



November 24, 2016

Dr. Christopher H. Evans
Interim Provost and Vice President Academic
Ryerson University
350 Victoria Street,
Toronto, Ontario
M5B 2K3

Dear Dr. Evans,

Re: Ryerson University's Proposal for a JD Program

The debate about whether Canada generally, and Ontario specifically needs another Law School has been reignited with the release of Ryerson University's Letter of Intent (LOI) - [http://www.ryerson.ca/content/dam/provost/planning/documents/2016%20Juris%20Doctor%20\(JD\)%20Program%20LOI%20FINAL-s.pdf](http://www.ryerson.ca/content/dam/provost/planning/documents/2016%20Juris%20Doctor%20(JD)%20Program%20LOI%20FINAL-s.pdf), proposing a new J.D. program. We appreciate your request for comments and below offer perspectives on behalf of the Canadian Council of Law Deans (CCLD) representing all Canadian law schools which offer common law legal education. We hope these comments are helpful.

While Ryerson's proposal may be a catalyst for this discussion, the questions the proposal raises go beyond its own merits, and go rather to the broader question of the direction in which legal education is and ought to be heading. On this broader front, we owe a debt of gratitude to recent discussions at a Conference on the Continuum of Legal Education organized by the Federation of Law Societies, in which Deans of Law and a range of legal academics participated, held 19-20 October 2016 at St. Andrews-By-The-Sea, New Brunswick, and at a meeting of the Canadian Council of Law Deans held in Halifax on November 4, 2016.

Ryerson cites "internal and external" consultations (a series of focus groups and town halls) leading to the development of its proposal. Those planning the proposal, however, chose not to reach out to existing Law Schools until after the Letter of Intent had been issued. This was a missed opportunity.

Ryerson's LOI observes that "Ryerson acknowledges and respects the important work of the law schools that now educate law students. However, Ryerson proposes a different kind of law school that trains lawyers differently. Ryerson's law school will be innovative in focus, design and approach." Ryerson's LOI declares it is a different kind of law school, but describes its differentiation based on a caricature of law schools of a generation ago (i.e., where law students were taught "how to think" disconnected from

legal practice and social context). American studies declaring “law schools are in crisis” are cited to suggest similar dynamics are afoot here, with little or no analysis to support such an inference.

Ryerson explains its rationale for a new law program on three grounds of “societal need”:

- (1) promoting affordability and access to justice for communities and end consumers of legal services;
- (2) ensuring better access to the profession, for reasons of equity, diversity and inclusion;
- (3) providing legal training that ensures law school graduates have the transferable skills to be truly career-ready.

Had they taken a closer look at contemporary Canadian legal education, those behind the proposal might have realized that these laudable aspirations are, in fact, the values that animate most Law Schools throughout Ontario and Canada.

Reading Ryerson’s proposal, one would not think that Lakehead had originated Canada’s first integrated practice curriculum, where experiential training takes place during Law School through external job placements - <https://www.lakeheadu.ca/academics/departments/law/curriculum/ipc> - which replace articling as a pathway for Lakehead graduates in the Law Society of Upper Canada (LSUC)’s licensing process, or that the University of Victoria had developed the idea of co-op placements during Law School a generation ago - <https://www.uvic.ca/law/jd/lawcoop/index.php> .

The focus on entrepreneurial skills in the Ryerson proposal appears decidedly similar to the Calgary Law Curriculum, which promises its law students:

- a deep understanding of the law and legal principles, along with the ability to apply learning to real-world situations;
- performance-based learning, using real-life situations (actual or simulated) to deepen learning of legal principles and to translate that learning into practical concepts and applications, and
- preparation to join a constantly changing and challenging legal services market, and for professional opportunities that extend beyond traditional legal practice.

<http://law.ucalgary.ca/calgarycurriculum>

As Ryerson highlights the importance of Law Schools advancing access to justice goals, a host of innovations at Canadian Law Schools come to mind, from Windsor’s trailblazing first year class on Access to Justice - <http://www.uwindsor.ca/law/539/social-justice-windsor-law> - to the University of Saskatchewan’s just launched CREATE Justice, a new centre for research, evaluation and action toward equal justice - <http://law.usask.ca/createjustice/> - to Osgoode’s Winkler Institute’s Justice Design Project - <http://winklerinstitute.ca/projects/justice-design-project/>.

Similarly, while the commitment of Ryerson to equity, diversity and inclusion is appropriate, it is hardly breaking new ground. Many (if not most) law schools are committed to these goals in everything they

do, from admissions, to curriculum, to career development. A number of Law Schools now post these survey results (for example, at Osgoode - https://www.osgoode.yorku.ca/wp-content/uploads/2016/10/2016and2015_ADMSurvey_Web-1.pdf; and U of T <http://www.law.utoronto.ca/about/jd-first-year-class-profile>). Since 1989, The Schulich School of Law at Dalhousie University Indigenous Blacks and Mi'kmaq Initiative (IB&MI) has worked to ensure that Mi'kmaq and African Nova Scotian students, and other Aboriginal and Black students, are represented at the Schulich School of Law. The Initiative involves community outreach and recruiting, provides student financial and other support, develops scholarship in the areas of Aboriginal law and African Canadian legal perspectives, and promotes the hiring and retention of IB&MI graduates.

Ryerson's LOI speaks of the importance of city-building, social innovation and community engaged law students, apparently unaware of programs like Laws in Action Within Schools (LAWS) - <http://www.law.utoronto.ca/programs-centres/programs/laws-law-in-action-within-schools> - founded at the University of Toronto in the 2006, or Pro Bono Students Canada, founded at the University of Toronto but now with chapters in almost every Canadian law school, that have done so much to engage law students in building their communities.

