

DISORIENTATION GUIDE

A STUDENT GUIDE TO CONFRONTING POWER AT LAW SCHOOL



A PROJECT OF THE
LAW UNION OF ONTARIO

Earlier this year, members of the Student, Recent Grad, Legal Worker (SRGLW) working group of the Law Union of Ontario set a goal of producing a collection of articles and experiences critiquing their experiences at law school and college - this is the result.

This booklet was written by a large number of people with very different experiences and very different aspirations - we are legal workers, lawyers, and law students. Ostensibly, our intention was to produce something that could specifically reach out to new students, as a way to help lessen the alienation and to provide a foothold for progressives and radicals who were just starting out. Hopefully, the guide will also be of value for others, however, whether they are still in school or out in the real world. We're this together after all.

We hope that this booklet will serve as a starting point for a critique of law school and college (and hopefully, the legal system in general) - all very worthy targets, in our opinion. We also hope that it will provide progressive students with a space to express themselves both this year and in future years. Perhaps most importantly, we hope that the Disorientation Guide will act as a catalyst by helping to engage students in dialogue and, more importantly, to take action. Law school can be a scary place, but every once in a while there are moments when communities come together and, in turn, fight back.

We would love for this guide to be a call to arms - a rallying point for those who feel excluded, marginalized or just plain frustrated while at law school - but none of us are that naive. We would settle for something which makes a difference, no matter how small.



CONTENTS

1	Why Become A Law School Activist?
3	Legal Workers: Taking Back Your Pride By Giving Back To Your Community
5	Is Radical Lawyering Possible?
8	Surviving Law School
11	Debt and Law School
13	Disability and Accommodation
15	With Power Comes Great Responsibility: Stay Queer Y'all!
17	Rainbow with a White Lining
19	Beating The Curve: Marks At Law School
21	That Sinking Feeling
22	Community Lawyering in the Curriculum
23	Grassroots Lawyering: Protecting the Environment Through the Law
25	Changing the System From the Outside
29	Radical Reads
30	About the Law Union

1 WHY BECOME A LAW SCHOOL ACTIVIST?

RYAN WHITE



Law school is a busy, stressful place. Pressures to fit in, keep up with readings, finish that memo on time, and still lead a normal life outside of law school combine to leave most students with little time or energy for campus activism. And even if you are active, chances are, you feel like you're simply not active enough. There always seem to be bigger issues to confront and organize against, whether it's poverty, environmental destruction, or racism.

Still, it is important that we not get discouraged. It is important that we recognize the enormous power and privilege that exists in law schools, as well as our own power to shape law schools so that they better reflect our shared values and beliefs.

We must consider those students who are not here, and ask ourselves why. What kinds of barriers have kept them out? How do tuition fees affect who gets in? Are admissions policies or faculty recruitment policies addressing systemic barriers to law school? Or are they reproducing forms of oppression that exclude all but the most fortunate students?

We must also consider barriers faced by those on the "inside." Students lucky enough to get here must still contend with a wide variety range of barriers, both local and systemic, during their legal education. We have all seen these barriers in action. The Constitutional Law professor who spends weeks talking on the federal "POGG" power, but just 20 minutes on the last day of class talking about Aboriginal law. The rigidly gendered and racialized hierarchy of classrooms in which young, white, heterosexual males dominate discussions. Comments in hallways and lecture halls that delegitimize the experiences of people of colour, women, queerfolk, or people with disabilities.

These barriers are immense. That said, there is at least some cause for hope. Despite facing considerable challenges, law students have fought back and won, whether because they printed leaflets, staged a protest, held a discussion forum, or went on strike.

In March of 2005, for example, administrators at Osgoode Hall sought to impose radical changes to the school's admissions policy. The changes included the elimination of admission categories that had been specifically designed to address the systemic and individual barriers that many law school applicants face. If adopted, these changes would have reduced equity by removing the structural recognition of historical barriers - such as racism, sexism, ablism, ageism and homophobia - from the admissions process. Incensed, a group of Osgoode students responded with meetings, lobbying efforts, and by building a coalition of fellow students, concerned professors and alumni. Remarkably, within a week, administrators relented, agreeing to withdraw the proposals and undertake a democratic and transparent consultation process before making any future changes to the admissions policy.

Similarly, a year earlier, Osgoode administrators proposed a series of significant tuition hikes that would have pushed the pricetag for a year at Osgoode well above \$16,000. In response, students lobbied, sent letters and eventually staged a one-day strike to protest the increases. In the end, the hikes went ahead. But not before students secured a significant increase in the amount spent each year on financial aid for students in need.

Examples like these suggest there is some hope. However, if we are serious about challenging privilege within our law schools, we must build upon this work. We must continue to organize within our schools and mobilize students in progressive campaigns. We must ensure that student governments are accountable, and that regressive and discriminatory practices and policies are confronted and challenged. Furthermore, we must collect our stories of struggle and our strategies of resistance so that administrators cannot rely on student turnover to foist regressive policies on students whose predecessors have already rejected those policies.

Collectively, law students hold an enormous amount of power. We should not be afraid to use it. Law schools can be sources of positive change and progressive politics, but only if we choose to shape them in a more humane and equitable way.



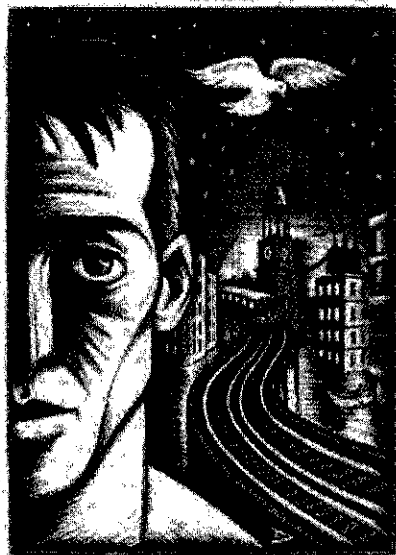
LEGAL WORKERS: TAKING BACK YOUR PRIDE BY GIVING BACK TO YOUR COMMUNITY

MAC SCOTT

Okay, so you want to become a paralegal or legal assistant and you're taking a night course at Seneca, Humber or one of the other colleges. As well you're working one, maybe two jobs. Perhaps you have a kid. Or maybe you have racist cops in your neighbourhood, a disability in a city that really ain't accessible, or you're contending with homophobia at your job or school. And you think to yourself, "sure the system bites, but who's got the time to change it?"

