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We are Overlawyered and Underrepresented¹: Why Reorienting the Career Paths of Law School Graduates is the Future of Legal Education

In 2012, the Canadian Bar Association launched two research initiatives: Futures and Equal Justice.² While the projects are separate, when read together (as the CBA recommends) the important difference between the reports is not that one is about the future of the legal profession and the other access to justice. Rather, the difference is the type of legal market at issue. The Futures project focuses on the large law firms that serve corporations, while the Equal Justice project addresses personal legal services, like family or criminal law. The CBA decision to separate the Futures and Equal Justice projects in this way was a disservice to the Canadian legal profession. There are many reasons why this is the case but in this paper I would like to focus on one in particular - the anxiety over an oversupply of lawyers while the unmet legal needs of the Canadian population are growing. Separating these issues, as the CBA did, misses an opportunity for exploring ways that the legal profession can adapt to meet those unmet needs and thereby create job opportunities for new lawyers. This issue is not only the responsibility of the CBA but also that of Canadian law schools.

¹ President James E Carter, Remarks at the 100th Anniversary Luncheon of the Los Angeles County Bar Association (May 4, 1978), cited in Deborah Rhode, "Access to Justice: Connecting Principles to Practice" (2004) 17 Geo J Legal Ethics 369 at 371.

² Canadian Bar Association Legal Futures Initiative, *The Future of the Legal Profession: Report on the State of Research* (Ottawa: Canadian Bar Association, 2013); Canadian Bar Association Access to Justice Committee, *Reaching Equal Justice Report: An Invitation to Envision and Act* (Ottawa: Canadian Bar Association, 2013).

This paper will address the future of Canadian law schools in light of concerns about the legal job market and unmet legal needs. Law schools must reassess the types of lawyers they are producing and make changes to adapt both for the sake of their graduates and for the Canadian population. First, I describe the apparent oversupply of law school graduates in Canada and the concomitant crisis of unmet legal need, particularly in family courts where self-representation is increasingly common. Next, I explain the role and responsibility of law schools in this environment and the history of stratification in the Canadian legal profession. Finally, I focus on three recommendations for changing the future of legal education: increasing clinic opportunities, equipping law students with coping skills for dealing with clients in crisis, and re-orienting career advising on campus.

Part 1: Oversupply & Unmet Need

I graduated from the University of Toronto Faculty of Law in 2009, which was at the precipice of significant change in the legal market for new graduates in North America. Many of the students in my class who accepted jobs in New York City were given a "sabbatical" - for a small reduction in their salaries they were asked not to come into work for their first year of employment. I noticed that the students graduating in the year after me were having difficulty finding articling positions and, yet, in the same year the University of Toronto was the number one law school in the country.³ My colleagues' experiences were not merely anecdotal. In 2013, The Law Society of Upper Canada implemented the Law Practice Program ("LPP") as an alternative to the traditional articling requirement. The LPP was intended not only to create new articling positions but also

³ "The 2009 Maclean's Law School Rankings", online: Maclean's, <http://www.macleans.ca/news/canada/ranking-canadas-law-schools/>.

to place law students in organizations that would not traditionally be able to afford an articling student, as part of an access to justice initiative.⁴ The LPP is unique in Canada but the underlying issue of employment for new law graduates is a problem nationwide and goes beyond the articling year. For example, in Quebec, Le Jeune Barreau de Montréal (“JBM”) released a report in February 2016 describing a dearth of articling positions and that new lawyers were having difficulty finding permanent positions.⁵ Following the release of the report, the president of the JBM commented in an interview that “there have never been so many lawyers in Quebec, but at the same time, there have never been more people representing themselves in court.”⁶ Surprisingly, this disconnect between the supply of legal services and the needs of litigants is not identified and explored in the myriad of reports that the Canadian legal profession has produced in the past several years regarding access to justice.⁷

The primary concern when the legal profession in Canada talks about access to justice and unmet legal need is the personal legal services required by low- and middle-

⁴ Ad Hoc Working Group on Articling and Access to Justice, Faculty of Law, University of Ottawa, “Articling and Access to Justice” (December 2011), online: Law Society of Upper Canada, <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147487551>.

