Memorandum on the Future Status and Location of the Manitoba Law School*

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* Memorandum on the Future Status and Location of the Manitoba Law School (1966), Winnipeg, University of Manitoba Archives (Box 14 folder 6).
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MEMORANDUM ON THE FUTURE STATUS AND LOCATION OF THE MANITOBA LAW SCHOOL

The Need for More Accommodation

The decision to make the program at the Manitoba Law School a full time one has implications which extend beyond the planned program of instruction, and one of these is undoubtedly in the realm of accommodation.

There is the need for space more evident than in the classrooms. The beginning of the present year saw a first year enrollment of 60 as opposed to 49 in the year before. Credit for this cannot be wholly given to the institution of the "new program", for the pool was already larger and first year enrolments in law schools across Canada, and similar high enrolments are forecast for the future. The effect of a continuing high enrolment here is staggering. Some figures will illustrate this.

We now have four classrooms, two which accommodate 40 to 50 and two which accommodate 70 to 80. Thus we can admit one more class of upwards of seventy students and barely accommodate them in the classrooms. The year after next we will have no available classroom capable of accommodating the first year class.

This is not the whole problem with regard to classrooms. The year after next will also be the last year of the process of transition from a four year part time to three year full time course of study. This will necessitate giving joint lectures to students of the final years of both courses, which will require a room or halls capable of accommodating more than 100 students.

It is frequently necessary for the entire student body to assemble in one place. Even with our present enrolment this is not possible on School premises. The largest room at the School is the library which at present can only accommodate a maximum of 125 students when they are seated so closely that it is impractical for them to take notes.

The beginnings of a seminar program are now in operation at the School. There are no seminar rooms as such, and a variety of rooms have been pressed into service for this program, none of which is entirely suitable: class rooms, common rooms, library, and even the Senior's room. The provision of adequate seminar rooms would substantially facilitate the seminar program.

The failure of any law school must be its library. In order that a law school may achieve any degree of success and recognition, its library must attain a high degree of excellence. If we hope to attract competent teaching staff, and to have more than just a good undergraduate library we must improve our collection to the point where it can also be considered a good research library.

The building housing the library and the physical equipment that is required to maintain it play no small part in attaining this goal. The present library facilities are inadequate. The problem of space will become worse as the old system of part time students is phased out and the full time system becomes full operative. We have accommodation for approximately 70 students in our library, and even this number cannot be seated comfortably for study purposes. The Law Society library will accommodate another 120 students, utilizing the gallery and the book of the library. The continuation of this arrangement is dependent on the good will of the Law Society. We cannot forget that with a projected enrolment of 280 or more students attending full time, the resources of both libraries will be strained to the uppermost limits. We must have cooperative members of the Bar or law well behaved students may be, minor irritations do arise, and will continue to arise and increase in proportion to our student enrolment. The good will of the Law Society might not continue if the Library is over-run with students all day and every day.

We have sufficient shelf space based on normal acquisitions for about another 10 months to two years. If we acquire additional reports and texts in order to accommodate the greatly increased numbers of students using the library full time, this figure will, of course, be reduced.

The only stack room we have is in the attic, which is totally inadequate. Access to the attic is very difficult, and the books stored there are being damaged by extreme temperature and other hazards. Bindings are breaking down and becoming ill-defined, and mice are eating through whole books. A library cannot operate efficiently
without proper stack rooms.

We do not at present have the space available to set up facilities which are necessary to provide circulation privileges. It is necessary in order to have adequate circulation facilities to be able to control the library and the persons who use it by control or check points. This amounts to having separate exits where you catch what books are being taken from the library, otherwise theft became a major problem. This is not practicable on the present premises.

We need space for smaller reading rooms and study rooms where research can be done in a relaxed manner. Many libraries have reading rooms which double as seminar rooms.

Increased facilities will demand more library staff, who will require space to carry on their work without interfering with the day to day operation and use of the library. We need space for a cataloguer, and for a small office and administrative staff, and also for repairs and maintenance of books.

Almost all the Law Schools in Canada have built new libraries or have added additions on to the already existing facilities. If we wish to offer a program comparable to those of these schools our library accommodation must be expanded three or four times.

