Last Thursday afternoon, September 4, 2014, I learned from the Provost’s Office that the Alberta Ministry of Innovation and Advanced Education had invited Alberta universities to submit by October 15, 2014, up to three proposals per institution for possible market modifier adjustments to tuition.

On Wednesday, September 10, 2014, at 12:00pm – 1:00pm, I will be holding a town hall in Rooms 231/237 to discuss my proposal for a market modifier for law school tuition that would, if put forward by the Provost and accepted by the provincial government, begin to take effect in the 2015-16 academic year.

The Proposal in Brief:

• New incoming 1L students would pay tuition at $15,995, a level still lower than the $16,103 2015-16 adjusted average of our top twelve comparator schools, including Toronto ($31,536), Osgoode ($22,672), Western ($18,420), and Queen’s ($16,931);
• Increases for current students would be phased in at approximately $2000 in 2015-16 ($11,867, still lower than the University of Calgary’s current $12,193) and a further $2000 in 2016-17 ($13,867);
• If approved, I have agreed
  o to accept a four-year moratorium on increasing first year enrolment;
  o to invest in increasing needs-based assistance for low income students, students with dependents, and students from historically disadvantaged groups;
  o to develop significantly more robust career services support (and to eliminate the current $50 faculty membership fee); and
  o to expand experiential learning opportunities for law students to help prepare them for a more competitive practice and employment market.

I will discuss these and other details and initiatives when we meet. In addition to the market modifier-related proposals, I am working very actively on development support for the Faculty (including a proposal for a graduating scholarship for students who undertake to work in non-profit settings) and on revenue generation through executive education that complements but does not compete with the Faculty’s continuing and primary focus on its JD program.

I encourage you to attend the town hall, and I have invited the LSA President and Executive to take part. The proposal is critical to the successful future of the faculty and its students. Your input, feedback and support is essential to moving us forward.

Detailed materials will be posted on the law school’s website, and the session will be taped for review for those unable to attend. I understand that the LSA plans to hold its own town hall on September 17, 2014, at which time law students will be able to provide further feedback to the LSA directly.
The Process

While I will be focusing on the substance of the proposal during that session, I believe it is also important to discuss the process. I am very concerned about what I understand to be criticisms based on conjecture, rather than fact, that have been levelled at the LSA Executive and its President who, under difficult circumstances and facing deadlines beyond their (and my) control, endeavored to fulfill their representative mandate responsibly during the month of August.

While the SU and LSA representatives are fully apprised and were directly engaged with the sequence of events that took place in August, you may not be completely aware of what transpired. Here are the key points, which I’ll address further in our meeting:

- In early August, I was asked by the Provost to prepare a proposal for a market modifier for tuition at the Faculty of Law for consideration by the provincial government, and to have the proposal ready by August 29.

- I immediately reached out to the LSA President and Executive, who advised me they could not support my initial proposal. They provided me important background about student concerns and priorities, about the impact of cutbacks since 2010, and about the conditions for support they believed were required.

- In particular, the LSA argued persuasively that the increase should be lowered to a level they believed would be more sustainable yet still permit the most critical issues facing law students to be addressed. A moratorium on increasing the size of the entering class was key, as were enhancements to student scholarship and bursary support, investments in experiential learning, and bolstering career services. All of this was incorporated into the final proposal.

- On August 10, the LSA President and I both met with the SU Executive, at the request of SU.

- On August 19, I presented an outline of the draft proposal to SU Council. I understand from an introduction that evening that I am the first Dean ever to appear before SU Council about market modifiers. The LSA President presented the LSA’s position and stayed after my presentation to engage SU questions directly. *At neither meeting did SU indicate that CAUS (Council of Alberta University Students) policy #02-06 opposes “any form of differential tuition for any academic faculty or program”*. A CAUS press release on August 21 prompted the media attention and coverage on August 21/22 you may have seen or heard. At no time has any CAUS or SU representative questioned the substance of my proposal or the one for the MBA program.
• On both occasions both I and the LSA President stated that our preference was to engage law students in further consultations directly, but that we were constrained by the request for a proposal by August 29, before law students returned to campus. The record of consultation between law students and faculty since 2010 (and in particular since the provincial budget announcement in the spring of 2013) has been extensive and continuing, and informed the revised proposal.

• With the new deadline announced last Thursday, and students back on campus after the summer break and Orientation Week, we now have the opportunity to engage law students directly and to provide you with complete information.

As noted, the record of consultation and collaboration between law students and Faculty of Law administration dates back to 2009-2010. In 2010, law students supported a proposal for a market modifier that would have seen tuition rise at that time from $9,500 to $12,400. While the University of Calgary, Faculty of Law, received approval for its proposal, U of A Law did not.

Compounding the problem, a 2013 provincial budget cut to the U of A operating budget of 7.2% (when the university expected and planned for a promised 2% increase) is still being felt.

The Faculty has endeavored to insulate U of A law students from the most serious of these consequences, but we can no longer afford to mortgage our future to do so. I would rather focus on the positive investments that a market modifier will permit, but understanding the full impact of our current budget situation is imperative.

Concluding Note

The University of Alberta, Faculty of Law, has a proud tradition of excellence, and of supporting access for students regardless of financial circumstances. Since 2009/10, despite significant financial challenges and a decrease in our operating budget, the Faculty has in fact increased support for student awards from just over $1.02 million to $1.12 million in 2013/14. With considerable effort from faculty, staff, and alumni, almost all of our graduating students continue to be able to secure articling placements. Law School Survey of Student Engagement independent survey data from 2011, 2012 and 2013 consistently indicate that between 20-25% of U of A law students report that they expect to have no debt from attending law school on graduation.

I want to ensure that we are able to preserve access to law school, to jobs on graduation, and to an exceptional experience that prepares our students for the dynamic and changing legal profession. I look forward to discussing with you how I believe that the market modifier proposal I have prepared both reflects student input and concerns, and meets these challenges.

I look forward to seeing you on Wednesday.

Sincerely,

Paul D. Paton
Dean and Wilbur Fee Bowker Professor of Law