

‘Race’ Literacy and the Legal Profession: An Ethical Imperative for Cap, Bar, and Bench

Presented By: Professor Esmeralda Thornhill, Schulich School of Law, Dalhousie University

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In October 2012, in conjunction with the Black Law Students Association of McGill (BLSAM), the Annie MacDonald Langstaff Workshop Series hosted a seminar on “Race Literacy and the Legal Profession” at McGill’s Faculty of Law, with guest speaker Professor Esmeralda Thornhill.

The Stephen Scott Seminar Room was filled to capacity with over 40 people in attendance. Law students, students from other disciplines and other campuses, professors, lawyers, and other legal professionals were in attendance. The boisterous atmosphere of the room set the tone for an open discussion about “race,” an issue that is often overlooked in the legal profession.

During the presentation, Professor Thornhill discussed many relevant issues, but I’d like to highlight a few that resonated with me. First, “race must be named.” We believe that racism is not a Canadian problem. By not mentioning the word “race” or “racism,” we avoid confronting the issue. Ironically, by using euphemisms such as “diversity,” we continue to perpetuate racial disadvantage and inequity. For mple, a scan of the recent Law Society of Upper Canada “Articling Task Force Final Report” of Oct 25, 2012 results in zero search results of the word “race” or “racism.” In its place, the consultation report uses terms like “equality – seeking groups.” When discussing low numbers of articling positions as a problem for these groups, the report did not attribute the problem to race, but rather to the increasing number of internationally trained NCA candidates (88);thereby, hiding ‘race’ and making it a non – Canadian problem. The report goes on to say inequality in articling placements is based on “factors other than competence” (89). If competence is not the distinguishing factor for such inequality, what are these factors? Until we name “race,” this issue will be difficult to address.

Professor Thornhill also highlighted the importance of educating members of the legal profession on race literacy. In order to confront racial issues, lawyers need an understanding of the context in which they working. If we, as future lawyers, are to keep our oath of providing the best possible defense for our clients, we must be cognizant of the contextual realities of the people we serve. The need for such education is illustrated by the recent racist graffiti at the University of Ottawa Faculty of Law this past fall; and blackface incidences at both McGill University and Université de Montreal. Therefore, race literacy should be encouraged in all of our school curriculums.

During the presentation, the word “race” was openly used. Oddly, this made me feel uncomfortable. My discomfort illustrates Prof Thornhill’s point of the need to name “race.” In retrospect, I see that such discomfort is necessary; it signals a healthy step towards harmonic discourse rather than complicity and colour-blindness.

Overall, this event highlighted the desperate need for legal reform. Let’s **be the change** and continue to struggle in our schools, law offices, and benches for race literacy to be a mandatory part of our curriculum and training.

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