

LAW SCHOOLS AND CONTINUING LEGAL EDUCATION: THE DALHOUSIE EXPERIENCE

H. N. JANISCH*

Halifax, N.S.

We are supposed to be a learned profession; Queen's Counsel are Her Majesty's counsel learned in law, and in our everyday work in the courts we wear tabs and gowns, which, historically, are the very badges of the cleric and of the scholar, and to deserve those badges we are supposed to be educated. Education, of course, is a continuing process. It is something that cannot be left in law school but must continue all our lives. Once it stops we are no longer educated. Thus it is so important that we emphasize continuing education to a greater and greater degree.¹

I. Introduction.

These words of the Honourable Ian M. MacKeigan, Chief Justice of Nova Scotia, at a recent conference held at the Faculty of Law, Dalhousie University, are typical of the current concern at the state of continuing legal education in Canada. This concern finds growing practical expression in the many educational programmes sponsored by the provincial law societies, the Canadian Bar Association and the Federation of Law Societies. This article is intended to call attention to the possible role of the university law schools in this area by way of a description and assessment of the programme sponsored by the Public Services Committee at the Faculty of Law, Dalhousie University, Halifax, Nova Scotia, over the last three years.

No claim is made that the Dalhousie experience has been unique—a number of other law schools are extensively involved in continuing legal education—but it is thought that our experience has been sufficiently extensive and varied as to warrant attention.

* H. N. Janisch, of the Faculty of Law, Dalhousie University. Chairman, Public Services Committee, September, 1973 - May, 1976.

¹ Administrative Law Remedies, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, December 8th, 1973, Dalhousie Continuing Legal Education Series, No. 3, p. 1.

The Public Services Committee, a committee of the Law School's Faculty Council, is made up of four full-time and one part-time members of faculty and two students. It was established in late 1972 at a time of major expansion at the law school and reassessment of its committee structure. Its terms of reference are to:

... consider and make recommendations on ways and means in which the Law School might better serve the profession and the community including, for example:

- (a) an active programme of law reform for Nova Scotia;
- (b) continuing legal education;
- (c) public legal education;
- (d) liaison with the bar and members of the profession in the Atlantic Region.

In practice the committee has fortunately not contented itself with considering and recommending but has implemented an ambitious programme of continuing legal education designed not only to be of assistance to the practising profession but as well, as indicated in its terms of reference, to a much wider segment of society.

II. *Summary of Activities, 1973-76.*

It would be useful at the outset to give a few overall statistics. During the last three years 1997 persons have attended the eighteen seminars and conferences arranged by the committee.² The smallest session had an attendance of twenty-five, the largest 231. The most commonly employed format was an all-day Saturday session but there were three two-day sessions and two extended over eight successive Saturday mornings.

A typical session was one organized by a faculty member and one or more practitioners who had a particular interest in the field of law to be discussed. Most speakers have been from outside the law school, mainly from the downtown bar, and virtually all sessions have featured at least one "visiting fireman" from outside the province. Three of the conferences, "The University and the Law", "New Directions in Maritime Law 1976" and "Telecommunications Regulation at the Crossroads", were truly national in character in that they drew their speakers and audiences from across Canada. Most have been aimed at least at the Atlantic Region and have succeeded in drawing a large segment of their

² Strictly speaking this is a registration figure and is thus somewhat higher than the actual attendance figure.

audiences from New Brunswick, Newfoundland and Prince Edward Island. A few, such as the Law for Laymen series, have been purely local in character being designed to serve only the immediate Halifax-Dartmouth area.

It is possible to classify these activities into various types. First are the seminars designed to further specialized interests, second are the conferences of more general appeal designed essentially to acquaint the bar with recent developments, third are the sessions which meet the needs of special interest groups in some particular aspect of the law, fourth are law for laymen undertakings, and finally there are those other activities which simply do not fit conveniently into the four previous classifications.

