LAW AND EDUCATION

CLASS ACTIVITIES*

Class 1: Jan. 12

Introduction

Discussion questions:

- Do you want to go to Law School? Why or why not? If so, what steps have you taken to prepare for admission? What else can you do? How can I support you? What could Algoma University do to help you gain access to Law School?
- Have you applied to Law School? Discuss your experience so far. Are you planning to apply to Law School? Discuss your fears, if any, and main challenges.
- If not, what are your plans? Are you applying to graduate school? Have you started the admissions process? What is it like?
- Everything you always wanted to know about Law School*

  *but were afraid to ask.
- Would you like to explore legal careers that do not require a Law School degree in this course? If so, what professions/career paths would you like to consider? What steps can you take to start preparing for that career?
- Analyze the cartoon:

Classes 2: Jan. 19

Law School Admissions

- What would you change about admission to Law Schools in Canada?
- Do you think it is important to have a B.A. or B.Sc. before starting Law School?
- Why are there so few Canadian Law Schools? (around 20 Common Law schools)

Admissions scenarios

Suppose you are the head of the Law School Admissions Committee. Follow the admissions policy in, at least, three Law Schools. What is your decision regarding admissions for each candidate in each of the selected Law Schools?

1) Alejandro Elhauge is a successful Chilean lawyer who holds a law degree from the University of Santiago. His cumulative law degree academic record was 74%, a quite high record at a Chilean university. While practicing law in his own private firm, he published two articles in a local law journal. He obtained a 550 on the TOEFL test (English as a foreign language test). He has taken the LSAT and scored in the 84th percentile. He attributes his relatively low TOEFL and LSAT scores to the fact that he has never taken a multiple choice test before as these tests are frowned upon by Chilean professors, who prefer other forms of evaluations, such as writing papers, or participating in oral debates, and presentations. TOEFL and LSAT exams are offered only once a year in Chile so he cannot retake them. His personal essay is rather weak. He is not used to writing personal statements as a way of gaining admission to school. He'd thought the essay would be used for social purposes so he wrote about his music and film preferences.

2) Nicolai Edvardov, a Russian sociologist, has a candidate degree –similar to the North American Ph.D.- in sociology and is working toward his second doctoral degree in Russia. Seeing that it will be very difficult for him to make a living in Russia, he wants to practice Law in North America. He did his undergraduate education in Sociology during Soviet times. As he was a dissident and frequently voiced his opposition to the Soviet regime in class, his cumulative

undergraduate academic record was 44%. He did his doctoral studies after the fall of the Soviet Union, and he excelled in his education. In Russia, you do not take a prescribed set of courses at the doctoral level. You mainly work on your thesis and assist professors in their research, so there is no GPA for doctoral students. His thesis was excellent and is considered one of the best sociological works on oppression of minorities in Russia. It is being reviewed for publication. His colleagues consider Nicolai to be a star and a very promising scholar. However, since Russian professors are not used to writing letters of recommendations, his letters do not reflect his potential. Nicolai explained all this in his personal admissions essay.

He scored 575 in the TOEFL and scored in the 85th percentile in the LSAT. He attributes his relatively low scores to the fact that his English is a bit weak, as he started to study English while a doctoral student.

3) George is a student from Algoma University's Law and Justice program. He took legal courses mostly from part-time faculty, i.e., retired judges, practicing attorneys, and prosecutors. Other teachers had master's degrees, but no one had a Ph.D. His letters of recommendations are from a practicing attorney and a retired judge. They both say that George is a very good student, that knows a lot about Criminal Law, Contracts, Constitutional Law, and Torts. They even mentioned that George starred in a moot court.

John is a student from Algoma University's Anthropology program. He only took one course from the Law and Justice program. His letters of recommendations were written from full-time faculty with doctoral degrees. They both emphasize that John is a very good student, that he has very good research skills as evidenced by John's thesis and written assignments in the course. They mention that John has very good oral presentation skills as evidenced by several presentations John did in their classes. They also say that John has an ability to understand theory, and to communicate his ideas in writing. They also mention that John has developed a very good understanding of worldwide cultures as a result of his passion for Anthropology.

Both George and John have the same GPA and the same LSAT score. You have only one spot left. Which student, if any, will the Law School admissions committee admit?

4) Ashley MacDonald is a good –but not outstanding- student at Laurentian University. Her undergraduate academic record is 84% and her LSAT score is in the 94 percentile. She has not been involved in many extracurricular activities; and her goal has always been to be a teacher. But her parents insisted that she study law. Her letters of recommendations are strong, but her personal essay is not very powerful.

5) Elle Wood has a 4.0 GPA in fashion merchandising from CULA, a California College of dubious academic reputation. She is a social queen and chief blonde of her sorority. She got a 179 on her LSAT. One of her most significant extracurricular activities is growing up across the street from Aaron Spelling (creator of Dynasty and 90210).

6) Shirley is an Algoma University student. She is doing a double major in Law and Justice and Sociology. Her LSAT score and GPA is the minimum required by the Law Schools she wants to apply to. You are a full-time teacher at Algoma. She comes to you for advice. What will you tell her?

7) Miriam O'Hara is an excellent Sociology student at Dalhousie University. Her undergraduate academic record is 87%, and her LSAT score is in the 98 percentile. Her list of extracurricular activities is impressive, and her letters of recommendation are very powerful. She wrote a very strong personal essay.

8) David is a first-year Algoma University student. He is majoring in Law and Justice. You are a full-time faculty in the program. He comes to you in early September, and tells you that he wants to go to Law School when he finishes his studies at Algoma University. What do you recommend him?

9) Elizabeth has a double major in Political Science and Anthropology from St. Mary's University in Halifax. Her GPA is 72. Elizabeth is a very strong student. Her GPA is relatively low because doing a double major is very hard at St. Mary's. Veronica is doing a single major in Political Science at St. Mary's. Her GPA is 78. Both Veronica and Elizabeth have the same LSAT score and a similar background. There is only one spot left. Which student, if any, will the Law School admissions committee admit?

10) Ron has majored in Economics at UofT. His GPA is 82 and scored in the 75th percentile in the LSAT. He has average recommendations and a personal essay.

GPA Conversion Chart:

(from Princeton review)

4.0	95-100	A
3.9	94	A
3.8	93	A
3.7	92	A
3.6	91	A
3.5	90	A
3.4	89	B
3.3	88	B
3.2	87	B
3.1	86	B
3.0	85	B
2.9	84	B
2.8	83	B
2.7	82	B
2.6	81	B
2.5	80	B
2.4	79	C
2.3	78	C
2.2	77	C
2.1	76	C
2.0	75	C
1.9	74	C
1.8	73	C
1.7	72	C

1.6	71	C
1.5	70	C

Scaled Score	Percentile Rank
180	99.9%
179	99.9%
178	99.9%
177	99.8%
176	99.6%
175	99.4%
174	99.2%
173	99.0%
172	98.6%
171	98.0%
170	97.4%
169	96.7%
168	95.9%
167	94.6%
166	93.2%
165	92.0%
164	90.0%
163	88.1%
162	85.9%
161	83.4%
160	80.4%
159	77.6%
158	74.6%
157	70.9%
156	67.4%
155	63.9%
154	59.7%
153	55.6%
152	52.2%
151	48.1%
150	44.3%
149	40.3%
148	36.3%
147	33.0%
146	29.5%
145	26.1%
144	22.9%
143	20.5%
142	17.8%
141	15.2%
140	13.4%

139	11.4%
138	9.6%
137	8.1%
136	6.7%
135	5.6%
134	4.7%
133	3.7%
132	3.2%
131	2.5%
130	2.0%
129	1.7%
128	1.3%
127	1.0%
126	0.8%
125	0.7%
124	0.5%
123	0.4%
122	0.4%
121	0.3%
120	0.0%

Identify the problems and improve this personal admissions essay

My name is Ricky Thomas and I have not always enjoyed school. I started my life excelling in elementary school but never found it challenging or thought provoking. High school was the same,. I found most concepts easy to grasp and for somebody with attention deficit disorder like myself, this led me to disinterest and a lack of focus. I was never apathetic about my life itself, I simply lacked direction. The beginning of my undergraduate career was similar, I was an English major who wanted to write and create and I was too stubborn to understand why I needed to read Chaucer to tell a story about popular culture. Alas my first year was not a success.

During my first summer though, I discovered something that would change my educational philosophy from tentative to passionate. I got a job with a Real Estate firm in town! Around half a year after I started, I was promoted to Junior Law Clerk. The workload is now pretty intensive, but I'm managing for the most part and I'm excited to develop my legal and negotiating skills.

At school I took a Criminal Law class with retired Judge John Doe who ignited my passion for justice and equal rights. Judge Doe spoke extensively about topics such as denial of aboriginal rights, the history behind our constitution, and the fiercely important moral debates that surround our legal system. Since then, I changed my major from English to Law. I took a number of classes in Private Law, Labour Law, and Environmental Law. I apply what I learn at school in my job and at the same time I apply my experience as a Law Clerk in school. I started to develop a serious appreciation for law. Law has developed from a field of general scholarly interest to an area of intense passion and serious scholarly interest for me over the last two years. It is the chief occupant in my thoughts, and I cannot imagine a career in any other field. My friends have to stop me amid rants about legal thought, morality and justice. My family cannot believe what they are seeing: the young man who didn't care about school cannot stop discussing the fruits of it.

The more I learn about law and imperfections I found within the legal system, the more I think law can be a great field in which to make a difference.

I think my work ethic and passion for education make me an excellent candidate for continued education at Law School. Please consider my application.

Write a personal statement for admissions to Law School. Follow the instructions taken from U of T's Law School.

The Admissions Committee conducts no interviews, the personal statement is an applicant's opportunity to outline those features of the application which distinguish the applicant. The content of the personal statement is not prescribed. However, applicants are encouraged to use the personal statement to share their "story" with the Admissions Committee. Applicants may wish to outline in the personal statement such things as their choice of undergraduate program and institution; the extent to which it has prepared them for the study of law; and if appropriate, any anomalies in the academic record including false starts, fewer than five courses over two terms, and introductory courses taken in the third or fourth years of a program.

The personal statement is also an opportunity for applicants to highlight their non-academic accomplishments as well as any circumstances which may have contributed to or detracted from

their academic and non-academic success, such as the response to disadvantage due to adverse personal or socio-economic circumstances or to barriers faced by cultural (including racial or ethnic) or linguistic minorities; and the impact of temporary or permanent physical disabilities. Applicants may want to write to the Committee about the different ways they see themselves contributing to the law school and legal community.

Mature applicants are required to submit both a personal statement and a detailed résumé of their work and other experience including current position or status.

Aboriginal applicants are requested to outline in their personal statements their interest in, identification with, and connection to their communities.

LSAT

Letters of recommendation

Discussion questions

- Who should you ask for a letter of recommendation? Who shouldn’t you ask?
- What do you need to do well before asking for a letter of recommendation?
- What do you need to give to your referee?
- When should you ask for a letter of recommendation?

- What should you do after you ask for a letter of recommendation?

Scenarios

1. Judge Gallo, who teaches part-time, writes an excellent letter of recommendation to Marla who took two courses with Judge Gallo.
2. Marla doesn't know whether to ask Prof. O'Brien or Prof. O'Reilly for a letter of recommendation. Both have Ph.D.s, are full-time, and tenured. Dr. O'Brien is an Assistant Professor and Dr. O'Reilly is an Associate Professor. Marla took three courses with Dr. O'Brien and did very well. She only took one course with Dr. O'Reilly in first year and got only a 72.
3. Windsor University requires a third letter of reference (non-academic). Ethan is a star basketball player and included some references to basketball in his answers to the admissions questions. As his coach left the university, he asked his boss from Tim Hortons where he works part-time. He hasn't included any reference to his job in his answers.
4. Tony has very good grades and he asked Prof. Harrison for a letter of recommendation. He had high 80's in his classes, but because Prof. Harrison teaches only at 8.30 am, Tony was usually late and missed a few classes because he overslept.
5. Mary wrote an admissions essay describing the difficulties she faced as she fled war-torn Iran to Canada in her High School senior year. She also explained that she had to learn English as a second language once she arrived in Canada. Her professor wrote a very good letter describing how hard she worked in class. She also commented on some essays and presentations that Mary wrote for her classes.

6. Prof. Curtis has a Ph.D. and teaches four or five classes a year. She teaches full-time as a CLTA (non-tenure track). She wrote an excellent letter for Paula.

Class 4 Feb. 2: Nature of Law School education

Discussion questions

- What do you think of Law School education in Canada and the US?
- What would you change about legal education in Canada?
- Why do Law Schools have a virtual monopoly over law teaching?
- Why do grades matter so much? What do you think of the grading by the curve approach to evaluation?
- What does "going back to basics" mean? What is the relevance, if any, of studying black letter law in Law School, undergraduate university programs, and two-year colleges?
- Do you think you can study law from a legal perspective during your first-degree university program? What is the use?
- What is the significance, if any, of studying law at the undergraduate level?
- What is your opinion of the Law and Social Science and theoretical movement in Law Schools? Look for a Law Review article written from a Law and Social Science perspective by an Assistant Professor from an American or Canadian Law School. What do you think of the article? What are the author's credentials?

Law School exam

After entering a parking lot, SpongeBob SquarePants notices a briefcase sitting next to a car. He briefly contemplates what he should do, and then he decides to steal the briefcase. After SpongeBob takes the briefcase, security guards spot him from a hidden security camera located in the parking lot. The guards detain SpongeBob and eventually turn him over to state law enforcement authorities. He is charged with theft. In Bikini Bottom, theft is defined as "intentionally taking property away from the owner". Question: Is SpongeBob liable for theft? Explain. Assume that SpongeBob does not have any valid necessity defense.

Class 5 Feb. 9: Admission to the legal profession

Discussion Questions

- What do you think of the admission to the legal profession process in Canada? Are there any discriminatory consequences of the process?
- What changes, if any, would you make to the admission process?
- What do you think of the bar admission process in the United States? How is it different from the Canadian process?
- How does preparing for the bar exam affect everyday life? What can you do when preparing for the bar exam? What can't you do? What factors other than education and studying influence the preparation for the bar exam?
- What is the value of memorizing hundreds of rules? Is there a connection between being able to memorize rules and being a capable and effective lawyer?

