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2000-2005 Strategic Plan: Osgoode Plan for the Law School

Peter W. Hogg

Osgoode Hall Law School of York University

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A photograph of the Osgoode Hall Law School building at York University. The building is a large, multi-story structure made of red brick with a prominent vertical section. The facade is partially covered in green ivy. The sky is blue with light clouds. The text 'Osgoode' is written in a large, light blue, cursive font across the top of the image. The text 'OSGOODE HALL LAW SCHOOL OF YORK UNIVERSITY' is written in red, bold, sans-serif font in the upper left quadrant. The text 'Plan for the Law School' is written in white, serif font in the lower right quadrant.

Osgoode

**OSGOODE HALL LAW SCHOOL
OF YORK UNIVERSITY**

Plan for the
Law School

Plan for the Law School



by Peter W. Hogg, Dean



**Osgoode Hall Law School
of York University**

March 16, 2000

Approved in principle by the Faculty Council of Osgoode Hall Law School on April 4, 2000.

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Plan for the Law School

Objectives of Plan

The goal of the Plan for the Law School is to maintain the status of Osgoode Hall Law School of York University as the leading law school in Canada and one of the leading law schools in the world. “Leading the way” should be our motto, because we have led the most important developments in Canadian legal education, for example:

- the first law school to move to an optional upper-year curriculum;
- the first law school to establish a student-run community legal services clinic;
- the first law school to develop courses and programs on the law affecting the poor and disadvantaged;
- the first law school to develop a special admissions policy for mature students and students from disadvantaged backgrounds;
- the first law school to develop innovative intensive programs and clinical teaching programs;
- the first law school to establish a combined law and business degree;
- the first law school to establish a combined law and environmental studies degree;
- the home of the first comprehensive textbooks in several important fields of Canadian law, including torts, constitutional law and restitution;
- a leader in critical and progressive legal scholarship;
- the home of the largest law library in Canada;
- pioneer in online legal research;
- the home of the largest graduate program in Canada;
- the home of the only professional development program in Canada.

We must maintain this position of leadership. It cannot be taken for granted. If we fail to provide an outstanding learning experience for our students, if our faculty cease to occupy the leading roles in their fields, and if we are slow to adapt to technological, economic and demographic change, we will not deserve and we will not maintain our position of leadership. Other law schools have improved their programs, their resources and their reputations. If we are to maintain the value of an Osgoode degree, if we are to continue to recruit the finest students and the best faculty, and if we are to remain as the most influential force in legal scholarship and law reform, we cannot stand still.

In order to advance the primary goal of leadership in legal education, this Plan for the Law School sets three strategic objectives for the next four years, from which a series of detailed recommendations flow. The recommendations are collected at the end of this chapter.

The three strategic objectives are:

- (1) To improve student satisfaction with the curriculum, the building and the learning environment by taking steps that will make the Law School a more pleasant, more demanding and more interesting place to learn law;



- (2) To prepare the Law School for the future, by becoming the leading Law School in the use of computer technology, and by strengthening teaching and research in areas affected by developments in computer technology, globalization, economic restructuring, the aging of the population and other societal changes; and
- (3) To make the Law School more financially self-sufficient and increase its resources so that we are in a position to provide the highest quality of teaching, research and support for students.

Reason for Plan

My five-year term as Dean of Osgoode Hall Law School started on July 1, 1998. During the previous academic year, when I put my name forward for the position, I had prepared a statement for the Dean Search Committee (“Deanship: Statement of Goals”, December 19, 1997), which was subsequently distributed to faculty and students. In that statement, I promised that I would develop a Plan for the Law School. In this promise, I was not reflecting any disagreement with the direction of the Law School under the leadership of my predecessor, Dean Marilyn Pilkington. On the contrary, I agreed with the initiatives she had taken, most notably those in professional development, curriculum review, student recruitment, career development, building renovation, computer development, research centres, fund raising and administrative infrastructure. I assumed that we would want to build on these initiatives. Nor did I disagree with the general ethos of the Law School as a centre of progressive teaching and scholarship. On the contrary, I had stayed at the Law School as a professor for 28 years precisely because I agreed with the ethos. But I did believe that the time was ripe for a comprehensive review of the Law School’s activities and facilities, and the development of a Plan for the Law School.

