



LAW SOCIETY
Newfoundland & Labrador

***LAW SOCIETY OF NEWFOUNDLAND &
LABRADOR LAW LIBRARY***

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***USE AND ACCESS
POLICY***

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DEFINITIONS

- “Member” as defined in s. 2(f) of the *Law Society Act, 1999*, means a person enrolled as a Member of the society who has not been struck off the roll of the society.
- “Student” as defined in s. 2(j) of the *Law Society Act, 1999*, means a student-at-law who is bound by a written contract, known as “articles”, to serve with a Member and who is entered on the register of students of the society.
- “*Primary Clientele*” of the Law Library are Members in *good standing* and students as defined in ss. 2(f) and (j) of the *Law Society Act, 1999*, including Life Members, Honorary Members, and the Judiciary of Newfoundland and Labrador.
- “*Secondary Clientele*” of the Law Library are:
 - (a) individuals *currently enrolled* in a legal studies program **who are not** Members or Students under the *Law Society Act, 1999*, and who are employed by a Member practicing in the Province of Newfoundland and Labrador who has signed the Secondary Clientele Application Form;
 - (b) paralegals and legal assistants employed by a Member practicing in the Province of Newfoundland and Labrador who has signed the Secondary Clientele Application Form.
- “*Tertiary Clientele*” of the Law Library are members of the public conducting legal research.

1) HOURS OF OPERATION

The *Law Society of Newfoundland & Labrador Law Library* (Law Library) is staffed Monday to Friday from 9 am to 5 pm.

The Law Library closes for all statutory holidays and from December 24th – January 1st.

2) ACCESS

At all times the Law Library will be accessible to Primary and Secondary Clientele** with access cards.

From time to time Law Library staff may be away from the Library during the regular business hours of the Law Society. During those times, services will be limited to borrowing and use of the computers. Reference, instruction, and interlibrary loan services will not be available.

**Members who are suspended or disbarred by the Law Society of Newfoundland and Labrador from Membership will automatically lose their borrowing and access privileges with the Law Library until such time as the suspension is concluded/they are accepted back as members *in good standing* with the Law Society.

The Law Library is available to members of the public during staffed hours **ONLY**.

2.A. Access Card

The Law Library is accessible to Primary and Secondary Clientele via an electronic access card. This card provides access to both floors of the Law Library, but does not provide access to any other part of the Law Society

including the elevators. This card can be used at all times and allows for evening and weekend access when the Law Library is not staffed.

Primary Clientele may obtain an access card by contacting the Law Library Technician.

Secondary Clientele may borrow material from the Law Library on the condition that their supervisor/ A person at their Law Firm **WHO** is a Registered Member of the Law Society in *good standing* is willing to agree to take the responsibility to ensure that all Law Library materials borrowed by the individual are returned to the Law Library before or after the completion of the individual's term (if applicable).

This form will also be required if the sponsoring Member wishes the sponsored individual to have an access card. Any damages that occur as a result of misuse of the Law Library by Secondary Clientele will be the responsibility of the Member requesting the access.

All applications for access or borrowing must be approved by the Law Librarian. Approval *will not* be automatically granted. The *Secondary Clientele Application Form* is available on our website www.lsnl.ca > Law Library Pages > Policies & Forms.

Tertiary Clientele are permitted to access the Law Library during open hours **only**. Members of this group will not be issued an access card.

2.B. Responsibilities of Access Card Holders

The Access Card system was put into place to ensure the safety and wellbeing of the staff of the Law Society and the security of the physical building of the Law Library and the Law Society at 196-198 Water Street.

Primary and Secondary Clientele will be issued an access card under the following conditions.

By accepting the card, Clients agree, as follows:

1. The Client assigned a Law Library access card is personally responsible for the usage and security of the same until that Client no longer qualifies as Primary or Secondary Clientele;
2. If the Client no longer qualifies as Primary or Secondary Clientele, the Client will immediately return the access card to the Law Library;
3. Access Card holders *will not* prop or otherwise hold either the front doors or the inner Library doors open. Card holders *will not* provide access to the Law Library to others during unstaffed hours.
3. As these cards provide access to the Law Library, any lost or stolen card should be immediately reported to the Law Library (709-753-7770) in order for the card to be cancelled and prevent unauthorized access to the Law Library.