- Research the bar admission process in jurisdictions other than the US and Canada. Discuss those processes.
- What do you think of the Law Societies movement to have a Canadian common law degree curriculum? What should the role of the Law Societies be?
- What do you think of the recognition of foreign legal credentials in Canada? Should there be a different treatment for Canadian and foreign graduates of international Law Schools?
- Why do you think that so many Canadian students study Law abroad? Would you consider studying Law abroad? Why or why not? What are the main challenges?

Foreign Legal Credentials

NCA scenarios

1. Lance is a graduate of Bond Law School in Australia. He has a 4-year B.A. from Algoma University. At Bond his GPA was 85%. He had no marks below 55%.
2. Alex studied at Harvard Law School. His GPA was the equivalent of 75%. He did not take any Canadian common law courses.
3. Paula went to New York University Law School. She did not take any Canadian law courses. Her GPA was the equivalent of 68%. She got 55% in Criminal Law and 53% in International Law. The passing grade is 50%.
4. Juan is a graduate of the University of Barcelona's Faculty of Law. He did a 5-year program in Law right after finishing High School. Juan's GPA was 89%. He has professional experience in Spain and France. He even published several journal articles in Labour Law and Environmental Law. His Environmental Law articles are cited in Canadian and US law journals.
5. Gaby and Herman are siblings. They are both graduates of Algoma University's Business program. Gaby has always been an excellent student. Everybody says that Herman is a slacker. Herman went to the University of Saskatchewan School of Law. His GPA was 56%. Apart from required courses, he took easy elective courses not dealing with substantive law such as Law and Music, Law and Sports, and Law and the Arts. He never took courses in Administrative Law, Corporate Law, Evidence or Professional Responsibility. He completed bar requirements and is now a licensed lawyer. Gaby went

to Harvard Law School. Her GPA was 67% -a pretty good GPA for Harvard. In Criminal Law, Gaby got a 60% in her final test, but received a 54% because of the curve system of evaluation. The NCA required Gaby to take the following courses: Canadian Administrative Law, Corporate Law, Evidence, Criminal Law, and Professional Responsibility, among others. She is angry that the NCA makes her take courses which her brother never took.

6. Courtney studied in New Zealand in an online accredited program. She did a 3-year law school program (common law) with some Canadian subjects. Her GPA was 88%.
7. Piotr is a graduate of the University of Moscow's Faculty of Law program, a 5-year program which students normally take after finishing High School. Piotr graduated from the University of Moscow in 2008. He did an LL.M. in New York University's School of Law where he specialized in Tax Law.
8. Christa went to the UC Davis College of Law. She finished her degree in 2003 with an 87% GPA. She did a master's and a Ph.D. program in International Relations at Harvard University's School of Public Government. She finished in 2011.
9. Sally graduated from Queen's Mary's School of Law (University of London) from a three-year LL.B. program with no Canadian content. Sally was admitted to the LL.B. right after she finished an International Baccalaureate (High School). Her GPA was 77% with no failed courses or barely passing marks.
10. Brittany is a graduate of Algoma University's Sociology program. She studied Law at Queen's Mary's School of Law (University of London). She did a two-year LLB program for advanced students (those with a degree in another discipline). According to the School's website: "The program is primarily designed for graduates who wish to obtain a professionally qualifying Law degree." Her GPA was 79%.

Class 7 Feb. 25 Test

Class 8 March 3 Law Schools in the news

Please read the following articles and discuss the questions in small groups:

Still seeking law school, Trinity Western drops sexual 'covenant' for students
National Post

The move, TWU's president says, is to signal to the wider community, including potential students, that it does not discriminate against LGBTQ students or others

A Christian university in British Columbia that lost a Supreme Court battle to create an evangelical law school has dropped its controversial requirement for all students to sign a contract that forbids any sex outside heterosexual marriage.

Many observers, including some who intervened in the court case, saw this as a preliminary step toward a renewed push for an accredited law school. Trinity Western University, in Langley outside Vancouver, first announced plans to offer legal degrees in 2012, only to find itself locked in litigation with law societies in Ontario and B.C., which refused to accredit it.

The school's new motion, passed last week but only released Tuesday, reads: "In furtherance of our desire to maintain TWU as a thriving community of Christian believers that is inclusive of all students wishing to learn from a Christian viewpoint and underlying philosophy, the Community Covenant will no longer be mandatory as of the 2018-19 Academic year with respect to admission of students to, or continuation of

students at, the University."

The decision removes the primary problem considered by the Supreme Court in its June decision, which was the mandatory nature of the "Community Covenant." The court found the Law Society of Ontario's refusal to accredit the school "represents a proportionate balance" between freedom of religion and the law society's own statutory goals, which include "equal access to the legal profession, diversity within the bar, and preventing harm to LGBTQ law students."

Ontario's Ministry of the Attorney General on Tuesday directed questions on possible future law school accreditation to the Law Society of Ontario, which said it is "premature to speculate."

Bob Kuhn, president of TWU, said the move is an effort to signal to the wider community, including potential students, that it does not discriminate against LGBTQ students or others. He said it was "not about the law school.

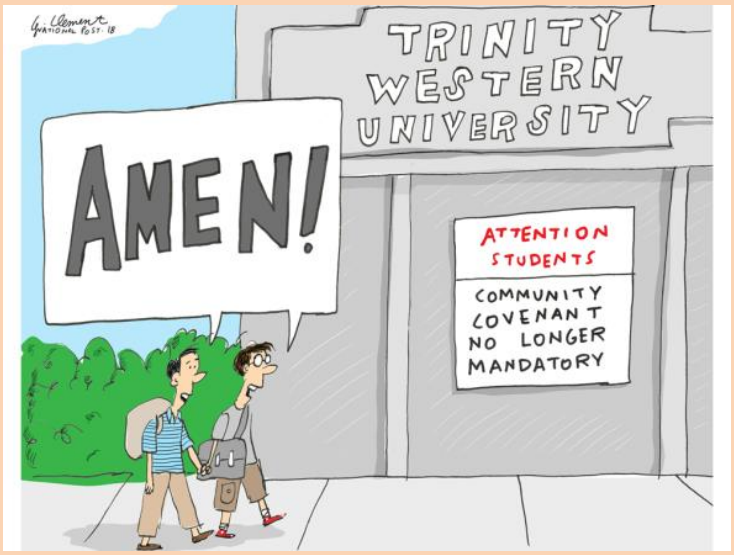
"It's meant to say that nothing that's been discussed over the past few years during the law school battle should make anyone feel unwelcome," he said. He said the school felt all along that it was on the right side of the law, backed by an earlier Supreme Court precedent.

"The theological, biblically based definition of marriage (hasn't) changed, in our perspective. That continues to be something we adhere to as a principle. It's a question of application, and the application of that principle to students or prospective students.

"And (this policy change) is to clarify the fact that we will not discriminate … no matter how that's defined, with respect to LGBTQ (people) or people of other faiths. But that perspective has not necessarily been the one that's been understood by much of the public, or in fact, perhaps, some students, who would otherwise find Trinity Western a

very welcoming and inclusive place," he said.

"I think it's long overdue," said Cam Thiessen, who dropped out of TWU's Masters program in biblical studies last year because it was too stressful an environment to study in.



He never actually signed the covenant because he objected to a school trying to control the sexual lives of its students, and the "blatant homophobia" of its language. "I just kind of ignored them," he said. "No one came for me and I got my credits."

Thiessen, who now identifies as non-binary and bisexual, said it was frustrating to see so much money from donations being used to fund a legal battle that so many of its students regarded as unnecessary.

Richard Moon, a law professor at the University of Windsor and an expert on religious freedom, said he expects the law societies that declined to accredit TWU will now move to accredit, if asked again. But he noted that the sexual morality covenant was not the

only source of constitutional trouble.

The Supreme Court only decided that it was not unreasonable for the law societies to refuse to accredit based on the mandatory morality covenant. There are other ways a Christian law school could discriminate, Moon said, especially in an educational market in which law school places are few and the demand is high.

The school was proposed as a place to make Christian lawyers from Christian students who do not feel comfortable in secular law schools. Preserving that status will require a way to "favour Evangelical students and, in effect, disfavour non-Evangelicals," Moon said, and even though non-Evangelicals are not a marginalized group, discriminating based on religious commitment raises similar problems as discriminating based on sexual orientation.

Brian Gover, president of the Advocates' Society, said it was important for the Supreme Court to recognize the value of diversity, "especially among those aspiring to join the legal profession, who stand to be in practice for decades."

"An environment where exclusion is considered acceptable does not equip aspiring lawyers to practice in a profession that's designed to protect the public," he said. Making the signing of a morality covenant voluntary does not resolve this problem, he said, in part because this is being asked of young people by an institution that "holds all the cards."

"I question how voluntary it is," he said.

Philip Horgan, president of the Catholic Civil Rights League, said he was happy with the news, but that it remains to be seen whether the Ontario government will approve a renewed push for accreditation.

He said the school has been at the "top tier" of other academic pursuits, and that as a

school driven by Christian morality, is "fills a niche," by assuring both students and fee-paying parents that their religious values can infuse their studies.

Dropping the covenant was clearly a compromise, though. He said his organization's understanding of pluralism has been "put on its ear by the TWU decision … The constitutional matrix of the country has been upset."

"My sense is they've obviously taken stock and perceived that the benefit of a Christian law school outweighs the concerns of a communal shared enterprise," he said.

"It is up to the individual religious community to make their decision on what happens at the end of the court process," said Barry Bussey, director of legal affairs for the Canadian Council of Christian Charities. But he argued that there has been a broader "legal revolution" against the place of religion in constitutional law. "The movement seems to be a retraction of religious accommodation," he said.

Now that this one barrier has been removed, he said the key question for the future is whether the legal community can allow a Christian law school to exist.

"That's going to be fascinating," he said.

- To what extent should law schools be involved in the personal lives of students, if at all?
- What is your opinion of a covenant for students to not engage in premarital sexual intercourse? What could the pros and cons be of such a covenant?
- Should religion and legal education remain separate? Why? Why not?
- What are the advantages of receiving a legal education from a religious perspective? Disadvantages?

2) https://www.cbc.ca/news/canada/windsor/indigenous-course-windsor-law-1.4797256

Windsor law students now required to take course on Indigenous law

Course will teach Indigenous laws 'from the ground up'

CBC News · Posted: Aug 23, 2018 8:21 PM ET | Last Updated: August 25
In September, first-year law students at the University of Windsor will have to complete a course in Indigenous legal traditions.

Dean of law Christopher Waters says it's the first time the university will require first-year students to take the course along with their common law subjects. The Truth and Reconciliation Commission said to law schools that they have to do a better job, said Waters.

"If we're going to have an true nation-to-nation relationship with Indigenous people, we need to further explore what the legal traditions of our Indigenous communities are," he said. Often law students in Canada study how the Canadian state treats Indigenous people, but this course will look at law on their own terms, based on their own traditions, Waters said. "For some Indigenous people, Canadian law is considered to be the involuntary imposition of a state, to which there hasn't been consent to be governed by those laws," he said. This is really an effort for Canadian law schools and the justice system that have done a poor job traditionally of properly accounting for and respecting Indigenous legal traditions, "and we want to do better as a law school," Waters said.

"We've got folks representing various Indigenous legal traditions in the province," Waters said. "Anishinaabe and we sit on the traditional territory of the Anishinaabe peoples, Haudenosaunee and Cree."

It's important to lawyers to have cultural competency when it comes to practicing law, he said. They will deal with the communities and they need to know how to serve their clients well.

Wide variety of educators

Multiple professors will teach the course, including Beverly Jacobs, a recent appointee to the Order of Canada, in part for her work on Missing and Murdered Indigenous Women and Girls, and a former president of the Native Women's

Association of Canada.

The list will also include Jeffery Hewitt, former president of the Indigenous Bar Association and general council to the Rama First Nation, Valarie Waboose, former general council of Walpole Island First Nation and Sylvia McAdam, one of the co-founders of the Idle No More movement.

"This is something that is equally important as your common law studies and learning about the civil law system," Waters said.

The school also has an elder-in-residence program, an Indigenous support worker at its clinics and an Indigenous legal studies coordinator in the faculty.

- Do you think all Canadian law schools should incorporate a mandatory course in Indigenous legal tradition? Why? Why not?
- How do you think the implementation of Indigenous legal traditions as a mandatory class will change the way Canadian lawyers approach Indigenous cases?
- How can Canada balance Canadian (common law) legal tradition with Indigenous legal tradition? Should changes to the law be made? If so, what changes can be made to the law to better incorporate Canada's Aboriginal peoples and their distinct legal traditions?
- "For some Indigenous people, Canadian law is considered to be the involuntary imposition of a state, to which there hasn't been consent to be governed by those laws." Do you agree with this statement? Do you disagree? Explain your reasoning.

The Depressing Secret to Getting Good Law School Grades

Above the Law

Want some depressing law school news? Your chances of getting an A or A- in your first year of law school (of vital importance for a lot of prestigious opportunities like law review, clerkships and Biglaw) are improved if you look like your professor. According to a new study looking at law school grades, when the gender and race of a law prof matches that of the student the student is more likely to achieve top marks in the subject. So, white male students with a white male professor are, yet again, at an advantage. Great.

As reported by Law.com, the study (based on data from an anonymous private law school in the top 100 of the U.S. News & World Report ranking), was conducted by by Boise State University professor Christopher Birdsall, American University professor Seth Gershenson and Virginia Tech University professor Raymond Zuniga and funded by AccessLex, and found that 1Ls were 3 percent less likely to get an A or A- when the class was taught by someone of the opposite sex. Students with law professors of a different race fared even worse — they were 10 percent less likely to receive an A or A-. The issue was compounded for female law students of color. In a year long classes of the same subject,having opposite-sex or different-race professor in the fall also had a negative impact on the student's spring grade. The only good(ish) news is that this demographic mismatch did not have an impact on a student's chances of getting a grade lower than a B-.

The reason behind the numbers? Something called the role model effect or stereotype threat. That's when students feel pressure to achieve past the perceived stereotypes of their identity group. This effect has been studied before, but only on the elementary, high school and undergraduate levels. Looking at the phenomenon in law schools is pretty new:

"These results provide novel evidence of the pervasiveness of role-model effects in elite settings and of the graduate-school education production function," according to the paper, titled "Stereotype Threat, Role Models and Demographic Mismatch in an Elite Professional School Setting."

