



The Law Society of  
Upper Canada

Barreau  
du Haut-Canada



# Beyond 2000:

The Future Delivery of  
County Library Services  
to Ontario Lawyers

Phase II

# **Second Report of the Working Group on Long-Term Delivery of County and District Library Services**

**April, 1999**

Prepared for Convocation  
by Professional Development and Competence Committee,  
Working Group on Long-Term Delivery of County and District  
Library Services

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# 1 INTRODUCTION

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## PHASE I REPORT

1. On October 23, 1998 Convocation adopted the Phase I report of this Working Group, entitled *Beyond 2000: The Future Delivery of County Library Services to Ontario Lawyers*. The Executive Summary of that report is attached as an Appendix to this report.
2. Convocation made two key policy decisions in adopting the Phase I report:
  - a. that the County Libraries be formed into a library system and,
  - b. that the delivery model for library services be the one called the "Blended System", as informed by the model called the "Electronic Library".
3. Following those policy decisions, the Working Group undertook to develop further the details of the Blended System and to provide an administrative outline for it. The Working Group also was charged with considering whether all members of the Law Society ought to contribute to the county libraries, eliminating local fees.
4. The County and District Law Presidents' Association (CDLPA) debated the Phase I report and adopted the following resolution on November 13, 1998:

"That a Joint Working Group, involving the Law Society Professional Development and Competency Committee and the CDLPA Law Library Trustees and the Metro Toronto Lawyers Association should be struck immediately to:

  - a) Review the recommendations of "Beyond 2,000";
  - b) Plan the implementation of the so-called "Blended Model" before any further recommendations or reports are submitted to Convocation."
5. It is understood that the Working Group which prepared this report, the same in most particulars as that which prepared the Phase I report, satisfies this resolution.

## PHASE II PROCESS

6. With one addition, Mike Hennessy, the members of the Working Group have remained the same, being:

Susan Elliott (Chair)  
Rich Wilson (Bencher)  
Mike Adams (Bencher)  
Holly Harris (CBA-O)  
Mike Hennessy (CDLPA)

Peter Bourque (CDLPA)  
Cynthia Simpson (Middlesex Librarian)  
Anne Matthewman (MTLA Librarian)  
Janine Miller (Director of Libraries, LSUC)

7. Throughout its deliberations, the Working Group has been guided by the Professional Development and Competence Committee ("PD & C") when policy issues arose. The Chair of PD & C, Mary Eberts, has been extremely supportive of the Working Group and of county law libraries in general. It is only through her skills in editing both the Phase I and II reports that the mass of information produced by the Working Group has become readable at all. Without her assistance the good work of the Working Group might well have been lost.
8. The Working Group has met for eight full days in discussion about this Phase II report. Even with that, it is clear that the many details to be determined in implementing the Blended System should be left to an implementation body to develop, which is one of the recommendations in this Phase II report.
9. A number of letters from individual law associations were received by the Working Group in response to the Phase I report. These letters and some telephone calls to members of the Working Group expressed concerns over various aspects of the change to a new system. As there were three common themes across the letters and telephone calls, the concerns are separately addressed in this report. (See par. 62)

#### **CDLPA LIBRARY COMMITTEE**

10. Throughout the deliberations of the Working Group Peter Bourque, the Chair of the CDLPA Library Committee and Working Group member, has sent reports to the CDLPA Presidents, the CDLPA Library Committee and the CDLPA Executive following each meeting of the Working Group, summarizing the discussion and seeking feedback. An ongoing consultation has taken place as a result of these memos.
11. On March 26, 1999 the CDLPA Library Committee met for a full day during the course of which they discussed the work of the Working Group on Phase II. As a result of that meeting, the following two resolutions were passed by the CDLPA Library Committee:

"That the CDLPA Library Committee supports the principle of universal funding and universal access, provided the system of universal access must be designed to ensure a continuing significance for membership in local Associations."

"That the CDLPA Library Committee supports the creation of an independent corporation to coordinate the County Library system and we support the creation of a Transitional Board with adequate funding to bring this purpose about."

# 2 EXECUTIVE SUMMARY

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## CONTENTS OF THIS REPORT

12. Unlike the Phase I report, which presented various policy options to Convocation, the main thrust of this report is to present implementation proposals. This report sets out in more detail how the Blended System will work, what the design principles are for it and suggests an administrative structure within which it ought to operate. There is also a recommendation that the detailed implementation of the Blended System be turned over to a Transition Board and that the new system be up and running as of January 1, 2000.
13. There are five major recommendations in this report, for approval of Convocation. None of the recommendations appear to the Working Group to be controversial and, given the resolution of the CDLPA Library Committee, it appears the profession is in agreement with the recommendations. All recommendations and tasks are shown in boldfaced type in the report.
14. **The five implementation decisions which Convocation is asked to support are:**
  1. **Approval of the further description of the Blended System and how it will operate.** (Paragraph 62)
  2. **Creation of a corporation, which will be in place by January 1, 2000, to manage the Blended System (Library Co.)** (Paragraph 171)
  3. **Creation of a Transition Board to continue the implementation decisions in the period between approval of the Phase II report and Library Co. becoming fully functional.** (Paragraph 239)
  4. **Approval of the concept of a Universal Library Fee, subject to future approval of the amount of the fee, within general guidelines.** (Paragraph 233)
  5. **Approval of a starting date of January 1, 2000 for the Blended System and its multi-year funding.** (Paragraph 259)

## THE BLENDED SYSTEM

15. The design principles and objectives for a new system of county law libraries adopted by Convocation on the basis of the Phase I report are designed to replace the existing *ad hoc* state of county law libraries with an organized system of libraries, building on the existing categories of large, medium and small libraries.
16. In the Blended system, libraries are either Regional, Area or Local and Phase I included a number of principles for deciding upon the categorization of the libraries.. This report adds the further design principle that categorization of a library is based primarily on usage and

no categorization is to be static. The Blended System will remain flexible and responsive to changing circumstances.

17. Within categories of libraries, there may well be different budgets. A large Area library could receive more funding than a small Regional library, given usage patterns and demands on the library. The categorization is important to establish initial staffing and service levels but usage determines budget.
18. Prior to final categorization of libraries, a comprehensive analysis of the existing on-site services and expected demands on the library should be undertaken by a consultant and the Transition Board should then make the final decision as to whether a library is Regional, Area or Local.

### **SERVICES PROVIDED LOCALLY OR BY SYSTEM**

19. Whether a particular library service is provided by the system administration or the local library committee is an ongoing issue that requires balancing the benefits of a system with the need for local input. The Transition Board will make decisions of how services are provided to strike this balance.

### **ROLE OF THE GREAT LIBRARY**

20. The Great Library at Osgoode Hall is not part of the county law library system nor will it become a part of it.
21. The Great Library's collection is unique and comprehensive, serving a broad provincial market with an experienced staff. The Great Library is the custodian of rare legal materials that other libraries do not have and could not justify acquiring.
22. The Great Library will continue to be part of the Law Society, accountable through the CEO to Convocation, pursuing matters of broad provincial interest that do not fall under the county law library system and pursuing those library matters that best fit into the mandate of the Great Library.
23. It will be important for the Director of Libraries and the Executive Director of the county law libraries to delineate those tasks that will remain with the Great Library and, if they cannot agree, then a separate report will be made to Convocation to resolve the issue.

### **PUBLISHING LEGAL INFORMATION**

24. One objective of the Blended System is to make legal information accessible to all members of the legal profession. While traditionally libraries simply distribute information, exploring the feasibility of publishing more legal information and disseminating it more broadly was a Phase I recommendation that is a joint responsibility of the county law libraries, the Great Library and the Law Society to implement. The Working Group foresees a significant role for the Great Library in accomplishing this objective.

## **FEARS ABOUT THE BLENDED SYSTEM**

25. Local law associations are primarily concerned that the move to a system of libraries will be the end of their association and that local decisions will not be allowed.
26. The Blended System anticipates the existence of local library committees and the continued existence of local associations. If local associations do not want to run the local library, they can turn it over to the system administration. Otherwise, they will work with system administration to ensure standards are met and local input exists through a pool of discretionary funding they will control.
27. Through the establishment of "Library Co." the profession as represented by CDLPA and CBAO will be jointly managing the county law libraries with the Law Society. Stable, multi-year funding and a single accountable entity will ensure the local interests and system interests are both managed.

## **STANDARDS**

28. Librarians are used to operating with standards that represent the "best practices" for the system. Standards enable a co-ordinated approach to utilization of resources and let each system component know their responsibilities. They help achieve the design principles and objectives for the system.
29. The standards suggested for the Blended System are largely based upon the *Canadian Courthouse and Law Society Library Standards* and have been modified to reflect the unique characteristics of the county law libraries.
30. Standards will continue to develop and evolve with the system. It will be the task of Library Co.'s board to make sure system standards change with the times to reflect advances in technology and increased demands for information.

## **GOVERNANCE STRUCTURE**

31. At least 10 different groups and hundreds of individuals are currently involved in making key decisions for county law libraries. No single group is accountable for the approximately \$6 million budget and there is no systematic approach to the provision of library services across the province.
32. Just as the administrative structure requires standards, so too the governance structure should adhere to standards. Governors should be appointed based upon criteria including an interest in and knowledge of county law libraries.
33. Proper operating by-laws, policies and procedures must be instituted. An annual report and a long range plan must be produced.

## **"LIBRARY CO."**

34. A new corporation, yet to be named, should be established to operate the Blended System. A board of 15 people should be appointed with 3 or 4 appointees based upon affiliation with

a group and the balance appointed jointly by the Law Society and the profession, represented by CDLPA or, if merged, CDLPA/CBAO.

35. The Transition Board should return to Convocation with a report as to whether the new corporation ought to be non-profit, without share capital or a business corporation.
36. An Executive Director is to be hired by Library Co., to oversee the implementation and operation of the Blended System.

### **UNIVERSAL ACCESS**

37. The Blended System envisions legal information being available to all members of the Law Society, throughout the province. This in turn requires what is called "Universal Access" to the libraries, permitting any member of the Law Society to obtain the information.
38. Over the years, members of the Law Society have paid an increasing levy to support county law libraries so that the amount of the current levy approaches an amount sufficient to fully fund the system. With Universal Access, Convocation should adopt a principle that a Universal Library Fee be instituted.

### **TRANSITION/IMPLEMENTATION BOARD**

39. The Working Group has, in Phase I and II, set out the design principles, objectives, standards and policies governing the Blended System. The remaining detailed implementation decisions should be made by a separate group whose sole function is to see to the realization of the Blended System - a Transition/Implementation Board.
40. This board should contain 11 members,. Five members will be appointed by 1 each from CBAO, MTLA, LSUC, OCLA and CDLPA. Also, the Director of Libraries for the Law Society, 2 other members of the Working Group and a chair jointly appointed by LSUC and CDLPA. The term of appointment is to December 31, 1999. The Chair will be paid and honourarium and members will receive a meeting fee.
41. The Transition Board will work closely with the Executive Director and will be responsible for establishing Library Co. A budget of \$368,000 for operating the Transition Board, paying the Executive Director and legal and accounting fees is recommended as well as a discretionary budget of \$150,000 to allow upgrading libraries to minimum standards this year.
42. The Transition Board will produce a three-year budget so that stable funding can be granted to county libraries. To the extent possible, the budget shall reflect existing funding of approximately \$6 million however the board of Library Co. will assess this once the standards have been fully designed, the Executive director hired and the Blended system implemented.
43. The annual general administrative costs of operating Library co. are anticipated to be approximately \$220,000. The board of Library Co. should endeavor to bring forward an operating budget that achieves the objectives of the Blended System, including Universal Access, for a per member Law Society levy that is within 10% of the current \$200 per

member being levied. As a guideline, the existing level of funding should be used in planning the budgets.

#### **WHEN AND HOW SHOULD THE BLENDED SYSTEM BEGIN?**

44. A number of factors were taken into account in recommending a start date of January 1, 2000 for the Blended System. By this date the Transition Board should be finished its work and Library Co. should be incorporated, with a new board in place.
45. The report sets out various tasks, primarily legal and accounting/financial, that need to be accomplished each month to meet this date. It is expected that the Transition Board may have to turn over some unfinished tasks to the board of Library Co.
46. The general approach to the implementation of the new system ought to be to implement it as quickly as possible but not in a way which disrupts local associations. The long range needs of the new system must be considered as well as the transition to the new system. If there are areas of deficiency capable of immediate rectification, that should be done. A thoughtful, planned implementation with maximum benefit in return for minimum disruption is to be sought.

# 3 THE BLENDED SYSTEM (as informed by the Electronic Model)

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## A NEW SYSTEM

47. The new system of county law libraries will replace the existing ad hoc situation. The new system is to be designed so that there will be a mechanism for organizing, categorizing, disseminating and making available reliable, relevant, current and historic legal information without the necessity of each library, regardless of location, having to provide this information. The new system is not a structure so much as it is a process. It will never be finished, it will continually improve and respond to changing times.
48. A separate section of this Phase II report details the system standards and the administrative and governance structures that the new system should adopt to meet its objectives. This section of the report elaborates on the basic principles underlying the Blended System so that those charged with implementation of it will have a more complete set of criteria and principles to follow.
49. The Working Group has realized that detailed definition of the Blended System is not possible in the current time frame, nor is it required. For example, whether the profession should have e-mail access to all Area libraries or whether inter-library loans ought to exist should be determined only as part of the detailed implementation undertaken by either the Transition Board or the board of Library Co. The standards applying to and principles underlying each kind of library is set out in this report to better inform the future detailed decision-making process.

## HIGHLIGHTS FROM PHASE I

50. Libraries are to be divided into Regional, Area and Local libraries, roughly following existing Large, Medium and Small classifications. Relative to each other, the libraries are distinguished by differences in their:
  - ◆ funding and budget estimates
  - ◆ staffing levels and expertise
  - ◆ on-site collections, size and extent
  - ◆ level of service provided on-site
  - ◆ nature of services provided to those outside the county, if any
51. Regional libraries will contain more specialized collections and will be located throughout the province so that any member of the profession can access the collection in person, although in some areas, a considerable drive may be involved for specialized services and resources.
52. Lawyers across the Province who do not have the materials or professional staff in their local or area library to assist them should be encouraged to use the 1-800 telephone number to the Great Library where staff will answer the question if appropriate or will direct the call to the Regional library.

53. Regional libraries will have larger collections than others and will be multi-staffed, including at least 1 professional librarian with a Masters of Library Information Services.
54. Some regional libraries, such as Ottawa, may be larger than other Regional libraries, depending on the size of the user population.
55. More Area libraries will be located in the north, where driving distances prohibit travel.
56. Local library collections will be organized, developed and superior to the existing collection and services of small libraries, but not necessarily in print..
57. Roving librarians will assist local libraries and area libraries with maintenance of the collection, including electronic products.

### **EXPANDING PHASE I PRINCIPLES**

58. Following release of the Phase I report, the Working Group received comments on the classification of libraries into Area and Local. As these classifications had been offered only as an illustration of the possibilities, the Working Group welcomed the comments and has taken them into account in preparing its Phase II report.

### **The Peel & Halton Examples**

59. Several thoughtful letters were received from both Peel Law Association members and Halton County Law Association members concerned over the categorization of their libraries as Area and Local respectively. The Working Group discussed the concerns outlined in the letters in order to further develop the principles upon which the Blended System will be implemented.
60. There is a consensus in the Working Group that the classification system is for general guidance and that individual libraries may well fall in one category or another for reasons related to the circumstances and clientele of a particular county. Classification is required to assist with the allocation of scarce resources and the determination of appropriate standards; it is not intended to establish a rigid hierarchy. Funding allocations will not be uniform across categories of libraries, in any event, since the major determinant of funding will be expected usage and the need for specialized staff to support the facility.
61. The Working Group views usage of the library facility as the primary determinant of which category a library ought to occupy. For example, Peel and Halton each make the case that they serve many lawyers who travel to their court facilities but reside in other counties. A survey by the Peel Crown Attorney over three different days in September and October of 1998 indicated in each case that 2 of 3 lawyers appearing in Provincial Court were not Peel County lawyers. Of 36 appearances, 10 were by Peel County lawyers and the balance were out of County lawyers. It will need to be established, by gathering accurate, reliable statistics, what usage out of county lawyers make of the local library during their appearance in the County courts.

## **Additional Design Principles**

62. To clarify the way in which individual libraries should be classified as Regional, Area or Local, the Working Group wishes to add to its Phase I design principles<sup>1</sup> an additional design principle to the Blended System that:

"It will be important in implementing the Blended System to recognize:

- (1) the regional differences that exist in the province and
- (2) the size of the bar that the individual library may reasonably be expected to serve

regardless of categorization as a Regional, Area or Local library. None of the categorizations, once made, is to be static. The system is to remain flexible and responsive to changing circumstances in the community."

63. The Working Group recognizes that within categories, there will be variations. For example, Phase I recognized that the Ottawa Regional library will be larger than the other Regional libraries. Similarly, it is expected that Peel, should it remain an Area library, may well have a budget that reflects its size as a large Area library and, in some matters, it could eclipse budget allocations of a smaller Regional library. The Blended System is to be as flexible as possible to reflect local conditions and system needs while establishing different levels of service appropriate to the library facility in the county.
64. **Before final categorization of the libraries, the Working Group recommends a more comprehensive analysis of individual counties in terms of who is being served by the library and which existing on-site services are in place.** Also, several libraries, including Hamilton, are moving to new facilities so the categorization should reflect known changes and expected growth in particular areas where plans are already in place to consolidate courthouses or otherwise recognize growth in the local community. This analysis should begin as soon as possible, under the aegis of the Transition Board, described below in Chapter 6.
65. As the proposed Phase I categorizations approximately mirror the existing state of a library as either Large, Medium or Small, it is expected that most libraries are currently categorized properly. But, to categorize each library properly as Regional, Area or Local, the Transition Board will have to examine the particulars of each individual library in the system and compare that library's current delivery of services, size of local bar, any unusual circumstances (geographic location, special demands by others etc.) and the existing

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<sup>1</sup> A number of design principles were identified in Phase I: a change to county libraries would not result in "less is received for less" at a provincial level; sufficient resources will be required to promote and facilitate competence; provide access to current and historic legal information for all members of the Law Society, throughout the province; recognize the uniqueness and diversity of the province, particularly the north; facilitate the flow of research in the profession; support the administration of justice; support and encourage collegiality in the profession. Also. Different services will be available in different libraries but, within the whole system all services are available and accessible to members, by some means.

staffing and collections against the standards set out in this report. In many cases, this examination will be simple and quick. In a few cases, it may take some time. In all cases, the local association should be invited to discuss the categorization and provide further information to the Transition Board.

66. Following such a review, a determination will need to be made of whether the library is capable of fulfilling its anticipated role as a Regional, Area or Local library and a decision made to either accept the categorization contained in the Phase I report "as is" or, provide assistance in improving any problem areas to allow the library to meet the standards of the categorization into which it falls, whether such categorization is changing or not.
67. Assuming Universal Access comes into being as part of the new system, there will probably be increased demands on certain libraries. The budget for those libraries expected to be most affected by Universal Access or other unusual demands, such as new court facilities increasing access, will need to reflect those expectations so that service delivery is maintained.
68. **The final categorization of libraries into Regional, Area or Local will therefore have to await a determination of the Transition Board. Given the detailed analysis and the need to begin upgrading libraries where necessary, the Transition Board should be empowered to make the categorization decision without further approval from Convocation.**

#### **SERVICES: PROVIDED AT SYSTEM LEVEL OR LOCALLY?**

69. Changing to a system of libraries should achieve certain benefits of a system, as outlined in Phase I, including for example:
  - ◆ utilization of all resources, particularly staff and reference services, based on need and demand, regardless of location
  - ◆ common financial planning and exploitation of common management systems and solutions
  - ◆ minimization of duplicate resources and maximum deployment of scarce resources
70. The complete list of expected benefits of a system of libraries can be found in Chapter 7 of the Phase I report. The report identified, and Convocation accepted, that the administrative model implementing the new system would have to address local concerns so that a degree of local autonomy is preserved. Balancing the benefits of a system with the legitimate interests of local associations is a delicate task which will no doubt prove unsatisfactory to many. The primary concern of local associations is that they will no longer run their libraries and will cease to exist. (See separate section of this report *Fears About the Blended System.*)
71. As part of its preparation for this report, the Working Group conducted a quick survey of local associations and county law libraries to determine what their views might be as to whether certain services ought to be provided either locally or centrally. The answers were (and are) non-binding on either the local association or on Library Co. and, given the lack

of information provided with the survey, the only thing that can be taken from the survey is the general sentiment of local associations about the concept of central versus local services.

72. While at first blush review of the survey appears to indicate the local associations don't accept the need for and benefits of system administration performing many tasks, the Working Group is actually very encouraged by the answers. Local associations support a role for centralized services in spite of their intense desire to keep local decision-making and a natural mistrust of a central system. While the Executive Director and members of the Transition Board will have to do more work to explain and sell the benefits of the Blended System, there is every indication those benefits will be recognized and accepted. Copies of the survey and letter delivering it are contained in the Appendix.
73. There were 52 responses received to the survey (several associations sent multiple answers, as all had been invited to do). One area of the survey invited respondents to indicate whether they thought a particular service ought to be provided locally or centrally. They were also asked to indicate how the balance between system benefits and local autonomy ought to be struck. Many respondents indicated some services should be both locally and centrally delivered - for example, equipment purchases could be negotiated at a discount but selected locally.
74. Set out below are the tabulated results of the survey. Responses total more than 52 because many answers indicated both local and central roles were appropriate:

Resource	Prefer Locally Provided	Prefer Centrally Provided
Library staff hiring	51	1
Library staff training	19	45
Staff payroll & benefits	38	20
Training lawyers to use library services	44	20
Purchasing office equipment	38	30
Purchasing library equipment	33	37
Purchasing library collection	43	30
Decisions about collection	48	16
Systems maintenance	26	31
Legal research	39	23

Resource	Prefer Locally Provided	Prefer Centrally Provided
Financial planning & budgetting	40	23
Marketing library services	33	30

75. While many survey respondents agreed that benefits can accrue from a system, especially utilizing purchasing power and establishing minimum standards, the comments received with the survey results shared a common theme of mistrust of a central agency. The desire to preserve local decisions was perhaps best summed up by the statement from one association that "Locals know what locals need". This sentiment must be factored into the Blended System standards, without disrupting the benefits of the system. For example, once collections standards have been established, local discretionary funding could be made available for additional materials to be acquired.
76. In areas where the local associations are not presently comfortable with decisions, such as technology initiatives, the benefits of central administration are clear. Local control is most desirable in hiring staff and providing on-site services such as training library patrons. The mixed response to where and how to draw the line and balance the competing interests underscores the fact that there is a continuum at play and in some instances central control will be greater than others. With standards in place the role of central administration will often be to assist local librarians understand and meet the standards through local decisions.
77. There is a clear difference between local *input* and local *decision-making*; some services will be amenable to the former, other services to the latter. Those charged with implementing the overall system and meeting its information objectives will seek out local opinions and input but the decision of what is best for the system will be made centrally. Certain decisions, that do not affect the system integrity, can be made locally with system input. **The Transition Board will need to make the final determination of how services are provided and the level of centralization versus local decision making.**

### **ROLE OF THE GREAT LIBRARY IN THE BLENDED SYSTEM**

78. The Great Library at Osgoode Hall is not part of the county law libraries nor is it to be part of the Blended System. The Great Library is a provincial library, offering province wide services. It is also the custodian of rare legal collections, specialized, experienced staff and the roots of the Law Society itself. A general overview of the role of the Great Library, and the nature of its collection is set out in the Appendix.
79. In terms of collections, the Great Library's collection is unique and comprehensive. It is the custodian of materials that other libraries do not have and could not justify acquiring.
80. Currently, the relationship between the Great Library and the county libraries is that the Great Library provides certain services to the county libraries such as cataloguing of materials, providing systems support, handling clerical and financial matters or organizing information for the libraries as a whole.

