

Welcome to the Incoming Class

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Welcome to McGill's Faculty of Law! And for many of you, welcome to the city that helps to make our legal education unlike any other, in its unruly overlap of languages and legal traditions.

The years of study starting today will change your life, likely profoundly. You'll have new opportunities and gain new ways of thinking, ideas, and skills, new connections, and friendships – from the hours of formal learning in our classrooms and the countless informal interactions in our hallways, Atrium, and other spaces.

I greet you on the traditional territory of the Kanien'kehá:ka people, and this island has historically been a meeting place for other Indigenous nations, including the Algonquin people.

I add that our benefactor, James McGill, had at least five enslaved individuals in his household: Jack, Sarah, and Marie-Louise were Black; Marie Potamiane was Indigenous, as was a boy whose name we don't know.

There's ongoing research about the university's historic connections to colonialism and slavery.

Students aren't the only new members of the McGill Law community. I have the great pleasure of welcoming two additions to our professoriate:

- Professor Jen Raso, whose interests include administrative law, regulatory theory, and technology
- Professor Sarah Riley Case, specializes in public international law and critical race theory
- Welcome, new colleagues!
- Back to the incoming class: we admitted each of you because we believe you will thrive here.
- You were born in 95 cities in 29 countries, including Burundi, Germany, Iran, South Korea, and Tunisia. You have 13 mother tongues, including Arabic, Haitian Creole, Hindi, and Vietnamese. We welcome five Indigenous students. You range in age from 17 to 49.
- Your previous studies included majors in English Literature, Finance, Geodesy and Geomatics, Global Studies, Nursing, Philosophy, Religious and Middle East Studies, and Software Engineering.
- Given the diversity of your incoming class, you'll encounter perspectives new to you. Wherever you grew up, you'll interact with

people perceptions of Canada and its place in the world differ from yours.

- It's also foreseeable that "students may unwittingly offend or exclude one another, especially in this technologically supercharged age."¹

Greg Lukianoff and Jonathan Haidt, scholars of universities and ethical leadership, encourage politeness and empathy in such situations, trying to use a "charitable frame, such as members of a family giving one another the benefit of the doubt; when problems arise, they try to resolve things privately and informally."²

- In more lawyerly terms, presume good faith, suspending your judgment as you listen to the experiences and views of others. And avoid arguments that target people rather than ideas.
- One reason for civility in relations with your classmates is that, more than during your previous studies, they may become your professional colleagues in long careers. I have attended a class reunion for folks 60 years out of law school. And remember that exchanges on social media can leave near-indelible traces, so communicate thoughtfully, even as you explore your voice.

¹ Greg Lukianoff & Jonathan Haidt, *The Coddling of the American Mind: How Good Intentions and Bad Ideas Are Setting up a Generation for Failure* (Penguin Books, 2018) at 260.

² Ibid at 260.

- I acknowledge that, despite this diversity, in other ways, students here – and professors – are often less diverse, including in terms of socio-economic or social condition. I say that, even though some of you are of the first generation in your family to attend postsecondary education.
- There is still a gap between who is here and society's needs relating to access to justice. You will help us to keep addressing it.
- At the same time, our profession is moving, however long it may have been in coming. The prime minister has just named the first Indigenous justice to the Supreme Court of Canada, Madam Justice Michelle O'Bonsawin.
- She follows last year's appointment of the Court's first racialized judge, our 1993 alumnus, the Honourable Mahmud Jamal (you can see his photo over there, beside two other McGill alumni).
- You'll read judgments from a Supreme Court different than it has ever been.
- I mention that because representation matters. It's a problem when huge segments of the Canadian population don't see themselves in institutions that exercise power in their lives.

- That said, judge and other jurists can't only speak for views linked to their direct experience. You will read judgments showing empathy and sensitivity towards perspectives and experiences far different from their authors', on axes including gender, race, sexual orientation, and religion.
- Your files listed many interests and curiosities as prompting you to study law. Learning how shareholders can hold corporations to higher standards on environmental and social issues. How law requires states to take in refugees. Or how law governs disputes between neighbours.
- Some of you are keen to address systemic injustice. You may have protested in defense of women's reproductive freedom or in opposition to anti-Black racism. You may be driven by the imperative of responding to the existential threat from climate change, unmistakable in another summer of record temperatures and devastating fires.
- Whatever energizes you, it's a wonderful moment to continue or start a legal education. The world needs intelligent, creative, and skilled problem solvers passionate about making a difference.

- McGill law diplomas are passports to careers around the world, in numerous domains. Whatever they do, our alumni become leaders – in private practice, business, government and public service, and the not-for-profit sector.
- Our alumni express a sense of gratitude for their legal education; I can't think of one who has told me they regretted studying law.
- Keep in mind that your many opportunities will far exceed those highlighted by traditional processes of recruitment. Our student group DALA (Droit autrement/Legal alternative) works with our Career Development Office to help you learn about possibilities.

What will you learn here of legal thinking and work?