The perception has long been that at the elite law school level, the role model effect would no longer be detectable. But the study disproves that theory and shows just how important faculty diversity is for law students:

"Student-instructor demographic mismatch continues to harm the academic performance of even elite law school students, whom we might falsely deem impervious to such threats, given that they are college graduates who successfully navigated the law school application process," the authors wrote. While the difference in grades for students with demographically mismatched professors may seem small, it is still statistically significant and has a meaningful impact on the

grades — and opportunities — of law students:

"While small in magnitude, recall that these are course-specific effects that might add up to nontrivial differences in cumulative GPA that preclude underrepresented students from prestigious internships or alter the class rankings in ways that affect initial job placements and starting salaries," the paper reads.

Once again we see that diversity is more than just an esoteric, liberal goal — it has measurable, direct repercussions for law students and the legal profession as a whole:

"These results suggest that diversity in the legal profession, and the status of women and people of color in the legal profession, would be improved by increasing the diversity of law school faculty," the paper reads.

Hopefully, this data will support efforts to increase the diversity of law school faculties.

- What do you think about the results of the study? Do you think there should be more studies to prove this theory? Do you agree/disagree with it, based on your experiences as an undergraduate student?
- What can law schools do to remedy this potential problem?

A Top Law School's Tryout Admissions Program For Students With Bad GPAs and Low LSAT Scores
No law school in the country has a similar 'audition' process for would-be law students.

By STACI ZARETSKY
Aug 7, 2018 at 11:41 AM

You really want to go to law school, but it seems like all of the odds have been stacked against you. Maybe you're really intelligent, but you partied too much in college and your GPA has a major hangover. Maybe you experience severe anxiety during standardized testing situations and your LSAT score sucks. Your numbers look like they belong at the bottom of a toilet, and you fear that your applications will be rejected even at law schools that have stereotypically been classified as commodes. What on earth can you do when no law school will accept you?
One law school has an innovative program for students who are facing this problem. Arizona

State University Sandra Day O'Connor College of Law has created a program that will throw these would-be law students right into the mix with regular J.D. students to see if they'll be able to compete. Through ASU's Masters of Legal Studies Honors Program, students will be able to take fall classes and be graded right alongside traditional law students — and the 1Ls and their professors will have no idea that they're any different. Honors students' grades are removed when calculating the 1L curve, but if they're able to crack the top 50 percent of the J.D. class with their first semester marks, they'll be formally admitted as law students starting in the spring semester. Those who don't make the grade may drop out or continue to take classes in the spring and earn a master in legal studies.

The school determined that the single best predictor of how students would do on the bar exam was the grades they earned while at ASU Law, so the master's honors program gives them a semester of 1L coursework to evaluate. The school admitted 36 students to the inaugural cohort last fall, and 11 of them earned grades that put them in the top half of the J.D. class. Thus, they started as full J.D. students in the spring. Sylvester expects a couple of those 11 to be in the top 5 of the class once they have a year of J.D. grades under their belts. Among the remaining 25, some stayed and completed their masters while others cut their losses after one semester and left. Several of the students who finished the masters reapplied to ASU and [Dean Douglas] Sylvester expects them to get in this time.

"We're saying, 'Here's an opportunity to prove to us that you're a lot more than your numbers,'" Sylvester said in an interview with Karen Sloan of Law.com. "Some of these students definitely did that. This is a way for us to hedge our bets on that bottom quartile of the class, and also give potential law students a much better indication of whether or not they're going to succeed."

Not only does ASU's Honors Program allow students who wouldn't have been given a chance elsewhere to essentially go try out for a place in the law school class, but it also helps the school to protect its bar pass rate. This seems like a win-win all around, but of course, there's one big catch. No, ASU isn't trying to game the U.S. News law school rankings by admitting Honors students like transfer students without reporting their underwhelming admissions stats. Those will be reported to U.S. News the following year since Honors students who are accepted into the J.D. class will become students in January. The kicker here is the fact that thanks to ABA rules, Honors students will have to repeat their fall 1L coursework to receive credit towards their law degrees.

Aha! That must be how ASU Law is benefitting from this program — Honors students will have to pay more for their degrees than traditional law students. Not so fast there, negative nancies. Because Honors students will have to essentially repeat a semester of classes they've already taken, ASU is going to waive one semester of their tuition so that their degrees don't cost a single cent more than traditionally admitted students.

Congratulations to Arizona State Law on creating this unique opportunity for would-be law students. We don't know of any other law school that has this kind of an admissions program, so it's truly revolutionary

- Do you think that the LSAT is a fair indication of a person's intellectual abilities or their success at law school? Why? Why not?
- What would you suggest as an alternative for determining a candidate's eligibility for admission to law school?

- Have you studied for the LSAT? If so, what do you find most challenging about it? What would you change about the current LSAT test?

Lakehead and Ryerson trying to chart different path
August 27, 2018|Written By Anita Balakrishnan

Duncan Macgillivray, a personal injury lawyer who teaches insurance law at Lakehead University's law school, says unlike Lakehead, Ryerson's new law school will have to break into the saturated Toronto market.

When Hayley Yorke was deciding between the University of Ottawa law school and the then-new law program at Lakehead University in Thunder Bay, Ont., she chose Lakehead even though it seemed like the underdog.

"I think all of the students are aware that LU is an underdog. We don't have a huge group of alumni or, for example, resources for a national moot team. But you have to start somewhere, and we're in an articling crisis, and LU is doing things differently," says Yorke, now working at O'Neill Associates, a boutique human resource, labour and employment firm in Thunder Bay. She expects to be called to the bar in September.

Lakehead law graduates start working sooner than the average Ontario law student thanks to Integrated Practice Curriculum, a practical skills and work placement-based curriculum that stands in for articling in the licensure process.

Students take traditional law school classes, but they are also required to complete skills-based assessments such as oral advocacy, written advocacy, writing factums, mock motions and participating in mock trials. Some courses also require experiential learning, such as Lakehead's Aboriginal Perspective, which requires 36 hours of fieldwork. The program is capped by a work placement program for four months.

A new crop of students will soon make a similar choice between established programs and a proposed new one: Ryerson University is aiming to open a brand-new law school in 2020, the first in the Toronto area in more than a century.

Ryerson's proposed curriculum to the Federation of Law Societies of Canada, which grants approval for new law schools, also includes a third-year work placement program, but it does not stand in for articling in the licensure process.

The Ryerson law school must get program approval from the Ontario Ministry of Training, Colleges and Universities, says Anver Saloojee, dean of record for Ryerson. It is the last step of the external approval process. During that process, which could last six to nine months, the school will also likely find out its level of provincial funding. The school is asking for $5,700 per student, amounting to a little more than $2.3 million, "assuming a steady state enrolment across all three years of study of about 410 full-time equivalent students."

Lakehead's most recent funding was $5,500 with 279 basic income units, a spokesman said. BIUs are funding units defined by the Ministry of Training, Colleges and Universities.

Ryerson's graduates will enter an increasingly competitive workforce — there is expected to be 1.6 new licensed lawyers for every one practising position in Ontario by 2025, according to a projection by the Higher Education Quality Council of Ontario.

"They [Ryerson] are going to have some similar challenges: building a faculty of professors, creating a positive student culture, all those types of things," says Duncan Macgillivray, a personal injury lawyer who teaches insurance law at Lakehead and works with students in his

role as partner at boutique Thunder Bay firm White Macgillivray Lester LLP. “I think one different challenge is that you will have a bunch more students trying to break into the Toronto market, which I think is saturated.”

Yorke says she isn’t worried about Lakehead students competing with Ryerson graduates for jobs: “I don’t think we are even on their radar,” she says.

“You’re so far away from your family and everything,” Yorke says of the idea that Toronto-raised students at Ryerson would choose to practise in the north. “Firms will probably see that you came from southern Ontario; they are going to want people who want to stay in the north.”

About 38 per cent of third-year students at Lakehead’s law program do their work placement at a firm in northwestern Ontario, north of and including Sudbury, says Hope Buset, director of Student Services and Skills at the Bora Laskin Faculty of Law at Lakehead. Another nine per cent of Lakehead third-year students work in northeastern Ontario, while 11 per cent work in small towns south of Sudbury and four per cent work in medium-sized towns south of Sudbury, leaving the remaining 18 per cent practising in the general Toronto area.

“There is a shortage of lawyers in certain small communities, but I don’t think adding a Toronto law school will help,” says Macgillivray. “Toronto is the megacity. I don’t think there are going to be a lot of Ryerson graduates that want to practise in Atikokan or Sault Ste. Marie. That was part of the Lakehead idea, to get lawyers into smaller communities. And some of them have gone. But is another law school the answer? I think they like to frame it that way when they are applying to become a law school, but it’s not that easy.”

Lawyers outside of the Toronto area are more likely to be sole practitioners. About 50 per cent of Ontario’s lawyers are outside the Toronto area, according to statistics from the Law Society of Ontario. But 58 per cent of lawyers outside of the Toronto area are labelled sole practitioner (although it includes sole owners who employ other licensees).

The different legal needs law graduates are expected to address in Toronto and Thunder Bay are highlighted by a provincial report called the “Strategic Mandate Agreement,” released by the government for each university when the Liberals were in power in Ontario. The report is designed to be relevant from 2017 to 2020. The purpose of the report is to outline “the role the University currently performs in Ontario’s postsecondary education system and how each school will help drive ‘government priorities.’” It is “not intended to capture all decisions and issues in the postsecondary education system, as many will be addressed through the Ministry’s policies and standard processes,” the report says.

Of Ryerson’s proposal, the strategic mandate says it is “an innovative law program that enhances access to justice for Canadians and responds to the present and future needs of users of legal services and to the needs of society and the profession.”

But it also says, “While the ministry acknowledges the aspirations of Ryerson University in this regard, at this time the ministry will not support a new Law School in Ontario for operating funding consideration.”

A ministry spokeswoman said that the agreement was written during the Liberal administration and that the current provincial government has not made a decision on the Ryerson law school.

The SMA for Lakehead University mainly mentions the law school in terms of Lakehead University Community Legal Services, a student legal aid clinic. The SMA report calls the clinic “an exciting way for Lakehead students to have a dynamic, hands-on learning experience, while at the same time providing a much-needed service to the Thunder Bay community.”

Lakehead’s law program has had its own struggles. The previous dean, Angelique EagleWoman, resigned this year after two “hectic” years, alleging systemic racism and “challenges both inside

the law school and from the senior administration," she told Canadian Lawyer. A Lakehead spokesman says the search for a new dean is "well underway."

Anthony Morgan, a human rights lawyer based in Toronto, says that adding more law school slots could help broaden access to legal education to those who need it most, such as racial minorities or people who identify as queer or transgender, even if they don't plan to practise law.

Saloojee thinks students at Ryerson will have a leg up in finding jobs, even though the Law Society of Ontario's May report to Convocation on licensure says that only 10 per cent of Ontario law firms offer articling placements.

"I think our curricular focus will position our students in a way that they can both engage in the labour market and, we believe, also become potential employers and creators of job opportunities down the line as well. A lot of the data shows that people coming out of primary school and high school will be entering jobs that they can't even conceive of today. We hope our students will be on the cutting edge of creating those kinds of jobs as well," Saloojee says.

Brigid Wilkinson practises at Evans Bragagnolo & Sullivan LLP in Haileybury, Ont. and is the Federation of Ontario Law Associations' northeast regional representative. She says that entrepreneurialism — another focus of the Ryerson program — is more important than students realize, whether they are in a small town or big city.

"I find that when people go to law school they have a very specific idea of what they want to do and that changes once they hit law school. When I worked on Bay Street, I just did a particular type of litigation. Here, if you were a litigation lawyer, you would do everything. You would do contracts, you would do employment, some family, some criminal," Wilkinson says. "The entrepreneurial spirit is certainly required. Whenever I read all of these articles about how there aren't enough jobs or positions, it seems people expect someone to give them a job. There's a lack of comprehension that you need to create your own job."

Teaching students how to deliver services online has been proposed, including by Ryerson, as a way to increase access to justice. But technology is no "silver bullet" when it comes to access to justice in rural Ontario either, says Wilkinson.

"People think technology is automatically the solution," Wilkinson says. "The barrier to that, which is a solvable barrier but not something the legal profession can change, is accessibility to internet. It's not something that everyone in this province has, especially high-speed internet. . . . [T]here are certainly times when I cannot communicate with my students, because I don't have good enough internet in a rural community."

Class 6 March 16: Legal education and practice (Big Law Firms)

Read the article My Life as an Associate by Jonathan Foreman and discuss the following questions based on the lecture, the video, and the article:

- What do you think of the hiring process for large law firms?
- Do you think there is an overemphasis on grades? Do grades reflect deep learning? What do you think of the cascade effect of Law School grades?
- What are alternative career paths for Law School graduates? What are the advantages and the disadvantages of these other paths?
- What is life in a large law firm for an associate?
- Why do junior associates spend so much money?
- What does Jonathan Foreman mean by "we were also faced with alienation from the products of our labor?
- What is the hierarchy in large law firms?
- Describe the bullying culture? Why does this happen?
- What happens in times of economic crisis?
- What do you think of the large law firm environment? Is this something that may appeal to you?

Professional development

Design a professional development plan for your junior associates taking into account Donald Schon's article.

Class 7, March 12: Law Professors

Explore the following websites

- http://ww3.lawschool.cornell.edu/faculty-pages/wendel/teaching.htm
- http://www.law.nyu.edu/acp/index.htm,
- http://www.law.berkeley.edu/88.htm
- http://www.law.columbia.edu/careers/law_teaching
- http://www.law.uchicago.edu/careerservices/pathstolawteaching

Discussion questions

Read the article "The Big Rock Candy Mountain: How to Get a Job in Law Teaching by Brad Wendel" and discuss the following questions.

