

Telling Tales About Law School: Reflections on Care, Holism, and Marginality in Law Teaching

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Abstract

In this reflective piece, we explore why and how adopting principles of holistic education can help mitigate the crisis of well-being in legal education and in the legal profession. This project emerged from a series of informal conversations in which we discussed various factors influencing our pedagogical styles and found a shared central essence in both our approaches that align with holistic teaching. Given that this paper emerged through subjective conversation, we present subjective narratives about our experiences as early-career faculty members at Canadian law schools, and then critically analyze the narratives by distilling common emergent themes and threads relating to wellness, teaching with care, marginality, and whole-person (holistic) education generally. Within the context of these themes, we discuss potential avenues for making teaching and learning about law more enriching. Our hope is that this paper serves as an invitation to other academics to contribute their own narratives and stories to the effort toward deeply meaningful higher education. While some of our comments are particularized to the law school context as it is our realm of experience, the broader themes raised here are relevant across disciplines.

Keywords: *law school, holistic education, legal pedagogy, well-being, subjective narratives*

Introduction

Teaching in law faculties at two different Canadian universities has afforded us a tremendous opportunity to be immersed in higher education and to reflect on its relationship to both professional practice and personal flourishing. Over the past few years, we (the authors) have engaged in several informal conversations with each other about our lives and our careers, including both our dissatisfactions and the things that we celebrate. Through these discussions, it has become clear to us that—in our shifting identities as law students, legal professionals, and now, law teachers—we all experience life and law in different ways. Our dialogues have also served as a space for us to interrogate and become more deliberate about what we do in our classrooms, how we relate to our students, and

how we might contribute to curricular development and reform, both within our institutions and beyond.

For us, teaching is both a deeply individual and profoundly relational endeavour. Consequently, we begin this paper by offering our individual narratives, in which we outline some aspects of our teaching philosophies and strategies that we employ in the classroom and consider how our own experiences have informed them. Though there are differences in our approaches, we found that the central essence of our pedagogical choices and efforts align with several principles of holistic teaching. We then go on to elaborate on key themes emerging throughout our narratives relating to care, marginality, and holism in teaching and learning at law school. In so doing, we embrace and centralize our subjectivities and our unique positionality, while also acknowledging the limitations of such an

approach. In particular, we recognize that no singular “right” answer exists for what pedagogy in a law school classroom or curriculum for a law school should look like. We do not purport to offer absolute truths. Rather, we offer our dialogue and our critical interpretation of it as an invitation to others (early-career academics like us as well as more seasoned colleagues) to join the conversation by adding their wisdom, stories, and experiences.¹

We have learned a great deal from each other over the course of our conversations, including while working on this project. Our hope is to expand our circle of collective learning through this piece by inviting others to reflect upon their stories of how and why they approach law teaching as they do, and how and why they adopt certain normative commitments with respect to legal education in a wider sense. Writing on the value of storytelling, Richard Delgado has noted that stories and counterstories “can open new windows into reality, showing us that there are possibilities for life other than the ones we live. They enrich imagination and teach that by combining elements from the story and current reality, we may construct a new world richer than either alone” (1989, pp. 2414–2415). Undoubtedly, our shared efforts at making law school a meaningful experience for our students can only benefit from as rich a dialogue as we can effect, full of as many accounts as we can string together into an ever-evolving, increasingly inclusive and responsive series of stories and counterstories. We offer this paper as one small part of such a continual process.

1. Telling Our Tales

(a) *Nayha: Deconstructing My Dissatisfaction in Legal Practice*

I taught my first law school course (Civil Procedure) in September 2015. I spent several anxious months leading up to that September brimming with the conviction that I was incapable of teaching a law school course (let alone Civil Procedure, notoriously unpopular among students). Fortunately, I had tremendous mentorship at the Schulich School of Law, and I stayed afloat in that first year. Each subsequent year brought a greater sense of ease, and over

¹ We are grateful to Kim Brooks for organizing the Dalhousie Law Journal’s workshop for the 50th Anniversary Edition on “Big Ideas” in October 2021, which provided a forum for exactly this type of wider dialogue. We benefited considerably from the incisive commentary on an earlier draft of this paper by Professor Sonia Lawrence, and additional comments from Professors David Sandomierski and Jillian Rogin, who were among those present at our session.

time, the feeling of overwhelming incapacity has given way. Now, space has emerged in which I can step back and reflect on how my teaching approach has developed, what I think I should do differently in my classrooms, and the nature of law school more generally.

Conviction of my incapacity has always seemed to animate my relationship with law, and that has influenced my teaching approach significantly (Gutiérrez y Muhs et al., 2012; Deo, 2019).² I want to ensure that my students do not experience that overwhelming sense of being unable to practice, criticize, or create law, as I felt for a long time, and still sometimes do. I have realized that that is why I often find myself attempting to reassure students, telling them things like, “You can go slowly, it’s not too complicated” or “Don’t worry, go step by step.” Through these phrases, I cater to my previous self, who carried a constant underlying worry about whether I was actually capable of understanding law and engaging in legal practice. As a result, I strive to ensure that concepts are presented with painstaking clarity so that students can learn with ease. Of course, I sometimes present things in a muddled way, but I have noticed that my most significant pedagogical effort lies in offering a place of ease, where learning unfamiliar words, concepts, and ideas seems within reach for everyone.

This effort does prove beneficial, I believe, for many students, but it is also superficial. It amounts to saying, “You feel a sense of incapacity? Okay, let me make this as easy for you as I can so that you feel like you can handle it.” But it falls short of asking, “Why do you feel incapacity in the first place? Why do you think that you can’t figure this out?” So, I have asked myself why I felt (and feel) that way, because the more one comes to self-understanding, the more one can hope to understand another.

As I have interrogated my thoughts on these topics, I have learned how complex and fragile the human being is, how multifaceted our influences are, how utterly subjective we are, and how we bring our messy, tangled-up selves to everything that we do. Several of my experiences in my early life may have contributed to a generalized limit in confidence, but looking back, I can identify a few factors that influenced my sense of incapacity particular to law that may be more broadly relevant to law students.

First, I was ill-prepared for law practice after law school. Second, I did not feel a sense of belonging in the legal

² On the topic of presumptions of (in)competence in academia, see e.g. Gutiérrez y Muhs et al., 2012; Deo, 2019.

profession, and the feeling of “I don’t belong” transmuted into “I can’t do.” Third, and perhaps most importantly, I felt emotionally dry and without passion, so the drive to figure things out with energy and excitement was not present. Each of these factors has had an impact on what I think I should be doing as a teacher.

There are a few elements of practice-preparedness that I think are relevant. For me, I left law school comfortable arguing about legal principles based on a given set of facts. But civil litigation is so much about discerning, expressing, and arguing over the question of “what really happened?”—that is, the ‘facts’ are never given. The process revolves around facts, starting with speaking with clients to understand what happened to them, drafting pleadings to set out the facts, then collecting the documentary evidence and making sense of it, then conducting discoveries to see the facts from the other side’s point of view, and using all of that to construct arguments about facts, and using various constructions of fact and factual uncertainties to negotiate settlements. But all of that fact-based work was only theoretical knowledge to me, and the actual practice of it (meeting with clients, drafting affidavits, sorting documents, conducting discoveries, engaging in settlement discussions, etc.) felt totally foreign. As a result, the learning curve when entering civil practice was overwhelmingly high and felt insurmountable in the beginning.

Of course, law schools cannot be expected to bear the entire burden of skills education. Law schools must teach the legal language and concepts and critical thinking, and much of the skill of legal practice is rightly and inevitably developed on the job. Having reflected on my early experiences, though, I think it is important for law schools to see it as their role to put students in a position that enables them to comfortably learn-while-doing when they enter legal practice. Of course, not all students will and should embark on careers in private practice—but many do.³ Moreover, regardless of one’s end goal, a few years in private practice is often a valuable starting point to pursue other avenues. As such, we may do well to more expressly recognize the steep learning curve that comes with practicing law and prioritize giving students a sense of how the information they learn in their classrooms manifests in the context of law practice, so that the gap between law school and law practice narrows.