Well, first off, you have mad skills. Skills that movements need. Groups like the Ontario Coalition Against Poverty needs people with research skills to look up property information. And immigrant rights group like No One Is Illegal need immigration consultants and students to lead clinics for non-status residents.

I know it's hard. We're working our way through college. Or we live far from downtown, where most of the groups that need our help are located. But we owe it to our communities to get involved. We also owe it to ourselves.



When we graduate, chances are we'll wind up working in a law firm where we're mistreated by lawyers, overworked, and stuck doing work we don't really believe in. Or we will strike out on our own, become sole practitioners, work sixty-hour weeks, and scramble endlessly to make sure we have enough clients to put food on the table. Either way, we have to deal with disorganized courts that treat our clients like crap, and shove their homophobic, sexist, anti-poor, ablist and racist crap down our throats everyday.

However, by working for change - real change, and even revolution - we can

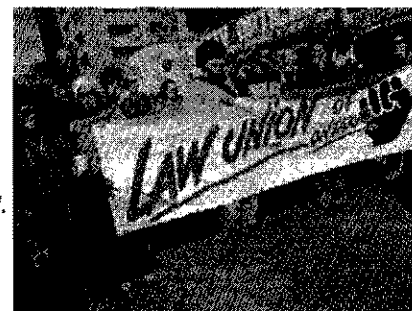


give something back to the community, and in the process, take something back for ourselves.

For example, every bit of time spent organizing an immigrant rights march or filing a small claim against the cops, lets you reclaim some of your own pride. And each time you help someone who has just been evicted, or help that person's supporters set up a picket outside the landlord-tenant tribunal, you take a little bit back for yourself. What's more, you can make connections, build trust with the community, and become part of a bigger movement that's working toward something important.

"By working for real change - and even revolution - we can give something back to the community, and in the process, take something back for ourselves."

So join us! Of course, I can't guarantee your fellow lawyers will never treat you like a second-class citizen. Nor can I guarantee that the community organization you choose to work for will be perfectly organized. And I certainly can't guarantee that the work will be easy. However, I can guarantee that you will meet kind, dedicated, good-hearted people, and that working for a community organization will rebuild your spirits, as well as your hope. I can also guarantee that after a stint working for a community organization, you'll go back to that court, tribunal, or the law firm where you work with a little more pride in your step, and a little more "fuck you" in your attitude!



**SRGLW members at 2008
International Womens' March**

5 IS RADICAL LAWYERING POSSIBLE?

JACKIE ESMONDE



Poverty, racism, homelessness, inequality and discrimination cause enormous hardship and pain. Many who suffer from these forms of social inequality look to the legal system to help them to achieve justice and dignity. They seek out lawyers and legal workers who can help them in their quest. However, as lawyers and legal workers, we face a difficult struggle to realize these goals. When it comes to the human rights of the marginalized, the promise of justice is too often an empty one.

The legal system maintains power relationships that marginalize the poor, people of colour, and Aboriginal peoples amongst others. Lawyers and other legal workers are invested in this system, and our abilities to challenge such marginalization are constrained by both substantive and procedural laws. The fundamental nature of legal work involves dealing with systemic issues on the basis of individual cases. Thus, while we may be successful in advancing the rights and improving the situation facing an individual, these individual cases have no impact on the systemic problems that face so many people in the same situation. We find ourselves fighting the same fight over and over again.

We must also often play into and use the biases that are the reason our clients are so marginalized. For example, in representing those who have been denied access to disability benefits, we must prove that our clients are "unable to work". Arguing that our clients do not work because of discrimination and a lack of accessibility in the workplace will only ensure that our clients' applications are denied. Representing our clients as helpless assists them to obtain necessary financial benefits, but ultimately attacks their dignity and places the blame for their marginalization on them rather than on systemic discrimination.

Because of these problems that are built into the legal system, as lawyers we can find ourselves contributing to the marginalization of our clients and the atomization of larger social issues. In this sense, then, it is not possible to be a radical lawyer. Sometimes we contribute to the harm, rather than alleviate it.

But must this be so?

As progressive lawyers, we must think of ways to work outside of the individualized boxes that the legal system puts us in. There are opportunities to bring a radical analysis to legal work. It is not always possible, of course, but when these openings arise, we need to take advantage of them. Not only must we look for these openings, but we must also create these openings. For example, feminists have been very successful at building a feminist analysis into refugee law, such that now gender-based violence such as domestic violence is recognized as a basis for a refugee claim. Similarly, it is now recognized that states have an obligation to prevent discrimination and harassment of gay, lesbian and transgendered people. The legal system has its contradictions. We can exploit the rhetoric of justice, while pushing for an understanding of "justice" that means substantive equality and wholesale social change (not just formal equality). Some progress has been made towards recognizing that government policies that cause homelessness and poverty violate human rights.

However, where these legal successes arise, they are always accompanied by political movements pushing for social change on the ground. There are many instances in which legal strategies have been used to support social movements. Would Henry Morgentaler have been successful in his challenge to laws criminalizing abortion had there not been a vibrant women's movement that was active in the streets and organizing politically? Morgentaler's case was intimately tied to these movements, and serves as a useful model for how we as lawyers and legal workers can support movements for social change.

However, Morgentaler's case also reveals the dangers associated with relying upon the courts alone for social change. In times such as we face now, when the women's movement cannot be called "vibrant", women in Canada are facing the slow retrenchment of their reproductive rights. There are places in Canada where women cannot obtain an abortion because there are no doctors that will do the procedure, or the provincial government does not properly fund the procedure. Morgentaler's win in the Supreme Court should not have signaled an end to the fight for women's reproductive rights. Without the continued activism of social movements, gains won in the court can be easily undermined.



1

As progressive lawyers it is necessary for us to maintain our connections with social movements. We must see our legal work as intimately tied to and supportive of these social movements. Just as importantly, to maintain our perspective, we should be part of these social movements - and not just as lawyers.

In addition to maintaining collaborative relationships with social movements, we should also see our relationships with clients as a collaboration. We must de-mystify court processes and clearly explain options so that our clients can determine their own legal strategies and make informed choices.

