

Disability Education at Canadian Law Schools

by

Andrea van Vugt

Bachelor of Business Administration, Mount Royal University, 2017

A Project Submitted in Partial Fulfillment of the
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University of Victoria

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To the disability community, Nothing About Us Without Us.

Executive Summary

This project explores how Canadian law schools are incorporating disability education into their course offerings and course content and how disability education in law school has the potential to affect access to justice for disabled people. Disability education at law schools includes teaching law students about laws that affect people with disabilities and/or providing perspective and awareness of the lived experience and history of disabled people. This project draws on findings from a literature review, a basic organizational scan of Canada's 18 law schools, and 9 interviews with faculty that teach at Canadian post-secondary institutions in the Faculty of Law.

Disabled people face financial barriers, political barriers, and cultural barriers that affect their access to justice. Disability intersects with identities of age, race, gender, sexual orientation, immigration status, and religion. Within these intersections, there are groups of people who receive inequitable treatment in the justice system because they belong to one or more of these marginalized groups. Yet, without disability as an intentional topic in legal education, these intersections may never be explored in the classroom and students will not have an opportunity to learn about the importance of equitable access to justice for disabled people.

Methodology and Methods

This project utilized a mixed-method approach to support the deliverables of the project. Qualitative and quantitative data was gathered and analyzed using results from a basic organizational scan of Canadian law schools and interviews with faculty of law that teach at Canadian law schools. These methodologies and methods were utilized to answer the primary and secondary project research questions:

Primary Research Question:

- How are Canadian law schools incorporating disability education into their course offerings and course content?

Secondary Research Questions:

- What motivates faculty to include disability education in the curriculum they teach and/or what motivates faculty to teach disability courses?
- How might including disability education at law schools impact access to justice for disabled people?

Key Findings

A literature review played an important piece in the foundation of this project. The literature review illustrates that there is established research about including disabled people in law school as well as established research about access to justice for disabled people. However, there is a knowledge gap regarding disability education at law schools. The recognition of this knowledge gap served to inform the project interview questions and helped demonstrate the potential for disability law education to influence the justice system. Data related to the issue of disability education in Canada was gathered, analyzed, and reported by the author.

The basic organizational scan identified eleven schools that teach a total of fifteen disability law courses. Nine of those courses have the word *disability* in their course name and the other six courses have *mental health* in their course name.

There were two phases of interviews, and each phase had different interview questions. The following nine themes emerged throughout the thematic analysis of the interview data:

Themes from Phase 1 Interviews:

- Marginalization's Effect on Access to Justice for People with Disabilities
- Importance of Teaching Disability Education in Law School
- Potential Effects of Disability Education on Legal and Justice Practice
- Justice Systems' Failure to Recognize Limitations on Persons with Disabilities
- Sharing and Availability of Knowledge and Content to Teach Disability Education

Themes from Phase 2 Interviews:

- Barriers to Faculty Involvement with Disability Education
- Pedagogy as a Form of Disability Education
- Teaching Law Students about Marginalized Groups
- Motivating Universities to Create and Maintain Disability Education in Law School

Recommendations

The following seven recommendations for the University of Victoria Access to Justice Centre for Excellence were developed from the research findings:

- Recommendation #1: Build relationships with the disability community.

- Recommendation #2: Host conversations about disability with students.
- Recommendation #3: Curate disability resources that are accessible to all faculty.
- Recommendation #4: Create and share a public platform to share curated resources.
- Recommendation #5: Create and offer a disability course.
- Recommendation #6: Create and host professional development seminars about disability.
- Recommendation #7: Encourage more discussion between faculty members about the pedagogy and the curriculum that they use.

Table of Contents

Acknowledgments.....	i
Executive Summary	ii
Methodology and Methods	ii
Key Findings	iii
Recommendations	iii
Table of Contents.....	v
1.0 Introduction.....	2
1.1 Background and Issue Statement	4
1.2 Research Questions and Project Scope	7
1.3 Project Client.....	8
1.4 Organization of Report.....	8
1.5 Positionality Statement.....	9
2.0 Literature Review.....	10
2.1 Theme 1: Diversifying Legal Education in Canada	11
2.2 Theme 2: The Importance of Disability Education in Law Schools	13
2.3 Theme 3: Potential Impact of Disability Education on Access to Justice for People with Disabilities.....	16
2.4 Literature Review Summary	19
2.5 Conceptual Framework	19
3.0 Methodology, Methods, and Data Analysis.....	21
3.1 Methodology	21
3.2 Methods.....	22
3.3 Research Ethics	23
3.4 Data Analysis	23
3.5 Project Limitations and Delimitations.....	24
4.0 Findings: Basic Organizational Scan of Law Schools.....	26
4.1 Basic Organizational Scan Results.....	26

5.0 Findings: Key Informant Interviews.....	28
Group 1 Interview Themes.....	28
5.1 Theme 1: Marginalization’s Effect on Access to Justice for People with Disabilities... 28	
5.2 Theme 2: Importance of Teaching Disability Education in Law School.....	30
5.3 Theme 3: Potential Effects of Disability Education on Legal and Justice Practice.....	32
5.3.1 Theme 4: Justice Systems’ Failure to Recognize Limitations on Persons with Disabilities	34
5.4 Theme 5: Sharing and Availability of Knowledge and Content to Teach Disability Education	36
Group 2 Interview Themes.....	38
5.5 Theme 1: Barriers to Faculty Involvement with Disability Education	38
5.6 Theme 2: Pedagogy as a Form of Disability Education	40
5.7 Theme 3: Teaching Law Students about Marginalized Groups.....	42
5.8 Theme 4: Motivating Universities to Create and Maintain Disability Education in Law School	44
6.0 Discussion and Analysis	48
6.1 Connecting Key Findings with Literature.....	48
6.2 Access to Justice Issues for the Disability Community	48
6.3 Potential Impact of Disability Education on Access to Justice for Disabled People	50
6.4 Motivation and Influence to Include Disability Education at Law School.....	52
6.5 Incentive to Include Disability Education in Law School.....	57
6.6 Unexpected Findings and New Ideas	58
6.7 Answering the Research Questions.....	60
6.8 Strategic or Research Implications.....	62
6.9 Limitations of Analysis and Areas for Further Research	62
6.10 Revisiting the Conceptual Framework.....	63
7.0 Recommendations.....	65
8.0 Conclusion	69
References.....	71
Appendices.....	76

Appendix A – Link Between the Literature Review Themes and the Interview Questions for Phases 2 and 3 of the Project..... 76

Appendix B – Group 1 Interview Questions..... 79

Appendix C – Group 2 Interview Questions..... 80

Appendix D – Basic Organizational Scan of Canadian Law Schools..... 81

1.0 Introduction

This project analyzes how Canadian law schools are incorporating disability education into their course offerings and course content and how disability education in law school has the potential to affect access to justice for disabled people. Disability education at law schools includes teaching law students about laws that affect people with disabilities and/or providing perspective and awareness of the lived experience and history of disabled people. Teaching law students about disabled people encourages awareness-raising about disability. Article eight (2006, p. 7) of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) states that raising awareness about people with disabilities can:

- Foster respect for the rights and dignity of persons with disabilities.
- Combat stereotypes, prejudices, and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life.
- Promote awareness of the capabilities and contributions of persons with disabilities.

The disability community is a historically marginalized group and disabled people face numerous barriers directly related to their disabilities. The University of British Columbia's Equity and Inclusion glossary of terms defines marginalization as: "A social process by which individuals or groups are (intentionally or unintentionally) distanced from access to power and resources and constructed as insignificant, peripheral, or less valuable/privileged to a community or 'mainstream' society" (University of British Columbia, 2023).

One of the barriers that the disability community experiences is access to justice. The concept of access to justice has multiple definitions. The Department of Justice Canada's definition of access to justice is: "Timely access to a fair and effective justice system, as well as access to information, resources, and informal service" (Department of Justice Canada, 2021). Yet there are a variety of definitions of access to justice that go beyond information, resources, and informal service.

In 2013, the Action Committee on Access to Justice in Civil and Family Matters (comprised of leaders in the civil and family justice communities in Canada, and a public representative, under the direction of the then Chief Justice of Canada, Beverly McLachlin) prepared a comprehensive research report: *Access to Civil and Family Justice: A Roadmap for*

Change (2013). Canada's Roadmap emphasized the value of the demographic information gathered in the surveys that they had reviewed. They noted one report, conducted by Ab Currie for the Department of Justice, Canada (Government of Canada, Department of Justice, 2009).

Currie analyzed demographic data and made multiple findings of interest. He showed how everyday legal problems related to age, gender, language, and marital status. He considered "predictors" for justiciable problems and found disability was a significant predictor in all 15 problem categories (Currie, 2009, p. 23). His report findings are below:

Disability. For this analysis people who indicated that they were frequently limited in a range of everyday activities; seeing, hearing, communicating, learning, walking, or climbing stairs were counted as disabled. This follows the methodology established by Statistics Canada Health, Activity, and Learning Survey. People with a self-reported disability have a greater likelihood of experiencing problems in all fifteen categories of justiciable problems. As one might expect the greatest problem area is disability benefits where the disabled are 13.7 times more likely to experience a problem compared with non-disabled people. The disabled are 6.5 times higher than all others to have a problem related to a personal injury and 5.5 times more likely to have a problem related to hospital treatment and release. The probability of experiencing problems in a number of other categories is also high compared with the non-disabled population; 4.2 times higher for social assistance problems, 4.2 times higher for problems related to discrimination, 3.0 times higher for housing problems, 2.4 times higher for problems arising out of police action, 2.2 times more likely to experience relationship breakdown problems, 2.7 times more likely to experience other family problems and 2.6 times more likely to experience immigration problems. Turning to financial problems, the disabled are 1.9 times more likely than all others to report debt-related problems, 1.8 times more likely to report employment problems and 1.6 times more likely to report having experienced some type of consumer problem. (Government of Canada, Department of Justice, 2009, p. 24)

In the years since Currie's report was published, progress has been made and there have been several milestone achievements for the disability community to celebrate. One of these milestones is the Canada Disability Benefit Act (BILL C-22) which received royal assent on

Thursday, June 22, 2023. The Canada Disability Benefit Act is an "Act to reduce poverty and to support the financial security of persons with disabilities by establishing the Canada disability benefit and making a consequential amendment to the Income Tax Act" (Canada Disability Benefit Act, SC 2023, c.17). This historic law is important to note, as laws continually emerge: "As the law on disability equality is constantly evolving at national and international levels, regular, up-to-date training becomes even more essential" (Flynn, 2015, p. 139). With disability equality constantly evolving, this project regarding disability education at law schools is both timely and important.

1.1 Background and Issue Statement

This section will share background regarding people with disabilities in Canada, an issues statement, project research questions, project scope, project client, the organization of the report, and the author's positionality statement.

Background:

When using language to state that someone has a disability, there are two prominent terms used: person-first language is a 'person with a disability' and identity-first language is a 'disabled person'. Both terms are legitimate, and the preference comes down to what the author(s) feels is appropriate. For this project, both terms are used interchangeably.

There is no single definition of disability. Disability is an umbrella term that can create difficulty when investigating disability topics, as the measures for what constitutes disability are not always clear. This project uses the definition of disability given in the Accessible Canada Act SC 2019, c.10, s.2:

Disability means any impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairment — or a functional limitation — whether permanent, temporary or episodic in nature, or evident or not, that, in interaction with a barrier, hinders a person's full and equal participation in society. (Accessible Canada Act, 2019)

The Accessible Canada Act SC 2019, c.10, s.2 definition of disability will be the definition used in this project because it is the legal definition used by Canadian law to

administer action for disability justice and this project engages the education and practice of Canadian law for the disability community.

There are many types of disabilities, and different disabilities present different challenges. For this project, the individual needs of different types of disabilities were not explored. Rather, "disability" is used as a blanket term to describe all types of disabilities. There are two reasons for this. Firstly, analyzing different disabilities and their unique challenges is beyond the scope of this project. Secondly, it is crucial to acknowledge the critical issue of social and political power that the disability community requires to affect access to justice for disabled people. If we fracture the disability community into segmented groups, those groups become less powerful. Therefore, to engage the social and political power of the disability community, this project makes use of the terms "disability community", "disabled people" and "people with disabilities" in a broad and inclusive sense.

The disability community is the largest marginalized community in the world (World Health Organization, 2022). In 2023, Statistics Canada reported that 27% of persons aged 15 and older in Canada had at least one disability and that from 2017 to 2022 the disability rate rose in all provinces and most of the territories (Statistics Canada, 2023). There are eight million people in Canada with one or more disabilities, which indicates that "practically everyone (including law students, lawyers, and law faculty) will either experience disability directly, or know someone with a mental or physical impairment" (Kanter, 2011, p. 449).

In that case, prospective legal professionals need to learn about legal issues that affect the disability population. An example of legal issues that affect disabled people is human rights issues. The 2020 Canadian Human Rights Commission's Annual Report to Parliament stated that 54% of the human rights complaints accepted on the grounds of discrimination were disability-based (Canadian Human Rights Commission, 2020b) and 86% of survey respondents stated that they "feel Canada is doing a poor job promoting the rights of people with disabilities" (Canadian Human Rights Commission, 2020, p. 79).

The 2021/2022 Annual Report from British Columbia's Human Rights Tribunal states: "Disability remained the most common ground of discrimination alleged (43%); followed by ethnicity (which includes race, place of origin, ancestry, Indigenous Identity, and colour) (24%); sex (12%); family and marital status (8%), and religion (7%). The grounds of sexual orientation and political belief composed only 2% of new complaints" (British Columbia Human Rights

Tribunal, 2022, p.28). In the 2021/2022 fiscal year, 70% of the final decisions were discrimination complaints based on disability (British Columbia Human Rights Tribunal, 2022, p. 13).

Furthermore, for more than a decade, the highest number of human rights cases in British Columbia have been based on disability, yet disability is often left out of pertinent public-facing material related to access to justice. For example, the Access to Justice BC (A2JBC) proposed a measurement framework to support a shared approach to monitoring and evaluating improvements in access to justice in British Columbia which they named the Access to Justice Measurement Framework (Access to Justice BC, 2022). The Access to Justice Measurement Framework states that it seeks to “support and encourage collaborative, innovative, user-centered and evidence-based access to justice initiatives implemented by stakeholders” (p. 2), and the section related to “fair and equitable access to justice” (p. 14) mentions Indigenous peoples, immigrants, refugees, and people with mental illness, but not persons with disabilities. “Mental illness” contributes to a portion of disabilities, yet there are many disabilities apart from mental health.

The continual exclusion of disabled people from important access to justice initiatives, coupled with the recurring high-level discrimination rates illustrate that:

There has been no comprehensive systematic effort to address the unique challenges faced by PWD¹ within the justice system. Rather, issues of disability appear to be dealt with as they arise, and within the existing framework. (Jacobs et al., 2021a, p. 193)

This exclusion also extends to a low level of disability courses and disability education at law school. In fact, it was in 2021 and “over thirty-five years after the Canadian Charter of Rights and Freedoms enshrined the rights of people with disabilities that Canada had its first textbook on law and disability” (Lund, & Green, 2022, p. 306).

Issue Statement:

The primary issue this report addresses is the state of disability education at law schools in Canada. Disability education at law schools includes teaching law students about laws, legislation, and policies that affect people with disabilities and/or providing perspective and awareness on the lived experience and history of disabled people.

¹ PWD is an acronym for persons with disabilities.

