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INTRODUCTION

LOOKING AHEAD IN CANADIAN LAW SCHOOL EDUCATION

JOOST BLOM, QC[†]

Introduction

Since retrospective articles by former Deans of the Faculty appear elsewhere in this issue, I thought that the current Dean ought to say something about the future. Over its fifty years, the *U.B.C. Law Review* has reflected the thinking of several generations of students, scholars and practitioners whose writings have graced its pages. That prompts us to think about how legal scholarship, law schools, and legal education evolve over time. My aim in this piece is to offer some speculations about the future of Canadian law schools in the next decade or two. A Dean may not be in the best position to reflect on the future, because they spend most of their time pruning, removing, planting or watering individual trees rather than contemplating the forest as a whole. The experience of administration does, though, make one aware of just how important a role even rather mundane logistical and human issues can play in giving shape to an institution.

Elements of stability

At the outset it is worth observing what has *not* changed in the past, say, two decades in Canadian law schools. One is steady, full enrolment. The most important strength that Canadian law schools have enjoyed since the early 1970s is buoyant demand for the programs they offer. The level of applications goes up and down with economic conditions¹ and with shifts

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¹ My own impression, unsupported by any hard data, is that the number of applications to our Faculty have tended to rise when economic times were poorer and fall when things got better. For some people, at least, Law is an academic training they turn to when a tightening of the job market makes their initial career choice harder to maintain. That a law degree is typically a second degree, and that law schools do not care what the first degree was in, are important factors in giving Law this fall-back role. For students who

in the public perception of law as a career. Nevertheless, most Canadian law schools get several times the number of applications that they can accept (U.B.C.'s ratio is currently about six to one), so they can fill their first year LL.B. class from the top layers of the applicant pool. The strength of the demand for entry into law schools has been vitally important, not only in maintaining a high academic standard among the entrants, but also in keeping law schools' bargaining position reasonably strong as against university central administrations.

The second constant has been the strong regional base from which most Canadian law schools draw their students. Nationally, the market has become more integrated over the last 20 years, but even now, U.B.C., which is a relatively large faculty, typically draws something like two-thirds of its student body from within the province. (On current evidence the proportion who stay in the province after graduation is, if anything, larger.) That is probably true of most, but certainly not all, Canadian law schools.

The third factor that has not changed all that much, though precise statistics are hard to come by, is that Canadian law school graduates still overwhelmingly article and get called to the Bar. At U.B.C. the proportion of students who tell us in third year that they do not want to article right after law school is still less than 10%. People's career paths after call appear to be less dominated by private practice than they used to be. For instance, in British Columbia in 1997, more than 20% of the members of the Bar were not in private practice. Over the last 20 years the number of members of the Bar working outside private practice has been growing at more than twice the rate for those in private practice (9.1% compared with 4%).² Nevertheless, for the great majority of Canadian law students the option of entering the legal profession is still the main reason for coming to law school.

The fourth thing that has remained much the same, for reasons that are probably linked to the first three constants, is the structure of the typical Canadian law school curriculum. A largely or completely compulsory first year curriculum is followed by a largely or completely elective second and third year curriculum. By and large this has been the pattern since the late 1960s—an astonishingly long period for so little change. Part of the reason, no doubt, is that the structure allows for gradual change through the evolution of the upper year (second and third year)

start in other disciplines and even develop a career in them, entering law school does not give a sense of going back to square one.

² I am indebted to Mr. Adam Whitcombe, Director of Statistics and Development for the Law Society of B.C., for these data. The figures do not include, of course, those who have let their B.C. Bar membership lapse because it was no longer useful to them.

elective offerings, which adjust themselves to the shifting patterns of student-led demand and faculty-led supply. Another element, although almost lost in the background, is the degree accreditation criteria adopted thirty years ago by the Law Society of Upper Canada. These criteria require that a law school offer compulsory courses in seven subjects. These are essentially the typical first year subjects, though some may be taught in the upper years. The criteria are still in effect, although they are so minimally constraining that they are seldom referred to.³

I think the seeming stability of the Canadian law school environment is deceptive, and even the appearance of stability may not last much longer. The law schools' educational and scholarly mission is evolving markedly in response to changes in the law, changes in instructional technology and standards, and changes in the career expectations of the students. Generally speaking, the changes put increased demands on law schools' financial resources. At the same time, at least since the early 1980s, those resources have not grown at the same pace as the demands. Law schools are having to navigate their way through unfamiliar waters in terms of resource procurement and allocation. Finally, looking further ahead, the destiny of law as an academic discipline is linked to the status of the legal profession as a distinct calling. That status will at the very least undergo powerful transformations in the coming decades.

