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The art of the ask

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Today's law students are 21st-century creatures, but the same can't always be said for the classrooms they call home for a large part of the day. Most know at least one dingy old space with fewer electrical outlets than doors, and whose iffy acoustics, stale air, and dim lighting mean it bears a closer resemblance to a dungeon than a temple of learning. "We all know what it's like to sit in a lousy room," says Kim Brooks, the dean at Dalhousie University's Schulich School of Law.

But with operational budgets pushed to the limit and government funding taking hits over the last couple of decades, Dalhousie, like most other law schools, has turned to private donors to fill in the gaps. "It's very hard to set aside a chunk of money to do those renovations, even though they're really important. Students are engaged with technology in ways that they weren't 20 years ago, but getting classrooms that are designed to accommodate the way they engage is seen as a bit of a luxury in today's university climate," says Brooks. "So law firms and private individuals have helped us out with some very significant contributions."



Part of private donor Peter Allard's \$11.86-million gift supported the construction of UBC Faculty of Law's new building. Photo: UBC

Tuition hikes may help boost law school revenue, but internal firewalls make external benefactors particularly crucial when it comes to construction projects, according to Kate Hilton, assistant dean in the advancement office of the University of Toronto Faculty of Law. "Your tuition money and your government grant will cover basic expenses, but typically tuition dollars can't be used for capital projects," she says. "So whenever you want to do anything in addition to the essential functions, you really need private philanthropy to step in."

In November 2011, U of T launched a campaign to raise \$53 million to fund a new building to house the faculty after three external reviews and student feedback cited shortcomings in the physical facilities as hindrances to the faculty's research and leadership capabilities. The new addition, designed by Toronto architects Hariri Pontarini, will increase space by 50 per cent, and the money raised will also cover work on the existing Bora Laskin Law Library and the faculty's current home in the heritage building Flavelle House. Law firms Torys LLP and Osler Hoskin & Harcourt LLP kick-started the campaign, with each unveiling a \$2-million donation towards the target on the launch date.

The University of British Columbia's law school also recently completed a major building project, moving into its new \$56-million home, Allard Hall, last fall. More than half that total was generated in a fundraising campaign targeting the local legal community. "We were just thrilled with the response and the enthusiasm they showed," says Kari Streelasky, the law faculty's assistant dean of external relations, who managed the fundraising campaign, and is hoping to keep the momentum going by drumming up money for new projects involving centres for business law and environmental law. "Now that we have this wonderful infrastructure, we can pivot and focus on investments in students and faculty and different programs," she says.

For the new UBC building, alumnus Peter Allard kicked in almost \$12 million by himself with one of the largest law school donations in Canadian history, and law firms were again a significant source of funds. National firms Davis LLP and Borden Ladner Gervais LLP each gave \$1 million, as did B.C. stalwarts Richards Buell Sutton LLP and Farris Vaughan Wills & Murphy LLP. Jeffrey Lowe, managing partner of 140-year-old Richards Buell Sutton, says the landmark building project was a perfect opportunity to honour the firm's long relationship with the university. The firm helped draft the legislation that brought UBC into existence in 1908, and has been its legal counsel in the century ever since. "The old law school was a bit of a concrete bunker and this is an extraordinary project," says Lowe. "It checked a lot of boxes for us, because UBC is such a focus for us, whether it's community involvement or recruitment. We draw a lot of our people from the law school."

According to Hilton, Canadian law schools rely much more heavily on law firms for contributions than their American counterparts. In addition to being a large source of alumni, the collective nature of a firm can give the extra peer-pressured spur Canadians sometimes need given our less-ingrained philanthropic culture. "I'd say our law firms are much more generous than American firms. The philanthropy in the U.S. is a much more individualistic model, so you get individuals who write a cheque each year to their local hospital, the art gallery, and their old law school," says Hilton. Large capital campaigns serve a galvanizing function, she says. "They're effective for mobilizing donors who have maybe not been writing a cheque every year since graduation. People are really generous when they can see the case for giving right in front of them."

For deans, that means schmoozing law firms is an increasingly important part of the job. Brooks says about one-third of her time is spent on alumni relations and fundraising efforts. She says Dalhousie's 70,000 alumni are the most likely source of donated funds, although the law school's most significant recent donation came from outside that group, when businessman and philanthropist Seymour Schulich pledged a massive \$20-million endowment that was enough to see the whole faculty renamed in his honour.

Annually, the school collects about one-fifth of its total budget from a variety of sources outside of tuition, government, and the university, including large one-time donations, and regular smaller contributors. Much of Schulich's contribution goes towards bursaries and scholarships that Brooks says help the school improve the quality of the students entering each year.

But law firms are rarely a homogeneous group, and a multitude of *almas mater* means competition for cash.

