The following article is reprinted from THE LAW SOCIETY OF MANITOBA 1877-1977, edited by C. Harvey and published by Peguis Publishers Ltd. of Winnipeg, by permission of the Law Society of Manitoba.

The MANITOBA LAW JOURNAL is pleased to carry this article in the hope that it will introduce to some of our readers the book marking the Society's centenary since we believe, with Chief Justice Freedman as he expressed it in his foreword that this work is:

> ... more than history, for it looks not merely at the past but addresses itself to the problems of the contemporary scene, and in dealing with those problems it assuredly charts a course for the future.

The Admissions and Education Committee: A Perspective on Legal Education and Admission to Practice in the Province of Manitoba, Past, Present and Future

by Jack R. London

JACK R. LONDON *received his LL.B. in 1966 from the University of Manitoba and his LL.M. from Harvard University in 1971. He has had extensive experience in the field of taxation, both in private practice and with the Department of Justice in Ottawa. Since 1971 he has been Professor of Law at the University of Manitoba, concentrating in the areas of taxation and clinical law. In 1974 he received from the University the Olive Beatrice Stanton Award for Excellence in Teaching. For two years commencing July 1, 1975, Professor London took a two year leave of absence from the Faculty of Law to serve as the Director of Education for The Law Society of Manitoba with duties relating to the design and administration of educational programmes for law students, legal practitioners and the general community. He is the author of several published legal writings and has frequently appeared as a guest speaker and media commentator. He has been a weekly newpaper columnist, writing on topics related to taxation and current social issues. Until his appointment as Director of Education he was a Bencher of The Law Society of Manitoba.*

According to its title, this piece is intended to describe the powers and operations of the Admissions and Education Committee of The Law Society of Manitoba. That Committe is charged with the responsibility of reporting to the Benchers of the Society on essentially two matters: the establishment, supervision and management of the Bar Admission Course, and

the suitability of candidates seeking to enter the legal profession in Manitoba. The Committee has also undertaken other responsibilities which include continuing legal education of the members of the profession in Manitoba and lay education in law.

More fundamentally, this essay is about change — that which has already occurred and that yet to be achieved. In that context only two things are certain: every educational system, whether it be directed to the learning of law or another discipline, must evolve over time else it will be obsolete and out of step with the context of its period; and as a natural and inevitable concommitant, the changes which mark the evolutionary process will be received and perceived quite differently by different observers.

Protagonists of particular changes will obviously sense their need and desirability although there rarely will be total assurance that the result will be more beneficial than the preceding system. Antagonists, on the other hand, generally will remain unconvinced that the process can be made more beneficial than the one they themselves had been compelled to endure. The resulting debate is unavoidable.

A review of the history of legal education in the Province of Manitoba this last 100 years shows several matters of interest and three observations of particular importance. First, there does not seem to have been any single extended period of time during which there was express universal satisfaction with the system of legal education then in force in this province.

Secondly, the fundamental issue which persistently has led to divergent opinion, debate, acrimony and change has been whether the learning of law ought to be an academic exercise dedicated to concepts and principles, or a practical experience in technique and mechanics. Those who have argued for the former saw the law as a science, reducible to relatively precise rules and norms, mastery of which was a fundamental requisite of later learning and endeavour, whether it took the form of legal practice, politics, or other formats. Those who argued for the training of mechanics and technicians saw the law as relevant only in its applied form in relation to the peculiarities of individual causes. The legal scientists were more concerned with the effectiveness and efficiency of pedagogical communication, while the pragmatists looked more to the degree of practical experience posessed by the tutors, i.e., the articling principals, of those being taught.

The third observation of note, and perhaps the most critical, is that as the power base of each of the two groups has gained intermittent ascendancy, the province has been witness to virtually every conceivable combination of the two perspectives

except the one which bears the greatest promise of beneficial result. That would entail a concurrent melding of the two perspectives under the supervision and control of a single institution solely committed to education, and not having an over-riding interest in either the delivery of legal services for their own sake, the protection of a monopoly, or the learning of legal prinicples in a vacuum.

In fact, they are not only inextricably tied as part of one continuum, but they are both fundamental components of a significant basic understanding of the law, whatever ultimately might be the applied purpose of the student seeking that understanding. Therefore, even scant resources aside, the basic educational experience ought to be one in which the student of law gains not only an appreciation of both concepts and technique, but also the means by which to bridge the two through insight into their relationship.

Certainly, there are no magic formulae. The process has been, and will be, one of trial and error. Indeed, the paths to the crossroad currently being faced will be found strewn with the lingering remnants of pedagogical and licencing methodologies, each once thought to provide an acceptable framework but each in turn found wanting and requiring further refinement.

The crossroad today, however, is somewhat differently marked than in the past. Hopefully, it will no longer be sufficient to ask only what is best for those who will become part of the legal monopoly. Rather the thrust of future investigation and change must focus more clearly on how best the consumers of legal services can be benefitted by the educational and licencing prerequisites of legal practitioners, for it is increasingly accepted that the sole rationale of the legal profession is to ensure the best possible service for the consumer, whether individual, group or institution, and whatever the need. The challenge must be met by a creative, imaginative programme which seeks to find its relevance in the community both by opposing its faults and reinforcing its strengths.

To put that challenge in proper perspective, the writer proposes to deal with the subject matter in three ways. First, there will be an attempt to capsulize the history of legal education and admissions policy in Manitoba prior to 1975. There will then follow a brief description of the current system of admissions, licencing and education in Manitoba which has been in force since 1975. Thirdly, an attempt will be made to articulate, in some more detail, the issues currently being faced with regard to legal education and the licencing of lawyers, together with a prognosis on where and how the system might evolve hereafter.

An Historical Review

The history of legal education and admission to practice in Manitoba these past 100 years is not difficult to capsulize although it has been punctuated by change, sometimes called radical, more often subtle and incremental. It has been surveyed in some detail in Chapter II.

Prior to 1877 all lawyers practising in Manitoba had been trained elsewhere and virtually all of them had qualified to be practitioners without formal educational requirements. In May 1877 the Benchers of The Law Society of Manitoba passed a fairly comprehensive set of rules and by-laws which included provisions that represented the first real attempt to impose formal requirements on those who sought to practise law in Manitoba. The 1877 rules established a standing examining committee of the Law Society, which, with relatively minor modifications, has continued ever since, and prescribed minimum criteria for entry into legal training and a system of articling and examination leading to admission to practice.

In 1885 the University of Manitoba established a purely reading course leading to an LL.B., the completion of which reduced the articling period by two years. At this point in the history of the legal education in Manitoba one begins to see the division between academic and practical pursuit, which has persisted ever since.

This then was the state of legal education in Manitoba until 1914; for the most part there was no formal instruction provided for the students during their articling terms and they were left primarily to their own devices to absorb the information that was required to pass the examinations. The underlying theory and rationale, which in many respects continues today, was that law was best learned in the field at the side of a qualified practitioner.

On October 5, 1914 the Manitoba Law School opened its doors. The Law School was established by agreement between the University of Manitoba and the Benchers of the Law Society, and was operated by a board of trustees comprised of representatives of the University and the Society. The School offered two courses which could be taken concurrently, one leading to the degree of LL.B. and the other to call and admission to practice. Most students took both courses. To accommodate articling which continued to be required, a system was instituted sometimes called the "dual system", sometimes the "concurrent articling system", under which students proceeding to call or admission articled in law offices while attending lectures at the Law School. In order to minimize interference with office practice, classes were held Monday to Friday at the beginning and end of

each day. The seeds of didactic legal education as a basic component of training had now been firmly sown, though only in conjunction with office service.

Not many years passed before dissatisfaction led to change, this time substantial. The "dual system" was virtually abandoned. Beginning in 1921 students were required to serve only one year in articles in law offices. In the case of students having prior university degrees the one-year period was served concurrently with the Law School programme. For those who did not have a prior university degree the articling period was served after completion of the Law School programme. As will be seen, the combination of articling and didactic education then instituted did not differ markedly, in terms of timing, from that currently in force. However, between then and now several different formats have been attempted and, certainly, both curriculum and teaching methods have undergone substantial modifications.

The rationale of the new format was best expounded in that period by Dr. R. W. Lee, then Dean of the Faculty of Law of McGill University and Convenor of the Committee on Legal Education of the newly formed Canadian Bar Association. In introducing the report of that committee in 1918, Dr. Lee said (3 Y.B., page 12):

> Then we come to the extremely important paragraph dealing with the period and course of study, and there we took our stand very firmly on the ground of the essential importance of law school teaching, where provision for law school teaching exists; and further we pronounced with all the emphasis of which we are capable, against the system which makes office attendance run concurrently with attendance at the law school. Experience has demonstrated completely and entirely, that if you are content to acquiesce in that dual system, law school attendance and the office attendance running concurrently, you will not get good results, either out of the law school or out of the office. That I, personally — and I believe I express the view of the whole of my committee — look upon as absolutely fundamental.

The full-time programme operated in that fashion until 1927 when, notwithstanding that Manitoba had been internationally recognized as the best law school in Canada, the Board of Trustees turned the wheel once again and decided to lengthen the law school course from three to four years and to reinstitute concurrent articling in the third and fourth years of the programme. For those students who did not have a prior university degree an additional year of articles was required. The confusion and irrationality of the assumed dichotomy between concepts and application are here demonstrated and thereafter often repeated. The prescription of an additional year in articles in a law office for those who did not have prior university degrees is inexplicable. If the one could be thought to be the equivalent of the other, it is difficult to conclude that the

student would have been more benefitted by the one than the other. The fact is, although some have attempted to explain the requirements on the basis of the need for additional "maturity", the alternative specification seems more to indicate a lack of perception and fundamental understanding or comprehension on the part of the Trustees of what was required in terms of training for someone to be licensed to practise law. In fact, but for some periodic impressionistic commentary, no attempt has ever been made objectively or empirically to determine what it is that a lawyer does and how best to train him for those purposes.

Nevertheless, the justification for the changes that occurred in 1927 appears to have been the Trustees' opinion that the programme had become too theoretical in nature. Indeed in 1931 the experiment was terminated when the Benchers ordered that the concept of full-time study be abandoned and that students be required to work under articles in offices for the entire period of their legal education except when they were actually involved in classroom work at the Law School. The concurrent system in full measure, had returned.