(a) *Specialized Areas of Law.*

The very first seminar sponsored by the committee aptly illustrates this type of activity. In 1972 Professor Rowland Harrison moved from Alberta to Dalhousie at a time of considerable excitement at the prospect of oil and gas development off the East Coast. In response to an obvious need Professor Harrison conducted a two-day "crash course" seminar on Oil and Gas Law in March of 1973. It was attended by twenty-five practitioners and the follow-up questionnaire indicated very considerable satisfaction from all those who participated. On a less optimistic note it was discovered that Dalhousie's curriculum had not in the past included adequate coverage of the law of bankruptcy and a session on that subject was organized and well attended by the bar.³ A final illustration of a specialized session was that held on maritime law.⁴ This conference attracted 100 registrants of whom eight came all the way from British Columbia, sixteen from Quebec and fourteen from Ontario. This makes it quite apparent that there is a great need for such specialized sessions, especially when it is appreciated that this session was organized in the face of a national mail strike.

(b) *Recent Developments in the Law.*

A major emphasis in the continuing legal education pro-

³ Fundamentals of Bankruptcy Law, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, April 6th, 1974, Dalhousie Continuing Legal Education Series, No. 6.

⁴ New Directions in Maritime Law 1976, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, January 23rd-24th, 1976, Dalhousie Continuing Legal Education Series, No. 12.

gramme has been on administrative law.⁵ In part this was in response to a surge of activity in Nova Scotia in this branch of the law,⁶ and in part reflected the strength and size of the public law teaching component at the law school. The four administrative law conferences ranged widely over planning law, the prerogative remedies, expropriation, fairness and natural justice, jurisdictional control and the like. All in all some twenty-four practising lawyers, six members of faculty and eight planners, appraisers and politicians presented more than twenty-five papers and panel discussions on virtually all aspects of administrative law.

A particularly successful updating session was one on torts and automobile insurance.⁷ It was attended by almost 200 lawyers and representatives from the insurance industry from throughout the Atlantic Region. The technique employed here was to concentrate in the morning part of the programme on recent developments in tort law (such as economic loss, nervous shock, seatbelts and contributory negligence, collateral benefits and subrogation) while in the afternoon section to look more broadly at proposals for reform of automobile insurance. This latter discussion was particularly timely as Nova Scotia had had a recent royal commission report on automobile insurance and as it was election time numerous proposals for reform were being widely discussed. The distinguished Canadian authority, Professor Allen Linden, set the scene for a panel discussion of local lawyers thereby ensuring both up-to-date information on developments across the country and an analysis of how these developments could be applied in eastern Canada.

Another session, which like that on oil and gas reflected the optimism of the times, was one on the law affecting condominium

⁵ See, *Planning in Nova Scotia 1973*, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, June 23rd, 1973, Dalhousie Continuing Legal Education Series, No. 1; *Administrative Law Remedies*, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, December 8th, 1973, Dalhousie Continuing Legal Education Series, No. 3; *Current Issues in Administrative Law*, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, December 7th, 1974, Dalhousie Continuing Legal Education Series, No. 7; *Government Regulation and the Law*, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, October 18th, 1975, Dalhousie Continuing Legal Education Series, No. 11.

⁶ See, for example, H. N. Janisch, *Administrative Law: Alive and Well and Living in Nova Scotia* (1974), 1 *Nova Scotia Law News* 3.

⁷ *Recent Developments in Torts and Automobile Insurance*, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, March 16th, 1974, Dalhousie Continuing Legal Education Series, No. 5.

development.⁸ The two principal speakers were Professor Dick Risk of the University of Toronto, who had participated in the drafting of the Ontario Condominium Act on which the Nova Scotia legislation was based, and Robbie Shaw, Esq., a Dalhousie law graduate and real estate developer and one of the pioneers in condominium development in Halifax. It was thus possible to combine a general academic overview and practical insight based on actual local experience.

A somewhat similar approach was employed in the conference on sentencing which sought to blend together future reform and present actualities and practicalities.⁹ Here registrants heard both from Dr. Keith Jobson, at the time Director of the Sentencing Project of the Law Reform Commission of Canada, as well as from local lawyers, judges, social workers, and parole and custodial officers. The emphasis throughout was on the emerging role and responsibility of lawyers in the sentencing process and on the need for much greater understanding of the options and alternatives now available. The organizers of this session were particularly appreciative of the fact that there were fourteen judges in the audience including all four members of the Nova Scotia Supreme Court, Appeal Division.

The family law conference concentrated on proposals for reform of the law dealing with juvenile delinquency and on the work of the psychiatrist in family law matters.¹⁰ This emphasis on the need for the lawyer to be able to work closely with other professions was highlighted in a workshop on counselling in family and divorce law which brought together 120 lawyers and social workers for an intensive assessment of their respective roles.