New Demands

Even if one confines the question to "hard" law, there is a lot more law for the law schools to deal with than there was a decade or two ago. To begin with, thanks to the 1982 Canadian constitutional arrangements, there has been an exponential growth in constitution-related subjects. The *Charter of Rights*⁴ demands a variety of new courses all by itself. First Nations law was long treated as something of a specialty subject, but large parts of it are now bread-and-butter. Then there are the subjects that are spawned, or hugely fed, by technological and economic change—intellectual property, international trade, the law of financial institutions, the legal implications of information technology, and so on. Social

³ The seven subjects are contracts, Torts, Real Property, Personal Property, Criminal Law and Procedure, Civil Procedure, and Constitutional Law. See D.H. Clark, "Core vs. Elective Courses: Law School Experience Outside Quebec" in R.J. Matas & D.J. McCawley, eds., *Legal Education in Canada* (Montreal: Federation of Law Societies of Canada, 1987) 214 at 216-17. The law societies of other provinces have followed the lead of the Law Society of Upper Canada in their accreditation criteria: see L.R. Robinson, "Accreditation of Law Degree Programs" in Matas & McCawley, *ibid.* 791 at 792-93.

⁴ *Canadian Charter of Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

change, too, is reflected in more emphasis on topics like international human rights law, welfare law, and children and the law.

At the same time, there has been a marked heightening of interest among legal scholars in teaching about the insights that interdisciplinary and theoretical analysis can bring to the study of law. To some extent this material can, with great profit, be added to existing courses. New courses, though, have also been created by this trend. Every law school now devotes some of its course offerings to areas like law and economics, feminist legal theory, race and gender studies, and socio-legal history. In a recent colloquium at the University of Toronto, one scholar from the United States suggested the idea of the law school as provider of an “analytic liberal education.” On this view, a first-rate legal education must make students familiar enough with the major concepts of economics, philosophy, and psychology to enable them to ask intelligent questions about the way the law orders, or fails to or chooses not to order, people’s lives.⁵

While all this new material must be taken on board, not much of the old stuff can be jettisoned. Few of the teaching subjects of yore have become obsolete. Despite the efforts of law reformers, no major area has been simplified out of existence, or seems likely to be in the near future. The net effect is that it has become a substantially more onerous—though intellectually more dynamic—business to maintain an adequately comprehensive and current law school curriculum.

That is just on the supply side, as it were. On the demand side, students’ expectations of what law school should offer them have also tended to rise. The investment, in time and money, which law students make in their legal education is very substantial, and they rightly look for a good return on their investment. The law degree itself has value, of course, but the quality of the educational experience and the reputation of the law school are increasingly seen as factors that can affect that value, especially in terms of the students’ career opportunities. The pressure for a “relevant” curriculum has always been there, and is certainly not getting less. At the same time, as was suggested above, the range of what is “relevant”—and the range of career possibilities that it should be “relevant” to—are getting considerably wider. Certain methods of instruction are also seen as indicators of quality. These, typically, are the more resource-intensive methods, such as smaller classes, seminars, problem-based workshops, closely supervised simulation courses in negotiation or dispute resolution, skills-based instruction in legal research and writing, and courses partly or wholly delivered over the Internet.

⁵ S. Levmore, in “A Glimpse at the Future of Legal Education” (1998) Fall *Nexus* (Toronto: Faculty of Law, University of Toronto) at 24.

National moot court competitions have proliferated, offering excellent experiences to the students but requiring a substantial annual outlay by law schools in travel expenses.

A law school's ability to offer certain services is also becoming more important. One is offering the chance to take part of the degree away from the home university. Many law schools offer students the option of spending a semester, or even a year, studying at another university under a student exchange program. These universities are often outside Canada. Running exchange programs takes a fair amount of administrative resources. Law schools have set up career placement offices in the last few years to assist students in finding articles or other employment after graduation. Some law schools run co-op programs. A *de facto* co-op program has developed in the form of internships offered by many law firms across Canada to students in the summer between their second and third years. Many law schools devote resources to recruitment efforts and support services aimed at certain groups of students, such as First Nations students, whose background differs from that of the majority of the school's students.