The views of those who opposed the development of a full-time academic programme throughout the ten-year period ending in 1931 were expressed, some years later, by Chief Justice E.K. Williams (Legal Education in Manitoba: 1913-50, Volume 28, Canadian Bar Review, p. 759, 779) in this manner:

> We found that the students who passed through the school during the 1921-1931 period almost without exception felt that they had lost something by not having had any office training during their academic years. Although they had passed all the examinations entitling them to be called and admitted, they realized that they were not yet ready to practise law. They found, too, that the members of the profession generally preferred students who combined their academic work with practical experience in an office. There was, too, a very practical matter that entered into their consideration, and that was the salary they could earn as law students in an office.

One is struck immediately by the fact that this "loss" incurred by not having had any office training during the academic years, is not further defined or expanded. The comment, as is usual in the course of these debates is almost purely impressionistic. One might also wonder whether one of the inarticulate premises of the opposition of the lawyers to a full-time study programme might have been the deprivation of low-paid legal assistants for the practising law offices of the period. Then, as now, many students in the course of their articling experiences were not viewed by the principals as students to be taught but rather salaried employees to provide many different kinds of services to the office, some of which have educational and training value and others which are purely menial and unskilled. Remuneration for these students, because

they are students and because there is very little opportunity to bargain in the articling market place, is normally quite low and therefore less expensive for the office than might otherwise be the case.

During the period of the Second World War, the Manitoba Law School was very seriously affected. Enrollment was substantially reduced so that by 1944 the graduating class had but two members. Interestingly, in 1939 the Law Society had passed a regulation which permitted up to three years of active military service to be set off against the time to be served under articles. While that decision was undoubtedly both necessary and patriotic, once again one sees the continuing development of the anomaly between the theoretical basis for an articling experience and its actual application. While stress then and for many years thereafter continued to be laid on the absolute necessity of the articling experience as a part of the legal education of "any qualified" candidate for admission, those kinds of activities which were found to be acceptable as articling experience then and now strayed far afield from the kind of supervised generalist legal training that surely must underlie the theory of the requirement. Indeed, in the immediate post-war period, which brought bourgeoning numbers of students enrolled in the school, it became necessary to provide special afternoon "practice classes" to replace articles for some students. There were simply not enough articling positions to go round and, therefore, a convenient "acceptable alternative" was devised.

In 1949 Dean Cecil A. Wright of Osgoode Hall Law School took up the cause of what he saw as the futility of the concurrent law school and articling teaching methods. He and his staff at Osgoode resigned and moved to the University of Toronto to establish a full-time course of study. While it was several years before Manitoba was to feel the impact of the Wright revolution in Ontario, nevertheless that action ultimately led to substantial changes in the system of legal education in this province.

Once again the issue, in Manitoba, focused on the question of the timing of the assumed difference between a student's conceptual study of the law and in its practical application.

In 1962 in light of the quite negative observations that had for some time been made on the efficacy of legal education in Manitoba, a Law Society Committee recommended that concurrent articling be abandoned in the first year of a student's programme; this was instituted for the 1963-1964 academic session. Then beginning with the 1964-1965 session a three-year full-time programme with instruction to be followed by a one-year period of articles was adopted. On August 22, 1966, by

agreement, the co-operative federation between the Law Society and the University which had been in existence for some 52 years, was terminated, and the Manitoba Law School became the Faculty of Law of the University of Manitoba. In 1970 the Faculty moved from the downtown location of the Law School to new premises on the Fort Garry Campus of the University.

Since the adoption in 1964 of the full-time three-year academic programme, legal education in Manitoba has undergone some significant remodelling. The partnership between the Law Society and the Faculty of Law has continued on a relatively informal basis to the extent that representatives of both institutions serve in minority positions on the councils and committees of the other. Furthermore, the Law Society, through its participation in the Federation of Canadian Law Societies, prescribes a list of curriculum offerings which must be available at an accredited Canadian law school and a short list of mandatory subjects which must be studied by all students.

However, until 1975 it was perceived that the function of the Faculty of Law was to provide a general education in legal principles and concepts (leading to the LL.B.) and that further requirements of articling and study for those who sought to be admitted as solicitors and called to the Bar, insofar as they required further "practical" training, were the sole responsibility of the Law Society. Therefore, the years from 1964 to 1975 saw an even more apparent distinction being drawn between the "academic" and the "practical", not only in debate, but by virture of the very institutional separation of function and geographical location.

In order to better fulfill its assumed responsibility, the Law Society in 1965 authorized the creation of a Bar Admission Course for students graduating from the full-time university programme. The Course was designed to serve as a supplement to the articling experience which was required of the students in the year following graduation with an LL.B. The first Bar Admission Course commenced on May 15, 1967, and was divided into four phases: a two-week orientation course, eleven and a half months of articleship, tutorial periods in evenings during the course of articles, and a final six-week full-day course at the end of the articling period. A system of oral examinations, of debatable merit, was administered at the end of the course. Some of the lectures and seminars were decentralized to jurisdictions outside of the City of Winnipeg to allow students articling in other areas of Manitoba to participate.

During the years from 1965 through 1973 the minutes of the Admissions and Education Committee of the Law Society disclose two significant and recurrent problems. The first was

the continuing prediction each year that the articling system could not survive the increased numbers of students who were being admitted to and graduating from law school and who were applying for admission and call to the Bar. The minutes of meeting after meeting disclose the great difficulty in finding suitable articling positions. In many cases positions which were once considered unsuitable were being approved simply because of the pressure of numbers, a situation which continues to date.

Furthermore, the Committee continued to receive complaints and to have doubts about the efficacy of the Bar Admission training that was taking place.

Over the years, several recommendations had been received from various committees advocating the abolition of articling not only in Manitoba but elsewhere in Canada. However, a survey of the legal profession in Manitoba in 1973 indicated a quite overwhelming resistance, by those who responded, to the idea that articles ought to be abolished. The practising Bar, most of whom had been trained under the concurrent articling system, were opposed to further change. Indeed, many respondents thought that the old dual system ought to be returned.

In light of the response from the profession, the Admissions and Education Committee and the Benchers, informally at least, agreed that it had the responsibility to ensure that if articling continued to be a requirement, the Society had an obligation to provide an opportunity to all graduates from the Faculty of Law of the University of Manitoba to qualify for their call and admission to practice in Manitoba, provided that there was no increase in the number of students annually admitted to the Faculty (then 130 in First Year). To fulfill that responsibility the resolution passed by the Benchers on November 29, 1973 was as follows:

> Whereas the Admissions and Education Committee has conducted a survey of the members of the legal profession, in an attempt to find the views of the members on the question of law students articling;
>
> And Whereas the overwhelming majority of the members answering is strongly in favour of the continuation of the articling system;
>
> And Whereas the retention of the articling system requires the co-operation of the members of the profession in accepting the responsibility that necessarily flows from their decision;
>
> Now Therefore, the Committee recommends that in continuing the articling system as favoured by the members of the profession there will be an equitable allocation of law students among all practising members and all practising members will be required to accept students for articles on an equitable basis and at standard rates of remuneration determined by the Benchers from time to time.

To date, it has been unnecessary to invoke the provisions of

that resolution in order to place in articles students graduating from the Faculty of Law of the University of Manitoba. Through the efforts of many persons the task has been accomplished in each year by way of gentle persuasion and voluntary participation. Nevertheless, the resolution of the Benchers lies in a dormant state to be awakened at some future time in the event that the so far groundless cries of saturation come to fruition.

In August 1974, in light of the perceived deficiencies in the training process, a special subcommittee of the Admissions and Education Committee was appointed to review the then current Bar Admission Course and to report back with recommendations. That Committee ultimately recommended a restructuring of the Bar Admission Course as well as increased activity in the field of continuing legal education and lay education. The Benchers approved the proposed restructuring, and the Goverment of Manitoba agreed to allocate, on an annually reviewable basis, a portion of the interest on trust deposits received by the Minister of Finance pursuant to the provisions of s. 30.2 of The Law Society Act which, by its terms, adopts the educational programmes of the Law Society as one of the two beneficiaries of that fund (the other being Legal Aid).

As of August 1, 1975 the writer was appointed the Director of Education for The Law Society of Manitoba with the responsibility of restructuring the educational activities of the Law Society under the supervision of the Admisssions and Education Committee. The detail of the revised programme will be dealt with shortly, along with the description of the current activities of the Law Society in this area.

Throughout the period from 1877 to 1975, the vast majority of persons being admitted and called to the Bar were the products of the various systems of legal education in force from time to time in Manitoba. However, a smaller but significant portion of the lawyer population of Manitoba had transferred to this province from other jurisdictions in Canada and elsewhere in the world. Over the years the Admissions Committee of the Law Society, with the approval of the Benchers, established various criteria under which those who had trained or practised elsewhere could be admitted to practice in Manitoba. There has always been a requirement that anyone admitted to practice be a British subject although other admissions criteria have, in the past, varied according to the original jurisdiction from which an applicant to practice in Manitoba has come. Generally, the requirements of the Society have centred around a minimum practice exposure of the applicant, sometimes in conjunction with a formal legal education, and sometimes with the further

requirement that the applicant pass entrance examinations based on common law principles and statutes and procedures peculiar to Manitoba.

Until very recently, Manitoba has not been a jurisdiction to which large numbers of non-residents have made application; therefore minimal consideration has been given to transfer requirements. However, world events of the last ten to fifteen years have caused an increase in the number of inquiries regarding transfer requirements to practice in Manitoba which, in turn, has led the Admissions and Education Committee in very recent years to spend a considerable amount of time and effort attempting to formulate more precise, less arbitrary, and more rational admissions requirements. The best that can be said, as of this time, is that a state of flux exists with resolution pending in the short run.