The Plan for the Law School would not only provide a systematic look at the existing state of the Law School, and attempt to identify and correct existing deficiencies. It would also be an opportunity for the Law School to plan its future course in a world that is changing rapidly as the result of developments in technology, globalization, deregulation, privatization, multiculturalism, the environment, demographics, the family, Aboriginal rights and equality rights – to name some of the factors impinging on our society and our economy and consequently on the future role of lawyers.

Forums on Osgoode’s Future

The Maclean’s Magazine of October 6, 1997 carried a Survey of Law Schools in which the magazine reported the results of a poll of recent graduates, who gave responses that placed Osgoode 16th out of the 16 common-law schools. We know little about Maclean’s methodology, and have no information about the statistical significance of differences in results between the various schools. The results are highly counterintuitive, because the reality is that Osgoode has only one or two rivals (University of Toronto and McGill University) for the rank of best law school in the country. The results may have something to do with large size. A similar survey by U.S. News and World Report in the United States in the same year placed Harvard Law School 135th and John Marshall Law School first, prompting a letter of protest by the deans of 164 law schools, and a press conference by the Association of American Law Schools calling upon U.S. News and World Report to stop publishing the annual survey.

The most immediate and troubling concern about the Maclean’s survey was that it would impair our ability to recruit students for the following year. However, the survey had no measurable

Plan for the Law School

effect on our recruitment of students. Applications for 1998-99 (after the survey) were higher than for the previous year (before the survey); as well, our acceptance rate was higher, and our cut-off point for regular admissions was higher. And the application and acceptance figures continued to climb for the next year, 1999-00. In both years, we got more applications for admission than any other law school in Canada, and far more than any law school in the United States with the exception of the most famous ones. But, when all this is said, the survey certainly must be taken seriously as indicating that our recent graduates report a lower level of satisfaction with their Law School experience than do the recent graduates of other Canadian law schools.

Prompted by the Maclean's survey, on October 29, 1997, the students held a forum (which was also attended by about 20 faculty members) to express their views about Osgoode, and on November 14, 1997, a broader Forum on Osgoode's Future was held, involving students, staff, faculty and alumni, all of whom were well represented at the day-long meeting. Some widely shared student complaints were identified at these forums. With respect to the curriculum, these included the prevalence of 100 per cent final examinations, the large size of the classes in basic subjects, the lack of practical and clinical tasks in most courses, a surfeit of tedious policy advocacy by some professors in some courses, and an apparent failure to follow up on poor teaching evaluations of professors. Many complaints centred on the building, for example, lack of windows in classrooms, lack of pleasant seating areas in the public spaces, inadequacy of women's washrooms, lighting, carpeting, furniture, electrical outlets and computer drops. Other criticisms emphasized weaknesses in communications between the administration and students, between faculty and students, and externally; the forums urged the development of electronic means of communication, and more deliberate promotion and celebration of faculty, student and alumni achievements.

If there was any consensus at the two forums, it was a call for a review of the Law School's activities and facilities, and the formulation of a plan for improvements. This Plan implements that idea.

Planning Process

In the fall of 1998-99, the planning process was initiated by the formation of a steering committee comprising the chairs of the principal Law School steering committees, senior administrators, two student representatives and a staff representative. This group met twice and considered a paper by Professor Paul Emond on process (Strategic Plan and Planning Process, October 27, 1998) and developed ideas as to substance. I then prepared the skeleton of a plan (Plan for the Law School, Draft January 4, 1999), which called for more detailed submissions to be made to me by the principal steering committees.