The attracting of new staff members is very important in increasing the stature of the School. It is not a question of the life blood of the School is the staff. The caliber of the staff is not determined by the facilities of the School, but it is true to say that in the staff competition for qualified teachers of law, all other things being equal, the School with the better facilities for lecturing, study, and research, would emerge the victor. And if the Manitoba Law School is not to be a mere stepping stone to better things in the eyes of "imported" staff, then the facilities provided here should be as near equal to those of other schools as is practical.

Among the needs caused by an increase in staff numbers will be new offices. At the moment every inch of office space is being used, and all we can do to accommodate new staff next year is to build temporary offices on the main landing.

Another facility which is provided in most modern law schools is a faculty lounge. The presence of this should never be the deciding factor in a new staff member coming to Manitoba, but it can contribute to an exchange of ideas between staff members and to better staff relations generally. At present there is nowhere for our part-time teachers to congregate before or after classes.

The increase in the student body and their full time status creates the need for better dining facilities. The MacKay building cafeteria, which is already overcrowded, and the present common room, which is not available during exams, are not adequate. Depending on the location of the School, such a dining room might provide part of the bond of contact between students and the legal profession, with all its consequent benefits.

Another problem with an increased student enrollment is provision of adequate locker space for the students. There is need for more lockers and for a room to house them. From the standpoint of improving the physical appearance of the present School, no single act would have as great an effect as removing all the lockers from the main hallway of the School.

That these suggestions are not far-fetched, can be seen by comparing the facilities in the School with those of other professional facilities such as Medicine and Dentistry. That the suggestions are not out of line in respect of law schools can be seen by comparing the facilities in the School with facilities present in the recently constructed law school buildings at Saskatchewan and Queen's and in the new addition constructed at the University of Toronto, all of which contain the bulk of the features suggested here.

It will be apparent from the above that a radical improvement in the Law School's accommodation is imperative. Even at the moment our needs are extremely urgent. To carry on a satisfactory program for the 1968-69 term, only two years away, appears a physical impossibility in the present quarters.
The location

The cost of providing the Law School with suitable accommodation, and of operating a first-year full-time program, will be high. Tuition fees and the Federal Grant, which have been our chief sources of revenue in the past, will no longer be nearly adequate. By far the easiest way to finance these changes would be to become a faculty or school of the University of Manitoba. The staff is unanimously of the view that this change in status should be sought.

The question as to location however, causes a much greater problem and in order to study the comparative advantages of campus and downtown sites, two members of the staff were asked to prepare briefs setting out as fully and persuasively as possible, the merits of each. These briefs are attached as Appendices A1 and A2.

All the members of the full-time staff have carefully discussed the attached appendices and while there are many reasons for staying downtown, I think I can say that we are all agreed that the vital factor is whether we are going to develop the suggestion of a Legal Aid Clinic, mentioned in Appendix A2, or something similar, for which a downtown site would be essential. Personally, I am not fully convinced about this project and I therefore feel that an alliance, any move out of our present building should be to the Campus. Without repeating anything which may be covered in the attached appendices, my reasons for coming to the above conclusion are as follows:

1. With the introduction of the new program of legal education in Manitoba, a great change took place in the function of the Law School. Whereas previously it was responsible for the complete training of students for their call to the Bar, its function now is the education of students for a University Law Degree. While I have no desire or intention that the School should thereby become "un ivory tower", I think we must recognize that in the light of our new function, our reasons for staying downtown are no longer so compelling.

2. The examples of Medicine and Dentistry have been mentioned. Here, however, there is a modern trend to place University teaching hospitals on University campuses, as for example at St. Boniface and, I believe, in the new University in British Columbia.

3. The example of England and student barristers dining and fraternalizing with the profession is really not applicable. It is a student of one of the Inns of Court (that is the professional body) who follows this pattern, not the University law student. Again I feel we must be careful not to confuse the functions of the University and of the profession in the education of law students.

