

The Chief Justice of Ontario's Symposium on Lifelong Learning in Professionalism

The following are condensed notes from the Symposium on Lifelong Learning in Professionalism which took place at the University of Toronto on February the 20, 2009. The Symposium consisted of three panels of distinguished members of the legal field who gave speeches on the changing developments in legal professionalism and the continuing need for lifelong learning. The Symposium concluded with the Goodman Lecture, delivered by Justice Stephen Goudge. For access to the full Symposium, please go to: <http://www.clp.utoronto.ca/events/cjo.htm>

This is a summary of the Goodman Lecture.

Goodman Lecture

To see the full version of this lecture see:

<http://mediacast.ic.utoronto.ca/20090220-CLP-4/index.htm>

Justice Stephen Goudge:

- Introduction by Professor Lorne Sossin: David B Goodman lecture was established in Goodman's memory. It's a showcase for faculty. Justice Goudge is a graduate of the U. of T. law school.
- Justice Stephen Goudge: The pursuit of the objective must be ongoing and sustained. It is important to underline that today is merely a step along the way.
- We all remember that day we told our family that we were going to law school. Most probably were met with lawyer jokes. But underneath, our families felt a quiet admiration and pride that we were going to be part of something of value — the legal profession.
- Little did we know that most of us would explore its meaning — what does it mean to say that a lawyer is a member of a profession?
- Lawyers love and are addicted to definitions, and “professionalism” is a slippery term. There are a number of alternatives to the meaning.
- We can focus on the paradigm of zealousness which is an important part of professionalism (duty of lawyers to help their clients).
- But a broader but related conception is this: being a lawyer is a privilege overlaid with responsibilities. This is a negative approach to professionalism when lawyers seek something more.
- The advisory committee's conception: professionalism is an attitude and approach to the profession. Pursuit of a learned art.
- Professor Farrell's conception: We need a sustainable model of professionalism. This society depends on how we view ourselves as professionals.
- What is clear is that settling on a “right answer” is not a precondition on finding the solution. Being a lawyer means something more than just having a job. We have duties to others.

- The concept of professionalism is important because:
- First, it is essential if the public is to have confidence in the system. If expectation is not fulfilled, confidence is eroded.
- Second, if the justice system is effectively to resolve disputes it is essential for lawyers to have professionalism.
- Young lawyers have a sense of idealism — to not let them down it is vital that we increase professionalism.
- Historically, for lawyers in Ontario, professionalism was mostly about being a gentleman — more about breeding than education. Throughout the 19th century, professionalism was more about gentility than rules. In the 1920's, the bar association sought more regulation and created the CBA's canons of ethics. But the focus still remained on rule-based standards of professionalism.
- Throughout much of the last century, formal teaching of professionalism did not take place. No one taught ethics or professionalism.
- But by the 1990's, the law society took on professionalism as its brand. By the turn of the millennium the law society revised rules of professional conduct and expanded its attention to the "aspirational" aspects of what it means to be professional.
- In addition, the view towards formally teaching professionalism began to take off.
- In 2000, the chief justices advisory committee was established from a need to promote professionalism.
- In the last 15 years there have been a lot of positive changes.
- The most important challenge is the rise of the idea of law as a business. Income expectations have become the primary focus; billable hours are part of every day life in urban settings.
- The challenge this presents is the question of whether lawyers will only see the narrow aspects of professionalism. Law as business is a reality.
- The second challenge is the diversity of the profession; not ethnic or cultural diversity, but the growth of specialization. Therefore, lawyers do not all share the same legal culture.
- The third challenge comes from the growth of the size of the profession. We now cannot look to mentors and role models as central roles of spreading values.
- In Ontario's law schools the teaching of professionalism is starting to flourish. Academic leaders are committed to teaching legal professionalism. The law society also has initiatives that carry promise: articling students will soon be required to fulfill hours of professionalism. These classes will be delivered electronically instead of using "talking heads". The law society is resolved to uphold mandatory continuing legal education.
- The use of 21st century teaching techniques and a mandatory approach will help improve professionalism.
- While challenges are significant, the future is bright. It is a lifelong problem and requires a lifelong response. Law schools shouldn't be asked to do it all. Lifelong learning is essential so that the legal profession can serve society. We are all in this together.
- With good luck and management, success is possible.

- The hope: we will have enhanced teaching and enhanced scholarship that's more empirically based. Learning needs to be accessible to everyone. Enhanced engagement will require resources.
- The bar will also have to play an enhanced role if this is to succeed. Law firms need to play their part with mandatory requirements, and they must be flexible in order to fulfill their role.
- The regulator also has critical role: all must continue to be committed to mandatory lifelong learning.
- The discussions we had today have a good starting point: the value of the objective. The objective is one we all understand but the challenge is how do we meet the objective. That is the next step in the process.
- In conclusion, all this sounds idealistic and naïve, but the stakes are vital and every step brings us closer to the goal.
- There is much more to be done, and carrying forward the ideas from today will get us there. This challenge matters and if acting separately, we probably cannot meet it, but if we act together, "Yes we can."