Before proceeding to deal with the current state of admissions and legal education in Manitoba, it is perhaps advisable to pause and reflect on the foregoing time capsule. As was indicated in the introduction to this essay, the state of legal education in the Province of Manitoba has hardly been constant. Quite fundamental changes have occurred relatively frequently, although the debate on proper standards and methods continues today with as much, or more, vigour. The system in Manitoba has fluctuated from one in which all training and experience was obtained in the field at the practice level, to one in which virtually all learning was obtained in the classroom. Between the two poles there have been systems whereby classroom experience has been supplemented by periods of one, two, three, and four years of articling experience in offices. Given that history, one is tempted to repeat the old cliche that there can be nothing new under the sun.

However, although most formats of timing have been tried, we have yet to witness a programme under which a single educational institution has undertaken the design and supervision of a programme of training designed to integrate concept and application by way of a universal experience shared by all students. Over the years, the most common complaint about full-time classroom study has been that the student graduates without an appreciation of the practical skills and information required for the application of the theory. On the other hand, the most common complaint of the articling system has been that its effectiveness has almost been solely dependent on the ability and willingness of a legal practitioner, primarily concerned with service and earning and not trained as an educator, to undertake the time and utilize the skill required to instruct his or her apprentice. The result, it is argued, has been that some students have benefitted more or less than others, some not at all.

Yet today it is acknowledged by most that there is merit in and need for both the construction of a strong theoretical foundation in the embryo lawyer, as well as the development in that embryo of the requisite skills and information which will allow for the competent application of that knowledge. Therefore, it would seem that a coalition between the academic and the practical, between the professor and practitioner, under a common universal management, would be a more desirable system than that which we have known to date to ensure that all students are allowed to benefit equally from both.

The Current Period

In the current period The Law Society of Manitoba, primarily through the Admissions and Education Committee, controls admission to practise law in Manitoba. It is also involved in the educational process through informal participation in the affairs of the Faculty of Law at the University of Manitoba and direct supervision of the Bar Admission Course, continuing legal education activities and lay legal education. At this time a special Committee of the Society is considering the subject of the continuing competence of the members of the legal profession in the province and is expected to deliver a report in 1977 which may lead to both short and long term changes in the involvement of the Society in each of these areas. The effect of the report and the changes to come are yet to be seen.

Currently, the Admissions and Education Committee considers applications for admission and call to the Bar from British subjects who are able to satisfy the Committee of their good character and reputation. Applicants may be admitted and called without further training if they possess qualifications of exceptional merit and distinction, although that power is rarely, if ever, used. Normally there are three general categories of applicants to the Society. The first, and by far the most prevalent, are graduates of recognized Canadian law schools (primarily the University of Manitoba) who are entitled as of right to enter the Bar Admission Course. The second category are persons who have not graduated from a Canadian law school and have not practised in Canada for three or more years prior to application. These are admitted to the Bar Admission Course if they are graduates of an approved law course outside of Canada and the Admissions and Education Committee is of the opinion that based on the applicants' practical experience, educational attainments, or other qualifications they should be admitted to the Bar Admission Course. The Committee normally does a preliminary screening of the credentials of the applicant in order to determine whether he or she complies with those requirements. In the event that the credentials are found

acceptable, such persons are normally required to write an examination in common law principles, administered for The Law Society of Manitoba by the Law Society of Upper Canada (Ontario), upon successful completion of which the applicants are admitted to the Bar Admission Course. The Committee, to date, has not firmly and precisely come to grips with the problem of defining what is or is not an acceptable law course outside of Canada and what may cosntitute requisite practical experience, educational attainment, or other qualifications which might move the Committee to admit the applicant to the Bar Admission Course.

The third category of applicants are those who have been engaged in the active practice of law elsewhere in Canada for a period of at least three years within the five-year period immediately preceding application. Normally, such applicants are admitted to practice on successful completion of a written or oral examination in Manitoba statutes and procedures without the requirement that they take the Bar Admission Course. Occasionally, in exceptional circumstances, the applicant may also be required to pass an examination in common law principles or the applicant, because of special circumstances, may be admitted conditionally or unconditionally without the need even for an examination in provincial statutes and procedures.

Unquestionably, one of the significant issues facing The Law Society of Manitoba, and indeed, the governing bodies in other jurisdictions, is the adequacy of the admission and transfer requirements currently being imposed. Some jurisdictions, like Ontario, now stipulate that admission to the Bar Admission Course is dependent either on the applicant first having obtained a law degree from a Canadian university or a certificate from a Canadian law school dean that the degree which is held is the equivalent of a Canadian law degree (which normally involves a further period of study). There is a move afoot in Canada to universalize this requirement of Canadian certification. To date, that goal has not been accomplished.

Similarly, the question of the portability of a practitioner's licence, unlike a Canadian common law degree which is portable throughout the common law jurisdiction in Canada, remains an open question. Although most provinces have similar requirements to Manitoba, there are provincial differences. Manitoba and Saskatchewan, for example, have a system of reciprocity whereby after three years of practice in one province a practitioner may obtain his certification in the other province without further examination. Under its rules, Manitoba now extends that same courtesy to practitioners in other provinces

who have reciprocal arrangements of the same kind.

However, as has already been indicated, the vast majority of practitioners in Manitoba receive both their undergraduate legal training, articling, and Bar Admission training in this province. Therefore, for the purpose of this essay, the most relevant information pertains to the current educational systems operative within Manitoba.

One cannot accurately draw the picture of legal education in Manitoba without recognizing the nature of the partnership between the Faculty of Law and The Law Society of Manitoba. The appointment of the writer as Director of Education of The Law Society of Manitoba in 1975 was significant because, for the first time, the Law Society decided to appoint an "academic" to head its programme and thereby to establish an indirect relationship between the educational activities of the Society and the University under a mutual contractual relationship. Under the terms of that agreement, the writer has, in effect, been seconded by the University to the Law Society on a short term basis. In fact, at the time of this writing a successor to the writer has been appointed, Trevor Anderson, Associate Dean of the Faculty of Law, under a contractual arrangement of similar effect. The experiment continues.

The significance of these appointments is that, at least on an experimental basis, an implicit attempt is being made to ensure that Bar Admission training is seen as part of a continuum of legal education beginning at the Faculty of Law, in the full-time programme, with both programmes benefitting from the direction of a person who is familiar with the attributes and deficiencies of each. Hopefully, this mechanism will lead to increased co-operation and an increased melding of the two programmes into one which does not suffer from the still existing dichotomy between concept and application. Moreover, it may one day lead to the possibility that even continuing legal education for persons already licensed to practice may be viewed as part of a never-ending educational continuum designed to maintain and improve constantly the competence of practitioners and hence to protect the interests of consumers of legal services.

At the present time, students graduating with the LL.B. degree from the Faculty of Law at the University of Manitoba have studied the law, for the most part, in a theoretical vacuum. Recent years have seen the introduction of some elementary clinical instruction at the Faculty but the standard methodology for learning is largely in the classroom, on the basis of printed materials. In the writer's view, it is essential in the undergraduate programme, to lay a solid foundation for

students in theory and concept, and to that extent the Faculty programme is to be supported. On the other hand, increasing attempts ought to be made to integrate clinical training and skills instruction into the undergraduate curriculum so as to provide the graduating student not only with some of the requisite information on legal principles but also with the means to apply it appropriately.

In defence of the system currently in force it is essential to observe that the financial resources available for the training of law students and lawyers is nowhere nearly adequate to accomplish the goal. In fact, one might well argue that law school methodologies and curricula in Manitoba, and in most other jurisdictions in North America, have been determined not by a firm commitment to the classroom and book learning as an essential prerequisite to the understanding of the law, but rather because limited financial resources have imposed this form of instruction, which is easily the least costly, as the only practical way.

Be that as it may, The Law Society of Manitoba in the exercise of its licensing obligations, has recognized since 1965 that it must prescribe additional educational prerequisites to the LL.B. degree before licensing its members. Therefore, it currently prescribes that an applicant to be admitted and called to the Bar must first successfully complete a Bar Admission Course which follows undergraduate legal training.

With the advent of the 9th Bar Admission Course in the summer and fall of 1975, the Law Society structured the Bar Admission Course on the basis that it was to have two distinct, but concurrent, phases. One is the articling requirement whereby students are apprenticed to qualified barristers and solicitors in Manitoba for a period of not less than eleven and one-half months. The other is the formal portion of the Course wherein students participate in lectures, workshops, seminars and self-study in order to reflect on their clinical experiences and to benefit from general instruction in the legal process. This portion of the Course is accomplished, primarily, on Fridays from approximately the beginning of September to the end of June each year. On those days, students are excused from their office responsibilities in order to attend the formal part of the Course.

The Course is divided into nine segments which are given consecutively. Following each segment the students are required to write and successfully complete a licensing examination in that subject. Each segment of the Course is conducted by a Course Head, who, together with a team of experienced practitioners, is charged with responsibility of

giving instruction in the particular subject area and setting the licensing examination for that subject. The current segments are those in Family Law, Accounting, Real Property Conveyancing, Civil Procedure, Corporate and Estate Taxation, Criminal Procedure, Corporate and Commercial Transactions, Wills and Estates, and Professional Relations and Law Office Management.

Because of the substantial requirements of a significant educational programme the formal portion of the Bar Admission Course is offered only in Winnipeg and students articling in other areas of Manitoba are reimbursed their expenses of travel and lodging incurred by reason of their attendance at the course.

The purpose of the Bar Admission Course is three-fold. It is intended primarily to advance the knowledge and skills of prospective members of the Manitoba legal profession in order to ensure that at the outset of his or her career the legal practitioner has been exposed to the major problems of law and practice to be encountered in professional life. Secondly, it is intended to compensate, in some measure, for the difference in levels of information and qualitative and quantitative experience enjoyed by students both in the pursuit of the LL.B. degree and in their articling experiences. These differences result both from varying degrees of student exposure to supervised generalist clinical training in their articles, and from the fact that a substantial portion of the curriculum at the Faculty of Law is elective so that the curriculum profiles of the graduate students can differ markedly. The third purpose of the Course is to provide a basis on which to determine, through the system of licensing examinations, the qualifications of prospective members of the profession for their licensing by the Law Society as capable general practitioners of law.

The value of the articling phase depends upon the willingness of the student to apply himself or herself to the work delegated by the principal and on the degree of supervision and instruction offered by the principal and other colleagues in the law office. Although the object of articling is to provide a realistic clinical experience in a supervised and reflective atmosphere, the value of that training ranges from negligible in those articling experiences where the student is perceived as a form of inexpensive menial labour, to excellent, in those experiences where the principal ensures both the exposure and the supervision of the student.