The small response to the most unequivocally law reform oriented session was to teach the committee a sharp lesson. Only some forty persons, of whom very few were practising lawyers, registered for the conference on new directions in legal rights.¹¹

⁸ The Law and Condominium Development, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, October 20th, 1973, Dalhousie Continuing Legal Education Series, No. 2.

⁹ Sentencing Alternatives and Methods, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, January 25th, 1975, Dalhousie Continuing Legal Education Series, No. 10.

¹⁰ Current Issues in Family Law, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, December 13th, 1975, Dalhousie Continuing Legal Education Series, No. 14.

¹¹ New Directions in Legal Rights, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, February 16th, 1974, Dalhousie Continuing Legal Education Series, No. 4.

Matters discussed included privacy, compensation for victims of crime and civil rights. The two outside speakers were Professor R. J. Gray of York University and A. Alan Borovoy, Esq., General Counsel to the Canadian Civil Liberties Union. While the discussion was very satisfying to those immediately involved, the small response from the practising bar to this endeavour has caused the Committee to adopt a more cautiously realistic approach to "pure" law reform sessions and to use more of the "blending technique" outlined above. This requires careful advance planning to ensure that there is enough of immediate practical value to attract the busy practitioner and enough discussion of coming reforms to make the programme genuinely educational and of real long term benefit.

(c) *Special Interest Groups.*

In the two categories of continuing legal education discussed so far it is assumed that the participants will be drawn by and large from the ranks of practising lawyers. It has been the experience of the Public Services Committee, however, that a very significant part of its work has been with non-lawyers, especially those immediately and directly affected by some branch of the law. The concern of these groups is not to learn about law in general, but to learn more about how it affects their particular interests.

A good illustrative example of this phenomenon is to be found in labour relations law which is, of course, of great interest to more than the relative handful of practitioners who specialize in this area. Indeed, a conference on collective bargaining, which concentrated on cost of living clauses and pension plans in a time of high inflation, was very well received and drew an audience of well over two hundred persons from management, unions, government and law practice from throughout the Atlantic Region.¹² By opening the doors to non-lawyers as active participants sterile and introverted discussion of legal technicalities was avoided and the meeting benefited greatly from the lively interaction between the interest groups involved. This somewhat unique characteristic of active interaction which has been present at a number of the committee's undertakings, is a matter to be developed more fully later in this article.¹³

¹² Collective Bargaining in the Context of Inflation, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, May 3rd, 1975, Dalhousie Continuing Legal Education Series, No. 9.

¹³ See *infra*.

Two of the three major national conferences sponsored by the committee were designed to appeal to similar special interest groups.¹⁴ The whole spectrum of the university community was represented at the conference on the university and the law which was attended by some two hundred persons from forty-eight colleges and universities from St. John's to Victoria.¹⁵ Similarly the meeting on telecommunications regulation, which dealt with some specialized topics, appealed to a rather small group from right across the country.¹⁶

(d) *Law for Laymen.*

It is obvious that organizational formats and techniques which will work very well in continuing legal education for practising lawyers cannot be transposed into the difficult and challenging area of legal education for laymen. For example, it is quite possible to expose practitioners to a concentrated series of papers on recent developments in the law on the understanding that they have at least some background on which the speakers may build and a professional commitment which will provide for the necessary concentration and stamina. This approach will simply not work with laymen who do not have a similar background or professional commitment.

The challenge here is to come up with a format which really works. A carefully balanced approach has to be devised which takes into account the limited legal backgrounds of lay participants but which at the same time does not alienate those who are truly interested by talking down to them in a patronizing manner. Moreover, the "short sharp shock" approach cannot be successfully employed here and ample opportunity must be provided for discussion and for repetition of basic principles.

The technique devised by the committee was to devote two hours for eight successive Saturday mornings to a series of talks and discussions on a theme of particular interest to concerned citizens. In 1974 the theme adopted was the planning process and citizen participation and in 1976 the same theme was repeated

¹⁴ The other was the maritime law conference. See *supra*, footnote 4.

¹⁵ The University and the Law, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, February 28th - March 1st, 1975, Dalhousie Continuing Legal Education Series, No. 8.

