



University of Alberta Quality Assurance Suite of Activities

Faculty of Law: Academic Program Reviews and President's Visiting Committee

Excerpted Reports

Executive Summary

The Faculty of Law's Juris Doctor (JD), LL.M. and PhD programs were evaluated as required by the Campus Alberta Quality Council in the framework of the University of Alberta Quality Assurance Suite of Activities. A President's Visiting Committee was convened at the same time to review the Faculty's research, scholarly activity, and strategic directions. As a five-year review of both the JD and graduate programs scheduled for 2012-13 did not proceed, the current review marked the first time the Faculty's programs had been reviewed since 2008. As the PhD program was introduced in 2009, this was the first time the PhD program was reviewed.

Three external review committees were composed and pursued their work concurrently during a site visit in May 2017. Their report concluded that the JD is a "first rate conventional Canadian JD program." They commended the commitment of faculty and staff, and noted that students, alumni and regulators they met with were pleased with the program outcomes. They recommend that the curriculum be examined and that the Faculty continue its work to evaluate experiential learning, research culture, Indigenous content, and student supports.

The Graduate Program Review committee commended the Faculty on the successful introduction of the PhD program and generally finds that the thesis-based LL.M and PhD programs are healthy. They note that both programs are furthering the research achievements of the students who undertake them within a supportive Faculty environment. They recommend that the Faculty consider the specific direction on the research culture and environment in its draft strategic plan, make some program and curricular changes to the thesis-based LL.M and PhD and that substantive changes to the course-based LL.M. be considered.

The President's Visiting Committee observed that the Faculty is made up of leading legal scholars and teachers, a solid, well regarded and relatively traditional JD curriculum, and a high regard within the legal profession for the quality of its graduates. The Committee recommended that the draft strategic plan could benefit from additional focus and specificity in the direction set out, particularly with respect to research aspirations, and the PVC provided some high level feedback regarding the culture and environment in the Faculty.



Undergraduate Program Review

Programs Reviewed	<ul style="list-style-type: none"> • Juris Doctor (JD) program
Review Dates	May 24-25, 2017
Reviewers	<ul style="list-style-type: none"> • Committee Chair- Stephanie Ben-Ishai, Full Professor Osgoode School of Law, York University • Christie Ford, Associate Professor and Director Centre for Business Law, University of British Columbia • Lois Harder, Chair and Professor of Political Science, University of Alberta

Outcome

The Juris Doctor (JD) program was reviewed as a part of the Faculty of Law Quality Assurance processes in May, 2017. The Faculty completed a self-study on the program which was authored by the Dean and Vice-Dean and informed by various Faculty documents.

A visiting committee was asked to evaluate the JD program structure, faculty, teaching and learning, program environment, and the comparative analysis using the faculty’s self-study and a two-day site-visit.

Both the self-study and the Committee report note that the JD and the Faculty of Law are subject to an annual evaluation and review by the Federation of Law Societies of Canada and have been approved every year since the Federation introduced its new regime.

The self-study highlights the faculty’s reflection on future considerations and commitments for the JD, including:

- a comprehensive review of first year/upper year “core” curriculum in the JD, although no significant change in direction for the core program is anticipated based on feedback received during the two year strategic plan consultation process,
- commitment to developing a “thoughtful, respectful, meaningful and sustainable response to the report of the Truth and Reconciliation Commission (TRC) of Canada”,
- plan to further enhance opportunities for experiential learning that align with the Faculty’s particular traditions and service
- replenishment of faculty complement to levels observed in 2007/2008 (36.5 FTE) that had dropped to 26 FTE in 2014-15 and to reinforce staff positions for front line student services
- comparison with Dalhousie and Queen's JD programs based on admissions criteria and



ranking in Maclean's magazine as among the top 5 law school programs in Canada (UAlberta was rated 7th overall); comparison with UC Davis based on admissions criteria and similarity of faculty/university profile

- assessment of the impact of changes to law programming and articling/transition to practice requirements by regulators are actively under discussion; the transformation of law practice which could reshape the JD program in ways in which the Faculty is as yet not structured to undertake.

The Committee submitted a report on their observations about the JD Program which they note were gathered primarily on-site. The report highlights a number of areas of strength in the JD program as well as opportunities for enhancement.

