

Canadian Standards confuse Law admissions

by C. McLean

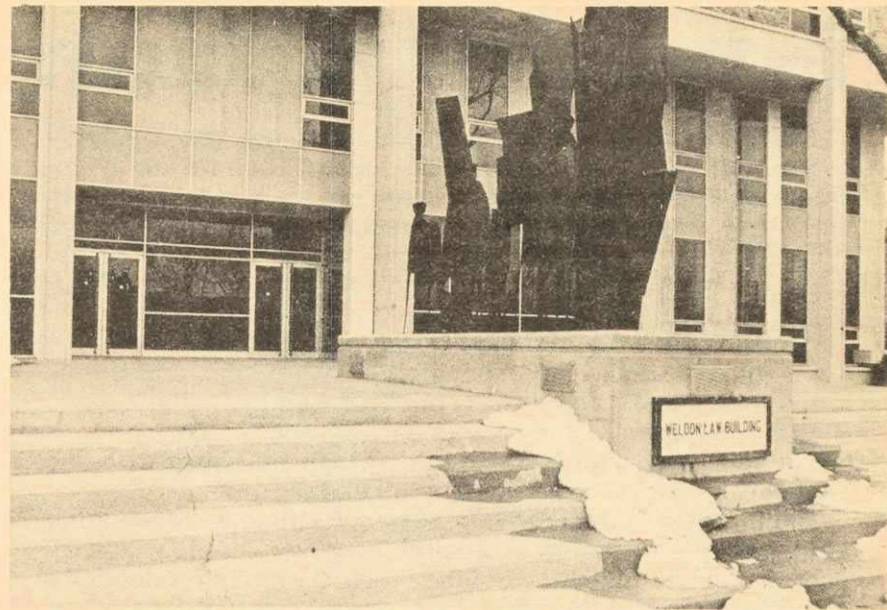
Student tension over discrepancy in marking standards between professors in the Dalhousie law school was somewhat eased last Saturday. Fifteen failing students of the mandatory first-year course "Legal Process" wrote a memorandum which was granted as a special compensation in place of the usual supplementary exams written in June. This allowance was made following a controversy over the unusual number of failures in the course.

The course has a record of only one failure in the last six years and is generally regarded "as an interest course, even a bird course", in the words of one of the class members. Blaire Mitchell, one of the students notes, "It is unfortunate that the trouble was with a course that is so peripheral to the centre of legal studies." However, students failing "Legal Process" as well as the supplementary exam faced the consequence of having to apply for re-admittance to the law school for repetition of the complete first year course requirement.

Professor David Mullen became the centre of the student discontent with marking schemes, as nine of the failures were from his section of

the course. The validity of his choice of a final examination as a complete and final appraisal of the students' ability in the course came into question. Professors Archibald and Arnold, instructors in the remaining two sections placed less emphasis on the final examination. "Legal Process" in past years has been evaluated by a number of assignments. Edna Chambers, President of the Law Society tells the *Gazette* that the course is of a nature ill-suited to specific examination, and hastened to explain the reason for the student, faculty, Law Society and various committee meetings which took place. She stated, "The students did not at any time criticize the teaching of any of their professors. It was the nature of the course which came under fire." Mullen is generally regarded as one of Canada's top law professors and an expert in administrative law. The several students interviewed emphasized their respect for his ability as a teacher and a scholar. The problem seems to be with what student calls his "apparent arbitrary attitude toward marking."

The controversy over "Legal Process" appears to be part of a general concern about the inequal-



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ity of standards of marking in the law school as a whole. An informed third-year student who wished to have his name withheld stated, "I think it would be fair to say that there was a concern that they didn't understand our legal education system." Speaking of professors from the commonwealth countries, he explains that the system in New Zealand and Australia for example admits students to legal education immediately from secondary school. This requires 'weeding out' of the students in the programme through the application of high standards. Mullen is from New Zealand. "You can't get good law professors in Canada," the law student adds, claiming that the nature of the Canadian job market for lawyers is such that the most lucrative positions are seldom teaching ones. "Many of our best

law professors are therefore foreigners", he claims.

