff is an essential aspect of library operation. Some of the library staff in the region have been employed for more than 15 years while others are newer to the system. These staff are integral to the education about, and the navigation of, the various resources available, and their expertise in assisting practitioners is essential and this valued legal resource needs to be safeguarded.

**CLOSING:**

In conclusion, I thank you for taking time, from your very busy schedule, to read the concerns of the South-West Region and to accept that I am officially raising the LiRN funding issue as a significant area of concern. Moving forward, I respectfully ask for you and the Law Society of Ontario Benchers to view the future of library budgets through the lens of building services and resources of our practice resource centers to support and enhance the competence of the lawyers, who service the public. We request that you not only reinstate the cuts made to the 2021 LiRN budget, but invest in the future of the system by increasing funding to sustain the cost of legal publications. In allowing LiRN to meet their mandate of improving the system, you must understand that the law libraries play a fundamental role in ensuring access to legal information and in supporting the competence of lawyers. Please, also note that lawyers accessing Association libraries for legal resource materials are saving significant overhead costs of practice. Law Society of Ontario funding support of libraries grants lawyers affordable access to resource materials that, I again stress, are essential to competency. I suggest to you, that the broader end result of proper funding for Libraries is the protection of the public.

With Respect,

Terry L. Brandon

FOLA South West Region Representative

cc: Law Society of Ontario Treasurer

All Benchers of the Law Society of Ontario

Diana Miles, CEO

Brenda Albuquerque-Boutilier, CFO

Sheena Weir, Executive Director, External Relations and Communications