Replacement cards are available and will be issued by the Law Library once the Law Library has been notified of the lost card and upon request. A

replacement fee will be required, and a new access card will not be issued prior to receiving payment.

2.C. Access Card Replacement Fee

Primary or Secondary Clientele will be provided, upon request, an access card free of charge. A replacement access card costs \$20.00.

The monies owed for replacement cards are payable by cash or cheque to the Law Society Law Library and payment is required at the time of obtaining the card.

*Please note that should any Member require five (5) or more replacement cards, the matter will be relayed to the Executive Director as *it is the responsibility* of the Client to take all forms of care and caution for the card as lost cards could potentially compromise the safety of the Law Society Staff and the security of the Law Society building.

3) CIRCULATION

Primary and Secondary Clientele are permitted to borrow circulating materials from the Law Library.

Tertiary Clientele may use library materials on site only – they **are not permitted** to borrow circulating materials.

All circulating materials are borrowed by completing a borrower card located at the back of the item with the following information:

- Date borrowed
- Name of Borrower
- Phone Number of Borrower

The Law Library does not have automatic circulation, i.e. self-checkout, at this time. All borrowing is done on the honour system.

NOTE: Client's personal information and borrowing history will be collected by the Law Library for the purpose of maintaining circulation records and statistics as well as ensuring equal access to the library resources by tracking who has texts and ensuring returns. This information is kept within the Law Library system and will remain confidential; this information will not be used for any other purpose.

Primary Clientele in-town (i.e.: Members in St. John's, Conception Bay South, Mount Pearl, and Paradise) may request that items be retrieved for them *only* if they are sending a courier to pick up the item. The Law Library staff will confirm the item is available for loan, sign the item out to the Member, and prepare the item to be picked up. Library staff are unable to set items aside for review by Members coming into the library ~ all items in the Law Library are available on a first come, first served basis.

The following loan periods have been enacted:

- **Items from the Reserve Collection** (glass door cabinets facing the windows): **3 Day loan**
- **Items in the main collection** (Floor 1 – Bays 2-15): **30-days**

The following items MAY NOT be borrowed. They must not leave the physical premises of the Law Library at anytime:

- Canadian and provincial bound statutes and regulations
- All provincial Gazettes and case citators
- Any title in the Reference Collection (glass door cabinets facing into the Library and all of Bay 1)
- All journals and periodicals (Bay 16 and all of the 2nd floor)

Any loan that does not have a hold on it may be renewed up to three (3) times and each renewal is for two (2) weeks for a total of eight (8) weeks (56 days). Items can be renewed in person, over the telephone, or by email to lawlibrary@lsnl.ca

By borrowing material from the Law Library, authorized Clients are agreeing to abide by the loan periods and take responsibility for returning items to the Law Library. Any item not returned within 8 weeks (56 days) of the due date (or not renewed) will be assumed lost (*see below*).

The Library staff will contact any person who exceeds the loan period by sending a renewal notice or if the title is requested by a *primary* or secondary Client (regardless of when the title is due) by phone or email. Recall of items is not available to Tertiary Clientele.

3.A. Overdue and Lost Library Material

Clients who lose or fail to return any item borrowed, or return them in damaged condition, **will be** required to purchase a replacement copy for the Law Library. Failure to return materials or pay for replacement copies can result in the loss of Law Library borrowing privileges.

If the title is not returned, and the Client does not request a renewal or has exceeded their renewals, the Library staff will follow up with a phone call. If a third notice is required, the notice in Appendix A will be sent to the Client by the Law Librarian.

Items that have been overdue longer than the maximum lending period (including the three renewals which is a total of 8 weeks or 56 days) will not be renewed and the Client will be required to return the item before being allowed to borrow any more library materials. If a Client does not

return material to the library after three reminders the item will be declared lost.

