

## **Should Memorial University of Newfoundland Establish A Law School?**

**Letter – The Telegram – 17 January 2019**

### **MUN Law's proposed tuition fee is too high**

The MUN Senate's endorsement of a law school is subject to the condition that MUN Law be cost-neutral to the university. To maintain cost neutrality, the current plan is for students to pay \$30,000 per year over three years.

At this price, if MUN Law were to have opened this academic year, it would be the second most expensive law school in the country. By comparison, Dalhousie and the University of New Brunswick charge \$18,000 and \$11,000, respectively.

To be sure, MUN Law's proponents are optimistic about raising money from government and through fundraising to reduce tuition. To bring costs down even to Dal's \$18,000 would require an annual commitment of \$3.6 million. As the provincial government continues to cut the university's operating grant and the private sector faces its own challenges, such an influx of cash is far from certain.

Until proven otherwise, we should assume that a degree from MUN Law will cost in the neighbourhood of \$30,000.

Such a high tuition fee would defeat the proponents' stated goals in advocating for a law school.

The proponents argue that a law school will promote access to justice. There is no doubt that our province's justice system has serious problems.

Courts are overflowing; many rural residents cannot retain a lawyer in their area; our largest prison is crumbling.

The average MUN Law graduate — saddled with at least \$90,000 in debt — will be unable to take the pay cut necessary to solve these problems by, for example, working in rural areas or for community organizations.

Their primary motivation will be to get out of debt. To do so, most will seek work at firms or government offices in St. John's, Halifax, or Toronto.

The proponents also argue that a law school could promote access to legal education. In its 2013 report, the Feasibility Committee argued that a law school would allow those “with aging parents or small children” and those with “limited means” to study law. The proposed tuition fee defeats

this possibility. It is hard to see how the average Newfoundlander and Labradorian in any of these situations would justify such an expensive degree.

Finally, the proponents argue that a law school could provide useful oversight to the provincial government's judicial and legislative branches, and enhance the intellectual vitality of life in St. John's. The proposed tuition fee will likely hinder these goals as well. Good students will not take an expensive risk on an unproven law school if they can attend established schools with excellent reputations for less than half the price.

The Board of Regents should not approve of a law school unless it is certain that tuition will be genuinely competitive with Dal and UNB. If the Board approves a plan that sees students pay anywhere near \$30,000, it will be setting MUN Law up to fail.

**Ian Moffatt,  
Articling Student, St. John's**

## **Letter – The Telegram – 22 February 2019**

### **A law school is not about adding lawyers**

Letter to the Editor

There's lots of talk about a law school at Memorial University, and lots of grumbling about how we don't need more lawyers in this province.

While I disagree with that statement (I, for one, welcome increased competition in my profession) I don't think adding lawyers is either a goal or a significant outcome.

Newfoundland and Labrador is already a mass exporter of legal talent. Perhaps it's our long history of storytelling, or our combative nature, but we love a good argument.

We send many more Newfoundlanders and Labradorians away to law school every year than return to practice here.

If you compare those numbers of NLers who go away to a law program with to the annual quota of lawyers who join the N.L. Bar, it's clear that a significant number don't return.

I imagine the goal of a Memorial Law School is to stop shipping our young people to the mainland and overseas for their legal education. Whatever the local job prospects for lawyers, these Newfoundlanders are going to get a legal education somewhere.

Why send them to Toronto and Halifax and the U.K. to add to the prestige and legal culture of foreign lands when we've got a perfectly good use for them right here?

Citizens of the province (rightly, in my view) bemoan the state of our prison system, the inadequacy of our legislation to address emerging social problems, and the adverse impact of budget cuts on women, seniors, and minorities.

Imagine if we had a ready-made think-tank of policy wonks, legal nit-pickers, and social justice advocates ready to take government to task to these issues?

In my experience, law schools are filled with the kind of people who aren't afraid to challenge authority, and know how to access the courts and bend the ears of government when they have an argument worth making.

Memorial University is not simply a career college. Its sole function is not to generate doctors, engineers or scientists to fill job placements in St. John's.

Instead, it's a centre of excellence. The med school provides insight into our unique heritage which makes us prone to certain diseases. The engineering program serves a local industry which builds oil rigs which are specialized to survive impact from an iceberg. Our science faculty gave birth to several biochemistry companies poised to crack open parts of the human genome which are unique to our island genetics.

Imagine if we could take some of that fighting spirit and our knack for storytelling and channel it into a productive academic institution that would hold government to account and champion social justice issues?

We may not need more lawyers, but we could certainly use some good local advocates, don't you think?

**Kyle Rees**  
**St. John's**

## **Editorial – The Telegram – 19 January 2019**

### **Cold eyes review, please**

So, a review of whether Memorial University needs a law school has been done, and the results are discouraging: "We cannot, in the present financial climate, recommend that the university proceed alone. ... Nor can we recommend that the university should identify a law faculty as an immediate priority ... in view of the weaknesses in present funding for the core activities of the university and for the already existing professional schools."

Oh, sorry, that was what three of five committee members of a group reviewing the idea wrote in 1987.

At this point, MUN is thinking big: after a series of internal reviews, it now seems the pride of the university and the province depends on us having our own law school.

After all, tunnel vision and the refusal to recognize risks has been a hallmark of big projects gone bad in this province, and the university's own studies of the project have raised some very big red flags.

But, with the ghost of the unexamined Muskrat Falls about to give us a financial kick in the slats, it might be more responsible — with all due respect — to have someone outside the university review the plan first.

After all, tunnel vision and the refusal to recognize risks has been a hallmark of big projects gone bad in this province, and the university's own studies of the project have raised some very big red flags.

A 2013 report suggests it would take \$26 million in capital costs to establish a law school, and \$5 million a year in operating costs. At this point, the proposed operating costs have grown to \$9 million a year. The school would have 100 students a year in each of three years of study.

Yet there were only 554 practising lawyers doing pretty much all the province's legal work in 2016, according to the Newfoundland and Labrador Law Society. It's hard to imagine how the system would absorb 100 new lawyers a year, let alone how the school could find 100 articling placements for the one year of articling at law firms that students would need after three years of study.

But that's not the only conundrum: the \$30,000 a year tuition is close to triple what the University of New Brunswick's law school charges, yet the university's own analysis argues that one of the reasons for having a law school is affordability for students from this province.

The feasibility study argues the law school isn't just for residents of this province, while at the same time arguing that the law school is needed to give students particular knowledge of the legal system within Newfoundland and Labrador.

But most of all, if there's a single sentence in MUN's review of the need for a law school that calls out for the establishment of an independent examination of the proposal, it's this one: "Education is the mandate of the university, and considerations respecting lawyers' incomes or employment do not fit within that purpose."

Let's have a feasibility review by someone other than the home team.