Unfortunately collaborative and respectful relationships with clients are "radical" in the sense that they mark a fundamental shift from traditional lawyering.

"As progressive lawyers, we must think of ways to work outside of the individualized boxes that the legal system puts us in."

Legal cases are not going to change the world. I began my time at law school with that viewpoint, and all of my experiences both in law school, and now as a lawyer, confirm that viewpoint. I became a lawyer to try to "be of use", and I was determined to try to be a "radical" lawyer fighting for the rights of the marginalized. Some days I think I am successful, whereas other days I'm not so sure.

As lawyers we can play a small role in improving the circumstances of individuals, and assisting them to obtain greater power over their lives. Sometimes, we might help to bring about larger changes. Though perhaps not as romantic as visions of ourselves as tireless agents for social change, these are realistic, fulfilling and laudable goals.

DISORIENTATION GUIDE



SURVIVING LAW SCHOOL

HAHINI SIVALINGHAM



Alright, so it's not exactly the Australian outback, or a deserted island infested with pariahs, but getting through law school does require some basic survival skills. For me, the survival goal was graduating law school in tact, both physically and emotionally (emphasis on the emotional part)!

The major obstacle I needed to overcome to survive law school was the disillusionment with the law school experience and trying to figure out how I can work towards advancing social justice while being bombarded with a culture of conservatism, both inside the law school and outside in society. I came to Osgoode because of its reputation for being a progressive law school committed to social justice. However, when I got to Osgoode, my expectations were way too high, and Osgoode fell considerably short.

Anyways, I could tell from the start that Osgoode has fallen prey to some of the conservatism that is sweeping society. Starting with the strong corporate/ "Bay St." presence that can be felt as soon as you enter the building (i.e. having classrooms named after Bay St. firms) to the sweeping increases in tuition fees it was clear to me that the Osgoode I envisioned and the Osgoode I was attending where to completely at odds.

My reality of being a law student was based upon my identity as a young woman of colour with a socially progressive mentality. At times, I found law school to be an extremely oppressive environment that suffocated my various identities. My experiences in law school have resulted in mixed emotions, ranging from the sheer amazement with the possibilities of what I can do once I have my law degree, to lingering questions as to whether I truly want to be here. The pivotal question that I think law students who want to make meaningful social change and transformation should ask themselves is how they can be an "activist with a law degree" rather than just be a "lawyer" dishing out legal advice and services.

8

AGITATE AND LITIGATE

Here are some of my survival tips for you. Good Luck in your pursuit of a legal career, and remember that no matter what paths you take, you can always do good in the world by incorporating a social justice framework in your practise of law.

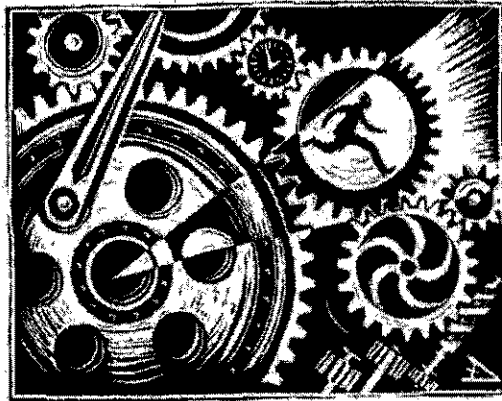
SURVIVAL TIPS FOR PROGRESSIVE LAW STUDENTS

1. Make friends with other progressive students as quickly as possible.

One of the many reasons why I felt the need to drop out of law school so many times was because I felt very isolated and did not have the support that I needed at law school early on. I think it's important to have some kind of social support at law school. Having outside interests and friends is a good way to survive law school, but having people who understand what you are going through and experiencing in law school is crucial.

2. Put your blinders on.

The best way to avoid being steered along with the herd and into something that you might not necessarily want to do, but that everyone else is so adamant about (i.e. landing that Bay street job), is to do your own thing. Staying true to your goals and values and objectives is hard enough, and it's really a hard thing to do when everywhere you turn the signs point to one direction. So putting up those blinders can be a helpful way to avoid falling into the herd mentality. Putting up blinders is a psychological tool that will help you avoid some of the pitfalls of law school.



3. Keep some of your pre-law school aspects of your life in tact.



Try not to give up on the community work and projects that you've been involved in for years. They help to keep you grounded and maintain some perspective in life. Law school can be highly time consuming and tends to take over your life. Take control early on by not becoming too absorbed by the law school mentality. You may have to reduce some of the hours you put into community work to meet the increased time demands of law school work, but don't give up on your important work in the community.

4. Remind yourself every day of why you entered law school in the first place.

It's easy especially in your upper years to lose sight of why you wanted to go to law school in the first place. Of course things in your life change. Circumstances change. And maybe even your goals and objectives change. Those are all valid. But it is important to recognize whether those goals and values been changed by you or because of external forces. The simplicity of remembering what you were thinking when you applied for law school, when you filled out that application form, and wrote your personal statement, can be helpful in keeping yourself motivated throughout law school. It's very easy to become distracted.

5. Plan an event, activity, or join a club that really interests you.

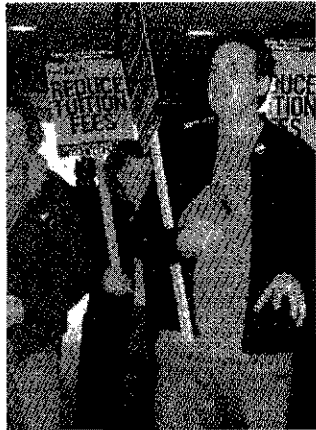
It's ok to hide away from law school. The windowless building that we spend way too much time in can become suffocating. However, too much self-isolation can also be a bad thing. You don't have to join the moot court society or law journal just to put on your resume. You don't even have to join a club. But you do owe it to your self to try to make law school as pleasant an environment as possible for your self (and other progressive law students). I organized something that I felt was important my first year at Osgoode, a panel for women of colour in the law. As a woman of colour, I felt that we lacked support at the law school and I wanted other women of colour to be able to have a forum where we can raise questions and hear from other women of colour from their experiences.

These are just some of the tips that I could think of based on my experiences surviving law school. Hope that your law school experience is a positive one!

