

YORK UNIVERSITY
OSGOODE HALL LAW SCHOOL

ETHICAL LAWYERING IN A GLOBAL COMMUNITY

COURSE SYLLABUS – PART 1
(AUGUST 27-AUGUST 30, 2018)

TERMS: Fall 2018-Winter 2019

DATES: Part I: August 27-August 30, 2018
Part II: January 3 -11, 2018

COURSE INSTRUCTORS:

SECTION A: Heidi Matthews
Ian Stedman (Graduate Teaching Assistant)

SECTION B: Faisal Bhabha
Emanuel Tucsa (Graduate Teaching Assistant)

SECTION C: Fay Faraday (Course Director)
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SECTION D: Trevor Farrow
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INTRODUCTION

Ethics, access to justice and professionalism – locally and globally – have increasingly become foundational topics of attention at all levels of the justice community. This course is designed to look directly at those issues.

Specifically, this course provides an introduction to the legal profession, professional norms and values, and the ethical issues that lawyers grapple with not only in the context of their many and varied roles, but also as members of a profession with collective responsibilities in relation to the public interest and access to justice. The course situates these issues within their modern day context; that is, within a context characterized by local diverse communities, globalization, legal pluralism, transnationalism and internationalization.

BACKGROUND

The changing nature of legal practice has resulted in the proliferation of practice contexts and roles for lawyers. This course introduces students to multiple visions of lawyering and professional roles and the many contexts in which those roles are performed. It asks whether and how context should matter in terms of how lawyers conceptualize their roles and their individual and collective professional and ethical obligations. It explores questions of how legal professionals working in different settings such as private practice, government, legal aid clinics, the legal academy, or beyond the formal practice of law, should conceptualize their roles, obligations and opportunities. It explores different lawyering visions; that is, visions of how one undertakes the task of lawyering: for instance, lawyer as collaborator, lawyer as deal-maker, lawyer as expert, lawyer as facilitator, lawyer as negotiator, lawyer as translator/storyteller, lawyer as friend and lawyer as hired gun. It questions the centrality of adversarialism and neutral partisanship (the “hired gun” vision) in depictions of lawyers’ roles. It emphasizes the importance of a self-conscious selection of lawyering visions. In the process, it draws students’ attention to the power dynamics in lawyer-client relationships, to the scope of conversations lawyers ought to have with clients, and to possible individual and collective duties beyond those owed to clients. In so doing, the course will put the concept of the public interest front and centre and ask students to engage in a critical and self-reflective conversation about what the public interest is and what it means in terms of lawyering, the profession and professionalism. Central to all of these discussions will be the underlying theme of access to justice.

Further, the communities served by lawyers, the practice contexts in which they work and the problems they encounter are increasingly diverse, complex, transnational and global in character, demanding new competencies and raising a host of new issues about ethics and professionalism. More and more lawyers engage in transnational practices, including, for example, corporate, family, labour and human rights practices. Knowledge of other legal systems and the norms of professional conduct in other jurisdictions are increasingly essential in such settings. Even beyond these self-consciously transnational contexts, few if any fields remain in which legal professionals can rely solely on knowledge of a single, domestic legal system. Local communities are microcosms of global diversity in which a multiplicity of official and unofficial legal orders and ethical systems overlap. The increasingly pluralistic nature of modern local communities demands that the vast majority of lawyers will be required to work in contexts that require cross-cultural competencies and sensitivities to diverse moral perspectives. Indeed, competent legal representation necessitates attention to the cross-cultural and international, comparative and transnational (ICT) dimensions of much legal work.

COURSE STRUCTURE

Ethical Lawyering in a Global Community will be taught in two main Parts using primarily section and small group settings.

Part I of this course introduces students to some key concepts relevant to an appreciation of the ethical dimensions of lawyering including the profession, professionalism, access to justice, diversity and the public interest. Part I also examines lawyering through the lens of role morality, introducing the neutral partisan model and some alternatives.

Part II of this course will build on materials introduced in Part I. In Part II, we will return to the themes introduced in Part I, but with the goal of broadening our sense of the complexity and challenges of ethical lawyering and to deepen our capacity to evaluate and address these challenges. We will develop our discussions on the topics of role morality, the public interest, pluralism, internationalism and transnationalism. Various specific topics will be raised as tools to illuminate some of these broader discussions, including a number of professional obligations (competence, candour, civility, confidentiality and conflicts), institutional lawyering, internationalism/transnationalism and future directions of the legal profession.