4. I do not minimize the value to law students at any level of visits to Court, meetings with the profession and acquaintance with the practice of law, and certainly wish all these to continue. Such, however, are all peripheral matters during their academic training and do not necessitate their constant close proximity to the Courts House. Fort Garry is, after all, not far from the City Centre.

5. The problem of full-time lecturers coming out to Fort Garry is really not so difficult as it appears. By the time we have our new building I envisage a full-time faculty of 9 to 11 and a consequent reduction in part-time faculty to about 3 or 4. If these few lecturers were installed at 8:00 a.m., ending at 9:30 a.m., the lecturers concerned would still be in their downtown offices by 10:00 a.m.

6. Informal discussions from time to time with members of the academic legal fraternity outside Manitoba have almost invariably indicated a preference for a law faculty situated on the University Campus. In particular, law faculty of the University of New Brunswick moved from Saint John to Fredericton a few years ago to join up with the rest of the University. Inquiries I have made indicate that such a move has been beneficial in very many ways and excellent working relations have been established between the Bar and the University. A close alliance has been maintained and I believe that the Dean and some faculty members are on a Bar Association Committee. It seems to me that we have here the basis of a happy solution for Manitoba. See Appendix A2.

Prepared by
G. H. C. Edwards
Dean
APPENDIX "A"

ADVENTAGES OF FORT GARRY SITE

There are six main reasons to support the proposition that the Law School should be situated at Fort Garry. Some of these involve purely practical considerations, and others are concerned with the aim behind the education of law students in Manitoba — it is these which will be considered at the commencement.

Firstly, one of the most worthwhile aspects of education at the University level is the intellectual stimulus which can be obtained from others who are devoting themselves to a furtherance of knowledge. The exchange of ideas, for both staff and students will be far less interrupted and of much greater value if shared in by people who are pursuing separate and distinct disciplines as well as by those studying law — and this would be the case if the law school were to be established on campus.

Secondly, law students must realise that there is an inter-relation between law and other studies, law after all is essential in any civilised community, but from that very fact that it operates within a community not amount, and if the students are exposed to life within the University they would be helped to realise this, perhaps more clearly than is possible while the law school remains downtown, isolated from other disciplines and so closely tied to things entirely legal.

Thirdly, one of the reasons advanced for the proposition that the School should have a downtown location is connected with the need which is felt for a field of specialty to be undertaken. This would be beneficial both to the reputation of the School elsewhere, and for the broadening of the education of the student. A suggestion has been made that there should be a Law School Clinic (see Appendix "C") which the students would run themselves, and in this way gain some practical experience. If this scheme is adopted it will obviously necessitate a downtown situation.

However, this is not the only possibility for a field of specialty for Manitoba — many other opportunities become open if the School moves to Fort Garry, which are not practical while it is located at the present site. For example one suggestion is that the School should adopt as its specialty Family Law. This would involve close relations with the psychology and sociology departments, and amongst other things, increase the student's awareness of the inter-relation of law with other disciplines, and of the effect of law in society generally.

As a fourth point, another untold advantage in being situated within the University grounds is the opportunity which the students would then have to use the extensive library there — both in connection with their legal studies and extraneous matters. It is argued that a University environment will distance from the professional atmosphere with which the students must be imbued. This is not an inevitable consequence, considerable contact can still be maintained with the profession, and it must be borne in mind also that these students have the rest of their lives in which to be professionals and only three short years in which they have time for uninterrupted study of the law.

It is unanimously felt that the School should become a facility of the University, since this is so it seems to follow that it should be situated within the University grounds. The arguments which prevailed when considering whether or not to discontinue the practice of concurrent articling — namely that this tended to distort far too severely the academic aspect of a student's training indicates that the School should be removed to a location where the academic aspect can be cultivated.

It should be remembered here that Manitoba was the only remaining province, not only in Canada but in the Commonwealth, to retain concurrent articling in the education of law students, and that all the other law schools in this country (with the exception of Osgoode Hall) are operated on campus.

The fifth point is concerned with the availability of lecturers. The acquisition of suitably qualified staff is a considerable problem at the present, and its establishment as a definite part of the University would undoubtedly increase the attraction of the Manitoba Law School to other law teachers in Canada.