DEBT AND THE LAW STUDENT

MANDY WOJICK

Debt — and lots of it — is a reality for many law students. Tuition at Ontario law schools has skyrocketed since the government deregulated professional school fees in 1997. At Osgoode Hall Law School tuition rose from \$4,500 per year in 1999 to \$12,000 in 2003 and it continues to climb. The University of Toronto charges \$17,000 per year but plans to hit \$22,000 in the next few years. Other law schools are not far behind. At the same time, the maximum government student loan allowance — roughly \$9,000 — has not increased in a decade. How do students make ends meet? With great difficulty.



Osgoode Hall law students quit school for a day to protest a proposal for a \$3,000 tuition fee increase.

Students seek out bursaries, scholarships, and awards, take on full- or part-time jobs while studying, borrow money from family, put additional mortgages on their house, and/or take out huge credit lines from banks—if they can access private credit. Students have used food banks, sold their cars, borrowed emergency loans from their school so they can finance their legal education. With the cost of tuition continuing to climb, law school may soon be a school for the rich alone. Getting into law school will no longer be an exercise of impressing the admissions committee with your fabulous LSAT scores and impressive list of accomplishments; rather, it will be an exercise in convincing the bank to loan you another \$50,000 or more.

But most of you reading this guide have started law school. You know how much it costs. The question now is how to survive? And what to do next? Law school is stressful enough without having to think how much you'll owe at the end of it all. Part of this stress comes from shame. People don't like to talk about money. They think they are the only one who borrows all their text books from the library or the only one who skips some event because it costs too



much. They aren't. In 2004, students at Osgoode boycotted classes to protest proposed tuition hikes. We built a "wall of debt" out of paper bricks representing our collective debt. Publicly displaying our personal debt was as liberating as it was infuriating. If you are in a tight spot, tell someone about it. You are likely not alone.

In the same way that debt can dominate law students' minds, talk of jobs—summer, articling, and after—is ever-present. It starts on your first day of law school when you discover that some law firms don't just sell legal services, they sell a lifestyle. They are branded and they want you to remember their brands. Fortunately for them, this branding seems to be successful. We all know their names, whether we like it or not, and their perpetual presence makes it hard to believe sometimes that there are jobs outside their hallowed towers. Among my favourite myths is the idea that "I will just work at X Big \$ Firm for a few years to pay off the debt and then I will do something else." For the people I know who have left big firms to go elsewhere, the transition has little, if anything, to do with money and everything to do with despising the work they did. High-paying jobs also come with high-priced lifestyles, which can be hard for some people to leave behind.

My advice to you is do what you love. If you read the offerings in the OCI (On-Campus Interview) booklet and are uninspired, look elsewhere. Those jobs are the first to be offered but they certainly aren't the only ones. Myths about money and jobs abound at law school. I have heard that you cannot possibly make a living doing legal aid work or working for the government. This is simply not true. Ask my friend who started his own criminal defence practice fresh from his call to the bar. His clients are almost exclusively using legal aid certificates and he is doing quite well taking on work that he loves. Ask Crown counsel or clinic lawyers if they earn "a living." Their answer would probably be the same. Talk to other students, take any course that interests you, work at a legal aid clinic, attend social justice career fairs and conferences, and join organizations that interest you. You might be surprised not only by how much you learn about yourself but by all the opportunities that arise. Debt is annoying enough on its own. Don't let it dictate your life.



DISABILITY AND LAW SCHOOL

PETER FORGERON, AMY WAR AND A LAW STUDENT WHO WISHED TO REMAIN ANONYMOUS

Persons with disabilities have a right to be accommodated at law school, under human rights legislation. It may be obvious that students with mobility-related impairments should not be kept out of our law schools because the school refused to build ramps and elevators that are accessible for wheelchairs and scooters where other students can use stairs to access classrooms, libraries, the cafeteria, lounges or other facilities. However, disabilities can range from mobility and sensory related, to psychiatric, and cognitive; the accommodations needed to access a legal education range accordingly. For example, students with learning disabilities, chronic illnesses or psychiatric disabilities may be eligible for extended time on exams, extensions on papers, notetakers or recorded lectures.



In the intensely competitive environment at law school, students receiving accommodations for non-evident disabilities may even feel that their classmates resent the fact that they have more time to write an exam. In fact, many students with psychiatric disabilities remain closeted throughout their entire education, no doubt because of the stigma. It is surely a sign that the prejudice against persons with disability has been left unaddressed in the minds

of the "best and the brightest". Accommodation is a complex concept to many. They are not a hand-up; they level the playing field so that students are treated fairly and equally.

Peter writes: As a law student at Ottawa University with a visual impairment, I have been fortunate to be accommodated in many respects at the Law

School. Barriers to education in law have been reduced as a result of all of these accommodations and the cooperative spirit of my fellow law students. There is an Equity Officer employed by the Law School to assist law students with disabilities, who assisted me with accommodations including extra time for exam writing and for completing assignments and papers, reserved access to a computer with specialized software and scanner in the law library, early selection of courses to allow for early transcription of course materials, and book/journal retrieval by a library representative or volunteer law student. I also take advantage of a federal grant of money that I can use to purchase school related equipment that the University does not provide.

Another student writes: Unfortunately, receiving accommodations in law school, just like anywhere else, is terribly political. The politics of being recognized as having a verifiable "permanent medical condition" are fraught with ambiguity and inconsistency. Certain students may have health issues or disabilities that are sporadic or not prone to diagnosis. Such students may be met with resistance when they ask for accommodations. My psychiatric disability was sufficiently severe and visible that I was provided with quality services. I experienced compassion from some of the staff at Osgoode Hall Law School. I may not have made it through the stresses of law school without the support I received. Every student with a disability deserves such treatment.

"Unfortunately receiving accommodations in law school, just like anywhere else, is terribly political. The politics of being recognized as having a verifiable permanent medical condition are fraught with ambiguity and inconsistency."



WITH POWER COMES GREAT RESPONSIBILITY: STAY QUEER Y'ALL!