- How do candidates prepare to become a law professor? What are the disadvantages of this process? What is the classical path? What do you think of the credentials and skills required for teaching at Law School? What changes, if any, would you make? Why?
- What do you think about the recruitment process for Law School professors in the US? What are the consequences of this recruitment process? What changes, if any, would you make to the hiring process of Law School professors?
- Why is a Ph.D. not required to teach at Law Schools? What is the value of the Ph.D. in the recruitment process? Which Ph.D.s are more helpful? Which ones are not regarded as useful?
- Does getting an LL.M. help in obtaining a Law School position?
- Suppose you want to be a Law School professor in Canada. What realistic path would you take to get a job?
- Why is there so much emphasis on writing and publishing? What are the consequences of this emphasis?

- Choose a Law School from Ontario, another common law school from the rest of Canada, a top elite Law School from the United States, and a non-elite US Law School.
    - Analyze the education of recently hired Assistant Professors. Where do most come from? Where don't they come from? What are their credentials? What are the flaws of their education? How many publications do they have?
- What do you think about the tenure and promotion systems?

International legal education and curriculum reform

Discussion questions

- What do you think about the evaluation system in Europe?
- What are the differences between legal education in Europe and North America? What do you think about these differences? Which system do you prefer? Which aspects of the European system do you find better than the North American system?
- Discuss how the Bologna process has been affecting legal education in Europe.
- From the scenes we have just watched, please describe the pedagogy used in European law faculties. How is it different from the Socratic method? Which do you think fosters deep learning?

Legal pedagogies

- Does this (surface learning) happen here at Algoma?
- Do you agree that most students forget almost everything they learn in college? If so, why does this happen?
- If Father Guido Sarducci hired you to teach Legal Studies at the Five Minute University, what big question/s would you like your students to answer? What skills will your students need to answer that question?
- How will you encourage your students' interest in those questions and skills?
- Think of any activity (including activities outside law and education) and analyze its surface, deep, tacit, and shadow structures.

Read the following job ad from Air Canada.

1. Do you think Law School education prepares students well for these kinds of positions?
2. What is expected in terms of communication skills? How can you develop these skills?
3. Write a cover letter for this ad. Pretend you are the perfect candidate for this position.

Job Description

Are you passionate about reaching new heights, teamwork and making a meaningful contribution? Do you picture yourself as a valued member of an industry-leading organization? If you answered yes to these questions, Air Canada is seeking enthusiastic individuals to join the diverse and vibrant team working together to lead the growth and expansion of Canada's flag carrier.

Air Canada is Canada's largest domestic and international airline serving more than 200 airports on six continents and the only international network carrier in North America to receive a Four-Star ranking from independent U.K. research firm Skytrax. We are among the 20 largest airlines in the world serves more than 48 million customers each year. We are undergoing significant growth and transforming to become a global aviation champion.

We have an innovative legal team that continues to earn the respect and confidence of our internal colleagues, participating as true business partners to support Air Canada's strategic objectives. When you join Air Canada and its Legal Department, you'll become a vital part of a team of driven professionals that are truly making a difference, connecting Canada and the world.

We are looking for a regulatory & international counsel to join our team of professionals in Montreal for a permanent position. The successful candidate will:

- work on a variety of initiatives supporting all aspects of our business and operations, which call upon expertise in various areas of the law, including regulatory aviation law, competition law, international matters and advertising law.
- have a minimum of seven (7) to ten (10) years of relevant experience in a major law firm or an established in-house legal department with an emphasis on competition, administrative or international law and an exposure to regulated environments and have a passion for learning and gaining a deep understanding of the business to more effectively support strategies and objectives.
- have strong advocacy and written and oral communication skills, and the ability to convey messages and thoughts clearly, concisely, persuasively, and in a focused manner, to form

compelling arguments based on facts, logic and law, to listen and question appropriately to gain full understanding, and to tailor the message appropriately to the particular audience;
- possess good business judgment and be strategic, pragmatic and thorough with a solid ability to assess legal and business risk, and drive to satisfy and anticipate "client" needs, possessing creativity to tailor approach to meet the business needs;
- possess strong drafting, negotiating and analytical skills, be a leader, self-motivated and someone who thrives on challenges and having responsibility and who enjoys working in a dynamic and constantly evolving environment alongside a very cohesive team of professionals;
- play a key role in securing authorities to operate in international jurisdictions, providing advice on legal issues related to various corporate initiatives and alliance activities and; for drafting, reviewing and commenting on contractual, policy and other documentation; and for advocating for Air Canada's interests with governmental authorities worldwide;

Qualifications

Particular experience in at least some of the following areas is an asset: aviation, e-commerce, competition, alliances and joint ventures, international, advertising, access to information and environment. The candidate should also have a track record demonstrating the following qualities or characteristics:

- drive for results and urgency and motivation towards achievement of goals;
- ability to understand, anticipate and meet "client" needs, effectively communicating and always remaining cognizant of related risks;
- strong desire to participate as part of a team and initiative to empower and guide the team (when appropriate), with an ability to contribute to a shared sense of direction;
- be strategic and creative and ability to consider, refine and merge different approaches to achieve workable solutions;
- inclination to take initiative and be proactive and resourceful;
- be supportive of innovation, and adaptable and flexible to work effectively in a context of rapid change and to grasp opportunities to learn and build knowledge;
- capacity to work autonomously and under pressure, displaying composure in difficult situations;
- thoroughness, tenacity and resilience to persevere towards goals, despite challenges and obstacles, maintaining enthusiasm through to the attainment of the goals;
- have a practical and business oriented approach, recognizing the operational and commercial implications of any commercial arrangement, proposed legislation or business initiatives.

The successful candidate will be someone who is willing to go beyond a defined role, to tackle issues oneself as a means to increase overall effectiveness and who looks at the broad context to

decide what action is called for to achieve the desired result. He or she will be prepared to pursue the tough option if it means doing the right thing for the business. She or he will consider the financial, operational or strategic impact of all actions and decisions and ensure that these factors are appropriately considered.

The ability to convey messages and thoughts clearly, concisely, persuasively and in a focused manner; to listen and question appropriately in order to gain full understanding; to tailor the message appropriately to the listeners; and to share information, ideas and feedback in a timely manner are essential. Integrity (including a strong work ethic, high personal standards, discretion in handling sensitive and confidential information, dedication to follow through on commitments, and openness and honesty in communications as well as a respectful demeanor) is assumed. The successful candidate will be one who takes pride in her or his role as a representative of Canada's flag carrier.

Solid academic credentials and a proven track record must be demonstrated. Membership in the Bar of a Canadian Province is essential and common and civil law training is an asset. Based on equal qualifications, preference will be given to bilingual candidates.

Intangible Benefits

While the selected candidate will often be required to work autonomously, he or she will also have the benefit of working closely and exchanging with colleagues and internal clients who have acquired a broad and deep understanding of all commercial aspects of the business. While demands are often as high as in private practice, workflow tends to be more predictable and balanced. The work is diverse and challenging and not monotonous. There are regular opportunities for exposure to new mandates; the range of available work is wide and quality is typically high. An international dimension is also present for one for whom an international practice, based in Montreal, is an attraction.

LINGUISTIC REQUIREMENTS

Based on equal qualifications, preference will be given to bilingual candidates.

At Air Canada, we want to fly higher when it comes to employment equity. We, therefore, encourage applications from Aboriginal peoples, women, members of a visible minority and persons with a disability.

Air Canada thanks all candidates for their interest; however only those selected to continue in the process will be contacted.

Microteaching:

- Teach a Socratic Law School class on the following cases:
  - R. v Oakes.
  - R. v. Morgentaler
  - Brown v. Board of Education
  - Roe v. Wade
  - Marbury v. Madison
- Teach a Legal Studies class on any legal topic of your choice.
- Teach a Law School class on any legal topic of your choice. Include the Socratic method.

Class 17, Nov. 8: Law-related careers

Criminal Justice Career Scenarios

1. Sue wants to be a parole and probations officer. She has just completed her BA in Law and Justice at Algoma University. She did a minor in Business. She does not speak French. While studying at Algoma, she worked part-time as a clerk in a law firm that does Real Estate law. What are her chances of getting a job as a parole and probation officer? What can she do to improve her chances?
2. Miriam wants to be a parole and probations officer. She has just completed her BA in Law and Justice at Algoma University. She did not do a minor, but she took electives in Psychology, Social Work, and French. In high school, she went to a French immersion program. She has a blog on Criminal Justice. She writes about developments in Criminal Justice, summarizes new Criminal Law legislation and judicial cases; and she comments on news dealing with crimes. Her blog is quite popular. While studying at Algoma, she did volunteer work for a parole officer. What are her chances of getting a job as a parole officer? What can she do to improve her chances?
3. Paul is a second-year Algoma U student. He is majoring in Law and Justice; and he wants to plan his career. He is not sure what he wants to do, but he does not want to go to Law School. What can he do?
4. Ron is a graduate of Algoma University's BA in Law and Justice. He came to Algoma directly from High School. He never did volunteer work. He has had OSAP loans and has

never worked. He has written a thesis on police interviewing techniques. He wants to apply to a police constable position with Sault Ste. Marie Police Service. What are his chances of getting the job? What can he do to improve his chances?

5. John is a graduate of the Police Foundations program at Sault College. He has also finished a BA in Law and Justice from Algoma University. He is actively involved in the community. He coaches a high school soccer team. He volunteers at the Soup Kitchen; and he volunteers at a retirement home every Saturday. While at Algoma University, he worked at the Wishart Library. He also worked at Walmart and Tim Hortons. He wants to apply to a police constable position with Sault Ste. Marie Police Service. What are his chances of getting the job? What can he do to improve his chances?
6. Tim is a graduate of Algoma University's BA in Law and Justice and Sault College's Police Foundations. He is actively engaged in the community as a volunteer. He weighs 200 lbs. He wants to apply to a police constable position with Sault Ste. Marie Police Service. What are his chances of getting the job? What can he do to improve his chances?
7. Rick is a graduate of Algoma University's BA in Law and Justice. He has never worked, as he has had OSAP loans. He wants to work as a paralegal in a law firm. What can he do? What are his chances of getting a job as a paralegal? What can he do to improve his chances?
8. Gaby is a graduate of Algoma University's 3-year BA in Law and Justice. She wants to work as a corrections officer. She has had several jobs in the hospitality industry. What are her chances of getting a job? What can she do to improve her chances?
9. Vanessa is a second-year Law and Justice student at Algoma University. She has applied for a position as a student border services officer with the Canada Border Services Agency (CBSA). She has had OSAP loans and has never worked. She does not speak French. Her application was denied. Why do you think this happened? What can she do to improve her chances next year?
10. Veronica is determined to be a Criminal Investigative Analyst, also known as criminal profiler. She is a graduate of Algoma University's BA in Law and Justice. She wants to plan her career and is prepared to do anything it takes to fulfil her dream, even to go to graduate school. She comes to you for advice. What can you tell her?

Non-lawyer careers

Title	**Education**	**Accreditation/ Regulated profession**	**Skills for entry-level jobs**	**Knowledge and other requirements for entry-level jobs**
Parole and Probations officers	BA in Social Sciences	N/A	English and French Communication skills Counselling and	Interpretation and application of relevant legislation.

			assessment skills Client and stakeholder relationships	Familiarity with courts and legal practices and procedures; Case management/social work principles/practices; Interviewing and counselling principles. Proven problem solving and analytical skills. Computers.
Police constable	High School required In practice, College degree plus University degree	N/A	Physical skills Work experience Community involvement (very important)	Moral standards No criminal record
Paralegal	College program (2 years)	College degree in an accredited program Licensing examination Good character	Varies according to specialization. Communication and problem solving skills.	Varies. Experience is considered an asset.
Corrections officer	High School		Test to determine aptitude, cognitive and behavioural requirements of the correctional officer position. Fitness test. Security clearance.	Volunteer experience in corrections is considered an asset.
Student Border Services officer	Full-time student in an accredited post-secondary institution; and willing			Experience dealing with the general public. Secret security assessment. French may be required.

	to return to full-time studies in the next academic term;			
Criminal Investigative Analyst (Criminal profiler)	High School degree. University degree in Psychology, Criminology or related field is considered an asset	N/A Currently the only three police forces in Canada that have CIA positions are the RCMP, OPP, and QPP.	Criminal investigation analysis and profiling.	Extensive policing experience. Knowledge of crime scene investigation and police procedures regarding interviewing, interrogation, and forensic pathology.

Class 10 March 16: Law School in the news

Do an online search of news dealing with Law Schools and/or legal education not discussed before in class. Summarize the articles and critically analyze them. Present them to the whole class.

Read the following articles and discuss them.

Ready for robot lawyers? How students can prepare for the future of law

From algorithms and artificial intelligence to smart contracts, technology will transform the legal profession. Here's what it could mean for law students

here was a time when law firm trainees were essentially glorified administrators. They filled their days with photocopying, pagination and trawling through

documents. Now, computers do those mundane tasks much faster and without complaint. As law firms increasingly resemble tech companies, it's up to law students to keep up with the pace of change – and to prove that trainees still have a role.

Understanding the impact of artificial intelligence and machine learning on legal services could set applicants apart when competing for legal training contracts, says Christina Blacklaws, director of innovation at Cripps LLP.

Students will have to put some of the work in themselves, though. Blacklaws thinks law degrees have fallen behind when it comes to equipping graduates with the skills they need. "Some universities are grappling with these issues, but I think they're in the minority," she says. "Most universities continue to teach a traditional curriculum, which was fine up until a few years ago, but might not properly prepare young people."

What does the new solicitor super-exam mean for trainees?

Read more

This isn't a problem limited to law. Graduates in most subjects are likely to find themselves working more with computers, algorithms and automated systems than their predecessors, and, relative to their peers, budding lawyers need not panic yet. A 2013 study on the future of employment (pdf) examined the risk of algorithms replacing different jobs over the next 20 years, and calculated that lawyers had only a 3.5% chance of losing out to robots. This compares with 94% for paralegals.

The reason is that algorithms are good at making decisions that are more or less binary – judges, for instance, have a 40% chance of replacement. According to Andrew Murray, a professor of technology law at the London School of Economics, lawyers must give advice which presents a number of views taking account of complex issues, and "that's more difficult to programme".

Some aspects of lawyers' jobs are more vulnerable to change than others. While algorithms are effective at processing data, they're weaker in areas requiring emotional intelligence and human judgment. Complex areas of statutory law, like tax, will benefit from technology's superior processing skills – but humans will probably always be better at negotiating deals, mediating disputes, or making

ethical judgments.