The formal portion of the Course is intended to ensure that all students, regardless of the LL.B. curriculum profiles and regardless of the specialized nature of their articling experiences or deficiencies in supervision therein, have contact with

the major broad areas of legal practice so as to allow the student to anticipate and cope with the problems of a general practitioner as they arise. The Course also has an objective to bring to the attention of the student considerations of ethics and professional responsibility, and to continue in a formal way the student's development of a thought process and skills mastery necessary for the provision of an effective legal service. Over all, the purpose of the Course is not to provide training in a specialized field of practice but rather training for a legal generalist who will be competent to carry on as a general practitioner.

The 1975-76 Bar Admission Course brought about several other noteworthy changes. One was that, beginning in 1975, the Course was offered in newly designed permanent premises which have classrooms, seminar rooms, and library facilities, along with supporting audio-visual capabilities. Both Heads of Courses and those who conduct lectures, seminars, and workshops are being paid a significant, if inadequate, remuneration for their services. On September 9, 1976 the first meeting of the Faculty of the Bar Admission Course was held, attended by the Director of Legal Education and the respective Course Heads for each of the segments. A further meeting of that Faculty has already taken place and it is proposed that, in future, such meetings will continue. Recommendations from the Bar Admission Faculty are taken to the Admissions and Education Committee and through that committee to the Benchers.

In 1976 the first full-time instructor in the Bar Admission Course, Neil Cutler, was added to the Law Society staff, on the premise that the overall supervision, design and partial delivery of the Course ought to be accomplished by persons having the time and commitment required to establish a high level educational programme. While the very concept of clinical or practical instruction requires that practising members of the profession be involved in the educational process in a major role, the feeling has been that, perhaps, full-time personnel are also required. For better or worse, then, the Bar Admission Course in Manitoba has been institutionalized.

It is obviously too early to write a meaningful or objective commentary on the value of the new format of instruction. While there has been both support and dissent, generally it can be said that the reaction has been favourable and encouraging, and certainly the virtually universal criticism which surrounded the Course in the years 1965 to 1974 has been quieted. However, the Course has not yet stood the test of time or meaningful reflection. In the writer's view the current format of the Bar Admission Course, while viable if the minimum is the goal, will not be found

acceptable as a substitute for an integrated programme of legal education which begins the first day of law school and ends with retirement from the profession.

Although the rules of the Law Society do not formally or specifically charge the Admissions and Education Committee with the responsibility for continuing legal education or education of the lay public in legal matters, the Law Society and the committee have undertaken efforts designed to those ends. To date, the activities of the Society in educational activities for non-lawyers have been relatively few, since the energies and resources of the Society have been required almost exclusively in the development of Bar Admission training and continuing legal education activities. However, the physical facilities of the Society are being made available constantly to various community and educational groups in the province for their use. Programmes have been conducted in matters of law, of interest to such groups as the Winnipeg Legal Secretaries Assn. Current projects are underway and being planned in conjunction with other community groups and persons requiring instruction in the law. The Legal Studies division of The Law Society of Manitoba has been co-operating with the Department of Education of the Province of Manitoba on the development of courses of instruction and materials for the teaching of law in primary and secondary schools in the province. Taken together, the activities represent a beginning, albeit a halting one, in the direction of providing the general lay community with required information about the law and, more importantly perhaps, the opportunity for some demystification of the legal process.

As for continuing legal education for the profession, prior to 1975 the Law Society independently and jointly with other institutions had sponsored periodic seminars on various subjects as part of an *ad hoc* programme of continuing legal education. Other institutions, like the Canadian Bar Association, did likewise. The fall of 1975 brought the issue of continuing legal education into sharp focus as the profession recognized that the numerous and rapid changes in the legal system, which had already taken place and were continuing, necessitated much more extensive involvement in continuing legal education activities.

It became apparent that changes in the law, both legislative and judicial, and in legal delivery systems, were occurring not only in large volume but also at a rate which made it very difficult for the profession, let alone the public, to keep abreast. The volume and rapidity of these changes had led over the years to the development of informal specialists in particular fields of law, and, more importantly, it had led to the realization that both specialist and general practitioner alike required substantial

assistance in order to keep up and assimilate the changes taking place.

Therefore, in the fall of 1975, with concurrence of the Admissions and Education Committee, the Legal Studies division of the Law Society began a programme designed to increase both the quantity and quality of continuing legal education programming for practitioners in the Province of Manitoba. Two formats, corollary in nature, were adopted to provide the requisite ongoing instruction. The A.M. Lecture Series began in December 1975. The first series, which ended in June 1976, involved a curriculum of four subjects: the law of Contract, the law of Insurance, Administrative Law, and Accounting. The lectures were given by university professors who specialized in those respective areas. Each course was given on the basis of a one-hour class each week for thirty weeks from 8:00 to 9:00 a.m. Each course was held on a different day of the week in order to allow practitioners to register and attend more than a single course if they so chose. The courses, in effect, constituted a streamlined version of the basic university course taught in the particular subject. All classes were held in the Law Society classroom in downtown Winnipeg. About 145 lawyers registered for one or more of the courses.

The object of the courses was to provide instruction for the profession in the basics and fundamental principles involved in each of the subject areas as they related to the legal practitioner. The underlying assumption was that after an absence from law school the practitioner, suffering normal human frailties, will have forgotten some or much of the material once studied. Furthermore, and perhaps even more importantly, it was felt that some of the instruction originally obtained at law school would by now have become obsolete and the practitioner would require assistance in assimilating the changes that were taking place in the system. Because of technical difficulties no further courses were offered in the fall of 1976 although it is planned to reintroduce courses of different subject matter in the fall of 1977. Hopefully, the basic legal subjects will be covered every five or so years on a rotating basis.

In addition to the A.M. Lecture Series, it was felt necessary to provide regular instruction within a limited time in areas of interest to practitioners, particularly in the context of allowing practitioners easily and simply to keep up with changes in the law and practice methodologies. As a result, the Saturday Law Series was developed, commencing in the fall of 1975 and continuing thereafter. Regularly, either monthly or semi-monthly, a programme is presented, at low cost, on a particular subject matter, from approx. 9:30-4:30. Designed to impose a

minimal burden and effort on the practitioner, a particular subject matter is analyzed either by a single lecturer, a group of lecturers or a series of panelists. The objective of each of the programmes is to provide necessary current information to practitioners, whether generalists or specialists, in areas of law most often encountered in practice, in practice methodologies and in order to allow the practitioner to keep up with the changes in the system frequently encountered.

A sample of the topics so far covered includes: The Drafting of Wills (sponsored in collaboration with the Wills and Estates Subsection of The Canadian Bar Association); The Basic Fundamentals of Income Tax Law; Recent Developments in the Law of Evidence; Immigration Law and Practice; Representation of the Accused in Custody; Damages in the Law of Tort; The Legal Profession Studies the New Manitoba Corporations Act; etc.

With the exception of general overhead expenses, the continuing legal education programmes of the Society are self-sustaining which, to date, represents the established policy of the Admissions and Education Committee. In the first year of operation somewhat more than half of all the lawyers practising in Manitoba attended at least one programme offered, either in the A.M. Lectures Series or in the Saturday Law Series.

Additionally, the Law Society has continued its collaboration with The Canadian Bar Association and the University of Manitoba in the presentation of the annual Isaac Pitblado Lecture Series. Similarly, the Law Society participated in the formation of an annual regional tax conference in conjunction with The Canadian Tax Foundation, the Institute of Chartered Accountants and the University of Manitoba. That collaboration continues.

Lastly, although most practitioners are situated in Winnipeg and hence have easy access to continuing education programmes, there are a significant number of practitioners who are located outside the city. For these it is obviously not as convenient to attend programming that is conducted only in Winnipeg. Therefore, in recognition of these difficulties, the Law Society in 1975 authorized the appointment of two Regional Area Directors of Continuing Legal Education, one in Brandon to serve the Western Judicial District, and one in the North to serve the Northern Judicial District. A Regional Director has been appointed for the Western Judicial District, and programming is now beginning to take place in Brandon. There has been no similar appointment in the North where the geographical distribution of a relatively small number of lawyers in a large number of communities makes the task much more difficult. At

the present time alternative methods of communication, such as the use of audio-visual materials, are being considered.

While it can be said that 1975 saw a dramatic upsurge in both the quantity and quality of continuing legal education programming it must also be observed that only the first small steps have been taken. It will be necessary not only to continue the kinds of programming now established in the province but also to expand the scope of such educational programming to areas of skills training and practice upgrading so that the practitioner, particularly the general practitioner, can be kept abreast not only of recent substantive and procedural changes in the law but also of the changing modes of service delivery. Not only must those changing modes be identified but the practitioner will have to be assisted in developing the skill and expertise for their integration and implementation on behalf of his or her clients. Indeed, continuing legal education, in the view of the writer, ought to be considered simply as an extension of the same continuum beginning with the first days of a law student's education, through Bar Admission training, and then through his or her practising career.

The Future

It is impossible to predict with accuracy the future developments of admissions and education policy in Manitoba. Nevertheless, the sign marking the crossroads now can be identified, the issues stated, and one person's opinion given. For convenience, this part of the discussion will be broken down into two major portions i.e. admissions (licensing) policy, and education policy. Within each of those two major divisions the writer will attempt to articulate those issues which are either currently being faced or about to be faced, together with an indication of the writer's view on the paths to be taken.

ADMISSIONS POLICY

So long as The Law Society of Manitoba enjoys a monopoly in the provision of legal services in the Province it must maintain licensing standards to ensure that those who are admitted to practice are competent to do so and, indeed, that those already in practice continue to be competent.