⁵ Jeunes Barreau de Montréal, “Situation de L’emploi Chez les Jeunes Avocats du Québec” (February 2016), online: Jeunes Barreau de Montréal, <http://ajbm.qc.ca/wp-content/uploads/2016/05/rapport-sur-la-situation-de-l-emploi-chez-les-jeunes-avocats-du-quebec-web.pdf>.

⁶ David Dias, “Quebec Law Group Calling for Quotas on Bar Admissions” (February 2016), online: Jeunes Barreau de Montréal, <http://ajbm.qc.ca/wp-content/uploads/2016/03/18-fevrier-2016-quebec-law-group-calling-for-quotas-on-bar-admissions.pdf>.

⁷ This is even the case for the Ontario Civil Legal Needs Project, which specifically addressed mapping the supply of legal services in Ontario. This study was more about identifying the demographics of the legal profession and geographic mapping. Ontario Civil Legal Needs Project, “The Geography of Civil Legal Services in Ontario” (November 2011), online: Law Society of Upper Canada, <http://www.lsuc.on.ca/WorkArea/DownloadAsset.aspx?id=2147486236>.

income people. Family law is consistently identified as the area where most low- and middle-income Canadians encounter legal problems and where there is the highest number of self-/un-represented litigants.⁸

The Career Development Office at the University of Toronto Faculty of Law collects data on its recent graduates and their career paths.⁹ From 2012 to 2015, out of 832 graduates in total, only 62 or 7% pursued careers in the areas of personal legal services, specifically indigenous law (3), criminal (15), family law (5), immigration law (9), labour/employment law (27)¹⁰ and real estate law (3). Considering that all of the research on unmet legal needs centres on the area of family law, it is staggering that the University of Toronto Faculty of Law only produced five graduates between 2012 and 2015 that began their careers in this area. By contrast, a total of 433 or 52% of the graduates from that time period were employed by large corporate law firms.¹¹ These statistics may be confusing given that the Canadian legal profession is concerned with both an oversupply of lawyers and unmet legal need. However, this issue is not simply one of supply and demand. Prestige, and the financial rewards that often come with it, is an important determinant of the career paths selected by students from the number one ranked law school in Canada.

⁸ The University of Toronto Faculty of Law Middle Income Access to Civil Justice Steering Committee, "Background Paper", online: University of Toronto Faculty of Law <http://www.law.utoronto.ca/documents/conferences2/AccessToJustice_LiteratureReview.pdf>, 18.

⁹ University of Toronto Faculty of Law, "Career Statistics", online: University of Toronto Faculty of Law, <http://www.law.utoronto.ca/student-life/career-development-office/career-statistics>.

¹⁰ This number should be read with caution because no differentiation was made between employer-side and employee-side labour and employment practice types.

¹¹ The remainder were employed in the following areas: government/public interest (12%), clerkships (6%), in-house counsel (2%), intellectual property (3%), litigation (5%) and tax (1%).

Part 2: Past & Present Stratification

In 1988, Harry Arthurs, Robert Weisman and Frederick Zemans published a snapshot of the Canadian legal profession based on empirical data collected at the time.¹² They argued that it is difficult to speak of the profession in the singular because lawyers are "divided by function, clientele, and practice setting, ranked in terms of prestige and income."¹³ One of the main differences they identified was between lawyers practicing at large "elite law firms", where wealthy clients (mostly corporations) account for higher salaries, and those who specialize in criminal law, family law or personal legal services, what they termed, the "household sector of legal practice."¹⁴ In addition to the lack of financial reward, Arthurs, Weisman and Zemans argued that personal legal services are not prestigious because they offer "only limited opportunity for sophisticated legal work" and "limited job mobility."¹⁵

Arthurs, Weisman and Zemans referred to ethnicity or race as one of the determinants in the stratification of lawyers but they do not go into this issue in depth. They simply describe the "ghettoization" of the "household sector of legal practice" due to the higher proportion of "ethnics" in this area.¹⁶ Certainly race, and also gender, sexual orientation, disability and other marginalized personal characteristics continue to be factors in determining career opportunities for lawyers. However, for the purposes of this

¹² Harry W Arthurs, Robert Weisman and Frederick H Zemans, "Canadian Lawyers: A Peculiar Professionalism" in Richard L Abel and Philip Simon Coleman Lewis, eds, *Lawyers in Society: The Common Law World* (Oakland, CA: University of California Press, 1988).

