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Excerpts from Law Faculty Council Minutes, Meeting on March 24, 2016*

LAW FACULTY COUNCIL **

* Law Faculty Council, *Amended Minutes*, 24 March 2016.

** Faculty present: Lorna Turnbull (Chair), Karen Busby, Lisa Fainstein, Michelle Gallant, Brenda Gunn, DeLloyd Guth, Gerald Heckman, John Irvine, Shauna Labman, Sarah Lutgig, Debra Parkes, Adriane Porcin, Jennifer Schulz, Mary Shariff, Virginia Torrie; MLSA Members present: Jesse Epp-Fransen (President), Stephanie Savoie (MBA Rep), Melody Burke (2nd Year Rep), Kevin Bruce (1st Year Rep), Jared Wheeler (MALSA Rep), Abram Saper Silver; Staff present: Marcia Kort (Recording Secretary).

AMENDED
MINUTES OF THE Open Session of the Meeting of the Law Faculty Council
Thursday, March 24, 2016, 12:00 noon
Room 207, Robson Hall

3. Committee Reports

Academic Affairs – Dean Turnbull noted that the Academic Affairs Committee, under the direction of Faculty Council from a meeting in October 2014 had undertaken the process of reviewing and conducting further consultations around the report of the Academic Innovation Working Group which has now been completed. The recommendations from the Academic Affairs Committee were circulated on March 10, 2016 for review and consideration. Dean Turnbull recognized the amount of work completed by colleagues and students. She thanked co-chairs Debra Parkes and Mary Shariff as well as members of the committee which included Gerald Heckman, Phil Osborne, Vivian Hilder, Sarah Lugtig and subsequently the Academic Affairs Committee. Gerald Heckman has taken on the leadership of moving it through this process and working closely with Sarah Lugtig who was simultaneously working on the Report on Experiential Learning.

Gerald Heckman introduced the motion with the following comments:

The Academic Affairs Committee is pleased to move adoption of the resolutions set out in schedule A to its Memorandum to LFC dated March 9, 2016 defining a program objective, learning outcomes and guiding principles for a renewed J.D. curriculum at Robson Hall.

These resolutions are the product of 2 years of consultation – of Faculty, Students, the Bar and the Bench – on the report produced in March 2014 by the Academic Innovation Committee.

The Academic Affairs Committee is of the view that, by adopting the resolutions proposed in Schedule A, Law Faculty Council will be equipping Robson Hall with a framework to craft a renewed J.D. curriculum that:

- is based on established principles and best practices in curricular design;
- is consistent with leading scholarship on legal education that draws on educational theory and research on adult learning in the legal education context;
- reflects the principles which have underlain and animated past curriculum review efforts at Robson Hall;
- meets and exceeds the uniform national requirements for Approved Common Law Degree programs set out by the Federation of Law Societies;
- reflects the needs and aspirations of our students, faculty colleagues and legal profession for a rigorous J.D. program that engages students as critical thinkers and creative, skilled problem solvers and whose graduates are knowledgeable and attuned to law in context with a developing identity as humane, ethical and reflective professionals; and
- will guide future changes to the curriculum, including the development of new courses, by allowing the Faculty to ascertain how they coincide with the J.D. Program's objective and learning outcomes.

The adoption of these resolutions is the first step in developing a renewed J.D. curriculum for Robson Hall. If Law Faculty Council decides to take this step, the Academic Affairs Committee urges it to charge the Committee with the task of examining and reporting to Law Faculty Council

(through a consultative and deliberative process) on the specific changes required to implement the resolutions.

Like the Academic Innovation Committee, the Academic Affairs Committee has purposely avoided using the language of “courses” in its motion. Instead, it has used the language of learning outcomes.

It will fall to an implementation committee to map out the current curriculum to determine whether and how we are achieving the learning outcomes we adopt today and, if necessary, at the next faculty council meeting.

The implementation committee will then propose a curriculum structure, including courses or baskets of courses, which it believes will best achieve the learning outcomes while respecting the guiding principles.

Finally, such a proposal would then be discussed and debated at LFC.

Our Committee’s motion is not intended to predetermine through what courses the implementation committee will propose to achieve the learning outcomes.

For example, it would be open to the implementation committee to propose that the best way to achieve the FLS mandatory knowledge learning outcome of ensuring that Robson Hall students gain “an understanding of the foundations of law, including: a. principles of common law and equity” (see B.3.a, page 6) is through a mandatory course in trusts.

In part B.3.c. of the motion, the Committee has proposed that LFC approve as “AIC guaranteed optional content” in the “knowledge domain” content designed to enable students to demonstrate a general understanding of the core legal concepts applicable to the practice of law in the areas of Family Law, Wills and Estates, the Law of Evidence, Tax Law and Trusts.

This is a reflection of several considerations: these are not learning outcomes required by the FLS for accreditation of the law school (FLS J.D. competencies); knowledge of the Law of Evidence, Family Law and the Law of Wills and Estates have been recognized in the FLS National Entry-level Competency Profile as knowledge required for the first five years of practice; knowledge of the Law of Trusts and of Tax Law is currently a mandatory part of our curriculum, reflecting that knowledge of the basic principles in these areas of law has been viewed as important by the Faculty; and the high number of mandatory courses in our current program is making it difficult for students to exercise choice in crafting the course of their legal studies.

Notwithstanding these considerations, it would be open to the implementation committee to make the case that a mandatory trusts course is the best way to achieve an FLS J.D. competency or an AIC recommended mandatory learning outcome.

Similarly, the Committee’s decision not to propose the adoption of a guiding principle of balance between “doctrinal, clinical and perspective” courses is not intended to predetermine how the implementation committee might propose to achieve the attitudinal, skills-based and knowledge-based learning outcomes proposed in the Committee’s motion, which cover the same ground as the old categories and more.

We are grateful to the members of the Academic Innovation Committee for the considerable work

they put into preparing the AI Report.

We also thank the students, faculty members, lawyers and judges who participated in the curriculum review process by contributing their time and providing thoughtful feedback to inform our deliberations.

Just a few more remarks on process.

The Committee is moving schedule A as a single motion and so we will be opening the entire motion to questions and discussion.

Please address your questions to the Committee and the individual members of the Committee will do our best to respond.

I have a powerpoint with the language of the resolutions handy, so if you think it would be useful, ask me to put any language you have questions about on the screen.

You'll have noticed that the text of the motion is in different colours.

The blue text corresponds to the Federation of Law Societies J.D. Competencies – these are required for accreditation of the law school and we have considered them the baseline for our J.D. Program.

The red text just highlights that these learning outcomes have previously come before Faculty Council as part of the motion to approve Professor Lugtig's report on experiential education and as part of the motion to implement Call to Action 28 of the Truth and Reconciliation Committee.

A discussion followed including methods of evaluation, aligning teaching and learning outcomes; standardized credit hours; and clear learning outcomes associated with courses in order to respond to a duty to accommodate under Human Rights obligations.

Dean Turnbull called the vote on the motion as proposed in the report of Academic Affairs Committee to adopt the program objective, learning outcomes and the guiding principles as articulated in Schedule A.

Motion carried.

A further motion was presented by Gerald Heckman.

Law Faculty Council charges the Academic Affairs Committee with the task of examining and reporting to Law Faculty Council on the process to implement the resolutions in Schedule A.

Moved by Brenda Gunn and seconded by Shauna Labman. Motion carried.