**BACKGROUND**

* Around Prior to deregulation in 1997 law school tuition was more or less in line with tuition in other programs
* the CSLP/OSAP addresses the financial needs of students based on ability to pay and need, with the accumulation of student debt [based on the loan as opposed to the grant portion of the financial assistance received] capped at what today amounts to approximately $7000 per year
* The public student loan program treats law students differently from other undergraduate programs in that students ability to pay is assessed independently of their families income [ie. akin to graduate programs]
* The Harris government decided to remove provincial tuition caps on “high earning” [ie. graduates presumed to be positioned to make higher than average salaries following graduation] programs such as engineering, medicine and law [Q Did the Harris government simultaneously or gradually cut the level of provincial subsidy for law students, and did the overall change in post-secondary funding encourage universities to cross-subsidize other programs by increasing law tuitions?]
* Subsequently tuition for those attending law school in Ontario, while below tuitions at the most “elite” law schools in the United States, was far above law school tuitions in other provinces or countries
* when assessing “need” the CSLP/OSAP did not recognize these inflated tuitions as legitimate expenses and therefore students who could not turn to upper income parents to make up the difference were obliged to borrow money privately
* private debt accumulation is uncapped and exists on top of with the public system of student loans
* There is no clear line of demarcation between the expenses covered by families and those covered by the individual, so looking at individual student debt may not fully reflect the economic hardship imposed a student and his or her family. Debt to family members may be difficult to substantiate and repayment and interest obligations can vary from those commercially available.

**UNIVERSITY OF TORONTO FACULTY OF LAW**

* The University of Toronto was the first to increase its law school tuition after the provincial caps were lifted
* It acted decisively and introduced significantly higher tuition rates in order not just to maintain its school’s program but to significantly enhance it
* The rationale used to justify the increase was that the law school, in order to join the ranks of “elite” US law schools [“Harvard of the North”] needed to be able to compete with those schools by offering comparable salaries and teaching loads. Teaching load reductions were perceived as an incentive for recruitment and retention of elite faculty and providing the opportunity for increased research which would enhance the school’s reputation as an elite institution. Some research is remunerative. [Q. Do faculty keep any consulting revenue or does it all go into general revenues for the School and does that additional income get reported on provincial Sunshine Lists?][Q. is there a rationale for making students pay for faculty [ie. higher faculty salary costs of teaching the required course load] to have increased research opportunities in a publicly funded institution or alternatively to receive teaching from a higher % of adjunct faculty?]
* It was assumed that U of T Law attracted the best applicants and its graduates did the best in the labour force following graduation, so it was anticipated that future students and their families would be willing to absorb this new premium, students from families with modest incomes would not be deterred from attending and the quality of the students admitted would not be reduced. In other words, the University made the bold gamble that the perceived “success” the Law School was able to accomplish without the tuition increase could protect it against pricing itself out of the market for quality students following the tuition increase.
* There is a substantial body of academic literature, based on tuitions in undergraduate programs that are 100% covered under the CSLP, demonstrating that cost is not the major determinant of access. Access should not be the only measure of unfairness and hardship, unless it is accepted that allocation of a law school education should be sold to the highest bidder, which conflicts with the principles and purposes of making post-secondary education a publicly funded service.
* The 2003 “Provost Study of Accessibility and Career Choice in the Faculty of Law’ [“Neuman Report’] which reports tuition increases at the U of T Faculty of Law have no impact on access or career choice has been criticized by the CBA and reaches different conclusions than the 2004 “Study of Accessibility to Ontario Law Schools” [“5 Schools”] that looked at the other 5 law schools in the province.
* The Neuman Report paints a rosy picture of financial aid increases offsetting tuition increases but it has been criticized. Marcus McCann cited data at the Reunion that he felt supported the conclusion that aid was falling far behind tuition increases, which is consistent with the high debt levels being reported by graduates.[Q. Is there detailed information on scholarship/bursary criteria, amounts and impact available? The information on the website is procedural rather than substantive. The extent to which students can base decisions on grant availability needs to be examined.]
* U of T Law data is woefully inadequate, compared to that routinely gathered at US Law Schools where law deans are far better positioned to comment on access and debt accumulation issues.
* Q. While it is absolutely clear that the increased tuition massively increased the cost of law school for all students, it is not clear what data has been collected to substantiate these assumptions. Some data, such as LSAT/GPA scores, would be available to measure comparatively with other schools and longitudinally over previous years
* Q. Did the University use law school tuition increases in part to cross-subsidize other University programs or was the school able to budget based on retaining previous levels of provincial/University support and retain the additional tuition revenues?

**IMPACT ON ACCESS TO A LEGAL EDUCATION IN ONTARIO**

* By the time the other law schools reacted to deregulation of law school tuition by the province there was sufficient political back lash that the province imposed caps on tuition increases. Since the caps were imposed it would appear every law school in the province has increased its tuition by the maximum amount.
* While I’m not a Law and Economics grad, I believe that granting increases on a % basis means that the income gap will continue to widen annually between U of T and the other law schools.
* The other schools are not happy being relegated to 2nd class status, believing they should have the means to compete with U of T for the best faculty and consequently the best students. Generally their faculty are paid less overall and have higher teaching obligations. [Q. Has any school been given an exemption from the tuition cap?]Unless they are officially relegated to 2nd class status, it is reasonable to expect that they will compete with U of T resulting in spiralling increases in faculty salaries and student debt.
* The other schools are not as well-endowed as U of T Law, meaning their ability to provide bursaries and backend debt relief is more constrained. While no back end debt relief appears to cover graduates who are unable to find employment, it is not difficult to see that schools whose graduates do not go into higher paying jobs will have higher debt relief costs, all other factors being equal.
* A Law and Economics specialist would be able to advise whether or not the current status quo is a formula for the rich getting richer. Students at the other schools may well pay less in tuition but graduate with more in debt, and receive less in backend debt relief.
* It is expensive for a student to move away from home or their home community.
* If the disparity is justified on the basis of salaries received after graduation then the system produces “elite” educations for a group of lawyers who are targeted at practicing a certain type of law.

**THE PROBLEM**

**THE SOLUTION**

* Accurate data
* Bursaries based on transparent and verifiable redistribution of tuition from wealthier families to those from families of modest income, with commitments made prior to acceptances are required. If the formula is sufficiently transparent a student should be able to calculate what their costs will be before deciding on acceptance in the same way public student debt and grants can be calculated before commencement of a school year.[Q. Rationale for opaqueness is that fundraising is uncertain. Address][Q. I like basing all aid on this since it removes variables apart from need.
* Backend debt relief should be open to the unemployed. Means should be examined to have an equitable province wide debt relief program open on comparable terms to students graduating from all law schools.
* How is private debt assumed by students who become disabled addressed?
* Tuition frozen at U of T until other law schools, have the opportunity to gain equitable tuition. [This means each school would have the same resources and alumnae donations would only permit schools to be more or less generous in granting bursaries or other relief.] They should have the option to accept 2nd class status and offer lower cost legal education, provided they have the opportunity. The freeze would provide an opportunity for the province and Universities to explore the justification for law tuitions to be significantly higher than that in other provinces and other “high earning programs”.[Q. Have the Law and Economics team got us trapped in the US elite race to inequality in this as in so many other things?]