

## **Proposal in Saskatchewan for local law society to approve or disapprove other law schools?—arising in the context of TWU.**

I am an outsider, but my attention was caught by para 4 of the dean's report to the College of Law for January 2014. The following comments are not directed to the specific case of TWU, but rather to the implications of the pending local Saskatchewan decision.

Para 4 of the Dean's report suggests that the local Saskatchewan law society might take over the "national" function of approving or disapproving Canadian law schools and the legal education provided by each? If I have understood that correctly, and I do not know the history of federal-provincial and inter-provincial practice barriers, then this proposed local role will have some implications which need to be considered long and carefully.

This may be a case of a visiting fool rushing in where angels fear to tread. Perhaps that is what visitors are supposed to do? Additionally, I am paid large sums of money to assist in risk analysis attached to litigious decision making, so I will plunge in here. I also was closely involved in Australia responding to the very damaging regulation of law school behaviours by a secret non-consultative committee of elderly legal practitioners from one state (who obviously had not read the prophecies of Richard Susskind or his forebears).

What if each, or a number of, provincial law societies claim the power to approve or disapprove of JDs from other provinces, and other law schools?—then what inevitably follows is:

1. Harry Arthurs' nightmare, that not one national committee of legal practitioners, but say ten different groups of legal practitioners dictate in fluctuating fashion, which schools are "in" and which are "out".
2. Local law societies lobby each other quietly to request that "if you let my list in, I will let your list in". Voting blocks develop in the east and west, and in big and small law schools, skills and research law schools, old and new schools.
3. Local law societies draw up fluctuating check lists---- what are the educational goals, methods, resources and feedback used in propaganda and in reality at each law school in Canada, ( and overseas given the internationalization of the law degree)?
4. Does each law school have in reality ( not only in inevitable propaganda) sufficient learning of –skills? which skills? theory? history? research methods?—do they each have sufficient learning by doing? sufficient staff/student ratios? sufficient publications; sholarships for the poor; for the rich and poor?social service?; practicums and clinics? overseas cross cultural learning experiences? ( the "internationalization" of law and legal education); sufficient mandatory subjects for country and suburban practice (eg mandatory succession; business law; family law; running a business successfully) etc
5. Does each local law society have sufficient resources to collect evidence (beyond rampant propaganda) on each law school; and then hold hearings

on each school say every 5 years to see if each has ticked the currently right boxes etc.

6. What if the Saskatchewan JD is not recognized in certain provinces because it has the currently “wrong” emphasis, or Saskatchewan College of Law does not give the time or resources to satisfy the fluctuating approving committees in each other province?
7. Local accreditation will inevitably have the effect of minimizing diversity of Canadian legal education even further than at present. Each law school must copy the behaviours of the big schools who get ten approvals, so that they get as many local approvals as possible.
8. What are the long term implications if some or many of the graduates of the “disapproved of” law school, turn out to be superb practitioners, judges and political leaders? What if the disapproved of law school is later ranked as top in the nation---as has just happened in the USA to the Mormon school in Utah, Brigham Young –best law school in USA for low cost to students and highest post graduation employment rates!!

From my experience elsewhere, these are a few risks and factors which need to be weighed up before Saskatchewan embraces such a (re)- accreditation role for the nation’s ( and global) law schools.

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