We are experiencing considerable difficulty recruiting good teachers. There are indications that some of this difficulty can be attributed to suspicion in the
law teaching fraternity about our academic standards. We are doing everything possible to improve the reputation - and the establishment of a field of specialty will be very helpful here. However, there are limits to the achievements which can be obtained without more staff of high standing, and it would make it much easier to acquire such personnel if the School were situated on the University site so that its needs would be more acceptable to others.

Also connected with the need for staff is the point that the law faculty, if located at Fort Garry, would possibly be able to share some lecturers with other facilities. For example, there is at the present a teacher of International Relations at the University, and he and men in similar fields attached to other faculties would be able to supplement the present legal programmes.

In addition, at many universities law is a subsidiary subject for other students, e.g. engineers, sociologists, political economists, etc., and if the School were to be situated on the campus, it would be possible for more teaching of law to be incorporated into the curricula of far more students than is the case at present. This would be beneficial to those students, for it would give them some insight into, and understanding of, the legal system, and would better fit them for the role they are to play as responsible and educated citizens in later life. Also knowledge of the ways in which legal studies were integrated into other syllabi may help the law student to see that law is not a discipline operating in complete isolation from all other considerations.

Finally, coming to practical considerations, it may be that the cost and availability of land would pose far less serious problems at Fort Garry than they would downtown. Certainly, aesthetically speaking, the possibilities are much more attractive on campus.

In addition, there is the expense of providing a separate and recreational facilities would be avoided, since the students would be able to avail themselves of those already provided by the University. Even should some extensions to these be necessary in order to accommodate the addition of a new faculty, the cost would obviously be far below that of providing an entirely separate unit in a different location.

Small points which might also be mentioned here are that centralization would result in administration and maintenance savings. Also parking problems would be greatly diminished.
APPENDIX A

ADVANTAGES OF DOWNTOWN SITE

The education provided by a law school should be a proper balance between the academic and the vocational. It must always be remembered that most of the students who enroll do so because they want to be lawyers. This is not the single goal, but the dominant purpose, in the last analysis, of the training of lawyers.

One cannot stress enough, however, that a law school ought never to become a mere trade school from which legal technicians are graduated. The academic side of the course of study should always have the prime emphasis placed upon it.

As an important part of a law student's education, he should be exposed not only to the law as set out in the cases, texts and lectures, but also to the law in action and the law as practiced. The graduate of perfection is one who has a reasonable grasp of legal principles, whose mind has been stimulated by the academic side of the course of study, whose talents have been tested by exposure to the law as administered and practiced, and whose sense of the tradition and ethics of the Bar has been enhanced through contact with members of the Bar.

It is submitted that although not the complete answer by any means, the maintenance of the law school at a downtown site would facilitate the teaching of this goal, through the increased contact between law students and members of the Bar.

It is envisioned that a new law school, when constructed, would become the centre for legal research in Manitoba, to be used by students, staff and members of the Bar. In addition, it is contemplated that a dining room would be included in the building to be used by students, bar leaders and judges alike. The idea of a place where the Bench, Bar and students may meet to eat and drink together is not a new one. In England, for example, it is thought to be of vital importance to the training of a "student barrister". It is here that the traditions and the fraternity of the legal profession are instilled in the law student. Reference may be made to the enlightening article by Mr. Roy St. George Stubbs in the Manitoba Bar News where this matter is more fully discussed. (March 1962, page 137.)

There are 19 part time lecturers teaching at the Law School. It is submitted that if the Law School were moved out of the downtown or Law Courts area, many of these lecturers would not travel all the way to the Fort Garry campus to deliver a one hour lecture. To do so would consume most of a morning. It is almost certain that the two judges now on the teaching staff could not spare the extra time.

The Law Society Library is used by the Law Students mainly for the American material contained therein. It would cost tens of thousands of dollars to duplicate this important source of material (if it could be duplicated at all) if the Law School moved to a location remote from the Law Courts Building.