Rising expectations are not all on the students' part. The teaching faculty, just as much as their students, have come to expect higher standards of program delivery, both for the sake of the law school's reputation, which reflects on their own, and for the sake of the quality of their own work environment. An important factor to be noted here is the heightened emphasis, compared with a couple of decades ago, on research in the teaching faculty's scale of priorities. There are a number of reasons for this. At the risk of overgeneralizing, research in the law schools has come to identify itself rather more with its counterparts in other university departments and less predominantly with research as it is generally practised by the legal profession.

A recognizable milestone in this process was the publication in 1983 of *Law and Learning*, a report done for the Social Sciences and Humanities Research Council by a large task force chaired by Professor Harry Arthurs.⁶ The report's vision of "fundamental" research "on" law, as distinct from traditional research "in" law, as being the true mission of an academic legal scholar has been very influential. The "scholarly enterprise of law" should "take up a position within the law faculties as a

⁶ Canada, Social Sciences and Humanities Research Council, *Law and Learning: Report to the Social Sciences and Humanities Research Council of Canada by the Consultative Group on Research and Education in Law* (Ottawa: Social Sciences and Humanities Research Council of Canada, 1983) [hereinafter *Law and Learning*]. The Federation of Law Societies organized a conference in December 1985 to discuss the implications of the report for legal education. The proceedings of the conference were published as Matas & McCawley, *supra* note 3.

distinct and separate endeavour, with its own goals, standards and basis of legitimacy.⁷ Such scholarship was seen as, by definition, taking up its intellectual stance outside the legal profession, because its task was to examine the legal system free of the preconceptions and inherent biases that professional life brought with it.⁸ The implication was that the role of legal academics ought to be as the loyal opposition to the profession, deferring to the fact that it is legitimately in power but bringing its shortcomings to light and contending for a better legal regime.⁹

Whether or not they fully shared the Manichaean tendency in this view, Canadian law school professors have overwhelmingly agreed over the last twenty years that their academic mission, especially as far as research is concerned, is fundamentally distinct from the professional one.¹⁰ Academic scholarship in law must earn its place at the university by meeting the challenges set for it—not by the legal profession, but by the academic profession. The goals, methods, and language of the social sciences have become more important for legal scholars. This is not just because of the obvious academic parallels with law. It is also because the academic community has strongly promoted interdisciplinary scholarship as a hallmark of quality, certainly for the group scholarly enterprise and in many cases for the individual scholar. Without interdisciplinary work, it is felt, there can be no emancipation from the bounded horizons that are inherent in individual disciplines, in professional disciplines perhaps most of all.

The importance of research to Canadian law school faculties is not just a reflection of their sense of intellectual mission. University promotion and tenure policies are a powerful influence, too. For a variety of reasons, the promotion and tenure process has become more systematic and more centralized within the university. The relevant provisions in

⁷ *Law and Learning, ibid.* at 140.

⁸ According to the report, this called for more than just intellectual independence on the part of legal scholars; some degree of separation from the institutions of the profession was desirable. “Neither professional formation nor professional practice offers a congenial environment for the development of legal science.” *Ibid.* at 139.

⁹ Professor Arthurs, for one, stays true to this view. In the recent University of Toronto colloquium cited, *supra* note 5 at 28, he refers to the current exacerbation of the tension between academics’ scholarly mission to critique the Bar and their material interest in retaining the Bar’s support for law schools. He worries, “This may well reopen the debates of the sixties and seventies, between those of us who saw legal education as an increasingly ‘normal’ university discipline, and those who wanted to regain credibility with the profession.”

¹⁰ I am not suggesting the distinction is a new one. It is, of course, as old as university legal education. I am, however, suggesting that the distinction has gained in emphasis in this period.

collective agreements with university faculty have been elaborated. Committees drawn from across the campus interpret and apply the standards. A law school faculty member going forward for promotion or tenure has a strong incentive to present an academic profile that is likely to appeal to colleagues in other faculties as well as their own. At the same time, the standard of the quantity of research output has tended to rise. These factors put considerable pressure on junior law school faculty to publish frequently, and to favour the kinds of work that are believed to find a good response in promotion and tenure committees. This has tended to accentuate the sense of distinction between academic research and writing for the profession, with the latter generally seen as bringing the faculty member a lower return, in terms of career advancement, for the amount of time spent.