81. The Director of Libraries for the Law Society also provides advice, mentoring and consultation to local libraries and associations with respect to their individual library needs. Under the Blended System many of these personalized, individual services will be provided by the Executive Director and the Roving Librarian(s). Many of the clerical duties currently performed by the Great Library for the county libraries could be transferred to a clerical person at Library Co. if the budget permits such expense. It may be more prudent to retain these services under contract with the Great Library than add staff to the system administration. Similarly, special reference services to members served by Local and Area libraries are probably best begun at the Great Library and transferred to Regional libraries only if necessary.
82. With the restructuring of responsibility for the county libraries, the Law Society Director of Libraries will be in a better position to expand the role of the Great Library to ensure that it continues to play a leading role in the special services and collections it holds and to pursue those matters that are of provincial interest as opposed to local or county interest. The Director will be able to pursue outreach activities at the provincial level. Examples of the activities that the Great Library is uniquely capable of providing are the continuation and enhancement of the Great Library's web site (already launched); the preservation, organization and expansion of the legal research facility memorandums formerly kept by the Legal Aid Plan, which have now been turned over to the Great Library; the specialized research and reference services required by large law firms with their own in-house librarians and, perhaps most importantly, coordinating the legal publishing activities of the Law Society. (See *Publishing Legal Information*, below.)
83. The Working Group discussed whether the Great Library should be completely removed from interaction with the new system of libraries, other than at the normal level of professional courtesies which any library would provide to another library. It is not suggested that the Great Library become one of the libraries in the system, rather the issue to be determined is what affiliation and relationship with the county libraries it should have. The Great Library is unique and has a special character which deserves retaining. Over time it has grown and developed in response to the increasing complexity of legal practice and the need to effectively serve a growing number of lawyers. As new fields of law developed, so the Great Library has acquired materials to ensure that the collection is current and serves the needs of the practitioners.
84. The Great Library would continue to be part of the Law Society, accountable through the CEO to Convocation, pursuing matters of broad provincial interest that do not fall under the county law library system and pursuing those library matters that best fit into the mandate of the Great Library.
85. Given the nature of its services, its resources and the market the Great Library serves, its staff possess research expertise that is unlikely to be duplicated in any other law library in the country and should continue to be made available to all lawyers in the province. This could be done even if the Great Library is not affiliated with the county libraries. This assistance could be more efficiently delivered through the new county library system's librarians dealing with the Great Library or lawyers may continue to deal directly with the Reference Branch at the Great Library as they presently do. Lawyers across the Province who do not have the resources or professional staff available to assist them in their Local

library will be encouraged to use the Blended Systems's 1-800 telephone number to the Great Library where staff will answer the question if appropriate or will direct the call to a Regional library.

86. The librarian members of the Working Group certainly held strongly to the view that the Great Library has a role to play in the Blended System, even without being an official "member" library. All members were concerned that regardless of the role assumed by the Great Library, certain "truths" need to be recognized by the Transition Board or Library Co. in determining the role for the Great Library:

- ◆ the profession pays the cost of the Great Library so, if there is a Universal Fee for county libraries, there is only "one pocket" paying for both the county law libraries and the Great Library;
- ◆ given the budgetary imperatives in the Law Society, the Great Library may have to "sell" certain services to the county libraries but, if that is the case then Library Co. will not have to buy those services elsewhere or create them internally and so the net result to the profession should be neutral (this is an application of the "one pocket" principle);
- ◆ in designating MTLA as a Regional library, the Transition Board or Library Co. board should consider the "one pocket" principle and take into account the proximity of the fully-stocked and superior collection of the Great Library in Osgoode Hall. As a Regional Library MTLA will continue to offer the same level of personalized services to members and maintain that library as a basic resource; the level of upgrading its collection that makes sense will need to recognize the Great Library collection;
- ◆ in addition to the members of the profession, the Great Library serves the courts, particularly the Court of Appeal;
- ◆ specialized or rare books that are required on an infrequent basis need only be acquired once for the profession and these should exist only in the Great Library and not necessarily be duplicated in the county libraries, indeed many historic materials owned by the Great Library cannot now be acquired even if it was decided to duplicate its resources into the county system;
- ◆ to sever the tie between the Great Library and the county libraries entirely would result in the county libraries losing the benefit of the Great Library's institutional memory;
- ◆ the Great Library does not possess local focus or offer some non-library services such as lockers and lounges, as do the county libraries

87. These "truths" suggest there is an important role for the Great Library in the Blended System, the exact details of which in implementation will have to be worked out by either the Transition Board or the Library Co. board in conjunction with the Executive Director and the Director of Libraries. Independent of the Blended System, the Great Library will need to maintain the integrity of its collection and receive sufficient funding on an annual basis to continue to be the specialized, unique resource it has become for the profession.

88. Services currently provided by the Director of Libraries or through the Great Library staff, including clerical matters are:
- ◆ Cataloguing collections - 1 senior cataloguer and cataloguing technicians
  - ◆ Systems Librarian provides technology advice
  - ◆ Specialized Reference and Collections Services
  - ◆ Shipping and Distribution to counties
  - ◆ Administrative support and Training to librarians
  - ◆ Clerical services to distribute funds, receive statements and conduct follow-up
  - ◆ The Director of Libraries negotiates group contracts with the publishers for bulk purchasing of materials and has expertise in this area as a result, evaluates library collections, assists in solving local problems and provides advice
89. It will be important for the Director of Libraries and the Executive Director to delineate the tasks to remain with the Great Library and those that will transfer to Library Co. **The Transition Board will need to consider the cost of transferring services to Library Co. versus the cost of keeping them with the Great Library and acquiring them through some sort of cost accounting arrangement.** Certainly, some of the services, if performed through the Great Library or the Director of Libraries, will reduce the need for staff in the Blended System or in Library Co. and so should be seriously examined.
90. If the Great Library and Library Co. cannot agree on the appropriate role and relationship of the Great Library to the new system then a separate report can be made to Convocation to resolve the issue. Otherwise, it should be a matter for the Transition Board, Library Co. and the Director of Libraries, together with the CEO of the Law Society to determine in the ordinary course of their duties, keeping in mind the special role of the Great Library and the objectives of the Blended System.

### **PUBLISHING LEGAL INFORMATION**

91. The Phase I report identified the need to educate and train library users in the finer points of legal research and proper use of professional library staff. These recommendations, adopted by Convocation, were:
- i. That libraries engage in a planned and systematic training and education of the legal profession, starting with users of library services, about:
    - (a) the electronic and online library products available;
    - (b) how to consult library staff for reference matters;
    - (c) basic library research concepts and techniques.
  - ii. That libraries examine their role as providers of legal information and consider:
    - (a) what role to play, either alone or in conjunction with CLE providers, in the continuing legal education of the profession;
    - (b) whether to become more active in the dissemination of legal information (for example by becoming publishers of legal information) and move away from the traditional distribution role of a library.
  - iii. That libraries consider various ways to market all library services, both traditional and

emerging non-traditional services, with a view to bettering:

- (a) the competence of the legal profession;
- (b) the administration of justice;
- (c) service to the public of Ontario, by lawyers in Ontario

and, implement the most appropriate methods."

92. While all the recommendations ought to be detailed in the implementation of the Blended System, it is recommendation ii (b) that the Working Group wishes to comment further upon in this report. The Great Library has already begun a campaign of educating and training lawyers about using library services which the Blended system could take advantage of.
93. The recent copyright litigation between the Law Society and the legal publishers has taught those involved a valuable lesson. The legal profession cannot afford to continue to let others play such a dominant role in the publication and dissemination of legal information and law reports. Apart from the transaction cost of obtaining legal publications from third party publishers, there is a real risk to the profession that the law will become inaccessible to them because of publication policies or the movement of the databases to offshore, non-Canadian corporations. At the moment, only a very few corporations are publishing the law in Canada and, with international mergers and acquisitions, that number is diminishing.
94. Although the Law Society publishes the Ontario Reports, there is a lot of law being written and published by lawyers for others that might better be published directly to the profession through the Law Society or another organization owned by the profession, such as Library Co. After all, lawyers write the legal textbooks and provide the case annotations for the law reports. Continuing legal education programmes produce current treatises on the law and valuable precedents in specific fields of law. The Law Society's Bar Admission course materials are renowned for their merit as sources of law. The Law Society Act gives the Society control over the publication of court reports in Ontario.
95. The objective of the Blended System is to make legal information accessible to all members of the profession. As an adjunct to this report the Working Group is encouraging the Director of Libraries to begin to explore a means of keeping some control over the legal information provided to Ontario lawyers by becoming involved in publishing materials for the profession and to work with the Executive Director of "Library Co." to distribute legal materials to the lawyers in the Province. The Director of Libraries is currently responsible for the publication of the Ontario Reports and has some experience in this field. There are many ways to achieve this objective. The Working Group notes however, that the following methods should be investigated as soon as possible:
- ◆ more publication of written materials to supplement the Bar Admission Course materials and the Annual Special Lectures;
  - ◆ assessing the availability of legal materials on specific topics and encouraging the profession to write articles and commentary to fill whatever gaps have been identified by the professional staff of the Great Library
  - ◆ use of the Great Library, Law Society and LPIC web sites to disseminate legal information more broadly and increased education and training of lawyers to enable

them to be able to retrieve online information using the Internet for caselaw and statutes; the Great Library web site is beginning to fill this role and should be encouraged

- ◆ exploration of the feasibility of maintaining and updating the Legal Aid Research Facility standard memoranda (the complete set, eight boxes of disks, has been received by the Great Library from The Ontario Legal Aid Plan pursuant to a request by the Working Group)
  - ◆ publication of legal materials in an online format only (to save expense); if there is an initiative to deliver information electronically to lawyers in Ontario then Library Co. and the Law Society ought to consider whether special legal materials can be developed and delivered to the profession using such a mechanism; also, use of QL to deliver specialized materials (which they have already begun to do) should be considered
  - ◆ development of new finding tools by librarians to better exploit the world wide web resources
  - ◆ development of remote access to Library Co. catalogues through expansion of the Great Library's web site and delivery of information via remote means to members of the profession, in accordance with copyright laws (if the Law Society obtains copyright to materials or agrees to publish them for members, the copyright issues ought to be clarified and minimized since publication need not follow a for profit, bottom line model)
  - ◆ increasing the availability of specialized research for members (building on the Legal Aid Research memoranda) if the cost can be recovered throughout the system
96. The Working Group has not investigated whether any of the above models for dissemination of legal information are technically or economically viable. The members of the Working Group are convinced that there is an urgent need to investigate any and all means of making legal information available to members in a timely and affordable manner. The move to the Blended System appears to permit the Great Library to focus on providing the specialized resources it can best deliver while many of the more routine administrative tasks can be undertaken by Library Co.

### **FEARS ABOUT THE BLENDED SYSTEM**

97. The County and District Law Presidents' Association and the Ontario Courthouse Librarians Association have both endorsed the move to the Blended System. Many individual law associations also support the change to a new system although some believe more than others that the present method of operating county law libraries is seriously flawed.
98. The Phase I report tried to reassure local associations that the change to a new system would be positive and would bring with it the benefits of a system while respecting the history and roots of the county law libraries. Nonetheless, there are three concerns expressed repeatedly about the change and the Working Group wishes to acknowledge and address these fears as part of the further development of the Blended System. While the wording may vary slightly, the fears expressed by individual associations are:

1. "this will be the end of local associations"
  2. "we don't want the Law Society to take over our library or its funds" or "local decisions should be made because no one else knows what we'll use"
  3. "we don't want our library to be downgraded, we've worked hard for it"
99. None of these fears is unanticipated. Each of them has already been addressed in the Phase I report and is further addressed in this report. Change is threatening and, although the current operation of the county law libraries is unsatisfactory, it is "the devil we know". The members of the Working Group understand these issues as, by and large, we come from county law library backgrounds either as working librarians in a county library or as volunteer lawyers with many years experience in the operation of county law libraries. We have spent a lot of time in designing the Blended System, its objectives and the administrative/governance structure overseeing it to take into account the fears and concerns expressed. We are hopeful, even confident, that the proposed structure will mean that these fears will not be realized.
100. Let us address each fear in turn. Starting with, "this will be the end of local associations". We understand this sentiment to arise from two "features" of the new system: (1) a universal fee will mean there is no need to pay a local association fee since the bulk of the local fee pays for libraries and so, without a local fee, there will be no local members; (2) with the system making all the decisions, there will be no need for local library committees and nothing for local members to do.
101. While it is true that local associations tend to revolve around the local law library, that is in large measure not because they are running the library but rather because the library space is used to operate local associations and the librarian also performs local association duties. Neither of these will change. Local libraries will continue to occupy their existing space; local associations will not be displaced. There will still be a need locally for continuing legal education, social events and practice issues meetings. The good news is that the amount of local fee required to support these activities will be minimal compared to the cost of running the library.
102. The local librarian will still perform a certain level of local association business but, if those duties expand and interfere with the ability to tend to the library, it is expected that separate arrangements will be made to retain the librarian or someone else to perform the other duties under separate contract. For example, running a large CLE programme should not be done by the local librarian as part of the library duties but could be done, time permitting, as a separate contractual matter arranged between the association and the librarian. (See more details in the section "Blended System Standards - Staffing Requirements")
103. Local library committees will no doubt continue and there is a role for them. In fact, their role may be more important now that a co-ordinated system will be in place. If a local association does not wish to operate the library, then the system will respond and provide the services, working directly with the local librarian and the Roving Librarian. If a local association wants full involvement in the library operation then they will be able to do so by working closely with the Executive Director of Library Co. to implement and maintain the standards. In either case, there will be minimum standards for collections, staffing,

equipment, operations and facilities and the local library will be expected to meet those minimum standards. Unlike the current *ad hoc* arrangement, the Blended System will allocate the appropriate funds to achieve those expectations.

104. The second concern: "we don't want the Law Society to take over our library or its funds" or "local decisions should be made because no one else knows what we'll use". There is no intention to take over any library. The establishment of the Blended System will not cause the closing of any library; all libraries will be categorized and provided with a set of standards and a budget to achieve those standards. Some libraries will receive funds to upgrade their facilities, equipment or collections. Some library staff will receive training to help them with duties like training lawyers to use electronic products. We expect well over 90% of all associations will continue to have a local library committee work closely with the local librarian and the Executive Director to achieve the maximum system and local benefits.
105. While a minimum standard of collections will be maintained in each library, there will also be a suitable pool of discretionary funding given to local associations to supplement their local holdings based on local practices. The Blended System does wish to avoid unnecessary duplication of resources and maximize scarce resources which should make more funds available for core resources, even with the cost of system administration. As the system aspires to make legal information available throughout the province, the absence of a particular book or report or electronic product in one library should have less of an impact than it does now since another library can respond to the information request.
106. The concern is that "we don't want our library to be downgraded." This concern may be driven by the lack of detail concerning the holdings for each category of library. There is no intention to downgrade any library and every intention to improve individual libraries as well as creating an integrated system of legal information centres. Through input at the local level and standards ensuring a minimum, consistent acceptable level of service the system of libraries should be better than currently exists. It is true that some books may be replaced by electronic products; it is also true that the need to educate and train lawyers in the use of electronic products has been identified as the first order of priority for library users. However, the increasing role of technology still allows for books in the system.
107. Helping the profession find and retrieve relevant legal information is at the heart of the Blended System. There will be more emphasis on the skills of professional librarians. Centres without a professionally trained librarian will now receive the services of a Roving Librarian as well as access to librarians in other centres. The Regional libraries will operate a form of outreach service to lawyers in their region. Area libraries will have more resources available to assist users and local libraries will have staff trained in the best way to obtain information from the system. Libraries will also be more proactive in disseminating legal information and helping lawyers better utilize their services.
108. Perhaps the main reason the Working Group is confident that the fears expressed are unwarranted is that the profession is being put in charge of its own library system through the establishment of Library Co. There will be one group responsible for the operation of county law libraries and that group will be selected jointly by the profession and the Law Society. An Executive Director will be charged with ensuring the system operates to the satisfaction and benefit of all users. The financial operation and distribution of funds will

be rationalized and formalized. Funding will be predictable and stable, being on a three year cycle. A transition period will be in place and local associations will be kept fully informed of developments. The Blended System will not replace local associations or local libraries, it will provide certainty to and leverage for the county law libraries in their dealings with others, including the Law Society, legal publishers and government.

109. There are six tools built into the Blended System to support the change and enable its success:
  1. Stable, multi-year funding
  2. Recognition of the need to plan for technology and funds to enable it
  3. A knowledgeable board overseeing Library Co.
  4. Good staff throughout the system, starting with the Executive Director
  5. Local discretion and local input to keep perspective in the system
  6. A formalized relationship with the Great Library
  
110. The goals for the Blended System are to create an intelligent, flexible and responsible way of organizing county law libraries, adding value and expertise to the libraries so that the sum of the parts is much greater than the whole. It is only through the co-operation and effort of the people involved that these goals will be met.

# 4 STANDARDS FOR THE BLENDED SYSTEM

## BACKGROUND

111. In Phase I Convocation has accepted as a statement of principle that:

"To be effective, a library system must be planned and co-ordinated. A library system operates with standards for collections, staff, cataloguing, charges and all other major operational or administrative matters. Establishing standards does not mean all libraries would be identical, it means a minimum level of access would be established and materials required for each area would be identified and made available." (Phase I report, page 126)

112. Professional libraries and librarians operate with standards for the libraries and for the staffing, administration and governance of libraries. The Courthouse and Law Society Library Management Group has prepared *Canadian Courthouse and Law Society Library Standards*, for which the Working Group is most appreciative. Released in 1998, these Standards are an update of the standards formerly ratified in 1986. The Standards in turn borrow from the American Association of Law Libraries.
113. These documents and the professional expertise of the three law librarian members of the Working Group have formed the basis for the recommendations of the Working Group with respect to standards. Where this report might differ from the Canadian standards, is probably because the Blended System is not just a library in a courthouse but rather a series of courthouse law libraries with a history dating back almost to Confederation and the Working Group has tried to reflect this history in its promulgation of standards.
114. The general library system standards formulated by the Working Group, including those relating to governance and administration, are set out in this section of this report. Specific standards that the Working Group has designed to apply to individual libraries are set out in the Appendix.

## WHY HAVE STANDARDS?

115. The quality of any library or library system revolves around acknowledged and tested principles of operation. These principles ensure that library collections are pertinent and up-to-date, that library staff are properly qualified and compensated, that technology and equipment is current, that physical facilities are adequate and safe, that long-range planning and budgetting is ongoing, and that library services are promoted appropriately.
116. Standards enable a library system to have a co-ordinated approach to utilization of resources and a common goal in organizational planning and operation. Each component of a system (i.e. each library) has responsibilities to fulfill and has an obligation toward the other components of the system. Standards help libraries meet their individual and corporate responsibilities by knowing what is expected of them by the other members of the system, the funding bodies and the users of the system.

117. These standards will help achieve the following design principles adopted in Phase I:

- ◆ promote and facilitate competence in the profession
- ◆ provide access to current and historic legal information for all members of the Law Society, throughout the province
- ◆ recognize the uniqueness and diversity of the province, particularly the north and its huge geographic distances
- ◆ facilitate the flow of research in the profession
- ◆ support the administration of justice in the province
- ◆ different levels of services are acceptable within individual libraries but all services will be available by some means to users

### **SYSTEM STANDARDS**

118. The standards employed in the Blended System must help achieve the design principles and objectives for the system, including maintaining at least the same quality of services as presently available without increasing the overall funding in the system. It is expected that through employing economies of scale in some areas and reducing duplication of services in other areas, a systematic, planned organization of resources will achieve the goal of providing universal access to legal information, regardless of physical location.

119. Generally speaking, the standards adopted should be easily attainable by each category of library but not without some effort and attention to the standard. The standards ensure lawyers throughout Ontario that by entering any library in the system, reasonable expectations of what services that library can provide will be met. The standards will take into account the size and location of the libraries, as well as its categorization as Regional, Area or Local.

120. Standards live in a complex and changing environment. They must be monitored, updated, changed and implemented as a cohesive whole and as part of a dynamic structure. The Transition Board and the board of Library Co. will each be charged with overseeing ongoing development and maintenance of system standards. The Executive Director is responsible for "on the ground" implementation of the standards, guiding the local librarians in implementation. The local librarians in turn are expected to advise the system administration about how the standards are operating and provide feedback from library users.

121. In determining how to operate the Blended System to obtain these results, there are several areas for which standards must be articulated:

- ◆ Information, Reference and Research Services
- ◆ Staffing
- ◆ Collections
- ◆ Physical Facilities
- ◆ Operations
- ◆ Budgeting
- ◆ Technology and Equipment
- ◆ Circulation of materials

◆ Public Information and communications

122. Standards must continue to develop as the system grows and matures. **The establishment and maintenance of the standards will be an ongoing policy matter for both the Transition Board and the Library Co. board.**

**Information, Reference and Research Services**

123. The success of the county law library system pivots on the excellence of its information, reference and research services. A well-used library is service-oriented. Libraries are no longer fortresses hiding books and information is not confined to what is in the library facility. Knowing how and where to get information is what professional librarians are trained to do.
124. All libraries within the system have an obligation to assist users according to their type of collection and level of staff expertise or to direct users to another library in the system if necessary.
125. No library should refuse to assist a lawyer in gaining information. Local libraries must be able to provide basic instruction for electronic materials and for the use of the core collection. This may mean that local library staff will require special library training to help them assist library users with basic reference questions.

**Staffing Requirements**

126. Qualified and trained staff are another essential feature of a viable library system. The system and its administration have obligations to staff at all levels and, in turn staff have obligations and responsibilities to library users and to other staff and libraries within the system.
127. The professional expertise of staff required for individual libraries is detailed in the description of the Blended System and in the Appendix. Generally, all staff should meet or exceed the educational requirements. Ongoing training must be provided to staff appropriate to their level of service and professional expertise.
128. The Blended System will be augmented by roving professional librarians, who will ensure that area and local collections are adequate and who will offer end-user training and reference assistance in local and area libraries as necessary. **While it will be the responsibility of the Transition Board to determine the number of roving librarians and detail their duties, the staffing standard to be adhered to is that there must be a sufficient number of professional librarians deployed throughout the system to ensure that the information, reference and research services standards are realized.**

*Local Association Duties*

129. The Working Group recognizes the historic importance of the local librarian to the operation and maintenance of local associations. This connection should be preserved and fostered where appropriate but only to the extent that it does not interfere with the operation and maintenance of the library to the standards for that level of library. After all, there are only so many hours available for the librarian to perform their core duties and if there are many association duties, the library duties must take precedence. It may be that local associations will wish to retain the services of the librarian (not all librarians are full time)

or another person for other association purposes such as special events co-ordination and planning. If so, there should be a separate arrangement and payment if the duties involved are a significant departure from routine association business or library services. (See also discussion under *Budgetting*.)

### **Collections**

130. A library system must support a collection of materials (print and electronic) which is related to needs of the local communities and the system as whole. To this end, the new library system should utilize the collection standards defined by the Canadian Courthouse and Law Society Management Group. These Standards recommend a mix of formats based on availability and the needs of the individual library.
131. According to these Standards, factors to consider in format selection include:
  - ◆ degree of computerization
  - ◆ physical attributes of electronic materials vs. print
  - ◆ quality of product
  - ◆ availability of similar and equivalent materials in different formats
  - ◆ remote access
  - ◆ cost
132. As identified in Phase I, local libraries must have at least a core collection of Canadian materials. Access to materials specified in the Standards means access within the new system of libraries and not that each library must have all materials. Collections will vary significantly across Regional, Large Area, Area and Local libraries. The Great Library's collection should also be kept in mind when reviewing the collections in the system's libraries.
133. The Working Group recommends that each library also have access to QL, the Internet and e-mail for the staff. Whether users of the library can also access any of these should be a matter for individual libraries to determine based upon a number of local factors such as physical facilities, experience of the staff and demand by members.
134. Individual libraries should make supplementary collections decisions based on access, portability and cost. Any libraries lacking the expertise to make such determinations would rely on the roving librarian or the system Executive Director for these decisions.
135. Other general collection standards which apply to the system include:
  - ◆ where applicable French language materials must be available
  - ◆ there will be reference and circulating collections
  - ◆ collections should be fully catalogued
  - ◆ collections in a given area should support local courts
  - ◆ there will be a retention and weeding policy
  - ◆ beyond the core collection, there should not be unnecessary duplication of materials within a region
  - ◆ there will be a policy for management of rare books as necessary
  - ◆ maintenance and preservation of collections, particularly emergency procedures (for example, prevention of fire, smoke and water damage and handling the consequences)

of such damage.)