If they won't replace lawyers entirely, however, algorithms will certainly shape legal work of the future. Day-to-day laws and rules will increasingly be enforced through algorithmic regulation, which uses an automated system to police everything from dangerous driving to market fraud.

"This changes the role of the lawyer," Murray says. "An algorithmically-regulated self-driving car would theoretically be unable to speed or to breach dangerous driving laws. This means we will reduce towards zero criminal prosecutions for driving."

Law students should seek out courses with modules on media, internet, cyberspace and data protection

Murray envisages the lawyers of the future as setting rather than enforcing the rules, working together with programmers to ensure the algorithms are properly written.

Technology is also likely to transform dispute resolution. The physical courtroom where all parties congregate will be replaced with virtual courts. Ebay's resolution centre, although not legally binding, already uses online platforms to resolve consumer protection disputes. Murray thinks that algorithms will replace judges in some cases, with documents written in machine-readable code, such as self-enforcing smart contracts. The lawyer will move from litigating the dispute to programming smart contracts from the outset.

Law students looking to take advantage of these changes might consider an internship with large tech companies such as Facebook or Google, Murray suggests: "It shows an awareness of a developing client base." They should also inform themselves about future clients in emerging areas such as virtual reality, robotics and artificial intelligence.

Students might also look to media companies, where the shift online has spawned new legal dilemmas. Ian Walden, professor of media law at Queen Mary University of London, explains that what was once a "relatively clean subject" has been blurred by the rise of social media and services that span multiple regulatory areas, such as Netflix – which can be classified as both broadcaster and online programme service – and YouTube, which offers both user-generated content and broadcasted programmes. Much of Walden's work as a solicitor involves determining which regulatory regime applies to new services.

Media law is being further shaped by new approaches to privacy. "What we may

have considered private 20 years ago wouldn't be now, because it would be regularly disclosed on a public-facing website," Walden says.

Data protection is superseding privacy as the central area of media law, with a raft of new EU rules coming into force in 2018. This includes a new right to be forgotten, which Walden notes is "of considerable concern to media outlets". The BBC has set up a new department to deal with requests for information to be taken down.

Walden suggests that students interested in these emerging areas should seek out law courses with modules on media, internet, cyberspace and data protection. Advertising is another area he recommends, since it's a critical online revenue stream.

But law students should remember that a degree is an academic, rather than vocational, programme. Murray advises against selecting modules solely on the basis that they might be useful down the line, and suggests students wait until they undertake vocational training in their Legal Practice Course (LPC).

"The best route to getting a training contract is to have a really good academic background," he says. "Study things you're interested in – whether it's family or commercial law – because I believe that's how you'll perform best."

The crucial thing law students can do is manage expectations. Their workplaces are unlikely to resemble the courtroom dramas they watched on television growing up. "Students shouldn't be seduced by the Rumpole of the Bailey-type concept of law," Blacklaws says. "Young people need to expose themselves to the current practice of law, which is evolving so rapidly. The legal profession is very different to how it was five years ago, let alone 10 or 20."

The Law-School

The Law-School Scam

For-profit law schools are a capitalist dream of privatized profits and socialized losses. But for their debt-saddled, no-job-prospect graduates, they can be a nightmare

PAUL CAMPOS
SEPTEMBER 2014 ISSUE

DAVID FRAKT ISN'T easily intimidated by public-speaking assignments. A lieutenant colonel in the Air Force Reserve and a defense attorney, Frakt is best known for securing the 2009 release of the teenage Guantánamo detainee Mohammad Jawad. He did so by helping to convince a military tribunal that the only evidence that Jawad had purportedly thrown a hand grenade at a passing American convoy in 2002 had been extracted by torture.

By comparison, Frakt's presentation in April to the Florida Coastal School of Law's faculty and staff seemed to pose a far less daunting challenge. A law professor for several years, Frakt was a finalist for the school's deanship, and the highlight of his two-day visit was this hour-long talk, in which he discussed his ideas for fixing what he saw as the major problems facing the school: sharply declining enrollment, drastically reduced admissions standards, and low morale among employees.

But midway through Frakt's statistics-filled PowerPoint presentation, he was interrupted when Dennis Stone, the school's president, entered the room. (Stone had been alerted to Frakt's comments by e-mails and texts from faculty members in the room.) Stone told Frakt to stop "insulting" the faculty, and asked him to leave. Startled, Frakt requested that anyone in the room who felt insulted raise his or her hand. When no one did, he attempted to resume his presentation. But Stone told him that if he didn't leave the premises immediately, security would be called. Frakt packed up his belongings and left.

What had happened? Florida Coastal is a for-profit law school, and in his presentation to its faculty, Frakt had catalogued disturbing trends in the world of for-profit legal education. This world is one in which schools accredited by the American Bar Association admit large numbers of severely underqualified students; these students in turn take out hundreds of millions of dollars in loans annually, much of which they will never be able to repay. Eventually, federal taxpayers will be stuck with the tab, even as the schools themselves continue to reap enormous profits.

There are only a small number of for-profit law schools nationwide. But a close look at them reveals that the perverse financial incentives under which they operate are merely extreme versions of those that afflict contemporary American higher education in general. And these broader systemic dysfunctions have potentially devastating consequences for a vast number of young people—and for higher education as a whole.

FLORIDA COASTAL is one of three law schools owned by the InfiLaw System, a corporate entity created in 2004 by Sterling Partners, a Chicago-based private-equity firm. InfiLaw purchased Florida Coastal in 2004, and then established Arizona Summit Law School (originally known as Phoenix School of Law) in 2005 and Charlotte School of Law in 2006.

These investments were made around the same time that a set of changes in federal loan programs for financing graduate and professional education made for-profit law schools tempting opportunities. Perhaps the most important such change was an extension, in 2006, of the Federal Direct PLUS Loan program, which allowed any graduate student admitted to an accredited program to borrow the full cost of attendance—tuition plus living expenses, less any other aid—directly from the federal government. The most striking feature of the

Direct PLUS Loan program is that it limits neither the amount that a school can charge for attendance nor the amount that can be borrowed in federal loans. Moreover, there is little oversight on the part of the lender—in effect, federal taxpayers—regarding whether the students taking out these loans have any reasonable prospect of ever paying them back.

In the class that Florida Coastal admitted in 2013, more than half the students were unlikely to ever pass the bar.

This is, for a private-equity firm, a remarkably attractive arrangement: the investors get their money up front, in the form of the tuition paid for by student loans. Meanwhile, any subsequent default on those loans is somebody else's problem—in this case, the federal government's. The arrangement bears a notable resemblance to the subprime-mortgage-lending industry of a decade ago, with private equity playing the role of the investment banks, underqualified law students serving as the equivalent of overleveraged home buyers, and the American Bar Association standing in for the feckless ratings agencies. But there is a crucial difference. When the subprime market collapsed, legislation dedicating hundreds of billions of taxpayer dollars to bailing out the banks had to be passed. In this case, no such action will be necessary: the private investors have, as it were, been bailed out before the fact by our federal educational-loan system. This situation, from the perspective of Sterling Partners and other investors in higher education, comes remarkably close to the capitalist dream of privatizing profits while socializing losses.

From the perspective of graduates who can't pay back their loans, however, this dream is very much a nightmare. Indeed, it's easy to make the case that these students wind up in far worse shape than defaulting homeowners do, thanks to two other differences between subprime mortgages and educational loans. First, educational debt, unlike mortgages, can almost never be discharged in bankruptcy, and will continue to follow borrowers throughout their adult lives. And second, mortgages are collateralized by an asset—that is, a house—that usually retains significant value. By contrast, anecdotal evidence suggests that many law degrees that do not lead to legal careers have a *negative* value, because most employers outside the legal profession don't like to hire failed lawyers.

How much debt do graduates of the three InfiLaw schools incur? The numbers are startling. According to data from the schools themselves, more than 90 percent of the 1,191 students who graduated from InfiLaw schools in 2013 carried educational debt, with a median amount, by my calculation, of approximately $204,000, when accounting for interest accrued within six months of graduation—meaning that a single year's graduating class from these three schools was likely carrying about a quarter of a billion dollars of high-interest, non-dischargeable, taxpayer-backed debt.

And what sort of employment outcomes are these staggering debt totals producing? According to mandatory reports that the schools filed with the ABA, of those 1,191 InfiLaw graduates, 270—nearly one-quarter—were unemployed in February of this year, nine months after graduation. And even this figure is, as a practical matter, an understatement: approximately one in eight of their putatively employed graduates were in temporary jobs created by the schools and usually funded by tuition from current students. InfiLaw is not alone in this practice: many law schools design the brief tenure of such "jobs" to coincide precisely with the ABA's nine-month

employment-status reporting deadline. In essence, the schools are requiring current students to fund temporary jobs for new graduates in order to produce deceptive employment rates that will entice potential future students to enroll. (InfiLaw argues that these jobs have "proven to be an effective springboard for unemployed graduates to gain experience and secure long-term employment.")

Americans are projected to incur nearly $1.3 trillion in student debt over the next 11 years.

As for those InfiLaw graduates who actually have full-time, long-term legal jobs—approximately 36 percent of the 2013 graduating classes—how many of them have a salary large enough to justify having taken on more than $200,000 in educational debt? Financial advisers often caution students not to take on more educational debt than the anticipated annual salary of their first post-graduation job, and they almost universally agree that taking on debt levels that are more than double one's anticipated salary is a very bad idea. Although the InfiLaw schools make very little of the salary data they collect public, they do publish statistics regarding what types of jobs their graduates obtain, so it is possible to come up with some rough estimates.

In recent years, legal jobs for new law-school graduates have fallen into a markedly bimodal salary distribution. Most such jobs pay between $40,000 and $65,000, with the exception of associate positions at the largest law firms, which generally pay about $160,000. (The high-five-figure-salary jobs that many prospective law students imagine they will settle for if they aren't hired by a big firm basically do not exist.)

One can estimate how many of a school's graduates got jobs with six-figure salaries—that is to say, jobs that make the accrual of a six-figure educational debt a reasonable investment—by adding together the number who were hired on a full-time, long-term basis by firms of more than 100 attorneys and the number who obtained federal judicial clerkships, which are often precursors to such jobs. At Columbia Law School—an exceptional school by any measure—this number amounted to 78 percent of the 2013 graduates, according to the school's report to the ABA. Nationally, the figure for graduates of ABA-accredited schools is about 16 percent, but at low-ranked law schools that figure is sometimes radically lower.

Among students who graduated from InfiLaw schools in 2013, for instance, the percentage who obtained federal clerkships or jobs with large law firms was slightly below 1 percent—0.92 percent, to be exact. In other words, the odds of a graduate of one of these schools getting a job that arguably justifies incurring the schools' typical debt level are essentially 100 to 1.

INFILAW DOES NOT DISCLOSE ITS FINANCES, but law schools have traditionally been highly profitable enterprises. The reasons are straightforward: law schools are, or at least ought to be, relatively cheap to operate. The traditional lecture method of teaching allows for a high student ratio, and there is no need for expensive lab equipment or, at free-standing law schools like InfiLaw's, other costly features of university life, such as sports teams, recreational centers, esoteric subjects pursued by an uneconomical handful of students, and so forth. Indeed, until relatively recently, many universities treated their law schools as cash cows whose surplus revenues helped subsidize the institutions' other operations.

Thus, Sterling Partners seems to have calculated a decade ago that all it needed to make its new law-school venture profitable was large numbers of prospective law students eligible for federal student loans. What the firm must have seen at the time was, from the perspective of a profit-maximizing enterprise, a very large untapped market. Only slightly more than half of the almost 101,000 people who applied to ABA-accredited law schools in 2004 were admitted to even one of these schools. With unlimited federal educational loans available to cover the full cost of attendance at any accredited school, this meant billions of dollars of taxpayer-supplied law-school tuition revenue were being left on the table.

Over the next few years, the InfiLaw schools did their best to obtain as much of that revenue as possible. Florida Coastal, which had existed for eight years prior to its purchase by InfiLaw, nearly doubled in size, growing from 904 students in 2004 to 1,741 in 2010. Phoenix—now Arizona Summit—grew at a still faster rate, increasing from 336 students in 2008 to 1,092 just four years later. Charlotte likewise expanded, from 481 students in 2009 to 1,151 in 2011. Despite across-the-board declines for the past few years, all three schools remain among the largest law schools in the country.

The InfiLaw schools achieved this massive growth by taking large numbers of students that almost no other ABA-accredited law school would consider admitting. InfiLaw was—and remains—up-front about this. Its self-described mission is to "establish the benchmark of inclusive excellence in professional education," by providing access to a traditionally underserved population consisting "in large part of persons from historically disadvantaged groups." Yet this means accepting many students who, given their low LSAT scores, are unlikely to ever have successful legal careers. In 2010, for example, two of the three InfiLaw schools admitted entering classes with a median LSAT score of 149, while the third had an entering class with a median score of 150. Only 10 of the other 196 schools fully accredited by the ABA had an entering class with a median LSAT score below 150. (By 2013, some 30 additional institutions had joined these schools.) An LSAT score of 151 is approximately the average among everyone who takes the test. A score of 149 puts test-takers in the 41st percentile. And it is worth noting that a large number of those who take the LSAT do not end up enrolling in law school. (InfiLaw says it does not rely as heavily on the LSAT as other schools do, because "it is not the best determinant of success as a lawyer and clearly has racial bias." The company says it has instead developed a tool that is "demonstrably superior to the LSAT." Called the AAMPLE program, it involves applicants' passing two classes prior to admission.)

Lawyers may be notoriously bad at math, but this equation was simple enough. The ABA requires schools to maintain certain bar-passage rates or risk losing their accreditation.

The InfiLaw schools' rapid expansion was greatly aided by the fact that, until two years ago, the vast majority of law schools published essentially no meaningful employment information. Schools reported "employment rates" that included everything from a six-figure post at a large firm to a part-time job at Starbucks. They revealed little or nothing about what percentage of their graduates were working as lawyers, let alone what salaries they were earning.

This began to change when, inside and outside legal academia, the law-school reform movement began to demand that schools disclose accurate employment information, as stories of desperate

law-school graduates, saddled with enormous debt and no way to pay it off, filled the national media. Dozens of Web sites dedicated themselves to exposing what came to be called "the law-school scam." (In August 2011, I started a blog to bring attention to these efforts; within 19 months, it received more than 40,000 comments, many from unemployed and underemployed recent graduates.)

