# CALT at CONGRESS

# Longer Abstracts and Biographies by Congress Session

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# How we teach now: A Roundtable of Ideas and Concerns (and Resources)

Conveners

Adrien Habermacher (Moncton)

Sonia Lawrence (Osgoode)

Participants

Basil Alexander **Incorporating graded reflections for deeper engagement/learning and providing student flexibility for assignments and dates**

Karen Drake (Osgoode) **Responsibilities of legal academics in light of TRC Call to Action 28 and what we know about teaching experiences**

Audrey Fried (Osgoode OPD) **Feedback and Equity**

Sarah Riley-Case (McGill) **Supporting our colleagues our students ourselves: Mental health academic freedom**

Joshua Sealy-Harrington (TMU Alexander) **Thinking and unthinking like a lawyer**

# Creating the “Whole Advocate” through Experiential Learning in the Law Classroom: A workshop

In 2016, the University of Calgary Faculty of Law revised its curriculum to renew a focus on experiential learning (EL). The Advocacy course was expanded to create a three-week intensive capstone program focused on student-centred EL. More recently, an experiential and inter-professional learning module on gender-based violence was developed in 2021-22 using virtual gaming simulation, in collaboration with the Faculties of Nursing and Social Work. This workshop will include: Introduction to the key elements of EL, the Calgary Law Curriculum, and the catalysts for our SoTL projects; Examples of the various EL exercises used in both courses; Discussion of our research and key findings, specifically the critical importance of reflection in the EL process and the importance of inter-professional learning opportunities; Sharing the impact of our research projects, with specific examples of the changes made to the courses such as anti-bias and anti-racism training, social justice advocacy, and trauma-informed learning, as well as a discussion of EL in the online environment; advice and take-aways for participants for creating their own EL activities and opportunities in their courses.

Nickie Nikolaou (Calgary)

Jennifer Koshan (Calgary)

# Emotions in Law School Teaching and Learning

Rebecca Sutton (Glasgow) **Teaching emotional 'intelligence' in the conflict resolution classroom**

Emotions pervade the law school setting, attesting that the student experience of learning law and succeeding (or failing) in law school is unavoidably emotional. The relevance of emotions to law school and legal teaching also goes far beyond the mere fact that students must grapple with their own emotions. As law and emotions scholars have illuminated, legal rules and concepts are underpinned by emotions; legal decision-making entails emotional engagement; and the emotions of teachers inevitably enter the classroom. Despite the existence of a rich body of research showcasing the entanglement of law and emotions, both the law and legal education are routinely treated as ventures dedicated to reason and rational thinking. When we fail to engage with emotions as legal educators, however, we do not simply make the law school an emotions-free space. Instead, such attempts serve to obscure the important work that emotions are doing – in the law, in legal reasoning and in the student experience.

Dr. Rebecca Sutton is a Senior Lecturer in International Law at the University of Glasgow, where she researches the role of emotions in International Humanitarian Law, participatory methods for youth peacebuilding, and legal education pedagogy. Rebecca teaches graduate courses in international law, conflict resolution, and human rights, weaving emotional literacy and experiential learning into her law school teaching. Rebecca was previously a Leverhulme Trust Early Career Fellow at Edinburgh Law School, a Postdoctoral Researcher on the ERC-funded 'Individualization of War' project at the EUI/University of Oxford, and a SSHRC-funded Postdoctoral Fellow at McGill University. Rebecca earned a PhD in International Law from the London School of Economics in 2018. She is qualified as a Barrister and Solicitor in Ontario and holds a Juris Doctor from the University of Toronto, as well as an MSc in Violence, Conflict and Development from SOAS.

Tamare Larre (Saskatchewan) **Designing and evaluating measures to improve student well-being**

This presentation will review data from surveys delivered in 2021-2022 to students in two classes: Legal Research and Writing and Taxation Law. The surveys were intended to determine the perceived effect on student wellness and learning of certain measures implemented in the courses, as well as the COVID-19 pandemic.

Professor Tamara Larre has been a faculty member at the University of Saskatchewan College of Law since 2006 and has taught Taxation Law and other various courses, including Legal Research and Writing. Her research has mainly focused on Taxation policy. She is currently serving as Associate Dean Academic.

Phil Lord (Bora Laskin School of Law, Lakehead U) Cultivating Humility: Reflections on the post-Pandemic Classroom

Building on Lord, Phil, Cultivating Humility. (2021) 55:3 The Law Teacher 364, Available at SSRN: <https://ssrn.com/abstract=3726628>, I will consider the post-pandemic implications of my argument that a model where humility is more consciously cultivated could minimise some of the negative consequences of curved grading. My proposal involves law professors showing humility and vulnerability as both a partial antidote to the grading curve’s problems and a key starting point in inviting students to be vulnerable and constitutively challenging what it means to be a lawyer.