### Physical Facilities

136. There is an obligation on the system to make sure facilities throughout the system are adequate to meet the other standards. So, system wide standards for physical facilities are required but they may have to be phased in over time given the unique situation of courthouse libraries. Physical facility standards have the added advantage of providing guidance for the library system when dealing with Ontario Realty Corporation over space planning and retention of space issues which seem to arise each year at one or more locations in the province. The standards also assist in negotiations for upgrading and relocating poor facilities within court houses.
137. Industry/building code standards must be followed in these areas:
- ◆ air quality
  - ◆ noise factors
  - ◆ floor load
  - ◆ lighting levels
138. Within the library system, there must be adequate provision for equipment, computers, telecommunications, and electrical wiring and cabling , keeping in mind growth factors in technology and electronic access to information.
139. The physical arrangement of library shelving, work stations and staff work areas must be as flexible as possible to allow for continuing installation of new technology, and the growth and rearrangement of libraries.
140. **It will probably be necessary to conduct inspections of library facilities to determine whether they meet these standards. The Transition Board should arrange such inspections and recommend any corrective measures, together with a budget and implementation plan before January 1, 2000. The Transition Board should also be given a budget and the power to immediately implement system upgrades where appropriate and affordable.**

### Operations

141. The operating infrastructure of the library system must be in place at both the system-wide level and at the individual library level. The information-reference-research function is dependent on the day-to-day background operation of the libraries and the system.
142. The system administration must ensure that system-wide policies and procedures for the following are in place:
- ◆ facilitating bulk purchases of print and electronic resources at reduced rates
  - ◆ selecting, acquiring, and cataloguing materials in all formats within the core collection, including a collection policy
  - ◆ cataloguing of materials not in the core collection for area and regional libraries
  - ◆ maintenance and system-side availability of an on-line catalogue
  - ◆ maintenance of system-wide statistics on library use, services offered, new books or electronic materials, equipment, money spent by the system and by libraries, money

- raised by system and locally, binding of materials
- ◆ creation of an inventory of materials and equipment within the system
- ◆ preservation of historic/rare materials
- ◆ weeding materials from collections

### Budgetting

143. There will be a system-wide budget for each category of library operation and individual libraries may also have budgets for enhanced collections and staffing suitable to local needs. There must be a level of common financial planning and exploitation of common management systems and solutions across the system.
144. Budgets for the operation of local associations will be kept separately and funds earmarked for libraries may not be used in the general operation of local associations. Guidelines should be established in conjunction with local associations delineating the amount of staff time/funding which can be directed to local association business (see also standard for *Staffing Requirements*).
145. When the new system has been costed and budget responsibilities assigned, there must be standards detailing:
- ◆ annual budgetting procedures at the system and local level
  - ◆ proportion of system funds allocated to Local, Area and Regional libraries
  - ◆ proportion of system funds allocated to the administrative operation and management board
  - ◆ financial accountability at all levels
  - ◆ generation of income at the local level
  - ◆ spending decisions at the system and local level
146. These standards should be written in conjunction with local associations, taking into account local autonomy that does not diminish the standards but still adheres to the overall standards required to administer the new system in accordance with the objectives, policies and standards. Better financial and management information records developed for the management of the system take priority over local methods of bookkeeping and recording if there is any conflict between the two sets of objectives.
147. The budgets must allow for continued growth of collections and technology. Retention of qualified staff and appropriate benefits must be incorporated into the budgets. The system budget should be prepared in coordination with individual library budgets and provide guidelines for use of system money in individual libraries.
148. The budget that is developed for the system must accomplish the standards within the policy framework established for the system. The Canadian Courthouse and Law Society Library Standards document suggests that a normal mixture of operations, collections and staffing for library budgets would be:

Collections:	30 - 40%
Staff:	40 - 60%
Operations:	0 - 20%

However, the Working Group recommends that this form a guideline only for the overall system and that the Executive Director and Transition Board determine whether this mixture is appropriate for the Blended System.

149. **To assist with the establishment of the budgets and financial procedures, particularly the financial reporting requirements, the Working Group recommends that the Transition Board retain accounting services commensurate with the task and provide appropriate training and guidance to all local library staff to enable them to adhere to the reporting requirements.**

### **Technology and Equipment**

150. To the greatest degree possible, software, operating systems, hardware and other equipment should be consistent across the system. Consistency allows ease of use for lawyers as they move throughout the system and facilitates easier maintenance programmes.
151. The system should upgrade technology and equipment as required and should embrace new technology when it has been proven to be reliable and useful. When considering technology, balanced use and best practices principles should be adhered to and should both filter down and percolate up through the system.
152. Technology should support access to materials in a variety of formats. After the start date of the new system (January 1, 2000 proposed) individual libraries are discouraged from making technology purchases which do not fit into the system plan without administrative approval because the benefits of the technological infrastructure will soon be lost if each library operates different technology.
153. System-wide access cards for photocopiers, fax machines and printers should be acquired.
154. A time limit may be set for associations to bring their technology and equipment into line with system standards. **The Transition Board should determine the needs of each library and decide whether a one-time capital expenditure from the accumulated library funds ought to be made immediately to bring all libraries up to the appropriate technology standard.**

### **Circulation of Materials**

155. Local libraries may determine which parts of their collections may circulate but should keep in mind that materials must be available for use in court and for in-library research. Should local libraries decide to circulate materials they should establish policies and procedures regarding:
- ◆ which materials can circulate
  - ◆ loan periods
  - ◆ who can borrow - local members, members of other associations or any lawyer and procedures for borrowing so that the materials remain available when required
  - ◆ non-lawyers should not be able to borrow circulating materials other than through an Interlibrary Loan programme
  - ◆ fines for overdue materials and procedures for reclaiming overdue materials

- ◆ how materials are checked out/library cards
156. When a decision is made regarding Interlibrary Loan at the system-wide level, policies and procedures should be established regarding:
- ◆ a separate circulating collection vis-à-vis circulation from general collections (purchase of duplicate materials)
  - ◆ a timely and efficient mechanism for moving materials throughout the system
  - ◆ loan periods
  - ◆ will books circulate within a region or throughout the entire system
  - ◆ is there Inter-Library Loan outside the immediate system
  - ◆ will borrowed materials have to be used strictly within the borrowing library

**Public Information and Communications**

157. System-wide information about the implementation of the new library system will be essential and must be carried out prior to actual implementation. Information and explanation of the changes and improvements being generated should be communicated regularly to all members of the profession.
158. **There should also be wide publication and promotion of both the Phase I and Phase II reports together with information sessions in each region by the Transition Board. Other information initiatives must also be conducted as the Transition Board sees fit.**
159. Following the initial publicity for the new system, administration must ensure that continued communications about system procedures and library services is made available to all lawyers. This publicity could be accomplished through a system web site, e-mail to listservs, advertisements in the Ontario Reports and legal newspapers, presentations at association annual meetings and organized training sessions.
160. Local libraries should also advertise services to their local members and lawyers in their areas. The system administration may assist with that information distribution for Local libraries and if requested to do so by Regional and Area libraries.
161. This information to members could take the form of:
- ◆ newsletters, bookmarks, articles, seminars, brochures
  - ◆ presentations at local association annual meetings
  - ◆ library open houses and demonstrations especially end-user computer training and seminars on research tips/techniques
  - ◆ individual web sites or pages on the system web site
162. The recommendations contained in Phase I about training and education of the legal profession (at page 128 of Phase I) must be implemented as part of the information and communications strategy for the system.

# 5 GOVERNANCE STRUCTURE

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## BACKGROUND

163. Developing an appropriate governance structure for the Blended System involves balancing the benefits of an overall system with the need for local input and preservation of a certain amount of local autonomy.
164. A new approach to the administration and governance of county law libraries is required. The current method is that any, all and each of the following have direct, uncoordinated and unclear input to the operation of the local library and the distribution of the central funds collected by the Law Society:
- ◆ 48 local association library committees with local lawyers
  - ◆ each of the local county law librarians
  - ◆ a CDLPA library funding committee
  - ◆ a full CDLPA library committee of over 25 members
  - ◆ executive members of the library committee (who meet together and with the Law Society's Director of Libraries)
  - ◆ the benchers on Professional Development and Competence Committee
  - ◆ various library working groups of PD & C
  - ◆ Convocation
  - ◆ CDLPA sitting in Plenary session twice a year
  - ◆ the Ontario Courthouse Librarians Association
165. This list does not include other groups that influence or directly affect the county libraries such as the Law Foundation of Ontario, QL Systems, the legal publishers, staff of the Law Society, the Canadian Bar Association - Ontario, the Ministry of the Attorney General, Ontario Realty Corporation, library users and other library communities.
166. The result of this arrangement, detailed in Phase I, is that there is no systematic approach to the provision of library services across the province, even though some individual county libraries provide excellent service to members. There is actually no one "in charge" of the county law libraries and there is no defined role for any of the groups outlined above, so that everyone feels they are in charge and at the same time recognize that no one is running the overall libraries.
167. This lack of clarity and precision in responsibility and accountability cannot continue given the commitment to a system of libraries. A single group has to be accountable to the profession and to Convocation for the success or failure of the Blended System. This is **particularly so** if there is a decision to adopt universal funding for libraries. A \$6 million budget cannot be successfully administered and governed by the loose structure of disparate groups set out above.

## **PRINCIPLES TO BE OBSERVED AND IMPLEMENTED**

168. The Phase I report identified certain principles of a system that the administrative and governance structure must facilitate. These principles become the tasks to be supported by the administrative structure and implemented by the staff. They also form the initial policy objectives for the overall governance of the system:

- ◆ a common and co-ordinated approach to collection development achieving the objectives of the system, rather than of individual libraries
- ◆ development of levels of complexity with planning and deployment of all resources - staff, collections, funds, equipment - appropriate to those levels
- ◆ mobilization of resources, such as staff and equipment, within the system to respond to emergencies, short term needs and special circumstances
- ◆ utilization of all resources, particularly staff and reference services, based on need and demand, regardless of location
- ◆ access to all library system components by users, regardless of geographic proximity
- ◆ common financial planning and exploitation of common management systems and solutions
- ◆ minimization of duplicate resources and maximum deployment of scarce resources
- ◆ the library facility, either actual or virtual, provides the support to accomplish the goals of the law libraries
- ◆ a mechanism exists for organizing, categorizing, disseminating and making available reliable, relevant, current and historical legal information within the system without the necessity of each library, regardless of size or location, having to provide this information
- ◆ there is a planned organization of libraries as a group, to reduce demand on individual libraries

## **STANDARDS FOR GOVERNING**

169. The purpose of the governance structure is to increase the likelihood that the system will be administered in an efficient and competent manner. The governors of the system will be held accountable for delivery of the objectives and policies established for the system.

170. In this section, we outline the standards that must be observed in creating a governance structure for the new library system, and observed by that governance structure in carrying out its mandate. Taken from various sources<sup>2</sup>, these standards set out the minimum requirements for membership in the governing structure, planning and reporting requirements and policy responsibility.

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<sup>2</sup> Standards are taken primarily from the Canadian Courthouse and Law Society Library Standards adopted in 1998 and the American Association of Law Libraries "County Law Library Standards" produced in 1996.

## **"LIBRARY CO."**

171. **The Working Group recommends that following the work of the Transition/Implementation board (see Chapter 6) one governing body be created to oversee the new library system and carry forward the policy decisions necessary to effectively implement the objectives of the Blended System.** While a committee structure could be implemented for such governance, the Working Group quickly came to the conclusion that a new corporate vehicle would be the best way to correct the governance problems now in existence and reinforce the fact that it is a new system.
172. A corporation carries the benefits of providing clear legal status, the ability to hold assets, employ staff, separation from the funding bodies, a better focus for interested constituencies and, independence from the existing and historical relationships. It is a fresh start for a new system. It also connotes a business-like approach to the administration of the system. A corporation can be structured in various ways and only the skeletal outline is being recommended here. **The Transition Board will be required to bring to Convocation for approval the draft corporate by-laws and a recommendation as to whether the corporation should be a non-share capital corporation or a business corporation.**
173. **The Transition Board should also recommend a name for the corporation, which for the purpose of this report only, is referred to as Library Co.**
174. **The Working Group recommends that the office(s) for Library Co. be located in the Greater Toronto Area to facilitate travel to county towns by road or air but that it not be located in downtown Toronto. It is important to distinguish the new system from the old and to reflect the fact that it is a county library system. The Working Group recommends that the Transition Board determine whether there is space to house Library Co. in Brampton in a suitable facility.**
175. In discussing the structure of Library Co., the Working Group examined options for the size of the board, the appointment process and ownership of Library Co. Ultimately, the Working Group agreed upon these issues and determined that it should make a recommendation on these matters, rather than present options. The options dealt with whether a larger or smaller board was more suitable and whether appointments ought to be by virtue of membership in a particular organization or based on merit.
176. Once Convocation determines the general structure of the corporate entity to be established and, if the CDLPA Plenary session in May and MTLA's governors agree with such determination, then the Transition Board can begin the process of establishing the corporation, setting up the by-laws and recommending to Convocation in the fall of 1999 any further options that must be determined to make the structure operational. If there is disagreement by CDLPA and MTLA then Convocation will have to assess whether to proceed in any event or start afresh. As the CDLPA Library Committee has already endorsed the principle of Library Co., it is anticipated that CDLPA Plenary will also support it.

### **The Board of Directors - Size & Appointments**

177. **The board should have an uneven number of members. After examining various**

sizes, the Working Group recommends a board of fifteen (15) be appointed with a Chair and 1 or more Vice-Chair(s) as may later be recommended by the Transition Board. The board appointments should be for staggered terms of three years to preserve experience while introducing new energies and ideas on a regular basis. Initial appointments will need to be for various terms (1, 2 and 3 years) to begin the process.

178. Most significantly, the standard for appointment to the board is to be related to library knowledge and interest, as outlined elsewhere in this report.

179. The general outline of the Library Co. board structure is:

**Appointees:** non-political, based on criteria set out in standards;  
11 or 12 of the 15 must meet standards for governors;  
3 or 4 are appointed based on affiliation to a group and do not have to meet the criteria:

- ◆ MTLA and OCLA each are entitled to 1 appointment
- ◆ CBAO, if it does not merge with CDLPA has an appointment
- ◆ the Director of Libraries for the Law Society is automatically appointed as an *ex officio* voting member
- ◆ the balance of the appointments are jointly made on consensus of LSUC and CDLPA (see details below)

**Meetings:** initially, will meet monthly;  
Expect quarterly meetings once system established

**Committees:** small, specialized committees on finance, standards, collections and technology will meet 4 - 6 times per year, as required;  
outside expertise shall be added to these committees (e.g. accountant)

**Role:** the role of the board is as policy overseers;  
advisory matters are the responsibility of the Executive Director to bring to the board when policy is required

**Staff:** the Executive Director reports to the board but is not a member of it;  
good professional staff is the key to success of the model as it is the job of the Executive Director and any other staff to implement board decisions and monitor adherence to standards by individual libraries

**Relationship to Local Associations:** local associations may choose to have a library committee or not;  
if no local committee then board, through Executive Director, provides services to local library; if there is a local library committee then board and local committee negotiate library services and arrangements, within the system principles and objectives

**Relationship to Members (Shareholders):** must report at least annually to both LSUC and CDLPA;  
keep all members informed of significant developments as they occur;  
(Shareholders) requires permission of LSUC and CDLPA to change objectives, policies

or principles upon which it operates

180. The Working Group does not envision a large bureaucracy for Library Co. **The Transition Board will have to return a multi-year budget showing the cost of the administration, the expected savings contributed toward the cost and the quality improvements realized through the implementation.**

### **Joint Appointments to the Board**

181. The Working Group is concerned that the board of Library Co. be composed of people who meet the standards for county law library governors and have the best interests of the system in mind, rather than any other agenda. To the extent possible, Library Co. should operate as an arm's length body without influence from the members or shareholders. The policies and limitations placed upon the board by the Phase I and II reports and the by-laws and articles of incorporation will determine the scope of authority of the board and the objectives of Library Co., and therefore it will not be necessary to use board appointments as a direct way of ensuring that particular policy objectives will be followed.
182. The 11 or 12 jointly appointed positions should be selected through a shared appointment process whereby the Law Society and CDLPA would, in effect, be "locked in a room" until they agreed on the appointees. As there is to be a staggered appointment process, this may be an annual event. The appointees must meet the criteria/standards for governors and collectively the entire board must represent the diversity of the profession.
183. The discretion of the Members/Shareholders cannot and should not be fettered, in their selection of Directors. However, the work of electing directors is expected to be facilitated by a Nominating Committee of the Board. The corporate bylaws would create the Nominating Committee and set out a mandate of how it might advise the Members/Shareholders.
184. This mandate would guide the Committee in the selection of individuals whose names would be put forward as Board candidates. It is in this mandate that the delicate and important task of ensuring competent and balanced succession would begin.
185. For example the Nominating Committee mandate might include the following terms:
- ◆ that in advancing names of prospective Directors, efforts be made to ensure that the Board is both balanced and representative of the many identifiable constituencies that it serves, including:
    - different sizes of law firms
    - different sizes of communities
    - different regions of the province
    - different areas of practice
    - English and French languages
  - ◆ that consideration be given to the experience or expertise of prospective Board members to ensure competence and a diverse array of talents; being a member of the bar is not a prerequisite;

- ◆ that fair consideration be given to all who express an interest in a commitment to serve on the Board.

186. **The first board of Library Co. should take office on or about January 1, 2000. Some of the appointees should be members of the Transition Board and some should be new appointments. The Working Group recommends that the Transition Board be required to put forward a list of at least 17 names for appointment to the 11 or 12 jointly appointed positions but that neither the Law Society or CDLPA be restricted to making appointments from the list, provided the general criteria for appointment are met.**

#### **Ownership of Library Co. - Who are the Members or Shareholders?**

187. The reason for establishing Library Co. is to clarify the ownership and management of the county law libraries under the new Blended System so that the former unclear, *ad hoc* arrangements are replaced by a single purpose legal entity whose function is to operate the system in accordance with stated policies and objectives. If Library Co. is a non-share capital corporation, it will be formed by two members. If it is a business corporation, it will be owned by two shareholders.
188. The focus in the Working Group has been on a non-profit, without share capital corporation, pursuant to the provisions of the *Corporations Act*, Ontario. As this is a less familiar form of corporate vehicle for many lawyers than the traditional business corporation, some of the key attributes of a non-profit, non-share corporation are outlined here.
189. The phrase non-profit implies that the corporation will be carried on without financial gain flowing to its owners / organizers. This does not prevent the corporation from acting in a business-like fashion in virtually all other respects. Nor does it mean that the corporation is somehow prohibited from holding a surplus of revenues over expenses in any given accounting period. It does mean though, that the surplus must be used to further the objects of the corporation, and any such surplus may not be handed over as a dividend or profits to the owner / organizers.
190. The phrase without share capital has a number of implications. Unlike typical business corporations, there are no shareholders and there are no shares. Instead the owners/organizers are called Members.
191. There may be different classes of membership, and different voting rights may attach to the different classes of membership. The Working Group anticipates that if Library Co. is organized as a non-share corporation there will be only two full voting members, the Law Society, and either the CDLPA or its successor merged organization. Each will have an equal vote in electing the members of the Board of Directors of the corporation, save for those Board directors who are *ex officio*. This structure reflects the fact that the Law Society and CDLPA are the entities which historically have had the major, shared responsibility for the libraries.
192. The phrase *ex officio* means that the Board director is appointed by virtue of holding a particular office - for instance Director of Libraries, LSUC. It is anticipated that there will be either 3 or 4 *ex officio* Directors in the new corporation, on a 15 person Board. The remaining 11 or 12 governors would be elected by the 2 full voting Members.

193. Historically, county law library administration has been a loose partnership between the profession and the Law Society. Traditionally, funding has been provided roughly equally by the profession at large through Law Society levies, grants or funds and through local association membership fees. The Working Group considered whether these two parties should continue to be the ones in charge of county law libraries.
194. The Law Society collects funds from the profession for library purposes. It therefore has a responsibility to see to the application of those funds and be satisfied that value for money has been achieved.
195. With respect to libraries, the profession is currently represented by CDLPA and MTLA. CBAO currently plays no role in county law libraries but if CDLPA and the CBAO merge, the merged organization will presumably represent the profession on library matters<sup>3</sup>. Local associations are represented through CDLPA and do not require separate status, with the possible exception of MTLA which may or may not be part of any merged organization. If it is not, then its status will need to be determined.
196. **The Working Group recommends that the membership or shareholding of Library Co. consist of both the Law Society and the profession as represented by CDLPA or the new merged organization.** Options were examined concerning the percentage of ownership or membership in Library Co. but ultimately the only viable arrangement was felt to be equal representation by the Law Society and CDLPA or CDLPA/CBAO if there is a merger. The interests of MTLA, OCLA and the CBAO (if there is no merger) are to be acknowledged by a seat each on the board.
197. If Library Co. is a non-share capital corporation, the two members will be the Law Society and CDLPA or CDLPA/CBAO. If there is a business corporation, there will be two equal shareholders, the Law Society and CDLPA or CDLPA/CBAO.

#### **Qualifications of Members of the Governing Body**

198. To provide informed guidance and support, the members of the board of Library Co., should have the following qualifications:
  - ◆ Knowledge of and interest in county law libraries;
  - ◆ Knowledge of the community being served and of its changing needs;
  - ◆ Awareness of changing delivery methods (technology);
  - ◆ Familiarity with the Phase I and Phase II reports and decisions made by Convocation (can be acquired after appointment);
  - ◆ Time to devote to meetings of the board in person;
  - ◆ Ability to make decisions independently of any particular organization.
199. When the governing body establishes subcommittees, the members must have expertise in the subject area of the committee. Subcommittees do not have to contain members of

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The Business Plan for the new organization formed by the merger of CBA -O and CDLPA, dated October, 1998 states at page 5 it "does not assume a change in the method of operation of the local law associations or law libraries."

the governing body as long as the subcommittee reports to the board.

### **Operating By-Laws, Governing Documents, Policies and Procedures**

200. The documents establishing the governing body will delineate the number of governors, the terms of governors, the appointment/selection/removal procedures for governors and for the perpetuation of the governing body. They will set out the relationship of the governing body to the system itself and to the administrative office of the system. The legal entity running the system will be described and an office established. Signing authorities and other operational by-laws will be established suitable to the legal entity created.
201. A manual of policies and procedures, taken from the Phase I and II reports, will be provided to governors which will detail the "Blended System", as informed by the model "Electronic Delivery of Library Services" and will familiarize them with the operation of the system.
202. Governors must become familiar with all the concepts, design principles and objectives of the system (collectively called "the policies") and agree to govern in accordance with those policies. Where limitations or constraints have been placed on the governors through the policies, they must observe those limitations unless they are able to obtain a change to the limitations from those responsible for formulating them.
203. There will be an explanation of the relationship between the Law Society and the governing body and between the local county law associations and the governing body. Other key relationships that might exist will also be explained. Governors while performing their governance duties will put the best interests of the county library system ahead of their own personal interest or the interest of any organization to which they may belong, although their decision-making will be informed by knowledge of other organizations and relationships to them.
204. Periodic visits to Regional, Area and Local libraries will be organized for governors to obtain first hand information and they will be expected to establish liaisons with the broader library community, with library associations, and with other legal organizations. Governors will be expected to participate in such visits to better inform their decision-making.

### **Long Range Plan and Reporting Requirements**

205. The governing body must make an annual report to its funding bodies and to the users of the system. The annual report must provide full financial and budget information and detail the major activities of the previous year. It must also outline long range planning activities for the system.
206. In addition to annual reports, the governing body shall make such periodic and special reports as may be necessary to properly inform all relevant constituencies of key activities and significant developments affecting the library system, its viability and its ability to deliver library services as required by the policies.
207. Long range planning must be based on the policies and goals of the system and include monitoring and evaluation of the degree to which the system and individual libraries are meeting these criteria. It must also monitor the service needs of the community and governors will alter library and system services accordingly. The long range plan will set priorities for the allocation of resources within the system in accordance with the

established policies and goals, given the funding available.

### **Relationship of Governors to Administrative Staff**

208. The relationship of any staff employed by the governing body to administer the system (for example, an Executive Director) must be defined by adequate reporting relationships and job description(s) that can be readily understood by the governors and the staff.
209. In local associations, clear reporting lines and responsibilities must be established between the local library staff and the local association. Appropriate involvement of the local law librarian in the management and decision making processes of the local association should be determined in accordance with the policies and objectives of the overall library system and the unique characteristics of the local library and local association. The local librarian and the local association must each understand their respective roles and responsibilities with respect to the local law library, the library system, system staff and the governing body of the library system.
210. It is the joint responsibility of the governing board and the Executive Director to make sure that the library standards are met throughout the system.