One might very well argue that there ought not to be a monopoly in the provision of legal services. There are beneficial aspects such as the mechanism for assuring to the consumers of legal services a minimum standard of competence which does not require those consumers to make uninformed or impossible decisions on competency; the ability to discipline the incompetence or dishonourable conduct of the members of the profession; and the existence of a system which virtually ensures an

economic return to a person practising law. but there are certain disadvantages. Primarily, such a system denies that many matters now handled by lawyers could more effectively, more quickly and more efficiently be dealt with by persons who have not had the extensive educational background of a lawyer; costs might be reduced; time delays might be fewer; service might be made more effective because of increased competition; the workings of the community and the relationships within it might be less hampered by legal formalities; and those who do have extensive generalist legal training might be more able, or more easily persuaded, to devote their time and efforts to meaningful social problems and issues, rather than the kind of business affairs which occupy the vast majority of time of most lawyers in the community.

However, even if the monopoly were broken, a law society would continue to license those members who had qualified and were therefore entitled to hold themselves out as members of the Society having a "special expertise" in the delivery of legal services. Therefore, the issue of admission policy and licensing standards would continue to be one facing that society.

There are essentially four issues facing the legal profession at this time: The first is which institution is appropriate to determine standards for licensing and to grant such licensing. The second is whether there ought to be a policy which restricts admission to practice on the basis of nationality, citizenship or residence. The third is what form of pre-licensing educational training ought to have been enjoyed before a licence is granted. The fourth is the question of whether there ought to be increased or decreased reciprocity between Canadian provinces, or other national jurisdictions.

Obviously, if the Society is to have any credibility and any power to enforce discipline on its membership, it must not abdicate or delegate its licensing authority. It is through the licensing mechanism that the Society derives its essential *raison d'etre* and power base. Unquestionably, the actual granting of a licence must continue to be done by the Society. While it is, and will continue to be, permissible for the Society to rely on other institutions, e.g., a university or other legal society, in order to establish that a particular applicant has met the prescribed requirements, the Society will inevitably be required to participate in the determination of the nature and extent of those standards.

One of the issues that arises in the licensing context is the requirement of a particular national status. The Admissions and Education Committee of the Law Society has considered this question recently on several occasions but, at the time of this

province or territory (currently only Saskatchewan) an applicant from such province or territory who meets the three-year rule will be admitted without further requirement or examination.

Under the Rules of the Society, the Admissions and Education Committee may prescribe such additional requirements as may be felt necessary, and the Benchers may waive any particular requirement if the particular application warrants. In fact, a current practice is sometimes to waive the three-year requirement and the need for the passing of examinations in the case of applicants who have taken their basic undergraduate degree at the Faculty of Law at the University of Manitoba and who have articled and/or practised elsewhere in Canada.

The central issues facing not only The Law Society of Manitoba, but all other provincial governing bodies as well, are these: since both provincial law, and the procedure involved in both provincial and federal law, can differ from province to province, is there need for continued provincial balkanization in order to protect consumers in a particular jurisdiction? Insofar as matters of federal jurisdiction are concerned, e.g. criminal law, bankruptcy, income taxation, ought there to be a national Bar which will allow a practitioner in those fields to practise in any Canadian jurisdiction? Inherent in both these questions, are further questions: ought there to be increased or decreased reciprocity between provinces based on the licensing of a lawyer in any particular province? To the extent that balkanization of legal practice reflects a protectionist policy for the members of the particular provincial legal monopoly, is that a justifiable defence of provincial licensing barriers? Should the requirements for prior years of practical experience and the need for provincially oriented licensing examinations be continued, enlarged, diminished or modified?

These questions and issues are not easily resolved. Unquestionably, the variation in provincial legal systems would seem to indicate a need, at least outside of matters of federal jurisdiction, for provincial licensing systems which ensure that a licence to practise in a particular province follows only upon demonstration by the applicant of the requisite information and skills required for practice in that province. On the other hand, the mobility of lawyers in Canada is somewhat restricted by such requirements, and these restrictions may be one of the negative factors considered by talented individuals in their choice of a career. In any event, the system ought to impose only those constraints on mobility which are absolutely necessary to provide for the delivery of competent and efficient legal services.

time period (usually three years) during which a potential attorney is put in limbo awaiting his naturalization. Such a provision effectively prevents most potential applicants from considering a transfer to the practice of law in Canada, both because of the obvious economic disabilities and because it forces the applicant to allow his information base and skill to diminish during that period. The third possibility, and the one which the writer favours, is that an applicant be required to have landed immigrant status in Canada, with or without the undertaking that at the earliest possible time he or she will obtain Canadian citizenship. Under such a requirement, we could ensure the stake of the applicant in the Canadian community without imposing any disability on that applicant, either economic or otherwise. Furthermore, even those who would argue for the need for protectionist policy would be satisfied that only permanent residents of our community would be licensed.

The issue of provincial versus national licensing and the reciprocity of provincial licensing systems can be viewed along similar lines. The present position in Manitoba is that applicants who have not taken the Bar Admission Course in Manitoba, will be admitted to practice here only in one or more of four situations as follows:

1. In very exceptional cases, without further requirement (or further minimal requirement) if the applicant has educational or experiential qualifications of exceptional merit and distinction. In this category fall members of the Faculty of Law at the University of Manitoba who may be so admitted once having entered upon the third consecutive year in that position, but only at the discretion of the Admissions and Education Committee;
2. In the case of applicants who have a common law degree and who have been in active practice in a province or territory of Canada, other than exclusively in Quebec, for at least three years within the five-year period immediately preceding application, such applicants may be admitted and called to the Bar on successful completion of an oral or written examination on statutes and procedures in Manitoba;
3. Applicants who do not have a common law degree or who have engaged in active practice exclusively in Quebec for the majority of that period of time must, in addition to the examination in statutes and procedure in Manitoba, fulfill such other requirements as may be prescribed by the Committee in a particular case, normally the passing of an examination in common law principles;
4. Where a reciprocal opportunity is provided in another

writing, has not come to a definitive conclusion on what ought to be the required status. At the present time, section 36 of The Law Society Act prescribes that no person shall be called to the Bar or admitted as a solicitor unless he is a British subject and has taken the required oath of allegiance to the Queen. That provision, it is suggested, is an anachronism relevant to a time when Canada's relationship to the British Commonwealth, both formally and informally, was more obvious and more justifiable than is the case today. One has only to observe the current machinations of the Federal and Provincial Governments in Canada towards the patriation of the Canadian Constitution to conclude that the licensing of lawyers in Manitoba ought to be dependent not on the relationship of the applicant to the British Commonwealth but rather on the competence of the applicant and his or her relationship to Canada.

The requirement of a particular national status grows out of two concerns. The first, and the more easily justified, is that the legal system is an integral part of the fabric of the Canadian society, those who are involved in its administration or fulfillment ought to be members of the Canadian community to ensure that they are answerable in this country for their actions and that those actions are consistent with the needs of the Canadian community. The second and less justifiable rationale, relates to the economics of the delivery of legal services. The requirement for national status can be seen as an attempt to limit the number of persons entering the legal profession and hence to provide a kind of import restriction in the numbers practising law in the community. The monopoly is maintained in many ways, this being one.

On the basis that those practising law in this community ought to be answerable therein for their actions and ought to have a knowledge of the legal, social and economic context of the community, one might accede to the proposition that licensed attorneys ought to have some Canadian national status. While the writer would personally prefer that the only qualification for licensing be that of competence to provide the service, pragmatism dictates that some additional status requirement be continued.

The choices, it is suggested, are three. The first is to preserve the existing requirement that the applicant be a British subject. In the writer's view, there can be no continuing justification for this requirement, which has the effect of excluding qualified, competent applicants from outside the British Commonwealth, e.g., applicants from the United States. The second is the requirement of Canadian citizenship, which is currently imposed in some other Canadian provinces, like British Columbia, but which has the effect of imposing a substantial

In the view of the writer, it is highly desirable to promote, rather than restrict, mobility of practice whether in federal or provincial matters. Protectionist barriers ought to be non-existent or, at least, mitigated if their objective is simply the protection of the monopoly and its economic interests. A strong case can be made that after a practitioner has competently practised in a particular province for a period of time, whether it be three years, five years or ten years, he will have developed the necessary skills and processes which will allow him to practise competently in any other province. Very few lawyers have much more than rudimentary information at their fingertips. Rather, most have the ability and information required to allow them to investigate and discover the requisite legal information and knowledge needed for the solution to a particular client's problem. These are transferable and mobile skills and information.

Therefore, it would seem advisable, through a process of inter-provincial negotiation and settlement, to provide a system whereby reciprocity of recognition would be awarded by all Canadian provinces to all legal practitioners whatever their province of original licence, once that practitioner has completed a period of competent and successful practise in another province. If that period were, say, five years, applicants who had not yet met that requirement could be required to take an examination in provincial statutes, procedures or general skills in order to ensure competence. The present practice, of requiring a minimum of three years in practice prior to an applicant having even the entitlement to demonstrate such competence by way of examination is nonsensical and ought to be removed.

One obstacle to increased reciprocity throughout Canada might be the differences in the pre-licensing education or experiential training required of applicants for their first provincial licence. Since there are different pre-licensing requirements in the various provinces today, each province might well be concerned with those standards. It is beyond reasonable expectation that the provinces will agree on a uniform standard of pre-licensing requirements because of different economic, social and institutional arrangements in the various provinces. However, it should suffice for each of the provincial governing bodies that reciprocity will be granted only to those licensed in one province who have taken a basic undergraduate law degree of a kind, and in a jurisdiction which is acceptable to the particular province of initial licensing. Over a period of time, one would hope that the provincial requirements in terms of recognition of such degrees and pre-licensing practical experience (whether in articles, through a

Bar Admission Course, or simply through experience in practice in another jurisdiction outside Canada) would either become more uniform or one form of such experience could be seen as interchangeable with another.

This leads to the discussion, in the context of Manitoba, of what ought to be the pre-licensing training required of applicants for admission and call to the Bar. This issue is important, not only in the context of increased reciprocity between provinces, but also in order to determine an acceptable licensing policy for the Province of Manitoba itself. The issues involved are whether all persons admitted and called ought first to have had the benefit of taking a Bar Admission Course and successfully passed licensing examinations therein; whether all applicants for admission and call ought first to have taken at least a basic LL.B. degree; and whether the LL.B. degree required ought to have been awarded by a Canadian law school or whether it is sufficient for the holder of a non-Canadian law degree simply to demonstrate additional practical experience in his or her country of origin.