Ryerson's LOI claims its students will have the tools to engage in technological innovation. With this aspiration, Ryerson would again be squarely within the mainstream of Canadian legal education. Adding the methodology and infrastructure of the LPP (adapted from the Australian and UK settings which have pioneered simulation technology over the past decade) to the proposed JD program represents a genuinely new feature to curricular innovation, and the Law Society's recent review of the LPP provides helpful data in assessing which aspects of the pedagogy used in the LPP can effectively be adapted to a JD environment. Other Law Schools will no doubt explore the possibility of adapting aspects of LPP methodology, or infrastructure, or both, just as the introduction of clinical legal education at Osgoode Hall Law School in the 1970s led every Ontario Law School now to house thriving clinics.

Ryerson should be commended for highlighting the potential of new technologies to enhance legal education, but tech initiatives in this era of innovation in Canadian legal education are not in short supply. For example, when Ryerson launched the Legal Innovation Zone in 2014, it joined other well-established innovative initiatives in law and technology at Canadian Law Schools, which include the University of Ottawa's Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) - <https://cippic.ca/about-us> - and the University of Montreal's Cyberjustice Laboratory - <http://www.cyberjustice.ca/en/>. Projects relating to simulated learning platforms are under way across Canada as well. For example, Queen's Faculty of Law, in partnership with Ametros Learning and a consortium of Law Schools within Canada and outside the country, has received a major grant from the Government of Ontario's Centres of Excellence Advancing Education to further develop the Ametros Intelligent Digital Simulation platform for utilizing IBM's Watson technology in professional education, including law, medicine, business and engineering.

By illustrating Law School commitments to access to justice, equity, diversity and inclusion, social innovation and technological engagement, we do not suggest that further innovation is unnecessary.

Rather, we seek to correct the misapprehension that Ryerson's aspirations to these goals differentiates it from existing Canadian Law Schools. The LOI's failure to appropriately acknowledge the range of innovations in Canadian legal education suggests Ryerson is either unaware of these dynamics, or is choosing to present a one-sided and out of date portrayal of the status quo of Canadian legal education in order to justify the need for their proposed program.

The reality is that approving Ryerson's proposed law program would add another potentially innovative and high quality JD program to the many innovative and high quality JD programs we now have (several of which, including Ottawa and Queens, also have recently increased their enrolments). The question of Ryerson's LOI boils down not to whether Ryerson is truly distinguishable from other JD programs, but to whether there is a demonstrated need for more law schools in Ontario/Canada.

The case for another law school must address several hurdles. On the one hand, there are more applicants for positions in Canadian law schools, but this is of course true of many university programs. And while the excess of applications over positions figures prominently in Ryerson's pitch, Ryerson does not place similar emphasis on the surplus of law school graduates in Canada over available legal jobs. Within the regime of the Federation of Law Societies mobility framework, a student from British Columbia can now study at a law school in Ontario, before applying for a job in Saskatchewan. In this context, if a provincial government agrees to invest in adding yet more graduates to an already saturated market for young lawyers, it opens the door to future proposed law schools from other universities across Canada as well. The job market challenges for law school graduates would rise accordingly.

Looking at the question from the standpoint of the market for legal services, the demand for law graduates shows no indication of growth. While Ryerson's LOI correctly identifies significant access to justice challenges in Canada, in the future, these are far more likely to be met through new adaptations of technology, simplified dispute resolution mechanisms at which parties can represent themselves, broadening the scope for paralegal practice, and more proactive and effective supports and regulatory protections. There is no obvious link between addressing access to justice and the need for more lawyers to achieve this end. That fact is acknowledged by Ryerson in highlighting the need for more entrepreneurs and professionals skilled in the use of technology to solve legal problems, but who may or may not practice law as part of those career paths.

While innovative curriculum and pedagogy may be other criteria to consider as relevant to whether we need more law schools, so might innovative interdisciplinary approaches or new approaches to disseminating legal ideas. Between the late 1940s and late 1960s, Ontario Universities wrested control over legal education from the Law Society. The premise for doing so was that Universities are distinctly suited to educating lawyers because a foundation of lawyering involves critical thinking, creative analysis and intellectual leadership.

Universities were successful in assuming responsibility for legal education in Canada because they prepare career-ready graduates as a product of commitments to research, inquiry and commentary, and law reform. Students who learn to think about law become great lawyers. While Ryerson emphasizes

the importance of mentors, adjunct faculty, the use of technology and other supports, the relative scarcity of full-time faculty (the LOI envisions 15 full-time faculty for a student body of 450) feels much more like a blast from the past than the way forward.

Ultimately, the question of whether we need another law school in Ontario is not something that does or should fall to existing law deans in this province or in this country to determine. We think it is important, however, to correct the record: any decision to approve and fund such a program must be based on an accurate picture of the dynamism and innovation at existing law schools, as well as their long-standing commitment to academic and educational excellence, not the caricature of Canadian legal education that Ryerson has advanced.

Sincerely,

A handwritten signature in black ink that reads "Camille Cameron". The signature is written in a cursive style with a large initial 'C'.

Dean Camille Cameron
Chair, Canadian Council of Law Deans
Dean, Schulich School of Law, Dalhousie University

- c. Treasurer, Law Society of Upper Canada
- c. President, Federation of Law Societies of Canada