In 2011, Senators Barbara Boxer and Chuck Grassley each sent polite but pointed letters to the ABA implying that the Senate was watching. Before long, the traditionally torpid organization's Section of Legal Education and Admissions to the Bar began energetically backing a proposal to publish meaningful school-specific employment data. Meanwhile, many individual schools began posting such data on their Web sites unilaterally, in anticipation of the ABA's new requirements.

Not surprisingly, the sudden availability of something resembling actual employment information contributed to a collapse in the number of law-school applicants, from nearly 88,000 in 2010 to approximately 55,000 this year. And that collapse led to, among many other things, David Frakt's aborted presentation to the Florida Coastal faculty this April.

David Frakt was a finalist for the deanship of Florida Coastal School of Law. But when his presentation to the faculty touched a nerve, he was told to leave the premises immediately. (Ben Van Hook)

THE DROP-OFF IN APPLICATIONS hit the InfiLaw schools hard. In total, the three schools received 12,754 applications in 2010; three years later that total had fallen by 37 percent, to 8,066. At Florida Coastal the decline was particularly severe, with applications falling by more than half. In his presentation to the faculty, Frakt made clear that the school's administration—by which he meant the management of InfiLaw, and ultimately that of Sterling Partners—had reacted by drastically cutting the school's already very low admissions standards.

Florida Coastal's 2013 entering class had a median LSAT score of 144, which was in the 23rd percentile of all test-takers. Fully a quarter of the class had a score of 141 or lower, which meant that they scored among the bottom 15 percent of test-takers. (The entering classes of Charlotte and Arizona Summit had identical median and bottom-quarter LSATscores, suggesting that these numbers were chosen somewhere high up on the corporate ladder.)

Frakt pointed out to the faculty that the LSAT scores of entering students correlate fairly strongly with the probability that those students will eventually pass a state bar examination, which is of course a prerequisite for actually becoming a lawyer. He noted that according to statistics from the Law School Admission Council—the organization that administers the LSAT—scores higher than those in the 60th percentile correlate with a low risk of failing to eventually pass a bar exam. Scores ranking from the 60th to the 40th percentile, by contrast, correlate with a moderate but rapidly increasing risk of failure. Scores below the 40th percentile correlate with a high risk of failure, and scores below the 25th percentile correlate with an extreme risk of failure, to the point where it is quite unlikely that someone with an LSAT score below 145 will ever pass a bar exam.

In the class Florida Coastal had just admitted, then, more than half the students were unlikely to ever pass the bar. But Frakt emphasized that the actual situation the school's eventual 2017 graduates would face was likely to be even worse than this. In each of the past two years, about 20 percent of Florida Coastal's first-year class transferred to other law schools. These students essentially made up the top fifth of their classes in terms of law-school grades. This is significant because high law-school grades have an even stronger correlation with passing the bar than high LSAT scores do. In other words, if only half an entering class had a decent chance of eventually passing the bar, and nearly half of *those*students wound up transferring elsewhere …

Lawyers may be notoriously bad at math, but this equation was simple enough. The ABA requires schools to maintain certain bar-passage rates, or they risk losing their accreditation. Indeed, the ABA's standards state that "a law school shall not admit applicants who do not appear capable of … being admitted to the bar." By admitting so many students who, upon graduation, seemed unlikely ever to pass the bar, Frakt pointed out, Florida Coastal was running a serious risk of being put on probation and eventually de-accredited, which would put the school in a financial death spiral. (A loss of accreditation would make it impossible for students to receive federal loans and, crucially, would prevent students from taking the bar exam in many states.)

Last summer, in the face of declining enrollment, Florida Coastal essentially fired 20 percent of its faculty in one stroke.

It was at about this point in Frakt's presentation that Dennis Stone, the school's president, entered the room and told Frakt that if he didn't leave immediately, security would be called. (When *The Atlantic* reached out to InfiLaw for comment, the company said that Frakt's presentation was "based upon clearly erroneous information about the school's accreditation status and key data points," and that Stone decided "to end the presentation rather than put up with further insults to the faculty and school from a candidate who had no chance to obtain the position.")

But the salience of Frakt's analysis is hard to deny, and his conclusions appear to apply equally well to the other InfiLaw schools, which are also admitting hundreds of students that no law school would have admitted until very recently. For the reasons Frakt noted, moving to a de facto open admissions standard is the law-school equivalent of eating the seed corn, since even the generally feckless ABA will not tolerate the sort of bar-passage rates that the InfiLaw schools seem likely to produce.

So why has InfiLaw—or, more accurately, Sterling Partners—gone down this route? A Florida Coastal faculty member who is familiar with the business strategies of private-equity firms told me that, in his view, the entire InfiLaw venture was quite possibly based on a very-short-term investment perspective: the idea was to make as much money as the company could as fast as possible, and then dump the whole operation onto someone else when managing it became less profitable. (As of this writing, InfiLaw is attempting to acquire the Charleston School of Law, which could be read as evidence either of its commitment to stay the course long term or of a hedge against the possibility that one or more of its current schools might lose accreditation.) For its part, Sterling Partners notes that it has been an investor in InfiLaw for more than 10 years, and

that this can "hardly be described as short-term compared to industry standard." The firm says that it takes a long-term view of its investments in higher education because "producing quality outcomes for students takes time," and it notes that InfiLaw funds are reinvested in the schools rather than being used to subsidize a university.

Whatever InfiLaw's intentions, one advantage of this sort of investment is that it features very few long-term capital costs. A law-school building can easily be converted into something else, and the only other significant operating cost—the school's labor force—can be eliminated overnight. Indeed, last summer, in the face of declining enrollment, Florida Coastal essentially fired 20 percent of its faculty in one stroke, according to a faculty member familiar with the terms of the arrangement. The school offered the faculty members a buyout package and implied, according to sources, that if they declined it, the school would declare a financial exigency, allowing it to fire them without any compensation. When I asked, around the time of the buyouts, about what had taken place, InfiLaw's former general counsel, Chidi Ogene—who had just been named Florida Coastal's interim dean—explained to me that "some of our faculty members have indicated their interest in resigning, retiring, or continuing in a different role with the school." Around the same time, I was told by a different faculty member that the school is negotiating to buy out the contracts of another 10 percent or so of the remaining faculty. (InfiLaw declined to comment, based on confidentiality agreements, but it denied any coercion.)

IT IS IMPORTANT TO NOTE that while InfiLaw's abuse of the student-loan system may be egregious, it is far from unique. Ultimately, this story is about not only for-profit law schools, or law schools, or even for-profit higher education. It is about the problematic financial structure of higher education in America today. It would be comforting to think that the crisis is confined to for-profit schools—and indeed this idea is floated regularly by defenders of higher education's status quo. But it would be more accurate to say that for-profit schools, with their unabashed pursuit of money at the expense of their students' long-term futures, merely throw this crisis into particularly sharp relief. To see why, consider the regulatory and political mechanisms that have allowed InfiLaw to make such handsome profits while producing disastrous results for so many of its "customers."

Students at the InfiLaw schools are able to receive federal loans and take the bar exam after they graduate because the schools have been accredited by the ABA. But why would this organization accredit such brazenly profit-driven ventures, which seem to have so little regard for whether the level of debt students incur has any rational relationship to their future job prospects?

The answer is that the accrediting committee purports to certify only the educational quality of the experience provided by these institutions, not whether they are rational investments from the perspective of their students. And the reason for this level of circumspection is evident if we consider the identity of those behind the accreditation process. The ABA's accreditation arm was historically dominated by law-school deans and faculty. For tax purposes, almost all law schools are nonprofits. But apart from their tax status, many low-ranking ones are almost indistinguishable from for-profit schools such as Florida Coastal, Arizona Summit, and Charlotte.

What, after all, is the difference between the InfiLaw schools and Michigan's Thomas M.

Cooley, or Boston's New England Law, or Chicago's John Marshall, or San Diego's Thomas Jefferson? All of these law schools feature student bodies with poor academic qualifications and terrible job prospects relative to their average debt. In recent years, as law-school applications have collapsed, all of these schools have, just like the InfiLaw schools, cut their already low admissions standards. And, like Florida Coastal, Arizona Summit, and Charlotte, all of these schools now have a very high percentage of students who, given their LSAT scores, are unlikely to ever pass the bar. Ultimately, what difference does it make that none of these schools produce profit in the technical (and taxable) sense, because they are organized as nonprofits?

The only real difference between for-profit and nonprofit schools is that while for-profits are run for the benefit of their owners, nonprofits are run for the benefit of the most-powerful stakeholders within those institutions.

Consider the case of New England Law, a school of modest academic reputation that for many years produced a reasonable number of local practitioners at a non-exorbitant price. Like many similar schools, New England Law has spent years jacking up tuition and fees by leaps and bounds—after nearly doubling its price tag between 2004 and 2014, the school now costs about $44,000 a year—and graduating invariably large classes, even as the demand for legal services, and especially the legal services of graduates of low-ranked law schools, has contracted radically.

A glance at New England Law's tax forms suggests who may have benefited most from this trajectory: John F. O'Brien, the school's dean for the past 26 years, whom the school paid more than $873,000 in its 2012 fiscal year, the most recent yet disclosed. This is among the largest salaries of any law-school dean in the country. (By comparison, the dean at the University of Michigan Law School, a perennial top-10 institution, was reported to make less than half as much, $420,000, in 2013.) Meanwhile, the school's graduates are burdened with crushing debt loads and job prospects only marginally less terrible than those of InfiLaw graduates. Approximately 41 percent of the students in New England Law's 2013 graduating class had jobs as lawyers nine months after graduation, and nearly 20 percent were unemployed. (Patrick Collins, a spokesman for New England Law, said in an e-mail that, while the school does not publicly discuss its employees' salary amounts, O'Brien "has voluntarily reduced his salary by more than 25 percent." Collins also noted that, among last year's employment statistics for the eight law schools in Massachusetts, New England Law's ranked "in the middle" in terms of graduates who were "employed in full-time, long-term, JD-required positions within nine months of graduation.")

O'Brien's résumé reveals that he has served recently as the chair of both the Council of the Section of Legal Education and Admissions to the Bar, which oversees the ABA's accreditation standards, and of the Section's Accreditation Committee. In short, a better example of what economists and political scientists refer to as "regulatory capture"—the takeover of administrative oversight mechanisms by the very interests those mechanisms are supposed to be regulating—would be hard to find.

The odds of a graduate getting a job that justifies incurring the schools' typical debt are essentially 100 to 1.

To be fair, O'Brien is far from the only recent example of a dean who has played a prominent role in debates about law-school regulation and reform while at the same time pulling down a gargantuan salary as the head of a law school with catastrophic employment outcomes for its graduates. For instance, Richard A. Matasar, a former dean of New York Law School, was, until his resignation in 2011, quoted regularly in the national press about the need to reform the structure of legal education, even as he collected more than half a million dollars a year from a school with employment statistics nearly as poor as those of New England Law and the InfiLaw schools.

NONE OF THIS is to claim that greed and other selfish motivations are the only—or even the principal—drivers of the problematic trends in American higher education. Across the ideological spectrum, it is almost universally assumed that more and better education will function as a panacea for un- and underemployment, slow economic growth, and increasingly radical wealth disparities. Hence the broad support among liberal, moderate, and conservative politicians alike for the goal of constantly increasing the percentage of the American population that goes to college. Behind that support seems to lurk an inchoate faith—one that is absurd when articulated clearly, which is why it almost never is—that higher education will eventually make everyone middle-class.

That faith helps explain many economic features of American higher education, such as the extraordinarily inefficient structure of federal loan programs, the non-dischargeable status of student debt, and the way in which rising college costs that have far outstripped inflation for decades are treated as a law of nature rather than a product of political choices.

This past April, the Congressional Budget Office projected that Americans will incur nearly $1.3 trillion in student debt over the next 11 years. That figure is in addition to the more than $1 trillion of such debt that remains outstanding today. This is the inevitable consequence of an interwoven set of largely unchallenged assumptions: the idea that a college degree—and increasingly, thanks to rampant credential inflation, a graduate degree—should serve as a kind of minimum entrance requirement into the shrinking American middle class; the widespread belief that educational debt is always "good" debt; the related belief that the higher earnings of degreed workers are wholly caused by higher education, as opposed to being significantly correlated with it; the presumption that unlimited federal loan money should finance these beliefs; and the quiet acceptance of the reckless spending within the academy that all this money has entailed. These assumptions enabled InfiLaw's lucrative foray into the world of for-profit education. But they have just as surely shaped the behavior of nonprofit colleges and universities.

The result is a system that has produced an entire generation of overcredentialed, underemployed, and deeply indebted young people. Just as the law-school reform movement has exposed the extent to which law schools have overpromised and underperformed, similar reform movements are calling into question the American faith in higher education in general, and all its extravagant promises regarding the supposed relationship between more (and more expensive) education and increased social mobility.

Two aphorisms from economists sum up how the story of InfiLaw, despite its idiosyncrasies,

illustrates in a particularly sharp way why American higher education cannot continue down the path it has been on for more than half a century—a path of endlessly increasing costs, enabled by an unlimited supply of federal student loans. The first is Herbert Stein's insight: "If something cannot go on forever, it will stop." The second is Michael Hudson's observation: "Debts that can't be paid, won't be."

The applicability of these almost Zen-like adages to the structure of higher education in America helps explain why the Harvard Business School professor Clayton Christensen predicted in 2013 that as many as half of the nation's universities may go bankrupt in the next 15 years. And it also helps explain why Florida Coastal kicked a dean candidate off campus in the middle of his presentation to the faculty. The alternative was to let him discuss frankly the ways in which the school, like so many of America's institutions of higher education, is based on a fundamentally unsustainable social and economic model.

Another T14 Law School Decides The GRE Is Good Enough For Them

The LSAT is not quite as important as it once was.

By KATHRYN RUBINO
Jul 19, 2018 at 9:59 AM

Welcome to GRE country, NYU!

It was only a few short months ago (in February, to be exact) that the prestigious law school was undertaking a validity study to see whether they'd be willing to accept the GRE in lieu of the traditional law school entrance exam, the LSAT, for admission. It seems they are ready to move forward in the process, and they've announced they will accept the GRE for the incoming class of 2019.