The discussion at this point is somewhat complicated by the fact that we cannot accurately forecast whether Bar Admission training in the Province of Manitoba will continue to be viewed as separate and apart from the basic LL.B. training or will merge formally with the LL.B. training to provide a four-year continuum of undergraduate pre-licensing training. Therefore, the assumption will be made that whether or not there is some form of merger into a continuum, the fourth year will remain relatively distinct from the preceding years so that an applicant who has taken his or her prior training in another jurisdiction, which did not follow the same pattern of training, would be able to qualify for admission into the fourth year of the programme as a prerequisite to being licensed. In fact, that is most probably a reasonable assumption in any case. It is unlikely that Manitoba would or should adopt a system of basic legal education which would preclude those who have trained elsewhere from entering the ranks of the profession other than by a return to a long and arduous three or four-year law programme. Whatever the system ultimately adopted, it should ensure that graduates of three-year LL.B. programmes elsewhere in Canada ought to be given recognition for their degrees on a portable and reciprocal basis, as is presently the case.

It is the view of the writer that one of the universal requirements for admission to the Bar Admission Course (or its fourth-year equivalent) ought to be, at a minimum, the holding of an LL.B. degree from an approved university which structures

its curriculum on the basis of common law principles, because the system operative in Manitoba is based on common law. While it is true that legislative activity has occupied a large part of the legal field in this province, nevertheless common law principles continue to be absolutely essential information for the practising lawyer even in the interpretation of that legislation. Students who have studied under some other system, such as civil law, including those from the Province of Quebec, ought not to be admitted even to the Bar Admission Course without first having undergone extensive training either in a full LL.B. programme based on common law principles or at least such part of that programme that would allow a Faculty of Law to certify that the training theretofore received is equivalent to or greater than that of the purely common law student.

The need for a requirement that all applicants to the Bar Admission Course have at least the basic LL.B. degree is determined by two factors. The first is that lawyers are not simply technicians or mechanics charged with procedural process but that they also should have a basic understanding of the concepts, theories, and principles underlying the legal system and the institutional context of that system in the socio-economic fabric of the Canadian community.

Secondly, experience in the Admissions and Education Committee has indicated that it is virtually impossible to set definitive standards to properly evaluate practical experience alone as determining whether a particular applicant is capable and competent and ought to be admitted to further training and practice. It is difficult, but easier, to evaluate the curricula and standards of other universities to determine whether their graduates ought to be recognized as having undergone a satisfactory undergraduate programme of legal training. Establishing a prerequisite for an LL.B. from a recognized university as the minimum criteria for entry into the Bar Admission Course at least provides some universal minimum requirement that is ascertainable and defensible. It is true that in other jurisdictions, such as England, qualifications for practice may, in some instances, be obtained without prior university law degree study. It is also true that some or many of the persons who have qualified in this way would indeed be excellent practitioners were they to enter the profession in Manitoba. However, as mentioned, exceptional difficulties are encountered in evaluating such persons and their training. Therefore in order to protect the consumer of legal services in this province, and in order not to be in a position of arbitrarily and without sufficient knowledgeable consideration of the applicants' backgrounds, denying some and admitting others, it is the writer's contention

that a recognized law degree should be made the only prerequisite for admission into the Bar Admission Course. One should note that we are here discussing not admission to practice as such but only admission to Bar Admission training and the right to take licensing examinations which will lead to the right to practise. In that context, it is suggested that years of practical experience in law in another jurisdiction outside Canada, difficult as such experience is to evaluate, cannot, in any event, be considered an acceptable alternative to formalized study and evaluation.

That leaves open, however, the question of whether the basic undergraduate training had by all applicants to the Bar Admission Course ought to have included such Canadian content as would be involved in a Canadian law degree. The possibilities are three-fold. The first is that the Bar Admission Course itself can be viewed as the opportunity for the applicant to obtain such Canadian content as may be required, built on the existing base of principles and concepts obtained in basic undergraduate training. The second is that no person ought to be admitted to the Bar Admission Course unless he or she has first obtained a Canadian law degree so as to ensure the requisite degree of Canadian content studied over a period of time in Canada. The third would be to require all applicants for admission to the Bar Admission Course to either have a Canadian law degree or to have been granted a certification by a Canadian law school that the non-Canadian law degree held by the applicant, together with such other further study or experience as he or she has been able to demonstrate, is the equivalent of a Canadian law degree. In the latter two situations the Law Society would transfer effectively to the university faculties the authority and obligation to evaluate prospective applicants.

The appropriate response is difficult to formulate. One can easily appreciate the value of an extensive exposure of all applicants in Canadian content. However, the difficulties in provincial law are significant enough so that it can be said that someone who has trained in a law school outside the province has less Manitoba content than does someone who has trained at the Faculty of Law at the University of Manitoba. Furthermore, in Manitoba, Bar Admission training is now developing to the point where all students coming through that programme are exposed to a good deal of both Canadian and Manitoban content on both substantive and procedural matters. The system of licensing examinations provides further protection in that regard.

There is also merit to the argument that the practising legal profession in this province is enhanced by the addition of

persons from other national jurisdictions who have a variety of life experiences and have had exposure to dissimilar legal systems from which to contribute to our own legal fabric. Indeed, it might be considered that the imposition of a requirement of a Canadian law degree is intended to provide, or at least results in, discriminatory barriers to immigrants who do not look similar to us or who do not share our cultural, racial or ethnic values.

The strongest argument in favour of the requirement of a Canadian law degree is that it eliminates the possibility of arbitrariness from admissions policy and provides a relatively simple administrative system. Nevertheless, it is the view of the writer that the prerequisite requirement for entry into the Bar Admission Course ought simply to be a minimum of landed immigrant status, as previously suggested herein, and the holding of an acceptable LL.B. degree obtained from a recognized university in the common law system. It will then be for Bar Admission training (whether in a formal Bar Admission Course or other fourth-year programme) to ensure the requisite Canadian content and, through the administration of rigorous licensing examinations, to ensure that all persons licensed to practise law possess the requisite knowledge and skill.

Since the job of evaluating the adequacy of non-Canadian law degrees is not without difficulty, the current move towards establishing a co-operative national committee of law schools and law societies to perform that task ought to be encouraged and supported, financially and otherwise.

Overall, the admissions and licensing function of the Law Society ought to be exercised openly and fairly and in a manner which promotes both flexibility for those licensed and adequate safeguards for those who will be served by those who have been licensed.

EDUCATION POLICY

Admissions and licensing policy aside, the future will inevitably see changes in our legal education methods. With the exception of programming for non-lawyers, one can state with reasonable assurance that our current model of legal education offers a stronger base than has existed in any prior period. That is not to say that substantial reform is not needed or likely to occur. Rather, it is to indicate that future reform can be accomplished incrementally and can be viewed not as requiring the demolition of the existing system but rather its renovation.

It will be convenient to discuss the need for and likely direction of future changes in three areas, i.e., basic pre-licensing training, continuing legal education and the dissemination of legal information to non-lawyers. Because, in the

writer's view, pre-licensing training and continuing legal education of lawyers represent a continuum of activity which cannot and should not be separated, those two areas will be dealt with together. Public legal education must necessarily be treated separately because the target population differs so markedly.

Unfortunately, a disclaimer is required at the outset of the discussion. The writer's objective here will be to sketch only the basic directions in which change might occur. A detailed discussion of curriculum, admission standards, performance expectations and resources is beyond the scope of this essay. Nevertheless, it must be acknowledged that it is in these details and in the method of implementation and delivery of the programme that success or failure will be determined. The best of concepts is useless unless the personnel are adequate. the definition of a curriculum objective has no value if actual content does not accurately conform. The best of programme intentions will be completely frustrated if adequate funding is not available or is not properly allocated in accordance with realistic priorities. Therefore, the treatment of the subject hereafter given will be worthwhile only insofar as it may promote further discussion and refinement. In the end, the refinement will be determinative.

If one were to attempt to expose the major strengths and deficiencies of our present educational model for the training of law students and lawyers it is suggested the following would be included. On the positive side the last ten years has seen the development of a relatively able academic programme at the Faculty of Law at the University of Manitoba which is conducted by a solid core of personnel. Undoubtedly, the present LL.B. programme ranks well with those offered in other Canadian universities and, more importantly, the potential for excellence is patent. Similarly, the current Bar Admission Course and the continuing education programme sponsored by The Law Society of Manitoba represents a marked improvement in post-LL.B. education in this province and now can be considered amongst the most effective in Canada. Both the available facilities and the core personnel show promise of continuing improvement. In sum, therefore, one can observe that the consumers of legal services in Manitoba are as well served as anywhere in Canada.

The deficiencies to be noted are therefore not indigenous to Manitoba but indeed to Canada as a whole. They reflect not a parochial misapplication of perspective but one which is continental. However, since this piece is to reflect the Manitoba perspective, the treatment of the subject will be confined to this jurisdiction.

At the most fundamantal level the problem is one of inadequate allocation of resources. The fact is that the training of lawyers and the universal availability of adequate legal services are not high priorities in the allocation of public funds. In comparison to the dollars allocated to medical education and medical services, for example, legal training and the delivery of legal services rank as impoverished brethren. One can find no other cause for these discrepancies than the misperceived priorities of governmental institutions. Normally, the tremendous discrepancy in funding between medicine and law is rationalized on the basis that medical education by its very nature and because of the facilities and technology that are required is more expensive than legal education. It has been demonstrated over and over again that proper clinical training, clinical investigation and clinical research in medicine is very expensive. Undoubtedly, that is true. However, proper clinical training, clinical investigation and clinical research in law is most probably not much less expensive than in medicine. The difference is that the need for proper clinical training is an accepted fact in medicine but not in law.

It is assumed that we cannot allow a physician to be licensed or to continue to practise unless that physician is properly trained in the delivery of medical services. It is not considered enough that the physician understand the anatomy of the body but also that he or she must be able to properly diagnose a patient's problems and then treat those problems with clinical accuracy. On the other hand, we assume that it is enough to teach law students about the anatomy of legal principles but we remain unconcerned with the ability of that student, when licensed, to properly provide the best possible service. In medicine we provide elaborate teaching hospitals and a clinical teacher-student ratio approaching one. In law, we provide large classrooms, high student-teacher ratios and virtually no supervised clinical training. We assume in law that the student will learn by experience in servicing clients. We conveniently ignore the questions of whether those clients who are involved in teaching our young lawyers are well served or whether the young lawyer is being exposed to proper and ethical methods of providing legal services.