I received submissions from the Academic Policy Committee (Professor Neil Brooks), the Admissions Advisory Committee (Professor Bruce Ryder), the Clinical Education Committee (Professor Shelley Gavigan), the Faculty Recruitment Advisory Committee (Professor Toni Williams), the Graduate Studies Committee (Professor Eric Tucker), the Graduate Law Students' Association (Mr. Douglas Harris), the Research Advisory Committee (Professor Iain Ramsay), the First Year Curriculum Review Committee (Professor Brian Slattery), the Director of the Professional Development Program (Professor John Claydon), the Directors of Development and Alumni Affairs (Mr. Andrew Stelmacovich and Ms. Cindy Nathan), the Director of Career Development (Ms. Gina Alexandris), the President of the Alumni Association (Ms. Linda Fuerst), Professor Harry Arthurs, and the Executive Officer (Mr. Ross Irwin), who also provided adminis-



trative support for the process. It is worth mentioning as well the extensive documentation that was assembled or prepared by the Law Library under the direction of Assistant Law Librarian Judy Ginsberg in preparation for the external review of the Law Library that took place in 1998-99 and that is described more fully in chapter 9, below.

Armed with these submissions, I prepared a Consultation Draft of the Plan for the Law School dated September 27, 1999. The Consultation Draft was sent to all members of Faculty Council and given wide distribution among students and staff at the Law School. As well, the Consultation Draft was sent to the President and other senior officials of the University, to part-time faculty, to members of the alumni Board and to other active alumni and friends of the Law School. All recipients were invited to comment on the document. The chair of each standing committee of the Law School was invited to lay before his or her committee the recommendations pertinent to that committee's jurisdiction and to discuss the recommendations and report back to me. Each standing committee produced a report as the result of that process. The graduate students held a forum on graduate legal education on December 7, 1999. The undergraduate students held a forum on January 19, 2000 at which the Consultation Draft was discussed. A wider forum was then held on February 5, 2000, which took up an entire Saturday and which was well attended by students, faculty, part-time faculty, staff, alumni and friends from the legal profession, as well as by senior officials of the University. This forum, skilfully facilitated by Professor Julie Macfarlane of the Faculty of Law, University of Windsor, yielded a flood of recommendations for change or additions to the recommendations of the Consultation Draft, as well as a high degree of consensus on the strategic objectives of the draft Plan.

The present version of the Plan is informed by the reports of the standing committees, by the recommendations that came out of the forums of January 19, 2000 and February 5, 2000 and by the individual comments that came to me from those to whom the Consultation Draft was sent. Needless to say, I have not accepted every suggestion. Indeed, some suggestions contradicted each other. However, I was surprised by the high level of agreement on most issues, and the Plan generally reflects that high level of agreement.

Recommendations

This Plan for the Law School consists of 12 chapters, of which this is the first. Interspersed in the narrative are recommendations in italics. The recommendations are assembled below. There are a huge number of recommendations – 89 in all – but they all make a contribution to the following three objectives:

- (1) To improve student satisfaction with the curriculum, the building and the learning environment by taking steps that will make the Law School a more pleasant, more demanding and more interesting place to learn law;
- (2) To prepare the Law School for the future, by becoming the leading Law School in the use of computer technology, and by strengthening teaching and research in areas affected by developments in computer technology, globalization, economic restructuring, the aging of the population and other societal changes; and
- (3) To make the Law School more financially self-sufficient and increase its resources so that we are in a position to provide the highest quality of teaching, research and support for students.

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The text of the recommendations has been extracted from their context in the eleven chapters that follow, and is set out below.

Chapter 3 Faculty

1. The Faculty Recruitment Advisory Committee should continue the planning process started in 1998-99. Early in the fall term of each academic year the Committee should submit to Faculty Council an updated three-year recruitment plan, along with recommended priorities for the current year's recruitment.
2. The Affirmative Action Plan of 1994 should be reaffirmed with the object of continuing to increase the numbers of women and visible minorities on the faculty, and adding Aboriginal persons and disabled persons.
3. The Dean and Associate Dean should also pay attention to the diversity of the faculty in selecting persons to teach on the part-time faculty.
4. The Dean and Director of Development should attempt to raise funds to create named chairs and professorships in order to increase the complement of faculty and professional librarians.
5. The Dean should continue to strive to obtain more funding from the University for increases in faculty complement.
6. The Associate Dean should develop a policy for the bestowal of the title Adjunct Professor on some of our part-time faculty, including a mechanism for the selection of the appointees, and obtain the approval of the University for the policy.
7. The Associate Dean, in consultation with part-time faculty, should review the needs of part-time faculty and make recommendations for any additional services that should be supplied to assist them in their academic duties.
8. The Dean should find the financial and human resources to make a teaching project for the improvement of teaching by faculty a part of each academic year.

