

THE CANADIAN BAR REVIEW

LA REVUE DU BARREAU  
CANADIEN

Vol. 95

2017

No. 1

**CANADIAN BAR REVIEW EDITION ON LEGAL  
EDUCATION:  
INTRODUCTION FROM THE CBA LEGAL FUTURES  
INITIATIVE AND THE CBA EQUAL JUSTICE  
INITIATIVE**

This special edition of the *Canadian Bar Review* stems from the event, *Transforming Legal Education in Canada: A Workshop to Inspire Change*, hosted jointly by the *Canadian Bar Review* and the Legal Futures Initiative in Toronto in March 2016. The workshop brought together academics, lawyers and law students for a day of creative thinking. Participants worked together in small groups to critically analyze and test emerging ideas on how to select, educate, license, train, and assess the lawyers of the future. In addition, thirteen scholars, practitioners, and professional educators presented papers, introducing new ideas and sparking the day's discussion. Readers of the *Canadian Bar Review* can now also engage with those thought-provoking ideas through this special edition.

The workshop arose from our growing understanding of the changing needs of the profession. Learning is now a life-long commitment for lawyers. Our clients come to us more empowered, with increasing access to legal information online and to assistance from other professionals. To meet the challenges from these and other new competitors, lawyers need a wider set of skills, particularly from other disciplines, and they also need to keep their skills current through effective training methods. On a deeper level, change is necessary to ensure that the profession can reach and serve everyone's legal needs. To achieve this goal, the profession should reflect the diversity of the population it serves. As the gatekeeper to the profession, education plays a key role in shaping the next generation of lawyers, and therefore the ability to thrive in this environment of change.

With this background of change in mind, the workshop called for proposals in eight areas of particular interest to the CBA: What training and education will 21st-century lawyers need? How can we train lawyers to work effectively in multidisciplinary teams? How can we encourage experimentation in the methods used to prepare new entrants for their call to the bar? How can professional development meet the needs of lawyers throughout their careers while also ensuring increased competence? How can we ensure that law schools and the profession reflect the diversity of Canadian society, and that law school graduates are able to pursue varied career objectives? How can educators and employers match law school graduates to market needs? How does the profession become more relevant to clients? And what is the role of educators in encouraging innovation amongst lawyers?

These eight themes are reflected in the CBA Legal Futures Initiative's work as a champion for innovation in the legal profession. The Legal Futures Initiative is an ongoing strategic initiative of the CBA that aims to prepare the profession for the change occurring in the legal market. Futures started by completing the first comprehensive study in Canada examining how and why the legal profession is changing. Two years of research culminated in the publication of the report, *Futures: Transforming the Delivery of Legal Services in Canada*, in August 2014.<sup>1</sup> Legal education is one of the report's main focus areas: as the profession changes, so must the way in which we prepare people to join the profession. Futures continues to support bold thinking about transforming legal education through a variety of projects, including the March 2016 publication, *Do Law Differently: Futures for Young Lawyers*.<sup>2</sup> It is all part of the Legal Futures Initiative's mandate to advocate for a flexible, dynamic and responsive legal profession.

The Legal Futures Initiative goes hand-in-hand with the Equal Justice Initiative, which works on solutions for access to justice challenges across Canada. Equal Justice envisions an *inclusive justice system that is equally accessible to all, regardless of means, capacity or social situation*. The cornerstone of Equal Justice is the 2013 report, *Reaching Equal Justice: an Invitation to Envision and Act*,<sup>3</sup> which compiles the CBA's extensive research and sets out a plan to bring members of the justice community together for change. Leadership for the Equal Justice Initiative comes from the CBA's Access to Justice Committee. One of the Committee's priorities is to address access to justice through the lens of legal education. The Committee

---

<sup>1</sup> *Futures: Transforming the Delivery of Legal Services in Canada* (Ottawa: Canadian Bar Association, 2014).

<sup>2</sup> *Do Law Differently: Futures for Young Lawyers* (Ottawa: Canadian Bar Association, 2016).

<sup>3</sup> *Reaching Equal Justice: an Invitation to Envision and Act* (Ottawa: Canadian Bar Association, 2013).

works to create access-to-justice-sensitive new lawyers, and to pave the way for careers that improve access to justice. This includes encouraging emerging legal professionals to understand the access to justice challenges facing Canadians and to become capable of contributing to their solutions. Together, the Committee and Futures also work to ensure that legal education is accessible to Canadians of all backgrounds with diverse lived experiences.

But the CBA is not doing this work alone—we work in close collaboration with people and organizations all across the justice sector, including lawyers, scholars and students. This collective work style was purposely reflected in the design of the *Transforming Legal Education* workshop, which was characterized by open and honest discussion amongst the major stakeholders in legal education. It is this type of bold rethinking of all aspects of legal education, from pre-law school to continuing professional development, that we hope to continue with the publication of this special legal education edition of the *Canadian Bar Review*.

The special edition examines a broad range of issues concerning the future of legal education and continuing professional development (CPD). Authors Karen Drake, Michele Leering, Darcel Bullen and Lorne Sossin propose new approaches to the law school curriculum. Karen Drake addresses the need for a mandatory course on Indigenous law in keeping with recommendations from the CBA and the Truth and Reconciliation Commission of Canada, and Michele Leering proposes the inclusion of reflective practice—a core competency in other professions. Darcel Bullen and Lorne Sossin tackle the structure of traditional legal education by examining the feasibility of a flex-time *Juris Doctor* program. Authors Yanneck Ostaficzuk and Suzanne Gagnon question the traditional approach to CPD and suggest the implementation of a reflective approach to competency development. Finally, authors Gemma Smyth, Samantha Hale and Neil Gold examine the imperative and challenges of bolstering clinical and experiential learning in legal education.

#### **CBA Legal Futures Initiative**

Allan Fineblit, Q.C, Steering Committee Member

Karen Dyck, Steering Committee Member

#### **CBA Equal Justice Initiative**

Michele Leering, Access to Justice Committee Member

Doug Ferguson, Access to Justice Committee Member