The course emphasizes problem-oriented, active learning. During small group sessions teaching tools such as simulations, problems, case studies, role plays, fictional accounts, biographies, films, collaborations, etc., will often be used to encourage students to immerse themselves actively into complex ethical, professional and ICT contexts.

Further, in Part II of the course, in addition to regular in-class exercises and discussions, we will bring together the various building blocks from Parts I and II in a case study in which students will work in lawyering groups to integrate the themes of the course and apply them to concrete scenarios.

LEARNING OBJECTIVES

The overall objective of this course is to encourage students to engage in an expansive, moral conversation about lawyering that will lead to a reflective and critical approach to ethical lawyering in a global community. As lawyers, who we are, for whom, how and where we act, and on what basis are central questions for this course.

By the end of the course, students should be able to:

- demonstrate a basic understanding of the history, structure and regulatory processes of the Canadian legal profession;
- demonstrate knowledge of the norms traditionally associated with the legal profession as reflected in rules of professional conduct and related enabling legislation;
- appreciate the legal profession as, itself, a normative system, wherein the norms are not given and static but contested and shifting;
- appreciate the breadth and diversity of visions or philosophies of lawyering;
- discern some ethical frameworks that are appropriate to various lawyering roles and practice contexts;
- demonstrate the ability to think critically about the legal profession, professionalism and the administration of justice;

- demonstrate an understanding of some of the basic professional obligations and practice issues relating to the lawyering role, including the fiduciary nature of the lawyer-client relationship, communication and civility, competence, confidentiality and disclosure, conflicts of interest, equality and diversity, etc.;
- demonstrate an understanding of multiple conceptions of access to justice and the public interest, two of the central norms claimed by the legal profession;
- demonstrate knowledge of the multiplicity of legal and normative orders in which lawyering occurs and understand how this multiplicity of orders may impact both client representation and the collective responsibilities of the profession;
- engage in ethical deliberations about legal problems in manners that are open to multiple viewpoints, moral perspectives and legal and social orders;
- appreciate some of the many and varied impacts of globalization on the practice of law and the regulation of the legal profession;
- demonstrate an understanding of some basic ICT (international, comparative and transnational) concepts that relate to the lawyering process;
- identify and apply connections between the knowledge, skills and contextual discussions raised in this course and other law and pre-law school courses and experiences as well as in the Osgoode Public Interest Requirement (OPIR) program; and
- work collaboratively with others to resolve concrete professional problems.

MATERIALS

The course materials will be primarily provided in two sets, one for each of Part I and Part II of the course.

The materials for Part I and Part II will be available via hyperlink in the Course Syllabus or online on the course Moodle site. Part I materials will be available in late August and Part II materials will be posted in late December/early January.

Further materials may be provided from time to time for individual sessions and by individual instructors. The Moodle course websites of the instructors for each section may also contain further notices and materials.

EVALUATION

Final course grades will be assigned following Part II of the course and will be released with other first year grades in the spring (typically in May). Evaluation for the course is based on the following components:

- **Participation (value: 15%)**
 - o This includes attendance and participation in classes and small groups and other learning activities throughout the course (e.g. Moodle discussion threads and/or reflections between September and January) as set out by each instructor.

- **Part I Written Assignment (value: 15%)**
 - o Limited to 900 words
 - o The assignment should be double-spaced using 12 point font
 - o The assignment must be submitted through the Osgoode on-line drop box by no later than **8:30 a.m. on Thursday 13 September 2018**. The on-line drop box is available through the MyOsgoode website (follow the instructions provided in the QuickLinks section).
 - o Please make sure to **include a separate cover sheet**, which should provide:
 - the name of the course;
 - your confidential student assignment number that **begins with the letter “A”** (and NOT your name or student number);
 - the name of your instructor;
 - your section;
 - the date;
 - the name/title of the assignment; and
 - the word count.
 - o Please also make sure to **include a bibliography**.
 - o Assignments should be submitted in PDF format. Hard copies will not be accepted. It is important to receive and record your confirmation of submission number.
 - o A **late submission penalty of 1 mark per day or partial day** will apply. (i.e. the assignment is graded out of a total of 15 marks; the late penalty is 1 mark out of 15 per day or partial day)

- **Part II Case Study (value: 20%)**
 - o Part II of the course will feature case study exercises that will form the basis of several lawyering activities. Much of this work will be done in small groups. An in-class case study lawyering group presentation will take place in January and performance will be graded.