³ The Careers Office at the Schulich School of Law advised in informal communications that about 80 percent of the students at the Schulich School of Law enter private practice after law school.

In my view, the Civil Procedure program at the Schulich School of Law is uniquely valuable for this purpose. In a nutshell, faculty members teach the concepts of civil procedure via classroom lectures/problem solving, and we have an additional workshop program taught in small groups led by civil litigators in Halifax, who teach skills like drafting pleadings and motions documents, negotiating, engaging in settlement conferences, and arguing chambers motions through a simulated legal case. I hope we can find ways to include introductory training in client interviewing and examinations for discovery too.

However, improving skills education is not enough to reasonably flatten the learning curve. Preparing students to be part of the legal system also means preparing them to be confused and to be able to figure things out without too much direction, because that is what will be demanded of them as they learn on the job. They need to become comfortable with the discomfort of not knowing. Consequently, my focus on creating ease for students may in fact result in “killing with kindness.” Once I realized this, I have tried to build lack of certainty into some of my assignments. For example, in an assignment in my Alternative Dispute Resolution class, I ask students to imagine that they have been tasked by an employer to prepare a written dispute analysis, but I do not provide much direction on what the dispute analysis memo should look like. That is purposeful, I tell the students. They must struggle to figure out what might be the most useful work product for an imaginary supervisor. They undergo that struggle in the safety of a law school class, where how one will be perceived in the eyes of an employer is not relevant, and the purpose is learning, not producing. So, there is still ease, but there is no erasure of struggle. This way, the fear around not knowing can become better recognizable and therefore manageable as students transition into practice.

In addition to experiencing a skills gap, I certainly felt different from everyone else at the law firm at which I was employed. I was one of two racialized lawyers there, and the other person had a practice that was quite independent from the rest of the firm and mostly served people from their own ethnic community. There were instances where I was “othered” (inadvertently or otherwise), like when someone assumed that I had enough working knowledge of Hindi to serve Hindi-speaking clients, which, being born and raised in Canada in a Gujarati-speaking household, I do not. Others have written on the phenomenon of being racialized in a law firm with more depth and clarity (Roderique, 2017; Dobby, 2020), so I will leave my comments on this matter at

this: I did not recognize it at the time, but I now know, being young, female, racialized, and having a name that is unfamiliar to Westerners all worked together to ensure that I was not given the benefit of the doubt for my mistakes in the same way that others were, which contributed to my sense of incapacity. I believe that several of my students will share this experience. I am not sure what to do about this, but as far as I can tell, the only thing that can be done is discussing it, unapologetically, from time to time.

Notably, I also felt a sense of emptiness during my time in practice. In asking myself why a profession as people-oriented as law invoked apathy and disinterest in me, I have arrived at two primary conclusions. First, human elements can too often be erased when we teach and learn law. When we teach cases, we almost never discuss the human impact that the case and the litigation process likely had on those involved. We instead largely focus on distilling the case down to determine the legal principle for which it stands. When we give exams, we generally expect students to spot issues in hypothetical fact patterns and apply legal frameworks to those given facts. Students would typically not be awarded any marks for recognizing the emotional experiences of the characters in our stories. This is understandable, because future lawyers must be able to look at a factual context through the lens of legal analysis, and enabling them to do so is, in my view, one of the law school's contributions to rule of law—to give effect to rule of law, a lawyer needs to be able to argue how a law or legal framework applies to a particular factual context, and we have a duty to ensure that our graduates can do that. However, because the emphasis on this narrow kind of legal analysis is so strong, we run the risk of creating an imbalanced picture of what the practice of law entails by implying that the human experiences that give rise to cases are, and should be, irrelevant to us.⁴ That can make the law feel dry and impersonal.

I have taught, and will continue to teach, many cases with a primary focus on the legal principle that they stand for, but I have also tried to acknowledge that this focus can result in a tendency to ignore the experiences of the litigants themselves. I have tried to express to students that rule of law is fundamentally about human dignity—we prioritize rule of law based on the belief that everyone is equal in their inherent dignity and that our legal system should reflect

that.⁵ Far from a dry doctrine, then, rule of law is a doctrine of care, concern, compassion, and affinity, and lawyers should ideally care about every legal subject and how the law may impact their life and their inherent dignity. At times, I try to invite students to think about how something must have felt to the litigants if a limitation period was missed, for instance, or if a document that felt very private was ordered to be disclosed. In my Alternative Dispute Resolution class, we turn the paradigm on its head and focus largely on the people who are undergoing the dispute.

The other way that I think we can “dry up” our students is by failing to give them space to discover who they are in relation to law, and instead bombarding them with information and treating them as passive absorbers of whatever we give them. When I recall my state of mind during law school, I had the sense that the school as a whole and the professors in individual classes were responsible for teaching me whatever was important. This was reinforced by how passively I could approach law school and still be perceived as being a successful student, with my grades acting as a proxy for success. By the end of law school, I had gained some knowledge about law, and my interest had been stimulated at times, but mostly I just learned the material that was put before me and tested on examinations. I did not leave law school with any sense of excitement about finding my place in the legal enterprise.

Having reflected on this, as a teacher, I have tried to build in space and freedom in my classes in order to encourage students to take on the responsibility of discovering things for themselves and finding out what excites them. I have had more room for that in my Alternative Dispute Resolution class. Several assignments in that course have in-built freedom, including the reflection journals, where students are free to choose any topic that moves them for each entry, and are invited to offer creative alternative entries as well. There is also a lot of freedom in the learning module assignment where students are invited to teach the rest of the class any topic that relates to ADR. Students have explored a range of topics, including environmental conflicts, the Ismaili conflict resolution system, Christian dispute resolution, the meaning of creativity, disputes involving elders, African and Indigenous dispute resolution mechanisms, pop culture and dispute resolution, race and culture in dispute resolution, etc. The format of the modules has been equally varied, and students have included

⁴ For a discussion of this point in the context of the UK, see Jones, 2018.

⁵ One of us has noted elsewhere that many authors have connected rule of law and dignity: Acharya, 2020.

podcasts, songs and poetry, comedy, skits, videos, comics, etc. While students are frequently nervous about the lack of specific direction when it comes to these kinds of assignments, I have found that they soon get into the swing of letting their creativity flow, and the projects that emerge are often infused with an excitement that I never displayed in law school.

Reflecting on my teaching has shown me that my approach is centrally driven by what I feel were my shortcomings in law school and in law practice. In a sense, then, I may be teaching most directly to who I was as a student, and that may mean that I do not reach students who are not much like me. Thank goodness that we are all different, and those that I do not reach will hopefully be reached by others.

(b) Angela: Setting a New Precedent

When I took on a faculty position at the Lincoln Alexander School of Law, I was joining an institution that had made a bold commitment to doing things differently, and I was enthusiastic about the task at hand. As our catchphrase unambiguously declared, “[i]t’s time to set a new precedent” (Lincoln Alexander School of Law, n.d.) Opening our doors in the midst of a global pandemic exacerbated the challenges inherent in the process of launching a new law school, but concurrently provided a distinctive opportunity to deliberate over every pedagogical decision and respond to pleas for moving beyond the “shallowness and narrowness” of traditional legal education (Glasbeek & Hasson, 1987, p. 780). Beyond some minimum threshold of core doctrinal content, little about legal education as it currently exists is sacrosanct.

Teaching a core, private law class like contracts to a large group, as well as an introductory class on legal theory in a smaller seminar setting, served as an interesting contrast in my first year as a full-time professor. Though received wisdom tends to suggest that non-traditional teaching methods are especially risky in so-called “black-letter law” courses, teaching such courses can be greatly enriched by approaching the exercise as more than simply one of information transfer. For my own part, I believe in the value of finding ways to foster an understanding of law as a fundamentally social phenomenon in which people can participate in various ways, both negative and positive—such that students not only see how law works in the “real world,” but that they are spurred to act in whatever way resonates with them (or at the very least, to

think about the ways they would like to intervene in the face of injustice).