As part of the Law School training, the student should have the opportunity to observe the law in action in the law Courts. One should not learn law in a vacuum, and the benefit to the student of observing the trial of cases, or the hearing of appeals, cannot be overstated. It is here that the student gets the "feel" of law as practiced as opposed to the law as taught. This aspect of a Law Student's training is facilitated by the downtown site.

A disadvantage of the downtown site is the fact that the students do not have ready access to the fine general library at the University; however, this is offset by the ready access the students have to the Legislative Library.

It is contemplated that as part of the Law Students' more advanced training, a legal clinic might be set up to assist with maintaining the proper balance between the vocational and academic aspects of legal education. Attached as appendix IV is a draft of the charter thoughts about such a program. Although there are many disagreements amongst the members of the staff as to the details and mechanics, the staff are agreed in principle to the possible value of this Law School clinic idea, as a teaching aid (not as was suggested in appendix IV, merely as a "specialty" or "rare-meat").
Next persons entering law school are already post-graduates, having received a Bachelor of Arts or Bachelor of Commerce degree. They are on the whole more mature than the majority of students registered in the campus facilities. The need for a University atmosphere is not as great as with the University freshmen. It is easier to provide an academic atmosphere in a downtown site than it would be to provide a professional environment on the campus.

The suggestion that a possible Family Law Research Project would be easier to operate on the campus because of the presence there of the social science facilities overlooks the fact that the Family Court and various social work agencies which would provide the raw material for any such research are located downtown. And, of course, Union College has competent social science departments.

One feature that a campus building would have to provide that would not be needed downtown would be a moot court room.

**ACTUAL LOCATION CONSIDERATIONS**

Exactly where in the downtown area should the law school be located? It must be in close proximity to the Law Courts; otherwise the most compelling advantages of a downtown site would be lost.

Should the School therefore simply seek to have the present quarters in the Law Courts enlarged and improved? We think not, for several reasons.

In the first place, we could never hope to have the many advantages of really well designed accommodation if we remained in the Law Courts. Much thought has been given to Law School architecture in recent years, and several Canadian schools are now enjoying more efficient use of their facilities as a result. To deny ourselves some of these benefits at the outset by attempting to adapt an existing building would be wasteful. A large sum of money will have to be spent in any event; to spend a little more to assure architectural adequacy would be sound investment policy.

The dining room and lounge facilities that we regard as so important to a balanced scheme of legal education might be much more difficult to obtain in a publicly owned building.

While we remain in the Law Courts we will continue to be tenants at will of the provincial government. This creates a host of minor, but collectively annoying problems. May we open the library on Sundays or public holidays? May we paint or remove the premises if we wish? May we hold social events in the School? If so, may liquor be served? Will the inevitable noise caused by 300 students in full time attendance disturb the courts and government officials? An actual example of this kind of problem is the resentment shown by some civil servants in the building when our students were allowed to use the Jury room as a common room.

More important than these minor matters would be the hammering effect of continual uncertainty as to the School's future. As the workload of the courts increases, the need for space will grow; and the School would therefore always be under the threat of possible eviction. Longrange plans are very hard to make in such a situation. To leave the Law Courts at a future date when other downtown sites are no longer available might necessitate moving to the campus, which would force us to abandon the Law School clinic, require us to find a large quantity of library material which is available now, but might not be in the future, and so on. The future development of the School would be made much easier to plan by the assurance of permanent accommodation.

There should be therefore a separate building to house the School entirely somewhere in close proximity to the Law Courts. If the old Court house is to be demolished when the Art School moves to its new building on the campus, that site would be ideal, since there could be a physical connection with the Law Society Library. The provincial government also owns several other vacant sites in the same area which would be suitable.

If a suitable separate building were not possible, a second choice would be to build an addition to the Law Courts, provided that the numerous problems of the type suggested above could be worked out. Failing this, then a campus location.
APPENDIX 101

The University of New Brunswick
Faculty of Law
Fredericton, N.B.

January 13, 1966

Dean C.H.O. Edwards
Manitoba Law School
Law Courts Building
Winnipeg, Manitoba

Dear Cliff:

In answer to the first question in your letter of January 6th, the Law Faculty was established in Saint John in 1872 as a Faculty of King's College, Windsor, Nova Scotia; following the removal of King's College to the Dalhousie campus in 1922-23, the University of New Brunswick accepted the responsibility for the School. Arrangements were, however, very informal and not precisely defined until 1932.

