

Statement to media from Charles Smith, Equality Advisor for the Canadian Bar Association

Good morning,

My name is Charles Smith, I am the Equality Advisor for the Canadian Bar Association, the national association with some thirty-eight thousand jurists, including lawyers, notaries, law teachers and law students across Canada. Today I speak to you as spokesperson for the Coalition for Access to Law Schools which represents:

- The CBA, which prepared the paper;
- the African Canadian Legal Clinic;
- the Black Law Students' Association Canada;
- the Canadian Association of Black Lawyers;
- the Metro Toronto Chinese and South-East Asian Legal Clinic;
- the Law Alumni Coalition; and
- the Muslim Lawyers Association.

This morning, the Coalition is releasing a paper entitled a *Response to the University of Toronto Provost Study on Accessibility and Law School Tuition Fee Increases*. The paper, which makes the case for eliminating barriers to legal education for qualified students is endorsed by the seven members of the coalition.

After my opening statement, Phillip Sutherland of the Canadian Association of Black Lawyers, Paul Riley of the African Canadian Legal Clinic and Kathy Laird of the Law Alumni Coalition will speak and then we will open the floor to your questions.

As the University of Toronto Governing Council prepares for tomorrow's debate of a proposed incremental increase in tuition fees – an increase that could bring the fees to as much as \$22,000 annually – we are urging the Council to give the matter second sober thought. After careful study, we have concluded that the Provost's *Study of Accessibility and Career Choice in the Faculty of Law* – the study upon which the Council may base its tuition-increase deliberations doesn't tell the whole story.

The University's Governing Council has limited time to debate tuition fee hikes. We believe that the issue of access to law school - the entry point for the legal profession in the country – is critical to that debate. We are speaking out now, and speaking out publicly to ensure our voice is heard.

Every qualified student should have access to an education in the legal profession. An open profession is one that is truly representative and inclusive.

Our analysis shows that the Provost's study just doesn't go far enough; it doesn't tell the whole story. We disagree with the conclusion that there will be no adverse effects on enrollment. Our perspective is that any barrier to access – and finance is one of them – can and will affect the student mix at the Law Faculty. Let me be perfectly clear. Fee

increases are likely to affect the diversity of the student body unless those increases are substantially mitigated by other programs.

The Provost's study relies on the fact that the Faculty of Law will continue to increase financial assistance to students in need so that there is no erosion in the current composition of the student mix. The report fails, however, to address the problem of the status quo itself.

Our research confirms the common knowledge that the legal profession in Canada is still predominately white and male:

- Individuals from subordinate racialized groups make up only *five per cent* of Canada's legal profession, while they make up close to *14 per cent* of Canada's population as a whole;
- Aboriginals make up less than *one per cent* of the population within the profession, as compared to *four per cent* of the general population;
- Women account for *thirty per cent* of the legal profession, as compared to *fifty-one per cent* of the general population;

Not to mention people with disabilities comprise an indiscernibly small proportion of legal professionals in Canada.

Data from the 1996 census reveal that there is currently a large discrepancy in earning potential between lawyers from white family backgrounds as compared to those from subordinate racialized groups. Over time, that gap only becomes more pronounced. The

reality today is that individuals from minority communities may be understandably reluctant to consider a legal education – and the financial burden this carries - based on their earning potential and the possibility for advancement within that profession.

Our analysis of the data in the Provost's study indicates that three times more students (66%) come from families with wealthy backgrounds, as compared with those from less well-off backgrounds (17%). If the current trends continue, post-secondary education in the legal profession will never achieve balanced representation. Instead of being more inclusive, it will become increasingly divided along class and gender lines.

Our paper argues that every qualified student should have access to an education in the legal profession if they so choose. The legal profession ought to reflect the diversity of the population it serves.

The Canadian Bar Association debated law school tuition fees at its last Annual Meeting in August. At the time, the law deans explained the pressures on the schools caused by increasing costs of education. The Association also considered the submission of students from subordinate racialized groups. After considerable debate, the Association adopted a resolution calling on law schools, governments, law societies and members of the profession to mitigate barriers to access to law schools and the profession. The CBA – and the coalition - believe that the legal educational environment and legal practice ought to be reflective of the population it serves and thus any barriers to promoting diversity – be they racial or gender-related – cannot be tolerated.

The Response of the Coalition being released today provides an analysis of data on accessibility, career data for U of T graduates, and outlines the barriers to a law school education faced by the men and women of subordinate racialized groups. We urge the Governing Council to reject a major change in fees that would raise the access barriers, based on the recommendations contained in an incomplete study. We maintain that mitigating programs should be on the table for consideration by the Council in order to offset the deleterious effects of the fee increases.

We have documented our views in our position paper. We have sent the paper to the university's Governing Council, as well as to our provincial politicians most interested in the education portfolio: The Honorable Elizabeth Witmer, Minister of Education; Liberal MPP Gerard Kennedy; and NDP MPP Rosario Marchese.

We've said higher tuition fees represent a serious barrier to access to education for Canadians from subordinate racialized groups. Without greater representation from these groups, our legal system will never be truly reflective of the diverse nature of Canadian society – something we cannot allow. We urge the University of Toronto's Governing Council to reconsider the current proposal and to ensure that there are ways to lessen the impact of any future increases.

Thank you.

Now I would ask Phillip Sutherland of the Canadian Association of Black Lawyers:

[Philip Sutherland speaks.]

Charles Smith: Thank you Phillip. Now I would like to call upon Paul Riley of the African Canadian Legal Clinic :

[Paul Riley speaks.]

Charles Smith: Let me introduce Kathy Laird of the Law Alumni Coalition

[Kathy Laird speaks]

Charles Smith: Thank you Kathy. I would now like to open the floor to questions. Can I ask you to indicate your name and which media you represent before you ask your question.

Thank you everyone.