¹³ *Ibid*, 163.

¹⁴ *Ibid*, 153-4.

¹⁵ *Ibid*, 156; Lucille A Jewel, "Bourdieu and American Legal Education: How Law Schools Reproduce Social Stratification and Class Hierarchy" (2008) 56 *Buffalo L Rev* 1155 at 1174; Harry W Arthurs, "The Future of Legal Education: Three Visions and a Prediction" Osgoode Hall Law School, Comparative Research in Law & Political Economy, Research Paper No. 49/2013, The Future of Law School Conference, University of Alberta Faculty of Law, 27 September 2013, 2.

¹⁶ *Supra* note 12 at 134.

paper I include this point to contrast how Arthurs, Weisman and Zemans described the lawyers in the household sector of legal practice with how Arthurs described this group in his subsequent article, "Lawyering in Canada in the 21st Century."¹⁷ Arthurs returns to the subject of the marginalization of certain types of lawyers and states that "[m]embers of immigrant groups, Jews and Catholics, graduates from less prestigious law schools, or those with middling and less than-middling grades are all disproportionately represented" among sole practitioners and lawyers in small firms that provide personal legal services.¹⁸

While some lawyers may be forced by necessity into pursuing a career outside of the large full-service law firm, Arthurs, Weisman and Zeman identified choice as sometimes playing a role due to "[i]deological commitments formed or reinforced during service in a law school or other community clinic setting."¹⁹ This connection between exposure to a legal clinic during law school and entering a marginalized practice area is something I will return to below.

Ronit Dinovitzer, a sociologist of the University of Toronto, studies the career paths of lawyers in Canada and the United States. Her work helps explain the attributes of lawyers that make up the legal profession's elite. She has found that in both countries

the large law firm represents the setting with the highest starting income, and...the pathway to this setting is marked by a very specific prior accumulation of capital: parents with higher levels of education, graduating law school with a higher-than-average GPA, and having attended a higher status law school.²⁰

¹⁷ Harry W Arthurs, "Lawyering in Canada in the 21st Century" (1996) 15 Windsor YB Access to Just 202

¹⁸ *Ibid*, 213.

¹⁹ *Supra* note 12 at 156.

²⁰ Ronit Dinovitzer and Meghan Dawe, "Early legal careers in comparative context: evidence from Canada and the United States" (2016) 23 International J Legal Prof 83 at 92.

While Arthurs, Weisman and Zeman largely describe the attributes of lower status lawyers in racial or ethnic terms, Arthurs (on his own) and Dinovitzer describe stratification in the legal profession as related to legal education.

American legal scholarship contains significant critique of legal education, especially since there are many more law schools in the United States and extensive differences between schools that are ranked near the bottom and those near the top. One of the most powerful and well known of these critiques is Duncan Kennedy's 1982 article "Legal Education and the Reproduction of Hierarchy."²¹ Kennedy argues that law schools "channel their students into jobs in the hierarchy of the bar according to their own standing in the hierarchy of schools."²² And his argument bears out, as we saw in the data collected recently by Dinovitzer. Other scholars critique law schools for the way that the curriculum marginalizes courses relevant to the practice of law as a sole practitioner or in a small firm.²³ In his study of Harvard Law graduates, Robert Granfield emphasizes the importance of what he calls the "informal curriculum" that socializes law students into the hierarchy of the legal profession.²⁴ He argues that it is simply not natural for law students to gravitate towards large corporate firms but rather, that "students must be taught...to desire prestigious jobs."²⁵

²¹ Duncan Kennedy, "Legal Education and the Reproduction of Hierarchy" (1982) 32 J Legal Education 591.