While some law schools in Canada incorporate disability education into their course offerings, an online search of Canadian law schools illustrates that many law schools in Canada do not provide disability courses. For this project, the term ‘disability course’ is a post-secondary course offered in a Faculty of Law that has the word(s) ‘disability’ and/or ‘mental health’ in the name of the course. A disability course is distinguished from a course that has the potential to include content on disability. Courses that *potentially* have disability content are dependent on faculty choosing to include that content in their curriculum. Further, that content is not definitive to that course. In contrast, a disability course is fundamentally based on disability education.

1.2 Research Questions and Project Scope

Research Questions:

The purpose of this project is to identify how Canadian law schools incorporate disability education into their course offerings and course content. This project can contribute to an overarching discussion and further research on how disability education can influence access to justice for disabled people. The project’s primary research question is: How are Canadian law schools incorporating disability education into their course offerings and course content?

Part of the analysis will be looking at these questions:

- What motivates faculty to include disability education in the curriculum they teach and/or what motivates faculty to teach disability courses?
- How might including disability education at law school impact access to justice for disabled people?

Scope

This project aims to identify how Canadian law schools are incorporating disability education into their course offerings. Within the scope of this project is the exploration of how Canadian law schools are incorporating disability education into their course offerings and course content by systematically collecting data to identify which Canadian law schools have disability courses, then interviewing faculty that teach disability courses and interviewing faculty that do not teach disability courses. Disability education is a complex issue that has many layers that fall outside the scope of this project. Examples of issues that are outside the scope of this project include research about the experiences of disabled law students in law schools and disability representation in law school faculties.

This project was managed in a sixteen-month timeframe. Data for the basic organizational scan were collected from online searches and email responses. The delimitations of the project include the research of disability courses rather than the research of law courses that potentially have disability content.

Data for the individual interviews were collected by interviewing faculty who teach law courses at law schools in Canada. Individual interviews were used to gain in-depth insights on the project topics, respecting the anonymity of the faculty and valuing the time and resources available to the faculty. The interview participants were from law schools across Canada and were selected via purposive and snowball sampling. The data was analyzed by September 2023.

1.3 Project Client

The Project Client for this research is the Access to Justice Centre for Excellence (ACE). ACE is an academic research institute located at the University of Victoria's Faculty of Law with a mission "To support, promote and facilitate scholarly research and education on Access to Justice in Canada" (2022).

This project, the *Disability Education at Canadian Law Schools* project, includes a literature review, data collection, data analysis, and a project report for ACE. It is intended that the completed project report will lead to an understanding of how Canadian law schools are incorporating disability education into their course offerings and course curricula and how disability education has the potential to affect access to justice for people with disabilities. The research for ACE will bring together practical facts and information with the potential to promote public awareness of disability education at law schools.

1.4 Organization of Report

This report is organized into eight sections. First is the introduction section, providing an overview of the project and report contents, the project's research questions and scope, as well as presenting information about the project's client and sharing the author's positionality statement. Section two begins by discussing the literature relevant to the project's topic which explores three key themes that emerged from the project's main research question and secondary research questions. The second section then has a summary of the literature review and offers a conceptual framework to help situate the project's approach. Section three outlines the

methodology, methods, and data analysis of the project, as well as discusses the project's research ethics and its limitations and delimitations. The next two sections move into the findings of the project. Section four explores the findings from the basic organizational scan of law schools to see which law schools in Canada offer disability courses. Section five explores the interview themes that were generated from two groups of interviews with participants from faculties of law from across Canada. Section six provides a discussion and analysis of the findings from the interviews and frames them within the context of the research questions. Section six also shares strategic or research implications, limitations of analysis, and areas of further research. Section seven outlines' recommendations for the client and asks the client to consider seeking resources to move forward with recommendations. The report concludes in section eight, which provides a broad view of the project, revisits the project issues, and offers insight into potential further research. The remainder of the report includes references that were cited throughout the project as well as accompanying appendices.

1.5 Positionality Statement

In research, it is helpful to understand our positionality and the lens with which we approach the research and the data of a project. The disability community is a vulnerable population to which the author belongs. It is in the author's professional position within the disability community that she founded a provincial disability advocacy group and has worked on a national leadership team of people with disabilities that influence government policies.

As a disabled person, the author has lived as a low-income person and has received inequitable access to justice. The author's lived experience makes her well-equipped to conduct this research because she came with an understanding of the barriers that the disability community faces. Throughout this project, the author remained aware of how her relationship to and with the disability community affects her positionality of how the research was done. For her data analysis to remain credible, she had a responsibility to put her disability identity aside the best that she could so that her research was not led by preconceived notions of the data collected.

2.0 Literature Review

There are few literatures related to this topic and there is little research on the issue of disability education at Canadian law schools.

This literature review is a thematic literature review. A thematic literature review is a review in which literature is collected around a research topic and is read and analyzed while “actively looking for patterns or themes to emerge” (McGregor, 2018, p. 192). The themes in this review were deduced from iterative readings of the collected literature. The literature review includes a broad look at what has been written about legal education in Canada and then focuses on the topic of disability education at law schools. Three themes emerged.

The information gathered for this literature review dates to the 1990s, at which time there was an influx of articles from the United States regarding disability and law. This influx was the result of legislation that had recently been passed. In 1990, the United States passed the Americans with Disabilities Act (ADA). Many articles related to law and disability reference the ADA (ADA, 1990).

In 2006 the United Nations created the Convention on the Rights of Persons with Disabilities (UNCRPD) which led to new accountability for the rights of disabled people. Disability studies became more popular at post-secondary schools (United Nations, 2022) and there was an increase in law-related self-advocacy from disabled people (Petri et al., 2017).

The University of Victoria online library was accessed for a literature search. Predominantly, the Google Scholar database and the Academic Search Complete database were utilized for the literature search. At the beginning of the research, various keywords related to the topic were explored. For example, a combination of “disability,” “access to justice,” “legal education,” “student,” “disability law,” “law school,” “law curriculum,” and “law”. While this initial search identified thousands of articles, further refinement of the search parameters led to more relevant journal articles, legal education content, access to justice content, and disability law content.

By exploring citations in the articles initially read, more articles were discovered that were relevant to interest in legal education, access to justice, and disability law. From that literature, the literature was ordered into (a) essential, (b) important, (c) relevant, and (d) legal education. Research on the general topic of diversity of legal education in Canada was used to ground the project and a refined research approach focused on disability law education.

The literature studied was found in academic journals, workshop reports, research reports from government, podcasts, blogs, books, and book reviews. The literature ranged from simple and accessible reading that included clear visuals with literal demographic information to articles that emphasized theory and philosophy.

This literature review examines three themes:

- Diversifying legal education in Canada.
- The importance of disability education in law schools.
- The potential impact disability education has on access to justice for people with disabilities.

2.1 Theme 1: Diversifying Legal Education in Canada

The following section will explore the theme of diversifying legal education in Canada.

Many researchers have studied the nuances of law school and observed that law school is an ever-evolving space with a need to adapt to constantly changing legal landscapes. Law schools aim to provide law students with theoretical and practical knowledge, and this knowledge offers an opportunity in which students can “situate law in its broader context” (Bakht et al., 2007, p. 18), hone skills in legal analysis, learn legal rules, and learn to “think like lawyers” (Arthurs, 2014, p. 712).

In Wesley Pue’s article, “Educating the Total Jurist?”, Pue suggests that current culture affects what happens in law schools and that the legal academy is focused on the training of law students in technical know-how rather than providing education for a “moral life” (Pue, 2005, p. 215). Pue proposes that legal educators extract knowledge from greater society to bring into their classrooms and states that “the ethical agenda of legal education derives its particular textures from the moral currents of the larger society within which legal educators live” (Pue, 2005, p. 220). But a piece of the puzzle that is missing from those claims is that there is continued pressure from law schools to produce a curriculum that develops “practice-ready” students (Schwartz, 2016). Resources including time and space are needed to produce “practice-ready” students. Furthermore, the perception of what constitutes a “practice-ready” student varies among communities, as some educators and practitioners may consider knowledge about marginalized groups as imperative to legal practice, while others may not.

Both the academia and the legal profession influence what is taught in law school (Arthurs, 2014) and their influence has the potential to affect what students take as optional courses. Optional courses are courses outside of the mandatory courses that are prescribed by law schools, usually to meet requirements for licensing or entry into the profession that are imposed by legal professional regulatory bodies. Other factors affect what is studied at law school outside of mandatory courses. For example, a student's specific interest in a particular topic such as animal rights could affect the content that student studies.

Bakht et al. (2007) completed research that included a survey that looked at students' enrolment in Canadian legal education in courses that they named "outsider" courses. Bakht et al. describe outsiders as "Those who are members of groups historically lacking power in society, or traditionally outside the realms of fashioning, teaching, and adjudicating the law," (p. 2). Bakht et al. point to examples of outsider courses such as feminist courses, Aboriginal law/rights, law and sexuality, racism and the law, and disability and the law. Bakht et. al found that many students were influenced to enroll in outsider courses by their belief that the material is relevant to today's world. The top reason for *not* taking outsider courses was the belief that the material would not provide students with useful legal skills.

A similar survey was sent to faculty who were teaching or had taught outsider courses. Unfortunately, very few faculty responded, making it hard to consider the data quantitatively. Interestingly, survey findings illustrated that the faculty that *did* respond predicted that the top reason students *do not* take outsider courses is because students do not believe outsider courses will prepare them for the bar exam.

Limited research has been conducted in Canada regarding the enrolment of students in outsider courses. Although the Bakht et. al article was published 16 years before this literature review, their observation that disability law courses are rarely offered at Canadian law schools remains true. While there have been recent advancements in legal studies of some marginalized communities (Jacobs, 2015) such as Indigenous communities and LGBTQ+² communities, disability studies remain minimal. The focus of this review now shifts to disability legal studies offered at Canadian law schools.

² LGBTQ+ is an acronym for lesbian, gay, bisexual, transgender, queer/questioning, plus others.

In David Lepofsky's 2022 article, Lepofsky asserts that although law schools have given time and resources to the development of curriculum content related to many of the marginalized communities, disabled people and the legal needs of disabled people remain excluded from curriculum expansions. Lepofsky's 2022 article encourages law schools to include disability content in their curriculum with a concise "Ready-To-Use" plan and urges law schools to include the disability population in their equity, diversity, and inclusion initiatives. The article addresses an ongoing campaign to include disability in legal education at law schools in Canada and opens a door to conversation about the importance of disability education. With attention to diversifying legal education curriculum in Canada, it is important to mention that in 2021 David Lepofsky surveyed Canadian law schools about their disability curriculum offerings. However, the survey was limited to communication with schools via email and he received few responses with any substantive information (D. Lepofsky, personal communication, April 19, 2023).

Several of the authors including Pue, Schwartz, and Arthurs illustrate that law schools are training students specifically to learn legal skills and technical know-how because law schools want students to be "practice-ready". What constitutes "practice-ready" is influenced by both academia and the legal profession. Backht (2007) indicated that students enroll in courses by what they see as relevant to today's world, such as courses that focus on marginalized groups. Lepofsky (2022) and Jacobs (2015) agree that although there have been advancements in the diversity of legal studies available in Canada, disability remains excluded from those advancements.

2.2 Theme 2: The Importance of Disability Education in Law Schools

The following section will look at the importance of including disability education in law schools.

As found in the literature, persons with disabilities are the largest marginalized group in the world and are a community of people that intersect gender, race, sexual orientation, age, religion, and immigration status. Despite being a community that is heavily affected by law and policy, there are significant gaps in the literature regarding the importance of disability law in post-secondary school curricula. Eilionóir Flynn (2015) asserts that when it comes to issues concerning people with disabilities, disability law is a relatively recent field of study in legal education. Flynn (2015) states that although there is an abundance of literature regarding the

need to include disabled students in law schools, there is little written about how to teach law students “about disability rights or to think critically about the application of the law to issues concerning people with disabilities” (p. 126).

Flynn considers that many law students may never have had direct contact with disabled people in a professional capacity and recommends that law school is a great place to create “key shifts in attitudes” for students (Flynn, 2015, p. 129). Several authors note that an effective space to include disability education is in clinical legal education so students can be exposed to the lived experiences of people with disabilities. These suggestions address the notion that for students to gain both an interest in and an understanding of disability justice, there need to be people with disabilities engaging in teaching at law school; this could include people with disabilities who are students, teachers, and/or law practitioners (Lepofsky, 2022). Flynn (2015) claims that the need to incorporate disability education in law school is an issue for both the legal academy and the legal profession to address.

When speaking about the impact of disability education on the legal academy, Dorfman & Belt (2019) claim that discussions of disability in law schools compel the legal academy to reconsider economic, social, political, cultural, religious, legal, philosophical, artistic, moral, creative, and medical aspects of life at large. They state that these discussions serve to teach academics, students, and legal practitioners about the legal system by “shedding light on the values, histories, and intentions behind rules and court decisions” (Dorfman & Belt, 2019, p. 157). Professor Matsuda (2014) suggests that professors already have the influence and responsibility to include rich content in the courses that they teach; content that builds the foundation for future lawyers to be changemakers.

The literature illustrates that there has been an increase in disability education curricula and courses over the past 30 years in the United States of America. In 1998, disability advocate Professor Laura Rothstein wrote about disability issues and the need to teach disability law. She recognized that providing professors and students with disability law studies would enable disability advocacy through education (Rothstein, 1998). In 2014, twenty-four years after the Americans with Disabilities Act was passed, Professor Rothstein wrote a research piece about legal education in which she highlighted disability laws in the United States of America. Professor Rothstein explained how law schools in the United States were beginning to infuse disability into law school curriculum and predicted that through “informing individuals and

institutions about the law, they might better put in place policies, practices, and procedures, and make informed decisions about how to address situations involving individuals with disabilities through proactive means rather than through litigation” (Rothstein, 2014, p. 519).

Lepofsky’s (2022) article includes suggestions and resources for disability education. Lepofsky suggests that for courses and content to include disability education there needs to be time and resources to “expand a law school’s disability curriculum” (Lepofsky, 2022, p. 150), while at the same time respecting professors’ academic freedom and course flexibility.

There are actions taking place in Canada to include disability in the curriculum, one of which is the creation of Canada’s first casebook on disability and the law, *Law and Disability in Canada: Cases and Materials* (2021). This casebook textbook highlights the significance of incorporating disability law into law school curriculum and offers an opportunity to include and share disability education.

In June 2022, there was a workshop hosted by the Canadian Association of Law Teachers (CALT) about incorporating disability into the curriculum of law schools (Canadian Association of Law Teachers [CALT], 2022). The workshop included discussions with professors from faculties of law in Canada, as well as authors and co-authors of the textbook. In the workshop, the presenters gathered to emphasize “the necessity of including this material and habituating our students to thinking about the way that disability is and should be treated in law” (CALT, 2022). The workshop report shares a quote from Professor Laverne Jacobs regarding the aims and scope of the textbook, in which she acknowledges that the book was “Inspired by the notable absence of material about the lives of people with disabilities in law school curricula” and proclaimed the casebook textbook material, in part, to be a “necessary part of cultural competency of students, disabled and nondisabled alike” (CALT, 2022).

Professor Arlene S. Kanter stresses that cultural competency includes providing students with tools that enable them to challenge the cultural norms that have resulted in “the creation of legal, physical, and attitudinal barriers to inclusion of people with disabilities in society” (Kanter, 2011, p. 478). Building an understanding that disability education is fundamental for students’ future law careers has the potential to impact educators’ enthusiasm to include disability education. Educators are teaching future lawyers and lawyers are “the ones charged with bringing law where it is needed to avert harm and to bring prosperity” (Matsuda, 2014, p. 140). The literature suggests that including disability education in law school advocates for disabled

people through education (Rothstein, 2014) and has the power to impact overall access to justice for people with disabilities (Jacobs, 2021b).