Chapter 4 Students

9. The Assistant Dean (Student Services) should conduct a study of the correlations between admissions characteristics and Law School grades and report the findings to the Dean. The Assistant Dean (Student Services) should also develop plans to study correlations between admissions characteristics and other kinds of contributions students make to the Law School and in their professional lives. The Assistant Dean (Student Services) should also develop plans to study other characteristics of the student body, for example, ethnic origins, where they live, debt loads and living expenses, the prevalence of part-time work, and satisfaction with their Law School experience. The purpose of these studies is to refine our admissions criteria, monitor our progress on access and diversity, develop more effective student financial aid programs, and improve other services to students.
10. As tuition increases, at least 30 per cent of any increase should be set aside for student financial assistance.
11. The Dean and Director of Development should continue their efforts to raise funds for student financial assistance.



12. The Admissions Advisory Committee, advised by the Assistant Dean (Student Services) and the Student Financial Assistance Officer, should annually report on admission application numbers and acceptance rates in all admissions categories, demand for and availability of student financial assistance, and other matters bearing on access to Osgoode. With the benefit of this information, all feasible steps must be taken by the Dean to ensure that no student is prevented from entering or completing Law School by reason of inadequate financial assistance.
13. The Academic Standing Committee, in consultation with the Admissions Advisory Committee, should conduct a review of the Extended Time Program to investigate whether it is meeting the needs of those enrolled in it and whether it could be made more attractive and expanded.
14. The Executive Officer, in consultation with the Assistant Dean (Student Services) and the Career Development Officer, should review the staffing needs of the Career Development Office and develop a plan to increase the level of service that can be provided to students.
15. The Career Development Office, in cooperation with other parts of Student Services and the Alumni Office, should maintain a database of career-related information about our students while at Law School and after graduation.
16. The Student-Faculty Relations Committee should consider the extra-curricular events and activities, including orientation, morning coffee, pubs, clubs, athletics, Obiter Dicta and Mock Trial, with a view to developing recommendations for improving the social environment (including accessibility to all aspects) of the Law School.

Chapter 5 Staff

17. The Executive Officer, in consultation with faculty and staff, should review the support services for faculty, and develop a plan for the delivery of the services that will meet the developing needs of faculty in the most effective way.
18. The Executive Officer, in consultation with the Assistant Dean (Student Services), should review the support services for Student Services and make recommendations for the necessary additional staff.
19. The Executive Officer should review the staff support required by the Law School's computer services, and, as the services expand, make a recommendation for the necessary additional staff.
20. The Executive Officer should consider the appointment of a staff person with responsibility for the organization of conferences, seminars and other special events.
21. The Executive Officer, in consultation with the York University Staff Association, should review the working environment of the staff of the Law School and consider what steps are needed to improved working conditions and communications.

Chapter 6 LLB Curriculum

22. The Law School should continue to operate the partial small-group system established in first year in 1998-99, and, as faculty resources permit, gradually expand the courses taught in that system.