The move is part of a larger effort across legal academia to encourage more students with diverse educational backgrounds — particularly STEM — to consider attending law school. As NYU Law's Assistant Dean for Admissions, Cassandra Williams, noted:

"We are always looking for ways to broaden our pool of prospective students, and by accepting GRE scores we hope to encourage applications from individuals with more-diverse academic backgrounds, including in science, technology, engineering, and math."

NYU becomes the 22nd law school to accept the GRE for admissions. Harvard, Columbia, St. John's, Brooklyn, Northwestern, Arizona, Georgetown, Hawaii, Washington University in St. Louis, Wake Forest, Cardozo School of Law, Texas A&M, BYU, John Marshall Law School, Florida State, Pace, UCLA, Chicago-Kent College of Law, Penn, USC, and Cornell allow applicants to take the GRE. (University of Chicago and University of

Georgia both allow candidates in dual degree programs to skip the LSAT). And we are only likely to see more law school get on board with an alternative standardized test for admissions — according to a Kaplan survey, a full 25 percent of law schools have plans in the works to accept the GRE.

Amid this changing landscape the American Bar Association, the body responsible for law school accreditation, hasn't officially weighed in on using anything other than the LSAT in admissions. ABA Standard 503 currently requires law schools requires admissions tests and that the test be "valid and reliable." There's been no official word from the accreditation body that any exam, save the LSAT, meets that standard.

However, things just might be about to change. In April, an ABA committee recommended eliminating the accreditation standard that mandates law schools use a standardized test in admissions. The change is making its way through the ABA's bureaucratic process, and still must be adopted by the ABA House of Delegates before it's official. But don't get too excited, even if the ABA doesn't require testing, most law schools are likely to keep a standardized test as an important part of its admissions process.

But the LSAT remains an important brand in the world of legal academia. A recent Kaplan survey found 73 percent of applicants would still take the LSAT, even if it wasn't required. A strong LSAT score is still the surest way to get into the law school of your dreams.

Law School Entrance Exams Suit Dismissed

Dailyguide Africa July 19, 2018

Stephen Kwaku Asare

The Supreme Court has struck out an application for injunction on the sitting for entrance examinations into the Ghana School of Law.

This was after lawyers for the General legal Council (GLC) and a state attorney raised preliminary objection about irregularities in the affidavit supporting the motion.

A US-based Ghanaian law Professor, Stephen Kwaku Asare, had sued GLC and the Attorney General following the GLC's announcement that it would organise entrance examinations for prospective students into the law school on July 27, 2018.

He alleged that the decision was in contempt of the orders of the Supreme Court which had ruled that entrance examinations and interviews organised as requirement for admission into the Ghana School of Law are unconstitutional.

The Supreme Court, in June 2017, ruled that the entrance examination and interviews organized as requirements for admission into the Ghana School of Law were unconstitutional.

The court further ordered that the law backing whatever mode of admission they intend to rely on for the year 2018 is in place within six months.

Subsequently, Prof. Asare in a writ prayed the apex court to stop the impending entrance examination and interview and direct the GLC to follow the court's June 22, 2017 order to use whatever law is in effect on December 22, 2017 for the 2018 admissions into the law school.

He contended that the new legislative instrument on the guideline for admission into the school which made provisions for an entrance examination was laid before Parliament after the apex court's deadline had elapsed.

Lawyers for Prof. Asare maintained that failure to pass the law by December 22, 2017 meant the only law governing the 2018 admission process is the previous instrument which does not provide for either an entrance examination or interview session.

He, therefore, contended that all qualified first degree law holders must be admitted by the Ghana School of Law or alternate places of instruction be provided for them.

Legal Objection

But even before the merit of the case was determined by the court, lawyer for the GLC, Kizito Benyou, raised a preliminary legal objection, saying the affidavit supporting the motion was defective as it suggests they were the words of Prof. Asare.

He averred that further reading of the affidavit showed that it was another person, who swore to the affidavit on behalf of the plaintiff.

This, he said, is not known to Ghana's legal system, urging the court to dismiss the application.

Sylvester Williams, a Chief State Attorney backed the argument of Kofi Bentil, saying the power of attorney filed at the court did not have the signature of a witness.

Lawyer for the plaintiff prayed the court to allow them to correct the defects.

The seven-member panel presided over by Justice Jones Dotse, with Justices AninYeboah, Baffo-Bonnie, AkotoBamfo, Alfred Benin, Yaw Appau, Gabriel Pwamang assisting, struck out the application.

By Gibril Abdul Razak

Supreme Court Defers to Law Societies in Denial of TWU's Law School

By Jason Kully and Gregory Sim

In the related decisions of *Law Society of British Columbia v. Trinity Western University*,

2018 SCC 32, and *Trinity Western University v. Law Society of Upper Canada*, 2018 SCC 33, the Supreme Court of Canada concluded that the Law Societies of British Columbia and Ontario could deny accreditation to Trinity Western University's (TWU) proposed law school. This is the final word in a long-running legal battle of particular interest to the legal profession and to members of the LGBTQIA community. Professional regulatory organizations will also be interested in the Supreme Court's comments on the role of regulators and the deference owed to regulator's academic accreditation decisions.

Trinity Western University (TWU) is a private Christian university located in British Columbia. All students and faculty at TWU must follow a religious-based code of conduct, known as a "covenant", that allows sexual intimacy only between a man and a woman who are married. TWU had long sought to open a law school. This proved to be contentious in the legal community due to the covenant.

The Law Society of British Columbia and the Law Society of Ontario decided not to accredit TWU's proposed law school, a decision that fell within their role as the gatekeepers to the profession. The Law Societies' decisions were challenged on the grounds that the decisions violated freedom of religion and other rights protected by the *Charter*.

After proceeding through the superior courts of British Columbia and Ontario, the issue before the Supreme Court of Canada was whether the Law Society of British Columbia's and the Law Society of Ontario's decisions not to accredit TWU's proposed law school contravened the *Charter*.

The majority of the Court stated that it was required to determine if the Law Societies' decisions were reasonable and, that to be considered reasonable, the decisions had to strike a proportionate balance between the limitation on the religious rights of TWU and its community and the Law Societies' statutory objective.

In determining that TWU's proposed law school should not be accredited, the Law Societies had concluded that TWU's covenant imposed inequitable barriers on entry to the school and that this also imposed inequitable barriers on entry to the profession, which risked decreasing diversity in the bar. The Law Societies concluded that approving the law school would also harm LGBTQIA individuals. For these reasons, approval of the school would undermine the public interest in the administration of justice.

The majority of the Supreme Court concluded it was reasonable for the Law Societies to conclude that promoting equality by ensuring equal access to the legal profession, supporting diversity within the bar, and preventing harm to LGBTQIA law students were valid means by which they could pursue their overarching statutory duty of protecting the public interest. The "public interest" is a broad concept and what it requires depends on the particular circumstances. Accordingly, it was appropriate to consider these issues in determining the requirements for admission to the legal profession, including whether a law school should be accredited. The Court observed that the Law Societies were entitled to deference in

determining how the public interest mandate would be furthered as such deference reflects legislative intent, acknowledges the law society's institutional expertise, follows from the breadth of the "public interest", and promotes the independence of the bar.

The Court next had to decide whether it was reasonable for the Law Societies to deny approval of TWU's law school given the impact the denial had on the freedom of religion.

Since the decision to deny approval was a discretionary administrative decision that engaged the *Charter*, the Law Societies' decisions were reviewed based on the administrative law framework set out in *Doré v Barreau du Québec,* 2012 SCC 12, and *Loyola High School v Quebec (Attorney General),* 2015 SCC 12. Under this framework, an administrative decision will be reasonable if it reflects a proportionate balancing of the *Charter* right or value with the statutory mandate. This approach recognizes that an administrative decision-maker, exercising a discretionary power under a home statute, typically brings expertise to the balancing of a *Charter*protection with the statutory objectives at stake. The Court observed that deference is warranted when determining whether the decision reflects a proportionate balance.

The majority of the Court found the decisions of the Law Societies to refuse to accredit TWU's law school struck a proportionate balance and were reasonable. The majority also observed that the benefits of protecting the public interest, including maintaining equal access to and diversity in the legal profession and preventing the risk of significant harm to the LGBTQIA community, were important. The majority also noted that the limitation on religious rights was relatively minor, as the Law Societies did not stop anyone from following their own religious beliefs and instead only prevented the beliefs from being imposed on students of the law school. Finally, the majority noted that the Law Societies had only two choices: either approve or not approve the schools, thereby limiting the balancing.

Beyond their recognition of the importance of diversity and equality, the majority decisions offer important insights for professional regulators, including:

1. A professional regulator is entitled to deference when it is determining how to best fulfill its role of protecting the public interest. In the context of an accreditation decision, a determination of the public interest may include promoting diversity, removing inequitable barriers, and reviewing educational programs to ensure the values of profession are not harmed by the program. Further, the "public interest" is broad and may vary based on the circumstances. This recognizes that regulators, as the body entrusted with the self-regulation of a profession, are in a unique position to determine what is important to the profession and to the public it serves.

2. Deference will be afforded to professional regulators even when the regulator's decision engages the *Charter* and important considerations such as religious liberty and equality for the LGBTQIA community. The Supreme Court stated that a regulator is in the best position to balance a *Charter* right or value with the

regulator's statutory objective. Further, when an administrative decision engages the *Charter*, reasonableness and proportionality become synonymous. This does not mean that the administrative decision-maker must choose the option that least limits the *Charter* right or value. The question for the reviewing court is always whether the decision falls within a range of reasonable outcomes. This affords regulators and their tribunals significant authority to address and oversee all aspects of the profession, including *Charter* rights and values.

3. A professional regulator is not required to provide formal reasons for all types of decision-making. The majority of the Supreme Court stated there was no requirement for the Law Societies to give reasons for the accreditation decision and proceeded to examine the record to determine the rationale for the decision. This is a significant recognition by the Supreme Court that some types of administrative decisions are not required to be explained with detailed reasons, even when significant considerations such as the public interest and *Charter* rights and values are engaged.

The Supreme Court of Canada's decisions represent another high-water mark in the recognition of the deference that should be afford to professional regulators in light of their expertise and the broad mandate entrusted to them by the legislature.

Ryerson law school may improve legal employment | Omar Ha-Redeye

The last thing that any student currently in law school probably wants to see is yet another law school. Ryerson University's latest approval by the Federation of Law Societies of Canada means that Ontario, in the very near future, will be graduating even more law students on to the job market.

Ryerson's new law school may actually improve the job market for young lawyers, despite their additional graduates. The unique pedagogical approach employed by the school and its focus on contemporary trends should have a transformative effect across the industry.

Law school applications are already at an all-time high across Canada. The majority still come from the Greater Toronto Area, given the size and relative youth of the population. It's also fuelled by the lack of job opportunities generally in our economy with a first degree. The lack of course prerequisites, like some science courses in other professional degrees, means that law is an attractive option for graduates of all disciplines.

Aspiring law students are still getting their degrees when denied admission in Ontario, going elsewhere around the world. Classrooms in the U.K. and Australia have more Canadians than domestic students. Some offer courses in Canadian law. Almost all of these foreign law graduates come back to Canada.

There has not been nearly as much concern or focus on existing law schools in Ontario expanding their class sizes. We don't need more of the same from our existing law schools. If the discussion was based clearly on numbers, we would expect these schools to be restricting admissions and reducing class sizes instead.

The Law Practice Program (LPP) assisted in providing alternatives to articling but may have shifted the bottleneck to the post-call employment market instead. Just as Ryerson has hosted the LPP to help solve the articling crisis, Ryerson may play a role in the employment challenges that may follow.

"The challenges that law students face today are vastly different from those of our predecessors," said Amanda Rosenstock, law student at Osgoode Hall. "In order to succeed in the 21st century, law students need the technical and people skills required for the innovation economy and to reach a more diverse client base. Traditional legal education is not necessarily equipping students with these skills."

Ryerson would be adding a new type of graduate to the market. Mandatory courses in business administration, coding, and access to justice mean that these graduates would be inherently entrepreneurial and likely self-employed. Better yet, their fledgling businesses will likely employ other young lawyers as they grow.

The Ryerson lawyer is intended to address the gaps and the failures of the existing legal job market. Ryerson professor Anver Salooje special adviser to Ryerson's president and the lead for the law school proposal, describes this approach as the creation of "practice ready graduates" who will engage in "disruption and transformation."

The Council of Canadian Law Deans response in October 2016 pointed to existing innovative parallels in Canadian law schools, but were compelled to point at distinct and discrete elements found in many different schools across the country.

No single school was an appropriate comparator. Ryerson has combined all of the best practices, including many that are not being implemented and starting from the ground up.

Some law schools do offer specialized courses on technology in law. "As a law student, it is important to be aware of new and emerging market trends in the legal market," said Sepideh Ramandi, an Osgoode student currently studying IT in law. "Legal Information Technology is a refreshing and progressive course which gives future lawyers tools to improve the delivery of legal solutions to the public through technological innovations, making legal services cheaper, faster, simpler and, consequently, more accessible."

The problem is that these courses are still optional at other law schools in Canada.

Given the complexities of senate approvals and resistance to change by tenured faculty under the guise of academic freedom, it is far more practical to build a law school for the 21st century from the ground up, rather than trying to reform an existing school. The hope will be that in doing so,

all the Canadian schools will feel an impetus to rapidly modernize and adapt to the changing market.

Law students and young lawyers should take an active interest in how Ryerson is structuring its school. The pedagogical approach and content that is being developed is what has often been missing in legal education. These skills should be obtained through continuing education programs that will seek to bring all of the bar up to speed, not just recent graduates and young lawyers.

Ryerson law graduates will compete in the legal market not because of their additional numbers, but the skill sets they provide. That is a vision that should be championed and supported, not feared and opposed.

It's a vision that we can all learn from, across the bar.

IS LAW SCHOOL MAKING YOU SICK?