These developments on the research side have had an impact on the teaching side. Faculty members, especially those still in the early stages of their career, tend to place a higher premium than was done in former years on teaching courses that are relevant to their research interests. Teaching and research mutually reinforce each other, and the more pressing the need to produce good research, the more important it is that the teaching should advance the research agenda. One consequence has been a tendency to create new, specialized curriculum entries that grow out of the professors' research interests. This has contributed to the growth and increased diversity of the curriculum, which were noted earlier. It has also provided a powerful impetus to introduce or expand graduate programs, which are seen as offering powerful reinforcement for faculty members' ability to pursue their research interests, not to mention training new researchers.

Another consequence has been to lessen the flexibility the law school administration has in assigning faculty members to subject areas. It is now more of an imposition if a Dean asks a colleague to step into a course that does not relate directly to her or his research interests. It is not just that the course preparation will displace time that could have been spent on research-related teaching, or on research and writing themselves. The faculty member may also fear that the quality of her or his teaching in the new course, compared with the research-related courses, will suffer from the lack of familiarity with the material. University promotion and tenure committees are also inclined to scrutinize a candidate's teaching record more closely than they used to. Taking on the new course may mean running the risk of lower teaching evaluations. Thus the result is a double disincentive to undertake teaching assignments that do not feed into the faculty member's research plans.

So, in very broad terms, the pressures within law schools have tended towards elaboration of the curriculum, the development or expansion of

graduate programs, more resource-intensive methods of instruction, and full-time faculty members who are inclined to view academic priorities as more clearly distinct from professional ones than would typically have been the case some decades ago. These pressures make themselves felt against the background of external constraints, the two most important of which are law school finances and the career options of law school graduates.

Resources

In the late 1970s, after a long period of relatively steady increases, government funding for universities began to grow more slowly and, in some years, actually to contract slightly. The picture was not uniform from one province to the next, but, generally speaking, Canadian universities experienced periods of relative financial stringency in the early 1980s and the mid-1990s. Law schools seem to have borne their fair share of the difficulties. In the late 1990s, most law schools probably have fewer resources, in terms of permanent faculty, support staff, and non-salary budgets, than they did twenty years earlier. With a few exceptions (Manitoba, U.B.C., and Osgoode Hall among them) they have not significantly reduced their intake of undergraduate students. Yet law schools must sustain the expanded curriculum, enhanced instructional techniques, and added services that were mentioned earlier. There are only two ways to do this. One is to reduce costs per student, and the other is to increase revenue.

Teaching by full-time faculty is the greatest single element of a law school's cost structure. Reducing the cost per student of this instruction means using fewer full-time faculty to teach the same number of students—at least in parts of the program, with the savings perhaps being used to teach other parts of the program more intensively. To the extent that full-time faculty resources are shifted out of particular courses, classes must grow larger or the gap must be filled with lower-cost instructors, such as adjunct faculty from the practising profession. Both these expedients are used, and both pose obvious questions as to the quality of the educational experience being offered to students.

If university budgets are not growing and enrolments are not falling, law schools can increase revenue per student only by increasing tuition fees or by fund-raising from external sources. Ability to raise tuition fees depends upon provincial government policy towards universities. Ontario has recently set professional faculties free to set whatever tuition fees they wish. Ontario law faculties have responded by increasing tuition fees by varying proportions, the highest so far being a roughly 100% increase at the University of Toronto, to about \$8,000 a year. At the other end of the scale, or close to it, British Columbia universities have, since 1996, been

prohibited by law from increasing tuition fees for any undergraduate program, including bachelor's degrees in Law.¹¹ At U.B.C. the tuition fees for the LL.B. are about \$3,000 a year. To the extent that higher tuition fees translate into higher per-student law school budgets,¹² disparities in tuition fees mean that Canadian law schools will become increasingly differentiated in terms of their budgetary resources. If maintained over a substantial period, this trend will erode one of the chief (and, I would argue, most admirable) characteristics of the Canadian law school scene, namely, the relatively narrow range of quality between the "strongest" (however that may be judged) and "weakest" law schools. This, until now, comparatively unstratified system will inevitably move in the direction of more marked distinctions between schools based on their funding levels.