- **Final Paper (value: 50%)**
 - o The final element of the course evaluation will be a written assignment. The question(s) for the assignment will be distributed at the end of Part II of the course.
 - o The assignment, which should be double-spaced using 12 point font, is limited to 3,000 words (including any footnotes).

- o The assignment must be submitted by way of the Osgoode on-line drop box by no later than **8:30 a.m. on Monday, 28 January 2019**. The on-line drop box is available through the MyOsgoode website (follow the instructions provided in the Quicklinks section).
- o Please make sure to **include a separate cover sheet**, which should provide:
 - the name of the course;
 - your confidential student assignment number **that begins with the letter “D”** (and NOT your name or student number);
 - the name of your instructor;
 - your section;
 - the date;
 - the name/title of the assignment; and
 - the word count.
- o Please also make sure to **include a bibliography**.
- o Assignments should be submitted in PDF format. Hard copies will not be accepted. It is important to receive and record your confirmation of submission number.
- o In this assignment, you will need to use a reflective and critical approach, and integrate readings and other learning materials from both Parts I and II of the course. The assignment will emphasize course materials, course discussions and your own observations and experiences and therefore should include no outside research.
- o **Late submission of papers:** Final papers must be submitted to the Osgoode on-line dropbox by no later than **Monday 28 January 2018 at 8:30 a.m.** Any requests for extensions must be made in writing to Mya Rimon, Assistant Dean (Students) using the Fall Deferral Request Form and must be received **BEFORE** 28 January 2018 at 8:30 a.m. Papers submitted after the due date will not be accepted without specific permission from the Assistant Dean’s (Students) office, in accordance with Osgoode’s normal Academic Rules. **Students submitting late papers who have not been granted an extension will receive a grade of 0 for the paper.**

ACADEMIC INTEGRITY AND OTHER IMPORTANT POLICIES

ACADEMIC HONESTY, INTEGRITY AND RESPECT FOR POSITIVE SPACE

a. Academic Honesty and Integrity

Osgoode students are required to maintain high standards of academic integrity and are subject to the York Senate Policy on Academic Honesty and the relevant Osgoode Academic Rules. The Senate Policy can be found at

<http://www.yorku.ca/secretariat/policies/document.php?document=69>

The York University academic integrity website can be found at

<http://www.yorku.ca/academicintegrity>

The Senate Policy and Osgoode Academic Rules are also found in the Student Handbook, which

is available on the MyOsgoode website, under the Documents and Publications tab.

b. Religious Observance

York University is committed to respecting the religious beliefs and practices of all members of the community, and making accommodations for observances of special significance to adherents. Should any of the dates relating to examinations or assignments for this course pose such a conflict for you, please let Assistant Dean, Students, Mya Rimon, know within the first three weeks of class.

c. Students with Disabilities and Accommodation Needs

York University has a range of resources to assist students with physical, mental, and learning disabilities/challenges in achieving their educational objectives. Students with disabilities requiring accommodation in the classroom or in the examination or evaluation process are encouraged to identify themselves to York's Counselling & Disability Services office (N110, Bennett Centre for Student Services or 416-736-5297) or Osgoode's Office of Admissions & Student Services as soon as possible. Students seeking accommodation in experiential education settings are encouraged to read the *Accommodation Information for Clinical & Intensive Program* handout provided to them with their enrolment offer. All requests for accommodation will be kept confidential.

Requests for accommodation for in-term work must be made, in writing, to either the instructor or to the Assistant Dean, Students, Mya Rimon. Such requests must be made as soon as the need for accommodation arises and, barring exceptional circumstances, in advance of the deadline for the work.

Requests for accommodation for final examinations and final papers may only be made to and approved by the Assistant Dean, Students, Mya Rimon and must be made in advance of the examination date or final paper due date.

d. Other York University Policies, including Ethics Review Process

Further information concerning relevant York University academic policies, such as the Ethics Review Process for research involving human participants is available on the Senate Committee on Academic Standards, Curriculum and Pedagogy webpage (see Reports, Initiatives, Documents) –

<http://www.yorku.ca/secretariat/senate/committees/ascp/index-ascp.html>

PART I COURSE SCHEDULE

DAY 1 (MONDAY, AUGUST 27, 2018)
ETHICS, PROFESSIONALISM AND THE ROLE(S) OF LAWYERS

Plenary: 9:30 a.m. – 10:30 a.m.

All sections: Moot Courtroom (1005/1006)

Introduction: Fay Faraday

Film excerpt from *Remains of the Day* and discussion: Trevor Farrow and Fay Faraday

Section Meetings: 10:30 a.m. - 12:20 p.m.