As Paolo Freire has put it, in rejecting the “banking” concept of education whereby “the scope of action allowed to the students extends only as far as receiving, filing, and storing the deposits” (2005, p. 72), “[e]ducation as the practice of freedom—as opposed to education as the practice of domination—denies that man is abstract, isolated, independent, and unattached to the world; it also denies that the world exists as a reality apart from people. Authentic reflection considers neither abstract man nor the world without people, but people in their relations with the world” (2005, p. 81). In my own experience attempting to center the relationality underlying all of our laws and institutions, I found that if anything, it was more important to be creative, inclusive, and critical in my teaching of contract law doctrine, including by bringing theoretical insights (Devlin et al., 2007) to bear in encouraging students to challenge principles and outcomes that can have very disparate impacts on different populations (Zalesne, 2013). To this end, my teaching preparation often included searching for contemporary examples that compellingly illustrate the ways that law, whether seemingly commonplace or niche, acts as the scaffolding for virtually all of our relationships.

In the classroom itself, it is important to me to create spaces that are conducive to non-judgmental expression and exploration, and I employ a number of different strategies and techniques to try to achieve this goal. For one, I make a point of trying to get to know every student, including learning how to pronounce their names correctly (Rodriguez, 2020). I establish expectations and standards of behaviour applicable to all students early on, conceding that we all have a right to make mistakes but emphasizing that each student has a responsibility to be cautious about perpetuating harmful beliefs and generalizations. In this, I agree with Professor Frances Chapman that, as a preliminary step, “[p]rofessors must gain the trust of students to encourage inclusion and foster acceptance of the uncertainties of law” (2020, p. 17). This is especially crucial in the first year, when students are more liable to feel bewildered, overwhelmed, and deeply unsure of themselves in approaching legal rules and processes as they are presented and taught to them.

As someone who rarely participated in law school, for reasons relating to both personality and socialization along lines of race, gender, and class, I also make a point to try to

create different channels through which students can contribute to classroom conversations, in acknowledgment of the fact that “[t]he lower level of participation of women and people of color appears to be linked to their perceptions of comfort and acceptance in classroom settings. In addition, teaching methods utilized in law school classrooms seem to have a differential impact, with white male students reacting most positively to traditional, Socratic teaching methods” (Dowd et al., 2003, p. 23). Thus, I do not privilege the use of a Socratic style, and try to engage with students on online discussion boards to the same degree as I would in an in-class conversation.

More generally, among the premises from which I start, I do not “assume that students learn lessons of humanity autonomously” (Chapman, 2020, p. 40). Consequently, I do not consider my responsibility as a law professor to be limited to teaching legal doctrine, or simply how to “think like a lawyer” in a mechanical sense. Instead, I seek to model how to be a lifelong learner, how to be a good citizen, and how to take seriously the ethical responsibilities that come with being part of a profession that can have serious repercussions on people’s lives. This includes setting an example of how to maintain a sense of humour, a sense of curiosity, and a sense of perspective; how to respect diverse opinions and perspectives; how to be part of communities of care that are held accountable to one another; and how to bend instead of break when confronted with adversity. I seek to emphasize the importance of conveying to students the value of learning not just how to make a good living, but also how to make a good life, both for themselves and for others.

Further, I am transparent with the struggles that can be endemic within both law school and the practice of law, as well as in one’s personal and professional life writ large. By reframing struggle as “not only normal but productive” (Christopher, 2020, p. 28). I seek to alleviate some of the stress that comes with traversing a steep learning curve, and which can be amplified by generational differences. In recognizing that law teachers can both exacerbate and alleviate the pressures that law students face, Edward Béchar-Torres has emphasized the importance of mindset in arguing that “[s]tudents who struggle with feelings of inadequacy can be steered towards greater self-confidence, motivation, and resilience” (2021, p. 69). Accordingly, the task of the law teacher is not just to tell stories about the law, but extends to telling stories about ourselves and about the student experience, such that students’ stories about themselves can be reframed in turn.

Law students today are quite different than they were decades ago in terms of their attitudes, learning styles, and anxieties, and some require an increasingly greater deal of academic and emotional support at various points in their law school journey (Graham, 2018).⁶ In response, I make myself readily available to answer student questions and concerns in an informal fashion, whether about course-related material or about other aspects of law school. I have been surprised by the number of comments I have received from students expressing how much they appreciated the sense of care I extended to them over the course of the year, which took forms ranging from listening to them vent about their feelings and concerns and sharing books and other resources about wellness to extending deadlines for assignments during particularly busy times of the year.

Quite apart from issues pertaining to appetite or aptitude for this kind of work, the majority of law professors have little to no training in skills like counselling or crisis intervention—this is no surprise, considering that professors can be hired into tenure-track roles with virtually no training even in teaching, one of the primary demands of the job, much less subsidiary parts of the role. Additionally, the creeping demands on professors’ time and emotional reserves requires careful guarding, especially given that these impacts are often disproportionately borne by certain (usually female) faculty members. However, as Susan Wawrose argues, encouraging law faculty to use basic counselling skills can help turn law schools into “a more human place” (2018). By demonstrating our own humanity, we may be able to better equip our students to nurture their own. That being said, there are times and circumstances in which students must be referred to those better equipped to offer professional services, and it is important that such services have the capacity to support all of the students who might benefit from them.

⁶ While conceding the limitations of generational theory, Graham characterizes Generation Z students (delineated as those being born between 1995-2010, which constitutes the majority of average law students today) as being “‘tethered to technology, social media, and their parents,’ all of which have direct implications for both how Gen Z members relate to others and how they learn best. They are diverse, and they think globally, which suggests a need for law schools to adapt to embrace their global mindset. And they are insecure and anxious, often coming to law school with mental and emotional health issues that tend to be exacerbated by the very nature of the law school experience, making it imperative for law schools to be creative and proactive in helping students learn how to thrive” (2018, p. 39).

Thriving as a law student, of course, goes well beyond mastering the material. As such, the normalization of struggle has its limits. Struggling should not equate to suffering. To minimize the latter, I emphasize the value of knowing oneself, carefully picking one's priorities, and seeking out meaningful career paths that align with one's principles and beliefs. For example, as part of my teaching in the first-year intensive, which is mandatory for all incoming students, I ask all students to draft a letter to their future self, explaining that it is intended to serve as a critical self-assessment and a tangible touchstone of who they are at that point in time, what brought them to law school, and what they hope to achieve with their law degree. In all stages of their legal education, I encourage students to keep an open mind, to reach out for help when it is needed, and to not become narrowly fixated on specific definitions or ideas of success. Moreover, like Nayha, I do not sideline the role of values and emotion in learning and practicing the law, which is an emerging field of study in its own right (Bandes, 2021; Bandes et al., 2021; Raj, 2020; Maharg & Maughan, 2011).

Such an approach brings with it both rewards and challenges for instructors and students alike. Foremost among the rewards is a sense of inclusion expressed by students who may otherwise feel alienated or out of place in law school. The reality is that, in Canada, the way the law has been developed and used has not benefited everyone equally. Acknowledging this history—including the ways in which colonialism, racism, sexism, ableism, and so on is and has been perpetuated through institutionalized and systemic practices—encourages students to continually question who has the power to wield power and privilege, and in the service of what aims. My goal, though, is not just to improve the law school experience for marginalized students, but for all students.

As others have acknowledged, broaching discussions of topics like race and racism in the classroom can generate complex reactions of “anxiety, resistance and even hostility”, and can be fraught and taxing for all involved (Ruparelia, 2014, p. 828). That being said, as Professor Rakhi Ruparelia puts it, “we must be open to engaging in difficult conversations with our students” (2014, p. 843) and “fundamentally trust in our students’ capacities to grow” (2014, p. 844). Though it may seem like the easier or less risky option, sweeping difficult conversations under the rug does students a disservice, as it deprives them of valuable learning opportunities when it comes to cultural proficiency: “The first step in teaching law students how to be culturally

proficient lawyers is by interacting with them in a culturally proficient way. It is by reconfiguring law schools to be culturally proficient spaces” (Boles, 2017, p. 268). In my view, professors both can and should be an integral part of this reconfiguration, including through a more intentional modeling of how to address the unavoidably messy and challenging aspects of learning about and practicing law.