Under the arrangements as they obtained, the University appointed the Dean and one full time professor; day to day administration was vested in the Faculty as appointed by the Dean and drawn from the Bench and Bar in Saint John. In 1950, the University undertook to appoint two full time professors; in 1952, the Faculty was drawn more closely into the affairs of the University with provision made for the Dean to be a member of the University Council and for a representative each of the full time and part time staff on the Council. The University Council is the central academic body in the University.

The movement to upgrade the Faculty began in 1950 with the request for full time staff and with a request made initially to the President and by him to Lord Beaverbrook for assistance under his then policy of augmenting the University library resources. The question of relocating the School arose at the suggestion of the full time staff and at the insistence of Lord Beaverbrook; initially, the President decided to commit the general Faculty and the part time members unanimously resolved that the School should remain in Saint John. Lord Beaverbrook then (1954) provided Beaverbrook House where the School remained until its removal to Fredericton (in quarters also provided by Lord Beaverbrook) in 1959.

The objections to removing the School expressed between 1950 and 1954 were various: a fear that total integration with the University would give too academic a complex to the instruction offered; the availability of a wider range of practice in Saint John so far as articling might be concerned; the availability of a wider range of experienced practitioners in Saint John from which the part time staff might be drawn; the desirability of remaining a center of higher learning in Saint John and so on. In fact, it is evident that the opposition to the removal of the School was related substantially to an understandable reluctance on the part of the part time staff (some of whom had been established in the School for twenty years or more) to see it go; in due course other pressures (business) led to a change in the composition of the part time Faculty and it became evident that the School must augment its full time staff in order to provide an acceptable level of legal education in comparison with other schools.

When the School was re-established in Fredericton in 1959, the move was accomplished with the very good will of the part time staff; since then, those who opposed the original move have indicated that they were wrong in their opposition. As I may have indicated to you on an earlier occasion, the School is now wholly integrated with the University and our graduates (subject to articling) are admitted automatically to the Bar. The School is also closely allied to the Bar; the Dean has been an ex officio member of the Council and two members of the Faculty are members of the five-man examining committee of the Bar for persons seeking admission from other schools. It is fair to say that the members of the Bar regard our location in Fredericton as wholly desirable and that we have established excellent working relations and much respect. The move to Fredericton has not accomplished every ob-
jective we sought in relation to the University. We had hoped for a much closer integration with other faculties in that their students might be enabled to take some of our courses. It has led, however, (a) to a very close integration of our students in the social life of the campus in so far as many live in the University residences; (b) to a very extensive participation by our faculty in the various activities of the University (both academic and social); and (c) it has made available to us as occasion may require the facilities of the University library.

I should mention as well, though it is scarcely measurable, that there is a considerable enrichment both for the Faculty and students in the contacts made with persons in other disciplines. What I have said somewhat hurriedly will only indicate to you my conviction that the Bar and those of us associated with the School feel that the move to Fredericton was desirable and that time has demonstrated the wisdom of the move.

(Signed)

G.A. McLintock
Professor of Law

P.S. With respect to paragraph 2 perhaps I should indicate that our representatives on the University Council are now drawn wholly from the full time staff.
1966 Memo: Future Status of Manitoba Law School

APPENDIX III

LAW SCHOOL CLINIC

While the concept of articling had many defects and disadvantages, it did provide certain benefits, at least to students in good offices. Undoubtedly the most important of these benefits was the sophistication which came from exposure to "the law in action," and added a third dimension to classroom study of the legal process. Another virtue of the system was that by constantly demonstrating to students the relation between their classroom studies and the practice of their future profession, motivation was maintained at a high level and generally tended to raise as office responsibilities increased.