²² *Ibid*, 601.

²³ Robert Hornstein, "Teaching Law Students to Comfort the Troubled and Trouble the Comfortable: An Essay on the Place of Poverty Law in the Law School Curriculum" (2009) 35 Wm Mitchell L Rev 1057 at 1071; Louis S Rulli, "Too Long Neglected: Expanding Curricular Support for Public Interest Lawyering" (2007) 55 Clev St L Rev 547.

²⁴ Robert Granfield and Thomas Koenig, "Learning Collective Eminence: Harvard Law School and the Social Production of Elite Lawyers" (1992) 33 The Sociological Quarterly 503 at 504

²⁵ *Ibid*.

Kennedy argues that law professors must take personal responsibility for the stratification of the legal profession.²⁶ Similar to the description provided by Arthurs et al, Kennedy worries that law professors describe the work of personal legal services as “hopelessly dull and unchallenging and the possibilities of reaching a standard of living appropriate to a lawyer [as] slim or nonexistent.” More directly, Lucille Jewel suggests that members of the legal academy have “upper-class contempt” for non-elite lawyers.²⁷ Other scholars are less aggressive in placing blame for the stratification in the legal profession and instead point out that we have “confused educational excellence with power, prestige, and affluence.”²⁸

While acknowledging that stratification in the legal profession exists, some scholars take a more positive approach to the issue. If, as Granfield and Kennedy argue, the desire to pursue a career at a large corporate law firms is something law schools are teaching students then perhaps we can also use legal education to re-orient career goals. Noel Semple, a Canadian law professor, explicitly links his argument for re-orienting legal education to the future career prospects of law school graduates and the future legal need of the Canadian population.²⁹ Similarly, in the American context, Emily Spieler argues that exclusively focussing on the job market in large corporate firms hinders the legal profession, and law schools in particular, from imagining solutions that will provide law

²⁶ *Supra* note 21 at 608.

²⁷ Jewel, *supra* note 15 at 1207.

²⁸ George Critchlow, Brooks Holland, and Olympia Duhart, "The Call for Lawyers Committed to Social Justice to Champion Accessible Legal Services Through Innovative Legal Education" (2015) 16 Nev LJ 251 at 256.

²⁹ Noel Semple, "Personal Plight Legal Practice and Tomorrow's Lawyers" (2014) 39 J Legal Prof 25 at 26; Emily Spieler, "The Paradox of Access to Civil Justice: The 'Glut' of New Lawyers and the Persistence of Unmet Need" (2013) 44 U Tol L Rev 365 at 393.

school graduates with the opportunity to do “meaningful work” where there is the most need.³⁰

Before I set out some of the concrete ways that law schools can meet the challenge of restructuring hierarchy in the legal profession, I will address the argument that there is little that law schools can do to encourage students to take jobs outside of elite law firms because of the financial rewards of those positions. This argument stresses that even if students are not motivated by money and would like to pursue careers in areas such as family law, or other personal legal services, the debt of legal education prohibits these students from considering lower paying jobs. This concern is most often connected to the issue of increasing law school tuitions in Canada and the United States. For example, One year of tuition at the University of Toronto Faculty of Law is currently \$35,000 – which is double what it was when I was in law school there between 2006 and 2009.³¹ This is still significantly lower than the cost of law school tuition in the United States since, for example, at Harvard Law School one year of tuition is \$60,000.³² Yet, and especially due to how rapidly the increases have taken place, Canadian academics are expressing concern about the “distorting effects” that tuition fees can have on students’ career choices.³³

³⁰ Emily Spieler, "The Paradox of Access to Civil Justice: The 'Glut' of New Lawyers and the Persistence of Unmet Need" (2013) 44 U Tol L Rev 365 at 393.

³¹ University of Toronto Faculty of Law, “JD Program Fees”, online: University of Toronto Faculty of Law, <http://www.law.utoronto.ca/academic-programs/jd-program/financial-aid-and-fees/student-fees-jd-program>.