2. The Themes and the Threads

Based on the narratives that we have presented above, we have distilled several distinct, though related themes that appear as common threads throughout. These include the value and challenges of teaching with care, the value and challenges of holistic and “whole person” education, and the value and challenges of marginalization in law teaching. In this Part, we explore these themes further, in an effort to engage with their more positive possibilities and consider how we might be able to help bring those about.

First, though, it is worth articulating some of the deeper underlying problems running through the themes we identify, and the role of law school therein. In addition to longstanding and ongoing tensions, including those relating to EDI (Devlin, 1989; Adjin-Tettey & Deckha, 2010), new demands and challenges affecting law students and lawyers are continually materializing. For example, the COVID-19 pandemic forced legal professionals to quickly pivot and adapt to a new reality, including through mechanisms like virtual proceedings. This shift can be situated within wider conversations about both technological competency and access to justice. With respect to the former, Sari Graben points out that “the scholarship and commentary on technology and legal practice seems relatively consistent in its message that the practice of law is currently undergoing or is about to undergo a period of massive disruption as a result of technological innovation” (2021, p. 142). These pressures have lent an increasing urgency to the need to reflect on the questions of how we seek to actualize the myriad, complex, and sometimes competing goals of legal education. Unfortunately, it can be difficult to carve out the time and space to prioritize this kind of work, especially for early-career faculty members.

Nevertheless, law schools have a unique and significant role to play in shaping the future of the legal profession, and the

choices that law teachers and law school administrators make are not benign.⁷ Faisal Bhabha has put it thusly:

[Law school] is the site of immersion and instruction in legal reasoning, and the gateway to the profession. It is where one assimilates legal theory and doctrine, acquires aptitude, learns and engages in the production of legal knowledge, develops an idea about what a lawyer is, identifies professional options, and pursues job opportunities or prepares for solo practice. In fact, a great deal happens in law school that is both reflective of the world in which lawyers work, and determinative of how that world will look in the future (2014, p. 70).

Given the pivotal position that law schools occupy, it is incumbent upon them to be thoughtful about the course they are charting for the future. To this end, part of the aim of this piece is to reflect on the role and responsibility that law schools have in perpetuating and remedying dissatisfaction in the legal profession, while also acknowledging that faculty members, law schools, professional regulatory bodies, and institutions are working in the context of significant systemic limitations that cannot and will not be eradicated overnight. The responsibility for change is not on the shoulders of faculty members, law schools, institutions, or law societies working alone—but the difficulty in effecting such change cannot be a reason to shy away from it. The costs of experimentation and renewal can feel unduly high, but the costs of inertia can be equally significant.

By now, it is well-known that job dissatisfaction within the legal profession is dishearteningly widespread, and that wellbeing is often a casualty for those pursuing legal careers. Mental health challenges like depression, anxiety, burnout, and substance use issues are notorious problems faced by

⁷ A report published in 1983 (popularly known as the Arthurs Report after Harry Arthurs, the Chair of the Consultative Group responsible for it) somewhat controversially described the legal education situation in Canada as one that “is too monolithically committed to traditional analytical methods, too preoccupied with an agenda of issues defined by professional priorities, too deeply immersed in formal legal documentation, too firmly implicated in the value structures and mind-set of the practising bar and government law reform activities” (Arthurs, 1985, p. 403). See also Backhouse, 2003.

lawyers in all settings, but are particularly prominent in Big Law (Koltai et al., 2018; Ireland, 2016; Macnab, 2017; Macnab, 2020).⁸ According to a 2021 survey on mental health and substance abuse in the legal profession, which received input from more than 3,200 lawyers and professional staff from law firms of all sizes and across the globe, 70.69 percent of respondents reported that they felt they have anxiety, 37 percent of respondents reported that they feel they are depressed, and 10 percent of respondents reported that they feel that they have an alcohol problem 41.75 percent of respondents reported feeling that mental health and substance abuse are at a crisis level in the industry (ALM Intelligence, 2021).

Rates of attrition from Big Law—and private practice, more generally—are high, especially for women and racialized minorities (Kay et al., 2016; Balakrishnan, 2019; Jackson, 2016; Chung, 2016). Though there is a lack of comprehensive data upon which to draw, a 2014 report by the Law Society of Alberta found that “[w]ithin 5 years of being called to the bar, 57% of women and 49% of men will have left private practice. Many will move to in-house or government positions, but close to 30% (28% of women and 29% of men) will have left the practice of law entirely” (CBA Alberta, n.d.; Federation of Law Societies of Canada, 2017). Work-life balance is frequently cited as a major push factor contributing to this exodus (CBA Alberta, n.d.). Quite apart from the practical costs that this imposes upon affected firms, this clearly represents a larger dilemma related to the work itself. In response, conferences, panels, and symposia on the topic of mental health and wellness in the legal profession have multiplied (Canadian Bar Association, 2019; Law Society of Ontario, 2021; Dauvergne, 2018).

Hypothesizing about exactly what causes lawyer dissatisfaction is difficult because of the subjectivity involved—every dissatisfied lawyer might give a different answer. For instance, one person might attribute their unhappiness in the early stages of their career to being ill-prepared for private practice. Another may say that law school resulted in such significant debt that they felt forced into large firm practice, which was not their calling. Still another may feel that law school subtly pushed them to conform to dominant scripts, leading them to lose touch with who they are. Many of these reasons overlap and are

⁸ We use the term “Big Law” in the way that it is commonly understood within law schools, to connote large law firms with a national presence, particularly on Toronto’s Bay Street.

interrelated, and many implicate law schools and the methods and ideologies of legal education.

Of course, job dissatisfaction is not something that uniquely affects lawyers, especially in a society with a growing wealth and income gap, and we do not have a solution for resolving the serious mental health crisis in the legal profession and beyond. However, neither are we satisfied to resign ourselves to defeatism. Each of the additional themes discussed below represent, to us, the possibility of improving the well-being of at least some of our students, both in law school and as they transition into the legal profession. Taking seriously wider aspects of teaching and learning the law are important for addressing the issues that have plagued legal education and the legal professions for years now, and also for aligning with broader political and societal goals, such as those relating to decolonization and reconciliation with Indigenous peoples. Moreover, we are encouraged by the continuing conversation about various aspects of law school pedagogy that have been taking place in forums like the annual conference of the Canadian Association of Law Teachers, such as the presentation and roundtable on the topic of “Experiments in Ungrading” that took place in 2021 (Canadian Association of Law Teachers, 2021). Against this backdrop, we contend that teaching in a holistic manner can help actualize a more human and more humane approach to learning about, understanding, and practicing law, and that there are compelling reasons to give this task the consideration it deserves.

(a) The value and challenges of teaching with care

Both narratives display an approach to teaching that extends far beyond substantive material. Angela discusses her empathetic engagement with the students, how students have responded, and how those responses have influenced her continual commitment to teaching with care. The idea of teaching with an ethic of care was popularized by education philosopher Nel Noddings (Noddings, 2012; Smith, 2020). The crucial part of what it means to teach with an ethic of care is to be alive to students’ needs, and to understand that teaching is not just about what you convey, but also about how you convey it.

Students naturally have needs in relation to the course content, but many have needs that go beyond that, as the second narrative emphasizes. Many share the kinds of fears and insecurities that Nayha describes having experienced herself as a law student, and part of teaching with care

means being as attentive as possible to those realities, including a broad range of equitable considerations. The COVID-19 pandemic has brought to the surface some of the inequitable impacts borne by vulnerable students (including students with disabilities or caregiving responsibilities) as a result of course delivery or assessment methods (Jerome, 2022), offering a crucial opportunity to take accessibility concerns more seriously moving forward, as well as to think more carefully about the use of technology in teaching (Jochelson & Ireland, 2018).