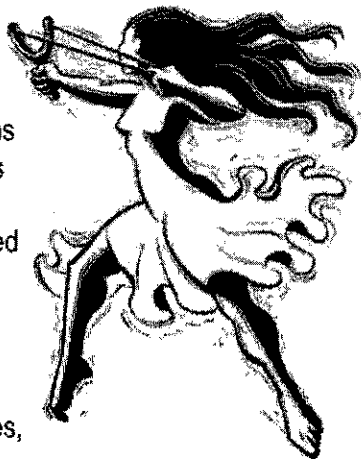
AMY WAN

So you're going to law school and you're gay, or bisexual. No big deal.

You're going to start your education in law, and you're a lesbian. Again, no big deal.

You are starting law school and you're transgendered. Congratulations, you're a pioneer. I hope that you're feeling revolutionary.

That's not to say that most law students are gay-positive. Don't get me wrong, the law school environment has a long way to go in terms of overcoming heterocentric assumptions and norms. Maybe even more so than pockets of the outside world. Many come from very privileged backgrounds, and are being groomed for even more privileged futures. You will most likely even experience homophobia in some form or other before your time is up, but it shouldn't affect your ability to get a good education, your chances of getting good grades, having friends, or even finding a community while you are there.



"that's not to say that most law students are gay positive... the law school environment has a long way to go in terms of overcoming heterocentric assumptions and norms."



There are other gay, lesbian, and bisexual students among you. You will find lesbian and gay representation at the student club fair, and at panel discussions. In fact, many law school professors are more progressive than your average civilian. However, the more you fit in because of your politics, career ambitions (read: corporate), race, and class, the more you will sail through the more-or-less "don't ask, don't tell" environment.

There may be a transgendered or transsexual person among your ranks. They will have a very different experience than you will. Even a woman on the butch or masculine side of the gender spectrum or a man on the more feminine or god-forbid, the more flamboyant end of the spectrum will taste marginality in law school in a flavour you perhaps haven't sampled. Face it, that is where the battle is raging.

"If you find that as gay, lesbian, or bisexual, you are tolerated or accepted use your membership to question other assumptions about gender identities..."

Law school is socially much like high school, and those voted most likely to succeed in high school, will most likely succeed at law school and beyond. It's not going to be so easy for a woman with a mustache or a Nick who was born "Nicole" to breeze through law school and a career in law. In fact, the thought of these two worlds colliding is so absurd, it sounds like the beginning of a bad joke. If you find that as gay, lesbian, or bisexual, you are "tolerated" or "accepted" use your membership to question other students', faculty members' and school administration's assumptions about gender identities. Practice lags behind theory, and it lags behind the law. Even the Ontario Human Rights Commission has a guideline on gender identity, if you haven't read it, check it out <http://www.ohrc.on.ca/english/publications/gender-identity-policy.pdf>.

If you identify as queer, or queer-positive, or otherwise enlightened, press forward against this sharper edge of the barrier that we all share.

RAINBOW WITH A WHITE LINING: DIVERSITY AT LAW SCHOOL

LORETTA DENNING

Historically, the legal profession was the purview of the white Protestant males from the wealthy classes. While the profession has changed over time to include a broader spectrum of practitioners, we should not rest on the laurels of apparent colour-diversity within our law schools.

Differences exist along many axes, and a genuine diversity includes the various intersectional possibilities of identity: age, sex, gender, colour, class, ethno-racial heritage, faith practice, sexual preference, and family status - just to name a few. It is not sufficient to measure diversity by any one axis, such as race or sex.

Despite the rainbow of colours you might see represented in your incoming law school class, pervasive barriers based on class, race, gender, disability and body appearance, as well as other power dynamics will come into clear focus as time passes. If the grade curve doesn't do enough to map out the dominance of the "old boy" tradition, then the race to career-branding will. The white heterosexual male lawyer continues to make the most money and hold the most "high-powered" positions in the legal field (read: Bay Street). Behind him is an array of white female associates and associates of colour. Of those associates, most come from a class background similar to those of their privileged colleagues. The associates of colour will not have accented English, and will be attractive and thin by media standards. By my own observation, class, accent, and body size are the trump suits of marginalization in the legal profession.

While the numbers of females enrolled in law school has surpassed half the total students at virtually every law school in Canada, equality is far from achieved. A recent Toronto Star article titled "The legal 'sticky floor'" (by Tracey Tyler, Toronto Star August 15, 2006, A9) indicates that only 25 percent of judges on provincial court benches are female. The article also quotes Supreme Court of Canada Chief Justice Beverly McLachlin in discussing the



relegation of female lawyers to low-profile "pink files" which involve less complexity and less contact with clients, instead of "blue files" that are assigned to male colleagues. The article is accompanied by a photo of McLachlin and two other female Supreme Court justices; they are all white.

**"Class, accent, and body size are
the trump suits of marginalization
in the legal profession."**

Private firms are most representative of an open-market ethos, while the interview process involved with government positions and other quasi-public employers are carefully measured to focus on non-discriminatory matters of legal substance and expertise. Some public and/or public interest organizations will even indicate that women, persons of colour, and persons with disabilities are encouraged to apply.

At the end of the day, everyone wants a fair shot at doing the work they're interested in and garnering the rewards associated with it. The legal language used to describe this is equality, accessibility, and freedom from discrimination. However, having a fair shot can be measured in only the most superficial of manners. Perhaps certain questions are off-limits, such as "where are you from?" or "how many kids do you have?" but so many prejudices pervade the decisions that are made about our "suitability" for a particular position. Our skin colour is obvious, our accent is audible, and our body shape is visible, without being asked. We may and likely will be judged by these things unfairly, and without our consent. Having a "fair shot" is not enough, if that means satisfaction with formal equality; substantive equality will only come when we see a profession that is representative of the diversity in our society at large. To achieve this we need to continue to fight racism, classism, ablism and homophobia in the law school curriculum, branding, and recruiting while mobilizing to demand appropriate accommodations for ourselves and our classmates in the law school process.



BEATING THE CURVE: MARKS AT LAW SCHOOL

CLAIRE LITTLETON

After the forced cheering and speech by the Dean about how "diverse" your law school is, in between eating flaccid (but free) carrot sticks and talking about where you did your undergrad in a strange and ineffective attempt to "get to know" your fellow first year law students, someone will mention that you should get used to getting B's. "You are no longer the smartest kid in your class" they'll say. Throughout the first day, first week, first year of law school, you'll often hear statements such as: "Law school is full of smart people and now you're just average" and "don't expect to be on the Dean's list this year."