Program Strengths

Faculty and Staff:

- The Committee was impressed with the expertise and academic profile of the faculty and felt they met the needs of the JD program.
- They noted that the faculty they met were uniformly committed to teaching, learning and delivery of the JD program.
- The staff the Committee met were observed to be energetic, hardworking and committed in positions which were demanding.

Indigenous enrollment

- The Committee recognized the comparatively large number of Indigenous students admitted in 2016-17.
- They noted the Faculty's efforts to respond to the Calls to Action in the Truth and Reconciliation Commission's recommendations, including two pilot seminars recently offered.

Student satisfaction

- The Committee found that students appeared to be happy with the relatively traditional, doctrinal legal education they were receiving.
- They emphasized the value of individual faculty efforts to support student learning and the Faculty's introduction of various wellness initiatives.

Opportunities for Program Improvement and enhancement

The committee made several recommendations. The Faculty was encouraged to:

- ensure the curriculum of the JD is up-to-date and reflects current practices;
- ensure that experiential offerings were aimed to develop practice ready lawyers or to contribute to the public good;
- continue their approach to take efforts at social innovation in legal education seriously within the context of the local legal culture;



- reinforce the research culture among JD students and faculty members;
- articulate and communicate learning objectives at the program and course level to students, faculty and alumni;
- make diversity in the faculty population an area of focus for recruitment;
- ensure that sessional instructors are aware of the Faculty's responsibilities and commitments to realizing the Truth and Reconciliation Commission's Calls to Action;
- better support faculty career and professional development and better communicate requirements for tenure and promotion;
- track alumni outcomes as a mechanism to evaluate development needs;

Implementation Plan

In response, the Faculty made the following commitments:

- The Faculty's Curriculum Committee will be tasked in 2017-18 with responsibility for undertaking a review, guided by any directions provided by the Federation of Law Societies and/or provincial law societies as they further consider JD degree requirements and prerequisites for transition to practice.
- The issue of articulating and communicating learning outcomes will be referred to the Curriculum Committee following the Faculty Retreat, subject to any further direction from the University about a mandatory university-wide approach.
- The Faculty will maintain dialogue with Law Society of Alberta, the Federation of Law Societies and other provincial regulators regarding potential changes to experiential learning requirements in the JD program. In addition, the implementation of recommendations from the Dean's Special Advisory Committee on Experiential Learning (2015-16) and the Strategic Planning Process will be explored
- The Faculty has had increasingly diverse candidate pools during the 2015-16 and 2016-17 recruitment cycles. In addition to other ongoing efforts to support diversity, the Faculty will make diversity training mandatory for Advisory Selection Committee members and open training opportunities (if possible) to all Faculty members.
- The Assistant Director and new Assistant Dean Advancement will be asked to consult with the University Office of Alumni Relations with respect to alumni information data to determine whether demographic data is collected and available for analysis.
- The Faculty noted and will continue to promote numerous ongoing efforts to support research culture including the Research Workshop/Tri-Council Funding, Health Law Institute and the Centre for Constitutional Studies, as well as the appointment of a new position, Associate Dean for Research and Faculty Development.
- The Faculty will continue efforts to implement the Calls to Action including recruitment and outreach, curriculum renewal, recruitment of Indigenous faculty, and hosting of conferences and training.

Graduate Program Review



Programs Reviewed	<ul style="list-style-type: none"> • The LL.M course based and thesis based programs • Doctoral (PhD) programs
Review Dates	May 24-25, 2017
Reviewers	<ul style="list-style-type: none"> • Committee Chair, James Penner, Professor of Law and Vice Dean (Research), National University of Singapore • Michael Maier, Associate Dean MBA Program, University of Alberta

Outcome

The course-based and thesis-based Master of Laws (LL.M), and the PhD in Law were reviewed in a concurrent process with the JD review. The self-study was drafted by the Associate Dean (Graduate Studies) Matthew Lewans under the direction of Dean Paton.

The self study provides several reflections on graduate programs in the Faculty of Law:

- The Faculty needs to rebuild and maintain a larger complement of full-time professors who are dedicated to producing and disseminating high quality, peer-reviewed scholarship;
- Based on current enrolment trends in the Graduate Program, the Faculty should consider targeting the recruitment of Faculty members who can teach graduate-level courses on topics relating to Oil, Gas, and Natural Resources Law; Criminal Law; Corporate & Commercial Law; and Constitutional Law.
- The Faculty should clarify and strengthen linkages between the Graduate Program and the Health Law Institute and the Centre for Constitutional Studies.
- The Faculty should recruit a full-time research director for the Centre for Constitutional Studies to benefit the Graduate Program by further raising its profile and expanding its capacity for conducting advanced research in constitutional law.
- The Faculty should seek to secure, from the Provost, Faculty of Graduate Studies, or other sources, multi-year funding packages and financial support for incoming graduate students.