Of course, such attentiveness and responsiveness is difficult work. It is frequently time consuming, emotionally draining, and even physically tiring. For the most part, it is unnoticed and unrewarded by institutions, and even when it is noticed, it may not be perceived positively, especially depending on how one is situated. It may also feel challenging because one professor cannot be expected to meet the full array of needs with which students arrive in their classrooms. Consequently, the challenges associated with teaching with care can appear insurmountable.

Yet, this type of work is not thankless. Over and above the benefits afforded to students in not feeling disregarded or left behind, acknowledging the identity of learners as people as opposed to merely as consumers of course content infuses teaching with depth and meaning. It constitutes a recognition that teaching, in its richest manifestation, is a relationship of care. Moreover, it is rooted in the belief that “[k]nowledge emerges only through invention and re-invention, through the restless, impatient, continuing, hopeful inquiry human beings pursue in the world, with the world, and with each other” (Freire, 2005, p. 72). Through these kinds of encounters and dialogues, underscored by “an intense faith in humankind” (Freire, 2005, p. 90), we can come to better understand that “there are neither utter ignoramus nor perfect sages; there are only people who are attempting, together, to learn more than they now know” (Freire, 2005, p. 90). In other words, teaching with care speaks to the point that education is not just about the destination, but also about the journey.

(b) The value and challenges of holistic and ‘whole person’ education

Many of our discussions about teaching have led us to value the idea of holistic education in law teaching. Holistic education is subject to various definitions, and we conceive of it in two related ways. The first is in the sense of an integrated curriculum, where substantive legal principles

and critical approaches are made demonstrably relevant to the nuts and bolts of legal practice and what it means to be a part of the legal enterprise more broadly.⁹ That is, we see advantages in offering a curriculum that is well-rounded in terms of concept, critique, and practice, and which marries theory and skills in a complementary fashion.¹⁰ The second is a more established understanding of holistic education, in which the whole person—body, mind, and spirit—is relevant and engaged. It invites an even integration of the cognitive/intellectual aspects of education with the emotional, relational and spiritual dimensions of the learner.¹¹

A holistic legal education, in the first sense that we use the term, would involve a curriculum that does not dichotomize learning concepts and critical thinking versus law practice, and where seemingly abstract principles can come to life (Moss, 2013). Students may develop a more holistic and integrated understanding if, for instance, a tort law class included the principles of tort law, the justifications for those principles, as well as a demonstration of how an injured party would initiate their litigation through a statement of claim, and how the claim would proceed, and what practical barriers they may face. Or, in a jurisprudence class, when we ask students to consider the question “what is justice?”, they consider various theoretical iterations of justice, and are also presented with the views of practitioners who work within the system to determine how the legal system manifests (or fails to manifest) justice.

Offering this type of integration may give students a more complete (or holistic) sense of the socio-legal enterprise and could help ease their transition into legal practice. It does not seem sufficient to relegate all or most questions of practice to a (sometimes optional) course in a subject like civil procedure, or to rely on the few clinics or skills classes that prioritize experiential learning. Those course offerings are important and their value should not be minimized, but placing the burden of skills development on only a couple of classes results in a disintegration between theory, concepts, principles, and the procedural practice of law, and risks sending a message to students that these are ancillary

⁹ This is consistent with the way that David Moss (2013) uses the term holistic.

¹⁰ Published in 2007, what has become commonly referred to as the “Carnegie Report” has been among the most notable studies calling for changes to legal education, including by addressing the skills/knowledge dichotomy: Sullivan, Colby, Wegner, Bond & Shulman, 2007. See also Jochelson, Gacek & Ireland, 2021.

¹¹ For a comprehensive overview of holistic education, see Miller, Nigh, Binder, Novak & Crowell, 2019.

aspects of legal education. Determining exactly what such a law school program should look turns on the debates and reflections on curricular reform that faculties take on, but successfully delivering a holistic curriculum of this manner would require strong partnerships between law faculties and the local bars. A more well-rounded curriculum that embraces experiential learning and the development of a range of transferable skills and competencies can arguably help create more well-rounded legal professionals, who are better equipped to contribute to efforts like those devoted to improving access to justice (Marsden & Buhler, 2017; Anderson, 2009) and culturally-competent lawyering (Silver, 2002; Hartley & Petrucci, 2004; Capulong et al., 2021).

Holistic approaches to teaching law in the second sense that we use the term are those that recognize the intellectual and analytical aspects of legal study and law practice but also honour the emotional, empathetic, and even spiritual realms that learning about and practicing law can touch. In our conversations, we have often circled back to the point that law school teaches students to dispassionately ignore subjectivities, emotions, and feelings—both their own, and those of others. The traditional Langdellian case method, which has become the dominant approach to legal pedagogy in North America, demands that law students learn to think critically and analyze, but does not inherently encourage them to feel, to intuit, to empathize, to love.¹² The result is a lopsided curriculum that focuses disproportionately on the intellect.

In discussing the prioritization of intellectual rationalism in higher education, Randee Lawrence notes that “[i]nstitutions love cognitive learning. It is after all easy to describe and easy to measure” (2014, p. 268). While cognitive development and rational thinking are undoubtedly important, they are only one part of a holistic pedagogical and curricular model (Lawrence, 2014, p. 269). A holistic curriculum recognizes the significance of emotions and makes space for students to learn to feel and accept their inner feelings (Dirkx, 2006; Till, 2011). It recognizes the importance of students developing astute self-awareness—recognizing their fears, desires, ambitions, conditionings, interests, passions (Kumar, 2013; Kumar & Acharya, 2021). In so doing, it values enabling students to develop empathetic understanding and care for others (Noddings, 2013). In line with principles that ground Indigenous education, it recognizes the centrality of

¹² For more discussion and critiques of the Langdellian method, see e.g. Weaver, 1991; Rubin, 2007; Spencer, 2012.

interconnectedness with nature and other individuals (Morcom, 2017; Miller, 2019; Antoine et al., 2018). Law students who experience education rooted in such values would, we believe, emerge more balanced, centered, grounded, compassionate, and wise.

How might the principles of holistic education be translated into our classes? The possibilities are endless. Imagine if, when we taught the principles of environmental law, we also gave room for students to develop and express love for the environment (Collins & Stewart, 2021). An environmental law class could include learning from Indigenous and other spiritual traditions that revere land and all living and non-living beings, and affords and encourages opportunities to be in nature and develop awe for its power, beauty, and humility. Or, when we teach business law, we can create opportunities for students to be struck by instances of human creativity and innovation in corporate contexts, to empathize with the needs of employees and entrepreneurs, and to reflect on the role of businesses in effecting collective, social betterment. Or, when we teach injury law, we could discuss compassion for the hurts and sense of unfairness that an innocent injured party feels, the feelings of guilt that may accompany causing harm to another person, and the experience of peace after apology and forgiveness take place. And when we teach about social and structural injustice, we could also invite a compassionate and nonjudgmental inward look into the fears, insecurities, and conditionings giving rise to our own prejudices.¹³

If we incorporate these types of ideas into our courses, we may give students the chance to connect with law at deeper and more meaningful levels than just intellectually, and to better understand those for whom and with they work. They may then get a better feel for what evokes a sense of meaning and passion in them, and this would hopefully enable them to pursue careers and lives that speak to their whole being, rather than just one part of it.

(c) The value and challenges of marginalization in law teaching

The position that we occupy as racialized women is relevant to both of our approaches to teaching. As an East Asian and South Asian woman, respectively, we constitute a notable minority in the Canadian legal academy. The challenges of

navigating life and law for marginalized people are manifold, and it is no different for law professors, which the experiences of those who have come before us compellingly attest (Deo, 2019; Niemann, 2012, p. 459; Sheehy & McIntyre, 2006; Vaughns, 2003; Henry & Kobayashi, 2017). Relatedly, it is well-established that the legal profession has and is continuing to fail equity-deserving groups in myriad ways. The fact that a non-white person was appointed to the Supreme Court of Canada for the first time in 2021, and an Indigenous person appointed for the first time in 2022, certainly lends weight to the claim that there is an enduring racial diversity problem in law, especially at the most elite levels of practice and decision-making (Government of Canada, 2021; Harris, 2020; Stefanovich, 2020; MacCharles, 2021; Canadian Bar Association, 2020).

