

Pride or Prejudice: The Choice for the Smaller Law School

Since allusive titles run the risk of elusiveness, it best be said immediately that this paper is about the means required to establish a small, but quality, local law school and the necessity of fighting off the prejudice which favours a small, and inexpensive, school of local law.

The essay derives in part from a report to the President of the University of New Brunswick — "The Future of the Faculty of Law"¹ — and otherwise from the experience of the writer during his initial year as Dean of the Faculty of Law at U.N.B.

The aims of the paper are: (i) to advise members of the New Brunswick Bar of the facts of life, ancient and modern, concerning the Faculty of Law at the University of New Brunswick, and (ii) to present both for them and for a wide readership the arguments in favour of the enhancement in quality, if not size, of the smaller law schools such as U.N.B.

Immediately the term "smaller law school" requires definition. Presumably few would disagree with the assertion that of the twenty-one law schools in the country, those of Calgary, Moncton, Quebec, Saskatchewan, U.N.B. and Victoria merit that designation.² Yet on closer

¹The Future of the Faculty of Law, University of New Brunswick, Fredericton (May, 1980), 95 p.; and Response of the Faculty of Law (November, 1980), 36 p.

²*Supra*, footnote 1, The Future of the Faculty of Law, at 20, updated 1980-81:

Table III.2. Numbers of Faculty Members and Students in Canadian Law Schools during 1980-81.

University	Full-Time Faculty	Undergraduate Enrolment	Postgraduate Enrolment
Dalhousie	35	445	10
Moncton	10	69	—
UNB	17	233	—
Laval	53	670	20
McGill	31	531	98
Montreal	51	1090	117
Quebec	12	205	—
Sherbrooke	30	458	36
Ottawa (Droit Civil)	28	403	48
Osgoode Hall	51	945	17
Ottawa	29	496	8
Queen's	31	446	6
Toronto	29	473	21
Western Ontario	34	446	—
Windsor	26	452	—
Manitoba	24	332	—
Saskatchewan	23	312	1
Alberta	26	519	3
Calgary	17	166	—
British Columbia	43	673	12
Victoria	20	233	—

examination that facile determination by size alone is not convincing. Earlier writers,³ commenting on American realities, have made the cogent points that "smallness" is an attribute of imagination not of physical bulk so that factors such as geographical isolation, tight budgets, overly-burdened teachers, and a narrowly drawn student body, together with age and reputation of the parent university, may be more potent than size *per se*.

Certain irrelevant criteria can be dispensed with in the context of U.N.B. An intuitive survey of our twenty-one university-based law schools suggests that neither the age nor the reputation of the university as a whole adds or detracts from the contribution or reputation of the particular law faculty because of the relative isolation of the faculties of law from the other university disciplines. Sometimes this isolation has been physical, as with Osgoode Hall and U.N.B., and in other cases it derives from self-imposed boundaries. In short, the reputations of the law schools are self-made.

Of the relevant criteria, let us begin with an examination of the factor of smallness of size itself. Some⁴ have suggested a minimum size of one hundred and forty, with four hundred designated as decent and fifteen hundred as a factory. Dean Soberman,⁵ somewhat scientifically talked of a critical mass which approximated the then (1975) average size of some four hundred students of the existing Canadian law schools. Yet his appreciation of an essential minimum for intellectual growth and exchange has not proved acceptable to responsible authorities in the Provinces of Alberta, British Columbia, New Brunswick, Quebec and Saskatchewan.

Although size in itself may not be a critical factor, there can be little doubt that the seemingly necessary corollaries of size serve to shape the outlook of the smaller law school. For example, funding of university disciplines is largely justified by student numbers and the number of teachers is tied to student intake as is the non-salary budget which comprises the funds for essential services. Therefore the size of the student numbers does affect the financial support for the Faculty and so indirectly exacerbates the "smallness" factors of geographical isolation, inadequate budgets, journeyman teachers and "local" students which were listed at the outset and which now require examination in that order.

³Groves, "Toward a More Effective Programme in the small Law School", (1959) 12 *J. Legal Ed.* 52; Jones, "Local Law School vs. National Law Schools: A Comparison of Concepts, Functions and Opportunities", (1957) 10 *J. Legal Ed.* 281; Leflar, "Legal Education: The Making of a Good Law School", (1966) 20 *Arkansas Law Rev.* 50; Miller, "Caveat Vendor: The Midcentury Dangers for the Small Law School", (1960) 12 *J. Legal Ed.* 557; Thompson, "Prospect for Legal Education in Idaho", (1978) 15 *Idaho Law Rev.* 1; Thompson, "Legal Education in Idaho — 1978/79", (1979) 16 *Idaho Law Rev.* 1; Walden, "A Twentieth Century Curriculum for the Small Law School: The North Dakota Plan", (1967) 20 *J. Legal Ed.* 97.