Authors Flynn, Matsuda, and Dorfman & Belt, suggest that the legal academy and legal professionals have the influence that is needed to establish disability education as an important piece of legal education. These suggestions offer an important contribution to this project's research as they encourage the author to consider the legal academy and legal professional's roles in establishing disability education at law school. Jacobs and Kanter both speak of the effects that disability education has on society's cultural norms and the notion that cultural competency learned in legal education includes the tools and acumen to work with disabled people and make informed decisions about disability issues.

2.3 Theme 3: Potential Impact of Disability Education on Access to Justice for People with Disabilities

The following section of the literature review will look at disability education's potential to impact access to justice for people with disabilities.

The definition used for access to justice in this literature review has several components: substantive, procedural, and symbolic. The components are explained by Professor Reem Bahdi in an article in which they state:

The trend is towards thinking of access to justice as three distinct yet interdependent components: substantive justice which concerns itself with an assessment of the rights claims that are available to those who seek a remedy; procedural aspects which focus on the opportunities and barriers to getting ones claim into court (or other dispute resolution forum); and, the symbolic component of access to justice which steps outside of doctrinal law and asks to what extent a particular legal regime promotes citizens' belonging and empowerment. (Bahdi, 2007, p. 3)

In literature regarding access to justice for people with disabilities, the substantive, procedural, and symbolic access to justice components are often woven together. Yet much of the literature specifically addresses the substantive and procedural components of access to

justice. The found literature often investigates the substantive and procedural components and continues to focus on the importance of accessible, affordable, and timely access to justice.

Ortoleva (2011) suggests that availability, affordability, and adequacy are the three major challenges for marginalized groups to obtain legal assistance. She suggests that a fourth challenge specific to disabled people is that legal professionals have a lack of knowledge of *how* to work with people who have disabilities, and they lack knowledge regarding the legal concerns of people who have disabilities. Authors Kanter, Flynn, and Cody focus on this lack of knowledge by suggesting that including Disabled Peoples Organizations (DPO) and disabled people in clinical legal education could potentially teach students about disability and disability law. However, Ortoleva recognizes that to strengthen equality for disabled people in the justice system, the learning must continue beyond law school and should be part of professional development for legal professionals.

Equality for disabled people in the justice system is affected by the complexity of disability. As Flynn stresses, disability and disability education are complex, as the identity of disability is complicated, and it is often debated about which people should have what principles applied to them. Flynn, like other authors, speaks of literal access to law and legal representation and says that for much of the population access to law is “relatively straightforward” (Flynn, 2012, p. 80).

Authors agree that the issues that are recognized in access to justice are rooted in the needs of the majority, i.e. for those who do *not* experience disability. Professor Stephanie Ortoleva describes access to justice, as “people’s effective access to systems, procedures, information and locations in the administration of justice” (Ortoleva, 2011, p. 158). However, when Flynn speaks about access to justice from a larger lens and views society as a whole, she asserts that the disability community has a clear lack of power; a lack of political, financial, and cultural power (Flynn, 2015).

Marginalized citizens with little political, financial, and cultural power face barriers in society long before they seek access to justice (Badhi, 2007). Referring to marginalized citizens' lack of power in society creates a space to look at the symbolic component of access to justice. A symbolic component of access to justice includes how people are commonly portrayed by culture and society. S. Mor (2006) states that disabled people are portrayed as “useless, marginal, abnormal, a burden on society, and perhaps most offensively, as living a life that is not worth

living” (p. 69). Badhi shares how legal initiatives for women’s access to justice affect society and social change and promote citizens’ belonging and empowerment (Badhi, 2007), yet there is little literature regarding the symbolic component of access to justice for disabled people.

Professor Laverne Jacobs speaks of law and disability with procedural, substantive, and symbolic components. Professor Jacobs shares that disabled people face barriers to education, employment barriers, social economic marginalization, and barriers in transportation, travel, and leisure. Jacobs asserts that these barriers lead to a marginalized population that is not only in the shadows of a justice system not designed for them, but in the shadows of much of society as a whole. She shares the term “disability lens” which is an essential term in disability-related conversations and research. Professor Jacobs (2021a) explains the concept of *disability lens* as coming from “a place that understands the historical and contemporary systemic disadvantages which many people with disabilities have faced and seeks to avoid perpetuating those disadvantages” (p. 42). Further, Professor Laverne Jacobs (2021a) states that “A disability lens builds on critical theories and models of disability that aim to advance rights-based approaches to disability inclusion, and on approaches that define ‘disability’ principally as a social construct” (p. 41).

Cody asserts that a *disability lens* not only has the potential to teach future lawyers about the needs of people with disabilities, but it also has the potential to teach future lawyers about ways of thinking about disability (Cody, 2018). Furthermore, Flynn (2015) states:

An inclusive, disability-sensitive, and responsive legal profession at all levels of the justice system is clearly crucial in ensuring effective access to justice for people with disabilities. Such an approach is also in the interests of the legal academy and legal professions, especially since these institutions claim to uphold values of justice, equality, and fairness. (p. 140)

Additionally, Lepofsky (2022) shares that if people with disabilities do not have equitable access to justice, they cannot be “fully included in society” and are “unable to assume their full responsibilities as members of society and their rights” (Lepofsky, 2022, p. 159). The ability to obtain equitable access to justice affects law faculty, law students, witnesses, jurors, lawyers, arbitrators, and ultimately world citizens (Ortoleva, 2015).

Authors Ortoleva, Flynn, and Badhi illustrate that marginalized people face barriers to access to justice because they lack political, financial, and cultural power in society. Jacobs and Mor indicate that the disability community is often portrayed and treated as lesser than in society. The literature portrays a need to remove access to justice barriers for disabled people and provide them with affordable, adequate legal assistance. Cody and Jacobs suggest providing appropriate legal assistance to disabled people requires future legal professionals to enlist a *disability lens* in their learning and eventually their careers.

2.4 Literature Review Summary

There is much literature regarding disability law, yet there are few resources regarding the teaching of disability education in legal education. For example, HeinOnline is an important “Law Journal Library” database (2022) that has many legal decisions available, but little information on disability law education. The database includes the option to browse a law library that contains literature connected to prominent marginalized communities. The browse options for marginalized communities include links to literature regarding Indigenous peoples, immigrants, LGBTQ+ people, and females. Unfortunately, the database browse option does not include a link for disability.

Meanwhile, there is a body of recent research that includes qualitative and quantitative methodologies for disability-related legal research, yet it focuses on the intersectionality of disability and race, gender, and/or sexual orientation with people(s) who are already legal professionals (Blanck, 2020). Research on intersectionality that is disability focused is typically about disabled people’s access to education and/or a career rather than about access to justice issues experienced by disabled people.

The information gathered in this literature review demonstrates that disability education is important to disabled people in Canada. Yet, there is a lack of disability law education provided by law schools. Because there is a lack of disability education at law schools, disabled people continue to face access to justice barriers.

2.5 Conceptual Framework

The conceptual framework that was used to develop the first group of key informant interview questions and inform the interview process was developed using the background

section and literature review of this report. In the framework, disability education is shown to be affected by the degree to which academics and legal professionals acknowledge the significance of offering a diverse legal education and the importance of including disability in a diverse legal education.

The conceptual framework assumes that disability education in law schools will have an impact on access to justice for disabled people and that disability education plays a role in preparing a student to be “practice-ready”. The approach to determining whether it is the responsibility of law schools to make disability courses available is based on responses from law faculty about the importance of disability education in law schools.

This framework gave the author a grounding on the topic of diversity in legal education in Canada before moving into practical research. It will be developed further as the interview findings provide insight into disability education at Canadian law schools and reveal gaps in knowledge about disability education in Canada.

3.0 Methodology, Methods, and Data Analysis

This chapter outlines the methodology used for this research, the methods utilized for data collection in support of the project deliverables, and a brief overview of the approval required from the University of Victoria's Human Research Ethics Board to collect data for this project. The chapter begins with methodology, leads to methods, ethics approval, data analysis, and finally the strengths and limitations of the project research.

3.1 Methodology

The research methodology for this project was informed by the principles of action research to create awareness about disability education in law schools and inspire law schools to include disability education in their curriculum. Klein notes that "Action research implies change, and any change carries the potential for the jostling of beliefs and practices, along with personal, pedagogical, and institutional changes" (Klein, 2007, p. 5). Furthermore, Given states that "Action research is a flexible research methodology uniquely suited to researching and supporting change. It integrates social research with exploratory action to promote development" (Given, 2008).

This project utilized an emergent design and qualitative techniques to answer the research questions. The emergent design allowed the research thinking to move between inductive and deductive reasoning to gain knowledge about the awareness, practice, and importance of disability education in law school (McGregor, 2017).

Deductive reasoning contributed to the generalizations that people with disabilities do face access to justice barriers and that there is little disability education taking place at Canadian law schools. These reasonings led to the more specific deduction that disability education in law schools affects access to justice for people with disabilities.

Considering the project was based on an emergent design, data analysis was carried out inductively throughout three interrelated phases of research. Inductive reasoning took place to seek patterns and commonalities in the data, discover underlying meanings and structures about the project topic, reveal beliefs from the participants, and place experiences into words (McGregor, 2017). Data collection and analysis took place simultaneously. Insights gained during the data collection informed and refined the research.

3.2 Methods

In addition to analyzing existing literature related to project themes and research questions, a mixed methods approach to research was used to support the deliverables of the project. Specifically, two research methods were used to collect data in support of this research project: (a) a basic organizational scan of Canadian law schools, and (b) key informant interviews with Faculty of Law faculty who teach at Canadian law schools.

Organizational Scan

The first phase of the project was a basic organizational scan of Canadian law schools to identify which law schools teach disability courses. The author collected data from course descriptions on Canadian law school websites and connected with the school's administration to identify which law schools provide disability courses.

Key Informant Interviews

The key informant interviews took place in two separate phases: interviews with Canadian law faculty who teach disability courses (Phase 1) and interviews with Canadian law faculty who do not teach disability courses (Phase 2).

The first group of interviews consisted of individual interviews with four Faculty of Law faculty teaching disability courses. The basic organizational scan helped to identify which law schools provide disability courses. Using the organization scan, faculty who teach disability courses were identified through a purposive sample strategy and snowball sampling strategy. Few disability law courses are being taught, and even fewer law faculty are responsible for teaching these courses.

The second group of interviews consisted of individual interviews with five Faculty of Law who do *not* teach disability courses. These interviews included discussions regarding content from the literature review, intentional dialogue about disability education in Canadian law schools, and knowledge sharing concerning information that was gathered from the first group of interviews. The importance of disability education in law schools was discussed to build awareness about the importance of including disability curriculum in law schools. There were conversations about the potential to include disability content in courses that the faculty already teach.

The project had interview guides that included prompts, follow-up questions, and informal conversations. The responses given in Phase 2 influenced the interview guide for Phase 3 and allowed for triangulation of data sources.

3.3 Research Ethics

This project required approval from the University of Victoria Human Research and Ethics Board (HREB). This project received two separate approvals from HREB because the interviews completed with Group 1 informed the interview questions created for the interviews with Group 2. The first approval was issued on March 15, 2023, and the second approval was issued on May 3, 2023. The accompanying Ethics Protocol Number is 23-0011.

3.4 Data Analysis

Considering the project was based on an emergent design, data analysis was carried out inductively throughout the three interrelated phases of the research. Data collection and analysis took place simultaneously and insights gained during data collection informed and refined the research.

As outlined above, the basic organizational scan (Phase 1) established which schools in Canada teach disability courses. The results from the basic organizational scan determined which instructors were contacted for the first interviews. The data collected from the first set of interviews with Faculty of Law who *are* teaching disability courses influenced the questions created for the second interviews with Faculty of Law faculty who *do not* teach disability courses. The author took field notes after each recorded interview, read through interview transcripts, made marginal notes, and identified themes and categories for further refinement and reflection as content emerged.

The interviews were analyzed thematically. Qualitative data analysis allowed the author to take the research down to the core of the issue and inductively develop themes about the importance and impact of disability education in law school.

While the data collection and analysis occurred simultaneously, more intensive data analysis involved the identification and coding of themes and occurred only after all the data had been collected. The author used the coding software tool *Delve* for a portion of the qualitative data analysis of the participant interviews (Delve, 2023).

3.5 Project Limitations and Delimitations

With many projects, there are limitations and delimitations to the research itself that place boundaries on the research before the research, throughout the project, and after the research is completed. Limitations are beyond a researcher's control and "place constraints on data interpretation, application of findings or results and conclusions" (McGregor, 2018, p. 173). Delimitations are within a researcher's control and are decided before the research is done to create boundaries that are "conscious, intentional judgments about what to include and exclude" in the research (McGregor, 2018, p. 172). The limitations and delimitations of this project are discussed below.

Limitations

Due to the limitation of time, the project had a relatively small sample size. Interviews were limited to four faculty that teach disability courses and five faculty that do not teach disability courses. Each interview was approximately one hour long. With more time allocated to the interview phase, the number of interviews could potentially increase allowing for more people to share their insights and perspectives to increase the depth of data gathered.

One challenge of the report arose after the basic organizational scan, which demonstrated that there were only eleven schools across Canada teaching a total of fifteen disability courses. The small number of courses meant that there were few faculty to contact for potential interviews. Most faculty who were contacted responded to the interview ask, yet one professor was away and unavailable to interview at the time of the research.

Once this limitation was discovered, the author opted to interview five faculty in Phase 2 of the project and therefore received a similar amount of data from both groups. Moreover, the data collected from the interviews was exclusively from faculty in faculty of law. With more time, future studies could include legal professionals, law students, and/or disabled people.

Delimitations

In Phase 2 of the project, one institution was sampled because it was a school that had yet to include any disability courses in its course offerings. This delimitation allowed the author to gather data from a single institution. Therefore, the faculty interviewed have exposure and experience with the same course offerings, administration, and policies because they were part of

the same faculty. It would be beneficial, with more time, to sample more institutions to expand that sample size.

Being a person with a disability, the author identified their potential for their personal bias in the analysis and interpretation of the data. This bias was recognized before the research began and the author did their best to maintain an academic distance.

Finally, as stated in a previous section, the delimitations of the project include the research of *explicit* disability courses rather than law courses that could *potentially* have disability content.

4.0 Findings: Basic Organizational Scan of Law Schools

This section summarizes key findings from a basic organizational scan conducted to identify which Canadian law schools offer disability courses. As stated previously, the term “disability course” used in this project is defined as a course that has the word disability and/or mental health in the name of the course. For this section, findings include data collected from course descriptions on Canadian law school websites and findings from communications with Canadian school administration to identify if their respective law schools provide disability courses.

4.1 Basic Organizational Scan Results

A basic organizational scan of Canada's eighteen post-secondary law schools (Law School Admission Council, n.d.) was completed to identify which schools offer disability courses. The scan included data from course descriptions on Canadian law school websites in which the schools' course descriptions were obtained and then scanned for the word's disability and/or mental.

The basic organizational scan reviewed hundreds of courses, in which eleven schools were identified that teach a total of fifteen disability law courses. Nine of the courses had the word disability in their course name and the other six courses had mental health in their course name. Table 1 in Appendix D illustrates which Canadian law schools have disability courses and the names of those specific courses.