However, as is now being increasingly recognized by many institutions, diversity, equity, and inclusion offer significant value when it comes to education (Tamtik & Guenter, 2019; Devlin, 1989; Adjin-Tettey & Deckha, 2010). More specifically, Dean Spade argues that the ability of legal education “to produce learning communities that critically confront power, rather than solely reproduce conditions of domination—is integrally connected to who is in the law school—the students, staff, faculty, and administrators” (2012, p. 188). Indeed, both survey and observational findings support the conclusion that law students “seem to be responding differently to teaching along lines of gender, race, and class” (Mertz et al., 1998, p. 32). This means that all grounds of diversity and difference matter when it comes to legal education.

Simply being at the front of the classroom enables some marginalized students to see themselves in us and may help alleviate the feeling of inability or non-belonging that are described in our narratives. We have both had multiple incidents of students who share some part of our identities letting us know what our presence means to them. Some students may find that they share some cultural norms with us, which makes the legal academy and legal profession feel more accessible to them.

Yet, racialized women academics also have to contend with the “heavy burden of needing to serve a specific community without becoming overwhelmed by the demands for one’s time and attention” (Harris & Gonzalez, 2012, p. 9; Nelson, 2006, p. 125). Further, one of the risks is that we may take our own experiences of marginalization as paradigmatic for others who we see as being similarly situated, which may lead to further isolation for some if that turns out not to be

¹³ See e.g. Boles, 2017, p. 224: “To truly accomplish the goal of advancing a culturally proficient curriculum, legal academics must be equipped to first dismantle their own biased and privileged perspective of the law and legal education.”

the case. Acknowledging this risk is important. Still, in our conversations, we have generally concurred that having experienced “otherness” is part of the value that we bring to our teaching. The first-hand knowledge we have gained through our lived experiences may naturally incline us to be attentive to and understanding of the needs of marginalized students, as well as grounding our commitments to contributing to actionable change and encouraging the same in our learners.

Conclusion

Although there is no universal agreement on either the problems or the solutions, it seems fair to say that, in the twenty-first century, the future of legal pedagogy finds itself at something of a crossroads, grappling with competing visions of where to go and how to get there (Arthurs, 2014; Gacek & Ireland, 2021). Our modest effort in this paper is to add our voices to this conversation, rooted in our subjective experiences. Our early experiences with legal teaching and practice have affirmed the numerous benefits of care-based, holistic, and inclusive legal education, particularly in terms of cultivating and safeguarding a greater sense of well-being among the students for whom we are responsible. The type of holistic education for which we advocate is one that would equip students to feel better prepared to enter the legal profession, in whatever capacity they choose, with an astute understanding of legal concepts and a realistic sense of how law works—including a critical perspective on the limitations of the law and legal advocacy. It would ensure that law students will have been encouraged to come to terms with who they are and what they value. It would better enable students to recognize the hopes and aspirations, and empathize with the fears and apprehensions, of the people and communities they will serve, including the individual and collective traumas to which they may have been exposed (Katz, 2020). This, we believe, would give students the best chance of attaining fulfilling, lasting careers in law.

To us, the ideal law school is a place where opportunities are created for students to learn about the phenomenon of law in a multifaceted way, including its technicality and demand for precision, its ambiguity and mutability, its historical and conceptual underpinnings (many of which are problematic), and its possibilities and limitations when it comes to effecting social transformation for the better. Additionally, law school must enable students to develop a sense of themselves as people who are soon to be part of that very phenomenon. This means that law students need to be

given opportunities to gain confidence in working within legal institutions, and in intelligibly critiquing law’s substance and procedure. For teachers and learners alike, law school should be a space of exploration, personal growth, and affirmation: one where learning takes place through trying, failing, and trying again, where experimentation is permitted and encouraged, where self-discovery and discovery of other perspectives occurs, and where creativity and passion have room to flourish. From this type of space would emerge an engaged and prepared professional, ready and willing to embrace the myriad challenges that lawyers do and should take on. In our narratives, we have offered some reflections on how such spaces may be created within individual classrooms, and potentially beyond.

Unfortunately, law is an inherently conservative field in many ways, and change is not often quick to come. Moving towards any ideal of prioritizing lasting well-being in legal education and the legal profession will be made slower and more difficult if it is undertaken as a solitary endeavour. Consequently, our effort here has been to urge faculty members to initiate and/or continue to have these kinds of conversations at their own institutions, and to develop networks of like minded colleagues to exchange ideas and stories. Our aim has not been to prescribe any one approach; rather, we propose a process that involves looking inwards to discover what we do as teachers, what we value, what we think we should do, and why, and sharing these reflections with others in trust that each of our stories is received compassionately and with the shared goal of continually evolving towards a more enriching and meaningful law school experience for all.

References

- Acharya, N. (2020). Mediation, the rule of law, and dialogue. *Queen’s Law Journal*, 46(1), 69–96.
- Adjin-Tettey, E., & Deckha, M. (2010). Promises and challenges of achieving racial equality in legal education in Canada, *Canadian Legal Education Annual Review*, 171–209.

- ALM Intelligence. (2021, May). *2021 Mental Health and Substance Abuse Survey*.
<https://www.alm.com/intelligence/solutions-we-provide/business-of-law-solutions/surveys-rankings-and-reports/surveys-rankings-and-reports-list/mental-health-substance-abuse/>
- Anderson, M. J. (2009). Legal education reform, diversity, and access to justice. *Rutgers Law Review*, 61(4), 1011–1036.
- Antoine, A., Mason, R., Mason, R., Palahicky, S., & Rodriguez de France, C. (2018). *Pulling together: A guide for curriculum developers*. BCcampus.
<http://opentextbc.ca/indigenizationcurriculumdevelopers/>
- Arthurs, H. W. (1985). To know ourselves: Exploring the secret life of Canadian legal scholarship. *Osgoode Hall Law Journal*, 23(3), 403–410.
- Arthurs, H. W. (2014). The future of law school: Three visions and a prediction. *Alberta Law Review*, 51(4), 705–716.
- Backhouse, C. (2003) Revisiting the Arthurs Report Twenty Years Later. *Canadian Journal of Law and Society*, 18(1), 33–44.
- Balakrishnan, A. (2019, May 16). Ontario's law firms were mostly led by men again in 2018. *Law Times*.
<https://www.lawtimesnews.com/resources/practice-management/ontarios-law-firms-were-mostly-led-by-men-again-in-2018/263551>
- Bandes, S. A. (2021). Feeling and thinking like a lawyer: Cognition, emotion, and the practice and progress of law. *Fordham Law Review*, 89(6), 2427–2446.
- Bandes, S. A., Madeira, J. L., Temple, K. D., & White, E. K. (Eds.). (2021). *Research handbook on law and emotion*. Edward Elgar Publishing.
- Bécharde-Torres, E. (2021). Feeling inadequate: Reframing the mindsets of legal education to promote mental health. *Manitoba Law Journal*, 44(2), 66–86.
- Bhabha, F. (2014). Towards a pedagogy of diversity in legal education. *Osgoode Hall Law Journal*, 52(1), 59–108.
- Boles, A. M. (2017). Seeking inclusion from the inside out: Towards a paradigm of culturally proficient legal education. *Charleston Law Review*, 11(2), 209–269.
- Burns, I., Davidson, T., & Schofield, J. (2020, September 1). COVID-19 pandemic brings sea change to law schools as classes shift. *The Lawyer's Daily*.
<https://www.thelawyersdaily.ca/articles/20709/covid-19-pandemic-brings-sea-change-to-law-schools-a-s-classes-shift-online>
- Canadian Association of Law Teachers. (2021, June 7-10). 2021 CALT Annual Conference, Program-in-Brief, Virtually Hosted by: Schulich School of Law, Dalhousie University, Nova Scotia.
https://d3n8a8pro7vhmx.cloudfront.net/canadianlawteachers/pages/1254/attachments/original/1621354113/CALTconf2021_Program-in-Brief_v3_20210518.pdf?1621354113
- Canadian Bar Association. (2019, April 6). 2019 CBA Health and Wellness Conference, Ottawa, ON, Canada.
https://www.cbapd.org/details_en.aspx?id=na_well19&_ga=2.45002349.872434919.1551972353-338219757.1551724072
- Canadian Bar Association. (2020, September 14). Canadian Bar Association Joins National Call for More Diversity in Judicial Appointments. CBA.
<https://www.CBA.org/News-Media/Press-Releases/2020/September/CBA-joins-national-call-for-more-diversity-in-jud>
- Capulong, E. R. C., King-Ries, A., & Mills, M. (2021). Antiracism, reflection, and professional identity. *Hastings Race and Poverty Law Journal*, 18(1), 3–28.
- CBA Alberta. (n.d.). Attrition in the Profession. CBA.
<https://www.cba-alberta.org/Publications-Resources/Resources/Law-Matters/Law-Matters-Spring-2015/Attrition-in-the-Profession>
- Chamberlain, E. (2020, October 1). Back to (law) school, COVID-style. *Slaw*.
<http://www.slaw.ca/2020/10/01/back-to-law-school-covid-style>.
- Chapman, F. E. (2020). A conversation about Canadian legal education: Lakehead University and dialogue pedagogy. *Western Michigan University Cooley Journal of Practical & Clinical Law*, 21(1), 7–62.