⁴Leflar, *supra*, footnote 3, at 50.

⁵Soberman, *Report to the Maritime Provinces Higher Education Commission: Legal Education in the Maritime Provinces* (1976), at 40 *et seq.*

Distances of geography inevitably emphasize the consequences of the fact that in the smaller law school it is unlikely that there will be more than one teacher per speciality. This means that for each professor the opportunity for daily exchange and debate, of any depth, is unpredictable. In this situation the professor's need for exposure to the ideas of colleagues at other law schools is considerable as is his need for the chance to try out his own notions. This is only possible if funds are available to underwrite not only the travel and accommodation costs to and from the "traditional centres" but also the substantial conference fees which now inflate the costs of every lawyer's meeting across the country. The absence of such funds increases the difficulty of attracting and retaining diligent scholars in the smaller schools. The point being made here is simple. If a university faculty of law is to operate as an intellectual discipline, then professors must be given the opportunity to meet with national and international figures against whom they can measure themselves and in response to whom they can develop as intellectuals in their fields. In a large, metropolitan university faculty of law this can be accomplished relatively inexpensively, but in the smaller, more isolated faculties of law such development can only be achieved by tangible support from the central university administration.

The shortage of cash in the form of inadequate non-salary budgets often restricts the research assistance available to teachers and obstructs access to the modern day technology which now reduces and almost eliminates the work of traditional legal research. Such dampening of the academic spirit often results in the materialisation of the "school of local law" wherein all endeavors are given over to the quirks and eccentricities of the rules of the locality at the expense of exploration of general principles and of analysis of the larger policies underlying the law. The concept of the "school of local law" engenders myopic analysis of peculiarities of the provincial law which can lead to purely information-giving functions such as to proper filing of forms and to concerns with the addresses of significant legal buildings in the jurisdiction. Nevertheless, the smaller law school must strive for the induction of legal skills, the comprehension of fundamental principles and policies, and the understanding of the basic organisation of the law. In this exercise emphasis on the local law is not inappropriate although a national perspective must always be a virtue.

The factor of the overworked law teacher renders the emphasis on local law all the more understandable, particularly when a small group of teachers must somehow teach all of the courses required either by Faculty regulation or Bar policy. It is not possible for teachers to specialise when they are expected to offer four or more courses per academic year drawn from opposite corners of the legal jig-saw puzzle. The plea here is for money to hire additional teachers and to obviate the undergraduate-oriented teacher/student ratios. Only in this way can a smaller law school develop qualitatively.

The last factor of the preliminary list for consideration is that of a narrowly drawn student body.⁶ While Dean Soberman⁷ subscribed to the view that diversity of students was an essential component of a decent law school, others⁸ have rightly pointed out that while the influence of a law school increases geometrically with the far-flung nature of the student complement the emphasis on diversity may be overdone. When one examines the fact of Canadian provincial or regional diversity then the student pool drawn upon by a smaller school, such as U.N.B., clearly reveals persons from many ethnic, ancestral, social, economic and political backgrounds. At this time, despite the reservations of the *Soberman Report*, the writer does not believe that the smaller school suffers from a parochial influence derivative of the student intake.

If the factors of size, origin of students and the nature of the host university are rejected as controlling the "smallness" of a law faculty but the factors of geographical isolation, inadequate budgets and overburdened teachers are accepted as contributing phenomena, are there other telling criteria which may assist us in divining the nature and future of the smaller law school? This writer would offer the following: the perspectives and competency of the teachers; the quality of the students; the available resources; the condition of the library; and the relationship between the Faculty and the Bar.

⁶*Supra*, footnote 1, *The Future of the Faculty of Law*, at 82, Appendix B:

FIRST YEAR STUDENTS IN THE FACULTY OF LAW AT U.N.B. DURING 1979-80

The following table shows some statistical information concerning the students who entered the first year of the LL.B. program in 1979.