³² Harvard Law School, “Cost of Attendance”, online: Harvard Law School, <http://hls.harvard.edu/dept/sfs/financial-aid-policy-overview/student-financial-aid-budget/>.

³³ Jo-Anne Pickel, "What will Rising Law School Tuition Fees Mean for Law and Learning?" (2003) 18 Can J L & Soc'y 67 at 67.

There are, at least, two reasons why this concern may not actually reflect the reality. First, careers in government and judicial clerkships are not the most highest paying post-graduate opportunities, yet these positions are highly competitive and prestigious. In Dinovitzer's recent study of law students' career paths following graduation, she found that one of the significant differences between Canadian and American graduates is the desirability of careers in government after graduation.³⁴ Dinovitzer also found that for Canadian law students "the odds of working in the public sector increase as GPA increases."³⁵ These findings emphasize that prestige or job desirability is not always associated with the most financially remunerative position. Further, the fact that there is a difference between Canadian and American law students on this issue emphasizes the role of socialization in determining the career choices that law students make.

The second reason to be skeptical that law students simply go where salaries are highest regardless of law school efforts is that the empirical data suggests that the connection between student debt and career choice is not as strong as we might think. In Canada and in the United States, several researchers have attempted to conduct empirical studies on the link between law student debt and career choice. No conclusive answer has been posited and there are studies to support arguments either way. Some studies have disputed the correlation entirely and attribute its impact to anecdotal evidence.³⁶ Some

³⁴ *Supra* note 20 at 94.

³⁵ *Ibid.*

³⁶ Tan N Nguyen, "An Affair to Forget: Law School's Deleterious Effect On Student's Public Interest Aspirations" (2008) 7 Conn Pub Int LJ 95; Christa McGill, "Educational Debt and Law Student Failure to Enter Public Service Careers: Bringing Empirical Data to Bear" (2006) 31 L & Soc Inquiry 677 at 702.

describe the impact of debt on career decisions as “relatively muted”³⁷ or “weak.”³⁸ Others describe the connection in terms of student perception rather than looking at objective criteria like student debt loads in different practice areas.³⁹

Dinovitzer’s study of new law graduates in Canada identifies the desire to pay off debt as an early career motivator but, importantly, she find that this factor is just as likely to affect career decisions as the desire for prestige.⁴⁰ Further, Dinovitzer found that students are less likely to work in large law firms if they value “social justice and work/life balance.”⁴¹ Another study found similar results when looking at what motivates students to take positions in the public sector, concluding that the strongest influences are “whether the student came into law school with that desire and...whether she worked in that setting in either summer between law school years, particularly the second summer.”⁴²

In light of these findings on the connection between law school tuition, student debt and career choices I will proceed with recommendations for law schools on the assumption that these changes can influence law students more than the desire for financial compensation or the need to pay off debt. In the final section of this paper, I will offer three areas where law schools can re-orient their graduates away from large corporate firm and

³⁷ Ronit Dinovitzer, Bryant G Garth, Richard Sander, Joyce Sterling, and Gita Z Wilder, *After the JD: First Results of a National Study of Legal Careers* (Chicago: The NALP Foundation for Law Career Research and Education and the American Bar Foundation, 2004), 72.

³⁸ David L Chambers, "The Burdens of Educational Loans: The Impacts of Debt on Job Choice and Standards of Living for Students at Nine American Law Schools" (1992) 42 J Legal Educ 187 at 199.

³⁹ Alan JC King, Wendy K Warren and Sharon R Miklas, Study on Accessibility to Ontario Law Schools, Report submitted to Deans of Law at Osgoode Hall, York University; University of Ottawa, Queen’s University, University of Western Ontario and University of Windsor, October 2004, 170.

⁴⁰ *Supra* note 20 at 94.

