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**BY E-MAIL**

**Legislative Assembly of the Northwest Territories**  
PO Box 1320  
Yellowknife, NT X1A 2L9

**Attention: Louis Sebert, Minister of Justice**

Dear Sir:

**Re: M. M. de Weerd Law Library**

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The Law Society of the Northwest Territories has advised the Bar of the intention of the Government of the Northwest Territories to close the Law Library as part of its cost cutting measures.

This announcement came as a total surprise to me. It is contrary to a decision the GNWT made many years ago about the Library. The negative impact it will have on the delivery of justice in the Northwest Territories can not be overstated.

I have lived and practised law in the Northwest Territories since 1983.

I do maintain a library at my office. A picture is attached. You will see from the picture that I have invested significantly in the office library. I am a subscriber to on-line research tools. The bottom line is that I can't invest in all of the legal resources I need. This is, I am sure, the same for many other lawyers in the north. While larger firms may have the resources to fund internal collections, my observation over my years of practice is that a law library is important to lawyers in large firms as well as small ones. It simply stands to reason that a place that is a centre for a comprehensive collection of legal materials is a needed resource for the legal profession. It is the reason that we have libraries.

I have attached a short history at the bottom of this letter which you may find helpful.

The library is indispensable to me. I am regularly in need of legal material on a range of matters that come up in my practice that goes beyond what we have in our office library collection. Without access to this law, I could not advise my clients and prepare my cases for argument in Court. When I need to research a problem, I have to do it quickly. The M.M. de Weerd Library and the librarian never fail to assist me in finding the material I need. And it is not uncommon that when I browse the Library collection I find treatises I did not know about that contain items of law and legal commentary that I would otherwise not have discovered. Our librarian, Bev Speight, is very helpful in pointing me to material I may want to look at.

Statements are being made that the usage of the Library is falling off. Statements are being made that a local library can be replaced with some kind of inter-library loan system. Statements are being made in the Legislative Assembly by the Minister that the law can be found on-line these days.

These statements miss the point. Access to justice is not a numbers game. Access to justice is not served by having to weave through the interstices of what might be available in another library in another part of the country. The time required for a book to arrive in Yellowknife via inter-library loan would in many cases not meet the needs of the researcher. Access to justice is not served by removing books from being readily at hand. Access to justice is not served by taking a back seat to the financial problems of the government. The Minister's statement that the law is available on-line is an overstatement of what is actually available. If the Library closes, a nerve centre of legal knowledge to our legal community will be irretrievably lost.

The government seems to focus on on-line resources as an answer to the problem. It is suggested that it is up to private practitioners to fund their own research needs through on-line services. There is an admission that the GNWT will keep its own in-house libraries. The judiciary will continue to have its library as well. These libraries are not available to the private bar. The private bar will be left to navigate the high winds and heavy weather of being left without a library.

Talk of on-line services is a distraction from the real issue.

I am reminded of the comment the Right Honourable Beverley McLachlin, Chief Justice of the Supreme Court of Canada, made to a gathering of lawyers at an annual Canadian Bar Association section conference a few years ago. When asked about the use of electronic resources in our country's top Court, Chief Justice McLachlin's reply was succinct and to the point - "I like the books".

I am a regular user of the Library. The sign-in sheet indicates to me that a number of members of our Bar do frequent the Library. It is unfortunate that access may be hindered at times by the fact that the door is locked through the day. It is possible that some library users overlook the sign-in sheet or do not appreciate the importance of signing it. And there seems to be no mention of the telephone contacts or other requests that the librarian receives from lawyers or the public seeking information on a research problem.

I believe that other jurisdictions across Canada all have law libraries that are available to their legal communities. Our sister Territories have law libraries. I had occasion to use the library in Iqaluit recently and found it to be well stocked and served by a librarian who is devoted to making the library a serviceable resource. We are about to become the only jurisdiction without a library. Evidently the GNWT is the poor sister.

The media has recorded that there will be a free-for-all when the library closes its doors and turns over its legal volumes to the public on a first come first served basis. The Assistant Deputy Minister has been recorded as saying there will probably be little interest in the books. He predicts they will end up being recycled. These statements are unwarranted and unkind to the legal profession. I for one place a high value on numerous texts and other materials in the Library. I want them to remain where they are.

I believe you stated in the Assembly last week that the Law Society's contribution to the cost of operating the Library has decreased. Some information has come to my attention about the contribution for the current

year that I want to check out. Could you enlighten me on what communications there were between Justice and the Law Society for the current fiscal year?

I ask that the future of the Library be taken off the table until further discussions with the NWT Bar and other interested parties take place.

I will look forward to hearing from you.

Yours very truly,

**MARSHALL & COMPANY**



**AUSTIN F. MARSHALL**

AFM/mm

c. Cabinet  
All regular MLAs  
Law Society of the Northwest Territories

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## HISTORICAL NOTE

For many years, the northern bar and the public enjoyed access to a law library that provided an extensive collection of text books, case reports, digests, statutes and general reference materials. A librarian managed the collection and provided a variety of services to library users. The library grew in importance as a nucleus of a wealth of legal publications through the efforts of many interested parties over the years.

Our library in its unique northern way came to be on a par with the collections in many of the libraries in regional centres in our neighbouring provinces to the South.

Several years ago, the GNWT announced its intention to cut library services. I don't recall whether it was to be closure, or reduction in size. The Law Society convened a special meeting to hear from the Bar. Many members of the bar attended this meeting. A senior official from the GNWT's Department of Justice attended. His focus was on finances. The Bar spoke about the need to keep the library in place. The concern of many lawyers at the meeting was to save the Library from the red pen of government.

The aftermath of this meeting was the reduction in size of the library to its present size. The collection of case reports was disposed of or, in the case of the English reports, moved to the basement. The space occupied by these reports was converted into a new courtroom.

What remains is a library that is a very good collection of textbooks, loose leaf services, statutes, digests and other reference materials. We continue to have a librarian. The collection is a comprehensive anthology of legal material on all areas of law. The library is appropriately named in honour of the late Justice M.M. de Weerd, a jurist whose career in the north as a lawyer and judge spanned a period close to 40 years.