The basic organizational scan included conversations with the school's administration to identify which law schools provide disability courses. It is important to note that this project's findings demonstrated that every Canadian law school has a set of mandatory courses. Mandatory courses are courses that all students need to complete to obtain a law degree. For example, at the University of Victoria, the mandatory courses that need to be completed for a student to obtain a Juris Doctor (JD) degree are all the courses in the JD first-year schedule, as well as the faculty's major research paper requirement, Law 301 - The Administrative Law Process, and Law 360 - Legal Ethics and Professionalism (J. Johnson, personal communication, September 20, 2023). The mandatory courses that are necessary for a student's completion of their law degree appear to be different at every school, yet every school has them.

Equally important as the mandatory course findings are the responses that came from several law schools' administration regarding the project's research about disability courses. Many administrations responded with the notion that there is a spectrum of learning that takes place in all law courses and that there is potential for students to learn about disability in a course that is not a disability course. For example, an admissions & recruitment associate from Western University Canada noted that although Western University Canada does not have a disability course, they have several mandatory courses "that would touch on disability law, such as Canadian Human Rights, and Labor and Employment courses" (H. Collins, personal communication, November 22, 2022). Furthermore, it was reported that several schools have themed disability courses and seminars which may not be available every year. For example, the University of Ottawa has a first-year thematic course, Disability Rights Law and Social Justice (uOttawa, n.d.), yet the course is not offered every year and it varies in content.

5.0 Findings: Key Informant Interviews

This section includes findings from Phase 2 and Phase 3 of the project; the interviews with Group 1 and Group 2. These findings are derived from key informant interview results. After analyzing the responses from interviews with Group 1 and interviews with Group 2, several themes were identified. These themes are presented below.

Group 1 Interview Themes

Group 1 interviews consisted of individual interviews with four Faculty of Law members teaching disability courses. The interviewees from Group 1 teach, write, research, present, and practice in various areas of law. These areas include Disability Rights Law, General Jurisprudence, Access to Justice, Human Rights Law, Administrative Law, Contracts, Poverty Law, and Mental Health Law. During the interviews, three of the four faculty interviewed identified themselves as being a person with one or more disability.

The interview questions asked in Group 1 interviews are listed in Appendix B.

5.1 THEME 1: MARGINALIZATION'S EFFECT ON ACCESS TO JUSTICE FOR PEOPLE WITH DISABILITIES

One of the themes identified in the Group 1 interviews pertains to the marginalization of disabled people(s) and marginalization's effect on access to justice. The University of British Columbia's Equity and Inclusion glossary of terms defines marginalization as: "A social process by which individuals or groups are (intentionally or unintentionally) distanced from access to power and resources and constructed as insignificant, peripheral, or less valuable/privileged to a community or 'mainstream' society" (University of British Columbia, 2023). The responses in the interviews discuss a range of ways in which the disability community experiences marginalization including but not limited to poverty, ableism, non-participation and exclusion from society, isolation, societal stigma, and self-stigma. The participants illustrated that the experience of marginalization affects access to justice for disabled people, yet often law students are not being educated about these experiences. The following section will look at participant responses related to this theme of marginalization in a broader sense.

Participant 1 acknowledged the larger context of marginalization for the disability community: "That's the reality of people with disabilities...They're all poor. They're all struggling to get the basics in our society, you know, employment and housing and so on." Participant 1 went on to say:

That piece is obviously at the very heart of society's marginalization, it's not as if people are otherwise well off and they happen to be disabled. They're poor and they're disabled. And the two things go together.

Participant 1 acknowledged that we live in a society that is burdened by ableism. They stated: "It's just unarguable that people with disabilities are ignored and subjugated in our society." In terms of overcoming ableism, Participant 1 pointed out: "It's a matter of resistance and struggle to try to improve attitudes and practices towards people with disabilities in our society in general."

Participant 2 pointed out that disabled people are excluded from participation in society. They shared that people with disabilities are excluded from social participation and stated: "You don't see folks participating who have a disability, because we haven't created the space for them to participate, that doesn't occur." Participant 2 stated that people with disabilities are "not integrated, not appropriately integrated. And that's been done purposely."

The marginalization of disabled people has many facets. Participant 4 acknowledged that one of the facets of marginalization that disabled people face is their literal isolation from society. Participant 4 offered the idea that society at large had a glimpse of this type of isolation with the COVID pandemic, which they described as a "mass disabling event." They went on to state that:

Isolation is an experience that people with disabilities personally feel. It's not a new thing for people with disabilities, to be isolated. And so, in the early days of the pandemic, when we were all isolating, suddenly abled folks understood what isolation looks like. We were all disabled.

A crucial piece of the marginalization of the disability community is the stigmatization of the disability community by disabled people themselves. Participant 1 recognized that there is the stigma that broad society imposes on disabled people, but there is also "the self-stigmatization, the self-loathing, and the self-marginalization where people feel that they don't matter, or that they're undervalued, and it's hard for them to come together." A community that

does not come together has less unity, and unity remains an area of development for the disability community. Unity has the power to build confidence and confidence grows “entitlement as citizens to enjoy the full spectrum of rights that others do” (Participant 1). Participants illustrated that a full spectrum of human rights is not only ensuring that people's fundamental freedoms are protected, but also that they have an adequate standard of living, the ability to have employment, the ability to have education, and the opportunity to be appropriately housed.

Participant 2 also spoke of the division of the disability community and recognized, as a person from the disability community themselves, that they understand the shame that can be felt for being disabled. They said:

...And, then there's complicated conversations, complicated feelings about ‘well, my disability isn't that!’ And our own belief around how we associate with each other as disabled, right? We've put the shame. We've put the shame onto ourselves as well. Right? That finds itself within other communities as well. ‘I'm shameful. It's not about me, I can't be part of that. I'm not like that.’ And anyway, we aren't a great collective. And we're not a monolith and people have different needs.

Participant 1 shared that the justice system and society is complicated for the disability community and said:

It's not an easy environment. You know, as it's been called before, this is the last major civil rights and human rights struggle. So, you can't pretend it's a simple matter, to change consciousness and... change law school curriculum.

5.2 THEME 2: IMPORTANCE OF TEACHING DISABILITY EDUCATION IN LAW SCHOOL

In Group 1 interviews, a second theme that emerged was the adequacy of disability education at law schools and the idea that disability education can be taught through disability content and/or disability-inclusive pedagogy. Disability education at law schools includes teaching law students about laws that affect people with disabilities and/or providing perspective and awareness of the lived experience and history of disabled people. Regardless of the area of

practice a student heads into, they are going to be working with people that have disabilities and they should be able to work with them in an informed manner. In every area of law, there are people with disabilities interacting. Participant 3 shared: “Whether you have clients with disabilities or whether you are working with other lawyers with disabilities or whether you're a person with a disability” there will be issues affecting disabled people. These are “issues that could be discussed and should be discussed” (Participant 3).

It was reiterated by several of the participants that various disability issues could be discussed and should be discussed because they are fundamental to law school learning, yet those issues remain missing from Canadian law school curriculum. Participant 1 acknowledged that disability courses are an essential piece of law school because “...of the ubiquity of disability and the normalcy of it.” Participant 1 went on to say they consider disability law “to be extremely important for the development of lawyers who are also good citizens.”

A step in the development of a student learning to become a practicing lawyer includes growing an understanding of both law in the books and law in action, but Participant 4 noted that the “gap between law in the books and law in action is particularly wide when it comes to people with disabilities and people with mental health issues.” Participant 4 recognized that a disability law course fills that gap by teaching students about legal protections for people with disabilities, while also introducing them to how those legal protections are “lived in an everyday sense.”

In speaking about disability law courses, Participant 2 shared, that there are modes and constructs to disability, and students that learn about those modes and constructs can understand “how law fits in with a disability” and “how law actually both creates and restricts disability.” Learning about how people with disabilities are dealt with under the law is imperative because students plan to be working under that law and therefore will “be either practicing or in a policy role, will be controlling” (Participant 2).

All participants spoke of the potential to integrate disability education into the courses that are mandatory for all students. Participant 3 shared that every area of law has a teachable space for disability. Several examples include contract law and consent to contract and support for capacity, employment law and workplace accommodation, and administrative law and administrative bodies working with disabled people to ensure their access needs are met.

The importance of support, access, and accommodation for disabled people begins within the institutions themselves. Participant 2 noted that in the education system, the support for

students and faculty begins in kindergarten and stretches to the top levels of academia. Participants shared the importance of creating space for disabled people in law school: disabled faculty, students, and guest speakers. They also shared that teaching disability education in law school promotes space for disabled people in law school and creates a feedback loop increasing that space. Participant 3 shared that many of the students who take part in the course that they teach have “their own disability or are helping with a relative or friend with disability.”

Participant 3 shared their discovery that “The students who come to the course with some sort of background, who call it a background relating to disability, for them, the course is also a safe space. And so, they become more comfortable in talking about their disability and I think that is very important as well.” Participant 3 added that the student’s disclosure in the class regarding their disability respectfully remains confidential and often encourages discussion about disclosure and ethics.

In speaking of disclosure, the participants recognized that ableism and sanism are ongoing issues for disabled students and faculty. The participants shared that there has been an overall consciousness raising about disability issues and accommodation over the past several decades, yet there is still a long way to go for equality and equity within post-secondary institutions. One of the participants disclosed that when it comes to being a professor with a disability “There's such a power imbalance already and trying to push the institution forward, when it comes disability can feel really scary” and brought up the questions: “What about professors with disabilities? How are they supported or not by the institution? And how does that impact the lessons that we pass on to our law students?”

5.3 THEME 3: POTENTIAL EFFECTS OF DISABILITY EDUCATION ON LEGAL AND JUSTICE PRACTICE

One of the themes identified in the Group 1 interviews pertains to the potential effects of disability education on legal practice. In speaking with Participant 3 about how students can integrate their disability course learnings into their future legal careers, they noted that many things can develop from a student’s participation in a disability course. They shared the example that a student may decide to take up disability research work, as they (Participant 3) have “brought in research assistants from many different areas” and that students work “very hard” to take their disability education and apply it to all forms of law. Some students go on to find jobs that include work with disability. “They don't always, but even if they're practicing family law,

they're thinking about, what are the implications, for example, for parents with disabilities or, they're thinking about the human rights issues that are related to persons with disabilities” (Participant 3).

Participant 4 noted that the disability course they took as a student affected their life in academia and their law practice. The influence of the original disability course they took led to their Ph.D. work, employment opportunities, and eventually their work as a professor of law with interest and research dedicated to advancing the rights of persons with disabilities.

It is important to note that the participants recognize that disability education includes disability courses, but it also includes accommodation for disabled students and the use of diverse pedagogy in the curriculum to teach law. Disabled students face similar barriers in post-secondary education institutions as the disabled people who are in other parts of the justice system. For example, disabled students can face barriers in their post-secondary education because of inaccessible spaces at the post-secondary institution they attend and/or communication barriers related to their disabilities while attending post-secondary school. Participant 4 acknowledged that it is important to think about how disabled law students are treated, as the students with and without disabilities observe accommodation administered to students with disabilities, and:

Thinking about law students with disabilities, and how we serve people with disabilities, that they're both related. If we ensure that we are accommodating law students with disabilities in an appropriate sense, it means that they will go out into the world and serve clients with disabilities in a way that is respectful and competent.

Participant 4 acknowledges that the way disabled students are treated in law school goes on to affect how law students treat disabled people in their practice.

Although there have been great strides made to accommodate disabled students in the past several decades, Participant 2 believes that law schools need to be more proactive in addressing how disabled students are treated. They acknowledged that what is currently taking place in law schools does not create space for people with disabilities because accommodation is produced after a student asks for it; it is a secondary measure. Participant 2 pointed out that creating space for people with disabilities in an obvious and concrete way would encourage more

disabled people to come to law school. “Once more people come to law school, then it just filters, then more people will come into particular roles, and then onward up to being a judge” (Participant 2).

Participant 1 recognized that positive change in access to justice for disabled people grows from all stages of law school, yet society at large must also engage proactively to produce positive change in how disabled people are treated. Participant 1 stated that:

It's just unarguable that people with disabilities are ignored and subjugated in our society and so their interests have been in law schools as well. We need to start at law schools. We need to continue in bar society, and bar admission courses, and then we need to continue with ongoing educational efforts in the bar itself. So, it starts here, in a way in terms of legal professionals, but it continues throughout the spectrum of legal practice in my view.

Still, it is not as though advancing the equality rights of persons with disabilities is completely in the hands of law schools and lawyers. Society at large needs to be willing to advocate for equality rights for the disability community. Society’s level of advocacy for disabled people’s equality rights in the legal system has the power to influence potential priorities given to disability issues and/or disabled people. Participant 1 states:

I think the legal system can be of assistance and can do some positive things and I think lawyers can, although we're no one's savior, right? Society has to move on and hopefully, we'll help propel it and be positive forces but we're not going to remake it.

5.3.1 THEME 4: JUSTICE SYSTEMS’ FAILURE TO RECOGNIZE LIMITATIONS ON PERSONS WITH DISABILITIES

One of the themes communicated in the Group 1 interviews concerned the limitations that disabled people face with their participation in the justice system. Participants noted that the legal system has a limited understanding of disability issues and that this limited understanding arises from a lack of disability education in law school. When speaking with participants about the limitations disabled people face with their participation in the justice system, participants spoke of procedural barriers and substantive barriers.

Procedural barriers are the obstacles that prevent a person from fully participating in dispute resolution proceedings. Most often, but not exclusively, these are rules related to the process by which a matter gets to dispute resolution. In the disability context, for example, procedural barriers can include the need to access a courthouse, the need for forms to be readable and understandable, the need for translation in court, and the need to access financial resources for legal proceedings. The term substantive law stands in contrast to procedural law. Substantive law is the content of a statutory or common law that determines the rights, duties, and obligations of persons regarding a matter.

Participant 3 acknowledged in their interview that disabled people as clients and as practitioners can both face costs for communication when an individual needs transcription or captioning services during the legal process. Participant 3 shared an example of an overlap between communication barriers and financial barriers in court. They described a situation in which a deaf person wants to take part in a jury, yet they need accommodation to communicate. That person may potentially be faced with the question of who will pay for the communication costs: “Will the court be paying for that? Will they have to find funds for that? Where would they find the funds?” (Participant 3).

As an example of barriers, Participant 4 describes “courtrooms that aren't accessible, or lawyers that don't understand you, or judges that presume your incapacity to bring and conduct legal proceedings.” Participant 4 acknowledges that barriers to accessing justice include ableism and sanism and recognize that both substantive barriers and procedural barriers need to be addressed when looking at access to justice for disabled people. For instance, a substantive barrier can exist in decision-making if legal professionals cannot identify disability and ableism. Being able to identify barriers that affect disabled people is essential because even if action is taken for equitable procedural rights, substantive barriers can still exist for people with disabilities. Participant 4 states that these barriers are “baked right into the way that decisions are made about people with disabilities... and if the decisions that are being made about them [disabled people] are infected, what's the point?”

Participant 1 shared the observation that there are justice system officials that have embedded attitudes toward disabled people and “Very often, the legal system just doesn't have a full grasp of the salience of disability issues in terms of people's access and participation... the

legal system is pretty pervasively stacked against people with disabilities.” Moreover, Participant 2 shared that the barriers to participation reach all levels of the justice system and said:

One of the parties might be participating as one of the lawyers, or they might be participating as one of the court workers, like, what's my participation point? And we really haven't created space for the person with disabilities to be one of the court actors, the lawyer, the judge, the defense counsel or the opposing counsel. We just haven't created that space.

