



The online scholar

Legal journals cope with the arrival of the digital age.

Canada's prestigious law journals have been around for decades and have published through wars, depressions and other upheavals.

But they've never seen anything like the internet before.

Now, with their traditional printing-and-mailing model under heavy stress, law journals face flourishing competition from online content that can be vetted, edited, peer-reviewed and posted much faster than print. Online writers, editors and bloggers are not constrained by word count or publishing costs, and the audience can read an article the moment it's ready.

Seven American universities, including Cornell, Duke and Stanford, are now collaborating to produce a free online magazine with high-quality legal scholarship. How will Canada's law journals respond?

Seo Yun Yang is the editor-in-chief of the *McGill Law Journal*. "We have an open access policy," says Yang. "PDF versions of the articles go up soon after the *Journal* is published." But with online content so much faster and cheaper, is the time, effort and cost of publishing a print edition still worth it? "Law journals are

rooted in the culture of academia, so whatever content could be posted faster would not be seen as legal scholarship," says Yang.

Beth Bilson is a professor of law at the University of Saskatchewan and the editor of the *Canadian Bar Review* (CBR). The CBR, which dates back to 1923, is now published entirely online, with print copies available for subscribers upon request. Although Canadian Bar Association members receive the *Bar Review* as a membership benefit, the general public has to pay if they want to access current and past CBR articles.

"One pressure familiar to all publishers of online material is the pressure to remove all barriers to access," says Bilson. "But then the problem is, how do you finance the publication? Putting everything online was an expensive undertaking, and that is part of the reason why the CBA has resisted opening access further. We have had discussions [about access], but so far, that case has failed to catch and the CBR's status as member-protected content remains."

Yang agrees with the need for access, but sees no great advantages to going fully digital. "Even if we went to a pure online form, we would still be collecting articles and e-publishing them as issues, not one at a time," she says. "Legal scholarship will never be able to print an article every day. It will never happen. There would be no way for us to manage and edit the content needed to put something up that frequently," she says.

"Print will be only out of date when practitioners, students, and their leaders abandon the print form," Yang adds. "But for a lot of people, old habits die hard. Our readership spans a wide

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range of ages and backgrounds, so if they are used to the print form, they will not automatically switch to reading blogs online."

But Bilson can see change in the offing. "I think we will see further developments like the Osgoode Hall blog [*"The Court"* (www.thecourt.ca)], where you get rapid commentary from senior academics on emerging issues. There are people who are immersed in the issues and who can respond intelligently in a fairly short turnaround time. But those same people also take the time to produce reflective pieces that will be published in traditional journals nine months from now. There will continue to be room for both."

—Ava Chisling

Great LEAP forward

Windsor Law School launches its Law Enforcement Accountability Project.

The University of Windsor's Faculty of Law is stepping up to the thin blue line with its Law Enforcement Accountability Project (LEAP), a unique student-led institute to provide research on police accountability and racial profiling.

"Our mandate is to conduct reviews of police services, human rights agencies and government agencies all across Canada," says Lily Tekle, LEAP's student director. "We will provide these organizations with anti-racial-profile training, educate them on police accountability, and ensure there is appropriate oversight of these agencies."

LEAP was founded by Professor David Tanovich, who has extensive experience in criminal law and racial profiling. He wanted a way to focus on these problems at ground level. "I have been involved in these issues both as a litigator and a researcher, and I wanted to try to address them holistically and systemically," he says. "I think the timing [for LEAP] was right. It was the 40th anniversary of the law school, and with its commitment to access to justice, it was the opportune time to launch the project. We also received a \$50,000 grant from the Law Foundation."

Police forces traditionally have not been enthusiastic about suggestions from outsiders on their tactics, but Tanovich is optimistic and sees signs of change. "There have always been high-profile cases involving the police and marginalized individuals, but I think now the police are beginning to respond to the issue of racial profiling and recognize there is a need to address it," he says.

"LEAP provides them with the opportunity to take advantage of research. It's clear that litigation has little impact and the government is not interested. I've been encouraged by the steps police forces have taken, and I think it is just a question of direction."

LEAP is working on a number of projects, including supporting a new police complaints procedure, reviewing how sexual assault cases are handled, and providing research and policy development on racial profiling. "[Ontario's new] Independent Review Director will receive all police complaints," says Tanovich. "He will then investigate [some of] the complaints himself and if he determines there are reasonable grounds for the complaint, he will then send it to the chief of police, who will hold a hearing."