Chambers has revealed that an ad hoc Committee to study equalization of standards within the law school was set up approximately one month ago. The "Legal Process" case was therefore not involved in the establishment of this committee, but rather an indication of the existence and growing sensitivity to the problem.

"No one knows how such a high failure rate got past the Faculty Council," says Graydon Lally, president of the Law Society since March 7. He believes that this is an isolated case and adds that the council has been made "more aware" of the importance of such situations.

Fuel was added to the fire when Mullen revealed in a memorandum to the Dean justifying his position, that he had examined student files. In an effort to substantiate examination results, he made analogies suggesting that the standards of the province and the institution granting the undergraduate degree, as well as former academic achievement resulted in the number of failures. His conclusions cast aspersions on St. F.X. University students and Nova Scotia students in general. The results of Mullen's findings were distributed by students throughout the law community resulting in exposure of the LSAT scores and other scholastic background information pertaining to the failing students. Although names were not released, class members attest, "Everyone knew who they were."

Mullen broke no explicit rules, but concern over his actions by students and the Admissions Committee has prompted the Dean to prepare a directive which will be issued to faculty members.

Graydon Lally has stated that the problem is "well in hand" and students questioned believed that the issue has been fairly resolved. Blaire Mitchell comments further, "The co-operation and common approach taken by the students in solving the problem was commendable." Students in the three sections of the course met following release of examination results and drew up a resolution stating that they would accept a 'P' (pass) grade as opposed to a letter in protest of the alleged inadequacy of evaluation. This step was taken in an effort to also protect those writing a supplementary, for 'P' is the only passing grade issued to such students. One member of Prof. Mullen's class, who wished her name withheld, stated "Only about 45 actually signed it. People who had 'A's and 'B's didn't want to give them up." Although those who declined to sign the document were claiming dissatisfaction with the compromise finally reached, she insists "We had our chance to voice our opinion and we blew it. The faculty has it all over us. They pull the punches."

"MT & T seeking excess profits."

Maritime Telephone and Telegraph's (MT & T) application for rate increases will result in excess profits, according to Dalhousie economist Mike Bradfield.

In a brief to the Public Utility Board (PUB), Bradfield explains that "the company is demanding a return on investment which is too high." The PUB is the body which

regulates MT & T rates and it is currently holding hearings to determine whether the MT & T rate increase is justified.

"The company is asking for rates which will generate excessive and unnecessary profits and will create an unwarranted burden on the users of the company's services," Bradfield said.

Bradfield bases his conclusion on the principle that an important purpose of regulating public utilities is to ensure that they behave like competitive firms and are not able to reach monopoly profit levels." Profits in the competitive, small business sector lag behind corporate profits."

"MT & T is asking for profits which reflect what has been happening in the non-competitive sector. The PUB should allow only profits consistent with the competitive sector", he said.

The Dalhousie economist pointed out that both economic theory and recent experience indicate that competitive industries adjust slowly to changes in costs and rates of return. "Rapid adjustments of the type requested by MT & T are characteristic of monopolies" he said.

In addition, Dr. Bradfield said that industrial profits are inappropriate because the risks are lower for the telephone company, and rates of return should be correspondingly lower.

Dr. Bradfield testified that, if a higher rate of return is justified, it is only on new investments. "It is only on the new investments that the company has an opportunity of making a higher rate of return elsewhere. As long as the company can make the higher return on the new investment, it has an incentive to make the investment, although not receiving the new return on existing investment." He estimated that this approach could save telephone users up to \$10 million annually.

Dr. Bradfield suggested that the company should not be allowed to include deferred taxes as part of their equity. He pointed out that deferred taxes are an interest-free loan to the company and the users should not have to give the company a profit on the loan made as tax-payers.



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**St. Thomas University votes
"YES" for AFS**

**Fredericton vote gives AFS
members in all four
Atlantic provinces**