In short, we, as a community, have determined that by our priorities in the allocation of educational resources we are concerned only at the most minimal level with the adequacy of legal education and legal practitioners. Quite ironically we find that the calibre of legal services in Manitoba is generally minimally adequate in most areas (with the exception of the less affluent clientele in non-commercial matters) and we therefore

continue to ignore the possibility that the public is entitled to something more than mere minimal adequacy and that, perhaps, reasonable expectations are not fulfilled.

It would be absurd and unrealistic to suggest that there is much likelihood for immediate changes in priorities and that the resources available for legal training will be quadrupled or quintupled overnight. In looking to further and future reform of the model, one must adopt a pragmatic and politically realistic perspective. The coming years will require both legal educators and legal practitioners to maintain a constant pressure to increase present levels of funding so that the public may be better served. Alternative sources of funding will have to be tapped. Perhaps resources may be found by combining the objectives of legal education and the need to provide some form of prepaid legal services plan for the largest segment of the population who now are underserviced because they have neither the wealth to command services nor the impoverished status which will entitle them to some basic, if inadequate, assistance. Whatever the sources, the drive for increased funds will be essential since without such increases very little more can be done.

The second area of deficiency flows from the first. Because it is less expensive to teach basic intellectual principles to large classes of students than to provide legal education in a more appropriate context, we essentially have continued to present a dichotomy between theory, concept and policy on the one hand, relatively inexpensive to teach, and clinical application, much more expensive, on the other.

However, some observers not only are content with the dichotomy but strongly advocate its continuation. Interestingly, the advocates of this position fall into two major groups which normally see themselves in adversarial positions. On the one hand, one finds a segment of the private bar which sees academic training as having little value and which believes that future lawyers ought to be molded in images identical to their own. Therefore, academic training at the Faculty of Law, while perhaps useful in a general sense, is perceived to be relatively unimportant in terms of the "real education" that is obtained in the field. At the other end of the spectrum are some legal educators who believe that the curriculum of a university faculty of law ought to involve simply the study of legal principles and concepts leaving the training of "lawyers" to other institutions and other means. Some of this group are concerned that the course of study leading to the LL.B. degree be, in effect, a liberal arts degree concentrating on legal concepts. The more prevalent attitude within this group, however, is that a

law school ought to be all things to all people,i.e., the programme ought to provide a basic education in legal principles and concepts for those who have no inclination to pursue a career as a lawyer as well as providing the necessary background in legal principles and concepts for those who do intend to go on to practise law. However, even for the latter, the orientation is simply towards intellectual information unrelated to its application in the real world.

A third group, which probably has always existed, is now becoming more vocal. For them neither of the polar positions is attractive. They recognize that the scarcity of resources inevitably entails a compromise in programme and, more fundamentally, they perceive that the learning of the law cannot be compartmentalized but rather is an organic process. For this group a lawyer is not someone who simply has technical skills but is also someone who understands the context of the legal system of which he or she is an integral part and is also one who is concerned with maintaining a vigilant eye toward a goal of fairness and equity and to a system that is adapted beneficially to the changing times. Similarly, even for those who do not seek to apply legal training by way of traditional legal services it is felt that there is much benefit to be obtained from an understanding of the constraints and liberties which application imposes on concept. However, because of resource limitations it is considered necessary to focus the goals of the educational process more evenly between clinical application and conceptual study than is now the case.

Quite clearly, the writer finds himself attracted to this point of view. It is important, however, to note that, in the writer's view, the early years of a student's legal education must continue to provide a substantial and solid base in legal concept, principle and policy, otherwise the system will produce no more than technical robots.

In sum, it is the writer's view that the educational model ought to be refinished to take more closely into account the demonstrable fact that almost all graduates of the Faculty of Law at the University of Manitoba go on to be licensed as practitioners and do in fact practise law at least for a period of time. The public would be best served if these graduates were more appropriately trained to provide those services.

The present legal educational model does involve a certain amount of clinical training which attempts to bridge the gap between theory and application. The Faculty of Law at the University of Manitoba has in the last few years developed two or three opportunities for some students to participate in real or simulated clinical experiences. The problem has been that the

opportunity to take advantage of those courses has been restricted to a very few of the Faculty's students because the resources have not been available to develop programmes which are accessible to all. Furthermore, some of the clinical or simulated-clinical experiences have suffered from a lack of suitable supervision and reflective atmosphere. The basic models are there, but they need resources and personnel to make them effective. The Law Society of Manitoba, for its part, recognizes the need for clinical training by prescribing a period of time which must be spent in articles by all persons prior to becoming licensed to practise law. The didactic portion of the Bar Admission Course is intended to compensate in some measure for the inequality of opportunity and training received by students in the articling programme itself.

While the situation in Manitoba may be described as at least as beneficial and adequate as in other provinces in Canada there are still several inherent problems and fallacies. The first has already been noted, i.e., to the extent that the Faculty of Law at the University of Manitoba provides clinical training it is open to very few and sometimes suffers from a lack of supervision and reflection. The second is the assumption that one can impart to a student in one year the necessary procedural information and skills training required by a competent practitioner. The third, and perhaps most important fallacy, is that the articling experience is universally of value to the students involved. In fact, for some students, perhaps twenty-five to thirty percent of each Bar Admission class, the articling experience is valuable, particularly as supplemented by the didactic portion of the course. For these students their articling positions offer a generalist perspective of legal practice in association with practitioners who are concerned that the students are supervised, are taught and are able to reflect on their experiences. If positions like these were available for all students the system would be excellent. However, for the vast majority of students in the Bar Admission Course the experience is much less beneficial.

Even in those offices which could provide supervised generalist training the competition between service and learning is overwhelmingly resolved in favour of service. Students in these circumstances are viewed as technical labour who participate in rather mundane exercises designed either to relieve practitioners of uninteresting work loads or to increase the firm's profitability. Supervision and reflection are relatively infrequent components. In short, the articling relationship is not viewed as one of teacher and pupil but rather as one of employer and employee. There are many reasons which force this situation, not the least of which is the fact that a student requires the allocation of a part of the firm's available resources,

particularly what would otherwise be currently productive time spent in supervision by already experienced practitioners. That cost is often seen to be overly onerous.

Another significant group of students suffers not only from a lack of supervision and reflection but also from the fact that the articling experiences received are either highly specialized, with the loss of a generalist perspective, or are received in various departments of government or industry in which the provision of legal services is non-existent or subservient to the main purpose of the organization.

Because of the difficulty which has been experienced recently in the placement of graduating students in articling positions, the Law Society has not had the luxury available to it of insisting that all articling placements be made in firms which can provide both the generalist perspective and the necessary atmosphere of supervision and reflection. Yet, surely it is only with supervision and reflection that one can have a beneficial educational experience. Unquestionably, while the desire of the private Bar to have student labour available has had some impact, the major reason for the present state of affairs is economic. In effect, the Bar, through its provision of office resources and salaries, has filled the void that neither the university nor the Law Society has been able to fill in providing clinical experiences.

The last area of deficiency to be noted in the present legal educational model is that a further dichotomy exists between pre-licensing training and continuing education for those already licensed. There appear to be two prevalent assumptions. The first is that the expertise required to train undergraduates in law is different from that required for the continued education of those same people once graduated. The second is that once a student has graduated he or she is then capable of self-education through the remainder of his or her legal career and that the need for organized and constant educational programming is substantially reduced.

Unquestionably, the intensive initial education of law students ought to, and does, equip them to learn more easily and keep abreast of changes in law and practice and, furthermore, allows them to delve deeper into particular areas of the law in which they may specialize. Some do so conscientiously, others less conscientiously, and some not at all. But, quite clearly, the needs of a person already trained in law will be different from one commencing his or her legal education. Nevertheless, both the response to and commentary on more recent programmes of continuing legal education have indicated that more is required, so that the public will be served by better informed practitioners,

and so that legal practitioners will be able to maintain some semblance of peace of mind by being assisted in coming to grips with the extremely rapid and constantly accelerating developments and changes in the legal system and in the methods of legal service delivery. In other words, it is fallacious to believe that once a student has graduated from a university law school, that student has completed his or her legal education. Rather, the education of that student in law might better be viewed as a continuum beginning with entry into the law school and ending with the cessation of practice. The present division of institutional responsibility and goal objectives does not facilitate the development of this kind of continuum perspective. Rather, the division reinforces the unrealistic distinction between "academic" and "practical" learning.

The difficult question then is how to proceed with incremental reform of the legal educational model so as to build on the developed strengths while avoiding or mitigating present deficiencies and weaknesses? Obviously, the answer cannot be expressed in terms of absolutes nor is it likely that a "perfect model" can be developed. Nevertheless, several possibilities are open.

The starting point, in the writer's view, would be to recognize as a basic premise that available resources will be most usefully and beneficially expended on a programme which recognizes the learning of law as a living organism which contains concurrently the cells of theory, concept, principle, policy and clinical application. To that end the dichotomy between initial undergraduate education and continuing legal education should be redefined to a perspective of a continuum with each step in the process taking account of what has gone before and what is yet to come. While several organizations, institutions and individuals should be encouraged to continue to contribute to the available educational opportunities, the Faculty of Law at the University of Manitoba ought to be given and accept the responsibility for providing legal education not only to undergraduates but also to licensed practitioners. In formulating the curriculum and pedagogical methods of the undergraduate programme the Faculty should take into account in a significant way the fact that most of its graduates go on to practise law. To ensure that the concerns of the practitioners in Manitoba are taken into account, The Law Society of Manitoba should continue, perhaps even on an increased basis, to have input into the policy-making process of the Faculty. Certainly, the Faculty should rely even more heavily than is presently the case on the practising members of the profession, both in the provision of increased clinical training for undergraduates and in continuing education programmes which would thereafter be provided for them.