The lack of space in the justice system for disabled people establishes a separation between the needs of disabled people and the system that is intended to advance their needs. The separation prevents interactive action that has the potential to affect how law is approached and improved. Participant 4 shared that in the justice system, there is often a separation between advancing the rights of people with disabilities and advancing the rights of people with mental health issues. They stated that there is “a troubling kind of disjuncture between mental health and disability and that disjuncture is a barrier that people with mental health issues have to face in the way that they approach law. It's a really troubling, systemic barrier.” With more space created in the justice system for people with disabilities and people with mental health issues, Participant 4 anticipates that there would be fewer limitations in the justice system for people within all spaces of the justice system and that creating more space in the justice system begins with disability education in law school.

5.4 THEME 5: SHARING AND AVAILABILITY OF KNOWLEDGE AND CONTENT TO TEACH DISABILITY EDUCATION

identified in the Group 1 interviews pertains to the sharing and availability of knowledge and content to teach disability education. Participants shared that there is an ongoing debate in legal circles regarding what constitutes a core curriculum and which courses need to be mandatory for all students. In speaking with the participants about the potential for a mandatory disability course in law school, many participants said they see it as an essential piece of law school, but that it should not be mandatory. Participant 1 shared that they feel that establishing a faculty mandate to include disability content would infringe on academic freedom. Although Participant 1 is conflicted about establishing mandatory disability content, they believe that

endorsing disability content to professors is acceptable. They explain that when exercising mandatory curriculum, they:

Prefer university teaching to be conducted in an atmosphere that fights back against social stratification. So, I'm slightly torn about that issue. But the mandatory part of it, I think that there's a good case for encouraging people to develop content in virtually every subject, which one way or the other takes account of disability issues.

The question is then raised regarding who should develop the content for disability issues. One of the points that arose about the potential for disability content in all subjects is that many faculty do not know what other faculty members are teaching and therefore do not know who is incorporating disability content into their courses. Participant 2 shared that they feel “everyone has such control over their course” and without disability being specified in a course, it is not guaranteed that a student will learn about it. Even if one faculty member includes disability in their course, it is not guaranteed that another faculty member teaching the same course includes that content. Participant 2 said: “If you took family law with X you're going to learn about this related to disability, but if you took family law with this other person, you don't learn about that. That kind of unevenness happens, I think.”

Participant 2 shared that they do not think that there is an unwillingness of faculty to teach disability content, yet they do “think there is a lack of knowledge. I don't know what to do so I don't do it.” Participant 2 speculates that if there was an up-to-date resource where faculty could log into and, “If you're teaching family law, here are five different modules about how you could talk about family law in any of these subjects and add this component of disability” then people could pull content from it, as opposed to leaving the teaching of disability content up to a scholar that already teaches and/or researches disability.

Participant 1 came into teaching disability education with a base of knowledge about disability yet recognized that “You never stop learning as a lawyer and as a citizen... And then the more you learn, the more you get a sense of humility about how much there is left to become familiar with.” There have been recent happenings that promote the inclusion of disability education in law school courses, such as David Lepofsky’s article “Disabled People Need Lawyers, Too” (Lepofsky, 2022) and the 2021 publication of the Law and Disability in Canada:

Cases and Materials (Jacobs et al., 2021) textbook. Two of the interview participants indicated that the textbook was well received and is currently in the makings of its second edition. The Group 1 interview participants see the need for faculty to gain more knowledge about disability and see the potential to teach disability education in law school. Participant 1 states: “You know, I think that overall consciousness of disability issues among law faculty would help to ensure that they're more likely to bring better insights into their curriculum offerings to enrich their teaching and possibly their scholarship, as well.”

In summary, after analyzing the responses from interviews with Group 1, the themes identified are: Marginalization’s Effect on Access to Justice for People with Disabilities, Importance of Teaching Disability Education in Law School, Potential Effects of Disability Education on Legal and Justice Practice, Justice Systems’ Failure to Recognize Limitations on Persons with Disabilities, and Sharing and Availability of Knowledge and Content to Teach Disability Education.

Group 2 Interview Themes

Group 2 interviews consisted of individual interviews with five Faculty of Law members who are *not* teaching disability courses. The faculty interviewed for Group 2 are people who write, research, present, and practice in various areas of law. These areas include Family Law, Torts, The Legal Process, Pension Law and Policy, Queering Law, Business Associations, Administrative Law, and Social Welfare Law. During the interviews, three of the five faculty identified that they had a family member(s) with a disability and/or are themselves disabled. During the interviews, three of the five faculty disclosed that they utilize diverse pedagogy in their course and curriculum design and teaching.

The interview questions asked in the Group 2 interviews are listed in Appendix C.

5.5 THEME 1: BARRIERS TO FACULTY INVOLVEMENT WITH DISABILITY EDUCATION

One of the themes identified in the Group 2 interviews pertains to the barriers that affect faculty’s involvement in disability education. The participants discuss a range of barriers that prevent faculty from having disability content in the courses they teach, including the individualistic environment of academia, inaccessible materials, lack of resources and motivation to teach and/or learn new content, and the strength of communication and collaboration between faculty to teach, learn and share disability content.

Participant 6 pointed out that “the academic mindset is a hyper individualist environment” and as a result, many professors do not know what one another are teaching. Equally important is Participant 6’s experience that some professors are:

...very territorial about the courses that they teach and having a fierce amount of independence with respect to what their courses cover. The factors of territory and intentional independence build a sense that every professor is an island that does whatever they want to do.

Similarly, it is important to recognize that an individualist mindset and intentional independence carry into curriculum development and course design, as intellectual property is created, utilized, and prized by faculty. The University of Victoria library shares that intellectual property governs copyright ownership and use of works created by faculty, staff, and students in which they “generally own the copyright in works they create through teaching and research, with certain exceptions” (University of Victoria, 2023). Examples of intellectual property from faculty include lecture content, lecture handouts, presentations, and other materials prepared for courses, work protected by copyrights, and questions or solutions from assignments, quizzes, tests, and final exams.

Participant 5 notes that the area of intellectual property is complicated because a lot of work goes into the designing of courses and curriculum and not everyone is willing to share the content that they create and/or use. Similar to Group 1 participants, several of the participants in Group 2 believe that there is an interest and willingness to include disability education and they see many courses that are already established to intersect with disability. Yet, without accessible disability content materials, the adoption of disability content into already established courses will unlikely take place. One of the participants mentioned the content that is available in the *Law and Disability in Canada: Cases and Materials* (Jacobs et al., 2021) textbook and said that they are hopeful that “people can use it as a basis for their teaching, then it just becomes easier to offer a course because you don’t have to pull together the materials from scratch.”

Granted that the participants recognize that there are sources for disability content available and there is potential to include disability education in law school, participants also recognize that there is a lack of resources and motivation to teach and/or learn new content.

Participant 6 shares that even when there is a willingness to include new content, sometimes faculty “get stuck when we just don't know exactly how best to structure it into the courses we teach.” Participant 8 acknowledged that sometimes there is a lack of motivation in faculty to bring in something “that may be new to them or that they don't care about.” They also shared that they feel anxious about teaching material that they are not experts in because they want the students to have the best experience possible. Participant 6 shared that motivation to include disability in curriculum would increase if there was more collaboration between faculty: “If they shared what's worked for them, it would probably facilitate others in adopting course content or issues into their courses.”

Something that affects effective collaboration between faculty is the strength of communication between faculty. Several participants noted that communication in the academic environment fluctuates depending on several factors. One of the factors is current events, such as the COVID-19 pandemic. Participant 9 noted that during the pandemic, faculty were not having conversations about their courses and curriculum: “We just haven't been in rooms with each other or hallways with each other for three years. So, I think it's a huge part of it.” Several participants noted that the strength of communication between faculty is affected by how much the current administration values communication between faculty. They shared that if active communication is seen by the administration as a measure of a faculty's success, then there is a higher likelihood of strong communication between faculty.

5.6 THEME 2: PEDAGOGY AS A FORM OF DISABILITY EDUCATION

When speaking with participants from Group 2 about disability education, several of the participants spoke about the importance of pedagogy in law school. Participants spoke about the idea that the design of a course and/or how a course is delivered has the potential to impact access to justice for people with disabilities. Participants spoke about accessibility of courses, accommodation in courses, and the role of innovative pedagogy.

In the interview with Participant 7, they spoke about the basic organizational scan that was completed for this project, in which schools that offer disability law courses were identified. It was identified that of the law schools across Canada, eleven schools have a total of fifteen disability law courses. Nine of the courses have the word disability in their title and the other courses are mental health and law courses. Participant 7 established that they see several ways to

teach disability education in law school and that there are various ways that disability education can affect access to justice for the disability community. For example, they stated that one way to recognize disability education in law school is in a “scanned way” by the name of a course, as was completed with the basic organizational scan in this project. They said that a second, less obvious way to educate students about disability is through innovative pedagogy within other courses, courses that are not explicit disability courses.

Several participants stated that one of the ways to endeavor innovative pedagogy is through teaching courses that have “universal design”, sometimes called “intelligent design”. Steinfeld and Maisel (2012) state that the most common definition of universal design is “The design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design” (p. 28). Participant 5 defined a “universal design” course as a course that is “accessible to a broad array of ways of learning and thinking” and that is delivered in a very accessible way. Participant 5 went on to say that even if there are no disability materials in the courses that have universal design, the accessibility, and accommodation of the course itself provide education about disability, accommodation, and accessibility for all students. They said that “Even the students that don't need that [accommodation and accessibility] are going to see the benefits of it and it's going to mainstream that.”

Several participants suggested that teaching courses with universal design has the potential to positively develop the justice system because the courses with innovative pedagogy grow an awareness about disability through facts, conversations, questions, and situations that arise in/from the universally designed courses. Participant 7 noted that innovative pedagogy is not always simple to track. They share how the use of innovative Indigenous pedagogy in law school has opened new doors for diverse pedagogy and “open space in ways that generate new conversations about what a disability-attentive education would look like.” Innovative pedagogy creates a movement of change that shifts the questions that are being asked about disability, as “different questions become visible that can't be answered by what the courts are doing regarding disability law because what the courts are doing follows way behind where the movement is” (Participant 7). Furthermore, participant 7 states that:

Education about disability and the way it impacts how we live in the world is being done by law schools across Canada in these other kinds of complicated ways that are about transforming how we teach, how we learn, and what's made visible. Not as disability law.

This participant goes on to share that restructuring education to make it possible for all learners is just as important as what the courts and the legislators are doing in the legislative realm regarding disability law. Participant 7 shared that they are curious about:

how to think largely about disability work to make visible what different places disability work is informing access to justice and not staying focused only on case law and legislation as the only site of activism and support or progress and transformation in our systems.

Three of the five participants in Group 2 noted that disability is embedded into their pedagogy at all stages of the courses that they teach. Several of the participants said that the place disability comes up in their teachings is at the very beginning of the course when they go through the course's curriculum and speak about the general standards that their university has regarding accommodation and accessibility for disabled students.

5.7 THEME 3: TEACHING LAW STUDENTS ABOUT MARGINALIZED GROUPS

A third theme that arose in interviews with Group 2 is the positive effects that can occur from teaching law students about marginalized groups. The University of British Columbia's Equity and Inclusion glossary of terms defines marginalization as: "A social process by which individuals or groups are (intentionally or unintentionally) distanced from access to power and resources and constructed as insignificant, peripheral, or less valuable/privileged to a community or "mainstream" society" (University of British Columbia, 2023). Participants spoke about cultural influence on law and the various disadvantages that marginalized groups face in the legal system. These disadvantages include issues that arise in society because of a person's culture, gender, race, abilities, and/or economic situation. All participants noted that educating law students about marginalized people encourages the development of a responsible legal professional who can potentially "Engage with all realities in society" (Participant 6).

When speaking with Participant 9 about what it takes to become a responsible legal professional and a qualified legal advocate, they spoke of the high standards it takes to get into law school. They noted that students who are accepted into law school “already know how to read and write well” and that those standards are important, yet a legal advocate must also be able to engage in critical problem solving and have the skills of “creativity, imagination, and empathy.” Participant 9 acknowledged that learning critical problem-solving skills goes beyond the teaching of laws and legislation, as it teaches students to recognize that there are many different approaches, different importance, and different experiences that take place when dealing with legal issues. They said that these issues include issues of “sexual identity or race or the intersections of Indigenous ways of knowing and being, or disability.” Participant 9 sends the message to their students that law has a broad context and believes that:

When you're training people to become lawyers they have to learn how to engage with a full gamut of human beings and so giving them interesting and different ways to think about law, its power, its different ways of influencing our sense of what's just or fair, is critical. It's kind of problematic not to do it.

Educating law students to see law in a broad context that includes marginalized people provides awareness of the various “structural forces” (Participant 8) that put marginalized people in positions of disadvantage in society. When speaking about the significance of teaching students about marginalized people, Participant 8 shared that teaching students to put law in that broader context “encourages students to see legal questions in a less compartmentalized way and see the laws as a legal system.”

A piece about the legal system that affects access to justice for disabled people is the fact that the legal system is generally an economic system in which many disabled people cannot afford to engage because of the high level of poverty in the disability community (Participant 6). Participant 6 stated that they think one of the big challenges in law education and eventually law practice is that many students who become legal professionals:

...want to do advocacy that is helping marginalized peoples but at the same time, they have to pay their bills and so having sort of a free market legal system works against

providing assistance to people without money resources. ...The hardships of our society and justices are disproportionately borne by certain groups and given that law has a powerful role in the existence of that, my view is that those of us in legal education have an obligation to bring that into our education.

Moreover, Participant 6 believes that some students are receptive to the hardships that certain communities bear in society, yet some students “definitely get their back up when they're told to look out for others in our society or to challenge the privileges that they have, so it can be a bit of a loaded environment at law school.”

In interviews with Group 2, the theme conveyed by all participants was that educating law students about marginalized people, including the disability community, creates diverse skills that are imperative to the development of a legal advocate and should be a priority for part of legal education.

5.8 THEME 4: MOTIVATING UNIVERSITIES TO CREATE AND MAINTAIN DISABILITY EDUCATION IN LAW SCHOOL

In speaking with Group 2 about what has the potential to motivate schools to include disability education, there was discussion about the importance of disability community representation in law schools, the influence that faculty and administration have in making disability education a priority, and the advantage of readily available disability materials.

The participants spoke about the importance of disability community representation in law schools and the effects that disability community representation has on education. Participants spoke about the importance of having people with disabilities attend and work at universities. They shared that disability community representation in law school includes representation by students with disabilities, disabled faculty, and disabled legal professionals.

Several participants recognized that there is an increasing number of students with disabilities attending law school. They acknowledged that students speak about disability more often and/or are disclosing that they are disabled. Participant 8 acknowledged that there is a “very strong voice for students who articulate their accommodation needs and they talk about it to professors and talk about it with each other.” One of the participants shared that the number of students requesting accessible learning accommodation in their classes has increased by 25% in the past year.

Participant 6 shared that when it comes to disability, “there's more awareness and more personal connection to that than there has been in the past.” They note that when a student has a personal connection to disability it makes disability issues “more real.” Participant 6 recognized that there are students who do not have lived experience with disability yet “are justice-oriented people who will respond to realities of social injustice because that's their commitment and their value system.” Participant 6 said that a personal connection to disability justice could be built by “meeting someone with a particular condition that opens their eyes to those realities and the need for that.”

A push for more incorporation of disability education can come from both faculty and students. Participant 8 indicated that students can influence change in courses and curriculum, and perhaps motivate administration to encourage disability education in all courses. Participant 8 said that the student voice is very important within the school they teach at, and students have an influence on where priorities are set for what is taught. They said that if the students see something is missing from the program, students can speak with administration about it, and “students are listened to.” Participant 8 noted that they think that the syllabus given to students at the beginning of each course that includes standards of accommodation for disabled students has the potential to affect the awareness and understanding of disability by all students that take part in the course and read the syllabus.