It seems unlikely that law schools whose per-student revenues from government and from tuition fees are lower, will be able to make up the difference by drawing on private philanthropy. On the contrary, private donors tend to be attracted at least as much by an institution's prestige as by the scale of its needs. Prestige comes from success, and success, more often than not, comes from being well-resourced. Therefore, it may well be the already better-budgeted law schools that can more powerfully attract funding from the legal profession and from business. The same is true for research funding, whether from private foundations or from government granting agencies such as the Social Sciences and Humanities Research Council of Canada. Research money tends to go where the best-known or most promising researchers are, and that will typically be in the better-funded institutions that can compete most effectively for top-rank faculty.

A factor that works in the other direction, against too great a disparity opening up between law schools, is the strong regional base that law schools enjoy, especially outside Ontario and Quebec. Those provinces have six¹³ and five¹⁴ law faculties, respectively, but no other province has

¹¹ *Tax and Consumer Rate Freeze Act*, S.B.C. 1996, c. 17, s. 4; *Tuition Fee Freeze Act*, S.B.C. 1998, c. 15.

¹² Typically, tuition fees are not credited directly to the faculty or department that offers the program, but are treated as general revenue to the university. Nevertheless, if a law school's students bring in significantly higher tuition fees than the university average, one can expect the law school to derive some budgetary advantage from it.

¹³ Osgoode Hall Law School (York University, Toronto), University of Ottawa (Common Law and Civil Law Sections), Queen's University (Kingston), University of Toronto, University of Western Ontario (London), and University of Windsor. Carleton University (Ottawa) has a Department of Law that offers B.A. and M.A. programs in legal studies.

more than two.¹⁵ When a province has only one or two law schools, local pride and the interest of the local bench and Bar in the law schools tend to be high. Over time, this gives a strong political impetus to maintaining those law schools' competitive position.

Another response one can expect, if Canadian law schools become more differentiated by their access to resources, is that schools that are financially less well-favoured will seek to sustain a higher profile through the specialties they offer in their teaching and research programs. There are limits to how far Canadian law schools (or any law schools) can present themselves as boutique institutions. The primary goal of the great majority of their students is still to receive a legal training that is broad and well-rounded enough to enable them to compete for jobs in the legal profession not just locally, but nationally and, increasingly, internationally. Nevertheless, as competitive pressures make themselves felt among law schools, the promotion of flagship specialties may become more attractive as a drawing-card for both students and faculty.

A further implication of the new competitive environment for university legal education can be suggested. The total number of places in Canadian law schools has not increased—in fact, has decreased slightly—since the two newest law schools, at the Universities of Calgary and Moncton, opened their doors in 1976 and 1977, respectively. The supply of law graduates over the years since then has seemed, by and large, to match demand. That is, there seems to have been no great numbers of graduates who could not get satisfactory jobs, and at the same time no great number of jobs being offered for law graduates that graduates of Canadian law schools could not fill. There has been no great importation of law graduates from United States, United Kingdom, or Commonwealth law schools. It is quite possible that over the next decade or two the career opportunities, and thus the demand for Canadian law graduates, will grow substantially. If the publicly funded institutions do not or cannot respond to this demand, Canada may well witness a phenomenon very familiar in the United States: namely, the creation of one or more private law schools. After recent increases, the tuition fees charged by some of the public universities are not all that far off the

¹⁴ Université Laval (Quebec City), McGill University (Montreal), Université de Montréal, Université de Québec à Montréal, and Université de Sherbrooke.

¹⁵ British Columbia: University of British Columbia (Vancouver) and University of Victoria; Alberta: University of Alberta (Edmonton) and University of Calgary; University of Saskatchewan (Saskatoon); University of Manitoba (Winnipeg); New Brunswick: Université de Moncton and University of New Brunswick (Fredericton); Nova Scotia: Dalhousie University (Halifax).

actual running cost of delivering a reasonable academic program in law.¹⁶ A private institution would, in addition, have to fund the acquisition of land and buildings and an adequate law library. Even so, it might well be possible to run quite a good private law school on tuition fee revenue of, say, \$20-30,000 a year. There is no reason to think that the degrees offered by such a private law school, given appropriate academic standards, would fail to attract students or would (or could) be refused recognition by government or the organized legal profession.