		ORIGIN OF STUDENTS				
		N.B.	N.S./P.E.I.	Nfld.	OTHER	TOTAL
M	No.	33	3	4	6	46
A	Ave. GPA	3.46*	3.48	3.53	3.68	3.49*
E	Ave. Age	26.1	27.7	23.3	24.3	25.1
F	No.	28	5	2	0	35
E	Ave. GPA	3.46	3.64	3.44	—	3.48
M	Ave. Age	25.5	24.4	21.0	—	24.4
A						
L						
E						

*one mature student not included in average GPA's

The lowest acceptable GPA's for the 1979-80 entering class were as follows: N.B. - 3.03; N.S./P.E.I. - 3.40; Nfld. - 3.19; Other - 3.54.

The total number of applications received was 420. The total number of students entering was 81.

Quotas for admission from geographical areas were as follows: N.B. - 60; N.S./P.E.I. - 8; Others - 12 with preference to 6 from Nfld.

⁷*Supra*, footnote 1, at 70.

⁸Jones, *supra*, footnote 3.

First, the perspectives of the teachers: these are molded by training, by experience and to some extent by the demands made upon them by the particular institution. And while it is true that U.N.B., like most law schools, has suffered accusations of in-breeding through the hiring of its own graduates, the Faculty for the year 1980-81 reveals a typically Canadian law school representation of training which ranges from local to alien.⁹

But the faculty of some of the smaller law schools, due to rapidity of turn-over, are collectively deficient in teaching experience¹⁰ and wanting in exposure to other legal systems and other law schools. The substantial turn-over of teachers has been the inevitable result of inadequate funding of the schools of law. Those who have remained, tied to the jurisdiction by birth and family ties and by loyalty to the University, have found themselves placed in the unenviable position of hosts to considerable numbers of transient law teachers. Nevertheless, whatever the shortcomings in sheer numbers of years of teaching experience, it is clear that all professors in a small law school must aim above the narrow target of producing legal technicians for the region and look toward the legal education of men and women in a wider sense. They must also contribute meaningfully to the legal research needs of the Province, of the region and of the country at large. The contribution of some smaller law schools shows that a diversified faculty can fulfill that more audacious goal. However the concern for a national perspective and similar reputation, so clearly sought by many smaller schools, can often cause the local importance of the smaller law school to be forgotten. For

⁹Legal Education of full-time teachers at U.N.B. (1981):

	Canada LL.B. No Other Degree	Canada LL.B. Canada LL.M.	Canada LL.B. U.S. LL.M.	Canada LL.B. S. Pacific LL.M.	Canada LL.B. U.K. LL.M.	Canada LL.B. U.K. LL.B.	Entirely U.K.
UNB	3	0	0	0	0	0	0
Dalhousie	1	0	0	0	0	0	0
Osgoode	0	3	0	0	0	0	0
Toronto	0	2	0	0	0	0	0
Columbia	0	0	1	0	0	0	0
Harvard	0	0	1	0	0	0	0
London	0	0	0	0	3	0	0
Cambridge	0	0	0	0	0	1	0
Edinburgh	0	0	0	0	0	0	1
New Zealand	0	0	0	1	0	0	0

¹⁰Teaching experience as of 1981:

Years of Teaching	No. of Faculty
1 - 3	7
4 - 6	3
7 - 9	3
10 - 14	3
20+	1

example, in the province of New Brunswick the two law schools, Université de Moncton and U.N.B., perform the functions of resource pools for the government and for the members of the practicing Bar. The potential input of the schools is great indeed although not always realised. The possibilities for the individual law teacher in a smaller jurisdiction to influence legal change are much greater than his or her counterpart in the larger provinces, which fact is often overlooked by outside observers. The realities of provincial resources demand that law professors make a contribution to the development of local law.

Allied to the question of teachers' perspectives is that of overall competency. Smaller schools compete, often unequally, with the larger schools for the paradigm recruit, that is, the applicant with the primary law degree, a postgraduate qualification, call to the Bar, and some professional legal experience. Modern collective agreements in universities tend to spell these out as the formal attributes of competency for initial appointment. While the teachers in the smaller schools have taught well and contributed adequately to the administration of the universities, research has not been given a high priority, and yet the new collectivised regime demands that new appointees meet that paradigmatic standard. There can be no question that the rules of the game have been redrawn by the introduction of collective agreements onto the campuses. Law teachers are now required to meet university-wide standards of both quality and quantity of research. This poses as many problems for the larger schools as for the smaller law faculties.¹¹ Both will have to carefully consider Professor Twining's analysis of the traditions, the problems and the opportunities facing the academic lawyer as scholar.¹² His presidential address underlines the fact that until recently the universities have regarded their law schools, large and small, as primarily teaching institutions of a semi-vocational, less intellectual nature than other disciplines and infinitely cheaper to fund. His criticism of the poverty of the law teachers post-graduate qualifications, which he regards as often no more than the recognition of a fourth year of law training, cannot be ignored. Equally one cannot argue with his assertion that law teachers have made sterling reputations by compiling student texts and have achieved fame by codification and exposition rather than by research in depth as is usual in other disciplines. That tradition will have to be foregone if law teachers are to compete successfully in the new-style university competitions of annual review, promotion, tenure and merit evaluation. In short, the academic lawyer must be prepared to be a skilled lawyer, a professional educator, a committed scholar and a competent administrator if he or she is to succeed. If this is to be required, however, then the universities must