Section A: Rm. 2001

Section B: Rm. 1003

Section C: Rm. 1002

Section D: Rm. 1006

Required Readings:

Please read the following materials in preparation for Day 1. As you read, please consider the questions outlined for Day 1 below.

- Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada,” pgs. 1-6, 16-21 (“Introduction”), online: Truth and Reconciliation Commission <http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf>

The Truth and Reconciliation report is also available on YouTube through the *Read the TRC Report* project. Segments 1 and 3 correspond to the assigned reading:

Link to Segment 1:

<https://www.youtube.com/watch?v=vW4lQfOfI3I&index=1&list=PLxPr_RISvg9JJWoiRx2kl2v24r_pu7JbR>

Link to Segment 3:

<https://www.youtube.com/watch?v=ROsqCxEe6kA&list=PLxPr_RISvg9JJWoiRx2kl2v24r_pu7JbR&index=3>

- Rosalie Silberman Abella, Justice of the Supreme Court of Canada, The Law Society of Upper Canada Professionalism Revisited, Opening Address Bencher’s Retreat, (October 1999)
 <www.ontariocourts.ca/coa/en/ps/speeches/professionalism.htm>

- Allan Hutchinson, *Legal Ethics and Professional Responsibility*, 2d ed. (Toronto: Irwin Law, 2006) **at pp. 8-17 on Moodle**. This reading is also available as an e-book in the York Library system at: <<http://www.deslibris.ca.ezproxy.library.yorku.ca/ID/408774>>. You will have to log in to the library system to access the e-book version.
- Frederick Schauer, “Do Lawyers Think, and If So, How?”, University of Virginia Law School address, 30 April 2010
<https://www.youtube.com/watch?v=_17FcYzvl7k>

Recommended Reading:

- Duncan Kennedy, “Legal Education as Training for Hierarchy”, chapter 2 in D. Kairys, ed. *The Politics of Law* (3d ed. 1998) at 54-75, online at:
<http://duncankennedy.net/documents/Legal%20Education%20as%20Training%20for%20Hierarchy_Politics%20of%20Law.pdf>

Questions for Day 1:

- What is ethical conduct?
- How might we describe our processes of ethical deliberation; that is, how do we come to ethical judgment?
- What justifications might we offer for our choice(s) of conduct?
- Does one’s role matter in our assessment of ethical conduct?
- What is a profession?
- What is meant by ethics and professionalism?
- Do ethics and professionalism change depending on the cultural, racial, ethnic or religious identity of lawyers and clients?
- What purposes do professional codes of conduct fulfil?
- What roles do lawyers play? What does it mean to be a lawyer?
- What is legal reasoning and is it different from other forms of reasoning? If so, should it be? Why or why not?
- What does it mean to “think like a lawyer”? What are some of the merits of this form of thinking? What problems does it potentially create?

- What is “neutral partisanship” and what are the ethical justifications and challenges that accompany it?
- Neutral partisanship presupposes a particular role for lawyers, but given that lawyers play many roles, can neutral partisanship be justified or sustained across all of these roles?
- Neutral partisanship assumes that it is only the positive law that defines the boundaries of what the lawyer ought to do for the client. Are there other considerations – personal ethics, common morality, justice, etc. – that might set additional boundaries? To what extent are these other considerations culturally determined?

DAY 2 (TUESDAY, AUGUST 28, 2018)

THE LEGAL PROFESSION: ADVANCING THE CAUSE OF JUSTICE AND THE RULE OF LAW

Section Meetings: 9:30 a.m. - 12:20 p.m.

Section A: Rm. 1003

Section B: Rm. 1002

Section C: Rm. 1005

Section D: Rm. 1006

Required Readings:

Please read the following materials in preparation for Day 2. As you read, please consider the questions outlined for Day 2 below.