- It's often said that law school is all about learning "to think like a lawyer"
- But I don't think many of my colleagues would so summarize a McGill legal education.
- That's good, because psychological research connects mental distress in law students with a narrow vision of thinking like a lawyer.
- What are the qualities of a jurist? Not arrogance or the need to be right, but humility and openness to a range of viewpoints. There is almost

never just one side to a story (and rarely just two). Indeed, the structure of legal proceedings makes space for multiple points of view. The persuasive advocate addresses her listener's or reader's perspective.

There will probably be many times that you read one set of reasons in a judgment, find it persuasive, then read another set, and find its justification of the opposite conclusion more persuasive still.

- As for what law is, incoming students often think first of criminal prohibitions – but lawyers work with many other kinds. They help individuals and groups to plan and pursue their aims – creating corporations; drawing up contracts; making wills.
- In effect, a huge piece of legal work is concerned with enabling the pursuit of shared aims, providing frameworks of stability within which people can act and on which they can rely.
- We can contrast the role of advocate – the person making arguments on behalf of a client – with more facilitative roles, including advisor.
- In a recent book, my colleague Professor Shauna Van Praagh writes about “a more textured and varied description of what law students should prepare for. As jurists, they will often act not as problem

solvers but rather as participants, builders, team members, dreamers, and burden carriers.”³

- These varied roles explain why I feel uneasy when someone tells me they came to law school because they used to argue a lot as a child. I hope such argumentativeness is complemented by a passion for making agreements and working in teams!
- Methodologically, you’ll soon recognize common legal moves: a focus on reasons, respect for fair process and appropriate participation, and attention to ethical conduct and the pursuit of justice.
- Lawyerly work often involves interpreting authoritative texts and finding precedents for a desired outcome. Unlike moral philosophers’ or policy makers’ search for the best solution, legal inquiry is constrained by considerations about who has authority to act, within which limits, and by which institutional channels.
- Let go of any tidy sense that legislatures make the law and courts just apply it. Law is often uncertain. Even written laws can have a significant unwritten component. The upshot is that many people participate in interpreting, amending, and contesting law.

³ Shauna Van Praagh, *Building Justice: Frank Iacobucci and the Life Cycles of Law* (Toronto: University of Toronto Press, 2022) at 260.

- Admittedly, the focus on authority and precedent can make legal work somewhat conservative.
- But there is also the potential for radical change and disruption. Legislatures can abruptly change law, for better or worse. And our understanding of how best to read authoritative texts and their demands of us can also change.
- For example, the idea that equality entails recognizing trans people appropriately on their children's birth certificates has emerged recently. In Quebec, it did so in a constitutional challenge that was piloted by a legal team composed overwhelmingly of graduates of our faculty.
- Let's acknowledge law's limits. Powerful as a legal education can be, it's not the shortest or optimal path to some goals. It doesn't replace activism and political organizing. That's why many of our students do those too.

Quelles sont les spécificités d'une formation juridique à McGill ?

- L'usage constant de plus qu'une langue produit certains effets.
 - o Nous sommes plus aptes à lire, comme il se doit, les deux versions linguistiques d'une loi.

- Il arrive que presque tout le monde se trouve dans sa deuxième, troisième ou quatrième langue. Je vous encourage à suivre des cours et à vous exprimer en classe hors de votre zone de confort, dès votre première année. On apprend mieux en assumant ses imperfections et sa vulnérabilité.
- Comme vous le savez, à McGill, nous étudions plus qu'une tradition juridique, et l'apprentissage ne se limite pas aux règles d'un seul pays. Cette approche constitue une force principale de notre programme.
 - D'abord, nous avons des assises dans les deux grandes traditions juridiques d'origine européenne, soit le droit civil et la common law. Nos chercheurs renommés contribuent à l'avancement de la connaissance, tant théorique que pratique, dans ces deux traditions.
 - Ensuite, les traditions juridiques autochtones augmentent leur place au sein de notre programme, à compter du cours de ce nom que vous suivrez cet automne.
 - Cet été, la Faculté a lancé un projet pilote dans la forme d'une *Anishinaabe Law Field School*, qui a eu lieu à Winnipeg.

- Et les membres du corps professoral ont récemment renouvelé leur engagement à augmenter leur capacité à intégrer d'éléments de traditions juridiques autochtones dans leurs cours respectifs
- Tout comme les langues, notre approche intégrée ou transsystémique rend notre corps étudiant plus agile et créatif, à savoir qu'il y a toujours plus qu'une façon de qualifier un défi ou d'aborder un problème.
- L'une de nos diplômées m'a décrit les juristes de McGill comme étant des caméléons, plus prêts que leurs collègues formés ailleurs à opérer dans de divers contextes, y compris ceux empreints de l'incertitude.
- De plus, la formation juridique à McGill incorpore une fibre de service public. Un engagement vers la protection des droits des minorités et des libertés civiles marque l'histoire de la Faculté de droit, la seule à enseigner le droit civil du Québec en anglais.
- Par ailleurs, je dois vous rappeler de quelque chose. Vos frais de scolarité et les subventions gouvernementales ne couvrent qu'une partie du coût de votre formation juridique à McGill. Cette dernière est rendue possible par la générosité des donateurs à travers des générations.