### **The Executive Director**

211. The key to success of the Blended System and of Library Co. is the newly created position of Executive Director of County Law Libraries.
212. The Executive Director has the overall responsibility for the operation of the Blended System and the execution of system policies. He/she will act as a liaison between the Board and the individual libraries/local associations, balancing the need for local autonomy with the overall needs of the system. The Executive Director must be familiar with all libraries in the system and be able to evaluate service levels and staff performance against the standards.
213. The qualifications of the Executive Director will be:
  - ◆ MLS or MLIS
  - ◆ law library experience an asset
  - ◆ broad knowledge and experience of library procedures
  - ◆ knowledge and experience of law library related technology and electronic information sources
  - ◆ knowledge of legislation affecting law libraries
  - ◆ supervisory/administrative experience
  - ◆ budgeting/financial planning experience
  - ◆ management of a multi-branch organization at a senior level is desirable
214. The duties of the Executive Director will include, in addition to those already identified:
  - ◆ planning and development for ongoing growth and operation of system
  - ◆ gathering and coordinating system-wide statistics
  - ◆ system budget preparation/assisting local associations as requested with local budgets
  - ◆ ensuring standards for each category of library are met and maintained and assisting with attainment of standards where requested to do so by local associations

- ◆ communication of policies and procedures
- ◆ hiring other administrative office and clerical staff
- ◆ providing local associations with assistance as requested in hiring/managing staff
- ◆ personnel administration as determined in conjunction with local associations
- ◆ seeking /monitoring sources of funding
- ◆ public relations/communication of information for system
- ◆ ensure cooperation/smooth exchange of materials/reference services between libraries
- ◆ ensuring continuing education opportunities for all staff in the system
- ◆ monitoring/overseeing collections of materials (all formats) within the system
- ◆ involvement with professional associations

215. The Executive Director will become an expert on county law libraries and the Blended System. He/she will advise the board of Library Co. on issues emerging in the system and will help lead the libraries into the next century. Strong administrative and management skills will be required. The Executive Director must be able to work with all librarians in the system and earn their respect so the system can flourish.
216. As administrator of a \$6 million library system, the successful candidate for the position of Executive Director will be a senior librarian with years of practical experience in libraries. They will also need to work closely with the Director of Libraries for the Law Society to coordinate the activities handled by the Blended System with those to be handled by the Great Library. The suggested salary is in the range of \$85,000 - \$95,000 plus benefits.
217. The Executive Director will be hired by the Transition Board. The Executive Director will eventually report to the board of Library Co. and take direction from that board. Until Library Co. is created, the Executive Director will be a contract employee of the Law Society. The Working Group expects that it will take 2 to 3 months to locate and hire a suitable candidate for the position of Executive Director. Given the importance of this position to the success of the new system, it is desirable to have the position filled by June 1<sup>st</sup>, 1999 if possible so that the new system can be in place by January 1, 2000.
218. The Executive Director will be expected to work closely with the Transition Board to make sure the new system is implemented and established in accordance with the standards and decisions established by Convocation through the Phase I and II reports.
219. As a result of the importance of this position, the Working Group obtained permission from Convocation to begin advertising for the position of Executive Director before receipt of this report, on the undertaking that no offers of employment would be made or hiring interviews conducted until and unless Convocation ultimately approves the creation of the position of Executive Director through the adoption of the recommendations in this Phase II report.
220. **The Working Group therefore recommends that the position of Executive Director of the County Law Libraries be created on the basis outlined in this report and that the Transition Board be instructed to immediately seek suitable candidates and hire an Executive Director as soon as possible.**

# 6 UNIVERSAL ACCESS TO COUNTY LAW LIBRARIES

## UNIVERSAL ACCESS AND UNIVERSAL FEE

221. Universal access to legal information is not currently guaranteed in the county law library system. As detailed in Phase I, only members of local associations may access information in that association's library even though anyone may access information in other libraries while in another county on legal business. Regulation 708 empowers local associations to prevent non-members from accessing the library.
222. As the Law Society library levy has increased over the years it has brought with it a demand by members of the Society to access local libraries because they pay an annual contribution through the levy. However, local associations contribute about 50% of the funds for the local library and they wish to control the access to the library in order to provide a membership benefit and reflect value for this additional contribution. This dilemma is outlined in detail in Phase I, Chapter 13, Issues in financing the County Libraries which is attached in the Appendix.
223. The Blended System envisions legal information being available to all members of the Law Society, regardless of location in the province. If the fee through the annual Law Society library levy is sufficient to cover the costs of running the Blended System, then there appears to be no reason to restrict access to the libraries to members of local associations. Local associations may however provide additional services for members-only, such as specialized legal research, Continuing Legal Education courses or social events.
224. The concept of a universal fee is inextricably linked with universal access. While it would be possible to require one without the other, it is widely expected in the county law library community that universal access requires a universal fee and, once a universal fee is in place, universal access must follow. The survey of associations conducted by the Working Group included the following question:

"The Blended Model calls for universal access to library information. In your opinion does universal access require a universal fee to cover the entire cost of the County Law Library system?"

The responses were:    Yes - 46  
                                  No -    5  
                                  No answer - 1

225. Another survey, conducted not by the Working Group but by bencher Larry Banack, contained the following question:

"Do you support the central collection by LSUC of library fees from all members of LSUC to fully fund the operation of the county and district law library system?"

There were 186 responses:                    Yes - 76%

No - 24%

226. The Topp report and virtually every CDLPA library resolution for the past several years call for a Universal Library Fee. The arguments in favour of it are set out in the Appendix under "Issues in Financing County Libraries" from the Phase I Report. The Phase I report approached the issue not from the perspective of a library fee but rather from the perspective that universal access to library information is required and can be delivered using modern technology. Universal Access is a given of the Blended System.

### Local Fees

227. Does a universal fee preclude a local library fee? Certainly local associations may charge a membership fee regardless of the existence of a universal library fee. But many local associations believe that lawyers pay their membership fee only or primarily to secure access to the library and they worry that a universal library fee will eliminate the need for a local association since the main purpose of supporting the library will no longer be there. Those associations that provide other membership benefits such as newsletters, CLE, and social events will be able to provide them at a substantially reduced fee if there is no charge for the library.
228. Regulation 708 requires 50% of any locally charged fee to be used for library purposes. It also permits local associations to restrict access to the library to members only. Both these aspects of regulation 708 will need to be examined as part of establishing Library Co. and funding the Blended System. It may be that successful implementation of the Blended System will require an amendment to regulation 708. **The Transition Board should instruct the lawyer preparing the operating by-laws and documents for Library Co. to consider recommendations for change to regulation 708.**
229. The Working Group discussed whether under Universal Access local associations could upgrade their library facilities and restrict usage of the upgraded areas to members only. While there may be circumstances where this would be possible, the general approach to Universal Access is that library collections are to be for the benefit of all members of the Law Society and if a local association upgrades their collection by buying additional materials or unique materials, then the upgraded portions are not to be restricted in access. Such upgrades, while paid for through association fees, are in fact possible because universal fees provide the basics, and so the upgrades cannot appropriately be sequestered for the benefit of only local members.
230. Librarians do not like to have to monitor membership as part of providing access to the basic library. There is a distinction here between basic materials and services and specialized, personalized services. The Blended System includes core collections, basic reference services and standards for equipment. Even if supplemented by local upgrades, these must remain generally available. Local associations may also decide to provide more specialized and personalized research services. Whether any specialized services would be restricted in access will need to be determined on a case by case basis by system administration.
231. When asked in the survey whether they would envision having a local fee even if there is a universal fee covering the cost of the system, 25 respondents said No while 21 said Yes. Those choosing Yes, indicated that they saw a local fee as being possible to supplement

library collections but that it might not be necessary if they received sufficient materials from the system.

232. The Working Group does recommend that if there is a local fee charged for library related materials, equipment or services, the locally acquired goods must not negatively affect the system standards as that has a provincial impact. For example, if the system acquires PCs, local libraries cannot change to Macs and, if Macs are installed in the library, they will not be the responsibility of system administration.
233. **The Working Group recommends that Convocation state that Universal Access, already adopted in the Phase I report, is best implemented with a Universal Library Fee and that the Law Society library levy in future be set at an amount sufficient to provide full funding for the Blended System. Convocation is invited to adopt as a principle that the Blended System operate with both Universal Access and a Universal Library Fee.**
234. Whether local associations charge a local membership fee should remain a matter of local preference provided no local initiatives negatively affect the system standards. The experience to date following Convocation's adoption of a \$200 library levy is that many associations significantly reduced their association fees but, without stable, multi-year funding, they are hesitant to completely eliminate the local fees.
235. Finally, when dealing with local fees, it may be that a local fee is required to support the continuation of free QL in the library for association members. The existing arrangement is premised on membership in the local association and, when it is renegotiated, it will be important to consider whether membership via a universal fee is acceptable or whether a local fee is required.

# 7 TRANSITION/IMPLEMENTATION BOARD

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## PURPOSE

236. It is not possible before the expiry of the term of this bench to detail all the implementation decisions that must be made to set up the new county law library system - there are hundreds of such decisions ranging from hours of operation of the libraries to benefits for staff to collection development and acquisition of equipment. Nor is it appropriate that Convocation become involved in such micro-management.
237. As there are 48 existing libraries, some of these decisions will require extensive analysis of the current libraries before they can be made; other decisions will involve negotiations with a variety of suppliers. All decisions will have to be made within the overall context of the objectives, principles, standards and constraints placed on the Blended System by Convocation through the Phase I and Phase II reports.
238. The Working Group has every confidence that a new group can and should attend to the detailed decisions that will be made over the next six months and that the decisions must be made in concert with the advice of the new Executive Director as well as in consultation with local associations. The mandate of the Executive Director will include overseeing and developing the Blended System.
239. **To accomplish this detailed, in-depth decision making, the Working Group recommends the creation of a temporary Transition/Implementation Board whose sole purpose will be to continue the establishment of the new system of county libraries.** The Board will be bound by the policy of the Phase I and II reports but will be free to make decisions consistent with the reports.

## STRUCTURE

240. It is proposed that the Transition/Implementation Board contain eleven members. The Transition/Implementation Board is not envisioned to be the first board of Library Co. However, to maintain continuity, it is considered desirable that some members of the Transition/Implementation Board will go on to be members of the board of Library Co.
241. The Board Chair will be expected to work virtually full time over the summer and fall months while the ten other members will attend Board meetings on a regular basis, probably monthly in person and by conference call whenever needed for many other matters. Further detail of the duties of members is set out below.
242. This group, while referred to as a Transition/Implementation Board will be a committee until there is a corporate vehicle in place. It may be that the first board of Library Co. will be the only legal "board" in the strict sense of the word but the work of the Transition/Implementation Board will form the basis for the work of the board of Library Co. and as such will act as a pre-incorporation Board.

243. The Executive Director will work closely with the Transition/Implementation Board and will take direction from the Board through the Chair. The Executive Director will also advise the Transition/Implementation Board and perform liaison work with the local libraries, the Law Society, CDLPA, the CBAO, OCLA, MTLA, the Law Foundation and any other organizations with an interest in the county law libraries.
244. While it is envisioned that the Executive Director will provide key advice to the Transition/Implementation Board on county libraries and implementing the Blended System, the Transition/Implementation Board will also need to retain advisors on legal and accounting matters and will need a library consultant to assess certain aspects of each of the 48 existing libraries. The Budget proposed for the Transition/Implementation Board makes provisions for these advisors.

### **APPOINTEES**

245. As it is crucial to the success of the new system the Working Group discussed at some length the proposed membership for the Transition/Implementation Board. The same criteria for appointment apply to this board as to the Library Co. board (see details in the previous section) and, in addition, the Transition/Implementation Board appointees must have the following characteristics:
- ◆ Time to devote to lengthy meetings between May and December, 1999, at least one per month;
  - ◆ Ability to make decisions independently of any particular organization;
  - ◆ The Chair should be a practicing lawyer as the Executive Director will be a law librarian.
246. Ideally, the Transition/Implementation Board will be composed of some current members of the Working Group so that the accumulated library knowledge and policy discussions will not be lost, but members not previously affiliated with the Working Group will be added so that "fresh thinking" can be applied.
247. One option discussed by the Working Group was to place a financial advisor, technology expert and systems person on the Board but it was felt that to do so would not be the best way to obtain the necessary expertise for the Transition/Implementation Board. Those services can be obtained through specialized subcommittees or by retaining them as advisors.
248. **The Working Group recommends that the composition of the Transition/Implementation Board be as follows:**
1. One appointment each by CBAO, MTLA, LSUC, OCLA and CDLPA for a total of 5 members.
  2. The Director of Libraries for the Law Society..
  3. Two other members of the Working Group, self-selected.
  4. A Chair to be agreed upon by the Law Society and CDLPA.

5. The Transition/Implementation Board to select 2 appointees itself once the other nine members have been appointed as above.
249. The Board appointees or self-selected members should possess the characteristics described above. The Working Group is composed of members of each of the above organizations and is prepared to recommend qualified names for consideration by each appointing organization if so requested.

#### **Chair - Responsibilities and Compensation**

250. Just as the position of Executive Director is critical to the success of the implementation of the Blended System, the position of Chair of the Transition/Implementation Board is equally important. In addition to the normal duties of a chair of a major committee or board, the Chair of the Transition/Implementation Board will be expected to work very closely with the Executive Director to make sure all aspects of the transition to the new system are covered both administratively and operationally and that the requirements of the Phase I and II reports are met.
251. The Chair will also be charged with helping inform all county law associations and law libraries about the transition and with reporting to the stakeholder groups, acting as an ambassador for the new system.
252. It is expected that the person chairing the Transition/Implementation Board will be devoting substantial time to these tasks and that an average of 20 - 30 hours per week for the eight month period May 1<sup>st</sup> to December 31, 1999 could be consumed performing these duties.
253. **As a result of the magnitude and importance of this job, the Working Group recommends that an honorarium be paid to the Chair of the Transition/Implementation Board to partially compensate for the lost billable hours and effect on the private practice of the appointee.**
254. **The Working Group wishes to propose to the Law Society and CDLPA the name for the position of Chair of the Transition/Implementation Board and, if that is acceptable to Convocation, will provide this recommendation together with reasons therefore and a resumé of the individual either at the time this report is before Convocation or as may otherwise be directed by Convocation.** The Working Group would like to be clear that the recommendation that the position of Chair be paid an honourarium was arrived at independently of the Working Group's discussion and recommendation as to an appropriate candidate for the position. Whether any candidate will accept the responsibility of chair of the Transition/Implementation Board without an honourarium is a matter upon which there has been no speculation by the Working Group.

#### **Compensation for Appointees to the Transition/Implementation Board**

255. The Working Group also briefly discussed the issue of whether other appointees to the Transition/Implementation Board should receive compensation.
256. The Board is, in effect, a small but mightily involved working board acting more or less like an executive team, since the new organization will not have its own staff or senior

managers, with the exception of the Executive Director. Until the search and hiring of the Executive director has been completed, the drive for the whole transition exercise will be coming from the board.

257. Given the nature of the tasks to be performed by the Transition/Implementation Board it is anticipated that at least 8 full day meetings will be held (one per month) along with a number of telephone conference calls of shorter (1 - 2 hour) duration, perhaps 10 or so. **It is proposed that Transition Board members be paid a per diem meeting fee of up to \$500, the exact amount to be determined by the board members.** The proposed budget for the Transition Board includes a sum set aside for meetings, including this per diem. Whether the librarian members should receive the per diem is a matter to be determined between them and their employers.

### **TERM**

258. **The Transition/Implementation Board should be established as quickly as possible following the April Convocation.** A target date would be for appointees to be selected by May 3, 1999 and the first full day meeting held no later than May 11, 1999. (See section *When and How should the Blended System Begin*, following.)
259. It is not possible to say with certainty at this time that the work of the Transition/Implementation Board can be completed by December 31, 1999 but that is the objective. **The new system should be in place and operational as of January 1, 2000 including the creation of Library Co. and appointment of its first board as separately discussed in this report. The Transition/Implementation Board should therefore expire as of December 31, 1999 unless Convocation finds it necessary to extend its term.**

### **RELATIONSHIP TO EXECUTIVE DIRECTOR**

260. One of the first tasks of the Transition/Implementation Board will be to hire the Executive Director for Library Co. The Chair of the Transition/Implementation Board will work closely with the Executive Director and will generally be in charge of supervising the activities of the Executive Director in accordance with the Phase I and II reports and the decisions of the Transition/Implementation Board.
261. The Executive Director will be an employee of Library Co. However, since there are further decisions to be made concerning the structure of Library Co. it is expected that it will not be incorporated until the Fall of 1999 at the earliest. The Executive Director will need to be a contract employee of the Society until such time as Library Co. is established but, the contract should be administered under the control of the Transition/Implementation Board, not the Society.

### **RELATIONSHIP TO LIBRARY CO.**

262. The Transition Board is setting up much of the work for the first Library Co. board. While some members will continue from the Transition Board to the board of Library Co., we do not consider that such continuity necessarily pre-judges the issue of whether lawyer members - or any members - of the Library Co. Board will be paid. The circumstances of

the Transition Board are exceptional, given the Board's hands-on role and the virtual absence of other staff, and the Library Co. board will be free to make its own decisions on board members remuneration without being bound by this precedent.

263. **The Transition/Implementation Board will therefore be responsible for establishing Library Co. and making sure its corporate rules and by-laws are appropriate and in accordance with the decisions made by Convocation.** Regulation 708 currently governs county libraries and legal advice will be required as to how to accommodate the new corporate structure with regulation 708 or, seek amendment to the regulation. Standardized accounting and financial reporting will have to be put in place for the county libraries and a new funding distribution system developed in keeping with the Blended System. It is anticipated the Transition/Implementation Board will retain legal and accounting services to prepare the requisite documents to incorporate and establish Library Co. and its financial systems, so an allowance has been made in the start-up budget for these services.

### **BUDGET**

264. The Transition/Implementation Board will require a start up budget to accomplish its tasks in the time allotted. Fortunately, the county law libraries have accumulated funds on deposit with the Law Society, as outlined in Phase I, of approximately \$1.3 million derived from levies collected in what is referred to as the six month "stub" period of 1995/96 and another fund of about \$535,000 that has accumulated over the years for county law library emergencies and contingencies.
265. It was recognized in Phase I that these sums would probably be needed to implement the transition to a new system, including purchasing materials and upgrading equipment as well as general implementation costs. At that time, the Blended System had not been selected nor had the need for a Transition/ Implementation Board or a Library Co. been placed before Convocation.
266. **Given the tasks before the Transition/Implementation Board and the need to hire an Executive Director immediately, it is recommended that \$368,000 be set aside from the total existing county law library funds for the use of the Transition/Implementation Board.** As set out in the general budget items below, this sum would include amounts for payment of the Executive Director, retention of professional services to assist with the establishment of Library Co. and the detailed analysis of whether the local law libraries meet the standards for the new system.
267. **The Transition/Implementation Board would have the ability to determine whether funds ought to be spent to bring individual libraries up to standards in collections, equipment, training of staff etc. and to begin implementing the Blended System before the start date of January 1, 2000. This discretionary spending would be to a maximum cumulative amount of another \$150,000, for which there would be no need to return to Convocation for approval. Any amount required in excess of this sum would, until Library Co. is established, require Convocation's approval.**
268. The major items of expenditure anticipated for the Transition/Implementation Board eight month period from May 1, 1999 to December 31, 1999 are:

\$52,000	Executive Director salary and benefits (6 months)
\$30,000	Chair's honourarium
\$40,000	Meeting costs, travel, accommodation
\$60,000	Per diem allowance for appointees (\$500/meeting)
\$50,000	Office rent, supplies, telephone, computer, clerical resources etc.
\$20,000	Local association information - travel, publications
\$25,000	Library consultant to advise whether standards met
\$25,000	Legal fees to establish Library Co., by-laws, amend reg.708 etc.
\$50,000	Accounting fees to establish financial and management reports
<u>\$16,000</u>	Miscellaneous expenses
\$368,000	

\$150,000 Discretionary spending to upgrade facilities to standards

269. **Convocation is asked to approve the setting aside of these sums from existing county law library funds for use of the Transition/Implementation Board as outlined above.** The amounts can be allocated against either of the two library funds held by the Society which in the opinion of the Society's CEO is appropriate. Control of spending of the funds is to be under the combined direction of the Chair and Executive Director of the Transition/Implementation Board as further instructed by the Transition/ Implementation Board.
270. Until such time as the Executive Director is hired, the Chair of the Transition/ Implementation Board and 1 of 2 other board members - the Director of Libraries or the CDLPA appointee - shall have signing authority over the funds. Following hiring of the Executive Director, the Chair or another board member if the Chair is unavailable shall co-sign expenditures with the Executive Director. Amounts less than \$1,000 shall require only the signature of the Executive Director.

#### **Library Co. and Blended System Budgets**

271. **On a going forward basis, it is expected that the Transition Board will produce for consideration of Convocation a three-year budget so that stable funding can be granted to the county law libraries.** A rolling three year strategic plan, with appropriate budgets and business plans, should be approved each year but assured for the entire three year cycle, except in extraordinary circumstances. This means that each year the budgets will be up-dated and approved but the first three years and, thereafter, the next three years, will be approved "up front" and guaranteed to be funded unless there are extraordinary circumstances dictating a change.
272. The strategic plans will set overall objectives for the Blended System, in keeping with the policy directives of the Phase I and II reports and the budgets will reflect the steps being taken to achieve those objectives. Performance measures should be incorporated into the budgets and the business plans so there is some objective measure of whether the policies have been met and the objectives achieved.
273. It will be acceptable to carry surpluses and deficits within the three year cycles but not between cycles, without the approval of the Law Society. As with the current process with LPIC and the previous process with OLAP, it is expected the budgets would be presented to the Law Society for comment and approval but that the responsibility for formulating the

budgets and, after the budget is approved, for spending the funds under the budget, would be the primary task of Library Co. and would not require further approvals or ongoing supervision from the Law Society.

274. To the extent possible, the initial budget shall reflect existing funding of approximately \$6 million for the Blended System. However, once the system is fully designed, the libraries have been reviewed for standards and the Executive Director has become familiar with the system, the board of Library Co. will assess whether the funding is realistic for the implementation of the system and make any necessary recommendations to Convocation concerning the level of funding.
275. The annual general administrative costs of operating Library Co. (not the costs of operating the Blended System) are anticipated to be approximately \$220,000 being \$104,000 salary and benefits for the Executive Director, \$75,000 for rent, clerical and office expenses, \$25,000 for meeting costs and \$16,000 for communications, miscellaneous and professional services. The rent and clerical costs could be reduced if Library Co. is able to obtain favorable rent arrangements through the Peel Law Association or through Ontario Realty Corporation. Also, the clerical costs will be somewhat affected by the ultimate decision of the role of the Great Library and the provision of any services to Library Co. from the Great Library. Other costs, such as for Roving Librarians or Internet access, are system costs not included in the administrative expenses.
276. **A Law Society library levy of \$200 per member is currently in place. The board of Library Co. should endeavor to bring forward an operating budget that achieves the objectives of the Blended System, including Universal Access for a per member fee within 10% of the current \$200 for each of the first three years of the new system.** While it is expected that this can be done, the Working Group defers to the future expertise of Library Co. in making the actual recommendation to Convocation and the profession for the appropriate level of funding for the Blended System. As a guideline, the existing level of funding should be used in planning the budgets.