¹⁶ Telecommunications Regulation at the Crossroads, Proceedings of a Conference held at the Faculty of Law, Dalhousie University, February 27th - 28th, 1976, Dalhousie Continuing Legal Education Series, No. 13.

but extended to cover co-operative housing and rent control. Both series were held in co-operation with the Nova Scotia Branch of the Community Planning Association of Canada and this helped to provide stability to the programme. The audience heard from both practising lawyers and academics, from municipal politicians and planners as well as from those directly involved in the organization of citizen groups. Each session was divided into a formal first half followed by a relatively unstructured question and discussion period. By this means it was possible to provide useful and accurate information as well as a forum for the exchange of ideas. The very high participant retention rate over the whole of the extended periods involved would seem to be some indication of the success of this format.

(e) *Other Activities.*

In addition to its educational activities the committee has from time to time undertaken related tasks. For example, it has sponsored four annual law book displays which have been attended by representatives of the leading Canadian law book publishers. The object here is to give downtown lawyers an opportunity for some comparison shopping and to let law students (particularly those in third year) see for themselves what will be available to them out in practice. Incidentally, it also provides an opportunity for public display of the recent writings of members of faculty.

Having a body such as the Public Services Committee permanently in place makes it possible to respond quickly to opportunities which might otherwise be lost. For instance, when Ian Outerbridge, Q.C., and his "travelling roadshow" on law office management visited Nova Scotia in 1974 it was possible to arrange to have an all-day session at the law school and to recruit a cross-section of practitioners to act as commentators to relate his presentation to the local practices of various sizes of law firms. This multi-media event was greatly appreciated by members of the third year class who turned out in great numbers despite the proximity of their final examinations. They made it clear that they thought that similar practice-oriented McLuhanesque extravaganzas might usefully invade the ivory tower more often.

A related service offered for a time by the committee was intended to give law students much needed information on the range of career opportunities available to them by bringing in as speakers lawyers involved in many different varieties of practice. This type of activity is now being undertaken by the recently established Placement Committee. The committee has also been

instrumental in organizing broad based panel discussions of current legal developments such as the *Quinlan* and *Morgentaler* cases.

Another by-product of the committee's many contacts "on the outside" has been the growing tendency to regard it as a general clearinghouse of some aspects of the law school's many involvements in the wider community. Who is it on faculty who speaks to nursing students on law? Or to physical education students? Who heads the group of students involved in teaching law to high school students? Who would be interested to speak to a group of planners in Truro? Or a group of teachers in Bedford? Or a group interested in the rights of mental patients? The list is endless and legitimate requests for speakers on areas of the law need to be channelled as much as possible through one office to avoid unnecessary confusion.

III. *The Question of Quality.*

So far the emphasis in description has been on quantity with little reference to quality. It would not be appropriate for the author of this article to make an evaluation of the programme's success or lack thereof except to say that based on the response to evaluative questionnaires and the spontaneous comment of those in attendance it would seem that the programme has on the whole been very well received! However, be that as it may, it is appropriate for him to comment on the various techniques which have been employed in order to ensure the highest quality possible.

The overall approach adopted may be described as one of "polite blackmail" which creates an environment most conducive to quality. There is no way in which quality can be guaranteed, but there are various techniques which can be employed to maximize the potentialities for excellence. None of these are gimmicks in the sense that something can be obtained for nothing. The organizers of a conference get back from it exactly what they put into it—in the language of the computer age "garbage in, garbage out".

The first prerequisite is a carefully thought out programme with speakers who are told exactly what they are to cover and for how long. Particular care should be taken with timing, for every effort should be made to run on time. Thus, the allocation of time in the programme brochure should be done with particular care and chairmen should be chosen who have enough resolve to keep things on time and on track.

All speakers should be made aware right from the outset that they are involving themselves in a really worthwhile effort. Every

effort must be made to ensure that busy and successful people place participation in conferences high enough on their priority lists to allow for adequate preparation. This can be done by reminding them that what they will say will be recorded for posterity and published (of which more below), by assuring them of a very high quality audience, and by keeping them fully informed of all developments in the organization of the session, for instance, advance registration lists.