- Je pense, entre autres, à de nombreuses activités parascolaires, y compris les concours de plaidoirie, ainsi qu'aux bourses dont profitent plusieurs de vous. Notons en passant que plusieurs bourses récemment créées favorisent l'accès à une formation juridique de la part de personnes ayant rencontré des obstacles particuliers ou des groupes dont les personnes noires, autochtones, LGBTQ et les femmes asiatiques.
- Je vous invite à garder l'impact de cette philanthropie à l'esprit durant votre séjour à la Fac et après. Nous aurons l'occasion d'en reparler.
- You will receive an education described by generations before you as a foundational grounding in law. And we aim to adapt our curriculum to changes in society, technology, and legal practice.
- The pandemic has accelerated the electronic delivery of legal services. Other major trends include the development of artificial intelligence and the movement away from formal resolution of disputes by courts towards other forums.
- While we have upper-year courses in these areas, alumni tell me that McGill prepared them for areas of law that didn't exist while they

were students. You too will learn ways of thinking that may one day help you in work far beyond the courses listed on your transcript.

What might you do while a McGill Law student?

- I hope you'll draw on your strengths, while developing new ones. We intend you to bring your wide range of perspectives to your study here.
- You will design and shape your time in Chancellor Day Hall. Don't be disappointed if no first-year course is labelled with your biggest interest. There's no course called Human Rights, Environmental Law, or Business Law. But those will eventually build on the skills and concepts you learn this year.
- You'll participate in and lead the Graduate Law Students Association (GLSA), the Law Students Association (LSA), and our clubs: the Indigenous Law Association/Droit autochtone, the Black Law Students' Association of McGill, the Runnymede Society, the Jewish Law Students' Association, the Muslim Law Students' Association, Outlaw, the Women of Colour Collective, the McGill Business Law Association, and the Radical Law Community (Radlaw). You'll run our law journals.

- You may establish other clubs!
- Many of you will work as research assistants for your professors, perhaps one or two of you next summer for me.
- Experience tells me you'll likely do a breathtaking range of things, showcasing amazing skills and talents.
- Many of you will handle paid work and family caregiving. Some of you will breastfeed in the faculty.
- Some – perhaps extroverts making up for lost pandemic time – will never miss a coffeehouse or other gathering. Others more introverted will seek out quiet spaces to recharge.
- Many of you will study in groups but others will find studying solo suits them.
- Some of you will make friends this week; others will integrate into the faculty more cautiously, perhaps forming the deepest ties through extra-curricular activities.
- You will engage critically with the material. You'll ask sharp questions about whose interests and voices law privileges and how that should change.
- You'll prompt your professors to consider our words, to better contextualize historical materials, and to rethink the boundaries of

our political and legal communities. Your professors are not here to defend the legal or social status quo! Students sometimes perceive our explanations of legal things as justifications for them.

- Whether it's during class time or outside it, I trust that we will listen to you with open minds and hearts – whether we take fully on board what you say to us or not. I hope we'll model respectful engagement with you.

Comment étudier le droit à McGill ? Vous serez quelle sorte de juriste en devenir ?

- Ici, il y a de nombreux styles d'apprentissage. Prenez les conseils des gens, y compris les miens, avec un grain de sel. Sans doute, vous avez déjà une bonne idée de comment vous organiser et gérer vos affaires; ne vous débarrassez pas de vos stratégies éprouvées !
- Prenez soin de vous-mêmes et de vos proches. Nous ne nous attendons pas à ce que vous effectuiez vos travaux aux dépens de votre santé et bien-être. Le parcours étudiant ne doit pas vous être nocif.

- Développez les techniques qui vous aideront à gérer le stress et à prendre soin de vous-même — tout comme nous, les membres du corps professoral, avons dû et devons le faire à tout moment.
- Si vous éprouvez des difficultés, demandez de l'aide. Plusieurs ressources s'offrent à vous. La recherche d'aide est un signe d'intelligence plutôt que de la faiblesse ; de temps à autre, nous en avons tous besoin.
- Tout comme l'Université McGill, la Faculté de droit vous offre une gamme de services. Je pense entre autres au Student Affairs Office, au Career Development Office, au Service étudiant d'accessibilité et d'aide à la réussite ainsi qu'aux services de santé de McGill. Une spécialiste en santé mentale, notre « Local Wellness Advisor », est dédiée au bien-être de notre communauté étudiante.
- Surtout, l'appui de vos proches sera crucial. Entretenez les relations qui vous sont chères et qui vous nourrissent.
- Par ailleurs, je vous conseille de conserver quelques activités à l'extérieur de la Faculté de droit (idéalement, loin de vos écrans). Durant ma première année en droit, une chorale communautaire me garantissait une séance de joie chaque semaine... dans la compagnie de gens qui n'étaient pas assujettis aux exigences de ma cohorte.

- It's time to conclude. Your legal education will change you – and teaching you, learning from you, and working with you will change us.
- By the time you leave here, you will have had an indelible impact on one another, and on us. And we will look forward to following your careers and seeing you at McGill Law alumni events, here, virtually, and around the planet.

Bienvenue à la Faculté de droit. Bienvenue chez nous, bienvenue chez vous !