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23. The First Year Curriculum Committee should continue its review of other elements of the first year curriculum, and develop proposals to make first year a stronger foundation for the upper years, and a better learning experience for the students.
24. The Dean and Associate Dean should keep under constant review the demand for upper-year courses and offer each high-demand course in sufficient sections to provide places well in excess of anticipated demand.
25. The Academic Policy Committee should review the listing of courses and seminars in the syllabus, consider how the listing should be improved to indicate the rational progression of subjects in each area of concentration, consider whether and how requirements for a “major” could be introduced into the curriculum, and identify gaps or weaknesses in the sequences of courses and seminars.
26. The Academic Policy Committee should construct a taxonomy of seminars with a view to a listing in the syllabus that would indicate the kind of learning experience offered by the seminar.
27. The Academic Policy Committee, as part of its review of the sequencing of courses, should identify the fields where new intensive programs might be established as the culmination of a sequence, should suggest in broad outline what each intensive program might look like, and report its findings to the Dean, Associate Dean and Clinical Education Committee.
28. The Clinical Legal Education Committee should review all detailed proposals for new intensive programs, and should develop standards for the operation of existing and new programs, and should regularly review each program.
29. The Clinical Education Committee should make recommendations to the Dean and Associate Dean for research assistance and administrative support for the directors of intensive programs.
30. There should be a writing requirement for upper-year students, and the Academic Policy Committee should design the rules governing the requirement.
31. The Director of Research and Writing, in consultation with the Access Admissions and Academic Support Officer, should explore the feasibility and cost of providing remedial writing instruction to students with weak writing skills, and make recommendations to the Dean.
32. The Academic Policy Committee should make recommendations for the systematic teaching of professional responsibility, including legal ethics, in the LLB curriculum.
33. A new Associate Dean (Research and Graduate Studies) (whose appointment is recommended later in this Plan) would have responsibility for the interdisciplinary degree programs, and should review the programs and make suggestions for improvements in recruitment, administration and substance.
34. The new Associate Dean (Research and Graduate Studies) should investigate and make recommendations with a view to establishing combined MA/LLB and PhD/LLB degrees with the Faculty of Arts.
35. The new Associate Dean (Research and Graduate Studies) should be given responsibility for exchange programs and other study-abroad or teaching-abroad programs. Early initiatives would include investigation of Osgoode student participation in study-abroad programs now



run by United States' law schools; the development of an exchange program with a law school in the United States; the exploration of a joint LLB/International MBA with the Schulich School of Business; the development of a new intensive program in international studies, including provision for foreign placements; and the identification of new funding sources, including private donations, to support study abroad.

36. The Dean and Associate Dean should use their best efforts to offer the course in Civil Law that is an approved part of the curriculum but has not been offered recently.
37. The Law School should reaffirm its commitment to equality and to continuing the process of reforming the curriculum and the learning environment so that they are fully respectful of the diversity that we welcome in our students.

Chapter 7 Graduate Studies

38. The profile of the graduate program should be raised both internally and externally by every means possible, including better publicity about the program, assistance to graduates seeking academic positions and other careers, and the maintenance of a continuing connection with our graduate alumni.
39. The Executive Officer, in consultation with the Director of the Graduate Program or (when established) the Associate Dean (Research and Graduate Studies), should periodically review the support services for the research stream of the graduate program and make recommendations for any additional staff.
40. We should develop, and seek approval from the Faculty of Graduate Studies for, additional seminars dedicated primarily to graduate students, taking advantage of the opportunities to cross-list courses with related disciplines elsewhere in the University.
41. The growth of the graduate program should be proportioned to the resources available to support it, and efforts should be made to increase these resources by encouraging more faculty to undertake graduate supervision, by hiring more faculty able to undertake graduate supervision, by increasing the staff of the Law Library, and by raising additional funds for the support of graduate students.
42. The availability of credits for graduate supervision should be publicized and systematically recorded so that they are regularly used by faculty members.
43. In order to ensure that the needs of the graduate program are taken into account in faculty recruitment, the Associate Dean (Research and Graduate Studies) should be an ex officio member of the Faculty, Recruitment Advisory Committee and a representative of the Graduate Law Students' Association should be a member of the Committee.
44. We must make sure that the basic infrastructural needs of graduate students, including Library access and services and computer services, are met.
45. We must do everything possible to involve graduate students in the intellectual life of the Law School.
46. There should be no significant growth in the part-time LLM program for the next five years.

Plan for the Law School

47. Without expanding the size of the part-time LLM program, we must develop the distance education technology, the pedagogy and the support for research, to enable us to offer the program to students outside the Greater Toronto Area.
48. In order to maintain our distinctive niche in the Continuing Legal Education system, we should move towards a curricular approach to programming, under which programs in a particular field of law would be offered in three levels from basic to advanced (Levels 1 to 3).
49. We must develop the capacity to provide distance education so that our Continuing Legal Education programs can be easily taken by persons who are outside the Greater Toronto Area.
50. We should develop more programs for non-lawyers.
51. We must also monitor developments in the governance of the legal profession, including changes in the Bar Admission Course, mandatory continuing legal education and specialist certification, to determine whether they offer opportunities for our Professional Development Program.
52. We need to acquire our own premises in downtown Toronto where teaching, research and training can take place and where at least some of the staff, as well as staff and equipment to provide library research and training, can be accommodated.