¹¹Veitch and MacDonald, "Law Teachers and Their Jurisdiction", (1978) 56 *Can. Bar Rev.* 710; and more generally Veitch, "The Vocation of Our Era for Legal Education", (1979-80) 44 *Sask. Law Rev.* 19.

¹²Twining, W. L., "Goodbye to Lewis Eliot: The Academic Lawyers as Scholar", (1980) 15 *J. Soc. Public Teachers Law* 2.

come up with the financial support for salaries, services and the professional costs of a professional discipline. The notion of the law faculty as the poor cousin of the traditional disciplines must be put behind us once and for all.

Following that digression it is now proper to return to another of the criteria for evaluating the smaller law school, the quality of the student body. This is not the place to enter into controversies over admissions criteria and procedure other than to say that any respectable school must review these matters regularly if it is to retain its credibility. Rather it is proposed to deal only with the present perceptions of the qualities of the students at smaller schools. Dean Soberman expressed concern about "dipping deeper into the pool of applicants"¹³ as he perceived that the Maritime faculties were already going deeper than the schools of central Canada.¹⁴ He admitted, however, that his opinion was based on no verifiable data but, rather on his long experience in law teaching. That being so it is presumably forgivable to offer an opinion based on lengthy experience and on the additional basis of teaching both first and upper year students in a smaller law school. As a veteran of some eight law schools on three continents in the English-speaking world¹⁵ the writer's view is that the students in a smaller law school are no worse, they are no better, they are much the same as any group of well-educated, highly intelligent men and women studying the discipline in a university setting. The narrowness of outlook, concentration on the law of a province and lack of interest in the concerns of the rest of Canada, which seemed inevitable to Dean Soberman¹⁶ in the smaller institution are not observable characteristics of the average student. Experience reveals that the top students produce work which is often the equal and sometimes better than top quality work produced elsewhere while the weaker brethren perform comparably with their counterparts the world over.

In one regard, however, students at a smaller law school appear more vulnerable despite their clear ability. It would seem that students at smaller law schools, more than those at larger institutions, lack self-confidence which is aggravated by their understandable concern over the turn-over of faculty. While the "grass is greener" malaise cannot be overlooked, it should be seen in the light that every law school yearns for the recognition or the prestige of a neighbour whose every advance is perceived as a threat. The recent history of U.N.B. provides a classic

¹³*Supra*, footnote 1, *The Future of the Faculty of Law*, at 29 and 35.

¹⁴*Ibid.*, at 38 and 69.

¹⁵University of Edinburgh, Scotland, 1959-66; Ahmadu Bello University, Nigeria, 1966-69; Makerere University, Uganda, 1969-71; Queen's University, Belfast, Northern Ireland, 1971-73; University of Illinois, Champaign, Illinois, 1973-74; University of Windsor, Ontario, 1974-79; University of North Carolina, Chapel Hill, N.C., 1976; University of New Brunswick, 1979.

¹⁶*Supra*, footnote 1, *The Future of the Faculty of Law*, at 70-71.

example. The setting up of the law faculty at the Université de Moncton produced irresponsible rumours of the imminent closure of the older school. These hysterical responses blinded commentators to the fact that while the need for the francophone law school was demanded by the political, economic and social aspirations of French-speaking New Brunswickers, the similar needs of anglophone New Brunswickers are obviously met by U.N.B., not by neighbouring law schools nor by other law schools across the country. Yet in a small law faculty such turbulence is inevitable when the birth of another school is joined with the "traditional" teacher turn-over of twenty percent.

In other words if the students' confidence in themselves and in their school is to be secured, then it must be underwritten by the increased allocation of funds for the proper purposes of a professional discipline, and to attract and to retain able persons with a sincere interest in legal education.

