

November 10, 2014

Hon. Donald Scott, QC
Minister of Innovation and Advanced Education
Room 402, Legislature Building
10800 97 Avenue
Edmonton, AB
T5K 2B6

RE: LSA Response to Students' Union Letter of Opposition for an Increase to the Faculty of Law's Market Modifier

Dear Minister Scott:

We appreciate the time and effort that the Government of Alberta's Ministry of Innovation and Advanced Education has taken to ensure that all undergraduate student voices, including that of law students, is heard. However we would like to clarify and correct a few suspect and incomplete assertions put forward in the University of Alberta Students' Union ("SU") letter opposing the Faculty of Law's Market Modifier proposal.

Discussion surrounding consultation

First, it is gravely inappropriate to describe the process surrounding the Faculty of Law's Market Modifier proposal as in any way, 'rushed.' Once again, the Faculty of Law and the Law Students' Association has been engaged in an ongoing dialogue about market modifiers for over *four* years. Over the last year and a half, these discussions have intensified and efforts have been repeatedly made to seek input from the Students' Union. In fact, we would like to draw the Minister's attention to a previously mentioned (cited in our October 15th letter of support) consultations that took place with the Students' Union in August and September of last year. The Students' Union executive at that time indicated a strong preference for any tuition proposal to be phased-in, rather than grandfathered, to balance the interests of students both in the program, and students not in the program. This consultation with the SU directly affected the LSA's discussions with the faculty when the current proposal was being formulated.

The Students' Union asserts that they have "had a difficult time obtaining the proposals being submitted by institutions" and this has affected their "ability to have a real conversation" regarding the proposals, but including the Faculty of Law's market modifier proposal within this catch-all statement is highly disingenuous. Since September 10th, all of the Faculty of Law's market modifier documents have been available online (<http://lawschool.ualberta.ca/market-modifier>). With this information publicly available for over a month, the SU had ample opportunity to digest the material and provide comment to the LSA. The LSA in no way precluded the SU's input, rather, the consultative process highlighted in our October 15 letter shows an ample willingness to collaborate with the SU. The SU simply declined to partake in the consultative process.

Furthermore, it is categorically false to assert that the LSA was "cornered," acted under any undue influence, or, in the language of the letter, felt "pressured", by the Faculty of Law. The pressure that

we had to contend with related to the short time frame that was accorded to our faculty and ourselves to put together a proposal in August when students were not yet back in class. There certainly was not enough time to be able to consult to the extent that the Students' Union would have preferred given the Provost's timeframe in August. Although, we once again reiterate, the discussions surrounding tuition fees have been ongoing for *four* years. Given the options available to us at the time, having the LSA Executive reach an agreement on a fair and equitable proposal with the faculty served the student body far better than no law student input at all. The level of consultation and engagement with the Dean was constant and consistent but there was at no time, as the letter asserts without any foundation, "pressure" on the LSA.

Missing from the SU letter, however, is the fact that SU council, after extended deliberation and debate (over two hours), actually voted for a resolution recognizing the ability of the LSA to support the market modifier proposal. Once again, the fact that this is not explicitly mentioned in the SU opposition letter indicates that the SU is not being entirely forthcoming with the information surrounding the proposal.

Further, the UASU letter also omits to mention the survey undertaken by the LSA in consultation with the SU executive, in which all law students were asked to vote directly on whether they supported the proposed tuition increase of \$2000 per year over three years. Once again, as mentioned in our October 15 letter, 58% of students voting in the survey supported the increase, with only 26% opposed and 16% abstained. Thus, the LSA's position is based on a democratic mandate of direct consultation with law students both now, and over the last four years. In contrast, whereas the LSA has demonstrably justified our position, we are not aware of any direct consultation that the UASU has undertaken with the entire student body to inform their position regarding market modifiers.

Competitive environment

The SU's letter states, with no foundation, that the U of A "is largely competing against schools in Western Canada." The reality of the competitive market for legal education in Canada in no way supports this statement. The amount of tuition is not the only factor which makes a law school competitive; students will also compare schools based on quality of education and the ability to obtain articling positions after graduation; and in fact, our law students are competing for articles not only against students from Western Canada and Ontario, but also from around the world.