- Law Society of Upper Canada (LSUC), *Rules of Professional Conduct*
<http://www.lsuc.on.ca/lawyer-conduct-rules/>
 - o Rule 2.1-1 – [Integrity](#)
 - o Rule 3.1 – [Competence](#)
 - o Rule 3.2 – [Quality of Service](#)
 - o Rule 5.1 – [The Lawyer as Advocate](#)
 - o Rule 6.3.1 – [Discrimination](#)
- *Law Society Act*, R.S.O. 1990, c. L.8, **ss. 1(5)-(8), 2, 4.1-4.2, 26.1, 26.2(1)-(2), 27(2), 62(0.1)(4.1) and 62(0.1)(26)**, online: CanLII <<http://www.canlii.org/en/on/laws/stat/rso-1990-c-l8/latest/rso-1990-c-l8.html>>
- LSUC, By-Law 4, “Licensing” **at pt. II, s. 21 (“Oath”)**, online: LSUC <<http://www.lsuc.on.ca/uploadedFiles/By-Law-4-Licensing-02-23-17.pdf>>
The text of the Oath is also posted on **Moodle** in Word format.
- Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, “Basic Principles on the Role of Lawyers” (1990), online: UN <<https://www.un.org/ruleoflaw/files/UNBasicPrinciplesontheRoleofLawyers.pdf>>
Also available in HTML format at:
<<http://www.ohchr.org/EN/ProfessionalInterest/Pages/RoleOfLawyers.aspx>>

- Global Legal Action Network, *Submission to The Foreign Affairs Committee Inquiry into UK-China relations by the Global Legal Action Network* (20 January 2017), posted on **Moodle**
- LSUC, Final Report to Convocation, Task Force on the Rule of Law and the Independence of the Bar (Toronto: 2006), **pp. 1-12**, online LSUC: http://www.lsuc.on.ca/media/convnov2306_taskforce.pdf
- Trevor C. W. Farrow, “Sustainable Professionalism” (2008) 46 Osgoode Hall L.J. 51 **at pp. 51-55, 63-68, 71-78**, online: SSRN http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1151799

Questions for Day 2:

- How is the legal profession governed, regulated and why?
- What is the significance of being a member of the legal profession?
- What is involved in taking an oath?
- Is the paradigm of “neutral partisanship” consistent with the Statement of Core Principles of the Legal Profession and/or with the statutory mandate of the profession granted to it pursuant to s. 4.2 of the *Law Society Act*?
- What is the link between the regulation of the profession and justice?
- What is the link between the regulation of the profession and the rule of law?

DAY 3 (WEDNESDAY, AUGUST 29, 2018) EQUALITY AND THE PUBLIC INTEREST

Section Meetings: 9:30 a.m. - 12:20 p.m.

Section A: Rm. 1002
 Section B: Rm. 2001
 Section C: Rm. 1005
 Section D: Rm. 1006

Readings:

Please read the following materials in preparation for Day 3. As you read, please consider the questions outlined for Day 3 below.

Required Reading:

- LSUC, *Rules of Professional Conduct*, online: LSUC <<http://www.lsuc.on.ca/lawyer-conduct-rules/>>
 - o Rules 2.1 – [Integrity](#)
 - o Rule 3.1 – [Competence](#)
 - o Rule 6.3.1 – [Discrimination](#)
- Constance Backhouse, “Gender and Race in the Construction of ‘Legal Professionalism’: Historical Perspectives,” **pp. 2-1 to 2-13, 2-21 to 2-26** (“Barriers to Entry: Something Less than a Warm Welcome?”), paper presented at the Chief Justice of Ontario’s Advisory Committee on Professionalism, First Colloquium on the Legal Profession (October 2003), online: LSUC <http://www.lsuc.on.ca/media/constance_backhouse_gender_and_race.pdf>
- David B. Wilkins, “Identities and Roles: Race, Recognition, and Professional Responsibility” (1998) 57:4 Maryland Law Review 1502 (**excerpts**) (**on Moodle**)
- Thomas King, *The Truth About Stories*, 2003 Massey Lectures, Lecture 1:
Audio online:
<www.youtube.com/watch?v=wzXQoZ6pE-M>
- David Lepofsky, “Making Courts and Mediations Accessible for People with Disabilities” (2014) video, online:
<https://www.youtube.com/watch?v=p3d73LGpGXY&feature=share&list=PLDGgB77j2ZYrl_rtp32nSjOXfrDAGvnn&index=7>
- Discrimination and Harassment Counsel Program website, (skim information on the nature of the program and services provided)
<<http://www.dhcounsel.on.ca/en-ca>>

Background Data to Skim for Context:

- Michael Ornstein, *Racialization and Gender of Lawyers in Ontario*, a Report for the LSUC (Toronto: LSUC, April 2010), **pp. i-ii (“Executive Summary”) and 34-36 (“Conclusions”)**, online: LSUC <http://www.lsuc.on.ca/media/convapril10_ornstein.pdf>
- Law Society of Upper Canada, *Developing Strategies for Change: Addressing Challenges Faced by Racialized Licensees* (October 2014), pp. 10-21, online: LSUC
<www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Members/Challenges_for_Racialized_Licensees/Consultation_Paper_Offical%2812%29.pdf>
- Law Society of Upper Canada, *Working Together for Change: Strategies to Address Issues of Systemic Racism in the Legal Professions* (December 2016), pp. 1-17
<https://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Members/Challenges_for_Racialized_Licensees/Working-Together-For-Change-Final-Report-Updated.pdf>