# 8

## WHEN AND HOW SHOULD THE BLENDED SYSTEM BEGIN?

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### FACTORS CONSIDERED

277. The Working Group has considered the question of when the county law libraries ought to change over to the new Blended System and what steps that will involve.
278. The following factors have been considered:
- ◆ the Law Society operates on a calendar year basis
  - ◆ the county libraries prepare budgets based on the Law Society year end
  - ◆ operational changes will take months to communicate and implement
  - ◆ a new decade starts January 1, 2000
  - ◆ a bencher election is being held in May of 1999
  - ◆ CDLPA plenary session is held in May of 1999
279. **Taking into account these factors, the Working Group recommends January 1, 2000 as the target date for implementing the new Blended System of county law libraries.**
280. To be in a position to make the switch to the new system as of January 1, 2000 the following schedule will have to be followed:

1999	ACTION REQUIRED
April	Convocation approves Phase II report, including Transition Board and its tasks
May	Transition Board appointed, meets and prepares detailed task orders based on Phase I and II reports Executive Director candidates interviewed
June	Executive Director hired and begins work Transition Board retains legal and accounting advisors to establish Library Co., draft by-laws etc. and set up financial reporting systems, budget parameters, revenue projections and all related matters Consultant retained to review local law library standards against the required standards, recommend changes to libraries to allow them to meet the standards if they are deficient
July	Phase I and II objectives and policies reviewed and detailed for implementation following receipt of consultant's report Begin compiling board of governors manual

1999	ACTION REQUIRED
<b>August</b>	Begin funding requirements and allocations analysis Continue policy implementation decisions with consultant Review legal and accounting reports Develop communications plans for local associations
<b>September</b>	Work with Law Society staff on budget preparations Continue policy discussions and begin visits with local associations to communicate changes, receive input Bring interim report to Convocation, with any policy decisions requiring further approval or instruction
<b>October</b>	Fine tune funding requests and allocations Discuss draft budget with Law Society finance department Continue implementation decisions Evaluate whether Jan. 1 <sup>st</sup> date attainable, react accordingly
<b>November</b>	Library system budget goes to Finance Committee and to Convocation Complete major implementation plans CDLPA Plenary session receives status report MTLA receives status report
<b>December</b>	Complete minor steps in implementation plan Incorporate Library Co. and appoint 15 person board of directors

281. It is likely that the Transition Board will not be able to complete all its tasks and will have to turn over to the board of Library Co. several tasks. It is essential though that the detailed implementation plan be developed as soon as possible so that proper funding requests can be in place in time for the budget cycles of the Law Society, Law Foundation and local associations.
282. With the bench election pending, the Working Group has been conscious of the need to proceed with implementation, permitting the bench that has undertaken this project to continue it while at the same time not prematurely making key decisions that will impact all the county law libraries for years to come.
283. The result of this deliberation is a recommendation that this bench finish making the key policy matters begun in Phase I and establish a Transition Board to take those items forward to implementation. The Transition Board will have to return to Convocation in the fall of 1999 for both multi-year funding allocations and further policy decisions if the implementation decisions run into any conflict with either the objectives or limitations placed upon the Transition Board through the reports.

**SHOULD IMPLEMENTATION OF THE BLENDED SYSTEM BE GRADUAL?**

284. Until an analysis of the current library operations has been made against the standards for the Blended System, this question cannot be answered. It is therefore a matter for the Transition Board.

285. The general approach should be to implement the new system as quickly as possible but not to disrupt local associations. There will be funds of approximately \$1 million available to Library Co. from the former county library funds to enable the transition so there will be money available for "quick fixes" where deemed necessary. But, the money must be spent carefully, with a view to immediate implementation of the new system and the long range needs such as wider dissemination of legal information possibly through publishing materials directly through the Great Library and disseminating them through the county libraries.
286. **The Transition Board should determine those areas in which gradual implementation can take place while still meeting the objectives of the system and should immediately rectify areas which are amenable to that. Overall there must be a thoughtful, planned implementation of the standards for each classification of libraries with maximum benefit in return for minimum disruption.**

# 9 SUMMARY

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287. There are a number of recommendations for approval by Convocation and several tasks set out in this report for the Transition/Implementation Board to carry out. This section sets out those recommendations for which Convocation's approval is sought and itemizes the tasks assigned to the Transition/Implementation Board so that Convocation can approve them as well.

## DECISIONS FOR CONVOCAATION TO APPROVE

### **Blended System**

288. To clarify the way in which individual libraries should be classified as Regional, Area or Local, the Working Group wishes to add to its Phase I design principles an additional design principle to the Blended System that:

"It will be important in implementing the Blended System to recognize:

- (1) the regional differences that exist in the province and
- (2) the size of the bar that the individual library may reasonably be expected to serve

regardless of categorization as a Regional, Area or Local library. None of the categorizations, once made, is to be static. The system is to remain flexible and responsive to changing circumstances in the community."

(Paragraph 62)

289. The Working Group recommends that following the work of the Transition/Implementation board (see Chapter 6) one governing body be created to oversee the new library system and carry forward the policy decisions necessary to effectively implement the objectives of the Blended System. (Paragraph 171)
290. The Working Group therefore recommends that the position of Executive Director of the County Law Libraries be created on the basis outlined in this report and that the Transition Board be instructed to immediately seek suitable candidates and hire an Executive Director as soon as possible. (Paragraph 220)
291. The Working Group recommends Convocation state that Universal Access, already adopted in the Phase I report, is best implemented with a Universal Library Fee and that the Law Society library levy in future be set at an amount sufficient to provide full funding for the Blended System. Convocation is invited to adopt as a principle that the Blended System operate with both Universal Access and a Universal Library Fee. (Paragraph 233)
292. The Transition/Implementation Board should be established as quickly as possible following the April Convocation. (Paragraph 258)

293. The new system should be in place and operational as of January 1, 2000 including the creation of Library Co. and appointment of its first board as separately discussed in this report. The Transition/Implementation Board should therefore expire as of December 31, 1999 unless Convocation finds it necessary to extend its term. (Paragraph 259)

### **Library Co.**

294. The Working Group recommends that the membership or shareholding of Library Co. consist of both the Law Society and the profession as represented by CDLPA or the new merged organization. (Paragraph 196)
295. The board should have an uneven number of members. After examining various sizes, the Working Group recommends a board of fifteen (15) be appointed with a Chair and 1 or more Vice-Chair(s) as may later be recommended by the Transition Board. The board appointments should be for staggered terms of three years to preserve experience while introducing new energies and ideas on a regular basis. Initial appointments will need to be for various terms (1, 2 and 3 years) to begin the process. (Paragraph 177)
296. Appointees: non-political, based on criteria set out in standards;  
11 or 12 of the 15 must meet standards for governors;  
3 or 4 are appointed based on affiliation to a group and do not have to meet the criteria:
- ◆ MTLA and OCLA each are entitled to 1 appointment
  - ◆ CBAO, if it does not merge with CDLPA has an appointment
  - ◆ the Director of Libraries for the Law Society is automatically appointed as an *ex officio* voting member
  - ◆ the balance of the appointments are jointly made on consensus of LSUC and CDLPA (see details below)

(Paragraph 179)

297. The first board of Library Co. will be appointed on or about January 1, 2000. Some of the appointees should be members of the Transition Board and some should be new appointments. The Working Group recommends that the Transition Board be required to put forward a list of at least 17 names for appointment to the 11 or 12 jointly appointed positions but that neither the Law Society or CDLPA be restricted to making appointments from the list, provided the general criteria for appointment is met. (Paragraph 186)
298. A Law Society library levy of \$200 per member is currently in place. The board of Library Co. should endeavor to bring forward an operating budget that achieves the objectives of the Blended System, including Universal Access for a per member fee within 10% of the current \$200 for each of the first three years of the new system. (Paragraph 276)

### **Transition/Implementation Board**

299. To accomplish this detailed, in-depth decision making, the Working Group recommends the creation of a temporary Transition/Implementation Board whose sole purpose will be to continue the establishment of the new system of county libraries. (Paragraph 239)

300. The Working Group recommends the composition of the Transition/Implementation Board be as follows:
1. One appointment each by CBAO, MTLA, LSUC, OCLA and CDLPA for a total of 5 members.
  2. The Director of Libraries for the Law Society..
  3. Two other members of the Working Group, self-selected.
  4. A Chair to be agreed upon by the Law Society and CDLPA.
  5. The Transition/Implementation Board to select 2 appointees itself once the other nine members have been appointed as above.

(Paragraph 248)

301. As a result of the magnitude and importance of this job, the Working Group recommends that an honourarium be paid to the Chair of the Transition/Implementation Board to partially compensate for the lost billable hours and effect on the private practice of the appointee. (Paragraph 253)
302. The Working Group wishes to propose to the Law Society and CDLPA the name for the position of Chair of the Transition/Implementation Board and, if that is acceptable to Convocation, will provide this recommendation together with reasons therefore and a resumé of the individual either at the time this report is before Convocation or as may otherwise be directed by Convocation. (Paragraph 254)
303. It is proposed that Transition Board members be paid a per diem meeting fee of up to \$500, the exact amount to be determined by the board members. (Paragraph 257)
304. Given the tasks before the Transition/Implementation Board and the need to hire an Executive Director immediately, it is recommended that \$368,000 be set aside from the total existing county law library funds for the use of the Transition/Implementation Board. (Paragraph 266)
305. The Transition/Implementation Board would have the ability to determine whether funds ought to be spent to bring individual libraries up to standards in collections, equipment, training of staff etc. and to begin implementing the Blended System before the start date of January 1, 2000. This discretionary spending would be to a maximum cumulative amount of another \$150,000, for which there would be no need to return to Convocation for approval. Any amount required in excess of this sum would, until Library Co. is established, require Convocation's approval. (Paragraph 267)
306. Convocation is asked to approve the setting aside of these sums from existing county law library funds for use of the Transition/Implementation Board as outlined above. (Paragraph 269)

## TRANSITION/IMPLEMENTATION BOARD TASKS

307. Before final categorization of the libraries, the Working Group recommends a more comprehensive analysis of individual counties in terms of who is being served by the library and which existing on-site services are in place. (Paragraph 64)
308. The final categorization of libraries into Regional, Area or Local will therefore have to await a determination of the Transition Board. Given the detailed analysis and the need to begin upgrading libraries where necessary, the Transition Board should be empowered to make the categorization decision without further approval from Convocation. (Paragraph 68)
309. The Transition Board will need to make the final determination of how services are provided and the level of centralization versus local decision making. (Paragraph 77)
310. The Transition Board will need to consider the cost of transferring services versus the cost of keeping them with the Great Library and acquiring them through some sort of cost accounting arrangement. (Paragraph 89)
311. The establishment and maintenance of the standards will be an ongoing policy matter for both the Transition Board and the Library Co. board. (Paragraph 122)
312. While it will be the responsibility of the Transition Board to determine the number of roving librarians and detail their duties, the staffing standard to be adhered to is that there must be a sufficient number of professional librarians deployed throughout the system to ensure that the information, reference and research services standards are realized. (Paragraph 128)
313. It will probably be necessary to conduct inspections of library facilities to determine whether they meet these standards. The Transition Board should arrange such inspections and recommend any corrective measures, together with a budget and implementation plan before January 1, 2000. The Transition Board should also be given a budget and the power to immediately implement system upgrades where appropriate and affordable. (Paragraph 140)
314. However, the Working Group recommends that this form a guideline only for the overall system and that the Executive Director and Transition Board determine whether this mixture is appropriate for the Blended System. (Paragraph 148)
315. To assist with the establishment of the budgets and financial procedures, particularly the financial reporting requirements, the Working Group recommends that the Transition Board retain accounting services commensurate with the task and provide appropriate training and guidance to all local library staff to enable them to adhere to the reporting requirements. (Paragraph 149)
316. The Transition Board should determine the needs of each library and decide whether a one-time capital expenditure from the accumulated library funds ought to be made immediately to bring all libraries up to the appropriate technology standard. (Paragraph 154)

316. There should also be wide publication and promotion of both the Phase I and Phase II reports together with information sessions in each region by the Transition Board. Other information initiatives must also be conducted as the Transition Board sees fit. (Paragraph 158)
317. The Transition Board will be required to bring to Convocation for approval the draft corporate by-laws and a recommendation as to whether the corporation should be a non-share capital corporation or a business corporation. (Paragraph 172)
318. The Transition Board should also recommend a name for the corporation, which for the purpose of this report only, is referred to as Library Co. (Paragraph 173)
319. The Working Group recommends that the office(s) for Library Co. be located in the Greater Toronto Area to facilitate travel to county towns by road or air but that it not be located in downtown Toronto. It is important to distinguish the new system from the old and to reflect the fact that it is a county library system. The Working Group recommends that the Transition Board determine whether there is space to house Library Co. in Brampton in a suitable facility. (Paragraph 174)
320. The Working Group does not envision a large bureaucracy for Library Co. The Transition Board will have to return a multi-year budget showing the cost of the administration, the expected savings contributed toward the cost and the quality improvements realized through the implementation. (Paragraph 180)
321. The Transition Board should instruct the lawyer preparing the operating by-laws and documents for Library Co. to consider recommendations for change to regulation 708. (Paragraph 228)
322. The Transition/Implementation Board will therefore be responsible for establishing Library Co. and making sure its corporate rules and by-laws are appropriate and in accordance with the decisions made by Convocation. (Paragraph 263)
323. The Transition Board should determine those areas in which gradual implementation can take place while still meeting the objectives of the system and should immediately rectify areas which are amenable to that. Overall there must be a thoughtful, planned implementation of the standards for each classification of libraries with maximum benefit in return for minimum disruption. (Paragraph 286)



## Appendices

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## Chapter 2

# Executive Summary

### Format of Report

24. This report is the product of Phase I of the work of the Working Group. The work was divided into two phases, so that decisions can be obtained from Convocation on Phase I issues before Phase II begins.
25. Two distinct policy areas need to be developed by Convocation and, the order in which they should be addressed are:

#### **Phase I - Library Design**

- i. The kind of province-wide delivery of library services which should exist. This includes the structure (type and number of libraries, delivery methods for services) and the type of services (research, CLE, publications).

#### **Phase II - Funding Methods**

- ii The funding options or funding methods for such services.
26. Two major decisions are required of Convocation as part of Phase I:
    - i) **Policy Decision - System or No System:** Whether the County Libraries should become a system of libraries, rather than continue as a loose, ad hoc arrangement of libraries;
    - ii) **Design Model Decision - How to Deliver Services:** Which of the possible model or models should be further developed, in detail, as a delivery model for county library services?

### Libraries: Competence, Research and Supporting Users

27. Possessing legal research skills and being able to adapt to changing realities of practice are part of being a competent lawyer. Law libraries provide resources and tools to develop and maintain these skills.
28. Lawyers need to be better trained and educated in the use of libraries and in how to perform legal research, including appropriately using library staff and using electronic products.
29. There are many different kinds of research. Some research is best suited to hard copy while other research is best suited to electronic products. Knowing when to use which kind of medium is something in which librarians are proficient. There are categories of reference questions which librarians can answer and

there are more complex questions for which librarians can only provide guidance to lawyers.

30. By cataloguing information and organizing collections, libraries help users access legal information. A possible emerging field for libraries is to become more active in the actual creation and dissemination of legal information, rather than simply the passive distribution of it. Continuing legal education is an area where libraries are already active and, could expand their participation as publishers or distributors, as well as facilitating users' efforts to create legal information.

#### Organization of Libraries

31. County Libraries are not presently organized as a system of libraries and do not operate in a systematic way. There is no common, co-ordinated approach to the delivery of services nor a planned organization of resources. They have been described as a "hodge podge" loose association of individual libraries run by local committees with minimal Law Society oversight.
32. The benefits of a system approach need to be counterbalanced against the loss of local autonomy. An appropriate administrative model can alleviate some of the loss of local autonomy but cannot eliminate it.

#### Industry Trends and Issues

33. All libraries are faced with the problem that the publication and cost of information is expanding faster than the ability to acquire it and the funds to pay for it. The challenges libraries have include keeping up with technology changes, dealing with a proliferation of materials, using shrinking budgets to acquire more expensive materials and adapting to information demands driven by new technologies and expectations of users.
34. These challenges are coupled with a user population which also has limited financial resources and is not equipped with the research skills required in an electronic environment.
35. Librarians are constantly acquiring new skills for retrieving information. Today, librarians need to market those skills and transfer some level of skill to users through education and training.

#### County Libraries

36. County libraries were first recognized by the Law Society in 1879 in response to complaints from outside Toronto that the facility at Osgoode Hall did not serve the "country lawyer" and, local libraries were needed. There are now 47 county libraries, funded through a mixture of money raised locally by each association and those levied by the Law Society through the annual levy or received from the Law Foundation.
37. All County Libraries are located in County Courthouses, in county towns. The courthouse space is provided rent-free by the province, through the Attorney-

General. Every library has some level of staffing, ranging from part time staff with no specific library training in the small libraries to several full time professional librarians with clerical and technical staff, in the large libraries.

38. Annually, about \$6 million is spent on County Libraries. Roughly one-half of the funds are raised through levies on the whole profession and the other one-half is raised through fees paid by local members of associations.
39. There are five sources of funds for County Libraries: LSUC annual levy, LSUC grant, LFO grant, local association fees, local association other revenue.
40. There are three main categories of library expenses: staff, books and office/other expenses. Some libraries have significant CLE programs, the revenues and expenses of which are shown under the category "other". A change in the bookkeeping records for County Libraries is required to provide better management information.
41. Long-term funding issues facing County Libraries, part of Phase II, are:
  - ◆ should all members of the Law Society pay for the County Libraries?
  - ◆ how much, if anything, should local associations contribute to funding?
  - ◆ what other sources of revenue can be generated?
  - ◆ does the public have any responsibility for funding the County Libraries?
42. Increased materials costs over the past several years have forced libraries to cut subscriptions and not acquire new publications. This has resulted in some cases in greatly diminished quality with a lack of current materials, leading to a negative image of the library and affecting the ability of local associations to attract members.

### Technology

43. Two kinds of technology are used in County Libraries - online services such as QL or the Internet and CD-ROM products from legal publishers. In a comparison of the currency of QL, CD-ROM and hard copy materials, CD-ROM was found to be the least current while QL was more current in 5 of 7 reports than either CD-ROM or paper.
44. There are many advantages and disadvantages to each of the three media (online, CD-ROM and paper). The electronic products take up far less physical space and do not require manual updating; they also can be searched by "key word" which is faster than manual searching. However, they can't be browsed as easily as paper and access is not reliable as hardware and software are not dependable. There is expensive, ongoing financial upkeep with electronic products, particularly with changing hardware and, in the case of CD-ROM, access may be cut-off if the license expires; in effect, the product is rented.

45. Paper products are not going to disappear in the near future and a good library will support the best of both electronic and paper. Many resources, especially older ones, will never be digitized and will only be available in paper.
46. The profession is currently in a transitional stage, entering the electronic world gradually and not necessarily voluntarily. One county library has been temporarily displaced from its library and has substituted a wide-range of electronic products and computer terminals for its collection of materials, retaining only a core collection of reports in hard copy. While members initially expressed interest in the electronic option, use has been "woefully inadequate" with members instead travelling to a neighbouring county to access library materials.

#### Closing Libraries

47. If libraries are closed, for any reason, physical assets such as books, shelving, furniture and equipment will need to be disposed of; subscriptions cancelled and arrangements made with staff for appropriate termination payments. Depending on the number of libraries closed, this process could engage one full-time person for one year.
48. There would also be a tremendous effect on local associations, as the library facility is used for a variety of purposes. Given space problems in most courthouses, closing the library would probably mean permanently losing the physical space and displacing the association.

#### Delivery Models

49. Certain design principles have been applied to a review of a number of possible ways to deliver library services. Some of these principles establish that libraries promote and facilitate competence, provide a basic level of access to current and historic legal information and facilitate the flow of research in the profession.
50. Selecting any one service delivery model involves accepting a certain trade-off between cost, quality and convenience as it is unlikely that all three can be achieved at once.
51. The eight delivery models outlined fall generally into those which employ a system approach and those which do not. Ranging from a privatized model, with no Law Society funding or input to a fully integrated, blended system of tiers of libraries, to a model where there is only one, electronic library, the advantages and disadvantages of each model are set out.
52. Convocation is asked to answer the main policy question of whether County Libraries should operate as a system or not, and then to provide guidance as to the kinds of services which ought to be delivered such as CLE or reference services, Convocation is then asked to select a model for the Working Group to develop in detail. The Phase II report will provide such detail.

53. Convocation will also be asked in Phase II to address the long-term funding issues of who should pay and for what should they pay?
54. A possible Phase III topic is to address the question of duplicate library resources by meeting with representatives from the Crown Attorneys and the judges.

February 25, 1999

Dear

The Beyond 2000 Working Group on County Law Library Services is discussing the Phase II report assigned to it by Convocation. I understand one of our members, Peter Bourque, Chair of the CDLPA Library Committee has issued a number of progress reports on our discussions to date. You will be aware then that the Working Group is now preparing options to further develop the structure of the Blended Model system as informed by the future of electronic and technology products.

To inform our discussions we would like your input on some of the key discussion points. As in Phase I, the report will present several options and few recommendations. However, there is presently a consensus in the Working Group that a key recommendation will be to establish a separate corporation (New Co.) to run the County Law Library system.

Given the upcoming bench election and the magnitude of the issues yet to be resolved there is also a consensus that a report must be issued no later than the April, 1999 Convocation which is the last sitting of the current bench. It is hoped the new system can begin by Jan 1, 2000. In order to accomplish this objective the Working Group is going to outline various options covering the basic parameters of establishing the new corporation and charging it with various activities without detailing those activities. The Working Group will recommend that a transition or implementation board be established to then take the next steps in detailing the management, administration, staffing and funding models to apply in New Co and in the new system.

The next meeting of the Working Group is scheduled for March 10<sup>th</sup> and we would very much appreciate it if you could take time before then to complete and fax back the questionnaire that follows. Your input will be included in our discussions. You will see some questions are open-ended while others are "select an option". We look forward to receiving both specific and general comments from you on the issues presented in this questionnaire.

Please copy the questionnaire and invite your librarian(s) to complete it as well. There is no need for an association to submit just one questionnaire, everyone with an interest in county law libraries is invited to submit a response. We would also appreciate an association response if possible.

Thank you for taking the time to assist us in our endeavours.

Yours very truly

Susan Elliott  
Beyond 2000 Working Group, Chair

Beyond 2000 Phase II  
Questionnaire

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**Access and Fees**

The Blended Model calls for universal access to library information. In your opinion does universal access require a universal fee to cover the entire cost of the County Law Library system?

\_\_\_ YES                      \_\_\_ NO

If there is a universal library fee, sufficient to cover the cost of the system, would your local association envision charging a local library fee in addition to the universal fee? (This does not refer to a social fee or CLE fee but rather a fee for library purposes only.)

\_\_\_ YES                      \_\_\_ NO

If yes, what would the purpose of such local fee be and how would it affect universal access, if at all?

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**Balancing Central Benefits with Local Autonomy**

One of the challenges in designing the new system is to balance the benefits of central resources, expertise, minimum standards and bulk purchasing against the need for local autonomy and input. We are interested in your views as to how to strike this balance. Please use the space below to provide your suggestions:

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Each of the following items could be delivered on behalf of all libraries by New Co. as a central resource or could be provided locally by an individual association. The Working Group anticipates that some associations may prefer a particular service to be centrally provided while others may want the same service to be a matter of local delivery.

Please use the categories below to indicate whether for each service/resource shown you would prefer to have the responsibility for performing such service or providing the resource at the Central (C) level or the Local (L) level. We appreciate this is a cursory exploration of the topic. **Indicating your preference below is NOT binding on either your association or New Co., it is merely an expression of possible interest at this point in time.**

*Mark C for Central or L for Local:*

Library Staff hiring \_\_\_\_\_

Library Staff training \_\_\_\_\_

Staff payroll and benefits \_\_\_\_\_

Training lawyers to use the library services \_\_\_\_\_

Purchasing office equipment \_\_\_\_\_

Purchasing library equipment \_\_\_\_\_

Purchasing the library Collection \_\_\_\_\_

Making decisions about Collections (weeding etc.) \_\_\_\_\_

Systems maintenance \_\_\_\_\_

Legal research \_\_\_\_\_

Financial planning and budgeting \_\_\_\_\_

Marketing library services \_\_\_\_\_

Add here any services you would want provided Centrally that are not outlined above:

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**General Comments**

Please outline as succinctly as possible three problems your library faces and three problems your local association faces.

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Please provide any other general comments you feel will benefit the deliberations of the Working Group.

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Please provide the information below as to on whose behalf this questionnaire is submitted:  
(Individuals, Presidents, Librarians and other interested parties are invited and encouraged to submit responses in addition to the association response.)