Come the beginning of second term, you will be forced to bear witness to many MSN conversations in class about how every single person got an A in contracts. "How is that possible?" you will yourself. Aren't marks curved at law school? Some people must have gotten a B, and even some C's must have been thrown in there too. Am I the only one who got a B? Is my life over if I got all B's? What if I got a C? Will I ever land an articling job? Will any of the big firms be interested in me? Oh My God...I don't even play golf! The only thing I had going for me was that I might actually be smart. Now how am I going to connect with the interviewers at the big firms on Bay? Am I really the dumbest person here?

"Am I the only one who got a B? Is my life over if I got all B's? Will I ever land an articling job? Will any of the big firms be interested in me?"

Then, hopefully, you'll take a breath, think for a minute, and realize that people are lying about their marks because there's something about law school that brings out, in some people, competitiveness and a strong desire



to put other people down. You'll tell yourself that you might not even want to work on Bay Street, that you've only just begun and there's lots of time to figure this stuff out. You'll realize that there are people in the world who have made it in this career without A's and without knowing how to play golf. And you'll remember that you really are smart.

"Think about how important it is to love to learn. I remembered a time when I was excited to learn about the law, before the experience was poisoned by the marks obsession all around me."

I have spent more time than is probably healthy trying to understand the law school fascination with marks. Never before have I found myself in a situation where people even talked about marks, let alone talked about them every day with such enthusiasm. I think it stems from the need to put people down in order to make oneself feel more important. Sad but true, this attitude is prevalent at law school.

I recently had a conversation with a nine year old who told me that she is really excited to learn about flamingos. This gave me pause to think about how important it is to love to learn. I remembered a time when I was excited to learn about the law, before the experience was poisoned by the marks obsession all around me. Law school is not always going to be interesting and you are certainly not always going to love what you are learning, but my humble advice is to try to remember, once in a while, to learn for its own sake and forget about the curve around you.

THAT SINKING FEELING

MELISSA COCHILL

As I sit here writing this, I am having some serious doubts about whether I will be seeing any of you in the fall. After several extensions due to difficulties related to my mental health disability, I have only a short time to finish writing a legal memorandum, prepare a factum, do a moot, pass my course and go on to the second year of law school. I can't concentrate to save my life.

I had a message from my banker this afternoon when I got home from work. I got turned down for my student line of credit that I need to go on to my second year of school. Right now, I'm wondering if the time and effort needed to finish the assignment is worth it if my credit rating says I don't qualify to continue.

I don't know what to say about the situation for the purposes of advising other people, other than to say "don't be poor and disabled if you want to go to law school". Trust me, it's no fucking picnic. Besides feeling really, really defeated right now, I feel like there is something way off the tracks wrong with me because I don't have the skills to complete my assignment on time or the credit score to ensure my future success as an advocate. I have been told and re-told that the systems are there for me if I "want" to succeed, that everything is set up well enough that if you come up short you just aren't law school material. I'm sure there are many more people on hand at the law school who would help to drive home this message if they were asked.

But I'm not going back to Regina with my tail between my legs just yet. My experience working in a legal aid clinic has shown me that I can excel at the day to day activities of lawyering. And there are victories to be won. This experience is the carrot at the end of the stick that might actually get me through my academic and financial troubles. It gives me an inner collection of real-life situations to draw on where I really felt like I was where I wanted to be and I was making a difference to somebody. You need that stuff when you are trying to learn proper legal citation at 2 in the morning. This isn't a call for sympathy, it's a call to arms for those of us who "shouldn't be here" due to our supposed personal shortcomings. Find something you can hold onto and dig in. You're at law school now - prove 'em wrong. Here's to hoping I'll see you in the fall.

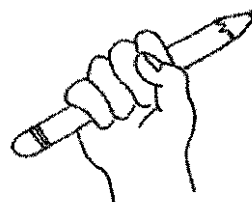


COMMUNITY LAWYER IN THE CURRICULUM

KELSEY SITAR



As an activist, it can be difficult to sit in a traditional law school classroom. Firstly, sitting in a classroom isn't all that "active" - many times, it's downright boring! Secondly, few profs pay adequate attention to the presence of patriarchal, (hetero)sexist, sanist, and elitist values present in legislation and judicial decisions. Worse yet, some profs become proponents of discriminatory analysis! Yet, as activists, we remain eerily silent in many of these classrooms. Suddenly, our political leanings take a back seat. Despite anonymity in grading, we fear disputes with these Herculean academics, and often remain in silent disagreement.



Fortunately, law school offers experiences outside the traditional classroom, where being "political" is not only okay, it's encouraged! Clinical programs, such as CLASP, Parkdale, and Downtown Legal Services, give students an opportunity to engage in community lawyering, and learn valuable practice skills that cannot be gained through traditional lectures. Within legal clinics, students are able to serve individuals and ally with communities. Defending individuals charged with criminal offences, assisting parents in obtaining custody of their children, and informing youth of their rights with police helps us learn valuable lawyering and life skills. We see how the law truly interacts with communities - the strengths and the faults of legislation and judicial precedents.

Most importantly, clinical supervisors encourage us to challenge assumptions, and bring flaws to the attention of politicians, judges, and other lawyers. These programs allow active participation with "the law", not idle absorption of case names and ratios. Many students note participation in a clinical program as their best and most formative law school experience. While clinical programs often involve lots of work, a fair amount of stress, and a steep learning curve, one thing is for certain - they're never boring!

GRASSROOTS LAWYERING: PROTECTING THE ENVIRONMENT THROUGH THE LAW

GRAHAM ERION

Canadians have long held strong environmental ethics and countless polls have all shown that the public wants to preserve the environment for the public interest. However, what most Canadians do not realize is that the patchwork of environmental laws in Canada do very little to protect the environment or the public interest. According to David Suzuki, this is largely due to the fact that "laws are invariably cobbled together when environmental crises are encountered rather than attempting to avoid such crises in advance."