By: Katherine LaidlawSEPTEMBER 6, 2017

Mental-health issues, such as depression and anxiety, often hit law students hard. Charlotte was one of them

Charlotte knew something was seriously wrong. She was halfway through her second semester of law school at the University of Toronto, and her mind was unravelling. The nights full of reading caselaw and writing research memos were growing longer. Her sleep suffered. Charlotte was desperately trying to maintain the A grades she'd always earned. As finals neared, she had panic attacks a few times a week. "I remember feeling like everything was spinning out of my control," she says. Her pulse would skyrocket and she would hyperventilate. "I felt like I was headed straight towards a crash that I couldn't do anything to stop, no matter how hard I tried."

One night in March, she tearfully begged her supportive father to take her to the emergency room. "I told him I couldn't handle it, that it was too much," she recalls. "I felt like everything was so out of control." He drove her to the Centre for Addiction and Mental Health (CAMH) in Toronto. On arrival, Charlotte spoke with a psychiatrist in the emergency department.

“Something is wrong with me,” she said, “and I need help.”

Charlotte (who asked that we not use her real name) is far from alone in her experience. Ample research suggests a connection between lawyering and mental-health issues. One study, published in 2016 by the American Society of Addiction Medicine, found, after interviewing 12,825 lawyers, that three in five of them suffered from self-reported anxiety. Nearly half had lived with depression at some point during their career; one in 10 had experienced suicidal thoughts.

In Canada, similar research is scant. But a 2012 survey by Ipsos Reid found that close to 50 percent of lawyers have suffered from some sort of anxiety. So what’s going on?

It turns out, law school is a big part of the answer. Before becoming a law student, Charlotte, who grew up in Toronto, had never struggled with anxiety. Though she’d suffered through bouts of depression in high school, she was still functioning: getting out of bed, going to school, eating proper meals. By 18, her depression had lifted, and it stayed away throughout her undergrad.

But then she went to law school. “First year quickly sapped the enthusiasm out of me,” she says. “I felt like I was back in high school — we had lockers and everyone went to the same six classes. I didn’t have a lot of agency over what I was learning. I felt like I was on a treadmill, just going through the motions.”

Charlotte worked hard, though. And her first-semester grades were excellent, earning her a summer-job offer at a Bay Street firm. But it didn’t make her happy. “There’s so much groupthink in law school,” she says. “I came in saying I wanted to practise labour law and represent workers. And then, just because I did well on my exams and all these Bay Street firms wanted me, and everyone else wanted a Bay Street job, I thought I wanted a Bay Street job. I did this crazy one-eighty in the span of four months.”

By second semester, Charlotte felt like she was drowning. That’s when she had a breakdown and made an emergency trip to CAMH, where she was diagnosed with anxiety. After that night, she went through a two-week outpatient anxiety program, which gave her the tools to manage crises, recognize symptoms and calm herself down. The staff started her on a carefully monitored

medication regime. They also recommended that she contact the counsellor services at the University of Toronto (which she did) and work with her family doctor on further treatment.

Shortly after, Charlotte deferred her first-year exams to August and took a one-year mental-health leave. During her time off, she spent six months at a Legal Aid clinic, helping workers file insurance claims. She returned to law school the following September.

What happened to Charlotte is not uncommon. For law students, even the smallest of problems can feel enormous, explains Doron Gold, a staff clinician at Homewood Health, which runs the Ontario legal profession's free and confidential member-assistance program. Even the prospect of a bad exam, he says, can throw students into a tailspin. First, they worry that a poor grade will cripple their chances in the legal job market. Then they remember their student debt and panic, fearing they'll never pay it off. All this over an exam they haven't yet taken. "When law students aren't mastering their lives, it's tantamount to failure in their minds," says Gold. "Really, it's just human vulnerability."

On her year off, Charlotte began a regimen of talk therapy. When she went back to law school, she graduated with honours.

After graduation, she articled in a government department, and now works there as a junior lawyer. On the job, she's encountered
a new set of stressors. Nine months into her career, the intense workload led to another breakdown and a six-week mental-health leave.

These days, she's back at work, and her employers listen more closely when she tells them she's overwhelmed. But she still suffers from symptoms of anxiety. "I wish I could say that it's something that will just go away," she says. "But it's something I'll have to manage for the rest of my life."

Looking back on Charlotte's story, she did one of the most important things right. Once she identified that she had a mental-health problem, she sought help. We spoke to two mental-health experts to get their advice on how to stay healthy in law school and beyond.

1. Don’t squander your leisure time

In your spare hours, eat right, sleep, exercise and hang out with supportive friends and family, says Joanne Clarfield Schaefer, a stress-resilience coach and former Bay Street lawyer. If you’re still struggling to manage negative thoughts, she suggests a timed brain- dump. Set a timer for 10 minutes, and then write down (or say out loud) the worst-case scenario of whatever is causing you grief. Allow yourself to mull it over for 10 minutes, and walk away once the timer goes off. “If you say it or write it out, it loses its power.” And, she adds, don’t watch stress-inducing, suspenseful shows like True Detective or Law and Order: SVU before bed — listen to a comedy podcast, or watch something that’s guaranteed to make you laugh.

2. Seek professional help

Are you feeling so overwhelmed that you’re out of control? Are you with-drawing from relationships? Are you smoking pot to get through the day? Are you so stressed that you’re having trouble getting out of bed? Are you self-medicating with drugs or alcohol? If you answer yes to any of these questions, Doron Gold suggests making an appointment with your university’s counselling service. Some Canadian law schools — such as Osgoode Hall, the University of Toronto, the University of Victoria and the University of Windsor — have their own in-house counsellors.

3. Consider leaving law

If, after landing your first law job, you find yourself unhappy, Gold says you should try to identify why. If you feel isolated from your co-workers, consider requesting a desk change. If you’re feeling overlooked, consider moving to a smaller firm. If your work isn’t lining up with your values, consider changing the type of law you practise. But if those changes don’t work, evaluate if law is the right path for you. “The law is not the Mafia,” says Gold. “You can get out.”

WILL ONTARIO OVERHAUL ITS LICENSING SYSTEM?

By: Daniel FishMAY 23, 2018

A new report from the Law Society of Ontario proposes sweeping reforms to its lawyer-licensing regime

This was never going to be easy.

One year ago, the Law Society of Ontario embarked on a comprehensive review of its lawyer-licensing system. Nothing was safe from scrutiny. Not articling. Not the bar exam. And not the Law Practice Program, the alternative path to licensing offered in English at Ryerson University and in French at the University of Ottawa.

To kick off its investigation, the Law Society hosted a series of town-hall-style events across the province to solicit advice from the profession. These events sometimes got fiery. At the Toronto town hall, articling came under attack as a system infected with racism. "As a brown female, I've been asked stupendously offensive questions at various interviews," said one recent call. "I think that's the experience of a lot of racialized students who tried to find articling jobs."

Once these events wrapped up, in June 2017, the Law Society went quiet. That is, until now: this week, the professional development and competence committee published a 38-page report that proposes four possible reforms to the licensing system.

Within the first few pages of the report, it becomes abundantly clear why we have to debate — yet again — the future of legal training: the province still has an articling crisis. It's no secret that, in recent years, the number of law-school graduates seeking an articling position has soared. Over the past decade, first-year enrollment at Ontario law schools has risen from 1,234 to 1,549. During that same period, the number of international students who've had their law degrees accredited in Canada has skyrocketed from 200 to 900. The job market has not kept up with this

demand. “There continue to be between 200-300 candidates who have not been successful in their search for an articling position by August or September each year,” the report concludes. “A permanent shortage of articling positions now exists.”

Hold on a minute. Didn’t the Law Society create the Law Practice Program to solve this exact problem? Indeed it did. So if a candidate strikes out in the articling job market, can’t she simply head off to Ryerson? Absolutely.

The problem is, as the report points out, “enrollment in the program has been more modest than was anticipated.” When the Law Society launched the LPP, it expected about 400 candidates to sign up each year. But enrollment, over the past four years, has hovered around 235.

The bottom line: the current licensing system is still not working. And so, it’s no surprise that the Law Society is considering more reform. Below, we break down the four options up for discussion.

TWEAK THE CURRENT SYSTEM

As it stands now, the path to licensing has two parts. First, candidates have to article for 10 months or complete the Law Practice Program, which consists of four months of online coursework and a four-month work placement. (At Lakehead University, law students complete a work placement in third year, so they’re exempt from this requirement.) And second, they have to pass the bar exam. Done.

This option would refine that regime. To start, unpaid articling positions and work placements would be banned. Employers would have to pay minimum wage. This seems like an unalloyed good. Three percent of articling students currently work for free, while 10 percent earn less than $20,000. And close to 20 percent of LPP work placements are unpaid.

To make sure “all placements meet the basic goals and objectives of transitional training,” this option would also subject employers to increased monitoring and random audits of their training programs.

One more thing: after articling or completing their work placement, candidates would have to

pass — in addition to the bar — a new practical-skills exam. This would test the ability of candidates to draft basic legal documents, such as opinion letters, affidavits or short pleadings.

KILL ARTICLING AND THE LAW PRACTICE PROGRAM

In this option, both articling and the Law Practice Program would end. But after law school, candidates would still have to pass both the bar and the new practical-skills exam outlined above. (By the way, this looks a lot like the system in New York.)

This poses one clear problem. If both articling and the Law Practice Program no longer exist, then how will candidates acquire the practical legal skills they need to, you know, pass a practical-skills test? The report speculates that, if implemented, this option may "pressure law schools to provide more experiential training opportunities." But it's hardly optimistic on this point: "Depending on the nature of a candidate's law school exposure to experiential training, it may be challenging for some candidates to be successful in the skills examination."

This option has one more component. If you want to launch your career as a sole practitioner or at a firm with fewer than six lawyers, you'll also have to complete a "practice essentials course." But why single out this group of lawyers for extra training? The report provides the following answer: though sole practitioners make up 35 percent of lawyers in private practice, they receive 51 percent of all complaints.

This new course would "include 30 hours of online e-course content and five in-person days." And it would cover a range of subjects, from how to communicate with clients to the basics of practice management.

ABOLISH ARTICLING, BUT MAKE THE LAW PRACTICE PROGRAM MANDATORY

At the end of law school, everyone would complete the Law Practice Program. But it would no longer include a work placement. The program would consist entirely of four months of online practical training. This coursework would look the same as it does today: candidates would form virtual law firms and, under the guidance of a mentor, work through mock files in seven practice areas, from real estate to family.

This option would solve a lot of problems. Every candidate would receive the same practical-skills training. No one would be at the mercy of the job market. And there would no longer be any unpaid articling jobs or work placements — they wouldn't exist. The report also cites the fact that, after completing the LPP, "candidates are generally very satisfied with the training."

There is one big downside: this option ain't cheap. At the moment, it costs $4,710 to go through the licensing process. "To support a mandatory course for over 2,000 candidates annually could result in a total licensing fee of $13,500 to $15,500," the report explains. With third-year law students across Canada carrying, on average, $71,444 of debt, this would be an enormous burden.

DO NOTHING

If selected, this option would maintain the status quo: both articling and the LPP would live on in their present form. The report presents this as a realistic choice. Sure, it wouldn't solve the "permanent shortage of articling positions." Nor would candidates magically receive consistent practical-skills training. But if, in the end, the profession can't agree on a path toward reform, this is the fall-back plan. The profession can stick with the devil it knows.

SO WHAT HAPPENS NOW?

Over the next five months, the Law Society will be collecting feedback on its report. You can submit comments online until October 26. Drawing on those responses, the professional development and competence committee will then present final recommendations in the New Year. Let the debating begin.

Class 11 March 23: The Law School interview

Role play: Suppose that you have been invited to interview for your top-choice school. Prepare for the interview. I will interview you.

Law School and Films

A film producer wants to hire you to write the script of a new movie. So, you need to write a treatment (outline) for a script about legal education in Canada. The film can take place in Law School or in a university undergraduate Legal Studies program. Be creative, it is a commercial film. You must also show your knowledge of legal education arising from our discussions, the articles, and your own personal experience.

Take the following into consideration for the treatment:

- **Title:** Decide the title of the movie with the following limitations. The producer wants you to use the words law or legal, and education or their synonyms in the title.

- **Setting:** The film takes place in Canada.

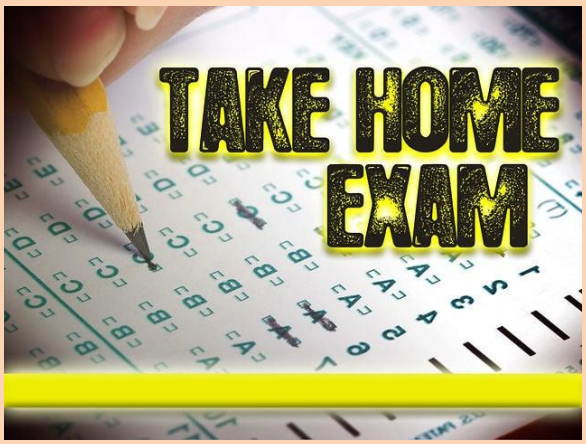
- **Plot**: There story must have a conflict, i.e., the struggle between opposing forces that emerges as the action develops. The stages of a plot include: (i) exposition, i.e., it presents the basic information which the audience needs to understand the events that follow (ii) a series of complications, (iii) climax, the point of greatest interest in the story, and (iv) the resolution, it draws the action to a close.

- **Point of view.** Think of the point of view of the story, i.e., think of which particular character will tell the story, or part of the story, or if there will be an omniscient narrator.

- **Characters.** Design the main characters. In major stories the characters are usually well developed, closely involved and responsive to the action. You can even suggest the actors who will play those characters.

Class 21, Nov. 22: Distribution of final take-home

Class 23, Nov. 29: Submission of final take-home



*** TRIGGER WARNINGS**

Some materials in this course may be sensitive. Course materials, including lectures, class activities, hypotheticals, scenarios, examples, court cases, and films shown in class, may have mature content, including violent, sexual, and strong language content. Except for newspaper articles and court cases, all class activities are hypothetical and fictitious. Any resemblance to actual persons, institutions, or events is purely coincidental. The views and opinions expressed inthe articles assigned for reading in this course are those of the authors and do not necessarily reflect the position of the course professor. Questions, follow-up questions, examples, andcomments made within the context of class activities do not purport to reflect the opinions or views of the course professor. All such articles, comments, questions, examples, and activities are meant solely to facilitate the discussion and study of Law. They are not meant to advocate or promote any crime or unlawful action. Neither are they meant to advance any ideological perspective. Discretion advised before signing up for this course.