Name of Association: \_\_\_\_\_

Individual Name: \_\_\_\_\_

Telephone number: \_\_\_\_\_

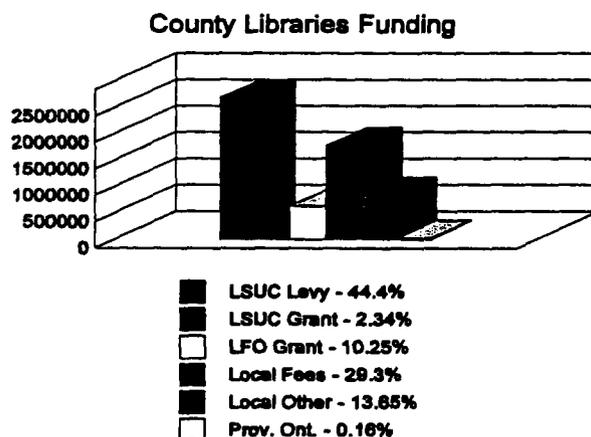
Fax number: \_\_\_\_\_

E-mail: \_\_\_\_\_

## Issues in Financing the County Libraries

### OVERVIEW

489. The issue of how to finance the County Libraries is simply the issue of who should pay for them. It is a separate issue from how the library services delivery system should be designed. The Working Group approached the topics of funding and delivery separately, but with the previously identified constraint that whatever delivery system is ultimately designed, the funding for the County Libraries will not exceed the current total funding.
490. The County Libraries are supported by a budget of \$5 - \$6 million per year (the difference in amount depends on whether local revenue apart from fees is included in the total or not (over \$800,000 in 1997).
491. In 1997, all the members of the Law Society contributed \$2,679,974 or 44.40% of total revenue by way of the levy and \$142,500 or 2.34% by the annual grant. Local law association members contributed \$1,768,768 or 29.30%. Local "other" revenue totalled \$823,824 or 13.65%. The Law Foundation of Ontario added \$619,000, being 10.25%. The Province of Ontario contributes \$200 per library per year (\$9400) but no other funding, nor do any of the counties or municipalities in which the libraries are located contribute any funding.



492. Historically, all the members of the Law Society contribute part of the funding and members of local associations contribute part of the funding. This means that lawyers who do not belong to local associations contribute some funding to the local law library but not as much as lawyers who are members of the local law association.
493. The legislation (see Appendices) prohibits lawyers who are not members of their local association from using the local library. Increasingly, this is causing problems both for the libraries and for those lawyers who for a range of reasons

(financial and other) do not join their local association.

*Who should Pay?*

494. The background information detailing the issues involved with the policy decision of who should pay for County Libraries is set out below. While the decision of who should pay can wait until Phase II, an understanding of the issue is essential to the Phase I decisions.
495. The Topp report (see page 60) recommended that all fee paying members of the Society contribute equally to the funding of the County Libraries and that this be achieved over a time period of 5 to 10 years by increasing the annual levy an amount of \$35 per year until local contributions could be eliminated. One such increase has been added to the annual levy, in 1995/96, and remains part of it.
496. The Working Group has determined that an increase in the annual levy of between \$75.27 and \$81.75 will provide enough funding to eliminate the local association fee and keep the overall funding at the same level with such funding all members of the Society would have access to all libraries in the County Libraries. (See calculations at page 122-123).
497. Whether all members of the Society should support the County Libraries, eliminating local library fees, is a question which must be addressed when the Phase II report is delivered. Information relevant to that decision is presented here as it is important in the context of selecting a delivery model to understand the larger issues (funding) which will be part of Phase II.
498. Set out below is a summary of *who* might contribute to the County Libraries funding and *why* they would or would not do so.

*Taxpayers/Governments - "The Public"*

499. Why should the public, through either the provincial or federal government or both, contribute any funding to the County Libraries? Because:
- ◆ the libraries support the administration of justice and the taxpayers/government are responsible for its funding so they should support the library system
  - ◆ access to the law is fundamentally important and, without properly equipped local law libraries available to lawyers, their clients (the public) will not have such access
  - ◆ the public might be more inclined to provide legal materials to the public library system than to the County Libraries however, as the lawyers are the agents of the public and as members of the public can access the County Libraries, it makes at least as much sense for the public to support the County Libraries
500. It can be argued that the public should pay for placing "the law" in the libraries - statutes, regulations, provincial and federal case reports. This could be done either by direct financial contribution or by delivering the materials without charge

- and, if promoted, should apply to both the provincial and federal governments.

501. The notion that the public, at least through the provincial government, might contribute significantly to funding the County Libraries or perhaps fund them entirely, is not without precedent - both historic and recent. But, if the public contributes a significant amount of funding, it is expected that they will want a say in how the County Libraries are run.
502. In Ontario, from 1916 to 1988 the province contributed some funding. In 1916 \$4,000 per year, equally distributed among the then 25 libraries was paid by the province at a time when local association membership fees were \$3 to \$12 each. During this same period, local municipalities were required by the *Municipal Act* to provide accommodation, fuel, light, stationery and furnishing for the local law association library. Eventually the financial support diminished, the Attorney General assumed the responsibilities of the local municipalities and, since 1988 there has been virtually no cash support for the County Libraries from the public, although rent-free space continues to be provided. (See discussion at page 48).
503. In Manitoba, the Law Society's libraries were transferred to the province in 1985 in return for certain funding commitments. As of April 1, 1999, ownership and control of the libraries will return to the Law Society but the province of Manitoba will continue to fund the libraries through the provision of space, staff and a diminishing annual financial contribution over a five year period. For the five years following that, the province will continue to provide space for the libraries and thereafter, arrangements will have to be agreed upon. It appears from the experience in Manitoba that the province failed to keep the libraries in a satisfactory state during the late 1980's and throughout the 1990's while costs increased and they failed to introduce either electronic access or other library services which are common in all other provinces.
504. Most county courthouses contain 3 libraries - the lawyers' library, the judges' library and the Crown Attorneys' library. Admittedly only the lawyers' library is of any substance but the other two libraries (paid for by the public) represent a duplication of resources and expense which ought to be examined by the organizations charged with providing those services.
505. The Working Group suggests before dealing with duplicate library resources in courthouses, the County Libraries must deal with their own needs in the Phase II process. The Phase II design could certainly "keep an eye" on the fact that other libraries exist but to address that problem would, in the opinion of the Working Group, unduly delay other, more constructive changes to the County Libraries.

***All Members of the Law Society***

506. Why should a University Professor who is a member of the Law Society pay for Province-wide, community-based County Libraries for all lawyers?
507. Why should a lawyer in a large law firm, with an in-house library and professional librarian support the County Libraries?

508. Why should a lawyer in eastern Ontario pay for libraries in the south-west or north of the province?

Because:

- ◆ all lawyers in the province have an interest in preserving the collected legal history of the profession and of the province
- ◆ all lawyers in the province have an interest in promoting the ongoing competency of other lawyers, *inter alia*, through adequate research facilities
- ◆ it is far less expensive to support competence and research collectively, than individually, so economies of scale and number can be realized
- ◆ supporting competence, through libraries, is also much less expensive than either having more cases in the discipline system or defending negligence claims, each of which arises to some extent if competence is not maintained and supported
- ◆ the total annual library cost for members who belong to local associations (including MTLA) will be reduced
- ◆ the county system contains materials not in the university library or large firm library
- ◆ no educated profession should fail to maintain libraries supporting the members
- ◆ the benefits go beyond the immediate group of users, extending to the public, other parties, the administration of justice
- ◆ there is a certain mobility in the practice of law (University, government or private practice) which requires adequate library resources to service this mobility
- ◆ through research conducted using the libraries the law will develop
- ◆ lawyers from large law firms already consume services provided by the County Libraries - they use the materials when they are in court and they use the specialized materials of the larger County Libraries such as MTLA and Ottawa
- ◆ university libraries primarily serve faculty and students and do not address the needs of practitioners
- ◆ if the professor returns to practice, the large firm lawyer leaves the firm or the eastern Ontario lawyer moves, they will need the county law libraries at that time

509. Members of the Law Society currently pay \$116 annually toward the County Libraries. When considering funding the County Libraries and wondering whether all members of the Law Society ought to pay the whole cost instead of just part of the cost, another way to ask the question may be:

“Are you willing to pay \$16 a month (less than \$200 per year) in order to receive access to a fully integrated system of legal materials and staff resources to enable you to address all the research needs of your practice?”

510. For 10,123 members this monthly cost would be a *decrease* in the annual cost of their library access by an average of \$160 per member <sup>104</sup>. For about 13,377 members of the Law Society it would be an increase in their annual library cost of between \$75 and \$82 per year or, less than \$7 a month, as calculated below.

511. To replace the present level of library funding provided by local association members would mean an increase in the Law Society annual levy of between \$75.27 to \$81.75 while eliminating the need for local fees, which average \$242. ***Readers are cautioned that the calculation which follows is based on replacing existing funding and is only provided as an example.*** When an actual model is designed in Phase II, appropriate financial forecasts can be made as part of the model(s) and a more precise calculation provided.

512. The calculation is as follows:

<b><u>To Replace Local Library Fees Only</u></b>		
Amount of Local Library Fees Paid in 1997		\$1,768,768
Number of LSUC full-time equivalent	+	
(FTE <sup>105</sup> ) fee paying members		23,500
Increase to Annual Fee per FTE Member		
(\$1,768,768 ÷ 23,500)		<b>\$ 75.27</b>

<b><u>To Replace Local Library Fees and</u></b>		
<b><u>Net Loss from Other Revenues in 1997</u></b>		
Amount of Local Library Fees Paid in 1997		\$1,768,768
Plus Other Revenues raised	+	823,824
Less Other Expenses incurred	-	<u>976,096</u>

<sup>104</sup> The average county law association library fee is \$242. If it were eliminated in favour of an increase to the annual LSUC fee of \$82, the net saving to a member of a county law association would be \$160. As a comparison, an Altman Weil Pena 1996 Survey of Law firm Economics determined that an average *per lawyer* expense for reference material for a small law firm (under 9 lawyers) was \$3,898 and for firms of 75 or more lawyers it was \$4,122 *per lawyer*.

<sup>105</sup> As there are different categories of membership and fees paid to the Law Society, the annual levy is calculated on the basis of full-time equivalent fee paying members (FTE), which in 1997 was 23,500. If all members of county and district law associations pay FTE then, given 10,123 county members, there are 13,377 remaining FTE members.

Total Library Fees & Net Other Revenue to be Replaced		\$1,921,040
Number of LSUC full-time equivalent fees (FTE)	÷	<u>23,500</u>
Increase to Annual Fee per FTE Member (\$1,921,040 ÷ 23,500)		<b>\$81.75</b>

*All Members of Local Counties*

513. Presently, only members of local associations pay a local library fee and other members of the Society, practising in the county, do not. The question is whether all members of a particular county ought to contribute to the library in that county, regardless of whether they join the local law association? This question would apply only if any local fee was still to be levied. It would not apply if all members of the Law Society paid an amount to eliminate the local funds.

- ◆ all the same reasons from the previous pages in favour of supporting the library at a provincial level apply at the county level
- ◆ in addition, the county lawyers benefit everyday, directly, from having the resource in their community as other lawyers are better able to practice given access to appropriate resources
- ◆ some county lawyers who do not belong to their local association demand to use the library but the legislation (see Appendices) requires them to belong to the local association to do so - either a province-wide levy of all members and elimination of the local association fee or, a requirement that each lawyer in a county contribute to the specific library in that county, regardless of association membership, would correct this problem
- ◆ if all local LSUC members pay for the local library, the total annual library cost for the vast majority of lawyers in the county will be reduced as a result of having more members contributing (unless the association enjoys 100% membership in which case there is no savings because there are no new fee paying members; none of the associations currently enjoy 100% membership)

*Only Members of Local Associations*

514. The status quo as it pertains to the local library fee is that it is part of the local association membership fee and so it is only paid by association members. As association membership declines and library costs increase, there is increasing pressure to change the status quo and move to the Law Society library levy increasing to the point it can eliminate the local library fee.

515. There are two problems with having only local association members pay for the libraries:

- ◆ having only association members support the County Libraries

means that about 10,000 members pay for library facilities which can be accessed by all 27,000 lawyers <sup>106</sup>

- ◆ as the Law Society library levy increases, there is a disincentive to join local law associations so, as identified in the Topp report, it becomes necessary to completely eliminate the local levy and substitute a provincial levy otherwise the net funding is decreased, the members of the profession and of local associations are both dissatisfied and the County Libraries cannot operate because the funding is not stable enough for long-term planning

#### *Users of the Library*

516. The category of possible payors includes one known as "User Pay". The question is whether funds should be raised by charging users for services and, if so, how much and for what services.
517. There are two distinct philosophical approaches to the question of whether to have a user pay for library services. One school of thought is that the information contained in the libraries, accumulated in this case over a period of 120 years, is the common property of the whole community and is a public 'good' which ought to remain as accessible and open to consumption as possible, charging the lowest possible cost to the greatest number of members of the community. This is the traditional view of professionally accredited librarians and archivists who work in the field.
518. The other view held of libraries is that the information stored there is essentially a commodity; it has a market value and users should be charged at market rates for accessing the information. Users are treated as consumers who pay for what they use. As with health care, this would lead to a differential access to the system based on ability to pay and would mean that clients of some users would receive different access than clients of other users. This philosophy, which amounts to "rent a book" is at odds with a belief that the law libraries are a repository of shared knowledge and collected wisdom supported by the profession to maintain a level of general competence to support the administration of justice.
519. There are two general categories of "User Pay" which could be considered for County Libraries. These are:
- (1) a library membership system where the funding comes entirely from members who then are the only ones entitled to use the library:

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<sup>106</sup> The only exception, and it is an important one, is that non-members of a local association are not entitled to use the local association library, by virtue of regulation 708 (see Appendices). Most, if not all, local associations enforce this requirement. However, a non-member of a local association can use all the other County Libraries in the province, as long as they are in the county on legal business. Where counties are in close proximity to one another, this is beginning to cause problems as non-members use a neighbouring county's facilities. For example, Welland County lawyers are using the library in Lincoln County but pay no local fee to support it.

- ◆ there would be a charge for basic services which would permit access to the library, rudimentary reference services and pay the cost of staffing and the collection
  - ◆ it is unlikely that on an annual basis the required total funding for County Libraries could be raised in this manner without charging a significant amount many times higher than the current combined Law Society levy and local association fee
- (2) charging users for certain services which could be deemed "special" such as the more complex reference questions or providing Internet or QL access:
- ◆ there is already some User Pay in existence in each library by charging for photocopies and faxes - it could be that the charges for these services should be increased
  - ◆ in addition to the traditional services, libraries might become more commercial and could generate some revenue-producing materials such as guides to legal resources on the Internet, which could be used in the library without charge but which could also be sold for use outside the library

520. The Phase II model(s) should examine User Pay and provide more detailed estimates of the revenue potential and its possible impact on the use of libraries.

*For What Should They Pay?*

521. Combined with the question of who are the possible payors for the County Libraries is the question of "for what should they pay"? This question has to a large extent already been canvassed under the various categories of possible payors and why they might pay for libraries. Other, non-financial, factors which should be considered in the delivery design process are set out below.

522. There are four different kinds of structures which funders or payors could be asked to support:

- ◆ all the County Libraries - a System
- ◆ the local courthouse library - an individual library
- ◆ individual library services consumed by a user - User Pay
- ◆ local enhancements to standard library services - System + local

523. Below is a brief description of what each of these structures entails.

**All the County Libraries - A System**

524. One of the policy options already identified is to form a system of libraries rather than continue the present loose association.

525. There presently is no real "system", just 47 separate libraries (see discussion at page 54). To be effective, a library system must be planned and co-

ordinated. A library system operates with standards for collections, staff, cataloguing, charges and all other major operational or administrative matters. Establishing standards does not mean all libraries would be identical, it means a minimum level of access would be established and materials required for each area would be identified and made available.

526. The establishment of standards to ensure quality and consistency runs headlong into the need and desire for local control and input - don't run things "from Toronto" is a familiar cry whether in relation to the County Libraries or a provincial social welfare programme. While it is not a guarantee that local concerns will be addressed, a properly designed administrative board should be able to overcome many of the issues. It will not be able to preserve full local autonomy though.
527. In a system of libraries there are different services available in different libraries but within the whole system all services are available and accessible to all members. Without technology this would only be a theory as it would not be practical to send materials to remote areas of the province by courier or mail. With technology - whether it is telephone, fax, e-mail or the Internet - delivery of research information and library materials to all areas of the province from any location is a realistic option.
528. When looking at reference services a system needs to address whether it is sufficient that somewhere in the system a library is capable of supporting the research in question and appropriate access to the research is available, either with or without a charge for the service. It is not likely for example that all 47 libraries in the County Libraries need to provide all kinds of reference services, as long as somewhere in the system such service is both available and accessible throughout the province.

### **The Local Law Library**

529. The local law library model is the status quo. Variations are possible but the essence of the structure is that there is full local autonomy and decision-making without any collective responsibility among the libraries.
530. At a payment level, there is currently a mixed model of provincial and local fees. If the provincial levy was eliminated, local lawyers would have to decide whether to support their own local library. They could have whatever structure they saw fit, including restricted access, services of any kind, for any fee. If an insufficient number of lawyers chose to support the library, there would be none. Smaller centres would not be able to afford libraries comparable to larger centres unless the local lawyers decided it was worthwhile to pay more or do fund raising to establish the library.
531. When carried to the point where provincial funding is eliminated and local libraries are supported only by local fees, this structure allows absolute local control and autonomy and ensures that a library only exists if enough people support it. It removes responsibility for professional competence and preservation of the law from the profession's level and establishes it at an individual level.

532. In the model design section of this report there are several variations of this format - ranging from a fully Privatized model to the Status Quo to a Capped Funding model.

### **Individual Services**

533. This structural model is, essentially, the "User Pay" question put into effect. The design question is which services should be included and paid for by the "group" - whether it is the province, the local bar or members of the local association - and which services should be provided but only at additional cost?
534. The difficult question in this area is to determine the amount of research assistance which should be included as part of the basic service. User pay for "hard services" such as photocopies and faxes is not controversial provided the fee charged is reasonable; should the librarians also provide a basic level of research assistance without charge? Should the libraries try to market research, just as the Legal Aid Research Facility does and the Law Society's former SearchLaw programme did?
535. If the individual is less directly involved in paying for the library (by changing from local fees to provincial fees) does it affect the level of service and the kind of service provided, as well as paid for, by individual users?
536. These questions need to be addressed once a delivery model is designed.

### **Enhancements to Local Libraries/Services**

537. One of the questions which arises if the County Libraries become a system is can the local lawyers enhance or upgrade the services supplied to their library as part of the system and, if they can, are they then permitted to restrict access to those services?
538. At one level, the ability to add to the "system" library is only a positive. If there are other services the profession desires and they wish to pay for those services separately, why shouldn't they do so?
539. The Working Group response would be that enhancing local services would be acceptable, provided the additional services are not in conflict with the system and provided that no restricted access exists. Restricting access, even to services directly paid for and provided by the local bar, would begin to erode all the benefits of the system and the reasons for having a provincial fee (which eliminates the local fee) would be diminished. If enhanced services are needed for a particular reason the better approach would be to examine the need and adjust the system to supply those services rather than split the library services.

## **Role of the Great Library**

1. Within the evolving provincial legal information network, the Great Library of the Law Society is unique and will continue to play a central role in legal information provision and coordination.
2. The Blended System envisions a system of libraries that will meet certain standards but like all local libraries will reflect the specific character of the locale and the general research needs of the primary clientele. Even larger regional libraries cannot hope to offer comprehensive collections and services but must be geared to the specific group they serve.
3. The development of multifarious fields of law today means that legal research needs are not always predictable and are not uniform. The availability of the fax, scanner and modem mean that the same type of law once dealt with only on Bay St can now be contemplated by rural practitioners. No single county library can provide for all of these information needs, nor should they be trying to do so. Duplication of certain resources is both wasteful and unnecessary.
4. The mandate of the Great Library is to provide access to excellent resources in order to serve the administration of justice generally and, in particular, to assist lawyers to practice law in a learned and competent fashion. It serves lawyers, judges, academics, government officials, other law libraries and members of the public.
5. The library's primary function is to meet the legal research and information needs of Law Society members by providing access to publications, documents and services necessary to the practice of law.

### **Collection Development**

6. The Great Library is the province's principal law library. Its role is to provide the broadest possible constituency of members with the best possible collection and services. It aims to provide, in one central location, a comprehensive resource where members' diverse information needs can be answered. Its collection development policies are not geared to any particular group or locale. Rather it acquires materials objectively and comprehensively for the provinces legal community as a whole. Its staff is trained and experienced in the use of often complicated materials covering a vast spectrum of legal topics and able to share their expertise with the provincial legal community.
7. The library currently holds over 120,000 volumes. The core of the collection consists of statutes and law reports from Canada, the United Kingdom, the United States, Australia, New Zealand and other common-law jurisdictions. Supplementing this is a wide selection of secondary sources in the form of government documents, textbooks, practice materials, CLE programmes, loose leaf services and law journals.
8. The library is designated as a reference facility. Its materials do not circulate outside the building, but are intended for use in the library or court rooms only.

### **Special Reference Services**

9. The expertise of the professional staff at the Great Library allows it to supply support services to all the county libraries. This can be achieved through the professional librarians

in the larger libraries, or research and assistance can be provided directly to lawyers in those counties which do not have professional staff or who only have part-time assistants. Lawyers have the choice of contacting the Great Library or a regional library if their local library does not have the materials or staff to satisfy a particular research need.

10. A number of indexes and finding aids are compiled by library staff and are available to users. The most heavily used indexes are the status of Supreme Court proceedings and the indexes to federal and provincial bills.

#### **Cataloguing Expertise**

11. Cataloguing is another area in which the Great Library staff can continue to provide services to the county libraries. The cataloguing department currently catalogues the collections of all county libraries except for the Carleton Law Association and MTLA. The catalogues are then converted to CD-ROM and distributed to all the libraries. Any association's library collection can be viewed on from the one disk.
12. At the present time a monthly booklist is sent to all county libraries listing the new Canadian titles which have been acquired in the Great Library collection. This could be expanded into a service which would provide acquisition advice to the smaller County Law Associations. As the Executive Director will not be working in a library, and will not be familiar with all the resources available or with new publications, this will not be a service which that individual would be equipped to provide to the libraries. The Great Library is the obvious source for this information.

#### **Training Librarians and Staff**

13. The role of the Great Library with respect to county law libraries will be further defined by the Executive Director of the Blended system, the Transition Board and the Director of Library Services, as set out in the Phase II report. To date, the county law librarians have twice annually attended in Toronto for educational and professional improvement opportunities with the assistance of staff from the Great Library and others.
14. Under the Blended System, the Great Library staff could continue to provide training and educational programmes for the county law librarians. To help the non-professional staff in the county libraries achieve the required standards for managing the smaller libraries, a mini-training school be set up at the Great Library. County law library staff could be invited or could request to attend a training course. This would take place over several days and would give the county librarians the opportunity to confer with the staff of the Great Library, receive training on basic research skills in both print and electronic format, and observe the daily activities and practices involved in running a library.

**CANADIAN COURTHOUSE AND LAW SOCIETY LIBRARY**

**STANDARDS**

**Prepared by the  
Courthouse and Law Society Library Management Group  
c1998**

## Preface

The Courthouse and Law Society Library Management Group is an ad hoc group of members of the Canadian Association of Law Libraries, which began meeting in the early 1980's to discuss, among other issues, the first draft of standards for Canadian courthouse libraries.

Mr. Shih-Sheng Hu drafted the first set of standards for Canadian courthouse libraries. The result of the first draft led to the first national meeting of the National Conference of Chief Librarians of Canadian Courthouse Libraries. Several subsequent drafts were also prepared by Mr. Shih-Sheng Hu. Mr. Hu contributed a chapter in *Law libraries in Canada* entitled "Development of library standards, with special emphasis on the Canadian courthouse and law society libraries"<sup>1</sup>, which provides the historical development of library standards in several types of libraries in Canada, and in particular the courthouse libraries. The national group ratified the standards in 1986.

In the early 1990's, the group decided it was time to revise the standards. This seemed to coincide with more library restraint measures across the country and all libraries were justifying their collections and their very existence. While the revision process began, the CD-ROM revolution in the Canadian legal publishing industry had begun. The standards needed updating to account for several changes over the years.

With permission, many concepts and items were taken from the American Association of Law Libraries standards and the British and Irish Association of Law Libraries standards. Through a long process of analysis and revision, the group came to a consensus at a meeting in November 1997. Minor changes occurred in May 1998 and a final draft was circulated for final approval. Arrangements were made for editing and translation.