While Canada may have been at the forefront of pushing for the precautionary principle and international environmental laws during the early 1990s - though we have our own Maurice Strong to thank for railroading early activist efforts into the market logic of "sustainable development" in Rio - we have an atrocious record at implementing such agreements. Studies have shown that Canada's domestic record at protecting the environment is among the worst in the OECD...and that's before the reign of Prime Minister

Stephen Harper and his backers in Alberta's oil patch.

With the legislative framework proving inadequate protections, environmental activists have been increasingly turning to the courts to help achieve their objectives. With the help of interveners such as Sierra Legal Defence Fund, activists have used the legal system to win important victories in preventing clear cut logging, cleaning up brownfields, regulating toxic substances, and quite possibly creating a public trust in the environment (Canfor.).



These important victories should serve as motivation to continue to use the court system for realizing progressive environmental policy, especially with the current neoliberal regimes in Ottawa and many provinces.

"What most Canadians do not realize is that the patchwork of environmental laws in Canada do very little to protect the environment or the public interest."



For progressive law students considering pursuing such legal challenges to protect the environment, there may be no better place to start than Osgoode's Environmental Law Society (ELS). The mission of ELS is to provide a forum for environmentally minded students to meet, opportunities for students to get involved in green activities, and information about the law, careers, and events in the environmental

field. There are currently plans underway this fall for an environmental law career panel, a movie screening in the Reel Justice series, a climate change colloquium, participation in a Campus Sustainability Assessment, and many more activities. To get involved with ELS please look for us during Clubs Day, check out our website: www.osgoode.yorku.ca/ELS, or email tracycoates@yahoo.com.

CHANGING THE SYSTEM FROM THE OUTSIDE

A.J. Withers

Fundamental flaws in our legal system make it tough, if not impossible, to bring about real equality using the law alone. Laws themselves are often based on oppressive (primarily racist, sexist, heterosexist, and classist) assumptions. Police compound the discrimination by targeting homeless people and engaging in racial profiling. And courts, which are designed to resist change and protect the interests of the powerful, make change more difficult still.

This is not to suggest the legal system can never be a useful tool. But it is vital that we recognize our legal system can only bring about minor, individualized and temporary changes. Real change, on the other hand, requires that we confront the system, and engage in collective, extra-legal action with a view to ending the oppression on which the capitalist-colonial system thrives.

Take the courts, for example. On one hand, it is vital that we work within the courts to defend individuals targeted because of their political views, or because they are members of an oppressed group. In addition, courts can sometimes provide you documents, information, or funding for strategic civil suits aimed at furthering some greater cause.

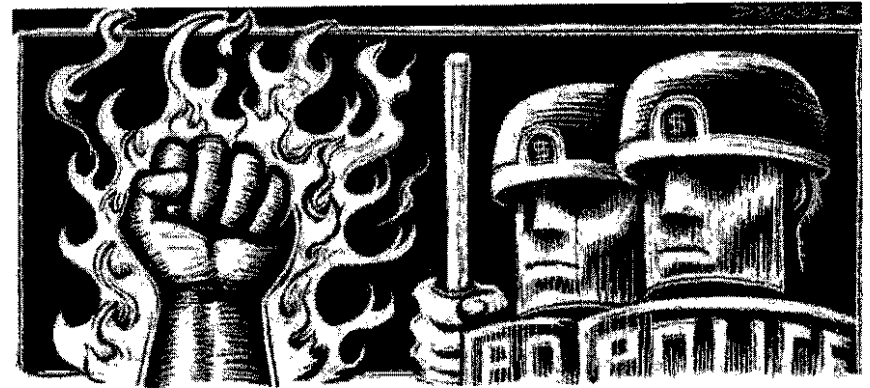
On the other hand, working solely within the court system means that any resulting change will be limited. Change may only be individualized, or else merely temporary. Furthermore, by going to court and acknowledging the court's ability to address your claim, you may wind up legitimizing the system as a whole.

The best approach is therefore two-pronged. When it makes tactical sense - for instance, when fighting criminal charges, a draconian immigration system, denial of a freedom-of-information request - social movements

should not hesitate to go to court. Movements therefore need people with the skills to put forward strong legal defences and offences.

At the same time, it is imperative that those individuals work closely with political organizations outside of court, taking leadership from those organizations, providing those organizations with the information they require to do their work.

As a law student, you can choose to practice progressive lawyering when you graduate. You can choose to engage in casework that helps individuals, though the results will usually be mere band-aids that fail to address underlying social problems. Or you can choose to be a radical lawyer who works within an organization to ensure that your work supports broader struggles.



Of course, neither of these choices will make you wealthy. If you choose to take part in a movement, however, you will emerge a stronger and more compassionate person, who is also fortunate enough to have a never-ending set of challenging and fascinating cases.

There are several ways you can help a social organization working to create positive change, even if you only have a few hours a week to contribute. The following pages contain a list of some progressive organizations that could use your help. Please get involved:



Taxi Workers Support Coalition

A group of taxi workers who are organizing to improve working conditions for drivers and to support other struggles. Law students and legal workers can help out by fighting tickets given to taxi drivers during their work. Contact: ocap@tao.ca.

Environmental Defense Canada

Works to protect the environment and human health. We research. We Educate. We go to court when we have to. Needs volunteers looking for experience in environmental, legal, and policy research. If you are interested in volunteering, please send a cover letter and a copy of your resume. Contact: Volunteer Coordinator at info@environmentaldefence.ca or via fax at (416) 323 9301.

Animal Alliance of Canada

Animal Alliance of Canada is committed to the protection of all animals and the promotion of harmonious relationship among people, animals and the environment. Contact AAC directory to find out how to plug-in. Contact: www.animalalliance.ca or (416) 462-9541.

Act for Earth

An organization that educates and mobilizes people and communities to take actions on issues of peace, ecology, and human rights. Looking for people to give legal advice/information on campaigns and communications materials, research, report writing, review and provide advice on bylaws of Act for the Earth's constitution. Contact: www.actfortheearth.org

TDRC Toronto Disasater Relief Committee

An anti-poverty organization focusing mostly on homelessness issues. It is always looking for students to do research and assist with ongoing projects around heat legislation, discrimination issues, and the Safe Streets Act. Contact: www.tdrc.net

Common Front Legal Collective

A group of activists, students and legal workers who provide legal support to local social movements. Activities include protest support and "Know Your Rights" training sessions. The group seeks people to work during protests, either in legal offices or on the streets. It also routinely seeks research help, and people willing to contribute to its newsletter. Contact commonfront-legal@tao.ca.