If a major speech is to be commented upon, it is, of course, essential to obtain a copy well enough in advance to allow the commentators time to develop their thoughts. Good panel discussions do not just happen and have to be carefully rehearsed in advance. There should be a clear understanding as to just what is to be covered and the panelists themselves should be chosen with a view to maximizing (within limits) the range of views on the topic. Panelists should be sounded out at a pre-conference meeting, and the chairman should carefully note who has worthwhile views on which particular aspects of the topic. Speakers should be discouraged from simply reading prepared texts and reminded that details can be included in the printed proceedings. Statutory and other appropriate background materials should be distributed, if possible, in advance.

This may all seem very prosaic and yet it has been the committee's experience that without the rigorous observation of these types of fundamental ground rules the educational experience can be severely hampered. A few roses do bloom in the wild, but more are to be found in carefully manicured gardens.

IV. *The Dalhousie Continuing Legal Education Series.*

A decision was made soon after the committee was established to publish the proceedings of all of its major conferences in a systematic manner. Fourteen such proceedings have been published to date in the Dalhousie Continuing Legal Education Series which was established for this purpose.¹⁷ These soft covered books have ranged in size from seventy to 200 pages with the average at about 120 pages. A recording was made of each session, transcribed and edited by a member or members of faculty, and published along

¹⁷ No proceedings were made of Professor Harrison's Oil and Gas Seminar although he produced two volumes of background materials for discussion at the Seminar. Nor were the two Law for Laymen series taped owing to length and resulting expense. Finally, no proceedings were made of the Counselling Workshop in view of the fact that most of that session was conducted in small informal groups.

with detailed citation and statutory supplementation not included in the oral presentation. Each conference registrant has received a copy of the proceedings within three to six months of the conference and additional copies have been made available for sale to law libraries and practitioners, particularly in Atlantic Canada. The following table shows the number of copies sent to registrants at each of the fourteen conferences included in the series and the additional number sold.

Name of Conference	Registrants	Sales
Planning in Nova Scotia	141	165
The Law and Condominium Development	47	191
Administrative Law Remedies	79	171
New Directions in Legal Rights	46	98
Recent Developments in Torts and Automobile Insurance	191	245
Fundamentals of Bankruptcy Law	74	189
Current Issues in Administrative Law	117	115
The University and the Law	199	150
Collective Bargaining in the Context of Inflation	231	71
Sentencing Alternatives and Methods	138	79
Government Regulation and the Law	124	32
New Directions in Maritime Law, 1976	100	67
Telecommunications Regulation at the Crossroads	139	62
Current Issues in Family Law	102	14

Thus over a three year period 1728 proceedings were distributed to conference registrants and an additional 1649 sold, although those for the last four sessions have not yet been fully advertised.

The preparation of these proceedings has taken a great deal of time and effort and it can be questioned whether it has all been worthwhile. It is submitted that it has been for a number of reasons. First and foremost, publication, if done systematically and well, is, as we have already seen, a powerful aid and inducement to quality. Moreover, it can turn an otherwise momentary and fleeting event into something of permanent value. If care is

taken to ensure accuracy, full and reliable citation, and the inclusion, where possible, of forms and precedents, these proceedings can be of lasting value to the practitioner and law student. Finally, the Dalhousie Continuing Legal Education Series acts as a permanent advertisement for our legal education programme in law offices and law libraries across the country.

V. *The Need for Co-operation.*

As mentioned at the outset there are today a number of different bodies involved to varying degrees in continuing legal education. It is thus important that a newcomer not add further to the confusion which to some extent already exists. This is, of course, particularly true in a small province such as Nova Scotia. The only sensible solution to this problem is to have a high degree of cross membership on the various committees involved and a designated clearinghouse for dates and topics. Thus the Chairman of the Law School's Public Services Committee has been active in the affairs of the Nova Scotia Branch of the Canadian Bar Association and three members of the Nova Scotia Barristers' Society's Continuing Legal Education Committee came from the law school. As well, the Barristers' Society is represented on the Public Services Committee through the part-time member of faculty (who is also a member of the Society's committee) and by having the Society's Executive Director attend at the committee's meetings. The latter has acted as the clearinghouse of dates and topics which are then announced well in advance in *Nova Scotia Law News* which goes to every practitioner in the province.

While it cannot be claimed that there has not been the occasional conflict or duplication (especially in the tax area where yet other bodies are involved) this approach has worked well so far although there might have to be more sophisticated institutional arrangements in a larger jurisdiction. However, no institutional arrangement, no matter how sophisticated, will ever work unless there is a genuine spirit of co-operation.