Since government funding for universities seems unlikely to return to the more generous levels of the past, and since, for many law schools, raising tuition fees either is not an option or cannot be pushed beyond a certain point, the drive will intensify to secure higher levels of funding from private donors and from research-granting foundations and government agencies. This brings with it the usual dilemma that the person who pays the piper calls the tune. Academic priorities may come to be set by the exigencies of fund-raising. The more support a law school wants, the more it will need to cater to the predilections of its financial supporters, which to a large extent means the legal profession.

It is possible to decry this prospect,¹⁷ but it is easy to overdraw the picture. The practising profession in Canada is relatively young. The vast bulk of its members graduated from our law schools in the last twenty years. It is hard to believe that during this time law professors have been so unsuccessful in getting their academic message across to their students that, today, they cannot count on understanding and support for their academic goals from their graduates. It is true that one can find plenty of criticisms of law schools, either individually or collectively,

¹⁶ At U.B.C., the total annual operating cost of the Law Faculty and Law Library combined is very roughly \$9,000 per student. This does not include amortization of the cost of the physical plant and the Library collection, nor maintenance of land and buildings.

¹⁷ As Professor Arthurs does: *supra* note 5 at 28: “[We] will be experiencing a regime of government and professional surveillance such as we have not seen for many, many years. If we should turn out to be subjected to these kinds of pressures, what hopes have we of resisting, of preserving the tremendous academic advances we achieved after Caesar Wright’s triumph in 1958, or for that matter, after his death in 1967?”

C.A. Wright was Dean of Osgoode Hall Law School when, in 1949, the Law Society of Upper Canada, which operated the law school (until its move to York University in 1968), refused to implement reforms in its academic program. Dean Wright, along with Bora Laskin and John Willis, then moved to the University of Toronto and founded its Faculty of Law, with Wright as Dean until 1967. The reference to 1958 is to the Law Society of Upper Canada’s final acceptance that a university law degree—with academic requirements set by the university, not (except for certain minimum requirements as to content) by the Law Society—fully qualified a student to enter into articles.

directed for instance at their not being “practical” enough, or being too preoccupied with “theoretical,” “academic,” or “politically oriented” subjects.¹⁸ As suggested earlier, however, that kind of discussion is as old as university legal education. And law schools are hardly in a position to complain if the merits of their programs are scrutinized from the point of view of the practising profession. In Canada, law schools have the monopoly of conferring on students the basic educational qualification for entry to the profession. The price law schools must pay for this privilege is that they must continually be ready to justify the monopoly. So far, they have had great success in persuading the organized profession to leave them more or less free to define the academic content of their degrees. There seems no reason to think that their powers of advocacy will be any less effective in the future. On the other hand, those powers must be exercised. Law schools have to make their case. It would be unwise for the law schools to take for granted the profession’s deference to their academic judgment of what a law degree should contain.

The changing career picture for law graduates

In any event, the terms of the traditional professional vs. academic debate will probably change markedly in the next while. It is not only the academic orientation of law schools that has been shifting. The career paths for law school graduates are likely to be much more varied in the next twenty years than they were in the last twenty. The legal profession’s concept of its own role is likely to be transformed. These changes will raise many new questions about what a law degree is for and what the degree program should offer.

Although, as noted earlier, the great majority of law graduates do proceed to obtain a practice qualification, they do not stay in practice in nearly the numbers that they used to. In British Columbia, even among those law graduates who maintain their practice qualification, a growing proportion are not engaged in the private practice of law.¹⁹ These people are presumably (exact data are hard to come by) working in business, or the public sector, or the voluntary sector, in positions where they feel it is necessary or at least worthwhile to keep up their Bar membership. There are others, of course, who either never take out Bar membership or let it lapse when their career takes them into other fields.

¹⁸ A proponent of this theme, at least in recent years, has been *Canadian Lawyer* magazine, in its annual survey of law schools. For the most recent example, see, “Readin’, Writin’ & Researchin’ ” (1999) January *Canadian Lawyer* 27.

¹⁹ *Supra* note 2 and accompanying text.