When an item is identified as lost or returned damaged, the Law Librarian will research the title and order a replacement copy from the vendor. The Client will be invoiced for the full replacement cost of each item as *charged by the vendor* (including shipping/handling and applicable taxes) plus an administrative processing fee of \$25.00 per item. Clients who return overdue or lost material after receipt of an invoice are still accountable for the processing fee. Failure to pay an invoice for a replacement copy will result in the loss of borrowing privileges. A new clean copy of the item may be donated by the Client in lieu of the payment, although the processing fee will still need to be paid. An item donated in lieu of paying the replacement costs must be in circulating status, i.e. clean, new, no markings, tabs, or highlighting, etc.

4) HOLDS

Primary and Secondary Clientele may request an item be placed on hold. A hold prevents the renewal of an existing loan.

Primary and Secondary Clientele may request a hold by contacting Library Staff. Library staff will notify the current borrower that the item they have on loan has a hold request and that they will not be able to renew their loan. Items currently on loan will be available to the current borrower for the length of time of the original loan.

5) DISTANCE SERVICES

For Primary and Secondary Clientele outside of the greater St. John's and vicinity the Law Library will provide, **upon request**, free delivery and return by courier (covered by the Law Library) of *circulating items*.

Distance Members will have the following loan periods, due to the delays caused by shipping:

- 2-week loan for texts from the main collection
- 1-week loan for Reserve collection.

6) SECURITY

The Law Society is not responsible for any personal belongings, technology, or documents/files left unattended in the Law Library. Clients are requested to keep all personal belongings on their person and ensure their belongings do not prevent others from making use of the facility.

Confidential Files – it is essential that all Clients take care not to leave confidential documents on either floor of the Law Library or in the photocopier. Any confidential files found will be turned over to the Executive Director.

6.A. Personal Security

All persons in the Law Library are expected to treat Library Staff and other Clientele of the Law Library with courtesy and respect at all times. Soliciting, harassing, offending, intimidating, or disturbing other library Clients or employees is strictly prohibited. Behaviour of this nature will result in a ban from the use of the Law Library.

The Law Librarian reserves the right to request any individual in the Law Library to leave the Law Library if he or she feels that staff, any individual(s) in the Law Library, or the physical premises are at risk.

The Law Librarian will notify the Executive Director immediately of a problem Client, inform that Client that they are to leave the Law Library, and then escort them from the premises.

The Law Librarian will seek the assistance of the police where deemed necessary.

Members are reminded that confidentiality of discussions/materials/phone calls cannot be ensured in the Law Library.

7) COMPUTER USE IN THE LAW LIBRARY

7.A. Open Public Access Computers (OPAC)

There are three (3) Open Public Access Computers (OPAC) in the Law Library. These stations are provided for the purpose of accessing the Library catalogue, legal databases, legal research, and (to a limited extent) accessing of email by Primary and Secondary Clientele. These stations are for ***legal research purposes only***.

Any Client found abusing the privilege will be asked to vacate the computer. If the problem persists, the Client's Law Library privileges may be revoked.

It is prohibited for **any** computer user to engage in the following behaviours:

- viewing, downloading, installing, sending or forwarding any inappropriate material, including chainmail and pornography;
- gambling, gaming, or online shopping;

- any purpose which violates Canadian federal or provincial laws.

Tertiary Clientele **are prohibited from** using these stations to engage in any purpose other than legal research.

Due to licensing restrictions, Tertiary Clientele may not use any of the commercial databases installed on the computers. They may access CanLII and government sites **only**.

The Law Librarian reserves the right to ask any person using an OPAC for personal use to leave the Law Library.

7.B. Library Wi-Fi & Plugins

Clients may use their own internet enabled computers or cellular devices in the Law Library, provided this use does not disturb other users.

The Law Library provides Wi-Fi for the use of all Clientele. Its use is governed by the same rules governing the use of the OPACs.

Clients may not use outlets designated for Law Library equipment.

8) PHOTOCOPYING/PRINTING/FAXING/SCANNING

In the Law Library there is a photocopier provided for the purposes of scanning/printing/faxing/photocopying. There is a charge to use the photocopier/printing or scanning:

- *Primary/Secondary Clientele* – may invoice for the number of pages used or pay in cash. Cost is \$0.50 per page.

- *Tertiary Clientele* – Payment is due upon printing/copying. Cost is \$0.50 per page – cash only.
- *Bar Exam Students* - Payment is due upon printing/copying. Cost is \$0.10 per page **during the duration of the annual Bar Course only**; At all other times student will be subject to the same cost as regular Members - \$0.50 per page.