VI. *Financial Implications.*

The Faculty Council quite rightly made it clear at the time it set up the committee that it was to operate without placing any substantial direct financial drain on the law school. The committee has charged a registration fee designed to cover the immediate costs of each session and has in addition sought and received substantial financial support from a variety of outside sources.

The Canada Council provided funding for the university and the law conference; the Nova Scotia Department of Labour supported the collective bargaining session; the telecommunications regulation conference was assisted by Communications Canada and the four Atlantic Region telephone companies; and the counselling session was underwritten by Health and Welfare Canada.

As of May, 1976, the committee had managed to accumulate a healthy surplus in addition to having a substantial inventory of proceedings which had already been paid for. This does not mean, of course, that the committee is turning a profit for the school. The secretary to the committee, who is responsible for the proceedings and organizes everything, is employed by the law school and her salary and some office expenses are absorbed by the school. At the same time it is also apparent that an ambitious programme of continuing legal education can be undertaken by a law school without placing any excessive financial burden on its institutional home. In the long run it may be necessary for a law school to appoint a Director of Continuing Legal Education. This would substantially alter the financial situation; although it must be recognized that the fees charged up to this point at Dalhousie, for example, have been very modest (in the \$25.00 to \$50.00 range) they could easily be higher.

VII. The Value of Continuing Legal Education to the Law School.

Even if a continuing legal education programme is not a direct financial drain on a law school it will obviously place a great demand on equally scarce resources of faculty time, initiative and energy. Is it worth it? There is no single answer here although it is submitted that the cumulative value of the many and varied benefits derived from such a programme indicate that it constitutes a sound investment for a law school.

To begin with, it is a unique means by which to re-establish contact with alumni and to discharge, in part, a public duty owed to the community at large. The committee summarized these considerations in the context of Dalhousie and Nova Scotia as follows:

The Faculty of Law at Dalhousie has unique responsibilities and unique opportunities for public service. The small size of the province and bar can and should be turned to our advantage. There is a largely untapped spring of goodwill in our alumni whose loyalty has for too long simply been taken for granted. We should seek to reinforce ties of sentiment with the practical bonds of continuing legal education at this, a time of rapid change for the profession. Our alumni should be entitled to find in this Faculty a continuing well of educational

experience long after they have formally graduated. The community at large should find in us a source of guidance and assistance at a time when public participation and involvement are often mired down by an inability to cope with the complexities of the legal system.¹⁸

Dalhousie has always been most fortunate in its ties with its alumni especially in their contributions as part-time teachers. However, this type of contact tends to be with only a small segment of the bar and the committee has succeeded in greatly broadening contacts between the alumni and the school. Moreover, the rapid expansion in the size of the school (a common characteristic of all Canadian law schools) has meant that few faculty members are known to the alumni and that institutionalized contacts have to replace personal ties if alumni-law school relations are to develop.

Aside from any notion of service, however, the programme has been of great value to those members of faculty who have been actively involved in it. It has provided them with a most useful opportunity to meet with practitioners active in their teaching areas. This is particularly true for those teachers in specialized areas who benefit greatly from such contact. In the interaction between academics and practitioners each can gain—the academics through new insights as to how the law works in practice and the practitioners by way of an exposure to the broader approach of the academic. This exchange has been carefully nurtured by having a balance among participants in the programmes between academics and practitioners and by seeking to make sure that each covers a topic which allows him to draw on his particular professional skills.

While this mutually beneficial contact has been a characteristic of the entire programme, it was particularly so in two undertakings. The law for laymen series provided an extraordinarily valuable opportunity for those members of faculty who of necessity need a high degree of community contact (such as those concerned with planning law or the legal aid clinic) to develop suitable contacts. Again, this is particularly valuable in an era of high faculty turnover. The other was in the maritime law gathering which was sponsored in co-operation with the Canadian Bar Association as explained by Professor Edgar Gold of the Marine and Environmental Law Programme:

¹⁸ Public Services Committee, Interim Progress Report to Faculty Council, January 14th, 1974. And see, Report to Faculty Council for 1973-74, October 15th, 1974.