Chapter 8 Research

53. All untenured tenure-stream faculty should be granted a semester free of teaching in their pre-tenure period.
54. Appointments of entry-level faculty should normally be at the Pre-Candidacy I level, which leads to an application for tenure and promotion in the fall of the fifth year at York, with a right of deferral for a further year at the option of the faculty member.
55. A Research Day for faculty should be held from time to time.
56. The Research Advisory Committee, in consultation with the Faculty Seminars Committee, should each year plan a short seminar series for the following year, concentrated in the fall term, that will showcase interesting work in progress by Osgoode faculty as well as by visitors. A sufficient budget and administrative infrastructure should be provided to support the series.
57. More funding should be sought for the research centres so that they can expand their activities and support a community of students, postdoctoral fellows and visitors.
58. The Law School should establish the position of Associate Dean (Research and Graduate Studies) with responsibility for research in the Law School, for special lectures and seminars, for interdisciplinary programs with other York University faculties, for exchange programs with other law schools, for the research centres and for coordination with the rest of the University in research-related activities. The new position would also have responsibility for graduate studies in the Law School, and would replace the existing position of Director of Graduate Studies.
59. The new position would have sufficient administrative support to help faculty members and graduate students to prepare research proposals and obtain research funding.



60. Pending the appointment of a new Associate Dean (Research and Graduate Studies), the existing office of Director of Graduate Studies will continue, and a new Director of Special Projects will carry out the other duties recommended by this Plan for assignment to the Associate Dean (Research and Graduate Studies), including the research, interdisciplinary and international initiatives that are recommended by this Plan.
61. The new Associate Dean (Research and Graduate Studies) should prepare an analysis of the Law School's revenues and expenditures on research, and, under the direction of the Dean, develop a financial strategy for improving support for research.

Chapter 9 *Library*

62. The Dean should negotiate with the University the details of the changeover of the governance of the Law Library from the York University Libraries to the Law School, including appropriate additions to the Law School's budget.
63. An essential qualification of the new Librarian should be a familiarity with information technology so that the Law Library should remain at the cutting edge of new developments, as well as being sufficiently integrated into the York University Libraries' technology and the Law School's technology for teaching, research and administration.
64. The Dean should, in consultation with the Library Advisory Committee, determine the title, scope of responsibility and terms of appointment of a new Law Librarian, and when he has settled those issues and obtained the approval of the Vice President (Academic Affairs), he should, in consultation with the Faculty Recruitment Advisory Committee, establish a strong search committee and direct a search for the appropriate person.
65. The new Librarian should review the staffing needs of the Law Library, address those needs within the limits of the Library budget, and for those needs that cannot be met make appropriate budgetary submissions to the Dean.

Chapter 10 *Building and Facilities*

66. The Dean should make his best efforts to persuade the University of the high priority of compliance with the longstanding Board of Governors resolution to remove the asbestos from the Law School building, make his best efforts to obtain the requisite funding from the University, and arrange for the staged removal of the remaining asbestos.
67. The Law School should convert all classrooms into electronic classrooms, and the Dean should seek major gifts from private donors to accomplish the conversions.
68. The Law School should install in all classrooms and in the Law Library sufficient electrical outlets to enable students to plug in personal computers.
69. The Law School should renovate the Moot Court Room to make it more useful for teaching, as well as for large public events.
70. The Law School should build more classrooms suitable for small-group teaching.
71. The Law School should convert some small classrooms to video capability, so that video tapes can be made, monitored and shown to support clinical exercises.