Within private practice, too, there are fundamental shifts going on. A law graduate's career is far more likely than even a few years ago to involve working in different parts of Canada or in foreign countries. Legal systems may be defined by jurisdictional boundaries, but the provision of legal services, like all service industries, is increasingly organized along lines that straddle the boundaries. Not only geographical boundaries, but professional boundaries are becoming more porous to those with legal training. The formation in Canada of multidisciplinary firms, notably combinations of accounting and legal firms, has been inhibited by professional regulation, but the inhibitions are currently subject to intense pressure to give way. Ultimately, the tendency is likely to prove irresistible to allow legal services to be provided in more efficient combination with other professional services.

These changes in the working world pose fundamental questions for university law schools. If law graduates are as likely as not to end up in careers outside private legal practice, should the content of the law degree reflect the increasing diversity of careers to which legal training may lead? If legal practice itself may easily take a graduate to other countries, should law schools de-emphasize the study of strictly local legislation or promote the study of comparative and international subjects? If the legal profession itself is to become more integrated with other professional service providers, should law schools offer subjects that will encourage the integration of legal knowledge with, say, a knowledge of business administration? New pressures are likely to be added to those that already exist, favouring the diversification of what law schools teach.

There may be attractions to developing new types of degrees. The undergraduate degree is likely to stay a general-coverage program. At that stage of their lives few students usually want to foreclose their options by undue narrowing of their experience, so specialist degrees would have little appeal. It would not be surprising, though, to see graduate degrees and diplomas increase in availability and attractiveness, allowing law graduates who have chosen a career path to enhance the qualifications that will help them to move more strongly in that direction.

One trend that is already well under way is to treat the upper years of the LL.B. degree as four one-semester modules, at least one of which can be taken outside the regular classroom program (as in a clinical term) or at another institution altogether (under an exchange program, usually with a foreign university). In this way, students are given the choice of tailoring their law school program, not just in terms of subjects they take, but also in terms of the nature and the location of the instruction. This trend shows no sign of slowing down. At U.B.C. more than a quarter of the class now typically spends a term abroad in second or third year. The flexibility and the range of academic and practical experience opened up

by exchange programs, by co-op programs (still rather less common), and by other full-semester, non-classroom options are major educational benefits to the students. The price one pays is a certain fragmentation of the program. Should a law school decide that it would like to structure second and third year in a more interrelated, sequential fashion than is now the norm, it will be very difficult to do, because one can no longer assume that all students are on-site for every semester.

Conclusion

Law schools have always been shaped by the relationship between their dual roles as a gateway to the legal profession and as an academic institution. There are profound changes under way in both the legal profession and the universities. How Canadian legal education will look twenty years from now is far from clear. A few things, though, seem likely.

One is that law schools' conception of their academic mission, which is currently rather more faculty- and research-driven than it used to be, will come under new pressures from the student end. Law schools are just beginning to sense a new competitive environment, both among Canadian law schools, and between Canadian law schools and other law schools that attract Canadian students, especially in the United States. This heightened sense of being in a competitive system will probably be found at the graduate as well as the undergraduate level. The need to offer programs that will attract good students, whose presence will in turn attract good faculty, will become more sharply focused. The current relative homogeneity of Canadian law school programs is likely to diminish in favour of a more differentiated picture.

At the same time, all Canadian law schools are likely to feel the need to respond to the increasing variety of careers in the legal profession. The trend away from nuts-and-bolts subjects has been going on for decades and is likely to accelerate further. International and comparative subjects will gain favour as, probably, will exchange programs and other ways in which students can gain a greater variety of academic experience.

For many years, academic legal education, especially in common law countries, has tended to define itself in relation to the legal profession, especially the private practice of law. The proper nature of the relationship was endlessly debatable, but it was always a particular idea of the legal profession that provided the reference point. As the legal profession, especially the private practice of law, undergoes profound shifts, law school education may lose the sense of a clear reference against which law school education can measure itself. That will be both liberating and a source of challenge. Instead of redefining their academic goals against an apparently stable professional context, as they have in the

past, they will have to redefine their goals against a context that is dynamic, increasingly interjurisdictional, and increasingly linked to other professions. I hope that someone, twenty years from now, will write in the *U.B.C. Law Review* to tell us what happened.