There are two major changes to the standards as they were accepted in 1986. The first has to do with the impact of technology and the explosion of electronic materials available or accessible in every law library. The second has to do with the description of collections. The group agreed that describing collections according to classes across the country was not a practical comparison and could not be done. Law libraries face perpetual restraint, as prices continue to rise, the production of legal materials grows exponentially, and the financial support for law libraries shrinks year after year. Quantitative standards are required but these must be determined in the atmosphere of resource sharing amongst our libraries. It was agreed that recommendations for collection development are most beneficial in the standards and that a listing of titles that should exist in certain classes of libraries can no longer be applicable, especially since two lists, one for English titles and one for French titles, would be needed.

There are essentially four main forms of governance for Canadian courthouse libraries:

- a) Law Society-based libraries or Bar Association-based libraries
- b) Government-based libraries

- c) Separate entity systems i.e. not-for-profit societies
- d) federal court libraries.

Despite the different forms of governance and the varying percentages in their source funding, courthouse libraries share at least two common denominators:

- a) usually they are located in a courthouse or in close proximity to the court,
- b) they provide legal information to the members of the practicing Bar and judiciary, and in most cases, to members of the public.<sup>2</sup>

Individual court libraries across the country vary greatly because libraries are established on the principle of serving the needs of their immediate clientele, taking into consideration several factors to provide excellence in library service. National standards for courthouse libraries can only help to serve the demand for effective library services from the legal community.

“A standard is a means to an end. It is designed to achieve a given objective or goal.”<sup>3</sup> The standards were developed to act as a working document and to provide guidelines for support and justification of courthouse and law society libraries, their services and collections. Standards are constantly changing, and revisions will be needed, as the development of law libraries proceeds into the next millennium. The Courthouse and Law Society Library Management Group intends to review the standards document every two years.

The Courthouse and Law Society  
Library Management Group

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<sup>2</sup> Concept borrowed from Mr. Hu's article, with permission.

<sup>3</sup> *Ibid.*

## *Acknowledgments*

Library managers from the main courthouse or law society libraries in each jurisdiction across Canada participate in the Courthouse and Law Society Library Management Group. The informality of the group and its focus on the discussion of current issues have allowed the free exchange of ideas.

The following are known contributors to the Standards since the revisions began in the 1990's.

B.C. Courthouse Library Society	Maureen McCormick
Alberta Justice Law Libraries	Shih Sheng Hu
	Briand McInnes
Law Society of Saskatchewan Libraries	Michael McGuire
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Nova Scotia Barristers' Society Library	Barbara Campbell
Law Society of Prince Edward Island	Pamela Borden
Northwest Territories Court Library	Monica Welch
	Susan Baer
Yukon Law Library	Tanya Astika
	Jenny Nesbitt-Dufort
Law Society of Upper Canada	Janine Miller
	Glen Howell
Supreme Court of Canada Library	Diane Teeple

Finally, the contributions of Shih-Sheng Hu should not be forgotten.

We hope these Standards help Canadian courthouse and law society libraries solicit the support to achieve their goals of excellence in the provision of law library service.

Thank you.

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## CANADIAN COURTHOUSE AND LAW SOCIETY LIBRARY STANDARDS

### *Preamble*

*The law library is essential to the administration of justice in all jurisdictions. The quality of its legal services will be dependant upon the quality of its law library.*

*Legal information is the lifeblood of the legal system. The health of that system depends very heavily on the quality and accessibility of the information by which it is served. Any part of the system that is not adequately supplied is apt to fail in meeting the needs of those whom it is intended to serve.<sup>4</sup>*

*Access to legal information is vital to the effective operation of the Canadian judicial system. Canadian courthouse libraries provide access to legal information resources for all citizens, either through direct access to those resources, or through judges and lawyers who rely on those resources.*

*These standards are intended to be used only by Canadian courthouse and law society libraries which service the needs of practising lawyers, judges, court officers and others who are directly involved in the process of the administration of justice. These standards should act as guidelines to ensure that Canadian courthouse libraries maintain collections, staff and services of the highest quality.*

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<sup>4</sup>

Canadian Legal Information Centre, *Legal information access ideals*. ([Ottawa], 1992), p. 11-12.

I. Management

- A. The mandate and authority(ies) by which the courthouse library or library system operates must be clearly written and reviewed on a regular basis.

*(Commentary: organizational chart, written agreement, bylaw, etc.)*

- B. The goals and objectives of the courthouse library or library system and their relationship to the goals and objectives of the parent organization, if applicable, must be clearly written and reviewed on a regular basis.

- C. The courthouse library or library system must be managed by a full-time qualified librarian.

*(Commentary: It is recommended that the library manager has an M.L.S. or equivalent degree, with previous management and supervisory experience. Extensive experience within a law library is essential, with detailed knowledge of all aspects of library operations, familiarity with current information technology as it pertains to library systems.)*

1. The chief librarian should be recognized as part of the management team of the library's governance body and should participate in policy making which affects library operations. The chief librarian should meet on a regular basis with his or her superiors to be advised of policy directions.
2. From its inception, planning that concerns the courthouse library or library system in any or all of the following areas must be directed by the chief librarian:
  - a. management of library operations
  - b. budget preparation and revenue generation
  - c. growth and development of the collection, including bibliographic and physical control for facilitating access
  - d. recruitment and development of personnel to assist users, service the collection and perform all administrative functions required of the library or library system
  - e. development and staffing of satellite libraries
  - f. planning and development of physical facilities
  - g. planning and development of computer facilities
  - h. participation in library and other information networks

- D. The chief librarian should be kept fully informed of the policies and procedures of the court system in which the library resides.

- E. Courthouse libraries should participate in cooperative activities with neighbouring libraries and regional networks. Examples of activities that might be of benefit include sharing of resources, union lists, interlibrary loans, cooperative acquisitions, and shared cataloguing.
- F. Policies and procedures for the operation of the library should be kept current and be made available to staff, funders, and library users.
- G. The library should submit an annual report to its governing body. The report should be prepared by the chief librarian.

## II. Budget

### A. Qualitative standards

1. The budget of a courthouse library or courthouse library system must be separate and adequate to ensure not only a sufficient number of qualified staff to maintain an acceptable level of library service, but also to provide a complete, up-to-date collection, including non-print materials, electronic formats, and online databases. Provision for new acquisitions, services, and staff must be identified to meet changing demands.
2. The budget must include for the provision of adequate and continually upgraded computer equipment.
3. The budget is to be prepared, presented and managed by the chief librarian. The budget request should be supported and defended by the governing body.

### B. Quantitative standard for core library collections

1. Each library or library system should develop quantitative budget standards for its library or libraries. These standards should include, but not be limited to:

Collection:     - monographs  
                  - serials  
                  - electronic formats  
                  - audiovisual  
                  - binding

Staff            - salaries  
                  - benefits  
                  - staff development and training

Operations      - maintenance of existing services and facilities  
                  - online services and bibliographic utilities  
                  - branch supervision  
                  - new initiatives or services  
                  - supplies, equipment, furniture, shelving, computers  
                  - publication costs

Revenues - if included in the budget and used to offset operational and/or salary costs

2. Norms for these standards as percentages of the total budget are:

Collection	30-40%
Staff	50-70%
Operations	0-20%

### III. Personnel

- A. The courthouse library or library system must be adequately staffed by competent well-trained personnel to guarantee high quality library service in a timely fashion to its users. Ongoing training and development must be provided.
- B. Courthouse libraries and library systems should adopt position classification schemes. Salary scales should be set by comparison with the most appropriate categories in similar library organizations and parity maintained between similar professional positions within the parent organization. Job descriptions should be prepared for all staff and should be reviewed regularly. Periodic performance appraisals should be carried out for all staff.
- C. Personnel policies and practices should be written and made available to all personnel.
- D. Personnel should be encouraged to participate in local and national professional associations. The library budget should include funds to support job-related professional activities such as attendance at conferences and relevant continuing education opportunities.
- E. The chief librarian should attend national Courthouse and Law Society Library Management Group meetings.

#### IV. Physical Plant and Facilities

*(Commentary: The cooperation of the parent organization's Public Works Department in correcting or maintaining the facilities is crucial to the safe and adequate use of the courthouse library)*

- A. The courthouse library must be located in the courthouse, easily accessible from courtrooms and freely accessible to all users. There should be a single entrance/exit to the library, and all other entrances should be minimized. If the library is open after normal business hours, a separate outside entrance should be provided. Any other entrances should be lockable to prevent unauthorized entrance and exit, with the exception of fire exits.
- B. The access system and procedure for after hours use must be established by a method which does not conflict with building security procedures. Access to a washroom after hours must be provided without compromising security procedures.
- C. Courthouse libraries must provide an environment conducive to the various kinds of work performed in the library. The amount of space, the quality of light and air are recognized as important factors in the creation of an atmosphere which is both comfortable for the patrons and staff of the library and for the preservation of the collection. Areas designated for computer training should be located so other users of the library performing research are not disturbed.
- D. Courthouse libraries must provide space adequate for the effective provision of:
  - 1. reader services, including provision of a reference/circulation desk or area
  - 2. study areas with adequate seating capacity which is capable of accommodating the use of print and electronic formats
  - 3. photocopiers, microform, and audiovisual devices
  - 4. storage of the collection, including electronic formats
  - 5. adequate staff space for the provision of all services, including staff work stations and a technical services area which should be separate from the collection and patron areas
  - 6. disabled persons' access

7. security, in relation to after hours access; security of personal and library property; and security of library staff.

#### E. Staff Offices and Work Areas

1. Each library staff position requires a work station away from the public service areas. Staff work stations and the technical services areas should be separate from the collection and patron areas, with adequate environmental conditions and should be properly vented.
2. Locked, private office space is essential.
3. The technical services area should contain a sink for book repairs and maintenance.
4. The shipping/receiving area should be located near the entrance. It should be secure to enable proper identification of new materials.

#### F. Noise

The library should be constructed and designed to minimize noise and provide proper acoustics. A high quality durable carpet with a durable under pad should be laid to prevent noise and to prevent leg and foot injuries to staff. The thickness of the carpet must not impede the movement of book trucks and equipment on wheels.

#### G. Collection Housing

1. Proper library shelving with adjustable shelves is required. All shelving over 5 (five) feet high must be secured to walls and/or ceilings for safety.
2. Shelving should be arranged in a manner that allows easy access to the collection. There should also be enough shelving for adequate growth of the collection in print, electronic, and other formats.
3. The book stacks should be designed to be free of water and drain pipes, with protection from leaks or seepage from any source.
4. Aisles in stacks accessible to the public and to mobility impaired individuals should be between 36" and 42" wide. Aisles in closed storage areas can be between 24" and 30" wide.

- H. Facilities should be provided for the storage of non-print and fragile materials under adequately protective conditions.
- I. Adequate provisions should be made for the installation and use of computer terminals, compact disks, modems, microform readers and reader-printers, photocopiers, fax machines, audiovisual equipment, and any other devices needed to provide library services.

J. Floor loading

- 1. There are special structural requirements for a courthouse library. Floors must be reinforced to the following minimal levels:
  - a. 70-75 lbs per square foot for office areas
  - b. 150-200 lbs per square foot for library stacks with full-height shelving
  - c. 200-300 lbs per square foot for compact shelving
  - d. 170 lbs per square foot for microform cabinets.

K. Lighting and Electrical

- 1. Courthouse libraries must provide lighting which is appropriate and comfortable for the purpose for which it is used. Indirect lighting should be maintained due to the number of machines and video display terminals in use.
- 2. Stack lighting should run perpendicular to shelving ranges.
- 3. The relative amount of light (intensity) needed for each of the tasks performed in the library shall be determined in accordance with the standards described in Appendix A.
- 4. There should be provision for the distribution of power and telecommunications data throughout the library, and electrical outlets at frequent intervals.
- 5. All library lights should be controllable by library staff. If the library is not staffed after normal business hours, a separate switch for the stack area should be available which is outside the library staff area.

6. The electrical wiring of the library shall be designed to permit localized lighting.
7. The nature and amount of light (both natural and artificial) entering the library should be controlled so as to reduce glare and reflection and to prevent the deterioration of materials. Furthermore, the floors, walls and table tops in the library should be light in colour to reduce the amount of contrast with the pages of a book, and surfaces should be dull and opaque to lessen reflection.
8. Emergency lighting should be provided in sufficient quantity to allow users and staff to exit safely from any part of the library.

#### L. Air Quality

1. The courthouse library should have a good quality ventilation system which distributes fresh air frequently throughout the building at the proper volume and temperature from a proper distance and at a suitable noise level. The library should have ventilation that may be controlled separately from the rest of the building.
2. In order to sustain the materials, the temperature should be 20° C or 65° F, plus or minus degrees.
3. The humidity level should be controlled in the stacks, in general storage areas and in rare book rooms. Humidity should be at 45%, plus or minus 5%.

#### M. Disaster Preparedness

The courthouse library or library system should have adequate disaster preparedness policies and procedures. These policies should be compatible with those of the parent organization to ensure priorities are shared in case such a disaster occurs.

#### N. Smoke Alarms, Fire Alarms and Sprinklers

1. The courthouse library should have properly installed and inspected smoke alarms and heat-activated sprinklers.
2. Fire alarms and exits should be clearly marked and escape plans should be conspicuously posted.



V. Services

- A. An organized collection in which a library user can locate materials is considered an essential service.
- B. Library services and policies should be developed to serve the needs of the library users. The library's mandate and goals statements should identify the levels of information service provided to its different user groups.
- C. Library services should be examined and evaluated regularly. Changes to services should be made as technology and users' needs change.
- D. Library services must be supported by adequate and trained staff to ensure high quality service.
- E. The library should develop written policies to ensure that the information and assistance provided to its users are appropriate to the situation. This should include service to off-site and remote users as well as to users in the library.  
*(Commentary: Providing an information service to members of the public is much different than providing information to members of the legal profession. The reference policy should specify how reference questions posed by members of the public should be handled at the reference desk. Special services for remote users may be needed, and can be evaluated by each library system. Off-site assistance may vary from assistance received by on-site or remote users.)*
- F. Copyright policies should be developed and copyright notice ought to be placed prominently beside photocopiers, fax machines, and computer printers to protect the library against liability for copyright infringement.
- G. Written standards should be developed for the library system and all the courthouse libraries it administers and should include a description of the service, principles on the quality of service to expect, delivery targets, costs associated with the provision of the services, and complaint or redress mechanisms.
- H. Library policies concerning user access and loan of print and non-print legal information should be formulated and advertised to inform users of the extent and availability of the library's resources. The library should prepare policies for preparing and accessing electronic materials created by the parent body to load onto the Internet or similar online services.

*(Commentary: Policies specifying loan periods by type of publication exist in many libraries. While electronic materials may not circulate but reside on a network, it is important to inform users when those materials are unavailable due to network backups or scheduled maintenance. Many organizations are loading documents they have created, including judgments. Policies are needed to determine who loads what where and who is entitled to access. Archiving this type of data may also become an issue and should form part of the policy.)*

- I. Library services include an educational component. In keeping with this mandate, and as the reliance on electronic resources increases, the library needs access to computer facilities in order to provide effective electronic training for the library's users and staff.
- J. The courthouse library should enter into agreements with other libraries. Users should be informed about the collections and services of other libraries, the availability of interlibrary loan, and other services to which the user might have access that may assist in answering an enquiry.
- K. The courthouse library should have a clear public relations policy that outlines how library services are to be promoted.
- L. Maps, signs, library guides, and other tools to assist users in finding their way about the library should be provided.
- M. Library policies concerning patron access to online information should be formulated and posted at terminal locations.

## VI. Technical Services

### A. Acquisitions

1. Written policies for collection development, including criteria for the selection and discarding of materials and the acceptance and disposition of gifts, should be formulated by the chief librarian in consultation with staff and users. The policies should include materials in all formats.
2. All materials not updated by the publishers' schedules should be clearly marked. Sets should be complete, where possible. Multiple copies should be available where heavy usage requires them. All superseded material stored in the library should be clearly indicated as such and should be retained only if it continues to serve as a useful source of information for users of the library.
3. The library should have available the selection tools appropriate to its needs.
4. The library should acquire and provide access to information in the best alternative non-print format, including microforms, audiovisual materials, and electronic materials such as online databases, compact disks, and electronic data files available on computer networks, in addition to print materials.

### B. Cataloguing

1. There should be a union catalogue of each courthouse library or library system's holdings that permits identification of items, regardless of format or location by author, title, and subject.
2. The catalogue shall be in a format that can be consulted by a number of users concurrently.
3. The collection should be catalogued and classified in a system that makes it possible to retrieve the desired material quickly and easily by both the user and the staff. National standards for bibliographic records should serve as guidelines.
4. Library materials shall be arranged to provide maximum accessibility to all users. Certain categories of materials may be segregated by form for convenience.

5. The courthouse library or library system should also maintain a holdings (inventory) file and any other files, such as authority files, necessary to maintain bibliographic control over the collection.
6. Library catalogues and other files should be generated in machine-readable formats. Whenever possible, existing paper catalogues and files should be converted to electronic ones.
7. Regular updating of the catalogue is essential if it is to be of maximum use to both readers and staff. The editing of the catalogue should include discarding obsolete entries, consolidating entries, checking that cross-references are effective and checking location marks.
8. Materials placed in storage facilities must be readily accessible to users upon request.

C. Collection Maintenance

1. The library's collections should be maintained in good physical condition. This requires regular shelving and shelf reading, as well as repair and rebinding of damaged items.
2. The courthouse library or library system should establish a preservation program.
3. Serial publications received in unbound form, except those of temporary value, should be either bound, or stored in a durable and accessible non-print format on an ongoing basis.
4. Those print materials replaced by CD-ROM resources held by the library should be appropriately marked.
5. Weeding of the collection should be done regularly and superseded material of no value to the library should be discarded.

## VII. Statistics

*(Commentary: Statistics are a useful mechanism to support the library's budget and to justify staff and services. All library staff must be aware of the importance of recording library statistics and understand exactly what is being measured by the courthouse library.)*

- A. Libraries should keep statistics in a uniform/consistent manner in order to ensure valid data for comparison or maintenance of standards. Each library system is responsible for deciding what statistics it will collect, how they are reported, and what is possible to share with other library systems. Time-frames for maintaining historical statistics can be determined by the courthouse library or library system.
- B. Statistics should be kept on all major client services, and on all revenues generated from client services.
- C. Statistics should be reported in the library's annual report.
- D. Written definitions should be prepared to describe the statistics being kept and the definitions should be communicated with library staff in order to collect data consistently.

## VIII. Collection Development

*(Commentary: The following are guidelines for court libraries and systems for writing collection development standards and policies within their institution, taking into consideration the many factors involved in providing a relevant, dynamic collection of materials in various formats to service the court library's main clientele.)*

- A. Collection development standards must be developed to provide the library administration and/or its governing body guidance in evaluating its existing collection or in building a new collection.
- B. The number of legal practitioners shall not be the sole factor for determining the level and content of a library collection. Other factors which must be considered are as follows:
  - 1. availability of and distance from other legal resources in the region such as a law school library
  - 2. demographic trend and population size
  - 3. nature of the local industry and the business of the court
  - 4. funding sources
  - 5. technological support from regional and/or provincial legal resource centres
  - 6. availability of materials in electronic formats and the ability to use those formats.
- C. Classes of Libraries
  - 1. For the purposes of collection development, the court library system in each jurisdiction should develop its own class structure of libraries.
- D. Content of Collection
  - 1. The following may be used to develop the collections for an individual courthouse library:
    - a. The library should provide access to a collection of useful and relevant titles selected from standard recommended sources and including a range of

bibliographic tools.

- b. All courthouse libraries should provide access to a selection of secondary materials relating to Canadian law such as loose leaf or supplemented works, digests and encyclopaedia, current awareness services and newsletters, recent textbooks, reports, government publications, journals, continuing legal education materials, law reform materials, and general reference texts.
- c. Each library should provide access to a selection of series of primary materials and journals relating to any special topics or jurisdictions of particular interest to its clientele.
- d. Access to a collection of serials should be readily available and back runs should be maintained, regardless of format, the depth and breadth of which are maintained in relation to users' needs.

E. Format of Material

1. The collections of the court library should be held in the format, or combination of formats, that best serves the needs of its users and the administration of justice in that jurisdiction/region/area.
2. It is for the court librarian to determine within the general framework of these standards, what mix of formats - paper, remote online databases, in-house databases (CD-ROMS), microforms - to select.
3. Material in frequent use should not be in microform.
4. The format of material chosen by a courthouse library will depend on several factors, which include but are not excluded to the following:
  - a. degree of computerization in the library and its governing body
  - b. the physical attributes of a particular electronic version, ie, whether stand-alone or network versions are available, the operating system, the availability of archival disks, whether the item may be purchased outright or if licensing only is possible, whether it is compatible with the courthouse library's computer situation
  - c. the quality of the electronic product and its ability to improve legal research
  - d. the availability of similar materials online and the accessibility by the courthouse library's user population
  - e. the availability of equivalent print materials in the courthouse library
  - f. remote access for the branch or satellite libraries and the user population
  - g. cost of the item and/or its licenses.

## APPENDIX A

## Lighting Levels

The principle source of recommended lighting levels is the Illuminating Engineering Society (IES) Lighting Handbook. Illuminance levels are given in lux and as such are intended as target values with minor deviations (+/- 15%) expected. These target values also represent maintained values. In all cases the recommendations in this table are based on the assumption that the lighting will be properly designed to take into account the visual characteristics of the task.

Lighting Level Adjustment

The light levels in the table are based on the assumptions that the workers' age (average) is under 40, the speed and/or accuracy of the task is not critical, and the reflectance of the task background is above 30%.

Task Lighting

The table lists light levels for specific tasks as well as location. In the cases where this task lighting level is very high, it is often impracticable and wasteful to light the entire room to the recommended value. The general lighting level for areas where tasks are regularly performed may be reduced, but not below a minimum of 200 lux. Supplementary lighting should then be used in combination with the general lighting to achieve proper illumination of the given task.

<u>Activity, Building Area or Task</u>	<u>Lighting Level (lux)</u>
Building exteriors	
Building surrounds	10
Entrances	
Active (Pedestrian and/or conveyance)	50
Inactive (locked, infrequent use)	10
Conference rooms	300
Classrooms	750

Garages	
Parking only	55
Library stacks	
Book stacks (vertical 30 in. Above floor)	
Active stacks	300
Inactive stacks	75
Offices	
General	300
Lobbies, lounges and reception areas	150
Mail sorting	750
Off-set printing and duplicating area	300
Video display terminals (may need to shield or reorient task)	75
Reading	
Copied tasks	
Microfiche reader	75
Photocopier	300
Handwritten tasks	300
Printed tasks	
8 and 10 point typeface	300
Telephone books	750
Typed originals	300
Stairways	150
Washrooms	150

*Commentary: based on Design Standards & Guidelines for New Public Buildings 10/95, Public Works and Services, GNWT.*

11-WP-DOCKHOUSE.DRSTANDARD.PRS.rpt  
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SOURCEBOOK FOR LAW LIBRARY  
GOVERNING BOARDS AND COMMITTEES

*Written & compiled by*  
THE TRUSTEES DEVELOPMENT COMMITTEE  
STATE, COURT AND COUNTY LAW LIBRARIES  
SPECIAL INTEREST SECTION



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It should be noted that the AALL County Law Library Standards specify that the relationship of the law librarian to superiors should be defined by law.<sup>4</sup> The thrust of the standards sections on governance is that county law libraries should enjoy strong relationships with the courts or other organizations they serve. Unfortunately, the language of statutes and ordinances pertaining to trial court libraries often does not reflect actual organization or management structures and does not provide practical guidance to libraries and their boards or committees as they adopt practical, working relationships. It may be necessary in some states to bring code provisions on law library administration into accord with actual practices and conditions.

## 2. Statewide County Law Library Systems

A number of the states in the northeast (Connecticut, Massachusetts, Maine, and New York) have adopted statewide law library systems to promote development and standardization of county law libraries that are open to the bar and the general public in addition to serving the needs of local courts. In each of these states, responsibility for local compliance with state standards and for general assistance to local libraries rests upon the state law librarians or other librarians within the judicial branch.

In these and other states, such as Minnesota and Wisconsin, the responsibilities of state law libraries include outreach to the law libraries that serve the needs of the courts, the bar, and the public at the county and local levels. The National Center for State Courts 1986 *Management Survey of State and Local Law Libraries* found that 13 percent of state law libraries have direct or oversight responsibilities for the management of county law libraries. In addition, many other state law libraries or supreme court libraries offer technical assistance and support to local court libraries on an informal basis or in conjunction with the administrative offices of the courts.