Equally important to the voices of students in law school are the voices of faculty and legal professionals. Several participants spoke of a faculty’s role in encouraging disability content and/or providing universal design in the courses they teach. Participants 5 and 6 spoke of a need to hire disabled people in their faculty of law yet see structural expectations in law school that act as barriers to hiring disabled people. More specifically, Participant 6 spoke about the “over-performance mentality in law” that is difficult for many people, including people with disabilities. Participant 6 said that:

It may be that there's a there's a structural unfairness in the hiring process, which favors people who don't have any conditions that demand more time and care. So, I think that's a whole other side of this concern is ensuring that as an institution... when we bring in that representative, we also benefit from the experience of those individuals.

In addition, when the voices of legal professionals came to topic, Participant 5 mentioned the Canadian Association of Lawyers with Disabilities (CALD) and the potential for relationships with CALD and disability advocacy in law school. They said that although it may not be in the scope of this project, it would be interesting to “talk to them about any advocacy that they are thinking about, or they see their role as advocating for that.” In speaking with Participant 7 about disabled legal professionals, they mentioned that sometimes the disability community needs to be represented not on the topic of disability, but by being physically present in a classroom’s space. They see that this is a way disability can be integrated into a course without including content on the topic of disability and in doing so disability can become more regular in law school and the legal profession.

Then again, in speaking with participants about what motivates and influences a law school to include disability education, several participants spoke about considering the size of a school and the breadth of its faculty when looking at what a law school teaches. Participants perceive that when there is a small faculty, there is less likely to be resources for courses outside of the mandatory courses and curriculum. Participant 7 shared that in the law school they teach at

...a huge proportion of our work has to go to the required curriculum because we don't have enough people. So, I teach three or four required courses. My total course load would be four, so I would get one course where I can work out my research interests.

With that said, Participant 8 said that if administration, faculty, and/or the Dean of a school learns that students want a particular seminar or course, then “some things can come together that way, and then it becomes regularized and normalized.” They said that there are institutional reasons why a school does or does not include particular courses or seminars in its structure, yet “definitely when there was a will there's typically a way.”

With attention to faculty size and regularized disability education, participants spoke about the possibility of having modules and materials that people can easily access. One of the participants spoke about the Law and Disability in Canada: Cases and Materials (Jacobs et al., 2021) textbook and how “if you want to talk about employment, if you're teaching social welfare law, there's a chapter in that textbook that you can access.” Participant 9 brought up a similar idea, the idea that having easily available materials encourages the inclusion of disability

education into already established courses. They suggested that offering a disability course could lead to a faculty that does not feel responsible for engaging with the topic of disability unless they are teaching the disability course.

When speaking about who has the responsibility to encourage disability education at law schools, participants spoke about creating direct conversations with faculty about disability education to stimulate interest in disability education. Participant 6 acknowledged that there is work in Canada being done to help faculty integrate disability into the courses they are already teaching. They said that:

I think advocates within the school would be important. We get a lot of stuff by email and stuff goes by us a lot. I think having one or two individuals with a commitment to that concern in the school would be valuable for raising that. I think it's a basic justice and fairness issue.

After the interview with Participant 6, they followed up via email and shared David Lepofsky's 2022 article "Disabled People Need Lawyers, Too." Participant 6 referenced Lepofsky's article as an initiative in Canada to integrate disability content into law school curriculum and stated that when it comes to faculty prioritizing disability content "it's a question of just pushing it forward."

In summary, after analyzing the responses from interviews with Group 2, the themes identified are barriers to faculty involvement with disability education, pedagogy as a form of disability education, teaching law students about marginalized groups, and motivating universities to create and maintain disability education in law school.

6.0 Discussion and Analysis

This section builds on the findings outlined in Section 4 and Section 5 by examining the results of the basic organizational scan and interviews and framing them within the project's research questions. This section includes a summary of the research findings by linking key findings from both the organizational scan and the interviews with findings from the literature and providing relevant themes and sub-themes.

6.1 Connecting Key Findings with Literature

The key findings presented in Section 4 and Section 5 connect with a considerable amount of information reviewed in the relevant literature discussed in Section 2 of this report. There were consistencies across the findings and the literature in terms of the themes identified for this project. Together, the findings and the literature review answer the project's research questions and objectives. To provide an analysis of the findings and relevant literature, this discussion examines connections through the following themes: access to justice issues for the disability community, the potential impact of disability education on access to justice for disabled people, motivation and influence to include disability education in law school, and incentives to include disability education in law school. The findings also include a section on unexpected findings and new ideas that occurred within the project's interviews.

6.2 Access to Justice Issues for the Disability Community

This section identifies connections between the findings and the literature regarding issues that disabled people face in terms of access to justice. To start, the literature and the Section 5 findings assert that access to justice is established in the needs of the majority and a person's culture, gender, race, abilities, and/or economic situation can cause them to face disadvantages in society. More specifically, the literature and findings both demonstrate that there is no space in the justice system for disabled people to fully partake because they lack financial, political, and cultural power. Furthermore, the findings and literature both make it clear that disabled people face substantive, procedural, and symbolic access to justice issues (Badhi, 2007; Flynn, 2015; Ortoleva, 2011).

As identified in Section 2 of this project, the lack of financial power that disabled people face feeds substantive and procedural access to justice barriers. It is important to note that many

of the interviewees mentioned that the justice system is generally an economic system that disabled people cannot afford to access because many disabled people are poor. In fact, working-age Canadians with disabilities are twice as likely to live in poverty as working-age Canadians without disabilities (Government of Canada, 2024). Having a free market legal system works against people without financial resources who often face extra costs, such as transportation costs and communication costs (Mitra et. al, 2017).

Interviewees shared that many students attaining legal education who then go on to become legal professionals determine that there is little to no income in providing legal services for people with disabilities, and this potentially influences students' interest in disability education. Consequently, it is hard to find legal professionals to provide well-informed, accessible, and timely access to justice for the disability community (Flynn, 2015; Ortoleva, 2011). Students coming out of law school with little disability education then go on to become legal professionals who have little understanding of how to work with disabled people and likely lack knowledge of disabled people's legal concerns and disability issues.

Other factors creating access to justice barriers for disabled people include the lack of political and cultural power that disabled people face. For example, the findings and literature show that culture influences law and that, culturally, disabled people have been portrayed as a burden to society. The findings and literature both demonstrate the argument that disabled people constantly face ableism, sanism, and isolation from society (Badhi, 2007; Flynn, 2015; Mor, 2006). Interviewees spoke of the subjugation of disabled people from society and the reality that many disabled people are stigmatized by society, and they stigmatize themselves. The disability identity remains a complicated identity (Flynn, 2012) to much of the legal community and society at large. This is an odd circumstance, as the disability community constitutes an estimated 16% of the global population (World Health Organization, 2023).

Considering this complicated disability identity, the issues of political and cultural power propagate substantive, procedural, and symbolic access to justice barriers. Literature and findings bluntly shared that disability identity would be less complicated and access to justice barriers would be fewer if individuals and institutions could address issues of disability through proactive means (Rothstein 2014; Flynn 2015; Ortoleva, 2011). Proactive means include practices, procedures, policies, education, and relationship building that lead to informed decision-making and produce growth in the overall power of disabled people in society. An example of proactive

measures within a post-secondary school is the creation of a policy in a law school to hire at least one faculty member who is disabled. This policy could offer an opportunity for that disabled faculty member to share their disability informed lived experience in faculty-led decision-making. A second example is proactive relationship building, in which a law school intentionally builds relationships with organizations that work exclusively with disabled people. An example of this type of organization is the ARCH Disability Law Centre. ARCH Disability Law Centre is in Toronto Ontario and is a specialty legal clinic that practices exclusively in disability rights law (ARCH, 2024). A law school's relationship with an organization such as ARCH would conceivably provide discussion and awareness in that law school about access to justice for disabled people.

6.3 Potential Impact of Disability Education on Access to Justice for Disabled People

This section draws connections between the findings and the literature concerning disability education's potential impact on access to justice for disabled people. The discussion highlights the effects disability education has on people with and without disabilities, including students, faculty, and ultimately the legal profession.

Excluded from the marginalized

Firstly, a predominant trend in both the findings and the literature is the notion that for a student to become a responsible legal professional a portion of the knowledge they are exposed to in their training should be centered on marginalized communities. The interview findings indicated that educating law students about marginalized people, including the disability community, creates diverse skills that are imperative to the development of a legal professional and should be a priority piece of legal education. As stated in the findings of this project, participants noted that educating law students about marginalized people encourages the development of a responsible legal professional who can potentially engage with "all realities in society" (Participant 6). This finding is interesting because it builds an impression that the disability community is included in the consideration of marginalized communities in legal education, yet the findings and literature illustrate that they are not.

The literature review demonstrates that there is content related to many marginalized communities, yet disabled people and the legal needs of disabled people remain excluded from curriculum expansions (p. 10). The findings in the basic organizational scan illustrate that many

law schools have courses regarding other marginalized communities, such as immigrants, BIPOC³, females, and LGBTQ+ communities, yet disability courses are few and far between.

A consequence of being excluded from this type of curriculum expansion is that students do not learn about the barriers that disabled people face as a marginalized community and students may not even recognize disabled people as marginalized. That is to say, the disability community is often excluded from dialogues regarding marginalized communities. Furthermore, findings demonstrate that the exclusion from dialogue regarding marginalized communities happens beyond law school, it also happens throughout entire post-secondary institutions. One interviewee noted that they continually cue the faculty and administration to include disabilities in dialogue regarding marginalized communities. If administration does not include disability in dialogue about marginalized communities and courses do not include disability, students are unlikely to recognize disabled people as marginalized. If students do not learn to see disabled people as a marginalized community that requires support, these future legal professionals will be unable to fully represent disabled people in the justice system at all levels.

Providing a disability lens

Regardless of the area of legal practice that a student eventually engages in, they will inevitably be involved with disabled people at some point in their careers. That is why students must be informed about how to work with disabled people and that they are aware of the access to justice barriers that disabled people face.

Much of the literature and the findings identified a disability gap in law school, a gap that includes a lack of disability law content taught in law school, and a general lack of participation of disabled people in law school. This lack of participation includes the participation of students, faculty, and legal professionals with disabilities. The literature and findings demonstrate that filling the disability participation gap has the potential to invoke reform of policy by and for disabled people and correspondingly impact overall access to justice for disabled people. Students are more likely to become responsible legal professionals with the ability to serve the disability community if they have the opportunity to learn about and/or participate with disabled people in law school.

³ BIPOC is an acronym for Black, Indigenous, and People Of Color.

The findings and literature indicate that students who receive disability education then have an opportunity to carry a disability lens into their future practice (p. 14 and p. 15), with disability education integrated into their careers. For example, students who gain disability education can be inspired to go on to become academics who teach disability courses, they can work as faculty members conducting research dedicated to advancing access to justice for people with disabilities, and they can be practitioners of disability law.

With attention to a disability lens, disabled and non-disabled students are influenced by their school's value of a disability lens and will likely similarly serve clients to how they were served at their school. For example, a law student can one day become a judge. When a disability lens is valued by a school, a student who one day becomes a judge potentially has the acumen of the disability lens from the institution they attended and can inform decisions on process and substantive law with that acumen.

Law school creates opportunities to cultivate competency that is required to deal with the legal, physical, cultural, philosophical, political, economic, social, and attitudinal barriers that disabled people face in the justice system and our society at large. Institutions that aim to teach people to lead equality, justice, and fairness in society ought to include opportunities for students to acquire a disability lens. A disability lens will effectively serve a community that continually faces issues of inequality and injustice.

6.4 Motivation and Influence to Include Disability Education at Law School

This section draws connections between the findings and the literature regarding what motivates and influences law schools to include disability education. As discussed in the findings and literature, law school helps students build legal analysis skills, learn legal rules, build relationships with other people in the legal sector, bring law where it is needed, situate law in a broad context, and educate law students to think like legal professionals (Arthurs, 2014; Bakht et al, 2007; Matsuda, 2014). When assessing the findings in conjunction with the literature it became evident that what law students are taught is motivated and influenced by the legal profession, the legal academy, and the students themselves.

The Legal Academy and Legal Profession's Influence on Students

Looking first at the legal profession and the legal academy, the findings and literature emphasize pressure from both groups to deliver what they see as “practice-ready” students from

law schools to the legal profession. There have been some innovations over the past few decades to include education about marginalized groups in law school education, yet there remains differing opinions among legal academics and legal professionals as to what constitutes a practice-ready student. Much of the findings and the literature demonstrate that disability education has not received enough emphasis from both the legal profession and the legal academy when it comes to what is being taught to produce “practice-ready” students. As stated in various sections of this project, some educators and practitioners believe that education about marginalized groups is essential to legal practice while others may not. Beliefs from the legal academy and the legal profession bleed directly into the courses and the curriculum that are developed and impact what is taught to promote so-called practice-ready students (Arthurs, 2014; Flynn, 2015; Schwartz, 2016).

Due to the emphasis that the legal academy and the legal profession place on certain courses, students are less likely to engage in courses that the academy and profession do not promote or emphasize as essential to legal practice and/or valuable to building legal skills. Courses that are not recognized as essential to legal practice are absent from mandatory curriculum and were defined by Bakht et.al (2007) and several interviewees as outsider courses. The findings and literature both reflect the argument that a large portion of the student population will only enlist in outsider courses that they, the students, believe have material that is “relevant to today's world” (Bakht et.al, 2007, p. 45) and are unlikely to take an outsider course if they believe it does not provide them with useful legal skills (Bakht et.al, 2007, p. 46). With that said, it is important to recognize that disability law is relatively recent in the study of legal education (Flynn, 2015), so students may not yet see disability education as useful to the legal skills they are learning.

Resources for Curriculum Change

The research and findings state that there is potential for law course curriculum change. However, there was a common acknowledgment that there is a lack of time and resources to initiate, create, and maintain the incorporation of disability education in law schools. The search for literature and the literature itself demonstrates that there is little written about how to teach students about disability. Interestingly, many interviewees believed that there is an interest and willingness to include disability education, yet noted various reasons why it is not included in a law school's course offerings and/or in law courses.

For example, when sharing the basic organizational scan results with interviewees, many of the interviewees mentioned that a school's size can greatly affect the courses that are offered and that small to mid-size law schools have fewer "boutique courses". Boutique courses were described as specialty courses, outside of mandatory courses, in which the faculty teaching them often have a personal interest in the topic and/or the school offering the course may be known to specialize in the topic. This connects to the work of Bakht et al. (2007) regarding "outsider" courses, courses such as feminist courses, Indigenous rights, law and sexuality, racism and the law, and disability and the law. Bakht et al. and the findings indicate that faculty and the legal academy have a tremendous influence on which boutique/outsider courses are given priority in a school's course offerings. Findings demonstrate that small to mid-sized law schools potentially have fewer resources available to include a full spectrum of outsider/boutique courses. Therefore, if disability education is not seen as a priority by a particular law school's academy, then it is not given the resources needed to exist in the school's course offerings.

Finally, there was speculation that the academic mindset is individualistic and there can be a fierce amount of independence among faculty as to what they teach and how they teach it. For example, the findings reflect that some faculty are territorial about the courses and seminars they teach and carry their content and curriculum as intellectual property and a resource that is not to be shared. The findings emphasize that a high degree of time/financial/people resources go into the building of curriculum and course design, and it can be complicated to bring in changes.