Since the unveiling of its \$2.5-million charitable causes fund in the mid-1990s, Oslers partner George Valentini says he's noticed a shift in the role of law school deans. "Deans now are not a passive group of people anymore. They're out there hustling for their schools. They're marketing to us," he says. Oslers' fund was spent as scheduled within 10 years, mostly on law schools, but was replenished in 2006, with \$3.5 million more to be spent over another decade. The continued squeeze on government funding in that period has accelerated the change, according to Valentini. "When we announced the second 10 years, we didn't do a very big splash, but it got around pretty quickly. The need is much larger than it was 20 years ago, and they're much more proactive about asking for money. It's hard to say no, because that education we got helped to get us where we are now."

Firms, too, are in competition for the brightest graduates, and Valentini says that factors into Oslers' decision on which projects it decides to fund. After a recent re-evaluation, the firm has shifted its approach to get itself noticed by the people who really matter: the students. One of the firm's major mid-90s donations, worth \$1 million, resulted in the creation of the Osler Chair in Business Law at the University of Toronto, currently held by Ed Iacobucci. Valentini says the firm is more likely now to go for something more tangible. As part of U of T's most recent funding drive, the firm's \$2-million commitment has landed it naming rights on an atrium in the new building. "You tend to get more bang for your buck on the capital side of things. Buildings tend to stick around for a while, whereas chairs come and go," Valentini says. "Computerized classrooms and study rooms give us a bit more profile with the students, which really is our target audience."

Brooks says there's value to be had in donations to common recreational areas such as lounges and lunchrooms. Cassels Brock & Blackwell LLP recently provided the cash for a spruce up at Schulich's student lounge. "In some ways that doesn't sound all that glorious, but if there's one thing that makes students unhappy at a law school, it's not having a good place to go have a sandwich and talk," Brooks points out. "So that was actually an enormous gift for our students, as it's something that can be hard to justify in a climate where government is cutting budgets."

The diversity of law school backgrounds can also be a source of friction within firms when the schools come calling for money. The choice of recipient isn't always as straightforward for firms without 100 years of solicitor-client relations. At Torys, the firm's deep connection with the University of Toronto — five of the law faculty's seven deans have worked for them at some stage — made it an obvious source to tap for the new building. But Peter Jewett, the Torys partner who spearheaded the internal fundraising effort, says it wasn't as simple as that. "If you go back 30 or 40 years, the high majority of our lawyers would have actually graduated from U of T. That's not true now. It's more like 30 per cent, and of course we now have offices in New York and Calgary. For us to do something major as a firm raises questions about different law schools," says Jewett.

Still, the "once-in-a-generation" nature of the project meant Torys wanted to be significantly involved, so it maneuvered its way around the quandary by committing the firm to match donations made by its individual alumni up to about \$1 million. The total has ballooned to more than \$2 million, and is still growing, so that firm members are actually personally responsible for more than half of that amount. "The reaction was overwhelming. It was not a high-pressure campaign by any means. We just presented them with the case for giving and they got out the chequebooks. I think the main motivation was the school helped us, and now it's time for us to help the school," Jewett says.

Oslers employed a similar system for its U of T donation, and Valentini says matching programs are a good way to reflect the enthusiasm of partners and associates for their old schools. "We'll commit more if the partners are prepared to pony up, too," says Valentini. He says Oslers has done its best to ensure a fair spread of funding for law schools countrywide. Since the start of its focused charity program, the firm has expanded significantly in Calgary and Montreal, making Quebec and Alberta law schools a new priority. Donations are allocated roughly according to alumni numbers from each school, which means that Osgoode Hall Law School and the University of Toronto will receive the largest shares. "There is some tension, but I don't know if there's any fairer way to do it," says Valentini, a graduate of the University of Ottawa. "I can understand why they get more, and I think most partners do."

When BLG made its \$1-million contribution to UBC's new building, along with the B.C.-based Ladner family, the gift was localized by treating it as a Vancouver office expense, rather than a national one, according to Tim Sehmer, then BLG's managing partner in the city. "In effect, it was a donation from the partners of the Vancouver office. If a particular law school in a particular province approaches the firm, it tends to be a local expense rather than a national one."

At Dalhousie, Brooks says large donations, whether from law firms, alumni, or others, are the product of a long and complicated process. "It's a long conversation with someone who might make a gift of that sort, because they're assessing the school, and trying to get a sense of what impact the donation is going to have," she says. "When it all comes together, it's really nice."

Earlier this year at Osgoode, Research In Motion Ltd. co-founder Jim Balsillie ran into trouble when the law school's faculty rejected a \$30-million approach from his Centre for International Governance Innovation to establish a school in international relations and 10 research chairs in international law. Osgoode's faculty council voted down the bid 34-7, with many citing concerns that the deal would violate academic freedom.

Brooks says a university's unique needs can be difficult for some donors to accept, so she tries to lay out its position early in the process. "You're asking them to make this huge contribution, but then saying, 'you have to trust us to use our best judgment to fill the position,'" she says. "These are charitable gifts, but there are parameters on the appropriate terms and conditions that can be attached to them, and you just have to be frank about that. You need to have a relationship of trust with the donor so they understand who you are and what you're about. There's no doubt there's an art to that."

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