An external review committee was invited to evaluate the Faculty’s graduate programs using the self-study, other relevant documents and during a May 2017 site-visit. The Review committee identified the strengths, weaknesses, and challenges facing the graduate programme and submitted a report outlining recommendations for the graduate programs.



Program Strengths

The Committee's report identified numerous strengths in the Faculty of Law graduate programs:

- Strong alignment of the PhD program with the University's Institutional Strategic Plan, *For the Public Good*;
- The PhD is vital to the academic mission of the Faculty of Law, and has served to differentiate the Faculty in Canada and internationally;
- The thesis-based LL.M. provides a valuable opportunity for prospective academics to get a sense of whether research is something they wish to pursue; three recent PhD grads previously completed their LL.M. at the Faculty.
- The learning environment, library and electronic resources, teaching space and the facilities are entirely adequate.
- The retention and completion rates and the achievement in terms of scholarly work was in keeping with the student's progression as research students.
- Students are happy with their programs and the support they are receiving from professors in supervisory and other support roles.
- Ph.D students felt welcome and supported in the Faculty.

Opportunities for Program Improvement and Enhancement

The committee made several recommendations:

- The Faculty's draft strategic plan could be amended to provide more specific direction on the research culture and environment, graduate program funding, and the relationship between centres and graduate programs.
- It was also recommended that the balance between teaching, service and research requirements for Faculty members be reviewed.
- The credit for supervision of PhD students is too low and should be reconsidered.
- The Faculty should consider making substantive changes to the course-based LL.M to ensure that it better aligns with strategic objectives.
- Some considerations for curricula and the learning environment were provided including rethinking the graduate seminar and opening enrolment to students beyond first year in thesis-based LL.M and PhD students.
- PhD students should be given more precise and consistent information on requirements for candidacy exams.
- The Faculty was encouraged to better articulate the how their programs fulfill the FGSR mandated PD requirement to be afforded the current exemption.

Implementation Plan

In response, the Faculty made the following commitments:

- The Faculty agrees that there are substantial funding implications for any changes to be



made to graduate programs and points to the roll-back of market modifiers, the decline in FTE professors in recent years, the perceived limitations on enrolment in graduate programming and the lack of external grant support.

- The Faculty agrees that the credit allocation should be reviewed but notes that any change will need to be balanced against Faculty resources constraints in order to ensure comprehensive delivery of the JD and graduate programs. The balance between teaching, research and service is a matter both for collective agreement and individual contract negotiations with Faculty.
- The Faculty has taken steps to limit enrolment in the course-based LL.M. program and is open to rethinking the program. The Faculty will explore appropriate options.
- The Faculty agrees (some) students may benefit from the Professional Development Program and the Associate Dean Graduate studies is tasked with reviewing.
- The Faculty agreed with the considerations for curricula and will seek to implement the necessary changes for the 2018-19 academic year. The matter of candidacy requirements will be referred to the Associate Dean Graduate Studies and the Graduate Studies Committee in 2016-17 for consideration and recommendation, following consultation with past and present PhD supervisors, with a report by May 2018.



Faculty Review

Review Dates	May 24-25, 2017
Reviewers	<ul style="list-style-type: none"> ● Committee Chair, Brent Cotter, Professor, College of Law, University of Saskatchewan ● James Penner, Professor of Law and Vice Dean (Research), National University of Singapore ● Bill Bogart, Distinguished University Professor of Law, University of Windsor ● Lois Harder, Chair and Professor of Political Science, University of Alberta ● Bill Connor, Office of the Provost, University of Alberta

Outcome

The President’s Visiting Committee was convened in May 2017 to review the research and strategic directions of the Faculty of Law. A self-study drafted by the Dean was provided to a review committee who also drew from the JD and the graduate program reviews, as well as observations from a two-day site-visit, to compose a report with recommendations on the Faculty of Law, its research and strategic direction.