The significance of these benefits can be seen by looking through the pages of the journal of Legal Education over the past few years. Numerous articles are devoted to problems faced by full time law schools because of their students' isolation from the day-to-day operation of the legal system. How can students be made to realize that there is much more to law than the highly refined appeal court judgments in their case books? How can they be given an understanding of the importance of the lawyer's non-litigious functions? How can they be shown that ethical problems are seldom black and white? How can the marked decline in interest by 2nd and 3rd year students (which seems common to all full time schools) be countered? And so on. These are problems we have not encountered in the past, but which we must now be prepared to meet.

These same problems faced medical education a few years ago, and were solved by providing students, in addition to their final internships, a certain amount of hospital experience while in medical school to supplement their classroom and laboratory work. An even closer analogy can be drawn to dental education. When our Faculty of Dentistry opened a few years ago it adopted the standard practices of other dental schools in providing extensive clinical experience as an essential part of its 3rd and 4th year courses. The school's clinic contains 60 fully equipped dental chairs, plus a separate children's department and oral surgery department. Third and fourth year students spend about half their time working under supervision on real patients in the clinic. In five years of operation the clinic has treated 3000 patients.

Law schools in the United States are turning increasingly to a similar solution to the law school clinic. A survey conducted in 1953 showed that 28 American schools offered some type of clinical training. (See Jost, "Law School Legal Aid Clinics" reprinted from (1951) 3 J. Legal Ed. 535, which summarizes the survey, and Jostone, "Legal Aid Clinic Reports," which contains the detailed reports submitted by the participating schools.) I have not been able to locate any more up-to-date figures, but there are indications that the total has now increased significantly. The best American clinic at the time of the survey appears to have been the one that Professor John Bradbury established at Duke University in 1951. Unfortunately, however, we do not have a detailed description of the Duke project, and although Professor Bradbury reported on it in (1955) 9 J. Legal Ed. 154, our library does not have that volume.

I believe that if the Manitoba Law School were to establish a clinic of this type, but patterned to our own needs, it would enable us to combine some of the virtues of concurrent articling with those of full time study.

A decision to support this proposal should not, of course, be made unless it will improve our teaching effectiveness. But once it is agreed, as I believe it will be, that it would be in such improvement, the advantages of the idea are enhanced by other collateral advantages. The administration of legal aid in Manitoba seems much to be desired. While it would certainly be not a substitute for the training legal aid groups can still provide, the clinic would make possible a greater improvement in the service they provide. Another advantage that should not be overlooked is that so far as Canada is concerned, Manitoba would be pioneering in the field of clinical training. The rivalry among Canadian law schools recently in the recruiting of staff has driven many of them to develop "specialties" which will bring them to the notice of the law teaching fraternity. McGill has its Institute of Air Space Law, Dalhousie its Centre for Legislative Research, Ottawa its Canadian and Foreign Law Research Centre, Montreal
It would be pointless, if not impossible to work out the details of the clinic’s operation at this stage. However, to provide a basis for discussion certain tentative suggestions can be made.

General Nature of Schemes – It must be emphasized that the climate would not aim at producing competent practitioners. Training in the ‘how-to-do-it’ skills must chiefly remain the function of service under articles and in the Bar Admission Courses. The clinic’s goals would simply be:

a) to add a degree of sophistication to the student’s academic studies;

b) to provide the increased incentive that comes from working on real problems;

c) to prepare the way for service under articles by giving the student a standard of comparison for judging the adequacy of his principal’s methods.

The attainment of these goals would not require anywhere near the expenditure of time demanded by concurrent articling. Two or three cases per student per year for everyone in the second and third years and in the Bar Admission Courses would probably be adequate, provided that proper supervision were given, and that each student could follow his cases from inception to conclusion. We have already planned for considerable problem and moot court work in the second and third years. Some of this could be displaced by real problems from the clinic, so the total increase in time would not be excessive.

A full time Director would be required to supervise student work and to administer the clinic. In order to expose the students to proper office procedures, the clinic would be run like an ideal law office. This would require at least one full time secretary, plus office equipment, waiting room and office space, interview rooms and so on.

