

# The Association of Canadian Law Teachers \*

In 1950, with a thinly-spread population of over fifteen million Canada had eleven law schools, but only forty-four full-time law teachers. This small band of professional teachers, divided between the civil law of Quebec and the common law of the rest of Canada have had to perform the thousand and one tasks associated with teaching, administration and research. Too often the work of the Canadian law teacher has been made more difficult by an unsympathetic attitude on the part of those who ultimately control legal training in Canada. (1) Also, legal education in Canada has been marked for some time by what has been called "a limited allocation of resources". (2)

It has been a combination of environment, both legal and geographical, with prevailing attitudes which has delayed the formation of the Association of Canadian Law Teachers. The American law schools formed an association in 1900 to improve legal education. (3) It was not until 1951 that a distinct Canadian counterpart was formally organized. Unlike the Association of American Law Schools, however, the Canadian organization does not have an institutional basis; the Association of Canadian Law Teachers is not a central organization of law schools or of representatives of law schools: it is an individualistic continuous association of law teachers. (4)

The first meeting of the law teachers, who later were to take the leadership in forming the Canadian Association of Law Teachers, was held in Ottawa in the autumn of 1947. The opportunity was provided by the Canadian Bar Association which was then meeting in the nation's capital. The teachers who were chiefly responsible for initiat-

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- (1) See Cecil A. Wright, *Should the Profession Control Legal Education*, in (1950), 3 JOURNAL LEGAL EDUC. 1.
- (2) Maxwell Cohen, *The Condition of Legal Education in Canada*, in (1951), 28 CAN. BAR REV. 267, at p. 272.
- (3) W. A. Seavey, *The Association of American Law Schools in Retrospect*, in (1950), 3 JOURNAL LEGAL EDUC. 153.
- (4) "Constitution and Purposes of the Association: (1) Membership is open to all persons engaged in the teaching of law in Canada (whether full or part time) and to the editor of the Canadian Bar Review. (2) The Association is representative of law teachers and is primarily concerned with their problems and interests. It is not representative of law schools or their administration as such." From the minutes of the meeting held at McGill University, Montreal, June 4th and 5th, 1951.

ing this gathering, the genesis of the Association, were Dean George F. Curtis of the University of British Columbia Law School and Professor F. R. Scott of the McGill Law Faculty. Considerable enthusiasm for a future meeting was evinced in Ottawa and it was determined to meet again in 1948. The annual meeting of the Canadian Bar Association again afforded the occasion and the law teachers assembled at McGill University in Montreal. The report of that meeting indicates that the teachers in attendance concluded that "a useful purpose would be served" by forming an association of Canadian law teachers "on a more or less permanent" basis. (5) It was agreed that the law teachers should meet annually, if possible, and the most convenient time would be during the next annual meeting of the Canadian Bar Association at Banff, Alberta. Poor attendance of law teachers at the 1949 meeting indicated the difficulties of attempting to fit these meetings into the proceedings of the Bar Association. It was decided that the 1950 meeting should be held in Kingston, Ontario, where the so-called "learned societies" (6) were meeting. The 1951 meeting was held at McGill University in Montreal where the learned societies were also meeting. This convention gave a formal status and permanent basis to the association by adopting a simple constitution and by electing an executive. (7)

After a casual beginning, and tentative existence, the very logic of the annual meetings crystallized the Association into a formal organization. However, this passage from one form to another did not change the purpose or the aim of the Association which is no more grandiose than to meet annually "to discuss common problems". (8) It was felt that annual discussions of common problems by unofficial delegates from the law schools would eventually benefit those law schools. There has never been any desire to impose decisions upon participating law schools. The objective of the Association has been solely to develop closer co-operation on common problems and to exchange information and ideas.

- (5) From the Report of Canadian Law Teachers Meeting, held at Montreal, P.Q., August 30th, 1948.
- (6) For example, the Canadian Historical Association, the Canadian Association of Political Science and the Royal Society of Canada. These societies meet annually in early June before or after the National Conference of Canadian Universities. The invaluable contact made by law teachers with university colleagues in other fields seemed to be an additional reason for meeting with the learned societies. However, convenience has always been the deciding factor in fixing the place and time of meeting. See the minutes of the meeting held at Montreal, on June 4th and 5th, 1951.
- (7) During the informal phase of the association, between 1947 and 1951, Professor F. R. Scott of McGill University had acted as convenor of the gatherings.
- (8) From the Report of the Canadian Law Teachers Meeting, held August 30th, 1948, at McGill University, Montreal.

In 1952, the Association met under the distinguished chairmanship of its first president, Dean George F. Curtis of the Law Faculty of the University of British Columbia. The meetings were convened in early June in the gracious old-world setting of Laval University in Quebec, where the learned societies were also gathering. Ten law schools were represented as against only five at the 1950 conference at Kingston, Ontario. The Association of American Law Schools was ably represented by its president, Professor Robert E. Mathews. Topics discussed embraced the full range of the common problems which common law teachers in nine provinces share with civil law teachers in the Province of Quebec.

This is not the place for a discussion in detail of the matters raised at the 1952 conference. Only brief mention of each topic will be made. Naturally, panel discussions, attended by those who were interested, were held on various subjects of legal education — torts, taxation, contracts, constitutional law, evidence and labour law. The plenary sessions devoted themselves to a discussion of problems involved in the publication of teaching materials and aids, the co-ordination of law library facilities, the teaching of public international law, teaching techniques and the study of comparative law. While there were areas of disagreement in the discussion of these matters, one striking conclusion stands out — there exist important fields common to all provinces in which there is scope and need for co-operation between civil and common law schools. This is especially true in the field of comparative law for it is obvious that Canada has a unique and favorable environment to stimulate the study of comparative law, in that she has two, mutually-enriching legal systems within the bosom of a single federal state, namely, the civil law of Quebec and the common law of the other nine provinces. (9)

After a short existence of only a few years the Association can now claim to be more than a clearing house of information. As its concern is with the advancement of legal education, the Association has provided, and should provide, leadership in this field to the legal profession in Canada. It may or may not attempt to exercise this leadership through the formulation of standards it considers desirable for the Canadian law schools. But it has and it should continue to emphasize the scholarly purposes and traditions of the law profession in Canada.

**J. Carlisle Hanson\***

(9) So obvious, indeed, that it was announced to the Association that the Carnegie Institute has placed \$50,000. at the disposal of the University of Toronto Law School for the study of comparative law in Canada.

\* J. Carlisle Hanson, B. A. (U.N.B.), M.A. (McGill), B.C.L. (U.N.B.), of the New Brunswick Bar. Editorial Assistant, Canadian Bar Review.