At this juncture, by way of another digression, it is appropriate to consider the quality of the law faculty review as a measure of student capacities and energies. While it is true that the law journals of smaller schools do not get the library usage of the national reviews, they are utilised by students, teachers, local counsel and judges of their jurisdictions. They also provide a valuable forum for students, teachers and practitioners for the exchange of views on local matters of importance. But a smaller law school is not prohibited from attempting to provide a journal which addresses provincial, national and international issues. For example, the student editorial board of the *U.N.B. Law Journal* has proved this to be possible in recent years and so have proven its collective capacities by its success. But that success has only been made possible by the initiative of students in fund raising and by the availability of University funding and services which were hitherto denied the enterprise.

As is now obvious, all of the preceding words lead to the most crucial of all criteria, that of availability of resources. Here one must look at the whole picture: from faculty salaries, to non-salary budget, to library budget, to back-up services and to funding for teacher and student research and other worthwhile endeavours.

The salary table¹⁷ makes it clear that salary increases are required if the smaller law schools are to reach the median paid by Canadian law schools. Some steps have been taken as a result of collective bargaining, to alleviate the position of disadvantage. However, the deleterious effects of several years struggle cannot be overlooked. As stated earlier the paucity of funding condemns the smaller law school to the status of a "feeder" or "farm" facility.

¹⁷See next page for footnote 17.

Academic lawyers coming from medium sized, well-funded, Canadian law schools, often accuse the teachers at such smaller schools of little visibility from the perspective of those living and working elsewhere in Canada. Yet the travel funds are often minimal¹⁸ and the non-salary budget for renovations, xeroxing, travel, equipment purchases and the rest can be less than the salary of one professor.¹⁹ Such an operating budget must seem laughable even to the modestly successful practitioner, and whatever advances are made must be seen in terms of the ravages of double-digit inflation.

The penultimate criteria for weighing the smaller law school is the library budget. The weaknesses of the smaller collection both in terms of sheer numbers of books and in research depth cannot be avoided. This deficiency is compounded by the lack of space available in some smaller schools for library development.²⁰ Schools therefore find themselves deficient not only in volumes but also in space to house additions to the collection. With no allowances of capital funds foreseeable, a certain desperation is inevitable. The resolution lies within the discretion of the provincial governments and it is to be hoped that governments will be sympathetic to arguments based on the needs of teachers, students and the legal profession for adequate university law libraries²¹ which presently serve considerable numbers of the Bar by local usage and by telegraphic service. One related deficiency, suffered by the teachers and

¹⁷*Ibid.*, at 22, updated 1980-81:

Table III.4. Faculty Numbers, Ranks, Experience and Remuneration at U.N.B., Ontario and Western Law Schools during 1980.

	SIX ONTARIO LAW SCHOOLS	SIX WESTERN LAW SCHOOLS	UNB (1980-81 SCALE)
Total full-time faculty	187	141	17
Average salary(number/rank)			
Professor	100/46,400	63/44,100	6/42,800
Associate Professor	51/33,300	49/32,600	3/29,300
Assistant Professor	33/25,000	28/25,700	8/22,100
Number of Faculty by years of experience			
1 - 3	13	6	7
4 - 6	21	22	3
7 - 9	24	26	3
10 - 14	38	31	3
15 - 19	41	27	3
20+	50	23	1

¹⁸Some Faculties operate on travel budgets of less than \$12,000.

¹⁹Total non-salary budgets of approximately \$50,000 are not unusual.

²⁰*Supra*, footnote 5, at 65-68 and 91-93.

²¹Veitch, *supra*, footnote 11, at 26-28.

students of some smaller schools is that of thin back-up services.²² The lack of services, to some extent, explains the reluctance of teachers to remain in the smaller schools but also provides yet another obstacle facing law teachers who are attempting to meet the more recent research requirements in the collectivised universities. Since law teachers perform all of their own teaching (unaided by post-doctoral fellows), conduct their own examination evaluations (without post-graduate assistance), and carry on a tradition of extra-classroom consultation unusual in the undergraduate university, then the relative lack of back-up services for the preparation of manuscripts seems like the last straw. In brief, onerous teaching responsibilities, poor library resources and meagre support services do not make a quality law school.

