

Alternative Dispute Resolution: Strengthening the Law School Experience

By Katherine Bilson, LL.M.

In the almost sixteen years since I graduated from the College of Law at the University of Saskatchewan (the College), there have been many changes in the world of legal education. These changes have been brought on by evolving legal disciplines, the introduction of new technology, and the opening of some new law schools that have shifted the way they deliver legal education as compared to more traditional methods. In addition, Canadian law schools have undergone changes in their way of structuring some courses. Alternate dispute resolution (ADR) is one such area that has seen a seismic shift at my alma mater, as well as many other law schools across the country.

ADR was one of my favourite courses in law school. It was taught by a brilliant and wonderful professor who was clearly passionate about the topic. In addition, it was a legal subject that fit well with my interest in collaborative approaches to legal practice. Typically, the class attracted twenty or so students when offered, but largely remained a stand-alone course. A mediation course was in the midst of being piloted as well. Fragments of ADR principles were shared in a few other courses at that time, but there was no requirement then to complete ADR-related credits. In the time that I have been practicing law, the principles instilled through my ADR course have proven repeatedly helpful and they have played a significant role in my day-to-day work.

Today, Acting Dean Beth Bilson, Q.C., of the College speaks of "a strong faculty and dedicated sessionals" who have built an ADR program, including courses that span from first year all the way through the law school experience. First year students must now complete an intensive ADR course for a week in January during which they dedicate full days to learning about ADR principles and their application to various areas of the law. Using a variety of fact scenarios, these students work on small group exercises and one-on-one negotiation sessions through the week to develop their understanding. The week culminates with a sentencing circle exercise held at the Provincial Court of Saskatchewan. Bilson also describes the enthusiastic participation of judges from all levels of Court, mediators, and practicing lawyers in this week of learning, all of whom come to support and help the first year law students. It is clearly a valuable week for everyone involved.

The intensive program grew out of the College's earlier approach to include some component of ADR in each of the first year courses. For example, students used to participate in a land claims negotiation exercise in Constitutional Law or a commercial negotiation in Contracts Law. The current format allows for better continuity and a richer learning experience.

In addition, it has clearly encouraged growth of more ADR-

related learning in the upper years. In contrast to my own experience, there are now four sections of Negotiation offered to keep up with demand amongst the second and third year students. Upper year students can also take Mediation and a course focused on multi-party dispute resolution. Students have become very active in the annual national negotiation competition and the College has been performing very well in an international mediation moot that attracts approximately 65 teams each year. The dedication and enthusiasm of those who are teaching, mentoring, and supporting the law students is paying off.

Indeed, substantive glimpses of the value of the first year ADR week can be found in the learning journals that the students are required to keep, value that will remain throughout a legal career. Now in second year at the College, Krista Cossar wrote in her journal on day one after learning about the history of ADR:

One phrase that stuck with me was "hard on the problem, soft on the people." It set the tone for the rest of the day emphasizing the idea that we as lawyers are coming into people's lives at an extremely vulnerable stage and we have a responsibility to care for them.

In a similar vein, Drew Wilson, also now in second year, wrote:

I found the skills I gained during ADR week to be invaluable. It believe it will be extremely helpful in my career as a lawyer when I am dealing with clients. As a lawyer, we have to know what our clients' goals and interests are and we can only do that by asking the right questions and facilitating conversation. Through this we are hopefully able to gain insight and build a better relationship with our client.

These glimpses show incredible insight into the value that ADR principles and techniques hold in our work as lawyers, regardless of our practice area. The College's efforts to instill the importance of ADR all the way through the law school experience, the enthusiasm of all involved, and the resultant increased demand for ADR-related classes exemplify the importance of ADR for all legal disciplines and are to be commended; such factors will collectively provide a good foundation for those who will be entering practice in the years to come. I look forward to sharing the profession with these students when they become lawyers. As Wilson so aptly points out too, the tools learned during ADR week are not only important to a legal career, "but also in life." 



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