Podcast 18 – A Dean’s eye view

PROFESSOR FORCESE: Welcome to our Orientation series of podcasts at the University of Ottawa Law School. I’m joined today by Adam Dodek, who’s the Dean – the new Dean, as I record this – at the University of Ottawa Common Law Section. Welcome to the podcast, Adam.

DEAN DODEK: Thanks very much, Craig. It’s a pleasure to be here.

PROFESSOR FORCESE: So Adam, I thought we might cover a few issues that will be of interest to our incoming class of students. The first might be a little bit about yourself. How did you become Dean, and what’s your background in legal education?

DEAN DODEK: Sure. Well, I’ve been teaching at the University of Ottawa since 2008. Before that, I taught at Osgoode Hall Law School and I taught at the University of Toronto, each for a year. Before that, I worked in government and also worked in private practice before I entered legal education. And for me, I wanted to become Dean here at the University of Ottawa because I was a faculty member, because I saw all the great things that our students, and our faculty members, and our alumni were doing, and I wanted to have the opportunity to lead those groups and really to tell their stories and to help to provide more opportunities for our students and for our faculty members, and to link them up with our alumni and with the legal community.

PROFESSOR FORCESE: Well, Adam, you’ve skated away from describing yourself to your vision, and for the purposes…you’re a modest man, so I feel the need to inform our listeners that if Adam’s awards were in the form of medals on the chest of Russian generals, he would be weighed down to the point where he probably couldn’t get out of his chair. You’re an incredibly accomplished scholar, recognized widely within the profession – not just within legal academia but within the profession – and of course your specialty is legal ethics but, more generally, public law, where you’ve done a substantial amount of work over the years including, by the way, on the textbook that if you’re first-year Public Law instructors have any sense, they’ll be using.

DEAN DODEK: That would be Forcese and Dodek’s [laughs] Public Law.

PROFESSOR FORCESE: Yes. You were also in private practice for a while.

DEAN DODEK: I was. I feel very privileged that I had the opportunity to work in private practice, in government, in the courts in both the U.S. and in Canada, and also to clerk at the Supreme Court of Israel, the U.S. Court of Appeals for the Ninth Circuit in Pasadena, California, and then for the Supreme Court of Canada. So I’ve really been fortunate to have experience in a number of countries, and to have experience in both the public sector and the private sector before becoming a legal academic. And I really try to bring that experience to bear in my teaching, in my research, and now as Dean of the law school.

PROFESSOR FORCESE: So that background, both in private practice and then in legal academia, gives you an excellent overview of the nature of legal education – its prospects, its virtues, its challenges. Do you have thoughts on that?

DEAN DODEK: Absolutely. I guess, my thoughts are, there’s a lot of pressure these days on law schools in a sense to do it all for law students. There used to be more of a partnership between law schools and the bar in terms of training future lawyers. That partnership is still quite strong in other provinces, but unfortunately, from my perspective, that’s broken down in Ontario.

And so now there’s not much formal training that the Law Society does for legal graduates. There’s still, of course, articling, but articling is largely unregulated – and some articling students have great articling experiences and, unfortunately, some students have quite negative articling experiences, and other students are unable to get articles. All this puts more and more pressure on law schools, and your hear, these days, some lawyers in the profession say that law schools are not doing a good job producing quote-unquote “practice ready lawyers”. And that’s something that I really strongly push back against, because I don’t think that it’s our mission to produce “practice ready lawyers”.

I think that’s flawed for two reasons. First of all, if that’s what law schools should be doing, then they probably shouldn’t be at universities. They should be run by the bar, the way they were fifty, sixty, seventy years ago, and frankly people like you and I are probably not the right people to be doing that. But more to the point, the other reason why I think that’s flawed is, I think that what we’re really good at, and what we should be aspiring to, is not turning out people who are ready to practice law on Day 1, but people who we have done a good job preparing for a profession and for a career. And we know that we live in a time of tremendous change in society, tremendous technological change, tremendous demographic change, we live in a globalized world, and the reality is: What many lawyers are doing today, many of those jobs are not going to exist in two years, or five years, or ten years. So if we were training lawyers to be ready to practice Day 1, I think we would be condemning a lot of them to being obsolete in year three or year five.