- Christopher, C. M. (2020). Normalizing struggle. *Arkansas Law Review*, 73(1), 27–68.
- Chung, R. (2016, March 11). High minority attrition rates continue to plague large law firms. *Above the Law*. <https://abovethelaw.com/2016/03/high-minority-attrition-rates-continue-to-plague-large-law-firms/?rf=1>
- Collins, L., & Stewart, B. D. (2021). Engendering hope in environmental law students. In A. Kennedy, A. du Plessis, R. Fowler, E. Hamman & C. Warnock (Eds.), *Teaching and learning in environmental law: Pedagogy, methodology and best practice* (pp. 22–34). Edward Elgar Publishing.
- Dauvergne, C. (2018, April 4). Wellness at law school. *Slaw*. www.slaw.ca/2018/04/04/wellness-at-law-school/
- Deo, M. E. (2019). *Unequal profession: race and gender in legal academia*. Stanford University Press. <https://doi.org/10.1515/9781503607859>
- Devlin, R. F. (1989). Towards an/other legal education: Some critical and tentative proposals to confront the racism of modern legal education. *University of New Brunswick Law Review*, 38, 89–120.
- Devlin, R. F., Duggan, A., & Langevin, L. (2007). Doing theory in first year contracts: the iceberg method. *Canadian Legal Education Annual Review*, 1, 1–36.
- Delgado, R. (1989). Storytelling for oppositionists and others: A plea for narrative. *Michigan Law Review*, 87(8), 2411–2441. <https://doi.org/10.2307/1289308>
- Dirkx, J. M. (2006). Engaging emotions in adult learning: A Jungian perspective on emotion and transformative learning. *New Directions For Adult and Continuing Education*, 109, 15–26.
- Dobby, C. (2020, August 17). Why are there still so few Black lawyers on Bay Street? *The Globe and Mail*. <https://www.theglobeandmail.com/business/article-why-are-there-still-so-few-black-lawyers-on-bay-street/>
- Dowd, N. E., Nunn, K. B., & Pendergast, J. E. (2003). Diversity matters: Race, gender, and ethnicity in Legal Education. *University of Florida Journal of Law & Public Policy*, 15, 11–56.
- Federation of Law Societies of Canada. (2017). *2017 Statistical Report of the Federation of Law Societies of Canada*. <https://flsc.ca/>
- Freire, P. (2005). *Pedagogy of the oppressed*. Continuum.
- Glasbeek, H. J., & Hasson, R. A. (1987). Some reflections on Canadian legal education. *Modern Law Review*, 50(6), 777–803. <https://doi.org/10.1111/j.1468-2230.1987.tb01738>
- Government of Canada. (2021, July 1). *Prime Minister announces the appointment of the Honourable Mahmud Jamal to the Supreme Court of Canada* [Press release]. <https://pm.gc.ca/en/news/news-releases/2021/06/28/prime-minister-announces-appointment-honourable-mahmud-jamal-supreme>
- Graben, S. (2021) Law and technology in legal education: A systemic approach at Ryerson. *Osgoode Hall Law Journal*, 58(1), 139–162.
- Graham, L. P. (2018). Generation Z goes to law school: Teaching and reaching law students in the post-Millennial Generation. *University of Atlanta at Little Rock Law Review*, 41(1), 29–96.
- Gutiérrez y Muhs, G., Niemann, Y. F., González, C. G., & Harris, A. P. (Eds.). (2012). *Presumed incompetent: The intersections of race and class for women in academia*. University Press of Colorado, Utah State University Press.
- Harris, K. (2020, June 18). Supreme Court’s chief justice calls for more diversity in Canada’s legal system. *CBC News*. <https://www.cbc.ca/news/politics/supreme-court-wagner-racism-courts-1.5617681>
- Harris, A., & González, C. (2012). Introduction. In G. Gutiérrez y Muhs, Y. F. Niemann, C. G. González, & A. P. Harris (Eds.), *Presumed incompetent: The intersections of race and class for women in academia* (pp. 1–9). University Press of Colorado, Utah State University Press.
- Hartley, C. C., & Petrucci, C. J. (2004). Practicing culturally competent therapeutic jurisprudence: A collaboration between social work and law. *Washington University Journal of Law & Policy*, 14, 133–182.

- Henry, F., & Kobayashi, A. (2017). The everyday world of racialized and indigenous faculty members in Canadian universities. In F. Henry, E. Dua, C. E. James, A. Kobayashi, P. Li, H. Ramos & M.S. Smith, *The equity myth: Racialization and indigeneity at Canadian universities* (pp. 115–154). UBC Press.
- Ireland, N. (2016, November 26). 'The impact on society is enormous': In legal profession, depression, addiction hurt clients, too. *CBC News*.
<https://www.cbc.ca/news/health/lawyers-mental-health-addiction-problems-1.3865545>
- Jackson, L. (2016, March 1). Minority women are disappearing from BigLaw--and here's why. *ABA Journal*.
https://www.abajournal.com/magazine/article/minority_women_are_disappearing_from_biglaw_and_heres_why/
- Jerome, A. (2022, February 8). McGill law students strike; Osgoode students demand equitable learning as in-person classes resume. *The Lawyer's Daily*.
<https://www.thelawyersdaily.ca/articles/33473/mcgill-law-students-strike-osgoode-students-demand-equitable-learning-as-in-person-classes-resume>
- Jochelson, R., & Ireland, D. (2018). Law students' responses to innovation: A study of perspectives in respect of digital knowledge transmission, flipped classrooms, video capsules and other means of classroom dissemination. *Manitoba Law Journal*, 41(1), 131–160.
- Jochelson, R., Gacek, J., & Ireland, D. (2021). Reconsidering legal pedagogy: Assessing trigger warnings, evaluative instruments, and articling integration in Canada's modern law school curricula. *Manitoba Law Journal*, 44(2), 87–120.
- Jones, E. (2018). Transforming legal education through emotions. *The Journal of the Society of Legal Scholars*, 38(3), 450–479.
<https://doi.org/10.1017/lst.2017.16>
- Katz, S. (2020). The trauma-informed law classroom: Incorporating principles of trauma-informed practice into the pandemic age law school classroom. *UC Davis Social Justice Law Review*, 25(1), 17–39.
- Kay, F. M., Alarie, S. L., & Adjei, J. K. (2016). Undermining gender equality: Female attrition from private law practice. *Law & Society Review*, 50(3), 766–801.
- Koltai, J., Schieman, S., & Dinovitzer, R. (2018). The status-health paradox: Organizational context, stress exposure, and well-being in the legal profession. *Journal of Health and Social Behavior*, 59(1), 20–37.
- Kumar, A. (2013). *Curriculum as meditative inquiry*. Springer.
- Kumar, A., & Acharya, N. (2021). Critiquing instrumentalism in higher education: Lessons from teaching as meditative inquiry. *Critical Education*, 12(10), 1–23.
- Law School Admission Council. (n.d.). *Canadian law schools*.
<https://www.lsac.org/choosing-law-school/find-law-school/canadian-law-schools>
- Law Society of Ontario (2021, May 19). *Mental health for legal professionals summit*.
<https://store.lso.ca/mental-health-for-legal-professionals-summit>
- Lawrence, R. L. (2014, June 4-7). *When teaching is joyfully subversive: toward a holistic curriculum for adult and higher education* [Paper presentation]. Adult Education Research Conference 2014, Harrisburg, PA, United States.
<https://newprairiepress.org/aerc/2014/papers/45/>
- Lincoln Alexander School of Law. (n.d.).
<https://www.torontomu.ca/law/>
- Luban, D. (2010). The rule of law and human dignity: Re-examining Fuller's canons. *Hague Journal on the Rule of Law*, 2(1), 29–47.
- Lynch, J., & Davis, M. (2021, March 10). Lessons from the pandemic. *The Lawyer's Daily*.
<https://www.thelawyersdaily.ca/articles/25245>
- MacCharles, T. (2021, March 6). Diversity is on a collision course with bilingualism at Canada's top court. *Toronto Star*.
<https://www.thestar.com/politics/federal/2021/03/06/search-for-next-supreme-court-judge-sets-bilingualism-on-a-collision-course-with-diversity.html>
- Macnab, A. (2020, March 23). How COVID-19 is forcing Canadian law schools to transition to online