Source of Work: Most American legal clinics are concerned almost exclusively with legal aid work. This would undoubtedly provide a substantial portion of our clientele also. Magistrate Rice has suggested that students could perform a useful service in summary conviction cases, for which the present legal aid scheme makes no provision. Unfortunately, many important types of problem (real estate transactions, personal injury claims, etc.) seldom arise in a legal aid context. For that reason I feel that the clinic should seek other work as well. County practitioners without an adequate library might be interested, as they have been in some U.S. jurisdictions, in having the clinic prepare opinions for them. Legislative drafting, along the lines of the work done at Dalhousie (see Read, “The Provisions in Legislation at Dalhousie Law School”, [1959] 13 U. of T. L.J. 21) might be attempted. Staff members might submit problems from their own practice or research work. The problems encountered by bar associations in cases involving friends. These problems are numerous, although care would have to be taken not to usurp the profession by appearing to take potential clients away from them. Tougher problems could also arise in connection with fees, but I will touch on this under the heading of ‘Financing’.

Supervision: The success of the venture would depend greatly on finding a suitable full time Director. He must be a man who combines teaching ability, administrative competence and enthusiasm, with demonstrated skill in general practice.

The Director would screen all prospective clients in order to decide whether their problem should be undertaken by the clinic and which student should be assigned to the case. From that point, the initiative would be given to the student, subject, of course, to the Director’s supervision. The supervision would be exercised in four different ways:

a) At certain well-defined stages the student would be required to consult with the Director before proceeding further. It may be difficult to define these stages in advance, but it would certainly be possible for the Director to indicate at each consultation how far the student could progress before the next consultation.
The Director would read all incoming and outgoing mail.

The Director would keep a continuing record of the clinic work in progress so he could spot students who were neglecting their cases.

Students would be encouraged to consult the Director whenever in doubt.

Cases would undoubtedly occur where, because of the student's inability to appear in court, or some other reason, the services of a qualified lawyer are required. Most of the time, the Director could probably step in himself, but it might also be necessary to have an arrangement whereby members of the Legal Aid Committee or other volunteers could be called upon to meet such contingencies.

Because of the integration of the clinic work with the second and third year problem and mock court programs, it would probably be wise to put the Director in charge of problems and mock courts as well.

Financing: Although the cost of the clinic would depend on a number of variables, such as the seniority of the Director chosen, the annual expenditure would probably be in excess of $15,000, without taking the rental value of office space or the capital cost of equipment into account. Where would this money come from? There are several possible sources.

I believe that the clinic's value to the School would more than justify meeting the entire expense from general LAW School revenue. However, it is unlikely that this would be necessary, since the deficit could be greatly reduced by other revenue. With the recent pressure to create a Public Defender, the Provincial Government might be very interested in a clinic which would improve the condition of legal aid and might be persuaded to contribute. The legal profession, whose legal aid responsibilities could be lightened by the clinic, is a possible source of revenue. Another is the Community Chest, which assists a number of American clinics.

Charging a fee for services should not be regarded as entirely out of question. Work done for staff members and other practitioners could certainly be charged for. Perhaps other clients could be charged in accordance with their means, as the dental clinic does. It is not difficult to foresee problems in determining how much a client is able to pay, and opposition from the profession, but doubt that these are insurmountable difficulties.

Summer Months: All of the Law School clinics except those in year round universitites encounter problems in keeping up their obligations to clients during examinations and vacations.

In Manitoba the key to the solution is the Bar Admission Course, which will involve the presence of students during a large part of the summer. In addition, the students serving under articles would be available, perhaps on a voluntary basis, and the Director could, if necessary, act himself or seek the assistance of staff members or members of the Legal Aid Committee. And to some extent the number of cases accepted by the clinics could be controlled so as to avoid congestion at inconvenient times.

The first Bar Admission Course will not take place until the summer of 1969. Until that time it might be necessary to close the clinic during the summer months.

Starting Date: There is no need to go into details on this subject, but I feel that substantial credit should be given to the student for clinic work.

Starting Date: To give the present first year class the training they should have, we ought to open the clinic next fall. However, I think that it would be a mistake to begin until we are able to do the job properly, and it could not be done on the present premises without a substantial increase in space. It might be necessary to wait until we have a new building.

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