The field of Marine and Environmental Law has been designated as an area of special interest and development by the Faculty of Law, Dalhousie University. At this stage some twelve courses falling into this category are already offered to law students. Further courses are being planned. It was therefore not surprising that when Frank Metcalf, Chairman of the Nova Scotia Sub-Section of the Maritime Law Section of the Canadian Bar Association, approached us and asked for our co-operation in staging a major Maritime Law Conference, he received a very warm welcome. . . .

The size and composition of the registration and the evident participation by all those in attendance confirmed the success of a great meeting. It also confirmed not only that the Conference appeared to cover a void in an important area of the law but that further meetings on the subject matter on a more regular basis are called for. It further confirmed that a Law School has a special public responsibility to deal with legal issues from a broader perspective than can reasonably be expected from law societies and other professional associations.¹⁹

Students can also benefit from continuing legal education. The committee has made a great effort to involve the student body in its activities, and a number of major papers have been presented by students. For example, and most appropriately, one on the demise of the *in loco parentis* rule in university affairs was presented by a law student and former president of the Dalhousie Student Union.²⁰ Another grew directly out of an advanced labour law seminar and was a major feature at the collective bargaining conference.²¹ At the maritime law gathering a third year law student who had been a ship's officer was particularly well qualified to speak on the proposed new International Regulations for Preventing Collisions at Sea.²² In addition students have been encouraged to sit in as observers and have done so in quite large numbers. In a number of courses the faculty member involved has incorporated attendance at a conference as part of the course itself and a number of faculty have recognized that students are particularly impressed when matters, which would otherwise be dismissed as "academic," are discussed by obviously successful practitioners. As well, it must be recognized that students are impressed by the fact that "real" lawyers are interested to hear from faculty. The greatest long term value, however, to having an active continuing legal education programme at a law school is

¹⁹ New Directions in Maritime Law 1976, *op. cit.*, footnote 4, pp. iii-iv.

²⁰ Michael P. Gardner, *In Loco Parentis: Does It Mean Anything Today?*, *The University and the Law*, *op. cit.*, footnote 15, pp. 43-53.

²¹ J. Fichaud, *Key Areas of Concern in Pension Plans, Collective Bargaining in the Context of Inflation*, *op. cit.*, footnote 12, pp. 34-46.

²² K. H. A. Robinson, *The 1972 Collision Regulations—How Close Are We?*, *New Directions in Maritime Law 1976*, *op. cit.*, footnote 4, pp. 25-45.

that it will impress upon students by example that the effective practice of law requires a long term commitment to education.

Finally, there are a number of smaller but important benefits which experience has shown can flow from this type of programme. Conferences provide a valuable opportunity for faculty to test out new ideas before an informed audience. Thus there have been a number of instances in which papers presented at conferences have subsequently been developed into significant law review articles.²³ The programme has also been of particular interest to our graduate students and in one instance a thesis grew directly out of a conference.²⁴ The conferences have also put the law school into contact with particularly qualified potential mature applicants for admission. Finally, the whole law school has benefited from the "visiting firemen" brought in for the conferences. For example, Professor Dick Risk, who participated in the session on condominium development, gave a paper on legal history to a faculty seminar the day before.²⁵ Professor Allen Linden gave a characteristically rousing speech entitled "Long Live Torts!" to a large audience of students and faculty prior to his participation in the torts and automobile insurance conference.²⁶ Maritime and insurance teachers had a unique opportunity to meet with an outstanding world authority, Professor E. R. Hardy Ivamy of London University, when he visited Halifax for the maritime law conference,²⁷ and Mr. Nicholas Johnson, a very well-known former F.C.C. Commissioner and lately an active campaigner for reform in the regulation of broadcasting, spoke extensively with the Regulated

²³ My colleague Professor David Mullan, who has made an outstanding contribution to the programme, has done so, for example. See his, What Use Can and Should be Made of a Declaratory Remedy in Modern Administrative Law?, *Administrative Law Remedies*, *op. cit.*, footnote 5, pp. 44-56, developed into *The Declaratory Judgment: Its Place as an Administrative Law Remedy in Nova Scotia* (1975), 2 Dal. L.J. 91. And his, Fairness: The New Natural Justice?, *Current Issues in Administrative Law*, *op. cit.*, footnote 5, pp. 1-14, developed into, *Fairness: The New Natural Justice*, (1975), 25 U. of T. L.J. 281.

²⁴ William Ricquier, *The Universities and Administrative Law*, LL.M. thesis (1976).