The last criterion given for measuring the smaller law school is its relationship with the Bar. In smaller jurisdictions the Deans of the local schools usually receive *ex officio* recognition by the professional societies, and faculty members tend to be routinely utilised as resource-persons according to their expertise. In such a situation the relationship ought to be close, yet the sibling-like tension between those who taught, those who now do and those who still teach appears to prohibit harmony. Furthermore there sometimes appears a misunderstanding of the different functions of the university-based law school and the governing professional society. The purpose of the university law school is to provide an education in law for all persons meeting the school's entry requirements. The purpose of the professional society is to certify only those persons whom they perceive to be qualified to practice law in the best interests of the community. When questions arise as to the number

²²*Supra*, footnote 1; The Future of the Faculty of Law, at 32:

Table IV.1. Comparative Support Staff Ratios at Canadian Law Schools.

School	Support Staff/Faculty Ratio	Student/Support Staff Ratio
McGill	.85	28
Osgoode Hall	.82	24
Alberta	.59	32
Calgary	.58	17
Toronto	.57	32
Western Ontario	.57	23
Ottawa (Common)	.57	34
Sherbrooke	.56	31
Laval	.54	25
Montreal	.53	51
Ottawa (Civil)	.50	38
Windsor	.46	40
British Columbia	.45	40
Queen's	.44	32
Dalhousie	.43	26
Victoria	.40	27
Quebec	.33	51
Saskatchewan	.31	52
Manitoba	.30	54
New Brunswick	.30	53

of persons who ought to become lawyers, then it is clear that that decision lies with the professional society, not with the university discipline. Therein lie the seeds of discord. Disagreements may be exaggerated when the society deems certain training necessary for certification which does not agree with the university law school's notion of the well-rounded graduate.

This need not be so, particularly when, in the smaller jurisdictions, both the students and the teachers have ample opportunity to participate in the deliberations of the professional society. Thus if the Society feels it proper to extend the number of "core" courses for call to the Bar and to require levels of language competency²³ in the best interests of the people of the jurisdiction it ill behooves the university law school to deny the opportunity for training either in "core" courses or language skills to its students and potential lawyers. It is therefore appropriate for the university law school to make available the courses required by the Bar²⁴ while not requiring the selection of such courses for graduation. Equally it is not irrational, within the structure of a six year pre-law and law training, to require, for example, language competency, howsoever defined, of those choosing to pursue the "practicing" degree. It is important to bear in mind that such bias toward local fact need does not cut off the smaller law school from the wider student demand. Students from beyond the jurisdiction of the smaller school are free to pursue a law degree within the school which is acceptable to the professional society of their point of origin. Their goal is graduation not certification by the society of the jurisdiction of the school.

As an addendum, it is fitting to append the complementary and contrasting recommendations contained both in the Report of the President's Committee on the Future of the Faculty of Law and the Faculty of Law Response. It would be wrong to pretend that the draftsmen of these recommendations adopted the mode of analysis used in the review above. However, their decisions may usefully be read in light of the sentiments expressed in this essay.

EDWARD VEITCH*

²³Bill No. 84, 1980, "An Act Recognizing the Equality of the Two Official Linguistic Societies in New Brunswick", Preamble:

"Whereas the Legislative Assembly of New Brunswick desires to enshrine in its laws a declaration of principles relating to this equality of status and these equal rights and privileges which shall provide framework for action on the part of public and private institutions;

"Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows;

"1. To strengthen the unique character of New Brunswick, the two official linguistic societies, the English linguistic society and the French linguistic society, are officially recognized within the context of one province for all purposes to which the authority of the Legislature of New Brunswick extends, and the equality of status and the equal rights and privileges of these two societies are affirmed."

²⁴Report to the Barristers' Society of New Brunswick of the Committee on the Future of Legal Education and the Practice of Law dated the 3rd day of July, 1980:

**Compulsory Course of Study for Admission
to the Practice of Law**

It is the opinion of the Committee that the Society should fix the standards of legal education that it believes constitute a basic maximum for admission to the profession. This minimum would be entirely separate from the requirements of the Law School in granting degrees in law.

Upon the Committee's recommendation, the Council of the Society has approved in principle the courses of formal training that all applicants for admission to the practice of law must secure. Those courses are as follows:

- | | |
|-------------------------------|----------------------------|
| 1. Constitutional Law | 10. Evidence |
| 2. Contracts | 11. Family Law |
| 3. Criminal Law | 12. Taxation |
| 4. Civil Procedure | 13. Wills and Trusts |
| 5. Real and Personal Property | 14. Mortgages |
| 6. Torts | 15. Company Law |
| 7. Administrative Law | 16. Insurance |
| 8. Commercial Law | 17. Agency and Partnership |
| 9. Conflicts of Law | |

In addition other possible compulsory courses were considered and the Committee's view is that the members of the Society should be asked for their opinion on whether the following should also be made compulsory:

- | | |
|--------------------------|---|
| 1. Accounting* | 5. Jurisprudence, including history of the law* |
| 2. Law Office Management | 6. Labour Law |
| 3. Ethics | 7. Equity* |
| 4. Trial Advocacy | 8. Admiralty* |

*Now available at both UNB and University of Moncton.

