

Josée Bouchard
Director, Equity Initiatives Department
The Law Society of Upper Canada
Osgoode Hall
130 Queen Street West
Toronto, Ontario
M5H 2N6

February 28, 2015

Re: LSUC Report on Challenges Faced by Racialized Licensees

Dear Ms. Bouchard,

The undersigned are law students from the University of Ottawa Faculty of Law. We are writing to provide our input on the “Developing Strategies for Change: Addressing Challenges Faced by Racialized Licensees” consultation report (the Report) prepared by the Law Society of Upper Canada (LSUC).

We are primarily concerned with the lack of discussion on law students in the Report. We consider this a significant gap in the document as many of the issues reported by racialized licensees, such as a lack of mentorship and feelings of otherness, are also experienced in law school. In our respectful view, a report of this nature must address these matters as they relate to the law student experience. In addition, we note that in 2000, the LSUC responded to the Canadian Bar Association (CBA) Report *Racial Equality in the Canadian Legal Profession*, recognizing it as a “timely and critical document.” This CBA report contained many recommendations targeting the challenges faced by racialized lawyers and law students, which are not mentioned or followed up on in the current LSUC Report.

We are also concerned that the Report is not fully comprehensive and reliable due to the minimal amount of time that was allotted to consult with law faculties. In Ottawa, the LSUC working group that developed the Report allotted one and a half hours to a consultation meeting for both legal professionals and law students to give direct feedback. This substantially limited our student body’s ability to provide a reasoned, meaningful response to the Report. The University of Ottawa has the largest law school in Canada. As there is a diverse student body in the faculty, we require appropriate advance notice of meetings and more time to discuss matters of this complexity amongst the various stakeholders at our school. Current students, recent graduates, and faculty concerned with equity issues need to provide you with insight about challenges that start in law school and persist (and worsen in some cases) in the profession. We request that the LSUC provide opportunities for a thorough, sustained conversation which includes law students in order for the LSUC to capture a more complete picture of the challenges faced by racialized licensees.

We also have the following concerns and recommendations with respect to racialized students accessing the legal profession:

1. Racialized law students face further marginalization as a result of recent fee hikes.

It is critical to acknowledge that LSUC licensing fees are not the only cost to access the profession. According to the Law Students' Society of Ontario "Just or Bust" report, only 30 per cent of law students expect to graduate from law school debt free. For the 70 per cent of law students who graduate with a debt burden, the estimated average debt is \$71,444. These heavy debt loads gain interest after graduation. Moreover, students set to graduate in 2015 recently discovered that while licensing fees are higher, they cover less. One striking example of this is that this year's bar materials will only be distributed electronically. All licensing applicants must now pay the additional cost of printing the materials--a necessary expense for the open-book bar exam, and a cost not borne by applicants in previous years.

- **Recommendation 1:** Revisit LSUC admission costs so that they are more affordable for applicants. Hard copy bar materials must be included in those costs.
- **Recommendation 2:** Immediate consultation with OSAP to make the articling/LPP training period eligible for loans and repayment freezes.
- **Recommendation 3:** Immediate consultation with private lenders and financial institutions to make the articling/LPP training period eligible for loans and repayment freezes.

2. Demographic data collection must begin when students enter law schools.

A noted problem among many racialized students is the lack of representation within their law school classes. In fact, as representatives of various diversity law student associations, we note that some schools consistently have alarmingly low numbers of racialized students in each cohort. We believe that gathering more information on this issue may be a starting point for developing solutions for representation issues in law faculties and in the profession. Further, just as the Report discusses the important role of this data in the profession, collecting data on racialized persons seeking to access the profession is also critical.

- **Recommendation 4:** Law faculties should collect demographic data of their respective student bodies and submit this information to the LSUC, which would make it publicly available.
- **Recommendation 5:** The LPP and employers regulated by LSUC who are hiring summer and articling students should collect and submit demographic data to the LSUC, which would then make it publicly available.

3. Avenues for students to report discrimination should be available.

The Report addresses the need for developing effective processes for licensees to submit complaints if they experience discrimination. Discrimination and racism are not isolated to

practitioners, but are also experienced by students. In general, we recommend that appropriate processes for students to report discrimination, such as during summer student or articling interviews, be developed.

- **Recommendation 6:** Law schools should work with LSUC to compile data on student experiences in formal and informal recruitment processes.
- **Recommendation 7:** LSUC recruitment rules ought to expressly state equity principles to be followed by law firms throughout the recruitment process, including accommodations and manner of questioning during interviews.

We trust that the LSUC will give the matters we have raised serious consideration. As well, we request that the LSUC extend the consultation process to canvass issues and potential solutions related to racialized law students' experiences as they are absent in the Report. As future legal practitioners, we look forward to contributing to your commitment to developing a more inclusive and diverse legal profession.

Sincerely,

Albert Chiu

Asian Law Students' Society - University of Ottawa Faculty of Law Chapter, Member

Jacqueline Lau

Asian Law Students' Society - University of Ottawa Faculty of Law Chapter, President

Cemone Morlese

Black Law Students' Association - University of Ottawa Faculty of Law Chapter, Co-President

Natalia Peart

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Mario Torres

Latin American Law Students' Association - University of Ottawa Faculty of Law Chapter, President

Aruba Mustafa

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Kristina Cooke

University of Ottawa Law Union, Steering Committee; Women's Legal Education and Action Fund - Ottawa Branch, Member