And so I really think our mission is: Help train people, give them the skills to be able to practice law, to do other things, over the course of a profession and a career. So my trajectory for legal education here at the University of Ottawa is not first five years, it’s really twenty, thirty, forty years.

PROFESSOR FORCESE: In fact, that’s certainly consistent with my own experience. I was in private practice, as you know, in the early 2000s in Washington – I practiced in the United States, as well – and since that time a lot of functions that were performed by junior associates have now been absolutely outsourced, either outsourced to cheap labour in some form or another, or outsourced to mechanical means of, for example, document discovery. So, had my law school trained me for the sort of high volume work that was then associated with junior lawyers, I would have been absolutely ill-equipped – both, frankly, to add much to my firm, because even at that time there was a transition, but also certainly by now I would have had to retool several times over. And so I agree with you, I’m not surprised we’re both on the same mission: The purpose of the law school is, in fact, to allow people to reinvent themselves, and to give themselves the capacity and tools to reinvent themselves over the course of their career. So the building blocks are sort of essential.

Let me ask then, to take the conversation down from the level of the profession to this institution, the Common Law Section at the University of Ottawa where students are earning their JD degrees: What is the role, and how do we accomplish the sorts of functions you described in terms of creating not “practice ready” but practice capable of reinventing and retooling a lawyer’s future?

DEAN DODEK: Sure. So, I would start with what we in legal education, whether it’s here at the University of Ottawa or really any other law school in Ontario or Canada do well, and why lawyers have always been in demand, or people with a legal education have been in demand and will continue to be in demand, regardless of the changes in society, and that’s because the fundamental strength of legal education is in problem-solving and analytical reasoning.

And I just spent, I came back from a two-day retreat where people from the public sector and people from the private sector were talking about their workforces – whether that’s Government of Canada, where there are over 300,000 employees, or the high-tech sector in Kanata North, and the sort of skills that they were talking about – problem-solving, analytical reasoning – those are things we have always done well and will continue to do well. That will position our students for many opportunities, both in the legal sector and outside of it.

Building on that, what are other things that, in particular, we do well here, and have done well? Conflict resolution, negotiation, mediation. We were one of the first schools, over fifteen years ago, now close to twenty years ago, to institute a mandatory first-year program in dispute resolution. That’s what, those are the sorts of skills that, again, legal employers and employers generally, are looking for.

Legal writing. We like to say here that lawyers are professional writers, and about five years ago, Professor Ellen Zweibel founded a Legal Writing Academy, and we built that really from nothing to a very, very high-level, to the point that our students are getting known as, if you go to the University of Ottawa, you’re going to have a very solid education in legal writing. That’s obviously something that is critically important in the legal sector, but strong writing skills, strong communication skills through oral advocacy, through our internationally-renowned mooting program, those are skills that will transfer far beyond the legal sector.

In terms of where we’re going as a law school, when I became Dean and was reflecting back on our successful students and what we do well here, to me it came back to one fundamental element or characteristic, and that’s leadership. I think we’ve done a really good job in the Common Law Section of producing strong leaders, and the idea that lawyers and law students are leaders, whether that means as managing partners of a law firm, whether that means running an NGO here in Ottawa, or in Toronto, or in London, or in Geneva, whether that means being an Indigenous leader, being a business leader, being a politician, or, if you’re a sole practitioner, you’re a leader – you are an entrepreneur, you have to get other there, hustle for business, make yourself known. And the more and more we can focus on leadership skills, and empower our students, to give them the tools they will need to succeed, regardless of whatever they choose to do, the more successful we will be as a law school, and the more successful our graduates will be.

PROFESSOR FORCESE: Thank you very much, Adam.

DEAN DODEK: Thank you. It’s been a pleasure.