The topic of minimum, compulsory courses is under active consideration in other Canadian jurisdictions and is to be discussed at the 1980 summer meeting of the Federation of Law Societies where the issue of portability of law degrees is of concern. This Society's position is contained in its approval in principle of the above lists of courses and will be pursued at the Federation meeting.

*M.A., LL.B. (Edinburgh). Dean and Professor, Faculty of Law, University of New Brunswick.

APPENDIX RECOMMENDATIONS

Ad Hoc Report

Recommendation II. 3.: That the present policy with respect to the geographical source of students for the LLB program be endorsed, but that this policy not apply to any new non-practicing degree program. (Section II.B.)

Recommendation II. 4.: That the academic requirements for entrance to the LLB program remain unchanged. (Section II.C.)

Recommendation II. 5.: That the Faculty re-examine its admissions procedures (Section II.C)

Recommendation II. 6.: That the University seek external funding in order to increase scholarship support in the Faculty. (Section II.D)

Recommendation II. 1.: That the number of full-time faculty members be increased to twenty. (Section II.A)

Recommendation III. 4.: That the University undertake to pay salaries which are competitive with those of other Canadian Law Faculties. (Section III.D)

Recommendation III.7.: That the normal teaching load remain at six hours per term for those actively engaged in both scholarly activities and university service. (Section III.E)

Recommendation III. 9.: That, for the immediate future, the Faculty attempt to recruit faculty members of experience and proven research experience; and further that priority be given to the hiring of qualified and experienced personnel at the associate and full professor ranks. (Section III.H)

Faculty Response

That a policy of selection by geographic source be retained but the relative mix of students be reviewed.

That the Faculty review the academic requirements for admission to the LL.B. program.

That the Law Faculty re-examine its admissions procedures and specifically reconsider the use of the L.S.A.T.

That Faculty Council approves Recommendation II. 6. of the Report.

That there should be no maximum number of fulltime faculty members but rather a minimum number of twenty as suggested in Dean Soberman's report.

That the University undertake to pay salaries which are competitive with those of other Canadian law faculties.

That the maximum teaching load remain at twelve hours per year.

That for the immediate future, the Faculty attempt to recruit Faculty members of experience and proven research accomplishment.

Recommendation V. 1.: That an extension to the Library be constructed, and that to accommodate the estimated need over the next twenty years the extension have a shelf capacity of 150,000 volumes. (Section V.B)

Recommendation V. 5.: That increased funds be made available to the Library to enable an accelerated acquisition of monographs and serials in an effort to remedy existing weaknesses in the collection, and to enable the collection to meet and perhaps exceed existing national standards. (Section V.C)

Recommendation V. 6.: That the Faculty house a computer service centre as proposed by the Canadian Legal Information Council in order to provide law students and members of the Bar with access within the Faculty to computerized legal data bases. (Section V.C)

Recommendation VI. 2.: That, in the absence of a formal set of requirements, the Faculty should (after consulting with the Society) include in its Calendar a suggested minimum program for students who plan to practice in the Province; and that similar suggestions also be included for other Atlantic provinces. (Section VI.B)

Recommendation VI. 3.: That the Faculty proceed promptly, following the general guidelines suggested above, to select for development at least one area of specialization for which it wishes to become known in Canada. (Section VI.C)

Recommendation VI. 5.:

- (a) That degrees of competence in French should be given weight in evaluating students for admission to the Faculty, and potential applicants should be informed of this policy.

That an extension to the Library be constructed and that to accommodate the estimated need over the next twenty years, the extension have a minimum shelf capacity of 150,000 volumes.

That the Faculty Council approves Recommendation V. 5. in the Report.

That the Faculty house a computer access centre as proposed by the Canadian Legal Information Council in order to provide law students and members of the bar with access within the Faculty to computerized legal data bases.

That the Calendar be revised by the addition of the addresses of the various provincial professional organizations.

That such specialization should come about by a process of evolution and investment in existing faculty.

That credit be given the admissions process for language competency such as may be exhibited by holding the U.N.B. Certificate of French Language Proficiency.