# Teaching Climate Change and Human Rights: Navigating the Emotional and Psychological Anxieties in the Classroom

Teaching law students about climate change, human rights abuses, the governance of pandemics and other difficult subjects requires additional skills and sensitivities beyond what law teachers customarily apply in the classroom. This panel showcases some of the leading international thinking for addressing this challenge, and explores an array of practical examples the panelists have used in their own teaching in Australia and Canada. Audience participation is encouraged to share and discuss the experience of others.

Barnali Choudhury (Osgoode),

Dr. Barnali Choudhury, Hons.B.Comm, LL.B., LL.M., Ph.D., of the Bar of Ontario is a Professor of Law and the Director of the Jack & Mae Nathanson Centre on Transnational Human Rights, Crime and Security. Prior to joining Osgoode, she was a Professor at University College London and academic director of UCL’s Global Governance Institute.

Benjamin J. Richardson (University of Tasmania)

Dr. Benjamin J. Richardson, B.A. (Hons), LL.B., Ph.D. is a Professor of Environmental Law at the University of Tasmania. His scholarship integrates legal history, aesthetics, the visual arts, environmental science and other areas of knowledge. His peripatetic academic career spans universities in Canada, Great Britain, New Zealand, and the Netherlands. Locally, he works with a variety of community and professional groups, including the Tasmanian Independent Science Council.

Vanisha H. Sukdeo (Osgoode OPD)

Dr. Vanisha H. Sukdeo, B.A., LL.B., LL.M., Ph.D. of the Bar of Ontario currently works as an Adjunct Professor at Osgoode Hall Law School and in the Social Science Department at York University, teaching Business Associations and Corporate Governance and Business Law. Her research is located at the intersection between corporate law and labour & employment law. Vanisha was Called to the Ontario Bar in 2007. She completed her Doctorate at Osgoode Hall Law School in Toronto, Ontario. Vanisha is the sole author of four books and has also written journal articles and book chapters on a range of topics within both corporate law and labour & employment law. Her fifth book focuses on the intersection between climate change and workers’ rights and is scheduled for publication in 2024.

# Variation in "Academic" Practices

Tyler Totten (York University Law & Society) The Doctrinal, the Dogmatic, and the Dogs: Analyzing Approaches to Teaching Animal Law in Canada

This paper analyzes the tensions in subject matter that have arisen in teaching of courses on animal law in Canada, with a particular focus on the author’s own course taught for the past four years in an undergraduate social science program. While this tension partially mirrors the standard fare balancing act of navigating “the doctrinal” study of law (with a focus on teaching students legal rules and precedents) and critical socio-legal studies (with a focus on teaching students to critique and deconstruct “the law” in general), animal law in particular presents a more substantial challenge. As the dominant strains of “critical” work on animals and the law itself demonstrates a rigidly dogmatic orientation focused on legal concepts of “personhood” and “property,” it invites further critique from feminist, postcolonial, and posthumanist vantage points. By comparing four syllabi and anonymized student feedback from across four years (with an eye towards the insights of critical animal studies scholarship), the author therefore presents several preliminary approaches to managing this tension in ways that can provide students simultaneously with foundational knowledge of animal law and with a critical toolkit simultaneously.

Nicole O'Byrne (UNB) The Use (and Mis-use) of Non-Disclosure Agreements in Canadian Universities

This paper, written with Matthew Gysbers (Community Member), considers the quickly expanding use of non-disclosure agreements (NDAs) in Canadian Universities in a number of areas including sexual harassment settlements and law faculty grade review processes. We examine Prince Edward Island's recently passed Non-Disclosure Agreement legislation and analyse how the proliferation of NDAs may impact law teachers' course design and grade reporting.

# Bringing Students to Legal Learnings

Basil S. Alexander (Adjunct) (Re-)Building Foundations: How to Initially Orient, Onboard, and Develop New Law Students.

