



Canadian Association  
Law and Society Canadienne  
Association Droit et Société

October 27, 2009

Derry Millar  
Treasurer  
Law Society of Upper Canada  
Osgoode Hall, 130 Queen Street West  
Toronto, Ontario M5H 2N6

via e-mail to [dmillar@weirfoulds.com](mailto:dmillar@weirfoulds.com)

Dear Treasurer Millar:

**Re: Final Report of the FLSC Task Force on the Canadian Common Law Degree**

I write on behalf of the Canadian Law and Society Association ("CLSA") to express our concern about the proposals contained in the Federation of Law Societies' Task Force on the Canadian Common Law Degree ("Task Force Report") and to invite you to discuss the issues raised in the Task Force Report with us. We understand that provincial and territorial law societies are being asked to adopt and act on the recommendations contained in the Task Force Report, recommendations which we believe will have serious and negative consequences for the continuum of legal education in Canada and for university legal education in particular.

In 2008, the CLSA joined with the Canadian Association of Law Teachers ("CALT") in 2008 to strike an expert joint committee on legal education to prepare a response to the Task Force's Consultation Paper. A copy of the CALT-CLSA response accompanies this letter. We believe that the concerns outlined in that document are even more apt in relation to the final Task Force Report and its recommendations.

Our members are interested in working with law societies across Canada to address emerging issues that have an impact on legal education (including, for example, the influx of lawyers who have received their legal education outside of Canada) and, to that end, we have adopted a set of principles that we propose should guide any initiatives to institute an "approved common law degree." Those principles are attached as Appendix A. We have also reviewed the Law Society of Upper Canada's submissions to the Task Force and we are open to considering the advantages and disadvantages of those proposals as a possible alternative to the Task Force's recommendations. I would be pleased to speak with you and to connect you with other members of our association who have expertise in these issues. I can be reached at [parkesd@ms.umanitoba.ca](mailto:parkesd@ms.umanitoba.ca).

The CLSA is a national not-for-profit association of over 300 scholars who are interested in the place of law in social, political, economic and cultural life. A majority of CLSA members teach and research in law faculties; however, our membership includes substantial representation from diverse disciplines such as history, sociology, political science, criminology, psychology, anthropology, and economics. Among its activities, the CLSA publishes a peer-reviewed journal, sponsors an annual conference and graduate student workshop, awards prizes for socio-legal scholarship, and generally works to encourage socio-legal inquiry in Canada and internationally.

Thank you for your attention to this matter.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Debra Parkes', with a long, sweeping flourish extending to the right.

Debra Parkes  
President  
Canadian Law & Society Association  
[parkesd@ms.umanitoba.ca](mailto:parkesd@ms.umanitoba.ca)

cc: Vern Krishna, Chair, Licensing and Accreditation Task Force, LSUC

Appendix A

**PROPOSED PRINCIPLES TO ACCOMPANY  
ANY FLSC STANDARDS FOR APPROVED COMMON LAW DEGREES**

**Adopted by the Board of the Canadian Law & Society Association  
January 24, 2009**

Recognizing the excellence of existing Canadian Law Faculties and the partnerships that are required for effective functioning of the Canadian continuum of legal education:

- *Governing and accrediting bodies undertake to seek the fullest possible participation and approval of the legal academy in adopting, implementing or amending the proposed list of competencies.*
- *Governing bodies will undertake not to use their accrediting authority for any purpose except the protection of the public against demonstrated harms attributable to shortcomings in the education of entrants.*
- *Governing and accrediting bodies will commit themselves to respecting the intellectual freedom of individual professorial and student members of law faculties and the autonomy of law faculties to adopt the scholarly and pedagogic approaches they deem best.*
- *Governing and accrediting bodies will respect the decision-making and resource allocation processes established within the university system.*
- *Governing and accrediting bodies will assist law faculties to acquire any additional human and material resources they need to implement the new requirements.*
- *Governing and accrediting bodies will ensure that their practising members possess and maintain the same competencies as law schools are to be required to impart and students to acquire.*