Both the quantity and quality of such continuing legal education programmes would be increased so as to provide more adequately for the needs of the practising Bar in three areas. The first would be the continued improvement of courses designed to update practitioners on current changes in substantive and adjectival law. Secondly, there would be the development of presently non-existent courses designed to enhance the skills and applied methodologies of practitioners both to update and refine existing skills and to provide a vehicle for the development and learning of skills which have not been demonstrated in earlier parts of the lawyer's education. Thirdly, the era of specialization in law is at hand and quite substantial courses of study will be necessary to enable or support the certification of specialists in order to ensure the ability of the public to have access to and confidence in the required specialized services.

In order to maintain the portability of the LL.B. degree between provinces it can continue to be granted at the end of three years of study at the Faculty of Law, preserving within that three-year period the required core subject matter required for recognition of the degree by other provinces. Similarly, The Law Society of Manitoba, in accordance with its statutory obligation, would continue to have institutional responsibility for the licensing of practitioners and would rely in that regard on the certification of the Faculty of Law. It would, of course, have participated in the formulation and constant review of the requirements which a student would have to fulfill in order to obtain that certification.

The present Bar Admission Course would be supervised by the Faculty of Law but more fully integrated with the preceding three years of study. That integration would be accomplished incrementally so that at each stage both institutions could be assured of the continued desirability of the integration. The articling system would initially continue but over a period of time, as improved methodologies become apparent and increased funding a reality, alternatives within the four-year spectrum of undergraduate education and, indeed, in the subsequent continuing education programming, could be developed for those students who are now disserved by their articles. Some portions of the clinical articling experience might be shifted back into the three-year LL.B. programme, more intensive generalist experiences might be made universally available to all students in the fourth year of training and further training, either voluntary or mandatory, might be received in years subsequent to licensing. Ultimately, the funding now made available to the Faculty of Law through the University of Manitoba and that made available to The Law

Society of Manitoba could be merged so as to be expended on a more efficient basis in which duplicated costs would be avoided. Hopefully, the existing sources of revenue, i.e., government grants, registration fees for courses and programmes and other subsidies, could be increased and new sources developed.

The potential benefits are significant. Like the medical model, legal education in all its aspects would come under the authority of an institution committed to education as its first priority and having the necessary expertise to accomplish its goals with excellence. The allocation of resources, presently skewed and inefficient, could be more rationally accomplished. Students and practitioners would have available to them a continuum of programmes which would provide a proper foundation in law and practice together with the means to maintain and protect that base. The consumers of legal services and those affected by the legal system, who after all ought to be the primary focus of the policy process, would stand to be better served. Moreover, in an atmosphere of co-operation and liaison, the profession, through its governing body, and the university could provide a mechanism whereby along the continuum of legal education, programmes can be developed to meet the changing needs of the society which the profession serves, without undue emphasis on the preservation of the existing or traditional roles of the profession in the society. Lastly, with an amalgamation of its objectives, the two institutions might present a strong, unified and effective voice to all sectors in the search for additional resources and proper recognition.

It is imperative to repeat explicitly the underlying basis of these comments. It is that legal educators, the practising profession and the consuming public are not separate constituencies adversarial to each other. On the contrary, they may be seen to share common needs and common goals and therefore will benefit from a perspective of partnership in the determination of the nature of the educational process with an accountable reliance on pedagogical expertise to effect those common goals.

Non-lawyer Education

Historically, it is accurate to observe that the focus of most legal educational activities has been on the training of law students and lawyers. Access to legal information and comprehension thereof has been the private domain of the members of the monopoly. In recent years some attempts have been made to begin to remedy that situation. In Manitoba, for example, the Legal Aid Services Society has, to some extent, promoted an increased awareness of legal rights and remedies for certain parts of the community. The Law Society of Manitoba,

individual practitioners and individual members of the Faculty of Law at the University of Manitoba have provided some programming in legal information for public consumption. There has been a certain degree of liaison with other institutions, notably the Faculty of Education and the Department of Education, in order to promote increased awareness of the law in the general community.

However, the indictment presently remains. The law is a complex and mystifying institution terrifying and incomprehensible to most people. Partly, that is simply a reflection of the complexity of the society and no amount of public education will suffice to overcome the difficulties. Partly it is true that sufficient effort has not been made to provide information for the general community. The obligation to provide access to legal information is one that ought to be shared by many sectors. Certainly the government has an obligation, perhaps the primary obligation, to ensure that its citizenry can understand its functioning and its regulations. Similarly, a system which is so pervasive and influential in the lives of the entire community ought to bear a more prominent place in schools and other non-legal educational programming. Private organizations and public interest groups should increase their efforts to obtain assistance for their members or the individuals they serve in comprehending the legal process.

Unquestionably, both the university, through it continuing education activities and through the Faculty of Law, and The Law Society of Manitoba, as the governing body of the legal profession, also have responsibilities and obligations in this area which go beyond the individual participation of some of their members. Since the information base and expertise in law lie with legal educators and legal practitioners they must be in the community. That is so not only because they have acquired that information and expertise largely at public expense and not only because the public must have information if it is to have a fighting chance of understanding and exercising its rights and responsibilities, but also because the ability of the legal profession to exercise its function would be enhanced by a more informed and knowledgeable clientele.

Therefore, one of the major thrusts of future legal education programming ought to be directed towards the community at large. In the writer's view that is a responsibility to be shared by the university and the Law Society in co-operation and in conjunction with both private and governmental institutions.

There are any number of target areas which can be identified for action. There are, however, five specific programme concepts which might be selected for new or increased activity.

The least ambitious and difficult targets would be to expand on three areas of programming now being done. The Law Society has on occasion prepared special programmes to meet the needs of particular organizations or interest groups. For example, in the past year programmes have been prepared and delivered to the Manitoba Association of School Trustees, the Department of Health and Social Development and the Welfare Appeal Board. The programmes were designed in conjuction with those organizations so as to present one-day seminars on matters of law of recurring concern in the spheres of activity they conduct. In order to promote increased programming of this kind The Law Society of Manitoba, or the Faculty of Law if it became entitled to share in Law Society funding, could make it better known generally in the community that such assistance and programmes were available. Undoubtedly, the response would be increased and the number of programmes offered would be proliferated.

The Law Society of Manitoba in conjunction with The Canadian Bar Association also publishes and distributes a series of pamphlets, each of four or five pages, dealing with such matters as the law of succession, family law, and access to the legal profession. The pamphlets are distributed in the waiting rooms of lawyers' offices throughout the province as well as in certain other locations. It would not be difficult to increase both the quantity and quality of the pamphlets so that they would cover a greater cross-section of relevant legal principles and systems. Furthermore, such pamphlets could be translated into other languages in order to assist those whose first language is not English. Arrangements most probably could be made to have the pamphlets published periodically in various daily and community newspapers throughout the province. At the same time, the radio and television legal open line shows currently being conducted by the Manitoba Bar Association would be continued and perhaps expanded.

Every effort can and should be made to continue the momentum already begun to introduce the study of law in the Manitoba school system. At the present time the Faculty of Education at the University of Manitoba is preparing to offer a summer credit course which is designed to assist high school teachers in teaching law and legal subject matter in the high schools. The Law Society will be subsidizing a portion of the initial costs of the preparation and delivery of that course, and this kind of assistance ought to be continued in future. The Law Society of Manitoba might maintain also a constant liaison with the Faculty of Education at the University of Manitoba and the Department of Education not only to react to requests for increased involvement but to promote those increases. Surely,

there is no better time to expose and explain the law and its processes to so vast and so receptive an audience as when that audience is comprised of students in elementary and secondary schools.

There are two other targets which have not yet been approached in Manitoba but which offer exciting prospects. The time is fast approaching when The Law Society of Manitoba must investigate the need for and requirements of para-professional training. By this the writer is referring to the education of individuals to participate in one or more aspects of the legal process without undergoing the long and expensive path of the LL.B. degree and licensing requirements. There are at least two reasons that groundwork in this area is required. The first is that the cost of legal services is high and becoming increasingly higher. There are aspects of practice now being conducted by fully trained lawyers which do not require that kind of extensive training and the attendant costs. In the real estate conveyancing field, for example, many law firms now employ secretarial assistants who in fact conduct much of the conveyancing practice. A proper training programme for such individuals would increase both their efficiency and efficacy and thereby allow the lawyer supervisors to concentrate on more complex and more beneficial work. Ultimately, the cost of the delivery of services could thereby be reduced.

The second reason that the training of para-professionals ought to be investigated is equally important. At the present time access to a recognized position in the legal delivery system is open to very few people. Each year the Faculty of Law at the University of Manitoba rejects five or six candidates for every one that is accepted. The demand for interesting and secure positions in the community is apparent. Part of this demand may be met through the development of less costly educational programmes, perhaps in conjunction with the community college system, which would allow people to be trained in one or more aspects of the legal service delivery system and to find fulfillment in that way. Obviously, the cost of educating a para-professional over, say, a two-year period will be far less than that of educating a fully qualified lawyer over six or more years from the time he or she first enters university. Therefore, access should be increased with beneficial results in terms of the quality of the service delivered and its cost.

Lastly, it would not be difficult for the Law Society of Manitoba or the Faculty of Law to establish, either alone in conjunction with the continuing education division of the University of Manitoba, a community law school programme. That programme would involve the establishing of curriculum

of offerings on a regular annual basis. The curriculum would include those areas of law which are of greatest concern and widest effect in the community. For example, topics might include immigration law, labour law, conveyancing, wills and succession, consumer protection, environmental law, insurance and criminal law. The list is not intended by any means to be exhaustive. Employing both legal educators, members of the profession and law students, course materials could be prepared and updated annually. The courses would be offered with nominal registration fees and would be advertised widely in the community. The courses would be of varying durations, some being one day offerings, others extending over longer periods of time. For example, a course in consumer protection might be offered one hour a week in the evening for thirty weeks. The topic could then be covered in depth but, given the time involved, at a relatively slow pace in an understandable fashion. In short, there could be developed a school with the single objective of providing continuing education in law to members of the public on a regular basis. It would not be intended to train people in law or for the practice of law. Rather, it would be intended to allow those persons in the community who desire access to legal information to have a convenient method of obtaining that information.

Unquestionably, the demand and the need is there. The time has come to proceed.