Don't Ask, Don't Tell

A campaign to get city workers to stop asking for and releasing immigration status of anyone accessing city services. It uses law students for legal research and other research-related tasks. Contact info@dadtontoronto.org.

OCAP Ontario Coalition Against Poverty

An anti-poverty organization that works with homeless people, workers, immigrants, welfare and ODSP recipients, and other marginalized groups. OCAP is looking for law students for help with casework and other tasks. Contact ocap@tao.ca or call (416) 925-6939. For more information, you can also visit OCAP on-line, at www.ocap.ca.

No One is Illegal

No One is Illegal (Toronto) is a group of immigrants, refugees and allies who fight for the rights of all migrants to live with dignity and respect. The group believes that granting citizenship to a privileged few is part of a racist immigration and border policy designed to exploit and marginalize migrants. It works to oppose these policies, as well as the international economic policies that create poverty, war and, in turn, forced migration. In addition, the group works to support and build alliances with our Indigenous brothers and sisters in their fight against displacement and the ongoing theft of their land. Contact nooneisillegal@riseup.net.

For each category, we listed one or two books that we consider to be essentials, as well as a list of authors that can be helpful for each subject. "Canadian" authors are in bold italics, not out of any sense of nationalistic fervor, but rather to recognize the importance of being critical of the law within a specifically Canadian context.

Critical Race Theory:

Places to Start: *Critical Race Theory: The Cutting Edge* (Richard Delgado, Jean Stefania), *Looking White People in the Eye* (***Sherene Razack***)

Key Authors: Richard Delgado, bell hooks, Derrick Bell, ***Nandita Sharma***, ***Sherene Razack***, Kimberlé Crenshaw, Mari Matsuda, Patricia Williams

Indigenous Law:

Places to Start: *Struggle for the Land* (Ward Churchill), *Thunder in my Soul* (***Patricia Montour Angus***)

Key Authors: Robert A. Williams, ***Mary Ellen Turpel***, ***Patricia Montour Angus***, Gerald Taiaiake Alfred, Ward Churchill

Feminism and Gender:

Places to Start: *Critical Race Feminism* (Adrien Katherine Wing), *Feminist Legal Theory: A Primer* (Nancy Levit and Robert Verchick)

Key Authors: Catharine Mackinnon, Angela Harris, Mari Matsuda, Kimberlé Crenshaw

Which leads us to our last category - the "other/progressive" category. On one hand this category is meant to catch other scholars/topics that weren't covered in our limited list provided above.

Other Progressive Legal Scholars:

Lucie White (Law and Pedagogy), Duncan Kennedy (Law and Pedagogy), ***Dianne Pothier*** (Disability, Human Rights), ***Janet Mosher*** (Poverty Law and Feminism), ***Judy Fudge*** (Labour), ***David R. Boyd*** (Environmentalism)



The Law Union of Ontario, founded in 1974, is a coalition of over 200 progressive lawyers, law students and legal workers. The Law Union provides an alternative bar in Ontario which seeks to counter the traditional protections afforded by the legal system to social, political and economic privilege. By demystifying legal procedures, attacking discriminatory and oppressive legislation, arguing for progressive new applications of the law, and democratizing legal practice, the Law Union strives to develop collective approaches to bringing about social justice.

The Law Union is run by an annually elected steering committee and organizes a large annual conference in Toronto every spring. It has several working groups and active chapters at some law schools. The Law Union's current active campaigns and past work include:

Police Misconduct:

The Law Union has been involved in the calls for a renewed civilian complaint review board, police accountability for misuse of force and other important issues. Members regularly appear before the Toronto Police Services Board and other organizations and individuals charged with police oversight.

First Nations Solidarity:

The Law Union has standing at the Ipperwash Inquiry, which is looking into the shooting of Stoney Point First Nation activist Dudley George by the OPP Tactical Response Unit. We often intervene where appropriate on the side of justice for First Nations.

Demonstration Support/Mass Defence

The Law Union intervenes to defend activists arrested at demonstrations and civil disobedience actions, as well as producing materials to assist activists in knowing their rights.

We also work on immigration and refugee issues, homelessness, environmental justice and workers' rights as well as a range of other issues.

BASIC PRINCIPLES OF SRGLW STUDENTS. RECENT GRADS. LEGAL WORKERS.

1. We reject all forms and systems of domination and discrimination including, but not limited to, patriarchy, racism and white supremacy, ableism, heterosexism and homophobia and class oppression.

2. We support struggles for liberation, freedom and justice around the world and here at home. We embrace the full dignity of all human beings.

3. We see the law as a limited but useful tool for social change. We reject the legitimacy of the current system's courts, cops and borders, and we seek to use our skills to support grassroots struggles for social transformation. We are committed to lawyering and legal work for people, not profit.

**To find out more about SRGLW and the Law Union
of Ontario or to receive an electronic copy of
this guide please contact: srglw@gmail.com**

AGITATE AND LITIGATE

ACKNOWLEDGEMENTS

THE DISORIENTATION GUIDE WAS MADE POSSIBLE BY:

CONTRIBUTORS:

**KELSEY SITAR
HARINI SIVALINGHAM
MELISSA COGNILL
AJ WITHERS
MANDY WOJICK
JACKIE ESMONDE
AMY WAH
RYAN WHITE
MAC SCOTT
PETER FORGERON
GRAHAM ERION
CLAIRE LITTLETON
LORETTA DENNING**

EDITORS:

**SHELAGH A.
JON BRICKER
CLAIRE LITTLETON
JUDITH PARKER
AMY WAH
RYAN WHITE**

**GRAPHICS ON PAGES 3, 9, 13, 15, 23, 24 and 26
COURTESY OF ERIC DROOKER WWW.DROOKER.COM**

**COVER ART BY JME ALLEN
LAYOUT AND DESIGN BY RYAN WHITE**

AGITATE AND LITIGATE



PRODUCED BY THE STUDENT, RECENT GRAD, LEGAL
WORKER WORKING GROUP OF THE LAW UNION OF ONTARIO

2006

RAWFOLDS MILL PRESS