



Ottawa Courthouse, Law Library | Palais de justice d'Ottawa, Bibliothèque de droit
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Law Libraries: Ensuring Competency in the Profession and Access to Justice

December 3, 2020

The rule of law requires that citizens have access to the courts and legal information. Law libraries play a fundamental role in ensuring such access, regardless of socio-economic status. Law librarians collect precisely the information that litigants require to affect their rights. Equally important is the role that our law libraries play in upholding lawyer and paralegal competence and mentorship. Law librarians and their collections enable legal professionals to access the resources required to do their job.¹ Simply put, informed citizens and legal professionals *“have a better chance at understanding and interacting with the legal system.”*²

It was therefore with great shock that the CCLA officially learned on November 19 that its budget would be cut by 14% by the Law Society of Ontario (“**LSO**”).³ The CCLA was not consulted despite the severity of the cuts and it was given, effectively, two (2) weeks’ notice prior to the budget’s passage at Convocation. While the CCLA and its members understand that we all must ‘tighten our belts’ in the face of COVID-19, we cannot support cuts to our law libraries; critical institutions which are already underfunded and, in the case of the CCLA, operating at a loss.

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. 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.

Meanwhile, legal texts and databases are very expensive 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

¹ March 5, 2020, Cadmus, Femi, *“Why Law Librarians are so important in a data-driven world,”* Oxford University Press Libraries, accessed on November 25, 2020 at <http://blog.oup.com/authors/femi-cadmus/>.

² As stated by Stephanie Anderson and quoted by D.M. Moehrle in “Librarians in the 21st Century: Why Law Libraries Are More Important Than Ever - In a Nation of Laws, the Right of Access is Fundamental,” *Literary Hub*, accessed November 25, 2020.

³ The LSO cut LIRN’s budget by 10% which resulted in a cut of 14% to the CCLA’s LIRN grant.



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of knowledge. And this is even true for the judiciary. We have been advised that members of the judiciary consult the material in the law library that is not otherwise available to them in their offices or judicial library, including rare books that are only otherwise available at the Great Library in Toronto. This is where our law libraries step in, especially libraries like the CCLA where our physical facilities enable public access. Our Ontario county and district law librarians have been providing both the resources and the expertise in their use to the full range of justice system participants for over 140 years.

A two-day survey of the CCLA's membership demonstrates the critical role of librarians to maintaining the competency of our legal profession. The CCLA received 162 responses in 48 hours:

- 36.9% of Respondents were under three (3) years of call.
- 52.1% of Respondents were from firms/law corporations with 1-10 lawyers.
- When Respondents were in court (with 30% there at least once per week and 50.6% there at least once a month), 41% of Respondents “usually” used the library and 35% “always, with few exceptions” used the library. Only 24% of Respondents “rarely” or “sometimes” used the library.
- 78.7% of Respondents have attended the courthouse for the sole purpose of library resource use, with 36% of Respondents doing this often.
- 77.1% of Respondents have taken advantage of the off-site library resources (email etc.), with 46.9% doing it often.

These statistics show the disproportionate library use among smaller firms. And while these numbers indicate the library's central role in ensuring professional competency, the comments left by our members bring this role into sharp relief. The following declarations of appreciation are representative of the 162 left by the Respondents:

- *CCLA paralegal* - “The CCLA provides an invaluable service to east region paralegals members, who would otherwise have [limited] access to resources in [...] other law libraries within the province.”



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- *CCLA lawyer* - “The CCLA library is crucial to my practice and my clients. We have both benefited immensely from its services. My workplace is not located downtown, so being able to email the CCLA librarians to help with research has been incredibly helpful. Also, many times when I have appeared in court, I end up requiring the use of a printer and/or binding machine. Having the library there to assist me has been a huge help.”
- *CCLA lawyer* - “[CCLA Librarians] have been extremely helpful on every occasion (quite a few) when I have sought their assistance in finding authorities.”
- *CCLA lawyer* - “The CCLA library’s contribution to my practice and clients is best described with an example that sticks with me and holds true, years later. It is one of many. As a student and first year lawyer new to the profession and looking for direction ... the library resources were invaluable to me and were a steppingstone to my early professional development. I learned through the CCLA’s HeadStart program and then through reaching out to the library staff that there were resources, support and assistance available from individuals who were themselves passionate about and extremely knowledgeable on the law. To this day, I employ knowledge gained from these individuals [...]”
- *CCLA lawyer* - “[...] I pay for a downtown office in part to be close to a library that I could not otherwise afford to build individually. It makes no sense for lawyers/firms to have to individually replicate a library that they can exponentially build better together. As a sole practitioner, the loss of the CCLA library would be a hard blow and would disproportionately affect my practice vs the practice of a lawyer with a firm library. I have found the virtual assistance of CCLA librarians invaluable and have relied on this regularly [...]”
- *CCLA lawyer* - “The staff support and assistance is invaluable, particularly for small firms and solo practitioners. The physical collection is helpful and necessary. Access to the databases, particularly Lexis and Westlaw would otherwise be prohibitively expensive for small firms, so the library acts as an equalizing measure between counsel.”
- *CCLA lawyer* - “As a new lawyer and sole proprietor, I RELY on the CCLA library for research assistance. Although I often reach out to mentors and other lawyers, the CCLA library is often my only place to turn for research support.”



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- *CCLA lawyer* - “As a Family Law lawyer, I depend on the CCLA for research either in person research or sending a request to the staff for research. The CCLA library provides excellent research, and resources. I do only court work and I am in court multiple times per week -- and I always use the CCLA library for drafting orders meeting opposing counsel, doing calculations etc. often times while I am attending court and have been asked by the Judge to do this work.”
- *CCLA lawyer* - “I am an In-house counsel for a not-for profit and rely on the CCLA for their electronic and other research resources as our legal department does not have the resources typically available to a private practice firm.”

When LSO members refer to their law libraries as “*essential*,” “*absolutely necessary*,” and “*critical to [their] practice*,” we trust that the LSO listens given its obligation to ensure competency in the profession. 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*.

The CCLA is proud of its Gordon F. Henderson library founded in 1888. Not only is our library a vital legal and regional research hub for lawyers, paralegals, and licensing candidates, it is also an invaluable partner for the Courts when distributing practice information and supporting self-represented litigants. Our law libraries already stretch every dollar of the LIRN grant to its fullest potential, and they cannot afford further cuts. The CCLA calls on the LSO to ensure that its cuts to LIRN in response to COVID-19 are temporary and that all funding will be reinstated thereafter. We cannot harm one of the central pillars to lawyer and paralegal competency.

For more information, please contact Katie Black, CCLA Trustee and Chair of the CCLA External Relations Committee: katie@black-law.ca.