- Statistical Snapshot of Lawyers in Ontario, 2015 (LSUC)
<https://www.lsuc.on.ca/uploadedFiles/Equity_and_Diversity/Members2/Lawyer-Snapshot%202015.pdf>

Questions for Day 3:

- What might be the implications of the profession’s historical social composition and norms of “gentlemanly civility” for the present-day profession?
- How can and should the legal profession address issues of racial/religious/cultural identity, difference and inclusion?
- Is the current definition of professionalism (as reflected in the “Elements of Professionalism” of the Chief Justice of Ontario, Advisory Committee on Professionalism, Working Group on the Definition of Professionalism) reflective of modern society?
- What is equality and what implications might it have for the lawyering process, for the legal profession, for the identification and resolution of ethical dilemmas, and for the paradigm of neutral partisanship? What about diversity?
- What is the public interest and what does it mean to claim that the legal profession exists in the public interest?
- What is the nature of the profession’s obligation to the public interest? Is it discharged by advancing clients’ interests? By performing a certain amount of *pro bono* work? By serving on volunteer boards? Others?

DAY 4 (THURSDAY, AUGUST 30, 2018)
ACCESS TO JUSTICE AND THE FUTURE OF LAWYERS

Section Meetings: 9:30 a.m. - 11:20 a.m.

Section A: Rm. 1003
Section B: Rm. 1005
Section C: Rm. 1006
Section D: Rm. 1002

Required Readings:

Please read the following materials in preparation for Day 4. As you read, please consider the questions outlined for Day 4 below.

- Roderick A. MacDonald, “Access to Justice in Canada Today: Scope, Scale and Ambitions” in Julia Bass, W. A. Bogart and Frederick H. Zemans, eds., *Access to Justice for a New Century: The Way Forward* (Toronto: LSUC, 2005), **pp. 19-31, 99-101** (on Moodle)
- Trevor C.W. Farrow, “What is Access to Justice?” (2014) 51:3 Osgoode Hall Law Journal 957. Read pages 962-968 and skim only 969-982, online: Osgoode Digital Commons <http://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2761&context=ohlj>
- Truth and Reconciliation Commission of Canada, “Honouring the Truth, Reconciling the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada,” **pp. 164-182 (“Justice”) 209-219 (“Moving from Apology to Action”), 250-252 (“Canadian Museum of Human Rights”), and 300-306 (“Corporate Sector”)** online: Truth and Reconciliation Commission <[http://www.trc.ca/websites/trcinstitution/File/2015/Honouring the Truth Reconciling for the Future July 23 2015.pdf](http://www.trc.ca/websites/trcinstitution/File/2015/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf)>
- David Kennedy, “Introductions”, *The Rights of Spring: A Memoir of Innocence Abroad* (Princeton University Press, 2008), online at: <<http://press.princeton.edu/chapters/i8930.html>>

Background Data to Skim for Context:

- Action Committee on Access to Justice in Civil and Family Matters, *Civil & Family Justice: A Roadmap for Change* (Ottawa: Action Committee on Access to Justice in Civil and Family Matters, October 2013), **pp. 1-5, 6-24**, online: CFCJ <http://www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf>
- Trevor C.W. Farrow, et al, *Everyday Legal Problems and the Cost of Justice in Canada: Overview Report* (Toronto: Canadian Forum on Civil Justice, 2016), online: CFCJ <<http://www.cfcj-fcjc.org/sites/default/files/Everyday%20Legal%20Problems%20and%20the%20Cost%20of%20Justice%20in%20Canada%20-%20Overview%20Report.pdf>>

Questions for Day 4:

- What is access to justice? Whose access? Whose justice?
- What role should the profession play in advancing access to justice?
- How, if at all, might considerations of access to justice shape the ethical choices a lawyer makes in the course of representing a client? What about the public interest?
- How might our thinking about access to justice be impacted by pluralism or globalization?

- What general implications might globalization and internationalization have for lawyering? For the legal profession?
 - What connections can you look for throughout the coming year between the ideas developed in this course (and indeed experiences you have had before law school) and the other courses in the first year of law school?
 - What does it mean for lawyers – individually and collectively – to have differing lawyering visions?
-