- learning. *Canadian Lawyer*.
<https://www.canadianlawyermag.com/resources/legal-education/how-covid-19-is-forcing-canadian-law-schools-to-transition-to-online-learning/327816>.
- Macnab, A. (2017, October 26). High-pressure law jobs linked to depression. *Canadian Lawyer*.
<https://www.canadianlawyermag.com/news/general/high-pressure-law-jobs-linked-to-depression/274609>
- Macnab, A. (2020, November 24). Legal profession must ensure inclusion for lawyers with mental health and addiction issues: lawyer. *Law Times*.
<https://www.lawtimesnews.com/resources/practice-management/legal-profession-must-ensure-inclusion-for-lawyers-with-mental-health-and-addiction-issues-lawyer/335565>
- Maharg, P., & Maughan, C. (Eds.). (2016). *Affect and legal education: Emotion in learning and teaching the law*. Routledge.
- Marinoni, G., van't Land, H., & Jensen, T. (2020) The Impact of COVID-19 on higher education around the world. *International Association of Universities*.
https://www.uniss.it/sites/default/files/news/iau_covid19_and_he_survey_report_final_may_2020.pdf
- Marsden, S., & Buhler, S. (2017). Lawyer competencies for access to justice: Two empirical studies. *Windsor Yearbook of Access to Justice*, 34(2), 186–208.
- McIntyre, S., & Sheehy, E. (Eds.). (2006). *Calling for change: Women, law, and the legal profession*. University of Ottawa Press.
- Mertz, E., Njogu, W., & Gooding, S. (1998). What difference does difference make? The challenge for legal education. *Journal of Legal Education*, 48(1), 1–87.
- Miller, J. P. (2019). *The Holistic Curriculum* (3rd ed.) University of Toronto Press.
- Miller, J. P., Nigh, K., Binder, M. J., Novak, B., & Crowell, S. (Eds.). (2019). *International handbook of holistic education*. Routledge.
- Morcom, L. A. (2017). Indigenous holistic education in philosophy and practice, with wampum as a case study. *Foro de Educación*, 15(23), 121–138.
- Moss, D. M. (2013). The hidden curriculum of legal education: Toward a holistic model for reform. *Journal of Dispute Resolution*, 2013(1), 19–32.
- Nelson, C. (2006). The conflicting and contradictory dance: The essential management of identity for women of colour in the legal academy. In S. McIntyre, & E. Sheehy (Eds.), *Calling for change: Women, law, and the legal profession* (pp. 117–140). University of Ottawa Press.
- Niemann, Y. F. (2012). Lessons from the experiences of women of color working in academia. In G. Gutiérrez y Muhs, Y. F. Niemann, C. G. González, & A. P. Harris (Eds.), *Presumed incompetent: The intersections of race and class for women in academia* (pp. 446–499). University Press of Colorado, Utah State University Press.
- Noddings, N. (2013). *Caring: A relational approach to ethics and moral education*. University of California Press.
- Noddings, N. (2012). Caring (selection). In S. M. Cahn (Ed.), *Classic and Contemporary Readings in the Philosophy of Education* (2nd ed, pp. 387–391). Oxford University Press.
- Ontario Bar Association. (2020, May 13). *Best practices for remote hearings*.
https://www.advocates.ca/Upload/Files/PDF/Advocacy/BestPracticesPublications/BestPracticesRemoteHearings/Best_Practices_for_Remote_Hearings_13_May_2020_FINAL_may13.pdf
- Raj, S. (2021). Teaching feeling: bringing emotion into the law school. *The Law Teacher*, 55(2), 128–142.
- Roderique, H. (2017, November 4). Black on Bay Street: Hadiya Roderique had it all. But still could not fit in. *The Globe and Mail*.
<https://www.theglobeandmail.com/news/toronto/hadiya-roderique-black-on-bay-street/article36823806/>
- Rodriguez, S. (2020, December 2). Do people mispronounce your name? Students hope new audio tool will end the name game. *CBC News*.
<https://www.cbc.ca/news/canada/london/diverse-names-namecoach-1.5814360>.

- Rubin, E. (2007). What's wrong with Langdell's method, and what to do about it. *Vanderbilt Law Review*, 60(2), 609–665.
- Ruparelia, R. (2014). Guilty displeasures: White resistance in the social justice classroom. *Dalhousie Law Journal*, 37(2), 815–845.
- Silver, M. A. (2001). Emotional competence, multicultural lawyering and race. *Florida Coastal Law Journal*, 3(2), 219–244.
- Smith, M. K. (2020). *Nel Noddings, the ethics of care and education*. infed.
<https://infed.org/mobi/nel-noddings-the-ethics-of-care-and-education>
- Spade, D. (2012). Notes toward racial and gender justice ally practice in legal academia. In G. Gutiérrez y Muhs, Y. F. Niemann, C. G. González, & A. P. Harris (Eds.), *Presumed incompetent: The intersections of race and class for women in academia* (pp. 186-197). University Press of Colorado, Utah State University Press.
- Spencer, A. B. (2012). The law school critique in historical perspective. *Washington & Lee Law Review*, 69(4), 1949–2066.
- Stefanovich, O. (2020, June 30). Federal Court justice says judicial diversity targets need 'aggressive' timelines. *CBC News*.
<https://www.cbc.ca/news/politics/stefanovich-diversity-justice-system-1.5625586>
- Sullivan, W. M., Colby, A., Wegner, J. W., Bond, L., & Shulman, L. S. (2007). *Educating lawyers: Preparation for the profession of law* (Vol. 2). John Wiley & Sons.
- Tamtik, M., & Guenter, M. (2019). Policy analysis of equity, diversity and inclusion strategies in Canadian universities—how far have we come? *Canadian Journal of Higher Education*, 49(3), 41–56.
- Till, D. (2011, December 4). How Can We Define Holistic Education? *Holistic Centers Network*.
<https://www.centersnetwork.org/2011/12/04/how-can-we-define-holistic-education/>
- Vaughns, K. L. (2003). Women of color in law teaching: Shared identities, different experiences. *Journal of Legal Education*, 53(4), 496–504.
- Wawrose, S. C. (2018). A more human place: Using core counseling skills to transform law school relationships. *Willamette Law Review*, 55(1), 133–186.
- Weaver, R. L. (1991). Langdell's legacy: Living with the case method. *Villanova Law Review*, 36(2), 517–596.
- Zalesne, D. (2013). Racial inequality in contracting: Teaching race as a core value. *Columbia Journal of Race and Law*, 3(1), 23–48.
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