Improve Communication Among Faculty

Another key point that the findings highlighted about law school education is that many faculty are unaware of what each other are teaching. The findings from Section 5 indicate that there needs to be better communication among faculty as to what they are teaching, how they are teaching, and what they are interested in teaching. Many interviewees reported that a lack of communication among faculty increases the likelihood that faculty are unaware of who is incorporating disability into their courses and who has an interest and/or specialization in disability. With attention to specialization, several of the findings noted that law faculty and legal professionals are anxious about teaching material that they are not specialized in. Interviewees disclosed that they want students to have the best experience possible at law school, and therefore many of them are unlikely to venture into teaching content outside of their specialization. The question then remains that if disability education is not available to all of

those who impact law school education, then who other than a few disability advocates will specialize in it.

Both the literature and the findings shared the above view that law school is an ever-evolving landscape with knowledge and information constantly flowing through it. Pue (2005) shared that legal educators take knowledge from the larger society and bring it into their classrooms, but the literature suggests that larger society is not speaking about disability. Much of the literature argued that faculty have the influence and the responsibility to bring sufficient content from society into their teachings and that sufficient content needs to include disability education (Arthurs, 2014; Flynn, 2015; Matsuda, 2014). The findings indicate that increased communication among faculty could enable faculty to share knowledge, experience, and content that could motivate one another to investigate disability and use new content in their own teachings and/or revise their curriculum. Several interviewees said that if there was an accessible platform available with disability education resources and if faculty communicated with one another about those resources, it would facilitate the opportunity to bring disability education into the courses they teach.

One such resource is David Lepofsky's "Disabled People Need Lawyers, Too" (2022). Lepofsky's article explicitly names disability-related articles that can be added to various course curriculum and could enable disability education to be added to a wide range of courses and discussions in legal education. In addition to Lepofsky's work, there is potential for endorsement and integration of the 2021 publication of the *Law and Disability in Canada: Cases and Materials* textbook. Perhaps disability education can increase with the sharing of the above materials, yet the findings demonstrate that there is still a gap in communication about those available materials and faculty would benefit from a platform to share such information and materials.

Equally important to available materials, is the finding that the current administrators of a law school affect the significance that is placed on the quality of communication between faculty. As stated in the findings, the academic mindset can be very individualistic and if administration does not place explicit value on communication between faculty it will not be seen as a measure of success and therefore will not be regarded as a priority for faculty fulfill. A definitive request from administration to faculty for increased faculty communication could mobilize increased faculty collaboration.

Regarding communication and administration, it is also important to note that administration have the capability to influence what faculty learns in terms of professional development and could intentionally include disability in that professional development. For example, when administration programs a seminar for faculty professional development, there could be action to include disability as part of that seminar. This could mean including disabled practitioners, disability materials, or an entire seminar dedicated to disability education.

Student Influence on Curriculum Change

Building on the discussion of motivation and influence on course and curriculum change is an observation from the findings that students play an important role in what is taught in law school. The findings revealed that faculty recognize that students influence what is taught at law school and see it as an important factor in affecting course and curriculum change. The findings highlighted that several of the interviewees believe that students have the power to push for change in course and curriculum and that change can take place more quickly when students are taking initiative, as opposed to a similar initiative that is endeavored by administration and/or faculty alone.

As the findings and literature illustrate, the disability community remains marginalized, and as such is less valuable to “mainstream society” (University of British Columbia, 2023). A result of being less valuable to mainstream society is that the disability community remains unseen by many and knowledge and information about the disability community is not valued. This disregard affects students. Students with lives that have been affected by disability may value disability education in law school, yet many students will be lacking that connection, practical perspective and/or lived experience that engages that value. The adage “You don’t know what you don’t know” applies here, as law schools have the capacity to offer disability education and create that value for those students.

Finally, it is important to reiterate that both the literature and the findings illustrate that the legal academy and legal professionals endorse education that they see as relevant to the development of a good legal professional. These opinions and insights influence what a student perceives as essential to their development in becoming a good legal professional. The influence that the legal academy and profession have on a student’s assessment of a good legal professional can motivate students to incorporate disability education into their law school learning. If a law school deliberately addresses the importance of disability education with

students, there is potential for students to be interested in developing their law education to include disability.

6.5 Incentive to Include Disability Education in Law School

This section identifies information from the findings regarding incentives to include disability education in law school and it is the final theme examined in support of this analytical discussion. This theme acknowledges the broad range of skills that students acquire to establish themselves as good legal professionals, the positive impact disability education has on law students and faculty, and disability education's impact on an institution's diversity, equity, and inclusion efforts.

An important finding from this project is that there is much more to becoming a legal professional than passing exams. The findings and literature emphasize that law students make it into law school because they know how to read and write well, yet they require many more skills to be a good legal professional. The literature and the findings illustrate that students who want to go on to become good legal professionals need creativity, imagination, and empathy. In realizing those skills, students can see law in a broad context, engage with a broad range of people, and be familiar with a variety of approaches to deal with a various situations and issues that affect those people.

Another theme that arose from the literature and findings is that including disability education in law school increases disability representation at law school for disabled students, disabled faculty, and disabled legal professionals. Increased disability representation builds advocacy for the disability community at the very foundation of the justice system: law school. Representation remains important, as the findings and literature illustrate that ableism is an ongoing issue for disabled students, disabled faculty, and disabled legal professionals. Disabled faculty shared that being disabled creates an immediate power imbalance in the legal profession and in academia. This power imbalance means that it can be intimidating for disabled faculty to push the issue of ableism and sanism to the forefront in the very institutions that they work in. Explicit encouragement from a law school to their faculty to incorporate disability education in their courses has the potential to remove the uncomfortable spotlight that some of the faculty feel as they continue to push for disability education and disability advocacy.

Furthermore, the interview findings illustrate that fundamental disability advocacy takes place when there is disability education in an institution. This advocacy work then affects the level of diversity, equity, and inclusion (DEI) in an institution. For example, in several of the findings, the faculty members that teach disability courses stated that a disability course acts as a safe and inclusive space for disabled people. Disability courses create space where students and faculty are more willing to disclose their disability and talk with others about their disability experiences and their accommodation needs. Once this safe space is established, conversations take place in which students and faculty with and without disabilities communicate with one another about issues of accommodation, disclosure, and ethics. As a result, these first-person conversations stimulate a new level of knowledge, interest, and accountability in disability issues – issues that affect DEI in post-secondary institutions and in society at-large.

Examples of disability community DEI issues that take place in post-secondary institutions include support for disability accommodation, improved accessibility in courses and curriculum, increased enrollment of disabled people in school, increased hiring of faculty with disabilities, and increased awareness of disability-related current affairs. The literature and the findings illustrate that students who are becoming legal professionals need an understanding and appreciation of DEI. An appreciation and understanding of DEI can act as an incentive to facilitate DEI beyond the law school itself and expand throughout an entire institution.

6.6 Unexpected Findings and New Ideas

While the research conducted in this project aligns with much of the findings in the literature review, some unexpected results present opportunities for more exploration and discussion. These unexpected findings include evidence that educating law students about disability can take place outside of disability courses and that there are different interpretations of what disability education is comprised of.

Education Through Innovative Pedagogy

Firstly, the interview findings highlighted the notion that disability education can take place beyond disability courses. Several interviewees proposed that the pedagogy of a course can provide disability education to students who are enrolled in that course. For example, the design of a course and how a course is delivered has the potential to encourage people with diverse needs to take the course and/or has the potential to impact how students recognize and consider

people with diverse needs. In other words, they said that courses taught with innovative pedagogies can grow an awareness about diverse people's and diverse people's needs through the application, conversations, questions, and situations that arise in those courses.

For example, some faculty members spoke about unconventional methods of legal pedagogy that they use in their classrooms, such as art, poetry, visual communication, and plays. These unconventional methods create new levels of accessibility for students and engage and accommodate students with diversities to participate in the classroom. With these unconventional methods, it becomes increasingly possible for diverse learners to successfully take part in law school and eventually take part in the justice system at all levels. With more diverse people taking part at all levels of the justice system, access to justice for diverse people, including disabled people, can be improved.

Accommodation and Accessibility Standards at a Law School

Several people in both interview groups established that they believe a law school's overall accessibility and accommodation standards and practices provide some disability education for students and faculty. They reported that accommodation and accessibility practices in a law school create new awareness for all students regarding the various barriers that disabled people face and can lead to the mainstreaming of disability awareness and accommodation. For instance, one faculty member reported that all the materials in the courses they teach include innovative accessibility for communication and that doing so creates a conversation with students about the benefits of accessible communication.

Additionally, it is possible that expanding students' knowledge of accommodation and accessibility can encourage disabled and non-disabled students to include similar accommodation and accessibility in their future careers. Yet, when considering the different ways in which disability education can affect access to justice, it is uncertain that a student would recognize disability education unless it is named as such. Without naming disability education explicitly, it is unclear that students will see the information shared as a substantial piece of education that is valued enough to incorporate into their future careers.

Finally, the findings indicate that there are many avenues through which disability education can inform access to justice. It is important to note that when it comes to activism, support, progress, and transformation, disability education is not limited to case law and legislation. The myriad of avenues through which disability education can affect and inform

access to justice is beyond the scope of this research project. It is a big-picture issue that remains important for future exploration and discussion.

6.7 Answering the Research Questions

The purpose of this project was to identify how Canadian law schools are incorporating disability education into their course offerings and course curriculum and look at opportunities to improve disability education at Canadian law schools.

The project used two research methods to identify how Canadian law schools are incorporating disability education into their course offerings and course curriculum: a basic organizational scan of Canadian law schools to discover which law schools teach disability courses and key informant interviews with faculty that teach at Canadian law schools. In Appendix A, the author charted links between the literature review themes and the interview questions that were asked. In combination, the research methods provided insight into how Canadian law schools are incorporating disability education into their course offerings and course curriculum, what access to justice barriers disabled people face, and how disability education could potentially impact access to justice for disabled people. The findings from this project highlight what motivates, influences, and encourages faculty to provide disability education and provide information about how disability education can take place beyond disability courses.

The following section includes a summary of the findings of this project concerning the primary research question and its four secondary research questions.

How are Canadian law schools incorporating disability education into their course offerings and course curriculum?

The findings indicate that there are different interpretations of what comprises disability education. Canadian law schools address disability education by teaching disability courses, yet there are few disability courses taught at Canadian law schools. The author systematically collected data on disability courses. Then, through the interview portion of the project, it was illustrated that educating law students about disability can take place beyond disability courses. For example, the findings demonstrate that innovative pedagogy can be used as a form of disability education because it supports diverse ways of learning and engages students in

untraditional ways during their legal education. Consequently, students are more aware that there is a population of people that communicate better with untraditional methods of communication, students have more tools to communicate in a variety of ways with diverse populations, and courses and curriculum are more accessible to diverse learners. Other interpretations of what might constitute disability education included hiring disabled law professors, including disability topics in mandatory law courses, bringing in disabled lawyers to speak with students about their lived experiences, and making law school more accessible for students with disabilities. Evaluating the various interpretations of disability education is outside the scope of this project yet is worth exploring further.

What motivates faculty to include disability education in the curriculum they teach and/or what motivates faculty to teach disability courses?

The findings highlight that there is an interest in increasing disability education at Canadian law schools, yet there is action needed by the legal academy, legal profession, and law students to motivate and influence increased disability education at law schools. Findings demonstrate that what motivates and influences faculty to include disability education in their curriculum and/or teach disability courses is the availability of disability materials and resources, and a personal investment in the disability community. Ultimately, the inclusion of disability education at Canadian law schools is influenced by a commitment to disability education made by the legal profession, the legal academy, faculty of law administration, and students of law.

How might including disability education at law school impact access to justice for disabled people?

The research and findings illustrate that because disabled people are marginalized, they face access to justice barriers. The access to justice barriers that disabled people face include lack of political, financial, and cultural power and a variety of substantive, procedural, and symbolic access to justice issues (Badhi, 2007; Flynn, 2015; Ortoleva 2011). The marginalization of disabled people from society creates a lack of knowledge, interest, and awareness of the disability community by much of the legal profession, the legal academy, and law students.

A key point that the findings demonstrate is that the access to justice barriers that disabled people face are influenced by the lack of disability education at law schools. Moreover,

when few students learn about disability, it results in few legal professionals that are educated about disability. The findings from the interviews with Group 1 and Group 2 illustrate that it is important to include disability education in law schools and that including disability education in law schools has the potential to lessen access to justice barriers for disabled people.

6.8 Strategic or Research Implications

This project, given the findings presented, has been the first to utilize a basic organizational scan of Canadian law schools in combination with interviews of Canadian law school faculty to analyze how Canadian law schools are incorporating disability education into their course offerings and course curriculum.

Through a review of existing literature about the teaching of disability law in legal education, it was demonstrated that teaching disability law in legal education affects access to justice for disabled people. The literature and findings created an understanding of various access to justice barriers that disabled people face and how disability education in law school can affect access to justice for disabled people.

The research conducted in this project contributes to the knowledge of disability education in law schools because the findings illustrate that Canadian law schools have varied levels of engagement with disability education and that there are differing opinions of what constitutes disability education in law school. The results of this research indicate that Canadian law faculty have an interest in disability education and that there is potential to build practices and create policies in law schools to encourage including disability content in legal education.

Further, the findings have potential to motivate law schools to include and/or increase disability education in their schools because they illustrate the potential positive effects that disability education can have on access to justice for disabled people.

6.9 Limitations of Analysis and Areas for Further Research

Throughout the discussion and analysis of the findings, limitations of analysis and areas for further research emerged. One limitation in the analysis was that the interviews, completed exclusively with law faculty, represent a small portion of people that are in the justice system. Further research could include conversations with disabled people that have experienced challenges in the justice system, disabled law students, disabled lawyers, and people that practice

disability law. It would be beneficial for further research to include a broader group in the interviews, as each group have different insight on the research questions and topic.

A second limitation is that there is potential to conduct a deeper analysis of disability education by researching mandatory courses that include disability content in their curriculum. Research could seek to find faculty that include disability content in their mandatory courses and identify what they are teaching. This research could seek to find a correlation between what is being taught in courses that are mandatory to law students and its value to disabled people in the justice system.

Finally, a third limitation is a need for a more extensive look at innovative pedagogy as a form of disability education. Further research could be done on pedagogy as a source of disability education that is outside of disability courses. This could include research into universal course design and its effects on disability education and the disability community.

6.10 Revisiting the Conceptual Framework

There is insufficient recognition of disability in legal education and in the justice system. At the same time, people with disabilities are unable to effectively achieve appropriate outcomes in the justice system. The initial conceptual framework focused on disability courses as a means for determining the commitment of law schools to offer disability education, yet the scope of disability education grew as the research progressed and it turned out to be more nuanced than anticipated. For example, in Group 2 interviews the findings illustrate that education about disability can be taught outside of disability courses and/or curriculum. For instance, a professor that employs a universally designed course and explains the importance of universally designed courses to their students is offering a version of disability education by creating awareness about disabled people's accommodation needs. They are potentially providing tools that students could bring into their future practice.

The desired future state of disability education in Canada is to have disability courses in every law school. This would allow for greater recognition of issues associated with disability in the justice system and encourage disability law to be studied further. It would empower future law professionals with practice-ready skills and perspectives that will improve access to justice for disabled people. It would build disability representation in the justice system, provide a *disability lens* when justice providers are creating policies, practices, and procedures that affect

disabled people, and support equitable hiring practices in law faculties. Offering disability courses in every law school in Canada would build an entire network of justice makers from across Canada who have the resources they need to be willing and able to provide disabled people with the access to justice that they deserve.

