



The Advocates' Society

La Société des plaideurs

February 17, 2021

VIA EMAIL: tdonnell@lso.ca

Ms. Teresa Donnelly
Treasurer
Law Society of Ontario
Osgoode Hall
130 Queen St W
Toronto, ON M5H 2N6

Dear Treasurer Donnelly:

RE: Funding Cuts to Law Libraries

The Advocates' Society, established in 1963, is a not-for-profit association of around 6,000 members throughout Canada, including approximately 5,000 in Ontario. The mandate of The Advocates' Society includes, among other things, making submissions to governments and others on matters that affect access to justice, the administration of justice, and the practice of law by advocates.

I am writing to address The Advocates' Society's concerns with the Law Society of Ontario's decision to reduce the budget for the Legal Information and Resource Network and, in effect, reduce funding for law libraries across the province.

The Law Society of Ontario serves as a gatekeeper to ensure the interests of the public are safeguarded, in part by imposing strict standards of professional competence upon its members. Notably, Rule 3.1-1(a) of the *Rules of Professional Conduct* requires a lawyer to know "the substantive law and procedure for the areas of law in which the lawyer practises" and Commentary [2] to this Rule advises that "the lawyer should keep abreast of developments in all areas of law in which the lawyer practises."

Law libraries serve a critical role in lawyers' ability to meet their professional obligations and in the functioning of our justice system. Law libraries allow legal professionals to conduct extensive legal research to understand the law, and thereby satisfy their professional obligations, without incurring exorbitant (and potentially prohibitive) costs. Law libraries equip lawyers to properly advise the Court of the applicable law when advocating on behalf of their clients. Law libraries are also important to self-represented litigants, providing them with legal resources and support to which they would otherwise not have access. In short, having the necessary legal resources available to all litigants is imperative for the proper functioning of our legal system.

For reference, according to a recent survey conducted by the County of Carleton Law Association (whose members practise in Ottawa and the East Region), 41 per cent of respondents indicated they usually use the library when in court, and 35 per cent stated they make use of the law library at all times, "with few

exceptions." It is especially important to note that over half of the respondents belonged to firms with between one to ten lawyers.¹

Additionally, given that legal resources are expensive to purchase, we are concerned that the budget cuts will undermine access to justice. Self-represented litigants need law libraries and library staff to conduct even the most basic of research. Smaller firms and medium-sized firms cannot incur the prohibitive cost associated with purchasing all relevant and necessary legal texts on their own. Further, as a result of the budget cuts, it is quite likely that neither self-represented litigants nor small and medium-sized firms will have the full support of law librarians and staff to help navigate through legal resources. These changes will necessarily impact access to justice in the Province of Ontario.

Practically speaking, lawyers who can do so will be forced to pass on the additional costs to their clients, thereby making the cost of adequate legal representation a greater barrier than it already is. Otherwise, lawyers will be insufficiently prepared, and at a disadvantage when up against larger firms that have access to extensive legal resources. Self-represented litigants will be at an even greater disadvantage than they already are. In each case, the standards of competence and the right to adequate legal representation that the Law Society seeks to uphold will be more difficult to sustain. The Advocates' Society believes these budget cuts have the potential to undermine the integrity and efficacy of our legal system.

As sole practitioners, smaller firms and self-represented litigants continue to voice their concerns over the impact of these cuts, our hope is that the Law Society takes the above-noted implications under serious consideration. Law libraries that continue to make available a full catalogue of resources, with the necessary staff, are necessary to support legal professionals in fulfilling their professional obligations, as required by the judiciary and the Law Society.

We hope that as the Law Society contemplates its budget for 2022, it remains cognizant of the need to allocate more funding to this critical resource, and that this year's reduction is not indicative of a downward trend for the future.

Please advise if you would like to discuss the impact of these budget changes further. We look forward to hearing from you.

Yours sincerely,



Guy J. Pratte
President

CC: Johanne Blenkin, Chair of the Board of Directors, Legal Information and Resource Network
Vicki White, Chief Executive Officer, The Advocates' Society

¹ County of Carleton Law Association, "Law Libraries: Ensuring Competency in the Profession and Access to Justice", December 3, 2020: <https://cdn.ymaws.com/www.ccla-abcc.ca/resource/resmgr/docs/2020-statement-libraries.pdf>.