In states such as New York and Maine that have centralized certain aspects of the administration of trial court libraries under statewide judicial agencies, county law libraries are still accountable to local library boards as well. In New York State, the libraries that serve the courts of general jurisdiction, or supreme courts, are governed by boards of trustees consisting of three members who have broad powers, including submitting requests for appropriations of funds provided by the state for the support of supreme court libraries. Library boards may make rules and regulations for the management of the libraries under their charge and may arrange adequate facilities for library collections and equipment.<sup>5</sup> At the same time, overall supervision of the supreme court libraries is provided by the administrative board of the judicial conference, which may promulgate rules setting statewide standards and policies for the administration of

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the law library in accordance with the county code, he is not a member of the library committee, does not serve on the committee as its secretary or staff, and does not report to the committee on the status of the library on a regular basis. The result of a lack of clear lines of authority in library administration has been a diffusion of management responsibility, reflected in the fact that there has been only one meeting of the committee in recent years, chaired by the court administrator and called at his request.

<sup>4</sup> County Law Library Standards § I. B. See page 111.

<sup>5</sup> N.Y. Judiciary Law § 816-a (Consol. 1992).

county law libraries.<sup>6</sup> Direct oversight of the supreme court libraries is provided by the chief law librarian of the New York State Unified Court System.

There have been occasional instances where issues pertaining to the concurrent administration of supreme court libraries by local and state authorities have required resolution by other state agencies. A case in point is a ruling by the State Comptroller that the Career Service Rules of the Administrative Board of the Judicial Conference partially supersede and modify the powers vested in the boards of trustees of supreme court libraries.<sup>7</sup>

In Maine, a state committee on court libraries is charged by statute to oversee a statewide system of law collections and libraries arranged in tiers according to the extent of potential use.<sup>8</sup> The four tiers in the library system correspond to four different levels of collection requirements. The State Court Library Committee consists of seven voting members representing the bench, the bar, and the general public. The State Law Librarian and the State Court Administrator serve *ex officio* as nonvoting members. The statutes provide that the committee must meet at least four times a year.

The statutes also make provision for professional supervision of the state court library system.<sup>9</sup> A professional librarian is employed by the State Court Administrator and has general supervision of the professional functions of all county law libraries. The State Court Library Supervisor visits libraries, meets with county law library committees, coordinates activities with the central court administration offices, advises staff members of the clerks of court who tend local collections of law materials, and carries out additional duties assigned by the State Court Library Committee, including adopting and implementing statewide standards for each tier of law libraries. Standards for tier libraries have been issued in a *Manual for the County Law Libraries of Maine* compiled by the State Court Library Supervisor.

Funds appropriated by the legislature for the use of local law libraries are disbursed by the Administrative Office of the Courts under the direction of the State Court Library Committee for the purchase of library materials and equipment and remuneration of library personnel. The committee allocates specific amounts of general appropriations to each tier in the library system, and each library receives an equal share of its tier's general allocation.

While court libraries in Maine are funded and administered at the state level, local control is asserted by county law library committees that are authorized by statute in each county in which a county law library is located.<sup>10</sup> The members of the library committees are appointed or elected by the county bar associations, but membership is not restricted to attorneys. County law library committees may establish local operating policies, such as library hours, circulation policies, smoking rules, and access and photocopy privileges. Library committees also exercise control over expenditures of private and non-state funds to upgrade the collections and facilities of their libraries. Their collections, however, must conform to the guidelines established by the State Court Library Committee, and new acquisitions must be selected by local committees in

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<sup>6</sup> N.Y. Judiciary Law sec. 816-b (1992).

<sup>7</sup> 1967 Ops. St. Compt. File #801.

<sup>8</sup> Me. Rev. Stat. Ann. tit. 4, sec. 191, 194 (West 1990)

<sup>9</sup> Me. Rev. Stat. Ann. tit. 4, sec. 192 (West 1990).

<sup>10</sup> Me. Rev. Stat. Ann. tit. 4, sec. 195, 196 (West 1990).

consultation with state officials. Nevertheless, while the powers of county law library committees are limited by state guidelines, it should be noted that the primary roles of the State Court Library Committee and the State Court Library Supervisor are to provide advice and assistance at the local levels.

### **3. Auxiliary Collections and Branch Libraries**

Trial court libraries in some jurisdictions are responsible for auxiliary collections in branch courts or in judicial chambers. Librarians may order materials for these collections, distribute materials to multiple locations, and monitor collections in chambers and conference rooms to maintain the shelves in proper order.<sup>11</sup>

Supervision of auxiliary collections consumes a significant amount of staff time for purchasing, processing, and distribution of materials. Nevertheless, the responsibilities of trial court libraries to keep chambers collections in order and up-to-date are often not recognized in the statutes or in other formal documents. If court libraries play leading roles in the management of auxiliary collections, then the extent of their responsibilities should be made clear in statutes or ordinances, in rules of internal administration of the courts, or in formal plans for library services approved by library boards, committees, or other governing bodies.

## **B. CONDUCT OF THE BOARD OR COMMITTEE**

### **1. Officers**

The board or committee is usually headed by a president or chair, who presides over meetings. The president also acts as spokesperson for the board or committee, as distinguished from the library itself, for which the director is often the spokesperson.

A vice president or vice chair will act in lieu of the president, if necessary. Often, vice presidents are designated as president elect, assuring a comfortable transition between presidencies. Sometimes, the vice president will have a second role, such as being the chair for a lecture series or an annual dinner for library members.

There is usually a secretary, who keeps minutes of meetings and who may have the task of reporting corporate filings. Often boards have a treasurer, who is the board's liaison with the day-to-day bookkeeping operations of the library. The treasurer may, for instance, sign checks and review financial reports more closely than other members.

Officers should have a fixed term of office. Depending on the method of choosing board or committee members and the length of time they serve, the term for officers should be short enough to allow some possibility of two or three presidencies during an ordinary member's term. For instance, if board members serve three years, a one-year term for officers is best. If board

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<sup>11</sup> See also the discussion at page 90 under "Budget Initiation" regarding funding for chamber libraries.

members serve four or more years, then a two-year term is best. And so on. Having some turnover in the officers enables officers to be more devoted while in office because they know it is for a fixed period. Also, new officers bring fresh ideas.

## C. MEETINGS

An administrative board should meet regularly. It is typical for small boards, of six or seven members, for instance, to meet monthly. If the board has an executive committee that handles more routine matters, then the board should probably meet at least quarterly. Some large boards meet monthly with the executive committee meeting two weeks before the board meetings. The appropriate amount depends on the amount of business before the board. However, a board that meets very rarely will find that it has little business, since the director and the staff will have learned to carry on without board input.

An advisory board may meet less often, but often enough for its members to remain aware of library issues from one meeting to the next.

Regular meetings should be scheduled on a calendar or list that is distributed to members, preferably once a year. The president should also have the power to call special or emergency meetings.

Meetings should be held for a specific amount of time, such as one hour or one and one-half hours. Agendas should move briskly. It is usually advisable to begin with one or two items for which agreement is certain. This puts the board into an agreeable mood before reaching more controversial items. Limits on time for speaking to a matter should be maintained. Some boards use a consent agenda or have consent items designated on the agenda.<sup>12</sup>

### 1. Generally

The president should work closely with the library director when establishing the agenda for the meeting. It is typical and highly recommended to have the director actually prepare the agenda because the director will then be able to add items that the library needs to have addressed. Furthermore, the director can muster library staff and resources behind the agenda preparation, keeping the financial burden off the president, who is usually not compensated. The president may desire to review the agenda prior to its mailing to members. Of course, the president and board members should have the right to add items to the agenda.

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<sup>12</sup> Consent items are designated with an asterisk on the agenda or are placed at the top of the agenda. The agenda, together with accompanying materials, is distributed in advance. Then the first item on the agenda is to inquire if anyone wishes to pull any items designated as consent items so that they can be discussed. If so, those items are set aside for discussion and the others are passed (approved) as a group. Thus much routine business (such as approving minutes and resolutions changing banks for certificates of deposits) can be conducted quickly. Some boards put large amounts of business on their consent agenda. This device is probably being used to its greatest benefit if at least one or two items are usually pulled for discussion at each meeting.

When the board meets, there should be items on major policy to discuss. If board meetings are filled with trivia and routine matters, not only will members become bored and participate less, the reason for having the board is lost. Also, a board that has little to do will search for things, often becoming unduly critical of library operations. Sometimes, a board member will become suspicious that the library director is "hiding things" if the agendas continue to be insubstantial and will "look for trouble." The usual result of such an event is that trouble will be found, as there is always a budget line that can be criticized or an upset patron or disgruntled employee who will present "facts" in a distorted way.

Agendas should be accompanied by materials pertinent to the discussion of the various agenda items. Then board members can read and prepare in advance of the meeting. Passing out materials during the meeting is time consuming. If the agenda materials are substantial, one may wish to put tabs on the materials so that members can refer to particular items more quickly during the meeting.

#### **a. Open Meeting Laws**

Many governmental bodies have open meeting laws. Since a library board is usually considered a legislative body, it may come under the aegis of a general open meeting law as well. Each board or committee would have to determine that according to the laws of the particular state. One should not assume that such laws do not apply to a particular board simply because no one has ever bothered to look. Obviously, library board meetings are not often attended by members of the public or press, but they may still have that right.

Open meeting law problems tend to arise in the context of other problems. An angry patron wants to attend a meeting of the board to complain about library service. A newspaper reporter wants to attend an emergency meeting, set up to handle some major difficulty. It is wise to be prepared, in advance, to follow the law. Typical problem areas with regard to open meeting laws are:

- Meetings of committees or sub-committees that are large enough to constitute a quorum for conducting the business of the whole group,
- Retreats,
- Board decisions reached by phoning the members,
- Proxy votes,
- Adequate notice to the public, and
- Adequate rules for those meetings or topics at meetings that must be conducted in private, such as personnel and litigation issues.

It is advised that open meeting law requirements be written into the board's by-laws so that members will be able to meet the requirements easily.

## 2. By-laws

Every governing board or committee should have a set of by-laws. The by-laws should delineate the officers, the pattern for meetings and notices of meetings, the pattern for agendas, requirements for motions and votes, and any special rules, such as those necessitated by open meeting laws. Other rules, such as establishing the role of the director of the library and any financial rules, could be included so that members can find them easily. There should be one by-law that establishes authority when the other by-laws do not, such as one that refers to *Robert's Rules of Order*. Lastly, rules for amendments to the by-laws should be included. Sample sets of by-laws are included beginning at page 155.

## 3. Record Keeping Requirements

Any well-run library board or governing committee will want to maintain the following records of its work:

- Minutes of the meetings of the board or committee.
- Periodic financial statements for the current and previous fiscal years. (Annual financial statements should be retained indefinitely.)
- Annual reports.
- Any long-range policy determinations, such as mission statements, by-laws, employee policies, collection development and acquisitions plans, and so on.
- A separate journal containing resolutions of a general nature that are intended to settle an issue for a long time, such as borrowing privileges for particular classes of users.

In addition, certain actions of the board will need to be maintained in separate files, such as personnel actions. Many of these are required to be maintained by general statutes affecting business entities of the library's type, e.g., governmental agency or not-for-profit corporation.

Such records are best maintained on the premises of the library itself under the direction of the library director.

## D. PURPOSE

### 1. Mission Statements

A mission statement is a stated purpose—the *raison d'être*. It is a written collection of goals describing how the organization views its responsibilities. It can act as a management tool and offer guidelines during times of change. "A clear set of philosophical and practical ideals sends

## 1. Cooperative Management Between Advisory Boards and Local Governments

Local law library services in many states are governed by statutes that vest control of libraries in boards or committees but permit management responsibilities to be delegated to county clerks, trial court administrators, or other court personnel. Administrative authority may be diffused, however, if court personnel perform various aspects of library administration in the absence of statutes that define their roles in the management of court libraries or provide clear mandates for them to take leadership roles in library affairs.

In jurisdictions where the powers of library boards are delegated to court administrators or other court officials, statutes or local ordinances that spell out the relationships between court administrators and library boards or committees should be enacted. If trial court administrators or court clerks serve as secretaries or staff to library boards or committees, they should be responsible for organizing meetings on a regular schedule and calling extraordinary sessions as needed. Except under the most unusual circumstances, law librarians should be present at meetings of library boards or committees.<sup>2</sup> The relationships between librarians, court officials, and trustees should be based upon mutual respect. Members of boards or committees, clerks or court administrators, and librarians should serve as allies in the struggle to provide high quality library services to the courts, the legal community, and the public.<sup>3</sup>

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<sup>2</sup> One means to ensure at least annual meetings between librarians and their administrative bodies is to require them to submit annual reports to their boards or committees for in person review. Written reports on library activities provide substance and points of departure for periodic meetings. Library directors should discuss their annual reports with their boards or committees and receive instructions concerning additions or deletions that should be made before the reports can be accepted or adopted. Submission of annual reports should always occasion meetings of librarians and their supervisors. The preparation and presentation of annual or periodic reports should set procedures in motion that necessitate formal meetings between librarians and their boards or committees.

<sup>3</sup> County law libraries in Georgia provide an illustration of the need for clear demarcations of authority when library committees and court personnel share responsibility for court libraries. Trial court libraries in Georgia are governed by the provisions of chapter 15 (County Law Library) of title 36 of the Georgia Code. Chapter 15 provides parameters for the governance of county law libraries including the composition and powers of boards of library trustees, the function of the office of secretary-treasurer of library boards, compensation of librarians, and the control and use of library funds generated by the collection of additional costs in court cases. The memberships of library boards include judges of various levels of jurisdiction and representatives of the practicing bar.

In one of Georgia's urban counties, however, the law library is governed by a committee composed exclusively of judges of the superior court. The committee is responsible for policy formulation and oversight of the law library's activities. The committee meets on an ad hoc basis, and has delegated responsibility for the supervision of the library to the court administrator in accordance with the county code. The committee does not meet on a regular basis or engage in routine review of the library's practices or policies.

The make-up of the library committee in this urban county does not conform to general statutes governing county law libraries in Georgia, and there is some question whether the committee functions in lieu of a board of library trustees as specified by statute. The relationship of the court administrator to the library committee is also unclear. Although the court administrator has been charged with supervision of

# Detailed Standards for Libraries in the Blended System

## **SYSTEM-WIDE POLICIES**

1. To provide a coordinated approach to the delivery of library services and general operating procedures, the governing body, in conjunction with the Executive Director and the local associations, will develop and approve policies and procedures for the following:
  - ◆ copyright adherence
  - ◆ emergency/disaster plans which are coordinated where necessary with local court house plans
  - ◆ personnel administration/human resources functions including equal opportunity employment practices
  - ◆ rules of conduct (staff and users of libraries)
  - ◆ a complaints mechanism
  - ◆ provision of library services within the system
  - ◆ communications and resource sharing between the types of libraries
  - ◆ services specific to various types of libraries (Regional, Large Area, Area and Local)
  - ◆ collection development (all formats)
  - ◆ role of the "roving librarian"
  - ◆ budgetting procedures
  - ◆ ongoing adaptation and use of technology
  - ◆ preservation of library materials and rare books
  - ◆ circulation of library materials/interlibrary loans
  - ◆ public relations/marketing objectives and budgets
2. These policies and procedures must be in line with the general standards and with the overall policies established for the Blended System.
3. The principles underlying the standards are contained in the body of the Phase I and II reports. This Appendix contains more detailed elaboration of the standards by category of library. These detailed standards must be read in the context of the general principles for standards and the description of the services to be provided by each category of library.

## **INFORMATION, REFERENCE AND RESEARCH SERVICES**

### **General Standards for All Libraries**

4. Generally, the system should offer information, reference and research services which meet the information needs of all users throughout the system and which are quickly and easily accessible in person, via telephone, fax, or electronically. An option of regular or special mail should also be available. If an individual library cannot fulfil an information request it is expected that another library in the system will respond.
5. System and library services should evolve as necessary and as is made possible by the evolution of technology. The types of services that the system should provide are:
  - ◆ reference assistance
  - ◆ quick information service
  - ◆ manual research
  - ◆ computer assisted legal research

- ◆ bibliographic instruction
- ◆ end-user training for print and electronic information
- ◆ circulation of materials where appropriate
- ◆ interlibrary loan
- ◆ library tours and orientation
- ◆ special needs services
- ◆ proactive selective dissemination of information (SDI)
- ◆ on-line catalogues of materials within the system
- ◆ defined hours and procedures for getting information from staff
- ◆ simple directional services such as signs, maps, and brochures on using the system and library collections
- ◆ photocopying and faxing facilities
- ◆ centralized memo banks/FAQs
- ◆ publishing of legal materials

### **Regional and Area Libraries**

6. In addition to the general standards for all libraries, Large Area and Regional libraries must provide the broadest range of services including manual and computer assisted research. Their collections must exceed the core collection.
7. Area and Regional libraries must provide services for lawyers both within and without their immediate boundaries. Their ability to provide reference assistance and end-user training must be wider and more developed than that of local libraries. The extra burden of this service provision will tend to fall on Regional libraries but Large Area libraries will be expected to provide such outreach services also.
8. Area and Regional libraries may also be required to develop areas of expertise in certain subject areas or court jurisdictions. These areas of expertise may focus upon collections of books, memos, or electronic information, or may capitalize on the skills and training of professional staff.
9. Within the system there must be access to bilingual (English and French) services. The Executive Director will be responsible for ensuring appropriate language services are available in the system so that a lawyer anywhere in the Province can have reasonable access to legal information in either of the two official languages through at least one of the Regional or Area libraries.

## **STAFFING REQUIREMENTS**

### **General Standards for All Libraries**

10. Generally, library staff must:
  - ◆ have some level of library education/experience according to their position within the system
  - ◆ participate in training/ educational activities/ CE
  - ◆ work under personnel policies determined by governing body in conjunction with local associations
  - ◆ provide quality services in relation to job positions/descriptions and qualifications

(such as defined by the SLA core competencies<sup>1</sup>)

- ◆ work for the overall good of the system
- ◆ report to the Executive Director and local association according to jointly determined policies

11. With respect to staff, the governing board and system administration must:

- ◆ provide salaries/benefits for library staff based on industry standards and competitive rates (such as the professional association salary surveys)
- ◆ ensure that duties and responsibilities of staff relate to qualifications
- ◆ have performance appraisal/evaluation procedures for staff
- ◆ provide appropriate access to and support continuing education opportunities sponsored by professional organizations such as CALL, TALL, AALL, CASLIS, OCLA, LSUC, SLA and Library Schools

regardless of whether the library staff are employed by New Co. or by the local associations.

### **Regional and Area Libraries**

12. As discussed in the Phase I report, professional staff (i.e. MLS, MLIS) will be concentrated in the Regional libraries with additional technical (i.e. library techniques diploma) and clerical assistance. An appropriate ratio would be 2 professionals, 2 library technicians and 1-2 clerical support staff.
13. Large Area libraries should have 1 professional, 1 library technician and 1 clerical staff member. Other Area libraries should have a library technician and 1 clerical support staff.
14. Area and Regional libraries should be open and staffed at least during normal business hours. Regional libraries may offer extended hours.
15. Local libraries may have a library technician and at the least must have clerical staff with some library experience. Local libraries must have regular staffed hours of opening (10-12 per week) and the library should be accessible to users during normal business hours.

## **COLLECTIONS**

### **General Standards for All Libraries**

16. These standards suggest the following regarding the content for collections:
  - a. Each library should provide access to a collection of useful and relevant titles selected from

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<sup>1</sup> The SLA core competencies were produced in October, 1996 by the Special Libraries Association. The core competencies relate to the special librarian's knowledge in areas of information resources, information access, technology, management and research and the ability to use these areas of knowledge as a basis for providing library and information services. The full report and an executive summary can both be viewed at [www.sla.org/professional/](http://www.sla.org/professional/)

standard recommended sources and including a range of bibliographic tools.

- b. All courthouse libraries should provide access to a selection of secondary materials relating to Canadian law such as looseleaf or supplemented works, digests and encyclopedia, current awareness services and newsletter, recent textbooks, reports, government publications, journals, continuing legal education materials, and general reference texts.
- c. Each library should provide access to a selection of series of primary materials and journals relating to any special topics or jurisdictions of particular interest to its clientele.
- d. Access to a collection of serials should be readily available and back runs should be maintained, regardless of format, the depth and breadth of which are maintained in relation to user's needs.

17. The Standards state the core collection must include the following:

*Ontario and Federal statutes, regulations and citators* - electronic  
*Rules of Procedure* - general, appeal, supreme - print  
*Criminal Code and Rules* - print  
*Ontario Reports, Supreme Court Reports, Carswell's Practice Cases, Reports of Family Law, Canadian Criminal Cases, Dominion Law Reports* - electronic  
*Basic texts* in each broad area of law, (eg. Fridman on Contract, McWilliams -Criminal Evidence, Schnurr - Estate Litigation - print  
*Canadian Abridgment, CED, Words & Phrases, O'Brien's Forms* - electronic

#### **Regional and Area Libraries**

18. Area and Regional libraries would use the standards as a guideline for building on the core collection of materials which would be held by all libraries in the system.
19. In building on the core collection, Area and Regional libraries will have larger collections of Canadian case reports and text-books. They will also have general reference collections, e.g. dictionaries, atlases almanacs, and directories.
20. Regional libraries are expected to have statutes and regulations from all Canadian jurisdictions, British texts and case reports, journals, and larger historical collections of texts and case reports. For both types of libraries the format might be print or electronic depending on the format selection factors mentioned earlier.
21. In Regional libraries, staff expertise must allow for increased use of on-line materials from other jurisdictions. Regional libraries should have access to:
  - ◆ LEXIS-NEXIS
  - ◆ Westlaw
  - ◆ eCarswell
  - ◆ DJInteractive
  - ◆ Infomart/Dialog.

#### **OPERATIONS**

##### **General Standards for All Libraries**

22. Individual libraries must ensure that policies and procedures for the following are in place:

- ◆ maintaining the physical condition of the library collection, including binding and repair of books and maintenance of computer equipment
- ◆ ensuring that library furniture and shelving is in good repair
- ◆ processing and shelving new books as they are received
- ◆ loading new CD-ROMS as received and making other electronic information available to users
- ◆ maintaining a local inventory of books and electronic resources and supplying same to system administration
- ◆ looseleaf filing
- ◆ shelving books and maintaining neatness of library
- ◆ day-to-day operation of photocopiers, fax machine and computers
- ◆ weeding materials from collection

### **Regional and Area Libraries**

23. Area and Regional libraries will have to develop a collection policy for materials beyond the core collection and the Executive Director will be responsible for making sure the collection policies meet the overall system objectives, including avoiding unnecessary duplication of resources.
24. Each librarian in a Large Area or Regional library will be responsible for selecting and acquiring materials in all formats beyond the core collection and ensuring that cataloguing information is sent to the system administration.

## **PHYSICAL FACILITIES**

### **General Standards for All Libraries**

25. The Canadian Courthouse House and Law Society Library Standards will be adhered to as follows:

Courthouse libraries must provide space adequate for the effective provision of:

1. reader services, including provision of a reference/circulation desk or area
2. study areas with adequate seating capacity which is capable of accommodating the use of print and electronic formats
3. photocopiers, microform, and audiovisual devices
4. storage of the collection, including electronic formats
5. adequate staff space for the provision of all services, including staff work stations and a technical services area which should be separate from the collection and patron areas
6. disabled person's access

7. security, in relation to after hours access; security of personal and library property, and security of library staff.

## **TECHNOLOGY AND EQUIPMENT**

### **General Standards for All Libraries**

26. All libraries should have the following:
  - ◆ public access computer and printer with CD-ROM tower, QL and Internet access
  - ◆ photocopier with coin-op and access card reader
  - ◆ fax machine
  - ◆ telephone

### **Regional and Area Libraries**

27. Regional and Area libraries should have the following:
  - ◆ at least one public access computer and printer with CD-ROM tower, QL and Internet access (larger Area libraries may need two or three public access computers)
  - ◆ personal computer and printer for each professional and library technician staff member
  - ◆ photocopier with coin-op and access card reader
  - ◆ fax machine
  - ◆ central library telephone and phone for staff person in charge
  - ◆ Regional libraries should have the following:
    - ◆ at least three public access computers and printers with accessibility to CD-ROMS, QL and Internet
    - ◆ personal computer and printer for each professional and library technician staff members
    - ◆ one or more photocopiers with coin-op and access card readers
    - ◆ fax machine
    - ◆ central library telephone and phones for professionals and library technicians