Library staff will provide instruction on how to use any of these tools, but **will not** perform these functions for Clients.

All Clients are asked to take care when copying Law Library materials in order to avoid putting extreme stress on the spines of bound volumes or causing damage to the pages. With loose-leaf inserts, it is the *Client's responsibility* to ensure they have returned *all of* the pages to the correct location within the binder.

The Law Library staff will not provide photocopying, printing, or faxing services for Clientele physically in the Law Library. All of these tools are available in the Law Library for individual use.

Urgent requests for copying/scanning/printing and delivery via email will be accommodated for *Primary and Secondary Clientele*, dependent on workload and staff availability. This service is **not** available to Tertiary Clientele.

9) COPYRIGHT

Per the principle of *Fair Copy* under the *Canadian Copyright Act (as amended from time to time)*, photocopies of any physical Library material or printouts from any database or online legal resource by staff or any Clientele **must not exceed** 10% of the total amount of the publication, e.g. one journal article or one chapter of a book or loose-leaf. All copies must

be for personal use (i.e. not for sale/profit). Under the current copyright laws of Canada, *Fair Copy* extends to and includes lawyers carrying out commercial practice, i.e.: a lawyer may make copies of library materials and apply this under billable hours.

The resources in the Law Library are purchased under copyright licenses which allows for the circulation of these items to multiple borrowers. The Law Library does not charge for the use of any of these resources.

The databases come with licensing restrictions and all users of the Law Library databases must abide by these licensing restrictions while using these databases.

10) LIBRARY SERVICE POLICIES

10.A. Reference Services

The Law Library staff provide reference services for all Clientele. Reference questions can be asked via the following methods – in person, over the telephone, or via email.

All reasonable efforts will be made to provide thorough and accurate reference services. Law Library reference will consist of our resources and, to a limited extent, other libraries where applicable. We are unable to request court documents and evidence on behalf of Clientele. Anyone requesting documents or resources from the court(s) are required to make these applications by themselves. Law Library staff **are not able** to interpret court or government processes or assist Clientele in completing court or government forms.

The workload of Law Library staff and the availability of resources are all factors in the turnaround time required for a response to reference questions.

10.B. Legal Research Restrictions

The role of the Law Library staff in legal research endeavors is to provide basic assistance in (a) developing the inquiry, (b) providing directions for future research, and/or (c) assisting in locating articles and cases in the databases which are not accessible on the OPAC stations.

Law Library staff do not provide the legal research services of a paralegal and **will not** conduct a full research project. The analysis of results found is the responsibility of the Client.

DISCLAIMER:

Law Library staff will take all reasonable precautions to ensure the completeness of search results within the limitations of the databases, the systems used, and the instructions received from the Client. Law Library staff will produce search results **ONLY** – we do not analyze the results or offer legal opinions.

10.C Document Delivery/Interlibrary Loan

When articles or books are required that are not available in the Law Library, Primary and Secondary Clientele may request an Interlibrary Loan or a document delivery, i.e. Law Library staff will attempt to locate the item at another library and bring it in for the use of the Client.

- Interlibrary loan (ILL) – all of a circulating item, usually a book, is brought in from another library; journals are not normally available through ILL services.

- Document delivery – articles from a periodical or sections of books (no more than 10%) scanned and sent by a lending library. The material will be accessed via either scanned PDF's or faxes provided to the Law Library by the lending library.

The Law Library will make all reasonable attempts to locate items held in close vicinity to Newfoundland and Labrador, either for free or at a low cost to the requestor. The one exception to this is items held in the collections of Memorial University (MUN) St. John's campus. Members are expected to go to Memorial and use MUN's free Guest cards service which allows residents of Newfoundland and Labrador to borrow from Memorial University libraries. The Law Library will only borrow from MUN St. John's in exceptional circumstances which will be determined by application to the Law Librarian.

Any costs charged by the lending library **will be** the responsibility of the requestor. Items brought in by Interlibrary loan will be subject to the loan periods established by the lending institution and not the normal Law Library lending periods.

NOTE: Tertiary Clientele *cannot* access the Interlibrary Loan or Document Delivery services.