How do and should we assist 1L students with the transition to legal education at the beginning of their studies? I will provide my perspective on this question given my experience revamping UNB Law’s Foundations of Law course initially into an intensive online course during the pandemic, which then became an intensive in-person course once such teaching was possible again. I intend to cover: major considerations and factors for this revitalization (e.g. 1L professor feedback, my legal and teaching experience, and available resources); why I chose an intensive format and structure, including benefits and issues; and how I selected the content that would be useful as a primer for 1L and beyond. For example, the latest version includes introductions to: fundamental legal issues and concepts; legal ethics and professionalism, as well as the role of lawyers and the legal profession; lawyering in complex societies (such as cross-cultural lawyering and different lawyering models); the role and effects of trauma; the different realities of studying law compared to students’ prior experiences; key strategies and tactics for long-term student and career success; key Indigenous history/issues; and alternative dispute resolution. I will also discuss the varied teaching and evaluation methods, particularly given the course’s preparatory nature. The result is a comprehensive introduction to key law school issues that students can build on in their other 1L courses, upper year courses, and ultimately careers. This presentation and consequential discussions can be helpful and useful for others examining such issues, and individuals may also be willing to share their approaches and resulting experiences.

Michelle Leering (Queen’s) Reimagining legal education pedagogy: The case for reflective professionalism

The need to reimagine legal education as a more vibrant, engaging, and rigorous professional learning experience has become a pedagogical imperative for Canadian law schools. Even before the challenges wrought by the pandemic, twenty-first century legal professionals needed a more reflective education that emphasizes self-assessment and self-efficacy, develops metacognition and reflective judgement, supports learning from experience and invigorates the desire for life-long learning. To face a myriad of complex and intersecting challenges, it must also promote innovative and critical thinking, legal professionalism, and an “access to justice consciousness.” Stronger aptitudes for complex problem-solving and tackling “wicked problems” requiring cross-disciplinary approaches are imperative. An increased capacity for individual, critical, collective, self, and integrated reflection – a disciplined and systematic integrative reflective practice – will better equip the profession to provide responsive and ethical leadership in the face of dire predictions of a future of unrelenting and disorienting change. In this session, I report on how and why 23 Canadian legal educators have been implementing reflective practice based on interviews and a course case study (5 students interviewed). These findings form part of an empirical comparative case study of reflective practice in Australian and Canadian law schools, that also explored developments documented in the literature in the UK and US. The study also contrasted the heightened discourse about reflective practice in all other disciplines, with more robust Scholarship of Teaching and Learning traditions, situating law as many decades behind other professions in acknowledging the value of reflective professionalism.

# Teaching Critical Perspectives in Criminal Law: A Roundtable

This roundtable is about teaching critical perspectives in criminal law, with a focus on teaching law school first years. Participants will discuss themes such as how to define or describe “critical perspectives”, specific challenges in bringing critical perspectives to students, and a particular class or teaching unit which worked well for incorporating critical perspectives.

Conveners

Sarah-jane Nussbaum (UNB)

Danardo Jones (Windsor)

Participants

Patricia Akiobe (Laval)

Benjamin Berger (Osgoode)

Robert Diab (TRU)

Zenabe Durant (student, TMU Alexander)Debra Haak (Queen's)

Lisa Kelly (Queen's)

Amar Khoday (Manitoba)

Asad Kiyani (UVic)

Nicole O'Byrne (UNB)

Palma Paciocco (Osgoode)

Joshua Sealy-Harrington (TMU Lincoln Alexander School of Law)

# Teaching Future Professionals

Kaitlyn Cumming (PhD Allard UBC) Supervising at the Everyone Legal Clinic

Access Pro Bono's Everyone Legal Clinic (ELC) began operating under the auspices of the Law Society of BC's Innovation Sandbox in 2022. ELC seeks to place articling student "clinicians" to provide direct service to those with unmet legal needs and in underserved areas through a geographically distributed model that is built for virtual service. As part of ELC's training clinicians take part in an intensive multi-week "learning semester" that covers a wide range of practice topics and which aims to bridge the gap between law school and practice. Presenters who are mostly private practice or public interest lawyers cover a range of topics from client intakes in employment law to filling out court forms to trauma-informed lawyering. How does this format compare to the traditional notion of mentorship within the legal profession? How well does the learning semester prepare students - who come from a wide range of backgrounds - for practice? How can we better prepare law students for the realities of the practice of law? These are but a few of the questions this presentation reflects on.

Kaitlyn Cumming (she/her) is a PhD Candidate at the University of British Columbia's Allard School of Law. Her research seeks to understand what equitable access to civil justice looks like when placed in the context of embedded social and institutional realities, with a particular focus on the role of superior courts in British Columbia. She is also interested in empirical methods in law and in linking theory and practice.

David Sandomierski (UWO) Co-Teaching in Law Schools: Integrating Theory and Practice, Reinforcing Professional Identity Reflection

This presentation reports of some data gathered as part of a research project on co-teaching in law schools conducted at Western University Faculty of Law in the 2022-23 academic year. In Contracts, the instructor engaged in co-taught classes with eight practitioners from different practice areas; the hope was to deepen the integration of theory and practice and to stimulate reflection on professional identity. Law students completed surveys at the beginning of the year, after each co-taught class, and at the end of the year. They also had an opportunity to include their end of year reflection paper as part of the research study. This presentation interprets this data to reflect on the degree to which these objectives were met and to discuss implications for the continued use of co-teaching in law schools.