²⁵ R. C. B. Risk, *A Prospectus for Canadian Legal History* (1973), 1 Dal. L.J. 227.

²⁶ For his participation at the conference see, *Current Developments in No-Fault Automobile Insurance, Recent Developments in Torts and Automobile Insurance*, *op. cit.*, footnote 7, pp. 73-92.

²⁷ For Professor Ivamy's participation at the conference, see *New Directions in Maritime Law 1976*, *op. cit.*, footnote 4, pp. 16-18; 59-68.

Industries seminar the evening before he acted as opening speaker at the telecommunications regulation conference.²⁸

All in all involvement in continuing legal education can be seen as an act of enlightened self-interest which brings with it a number of substantial long term benefits. It can greatly increase a law school's credibility in the community, cement ties with alumni, strengthen faculty teaching capabilities through outside contacts and can thus supplement and reinforce a law school's primary commitments to teaching and research.

VIII. *What Can Law Schools Do Best?*

While it is urged that the Dalhousie experience shows that a law school can and should play a vital role in today's growing commitment to continuing legal education, it would be most unfortunate if law schools were to dissipate their resources by seeking to cover the whole spectrum of this type of education. The provincial law societies will, of course, still provide traditional continuing legal education. Indeed in Nova Scotia activity at the law school has been accompanied by a gratifying resurgence of interest in "C.L.E." by the Barristers' Society. The Society's Continuing Legal Education Committee has been most fortunate in that the last two chairmen have been particularly energetic and effective and the administrative capability of the Society has been greatly increased by the appointment of a very competent executive director. The committee's greatest long term achievement has been in the establishment of *Nova Scotia Law News* which summarizes in comprehensive fashion all current unreported decisions and includes a digest of recent statutes and short articles of interest to members of the bar. It is published four times a year and distributed to all practitioners in the province. As well, the Committee sponsored a very well received conference in November, 1975, on "Current Problems in Conveyancing".

It is submitted that the profession itself should support continuing legal education of the more practical "nuts and bolts" variety. There should be the maximum co-operation between the law school and the law society in such undertakings (including, as at Dalhousie, some faculty participation and law school assistance with facilities) but the initiative for, and organization of, this type of upgrading of professional competence should rest with the profession as such. That is where the real expertise lies and where a realistic examination can be made of the needs of the average practitioner.

²⁸ See, Opening Address, Telecommunications Regulation at the Crossroads, *op. cit.*, footnote 16, pp. 4-13.

Rather than duplicate efforts in this area, the law schools should concentrate on law for laymen, on emerging areas of reform (while not, as we have seen, becoming too removed from the practising bar), on specialized areas of law where a worthwhile size of audience will only be found at the national level, and on those legal issues which can really only be discussed on an inter-disciplinary level. This is where the academic strength of a university based law school can be used to maximum effect and where the Dalhousie experience has shown a law school can make a unique contribution.

There are two fairly distinct aspects of the last category mentioned above. The first is that there are certain legal issues which can only be adequately discussed in a broader context than is likely to be found in a professional society with its justifiable emphasis on somewhat narrow professional skills. Examples of this from the Dalhousie Series would be the workshop on counselling in family and divorce law, the discussion of the role of the psychiatrist in family law and the session on sentencing which saw a lively and informative exchange between prosecuting and defence lawyers, judges, parole officers, custodial staff and social workers.

The second is the need for what may be called a "fair forum" in which highly contentious legal issues can be discussed only on the understanding that a university's commitment to the dispassionate search for truth will make possible an open and frank exchange of conflicting points of view without fear or favour. The best example of this was the telecommunications regulation conference which had to incorporate, if it was to be of any real lasting value, many of the tensions inherent to the present regulatory process—consumer *versus* carrier, carrier *versus* carrier, federal *versus* provincial. Yet in order to obtain the full support and participation of all of the elements involved, meaningful reassurances had to be given that one or another element would not be allowed to use the conference as a platform.

IX. Conclusion.

The purpose of this article has not been to suggest that other law schools should follow the Dalhousie model. Conditions differ so much across the country that that would not be at all desirable. At the same time the Dalhousie experience would suggest that Canadian law schools should become more involved in continuing legal education and it is hoped that as they consider moving in that direction they can benefit to some degree from this brief description and assessment of the activities of the Public Services Committee of the Faculty of Law, Dalhousie University.