⁴¹ *Ibid.*

⁴² McGill, *supra* note 36 at 702.

towards areas of personal legal services, such as family law. The first two, increasing clinic opportunities and training law students to deal with clients in crisis, are changes to the formal curriculum. The final recommendation, which addresses changes to career advising, relates to what Granfield terms the “informal curriculum” at law schools.⁴³ As I will argue below, this area might have the most promise for bringing about significant change on the law school campus.

Part 3: Recommendations

Reform #1: Clinical legal education

There is a long history and rich scholarship on the role of legal clinics in legal education - ensuring the poor have access to legal services and emphasizing to law students their professional responsibility to provide access to justice.⁴⁴ Not only does experience in a clinic benefit that educational experiences of law students but it also meets legal need directly.⁴⁵ In the United States in particular, clinical legal education has been viewed as an important source of practical legal training and skills acquisition for law students before they graduate. Since Canadian law students are required to complete an articling term before being admitted to the provincial bar, the dearth of practical experience upon graduating law school is not as significant of a concern as it is in the United States where there is no articling requirement. Here I do not argue that clinical experience provides law students with necessary practical skills, rather I emphasize the connection between experience in a clinic and post-graduation career choices.

⁴³ *Supra* note 24.

⁴⁴ Julie Macfarlane, "Bringing the Clinic into the 21st Century" (2009) 27 Windsor YB Access Just 35 at 36.

⁴⁵ Anna E Carpenter, "A Project Model of Clinical Education: Eight Principles to Maximize Learning and Social Justice Impact" (2013) 20 Clinical Law Review 39 at 94.

As discussed above, in their 1988 description of the Canadian legal profession, Arthurs, Weisman and Zemans attribute the choice of some lawyers to enter the area of personal legal services to ideological commitment formed during law school, and specifically through a clinic experience. Other scholarship and empirical work supports this concept of “the clinic effect” - that an experience in a clinic during law school can influence law students to pursue a career in the areas of family law, criminal law or other types of personal legal service, or at least inspire students to take on pro bono opportunities while pursuing a career in another practice area.⁴⁶ Making clinical legal experiences part of the mandatory curriculum will expand the reach of this “clinic effect”.

Reform #2: Training for clients in crisis

As discussed above, some critique the curriculum in law school for treating subjects related to personal legal services as less important than the core curriculum. One area, however, is completely absent from the law school curriculum altogether: preparing students for dealing with clients in crisis. One of the key differences between the clients of large corporate law firms and those encountered when one is practising in areas such as family law or immigration law is the emotional dimension of the latter type of work.⁴⁷ There is emerging scholarship on the effects of the crisis and trauma experienced by clients on their lawyers.⁴⁸ Borrowing from the education of social workers, mental health professionals and physicians, some scholars argue that law schools ought to be teaching

⁴⁶ *Ibid*, 57; Rebecca Sandefur and Jeffrey Selbin, “The Clinic Effect” (2009) 16 *Clinical L Rev* 57 at 82.

⁴⁷ Semple, *supra* note 29 at 41; Rulli, *supra* note 23 at 550.

⁴⁸ Andrew P Levin and Scott Griesberg, “Vicarious Trauma in Attorneys” (2003) 24 *Pace L Rev* 245 at 251; Aliza B Kaplan, “How to Build a Public Interest Lawyer (and Help All Law Students Along the Way)” (2013) 15 *Loy J Pub Int L* 153 at 156.

their students about self-care.⁴⁹ These skills can be taught in the core curriculum and the clinic environment is particularly well-suited to this type of training.⁵⁰ By including this training in their curriculum, law schools, and in particular those in the top-tier, will signal their support for careers in areas where clients are experiencing crisis.