Racial profiling is of particular interest to Tanovich, who teaches the only law course on the topic in Canada. "The police forces across the country are largely white men, and

that's the first problem. And because there is so much mistrust within racialized communities, they have difficulty recruiting individuals from those communities. The problem is systemic. The police think they are helping [by relying on] racial profiling. They see the face or skin colour of a particular crime and they are influenced by that."

Tanovich believes the whole idea is flawed. "The police need to understand that profiling, in addition to the toll it takes on these communities in terms of psychological harm, physical harm and creating mistrust, is wholly unreliable."

"There is no relationship between race and crime," he continues. "It's no more present in the black community than it is in the white community. In the federal prison system, 80% of drug and violent offenders are white. We know that 50% of Canadians use marijuana, but those who are arrested for street-level, small possession [of the drug] are not white. The reason is because the police focus all their attention on particular communities, while these are crimes that are systemic in all communities."

Tanovich is particularly proud of the Project's research and policy development. "Pursuant to a settlement agreement between the Ontario Human Rights Commission and a particular police service last year, we were given access to all the police material related to racial profiling. Then, under my leadership, with approximately 10 students, we reviewed the material and prepared a draft policy, a directive and some training materials."

"Those are now in the hands of the Ontario Human Rights Commission. I am hopeful that these materials will become the protocol for the Commission, so in subsequent cases, they will say that part of a remedy will be to follow our directive."

Both Tanovich and Tekle believe an important aspect of LEAP is its effect on the students who are working on the Project. "This is the kind of institutional change that litigators rarely get a chance to sink their teeth into," says Tanovich. "This is an opportunity to work with the police constructively and say, 'Here is how you can deal with the situation.'"

Tekle adds: "One of the things that makes us unique is that we are at a law school and we are given the opportunity to get great training and hands-on experience that we won't get anywhere else. I can see LEAP going very far."

—Ava Chisling

Graduating into a recession

What do you do if you find yourself graduating into a recession? You'll need to start by reorienting your expectations: it will probably be harder for you to find a job than it was for people who graduated even two years ago. It's unfortunate and unfair, but it's also life, and the sooner you adjust, the better your chances of success will be.

The next thing to understand is that it's time for some career triage. You might not yet be sure what type of law you really want to do, but you no longer have the option of browsing through the racks and trying things on. Pick something you think you can do and where you already have some experience or contacts. This isn't about making career choices that will bind you for decades; this is about finding a door to put your foot into, an area where you already come with some valuable attributes. You need a place to start, so choose one in familiar territory.

Next, start building networks and skills. If you're settling or setting up shop in a given jurisdiction, join the CBA in that province and go to as many meetings of your local chapter and area-of-practice section as reasonably possible. Meet people, introduce yourself, ask questions, follow up. At the same time, investigate your industry: join trade groups, read industry newsletters and websites, get to know the issues facing your future clients.

Skills, of course, are the hardest thing to acquire, part of the "how do I get experience/skills without skills/experience" vicious circle. If you're lucky, you're with a law firm that will pay you while it trains you in the lawyering skills you need. If you have the luxury of volunteer time, identify an organization (preferably in your chosen area) that needs and accepts unpaid legal help and use that opportunity to acquire skills and make personal connections.

Really, it might help to think of yourself as a start-up — because in a lot of ways, you're a start-up law business. You have a law degree, which is far from worthless; it's now just a piece of the puzzle, not the whole thing. You also have talent, drive and dedication, which is pretty much all that most startups ever set out with, along with your own unique life experiences. Now you need to build your personal law business, from the ground up.

Like other start-ups, it might have to be a part-time effort, since you might need to take a non-lawyer position (or even one outside the profession altogether) to pay the bills. But that full-time job is just a source of income; your part-time start-up is your calling and your passion, and it will occupy your nights and weekends. If you think that sounds like a lot of work and not much life, you're absolutely right.

Don't leave your student lifestyle behind yet: the long hours and tight budgets will probably continue for a while, and the discipline they impose, while absolutely a short-term pain, will prove to be a long-term benefit.

By Jordan Furlong, Editor-in-Chief of National magazine, from a post on his blog Law21 (<http://law21.ca>)