11) RE-SHELVING OF LIBRARY ITEMS

Users of the Library are requested to please allow Law Library Staff to reshelve *all* library materials. Use of the collection and material usage are both monitored by Law Library Staff when re-shelving items. This information is used to manage our collection.

12) BULLETIN BOARD POSTINGS

The Law Library has a bulletin board in the library for Law Society events and for legal job postings. The Law Library does not post items of any other nature, including but not limited to: items for sale, community events, posters, etc.

13) PHONES

13.A. Law Library Phone

The Law Library makes a phone available to all levels of Clients for the purposes of calling transportation or contacting legal representation. The Law Library phone is not for personal calls or calls of a long duration. Use of this phone must not disturb other users or staff of the Law Library.

13.B. Cell Phones/Personal Devices

In consideration of others, quiet is expected throughout the Law Library. Clients may engage in quiet conversation so long as other Clients and staff are not disturbed. Cellular devices should be turned to vibrate. Calls should be taken and made outside the Law Library.

APPENDICES

A) Overdue Notice Letter Form – 3rd notice



Date: Month, Day, Year

To: Mr/Ms. X
Address
Community, NL, A0A 0A0

Re: Overdue Book(s)

Our records show that you have the following book(s) signed out from the Law Library.

Title / Author CALL NO: KF 1234....

This is the third notice sent from the Law Library. These items are now overdue. We request that you return them to the Law Library as soon as possible.

Failure to return these items will require you to replace this item at your own expense. The replacement cost of this item, including all applicable taxes and shipping & handling and the applicable replacement administration fee of \$25.00, is \$00.00. An invoice will be mailed to you and you will have thirty days in which to produce the item in question or pay the invoice. If the item is located after the invoice has been created, you will still be required to remit payment for the \$25.00 administration fee. Your prompt attention to this matter would be most appreciated.

Sincerely,

Jenny Thornhill (MSc, MLIS, MSL)
Law Librarian, Law Society of Newfoundland & Labrador
196-198 Water St. P.O. Box 1028 St. John's, NL A1C 5M3
(Tel): 709-753-7770

B) Secondary Clientele Application Form

Secondary Clientele Authorization Form

Date of Application: _____

Expires: _____

For Librarian Use Only

Responsible Member Information – PLEASE PRINT

Name (Last, First):
Law Firm:
Contact information (Mailing Address & Contact phone number)
Email Address:

Secondary Clientele Applicants Information – PLEASE PRINT

Name (Last, First):
I am: <input type="checkbox"/> enrolled in a legal studies program <input type="checkbox"/> a paralegal <input type="checkbox"/> a legal assistant
Contact phone number:
Email Address:
If enrolled in a legal studies program, length of program. From _____ to _____
I am applying for (check all that apply): <input type="checkbox"/> Borrowing Privileges <input type="checkbox"/> Afterhours Access

STATEMENT OF AGREEMENT:

I, as the responsible Member, am agreeing that I will be responsible for:

- a) returning all materials borrowed by the applicant in accordance with Law Library policies
- b) paying for the replacement costs resulting from the loss of materials by the applicant
- c) paying for all costs associated with the applicant's use and/or misuse of the Law Library and/or any of its materials;
- d) paying for all photocopying expenses incurred, and not otherwise paid for, by the applicant

By signing this application, I acknowledge and understand that:

- these authorized privileges are valid at the Law Society of Newfoundland & Labrador Law Library **only**.
- **all** Library communications concerning items checked out by the applicant will be addressed to me, including all communications concerning damage to Law Society property
- I am agreeing to notify the Law Library *if this student leaves our employ* before the expiration date stated above.
- this letter will be kept in a confidential file until such times as all materials charged out by this student are returned and any accrued replacement costs are paid.

Responsible Member Signature: _____

Applicant Signature: _____

Date: _____

Please return completed applications to:

Jenny Thornhill, Law Librarian
Law Society of Newfoundland & Labrador 96-198 Water St.
P.O. Box 1028
St. John's, NL
A1C 5M3
(Tel): 709-753-7770

C) Effective Date

This policy takes effect on February 10, 2020. It amends and replaces any previous collection development policy applied to the *Law Society of Newfoundland and Labrador Law Library*.