Reform #3: Career advising in law school

While career advising is an informal part of legal education, its role in socializing students to prepare them for the job market after law school is in the central part of what Granfield called “the ideological dimension of identity production among elites.”⁵¹ The budgets of these career advising offices are often heavily geared towards helping students find jobs in large law firms rather than in the areas of personal legal services⁵²

Career advising offices also play a significant role in helping to place law students in summer jobs between first and second year or between second and third year of law school. In addition to the factors discussed earlier in this paper, these summer jobs are highly influential in determining the choices law students make after graduation.⁵³ The authors of one study argue that career advising offices ought to be more proactive in connecting students to jobs outside of large law firms at the summer job recruitment stage, or what is referred to as the on-campus interview (OCI) season.⁵⁴ Other empirical data

⁴⁹ Sarah Katz and Deeya Haldar, “The Pedagogy of Trauma-Informed Lawyering” (2016) 22 *Clinical L Rev* 359 at 361; Brittany Stringfellow Otey, “Buffering Burnout: Preparing the Online Generation for the Occupational Hazards of the Legal Profession” (2014) 24 *S. Cal. Interdisc. L.J.* 147 at 170.

⁵⁰ Katz, *supra* note 49 at 372.

⁵¹ Granfield, *supra* note 24 at 518.

⁵² Kaplan, *supra* note 48 at 155.

⁵³ McGill, *supra* note 36 at 705.

⁵⁴ *Ibid.*

shows that the greater the number of firm interviewers on campus, the more likely students are to take a job with a large firm.⁵⁵

In addition to the OCI process, large law firms display their status at law schools and receive “visible institutional support” throughout Canada and the United States in a variety of ways during the entirety of the legal education process.⁵⁶ At McGill, for example, Desmond Manderson describes the weekly social event of coffee house as a space where law students learn about the elite law firm world. At these events, “law firms supply waiters and live music, free food and—rather more to the point—free drink, at a cost of \$5,000 to \$10,000 per week.”⁵⁷ The fact that this is an opportunity given by the law school only to certain types of employers is evidenced in Manderson’s interview with “Chris”, “a quiet and thoughtful final-year woman [who observed] after a slight pause for reflection, ‘even the idea of alternative careers is a strange idea. There’s one ‘alternative career day’ per year’.”⁵⁸

It is important to note that large law firms are not the only employers to get significant institutional support, career advising offices also dedicate significant resources to clerkship placements. One scholar argues that these efforts “demonstrate the positive impact that law schools can have on student choices when linking supportive resources to an institutional message that touts the enhanced value of certain post-graduate opportunities.”⁵⁹

⁵⁵ Chambers, *supra* note 38 at 201.

⁵⁶ Rulli, *supra* note 23 at 548.

⁵⁷ Desmond Manderson and Sarah Turner, “Coffee House: *Habitus* and Performance Among Law Students” (2006) 31 L & Soc Inquiry 649 at 650-1.

⁵⁸ *Ibid*, 665.

⁵⁹ Rulli, *supra* note 23 at 549.

Beyond connecting students with employers other than large law firm's, career advising offices can also do a better job of training in law students to start their own practices.⁶⁰ Perhaps because of the articling requirement in Canada, the focus on acquiring an articling position is the majority of what career advising offices do. In my law school experience, for example, there were no resources or "career talks" on the subject of starting one's own practice. American legal scholar, Luz Herrera, argues that in order to meet legal needs law schools must train their students "to begin to think of themselves as managers and rainmakers of their law practices."⁶¹

Conclusions

For this final paper, we were asked to address the topic of the future of legal education. I have argued here that the future of legal education is inextricably tied to the supply and demand of the legal market. While the legal profession worries about the future of new law school graduates and the oversupply of lawyers, it also professes concern for the unmet legal needs of the Canadian population. However, these two issues are rarely put in conversation with one another. I have attempted to remedy this in my paper by raising questions about the history of the stratification of the profession and the role of law schools in perpetuating this hierarchy. While my recommendations for the future are not a significant part of this paper, identifying the influence of law schools in the career decisions of their graduates is a more important first step. The future of legal education will have to come to terms with this influence, and, I hope law schools will choose to re-orient their graduates into jobs that will meet the legal needs of Canadians.

⁶⁰ Kennedy, *supra* note 21 at 602.

⁶¹ Luz E Herrera, "Incubating Community Law Practices: Post-Graduate Models for Lawyer Training & Access to Law" (2015) 1 J Experiential Learning 215 at 226.

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