# A Reading Group & Roundtable Discussion on Teaching Modalities: The Comparative Value of Online and In-person Legal Education

This reading group, convened by Professors Anna Lund (Alberta) and Angela Lee (Toronto Metropolitan University) will culminate in a Roundtable at the CALT 2023 conference. It will bring together Canadian legal scholars to think through and discuss the comparative value of online versus in-person legal education. When the COVID-19 pandemic emerged in 2020, it necessitated a hasty adjustment to the ways in which education was delivered. Schools at all levels switched from a predominantly in-person to an online model of teaching and learning, with mixed degrees of success. As public health restrictions have been relaxed, many law schools have since moved back to the pre-pandemic norm of in-person education, often justified by the assumption that in-person learning is better for students and teachers alike. At the same time, some constituencies have resisted this "return to normal" for reasons including accessibility for students with disabilities, flexibility for Indigenous students who wish to remain in their home communities, and ongoing concerns around public health. This reading group and roundtable will give legal educators space to consider and compare the value of online versus in-person legal education, and imagine how to move forward to a "new normal" that can hopefully better reflect some of the lessons learned about different teaching modalities during the pandemic. Participants will be invited to read three articles relevant to the topic prior to the roundtable. Each of these readings will be briefly summarized at the start of the session, and participants will then be guided through a series of discussion questions on the roundtable's theme.

Anna Lund (Alberta)

Angela Lee (TMU Alexander)

Participants:

Adrien Habermacher (Moncton)

Audrey Fried (Osgoode)

Constance MacIntosh (Dalhousie),

David Sandomierski (Western)

Gail Henderson (Queen's)

Irina Ceric (Windsor)

Lola Ayotunde (Saskatchewan)

Nicole O'Byrne (UNB)

Tamara Larre (Saskatchewan),

Vanisha Sukdeo (Osgoode OPD)

Wendy Parkes (Lakehead Bora Laskin)

# Re-imagining Legal Education: Exploring F.E.A.R.s about Competenc(ies)

The Federation of Law Societies of Canada and provincial Law Societies have begun exploring (or re-exploring) competencies and competency frameworks for law schools and the profession more widely. This panel takes a wider view of education across the continuum of legal education from entrance to law school through retirement. How might we explore competency frameworks using this wider view? The panellists aim to briefly explore competency, competency frameworks, and competency-based education. Panellists will explore common F.E.A.R.s (False Evidence Appearing Real) of competency-based education through individual presentations and small group discussion.

Gemma Smyth (Windsor)

Annie Rochette (Researcher)

Sarah Buhler (Saskatchewan)

Michelle Leering (Queen's)

David Wiseman (Ottawa)

# Collaboration in (Tax) Teaching during the Pandemic and Beyond

The Pandemic accelerated online collaboration and made it possible to bring speakers from across Canada and around the world into the classroom, both live and through pre-recorded content. This workshop will examine four modes of course-specific collaboration the conveners developed beginning in early 2020 and continuing through the present: (1) pre-recorded one-on-ones with subject matter experts on core cases and topic areas designed to help students delve deeper into topics covered in a law school course, including speakers who help bring critical perspectives into our tax law classes; (2) pre-recorded collaborative learning modules developed to guide students through complex course material in a summarizing, easily accessible manner (Your Tax Class in a Nutshell); (3) virtual collaboration in hybrid classroom settings with subject matter experts “zooming in” to discuss prescribed topics and lead students through case studies, etc.;(4) the use of social media, including short Tik Tok videos, for educational and engagement purposes.The workshop's goal is to share pedagogical ideas and discuss the technical skills needed to prepare effective videos, including the challenges and obstacles presented in dealing with video production, editing, and distribution through social media. As a sessional lecturer, pre-tenure faculty member, and full professor, we represent a range of teaching experiences. Christians and Singer teach tax in both French and English, in Montreal, Quebec and Ottawa, Ontario, respectively. Cheng is a partner at Blakes, Calgary, and teaches tax law at Thompson Rivers University in Kamloops, British Columbia. We can speak to linguistic and regional differences, the importance of critical perspectives on tax law in the classroom, and the experiences of both newer and established faculty members.

Monica Cheng (Blakes, Calgary, and Sessional Tax Lecturer, Thompson Rivers University)

Allison Christians (McGill)

Sam Singer (University of Ottawa Faculty of Law)