

BUSINESS & CAREERS

Are grads prepared to confront real world?



PART 3 OF 3

LAW SCHOOL SERIES



CHRISTOPHER GULY

With the spectre of a double-dip recession on the horizon, clients have been less likely to pay exorbitant fees for young lawyers who may have great academic credentials, but lack key skills, legal observers say. Many have pointed to Canadian law schools as the culprit for why young lawyers are having a harder time landing good-paying gigs straight out of law school.

With the University of Toronto, for example, charging \$23,508 for tuition in 2010, questions are being asked about return on investment. If you expect a young person to dole out \$75,000-plus for three years of education, the student has some expectation that he or she will be employable at the end. Conversely, employers (mostly law firms) expect that, after seven years of post-secondary education, young lawyers ought to be properly trained to hit the ground running.

"[Law schools are] the incubators for the leaders of the profession but we don't spend much time at law school thinking about what kind of legal services people need now and 20 years down the road when our society is going to get older and more ethnically and culturally diverse. That should determine at least partly what we're doing in law school," says Ian Holloway, dean of the University of Calgary's law school.

Holloway predicts family law — reflecting the rise of mul-

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Key skill instruction seen as lacking

Skills

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multiple divorce rates, same-sex marriages and common-law partnerships — and wills and estates as a result of baby boomers aging and dying, to experience significant growth in the near future.

Each law school in Canada has its own vision of what its mission should be.

“One of the challenges facing law schools is a differentiation of missions, which sometimes makes it difficult to speak on common issues,” says Holloway, who previously served as dean of law at the University of Western Ontario.

Jordan Furlong, a partner with law firm consultancy Edge International, a blogger and columnist for *The Lawyers Weekly*, says Canadian law schools need to do three key things.

They must “recast their view of themselves away from largely or purely as an academic provider towards a role as part of a continuum of lawyer professional development.”

Second, the academic community also has to establish and maintain a dialogue with the Bar about curriculum choices and teaching methods. Furlong says that doesn’t mean giving the profession the opportunity to “dictate” coursework — but as the “purchaser” of law school graduates, the Bar “should have some say as to what goes into the end product.”

Finally, law schools — which offer initial professional development courses — need to “liaise, if not align” themselves with law societies and providers of continuing professional development (CPD) to “harmonize” their offerings and approaches, Furlong says. “At the moment, I don’t see an alignment between the way law school is taught and the way CPD courses are taught.”

One way of bridging the divide, in Furlong’s view, could involve law firms offering a developmental stream of courses to students in their second and third years.

Students would have the option of pursuing a sole-entre-

→ ‘INVALUABLE’ EXPERIENCE GAVE STUDENT ‘A LEG UP’

Next summer, Dave Shellnutt will begin articling with Lerner LLP in Toronto.

The 29-year-old, third-year student at Osgoode Hall Law School of York University feels he had “a leg up” in landing the plum position as a result of experience he had last year in one of Osgoode’s clinical education programs.

Shellnutt spent the second semester working at Toronto’s Parkdale Community Legal Services where he helped clients appeal denials of welfare or disability benefits, and advance claims for women who had been assaulted.

“For me, it was invaluable and the greatest experience I’ve had in law school so far,” says Shellnutt, who liked it so much that he stayed on at Parkdale for the summer of 2010.

“It’s easy to kick it into neutral in

class and take a backseat till December when it’s time to open up the books and study.”

“But how really can you get engaged when it’s only on paper in front of you?”

By contrast, he compiled 25 briefs, handled about 10 files and attended 10 hearings on behalf of Parkdale clients last year.

“On my second day at the clinic, I was in the intake room with clients and was face-to-face with people’s problems — real legal issues that you cannot help but be engaged with emotionally and professionally. In that situation, the adrenaline is pumping all the time.”

Shellnutt, who plans to pursue a career in human rights law and litigation, believes the type of experiential learning he had — which will be mandatory at Osgoode next year — is vital.

Dave Shellnutt



“The classroom gives you building blocks to understand how the law works,” says Shellnutt, president of Osgoode’s student council known as the Legal and Literacy Society.

“But at Parkdale, I had to look at legislation and make arguments that affect someone’s life. It was almost like articling before I articulate.”

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Jordan Furlong,
Edge International

preneur or big-firm practice stream, or an organizational one if they planned to pursue a career in the public sector or a corporate legal department. And, it would give law schools a “competitive advantage” in attracting the best students.

In addition, Furlong would like to see law schools share curricula with business schools, which could offer law students courses in sales and marketing, finance, operations and project management to help them bet-

ter prepare for the realities of life in practice.

Holloway also believes law schools should be teaching project management and leadership skills as well as promoting teamwork.

“When we give legal advice, we’re almost always inviting clients to engage in some kind of cost-benefit analysis — and no Canadian law school teaches that in a systematic way,” he says. “If you look at discipline files at law societies, very few lawyers get in trouble because they’re wicked or evil. Most times it’s because they’ve got 10 balls in the air and they just can’t keep juggling them all because they have weak project management skills.”

While law students are encouraged to form friendships and study groups as teammates of sorts at school, they’re treated as “sole practitioners when it comes to exams,” Holloway says. “That doesn’t reflect the reality of the profession they’re about to join because they’re all going to work in teams, even if they’re in a small firm. And, we don’t teach that either.”

Meanwhile, law schools are seeking to fuse theory and practice at law school itself.

Next year, Osgoode Hall Law School of Toronto’s York University will become the first in Canada to require all students to take at least one clinical or intensive simulated course, such as criminal law (including litigation and mediation), intellectual property law or anti-discrimination law as part of its emphasis on experiential learning.

“Legal education should involve an understanding of both law in action and the ideas of law,” Osgoode Dean Lorne Sossin says.

“At Osgoode, we’re receiving a great deal of reinforcement for our experiential component from students’ potential employers — be they clinics, governments or firms,” he says. “What they’re looking for are people already exposed to the law in action, who have already developed a sense of professionalism and the role they’re expected to take on once they graduate and are licensed and

called to the Bar.”

It was different for Furlong, a 1993 law graduate from Queen’s University, who recalls having to take courses in criminal and civil procedure, evidence and trial advocacy, yet had no intention of becoming a litigator.

Some traditional, so-called black letter law courses that are “purely doctrinal” have proved to be less than useful, Sossin acknowledges.

“They don’t expose students to legal problem-solving and contextual analysis, and instead simply convey a set of abstract doctrines and tests,” he says.

“What makes a course useful is when it exposes students to engage in critical thinking on the implications, origins, and context of law. That’s, I think, when law school gets interesting and worthwhile, and is absolutely essential to legal education. Those are the kind of courses that enable students to see how law can improve society.”

Furlong says that law schools “believe they are in the business of educating, not training — and that’s fine. The problem is that the people who hire graduates from law schools feel differently, and that’s the disconnect,” he says. “That can be overcome, but it has to start with dialogue, conversation and recognition that there’s merit on both sides — and to their credit, schools have already made strides in this direction.”

In Holloway’s view, it calls for “real leadership on both sides.”

“The debate can’t be about right or wrong, or who’s winning or losing, but rather how we can learn from one another — how we might adjust what we do in light of what the profession does.”

However, Sossin sees a “real renaissance” occurring in the relationship between the Bar and the academic world, which he says has “never been more collaborative.”

Canadian law schools remain far from perfect but seem willing to change and headed, albeit slowly, in the right direction. ■

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