One of the major strengths of the U of A law program is the nearly 100% articling placement of graduating students, which owes gratitude to the strength of the current Alberta economy. Unfortunately, the financial pressures of the last several years, in addition to changing employment markets, threaten this distinction.

In 2013, the Law Society of Upper Canada (the regulator of the legal profession for Ontario) determined that 15.5% of its graduates had been unable to find articling placements. This has led several commentators to label the current job market for entry-level lawyers in Ontario as a 'crisis.' Additionally, between 2011 and 2012, 709 international law graduates and practitioners were issued certificates by the National Committee on Accreditation ("NCA"), allowing them to pursue articling placements in Canada. Putting these numbers into historical context, in 2009/10, the NCA issued only 392 certificates.

While it could be argued that the strong job market in Alberta is mitigating Ontario's articling crisis for now, this situation could worsen very quickly. Unless the U of A is able to increase supports for its students, we may increasingly see Alberta students displaced for Alberta articling placements by Ontario students with a greater array of educational tools at their disposal. Conversely, U of A also attracts students from other provinces who plan to return to their home communities for articling and legal practice. Thus it is important that we provide them with an educational experience that is competitive across Canada.

Our law program has recruited very high quality faculty members, with 50% of our current professors holding a PhD or SJD in addition to an LLM degree, and several holding degrees from Harvard, Oxford and Cambridge. However, the professors' numbers are steadily declining, and have decreased from 36.5 to 29 over the past five years. As a result the program has been forced to increase class sizes, with first year Property law, for example, going from three classes of 60 students each to one class of 180. The study of law is challenging with a steep learning curve for many students; if class sizes continue to increase, there is a risk that students may not get the individual attention they need in order to succeed. We will require additional funding sources in order to recruit new faculty who match the high calibre of our existing faculty.

Once again, our career services office has also been successful in placing nearly all graduating students in articling positions. However, continuing with one career services officer, who is constantly overworked, will no longer be good enough.

U of A's law school has around 550 students total, approximately the same size as UBC law, while UVic law has around 380. In contrast to our law program, UBC has 46 full-time professors and four career staff. Despite UVic being a much smaller law school, they have 39 regular professors and two career staff, as well as two co-op staff.

Additionally, the SU conveniently omits mentioning the 2014/2015 'total cost' of a legal education from Dalhousie University is \$17,318.56. Moreover, Thompson Rivers University, a new law school in BC which also draws its students primarily from BC and Alberta, charges tuition of over \$17,500 per year, higher than our proposed rate under the market modifier. The cost of our comparators is a pan-Canadian discussion, certainly not limited to Ontario.

Public Discussion

The LSA takes issue with the SU's assertion that the U of A has 'evaded' public discussion of the proposal. To the contrary, in addition to making all of the materials publically available, the LSA and the Faculty have engaged in substantive discussions with stakeholders in the larger legal community. Support letters from both the Canadian Bar Association (Alberta Branch) and several managing partners in the Edmonton legal community substantiates this discussion having taken place. Additionally, these stakeholder meetings directly influenced the substance of the current proposal, once again highlighting the openness of discussions surrounding this proposal.

Concluding Remarks

The LSA at this time would also like to note our disappointment with the SU for failing to collaborate on 'common-ground' advocacy initiatives. In our October 15 letter, we noted our displeasure with the fact that 20% of our differential fees will be allocated to the U of A's central administration. Well the Students' Union political policy determines that international students should not bear the burden of solving the larger institutions' financial deficits, it would appear the SU has decided to not take the same stance with professional students. It is our belief that the Students' Union's assertion that they represent the 'broader student body' biases them from taking an objective stance on the Faculty of Law's market modifier proposal. Through the 20% allocation to the general university's central administration, professional students are being asked to effectively subsidize other undergraduate students' education. The SU's failure to address this matter effectively implies that they are complicit with professional students bearing the cost of other students' education.

Once again, we thank you for your time and diligence on this matter.

Yours very truly,



Scott Meyer

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