

Ontario's Newest Law School

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In September 2013 the Faculty of Law at Lakehead University will open its doors to its first cohort of students, becoming Ontario's newest and seventh law school. A fair question to ask is: How will the Faculty of Law at Lakehead be different for Aboriginal students, Aboriginal peoples, and teaching Aboriginal issues? Or, will the new Faculty simply be a clone of the other six Ontario law schools?

The Faculty of Law at Lakehead will be different; outlined below are seven distinct differences.

1) Its Creation

Most law schools are created at the whim and wish of the university. They are university driven. The Faculty of Law at Lakehead owes its existence to the tenacity and commitment of the community in Northwestern Ontario. The push for a law school first began with the Nishnawbe-Aski Nation (NAN) and the local County and District Law Presidents' Association. These groups were soon joined by other members of the community, including other First Nation organizations and the Métis Nation of Ontario. The Working Group tasked with the challenge to move the law school forward included representatives from NAN and the Métis Nation of Ontario. The Faculty of Law is therefore a creation of the community and its reason for being is to serve that community.

For any lawyer practicing law in the North and in non-metropolitan Canada there are three realities: a settled and growing Aboriginal population, a resource economy, and a small firm practice. The Faculty of Law at Lakehead addresses these three realities by:

- providing an Ontario law school that emphasizes working with Aboriginal peoples in order to address the legal needs of Aboriginal communities in the north,
- providing an educational focus on legal issues related to the resource-based Northern Ontario economy, and
- redressing declining participation in sole and small law firm practice.

These realities are embedded in the law school's curriculum and admission policy, and will be reflected in its teaching.

2) A Law School that is Not Just About Law

The mission for most law schools is fundamentally legal education. The various schools phrase it in different terms; however all law schools strive to educate their students in the law and to be good citizens in advancing the law. The Faculty of Law at Lakehead certainly must fulfill this mission, but there is more. In addressing the needs of the North and non-metropolitan areas, Lakehead is obliged to prepare its graduates for the practice of law in these areas. Although Lakehead cannot accredit its graduates to practice law, what it must do is prepare its graduates as best it can for the practice of law. This requires a focus on the skills and knowledge bases necessary to work in small firms in rural and smaller centres.

It also means that if Lakehead is serious about redressing the need for lawyers in the North and non-metropolitan regions, it needs students who show an interest and willingness to work in the North. This requirement is addressed through Lakehead's admissions policy. Lakehead cannot, as most other law schools largely do, simply number crunch and admit students with the highest grade point average and best Law School Admission Test (LSAT) scores. If Lakehead did so, it would be inundated with students from the Greater Toronto Area (GTA) and it would become a feeder school for the GTA. Lakehead cannot allow this to occur. For that reason, Lakehead will use a holistic approach in its admissions. A starting point will be GPA and LSAT scores, but each file will also undergo individual review. Applicants will be weighed against the Faculty's mission. Personal statements will be scrutinized carefully. Interviews may be required. What Lakehead is looking for is fit. Is there a good possibility that this applicant will stay and practice law in the North and thereby help Aboriginal peoples and communities in these areas?

Obviously Lakehead is especially looking for Aboriginal students. There is a separate Aboriginal category, but this category does not require as much emphasis because of Lakehead's overall holistic approach to file review. As the Faculty grows, it plans to be a visible presence in Aboriginal communities. Potential Aboriginal students will hopefully know that the Faculty of Law exists and welcomes their presence.

3) Location, Location, Location

Lakehead's location in the North is an automatic distinguishing factor. Access to legal studies begins with being able to go to university close to home. This means that family supports are close by and that a student may study in familiar surroundings.

Fundamentally, it means a great deal cost-wise and support-wise for a person to be able to study at home or close to home.

However, it is Lakehead's intention to reach out to the communities outside of Thunder Bay. Lakehead is a law school for Northern Ontario from Orillia to Kenora and students may well look forward to placements in their home communities at certain times.