The self-study outlined several areas of strategic focus:

- Replenishment of faculty complement
- Appointment of Canada Research Chairs in the Faculty
- The new Faculty of Law Strategic Plan
- Budget and funding uncertainty
- Potential changes from the Federation of Law Societies
- The economic downturn and the transformation of the legal profession
- The research strategy of the Faculty
- The Law Centre facilities
- Faculty awards
- The Health Law Institute and the Centre for Constitutional Studies
- Advancement and communications activities

The committee’s report indicates that the Faculty of Law is entering a period of revitalization and has potential to return to the front ranks of Canadian law schools. The report identified strengths and opportunities for enhancement of the Faculty.

Faculty Strengths

The committee noted that the Faculty has been among the leading law schools in Canada for



the vast majority of its 105 year existence. They observed numerous areas of strength in the Faculty:

- The Faculty's reputation was built upon a strong foundation of leading legal scholars and teachers, a solid, well regarded, relatively traditional curriculum, and a high regard within the legal profession for the quality of its graduates.
- Since 2014, the Faculty is more fully engaged in outreach activities which has helped to raise the profile with alumni and practicing lawyers and may hold potential for advancement activities.
- The JD program fully meets University and professional expectations for an undergraduate law program.
- The sections of the Faculty's draft strategic plan which outline intentions for experiential learning and the Faculty's commitment to Truth and Reconciliation were commended.
- The faculty is composed of highly qualified law teachers and scholars. The renewal activities hold potential for future research excellence. Staff members are enthusiastic and morale is high.
- The Faculty's facilities have been modernized and adapted to the needs of a modern law school and appear to be adequate for the next five to ten years.
- The Faculty has all the facilities necessary for the conduct of world-class research. In addition, members of the Faculty have been successful in attracting funding for their research activities.
- The Centre for Constitutional Studies and the Health Law Institute as well as the Alberta Law Reform Institute have national and international reputations for significant, cutting edge research.
- The Faculty of Law has signalled its commitment to the Calls to Action of the Truth and Reconciliation Commission and has shown encouraging results including recruitment of Indigenous students, expansion of course offerings, and experiential learning activities.

Opportunities for Improvement and enhancement

The committee made several recommendations:

- Building on the recent work to consolidate administrative support, the Committee recommended that the staffing structure be reviewed with an eye to supporting faculty research, communications and fundraising.
- The Committee suggested that the research strategy as outlined in the Faculty's draft strategic plan would benefit from focus in the form of a specific more ambitious research direction, goals and measurement indicators.
- While impressed by the faculty's individual research agendas, the Committee recommends that initiatives to encourage collegial involvement in the development of strategic direction, curriculum design, student and staff recruitment, communications and advancement be taken
- The committee recommended more focused and strategic support for research and



scholarship, including staffing and structure

- The Committee noted inconsistency in the application of standards for tenure and promotion and recommended that efforts be made to more clearly articulate and apply them.
- In the interest of providing feedback and guidance to junior and mid-career scholars, the Committee encouraged that annual performance reviews and mentoring be considered.
- Recognising the continuing research emphasis on texts and teaching casebooks, the Committee recommended that the Faculty encourage more primary research including articles in peer-reviewed journals (especially international), essays in selected edited collections, monographs and leading texts in specific fields.
- The Committee recommended that the draft Strategic Plan could benefit from additional focus and specificity in its strategic directions. In addition, while recognising the consultation process undertaken in developing the strategic plan, the committee suggested the work needs to more fully involve the faculty, and its direction ultimately needs endorsement from the whole faculty. The plan also needs to be more explicit regarding achievement of research excellence and the specific means for doing so.
- The work of the Faculty to advance diversity initiatives was recognized and the Committee believed that the success of these efforts would be enhanced by further work and institutional commitments to diversity, particularly gender diversity.
- The PVC provided some high level feedback regarding the culture and environment in the Faculty. In conjunction with Faculty Administration, the University will pursue a more focused and detailed review of the work environment.

Implementation Plan

In response, the Faculty noted the following:

- In Fall 2017, Faculty were leading the implementation phase of the strategic plan to refine the tasks and determine responsibility, timelines and deliverables that would be published in the final report in early 2018.
- Efforts to assist the rebuilding of the Faculty and the transformation of a culture that pre-dated 2014 are necessary and to be welcomed. The manner in which such efforts are undertaken need to be sensitive to the “functional and emotional implications for the organization” noted in an independent external 2015-16 review commissioned by the Dean, the report of which was provided to the Strategic Planning Steering Committee to guide its work and recommendations.