- (b) That students entering the Faculty from 1983 on, or earlier if possible, be required to have a minimum competence in reading French on graduation; that suitable courses be arranged to enable students to meet this requirement; that students should be entitled to count some of this course work as credit for the LLB; and that students be entitled to meet this requirement in French by examination or other appropriate qualifying procedure.
- (c) That the Faculty should encourage law students to qualify for the Certificate of Proficiency in French by allowing them to count an appropriate number of courses in French as credits toward the LLB. (Section VI.E)

Recommendation VI. 6.: That in co-operation with other Faculties and Departments, where appropriate, the Faculty seek to develop specific programs to provide specialization both for those planning to seek admission to the Bar and for those wishing to follow a different career pattern who are prepared, if necessary, to forego some of the courses essential for Bar admission. (Section VI.F)

Recommendation VI. 7.: That the Faculty explore the possibility of instituting additional joint degree programs at the undergraduate and graduate level where there would appear to be employment opportunities for graduates. (Section VI.G)

Recommendation VI. II.: That appropriate steps be taken to enable the Faculty to assist in meeting the needs of the Practicing Bar for continuing legal education. (Section VI.K)

Recommendation VII. I.: That the University reassess the Faculty's needs for research assistant support. (Section VII.A)

That law students not be required to take French language courses for credit whilst attending the Faculty of Law and that students not be required to have a minimum competence in reading French on graduation.

That the Faculty of Law offer seminars in problems of bilingualism directly related to law.

That the Faculty reject the proposal for a non-practicing degree.

That in principle a combined LL.B. and M.B.A. or M.P.A. or some other combination be accepted but any graduate of such a program like any other LL.B. holder be entitled to all the privileges and benefits that appertain to an LL.B.

That Faculty Council review the curriculum so as to encompass goals of the Faculty of Law, and in particular to review from a wholly academic perspective the role of compulsory courses in the LL.B. programme.

That the Faculty Council approves Recommendation VI. 11. of the Report.

That Faculty Council approves Recommendation VII. 1. of the Report and further that Faculty members be provided with a research materials allowance.

Recommendation VII. 2.: That the Faculty actively pursue, and encourage professors to consider, research leaves and the opportunities offered by reduced teaching loads for research purposes. (Section VII.B)

Recommendation VII. 3.: That the University reassess the adequacy of travel allowances for faculty members and for visiting lecturers. (Section VII.C)

Recommendation VII. 4.: That the University continue its financial support for the publication of the *University of New Brunswick Law Journal* (Section VII.D)

Recommendation VII. 5.: That the Faculty actively explore the possibilities of collaboration with members of other Faculties in both teaching and research. (Section VII.E)

Recommendation VIII. 2.: That the addition to Ludlow Hall, on the side closest to St. Thomas University, be constructed. (Section VIII.)

Recommendation VIII. 3.: That the addition contain seminar rooms to replace those lost by alterations to Ludlow Hall. (Section VIII.3)

Recommendation VIII. 5.: That the addition be utilised primarily to meet the requirements of the Law Library. (Section VIII.D)

Recommendation VIII. 6.: That any addition contain office space for faculty and Library staff. (Section VIII.E)

Recommendation VIII. 7.: That the addition contain office and other space for secretarial staff, ancillary services and storage purposes. (Section VIII.F)

That the Faculty Council approves Recommendation VII. 2. of the Report.

That the University increase the adequacy of travel allowances for faculty members and for visiting lecturers.

That the above motion be approved.

That Faculty Council approves Recommendation VII. 5. in the Report.

That faculty recommend to the University that Ludlow Hall be given one or more additions to accommodate present and future needs of the Faculty of Law.

That Faculty Council approves Recommendation VII. 3. in the Report.

That the addition be utilized primarily to meet the requirements of the Law Library, classroom, offices and space for student facilities.

Recommendation IX. 1.: That Faculty members be willing to increase their involvement with the governing body of the Bar to the mutual benefit of the Bar and the Faculty; and that where appropriate, faculty members be expected to devote a portion of their time to active service and cooperation with the Barristers' Society. (Section IX.A)

That where appropriate:

- 1) *faculty members be willing to increase their involvement with the governing of the Bar to the mutual benefit of the Bar and the faculty;*
- 2) *faculty members be encouraged to devote a portion of their time to serving the needs of the Barristers' Society;*
- 3) *that such service be recognized by the University as part of the faculty members' service to the profession and the community;*
- 4) *that faculty members be provided with funds by the University for attending the various Bar functions.*