Location also includes the fact that the Faculty of Law is not located on the Lakehead University campus. Rather, it occupies a heritage high school, Port Arthur Collegiate Institute, built in 1909, which features gables and mediaeval turrets. Besides its picturesque law school aesthetics, it stands overlooking the former inner city of Port Arthur. By being off-campus and in an inner city area, it is ideally located to house a legal aid clinic to serve those who cannot afford legal services.

4) The Curriculum

Aboriginal issues are fixed in the curriculum. In first year there is a course titled 'Native World Views and Law'. Its premise is that one cannot understand Aboriginal law without an understanding of Aboriginal peoples. This course will run in tandem with the Foundations of Canadian Law course. In this way students will be able to compare Aboriginal perspectives on the world and law to the traditional, liberal, Western world view of the law.

In second year there will be a specific mandatory course titled 'Aboriginal Law', which builds on the first year course. Aboriginal law will be a full year course and will allow for in-depth study of Aboriginal issues both in relation to the Constitution and in relation to a wider variety of contexts. For example, property rights on reserves is a pressing issue in terms of First Nation investment.

Beyond mandatory courses in Aboriginal law, Lakehead's mandate compels that all subject areas address Aboriginal issues where appropriate. For example, courses regarding natural resources will require study of Aboriginal land, title and consultation claims.

5) Small Size

Lakehead is small. Its yearly cohort will be 55, roughly a quarter of the size of other Ontario law schools. Lakehead embraces its smallness. Small is good. Small means a personal education for its students.

In first year, the cohort of 55 will be split into two sections of 27-28 students. 'Classes' will not be lectures. There will be more. The classes will be split into tutorial groups of 10-14 students. Two hours of class time per week will be combined with one hour in a tutorial. Tutorials will provide opportunities for the students to discuss and engage with the law in far more depth than provided in class.

This small group teaching will ensure that individual students do not get lost within a sea of classmates. It will allow for ready identification of students having difficulties and will nurture true mentorship between staff and students.

6) Skills

The mandate of the Faculty of Law at Lakehead is to make its students as ready as possible for lawyering upon graduation. If graduates do work in small firms or in solo practice, they need the necessary skill foundation. Skill training will begin in first year:

all of the substantive courses will contain skill components. Skill training is ideally suited for the tutorials. For example, in Criminal Law the skill set will focus on oral communication. With this skill in mind, students will receive instructions on a bail application and be expected to conduct a simulated bail application. The law on sentencing will become real as students prepare for and execute a guilty plea. Skills will be integrated throughout the first year curriculum in all subjects. Other potential skill sets include:

- Contracts – negotiation and drafting of a contract;
- Constitutional – preparation and presentation of a leave to appeal application;
- Torts – legal memorandum writing and research; and
- Property – negotiation of a land transaction.

Years two and three build upon the skills learned in first year. There is progression. In second year in the Civil Procedure course (a full year course), students can expect to take a raw fact situation, prepare pleadings, move on to discovery, go to trial and then conduct an appeal. At the end of the course students will have a package of knowledge that encompasses the entire civil process.

In year three Lakehead intends to have clinical placements for all of its students. A number of Aboriginal legal service organizations will be approached in search of placements. A key will be the creation of a legal aid centre in the law school. As a small school, Lakehead is able to provide hands-on clinical training to all of its students. In this way Lakehead graduates will be well-prepared to work in ‘Main Street’ Canada, where there is real need for their services.

7) Teachers

The beauty in building a law school from the ground up is that one can start with the right people. Lakehead is looking for individuals who enjoy teaching and who are good teachers. Lakehead is reaching out to ‘practitioner-scholars’—those who have experience in law and the ability to view the law critically. Lakehead will require that legal theory is connected to the practice of law. Students better understand the law when they see it at work.

Conclusion

I will return to where I began: will the Faculty of Law at Lakehead be different for Aboriginal students, Aboriginal peoples, and teaching Aboriginal issues as compared to other law schools? Yes. Sticking to its mandate and relying on its small size, Lakehead can and will provide a special education for all of its students -- Aboriginal and non-Aboriginal alike.

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