7.0 Recommendations

This project sought to analyze how Canadian law schools are incorporating disability education into their course offerings and course curriculum. Disability education at law schools includes teaching law students about laws that affect people with disabilities and/or providing perspective and awareness regarding the lived experiences and history of disabled people. The following section will detail the author's seven recommendations for consideration by the University of Victoria's Access to Justice Center for Excellence (ACE) to increase disability education and improve access to justice for the disability community. These recommendations are based on the data gathered from a basic organizational scan and key informant interviews with faculty of law from across Canada.

Given the number of recommendations in this report, it might well be appropriate for ACE to consider seeking funding for a follow-up project that would then provide resources to assist law schools in implementing a number of these recommendations.

Recommendation #1: Build relationships with the disability community.

Increased disability representation in law schools has the power to influence disability education at law schools. As evidenced in the discussion and analysis of the literature review and findings, increased disability representation in law schools builds opportunities for advocacy for the disability community at the very foundation of the justice system. Building relationships with the disability community and organizations that work with people with disabilities can help to increase disability representation, lessen the marginalization of disabled people, and increase the political and cultural power of the disability community.

To grow disability education in law schools, it is recommended that the University of Victoria's Access to Justice Center for Excellence (ACE) build relationships with the disability community and with organizations that work specifically with disabled people. Examples of these types of organizations include the Canadian Association of Lawyers with Disabilities (CALD) and the University of Victoria's Society for Students with Disabilities (UVSSD).

Building these types of relationships within the law school framework will enhance disability education at law schools because engaging with these groups creates dialogue and accountabilities for the future of disability education in a law school and can lead to informed decision-making with disability education initiatives.

Recommendation #2: Host conversations about disability with students.

Students play an important role in what is taught at school. The findings and literature both reflect the argument that a large portion of the student population will only engage in topics and issues that they believe are relevant to today's world. Additionally, students are influenced by what their schools illustrate as relevant.

It is recommended that ACE provide opportunities for students to engage in disability education. This could be as simple as hosting student conversations about the potential to learn about disability education. Further, ACE could provide a platform for students across the country to come together for an online information session or seminar to be hosted by the author. The author could talk with the public about this project, its findings, and moderate a conversation regarding access to justice for disabled people.

Recommendation #3: Curate disability resources that are accessible to all faculty.

The inclusion of disability education in law school is imperative to a good legal education. Both the literature review and findings of this project indicate that educating law students about marginalized communities should be a priority piece of legal education. Yet, disability education has not received that priority at all law schools across Canada. The findings point to a lack of time and resources to initiate, create, and maintain the incorporation of disability education in law schools.

It is recommended that ACE consider seeking funding to curate disability resources that are accessible to all professors. For example, resources such as David Lepofsky's article "Disabled People Need Lawyers, Too" and the textbook *Law and Disability in Canada: Cases and Materials* (2021) could be included in a specially curated list of resources. Curating these materials and making them easily accessible to professors could encourage law faculties across Canada to include disability education in their curriculums.

Recommendation #4: Create and share a public platform to share curated resources.

There is a lack of awareness among law faculty regarding disability education materials that are already available, and faculty would benefit from a platform to share such information and materials. It is recommended that ACE consider developing an open-source curriculum platform with resources for use by law faculties. This could mean hiring a person(s) to create a

simple platform to share curated disability material. For example, an online drive folder containing disability-specific materials could be created, and a folder link could be sent to the Faculty of Law with an explanation of an initiative to include more disability education in law schools.

Readily available materials would facilitate the incorporation of disability education at a broad level. It would also encourage the building of curriculum and course design to include disability education. This would enable faculty that have little knowledge about disability education to build disability into their academia more easily.

Recommendation #5: Create and offer a disability course.

Providing an explicit disability course will benefit the law school and its students. The findings and literature review indicate that regardless of which area of legal practice a student eventually engages in, they will inevitably be involved with disabled people at some point in their career. Fundamental disability advocacy takes place when there is disability education in an institution. A disability course will provide the foundation for that advocacy. Therefore, it is recommended that ACE support the development and implementation of a dedicated disability course.

Recommendation #6: Create and host professional development seminars about disability.

The findings indicate that there is interest from law faculty members to learn about disability and that administration can influence what faculty learns in terms of professional development. The literature suggests that to improve equality for disabled people in the justice system, the learning must continue beyond law school and should be part of professional development for legal professionals.

It is recommended that ACE encourage faculties of law to hold professional development seminars on the topic of disability and/or disability education. For example, a Faculty of Law could host a mandatory professional development session(s) for faculty that specifically discusses the disability community and access to justice barriers for disabled people. The seminar should include disabled people in the session(s) and provide faculty members with ready-to-use disability materials.

Law students who are exposed to explicit disability education go on to become legal professionals who understand the barriers that disabled people face and how to work with disabled people. Their practice will benefit from their knowledge of disabled people's legal concerns and disability issues.

Recommendation #7: Encourage more discussion between faculty members about the pedagogy and the curriculum that they use.

The findings indicate that many faculty are unaware of what each other are teaching. This lack of communication increases the likelihood that faculty are unaware of who is incorporating disability into their courses and who has an interest and/or specialization in disability. There needs to be better communication among law faculty members as to what they are teaching, how they are teaching, and what they are interested in teaching.

It is recommended that ACE encourage faculty of law administration to make definitive requests of their faculties to increase collaboration. This is not necessarily limited to internal faculty at the University of Victoria, as collaboration can take place between multiple law faculties at post-secondary institutions where disability courses are already offered. This collaboration could serve to build on the teachings from other faculties and inform the University of Victoria's faculties.

To initiate such collaboration, it is recommended that this project be shared on the ACE website to make the public aware of the project and its findings. Additionally, it is recommended that the author send all project interviewees an email of gratitude and include the final report in the email with an option to have a follow-up conversation regarding the project report. This will serve to lay the groundwork for more collaboration and resource sharing.

8.0 Conclusion

The disability community is the largest marginalized community in the world (World Health Organization, 2022). In 2023, Statistics Canada reported that 27% of persons aged 15 and older in Canada had at least one disability and that from 2017 to 2022 the disability rate rose in all provinces and most territories (Statistics Canada, 2023). With eight million Canadians having at least one disability, all people undertaking law-related careers will invariably work with the disability community at some point in their lives. Not only that, law students, lawyers, and law faculty will either experience disability directly and/or know someone with a disability in their networks.

The primary question this project sought to answer is how Canadian law schools are incorporating disability education into their course offerings and course curriculum. The project's exploration included a literature review about disability education at law schools, a look at access to justice barriers for disabled people, a basic organizational scan that identified which Canadian law schools have disability courses, and interviews about disability education with Canadian law faculty members.

As shown in the literature review, previous academic work established that there is literature regarding disability law, and there is academic work about the importance of including disabled people in law schools, yet there is little academic work regarding disability education in law schools. This lack of academic work spotlights a disability education gap in law schools.

The research conducted in this project identified a lack of disability courses and a lack of disability education in Canadian law schools. A thematic analysis of the interviews provided new insight into disability education from faculty of law perspectives. These perspectives included an understanding that the disability community is a marginalized community that faces major limitations to participation in the justice system. Faculty members recognized the importance of teaching disability education in law schools and acknowledged that providing disability education in law schools influences disabled people's ability to access the justice system.

As stated in the discussion and analysis section, the research of this project contributes to the knowledge of disability education in law schools because the findings illustrate that Canadian law schools have varied levels of engagement with disability education and that there are differing opinions regarding what constitutes disability education in law school. The results of the research indicate that Canadian law faculty members have an interest in disability education

and that there is potential to build practices and create policies in law schools that encourage disability education to be taught throughout the legal education system.

The findings in this project illustrate multiple opportunities to grow awareness of the disability community and increase disability education in law schools. The research revealed that law students, law faculty, law school administration, and the legal academy influence the value that is placed on courses and curriculum and that these people(s) have the power to prioritize disability education in law school.

Recommendations were developed based on the evidence that there needs to be more people taking initiative to increase disability education in Canadian law schools and that the Access to Justice Centre for Excellence (ACE) can be one of the leaders in such initiatives. The recommendations offer proactive measures to improve the practices, procedures, policies, and relationship building that lead to growth in disability education in law schools.

As noted earlier in this report, further research could include interviews and conversations with disabled people who have experienced challenges in accessing the justice system, as well as disabled law students, disabled lawyers, and people who practice disability law. It would be beneficial for further research to include a broader variety of interview groups, as each group offers different insights on the research questions and topic.

Law schools have many nuances and are ever-evolving spaces with a need to adapt to constantly changing legal landscapes. Including disability education in law schools creates advocacy opportunities for disabled people and has the power to impact access to justice for people with disabilities.

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Appendices

Appendix A – Link Between the Literature Review Themes and the Interview Questions for Phases 2 and 3 of the Project

Literature Review Theme	Questions Asked in the Interviews
<p>Diversifying legal education curriculum in Canada.</p>	<p style="text-align: center;">Group One Interviews</p> <p>2. How long has the school been offering the disability-related course? How did its inclusion in the curriculum come about? Prompts: When did you begin teaching the disability-related course(s) you teach? How did you become involved with the course?</p> <hr/> <p style="text-align: center;">Group Two Interviews</p> <p>2. Do you integrate disability content into the course(s) you teach? If so, how do you do that?</p> <p>3. Specifically, what disability-related topics do you look at? How much of the course content is devoted to disability-related content? For example, article(s), assignment(s), and a speaker from the disability community.</p> <p>6. There are courses available regarding the relationship between law and traditionally marginalized groups. For example, Queering the Law (LGBTQ2IA peoples), Immigration and Citizenship Law, Feminist Legal Theories and Indigenous Law Research, Method and Practice. What would it take to develop and</p>

	<p>teach a course that focuses specifically on disability issues? What challenges are there in creating such a course?</p> <p>7. How could the University of Victoria Faculty of Law ensure that disability-related content is included in the courses that are currently available?</p> <p>8. How can the disability community find a voice and an opportunity inside this law school? Prompt: How can the universities take measures to encourage faculty and students to include the disability community in their learning and teaching?</p>
<p>The importance of disability education at law schools.</p>	<p style="text-align: center;">Group One Interviews</p> <p>5. Do you consider disability education an essential component to legal education? Why or why not?</p> <p>6. In your opinion should there be mandatory disability content in specific law courses? Which courses? What content would help?</p> <p>7. Do you teach courses other than the disability related courses? If so, is there disability content within the curriculum of that course? Prompt: How do you incorporate that content? What are other examples of</p>

	<p>disability law issues being infused into law school curriculum?</p> <p>8. In your experience, what are some examples of the barriers that limit the ability of persons with disabilities to participate in the justice system?</p> <hr/> <p style="text-align: center;">Group Two Interviews</p> <p>4. What do you find important in the teaching of these topics? (Regarding disability related content that is an added to a non-disability course curriculum)</p>
<p>The potential impact disability education has on access to justice for people with disabilities.</p>	<p style="text-align: center;">Group One Interviews</p> <p>3. In what ways do you think disability related courses help students and prospective legal professionals understand the need for advocacy for disabled people’s access to justice? Can you provide an example of what you mean?</p> <p>4. In your opinion, how do foresee students integrating disability related course content into their legal careers? Prompt: How can disability education affect legal practice?</p> <hr/> <p style="text-align: center;">Group Two Interviews</p> <p>5. Do you foresee students integrating disability related course content into their legal careers? How? Prompt: How can disability education affect legal practice?</p>

Appendix B – Group 1 Interview Questions

- 1) Please tell me a bit about your course – what do you teach?
- 2) How long has the school been offering the disability related course? How did its inclusion in the curriculum come about? Prompts: When did you begin teaching the disability related course(s) you teach? How did you become involved with the course?
- 3) In what ways do you think disability related courses help students and prospective legal professionals understand the need for advocacy for disabled people’s access to justice? Can you provide an example of what you mean?
- 4) In your opinion, how do foresee students integrating disability related course content into their legal careers? Prompt: How can disability education affect legal practice?
- 5) Do you consider disability education an essential component to legal education? Why or why not?
- 6) In your opinion should there be mandatory disability content in specific law courses? Which courses? What content would help?
- 7) Do you teach courses other than the disability related courses? If so, is there disability content within the curriculum of that course? Prompt: How do you incorporate that content? What are other examples of disability law issues being infused into law school curriculum?
- 8) In your experience, what are some examples of the barriers that limit the ability of persons with disabilities to participate in the justice system?
- 9) Can you think of anything else to add on this topic that you think is important?

Appendix C – Group 2 Interview Questions

1. Please tell me a bit about your research interests and teaching areas.
2. Do you integrate disability content into the course(s) you teach? If so, how do you do that?
3. Specifically, what disability related topics do you look at? How much of the course content is devoted to disability related content? For example, article(s), assignment(s), a speaker from the disability community.
4. What do you find important in the teaching of these topics?
5. Do you foresee students integrating disability related course content into their legal careers? How? Prompt: How can disability education affect legal practice?
6. At the University of Victoria Faculty of Law there are courses available regarding the relationship between law and traditionally marginalized groups. For example, Queering the Law (LGBTQ2IA peoples), Immigration and Citizenship Law, Feminist Legal Theories and Indigenous Law Research, Method, and Practice. How could a course that focuses specifically on disability issues affect the University of Victoria Faculty of Law faculty and students? What challenges are there in offering such a course?
7. How could the University of Victoria Faculty of Law ensure that disability related content is included in the courses that are currently available?
8. How can the disability community find voice and an opportunity inside this law school? Prompt: How can the University of Victoria take measures to encourage faculty and students to include the disability community in their learning and teaching?
9. Can you think of anything else to add on this topic that you think is important?

Appendix D – Basic Organizational Scan of Canadian Law Schools

University Name	Disability Course Available	Course Name
University of Alberta Faculty of Law	No	
Allard School of Law	Yes	- Mental Health Law, Law, 383.001
Bora Laskin Faculty of Law, Lakehead University	No	
University of Calgary Faculty of Law	No	
Dalhousie University Schulich School of Law	Yes	- Mental Disability Law: Civil, LAWS 2127/2128 - Mental Disability Law: Criminal, LAWS 2235/2236
University of Manitoba Faculty of Law	Yes	- Mental Health and Criminal Law, LAW 3980
McGill University Faculty of Law/ Faculté de droit de l'Université McGill	Yes	- Disability Law and Policy, LAWG 582
University of New Brunswick Faculty of Law	Yes	- Disability Law and Policy, Law 3910
Osgoode Hall Law School, York University	Yes	- Disability and the Law, 4905.03 - Law & Social Change: Disability, Technology and Law, 2751G.03

University of Ottawa Faculty of Law/ Université d'Ottawa, Faculté de droit, Section de Common Law	Yes	<ul style="list-style-type: none"> - Disability Rights Law and Social Justice, CML1105N - Law and Psychiatry Mental Health Law, CML3379B - Studies in Criminal Law Mental Health Issues and Criminal Law, CML4111A
Queen's University Faculty of Law	No	
University of Saskatchewan College of Law	No	
Thompson Rivers University Faculty of Law	Yes	<ul style="list-style-type: none"> - Mental Health Law and Policy in Canada
University of Toronto Faculty of Law	Yes	<ul style="list-style-type: none"> - Mental Health and the Law, LAW266H1S
Lincoln Alexander School of Law at Toronto Metropolitan University	Yes	<ul style="list-style-type: none"> - Disability Law, JUR 232
University of Victoria Faculty of Law	No	
Western University Faculty of Law, Canada	No	
University of Windsor Faculty of Law	Yes	<ul style="list-style-type: none"> - Law, Disability and Social Change, LAWG 5910

Table 1: Organizational Scan of Canadian Law Schools (Created by Andrea van Vugt, 2022)