Plan for the Law School

72. The Executive Officer should examine the feasibility and estimate the cost of installing some windows in the classroom wing of the building. Other, less radical measures should also be considered, for example, the hanging of large pictures in the large classrooms.
73. The Executive Officer should assess the likely demand for faculty office space over the next five years and, in consultation with the Dean, explore solutions to any indicated shortage.
74. The Law School should renovate public areas to provide more comfortable, well lit places where students can sit, read, talk and study.
75. The Law School should redesign bulletin boards for official and community use that will improve communications and reduce the clutter caused by current poster practices. An electronic bulletin board should be considered in connection with that redesign.
76. The Executive Officer should review the adequacy of washroom facilities for women and, in consultation with the Dean, plan for the additional facilities that are needed.
77. The Executive Officer should commission an external review of physical accessibility, including a review of whether current York University standards are sufficient for the Law School community, and, in consultation with the Dean, plan for the additional changes that are needed.
78. The Executive Officer should review the design of the suite of offices serving the Dean and Associate Dean, and, in consultation with the Dean, plan to redesign the space to make it more attractive and more useful.
79. The Executive Officer, in consultation with the Dean, should develop a plan to accommodate the increase in the staff of the Alumni and Development offices that is recommended by this Plan.
80. The Law Librarian should review the Law Library space and develop a plan for its renovation, and the Dean should develop a plan to raise the money that would be required to carry out the needed improvements.

Chapter 11 *Computer Technology*

81. The Law School should develop a computer-based, comprehensive communications strategy to provide to our students an electronic gateway to the School, including interactive access on site and off site to the professor and fellow students in each course, to the course materials, to the Law Library and other York Libraries, and to all administrative services. Law School and Law Library technology should be fully integrated.

Chapter 12 *Advancement*

82. We should continue the telemail program for the annual fund in future years. As well, the tradition of a gift by the graduating class should be continued, and the practice of periodic class gifts at the time of each five-year class reunion should be encouraged.
83. It is time for another Capital Campaign. We need to develop a comprehensive Case for Support identifying and costing the financial needs of the Law School, as indicated by this Plan, setting financial goals for a campaign, and putting in place the volunteer team to advise and assist with the campaign. Major gifts made since 1998 would be counted in the campaign and treated as the nucleus of the campaign fund.



84. The Dean, advised by the Director of Development, must develop policies of donor recognition, so that major gifts are recognized in appropriate ways.
85. The Director of Alumni Relations, in consultation with the Director of Development and with the Board of Directors of the Alumni Association, should prepare a plan to combine the five-year annual reunions into an annual homecoming event, which would include a program of events at the Law School during the day and separate class dinners or receptions outside the Law School in the evening. The plan should also include means of encouraging the practice of each class making a class gift at each five-year reunion.
86. The Director of Alumni Relations should continue to encourage the holding of alumni reunions out of Toronto and arrange for the Dean to attend them.
87. All Law School publications should be reviewed, rewritten, reformatted and routinely revised to make sure that they are appropriate, accessible and attractive to their intended audience, and up to date in their information.
88. We must develop and implement a communications plan to promote the Law School and manage relations with the media.
89. We need to create and fill a new position of Director of Communications to take responsibility for the various communications functions that would be useful to the Law School. We also need a research officer to maintain the integrity of our alumni database and identify and develop detailed information about major gift prospects. As the pool of major donors expands, we will need a development officer to assist in the management of the annual fund, the cultivation and stewardship of actual or prospective major donors and other development functions. As the pool of major donors expands, many more special events must be scheduled to open new classrooms, announce new chairs, celebrate major gifts, and recognize and cultivate donors with lunches and dinners. Considering that we are already stretched in organizing alumni reunions and other alumni functions, as well as Law School special lectures and events, we will need an events coordinator to help with this work

Mission

Mission of Law School

The mission of Osgoode Hall Law School is to teach the law, do research into the law, and publish the results of that research.

Professional Education

The School must impart knowledge of the principal fields of the law, both statutory and common law; a knowledge of the legal profession and the role of lawyers in society, including professional ethics; an understanding of the role of legal institutions, including legislatures, courts, administrative tribunals and other means of dispute resolution; an understanding of ideas that influence the development of the law, including feminist theory, race theory, economic analysis, and other social and cultural ideas that inform public policy; the skills of a lawyer, including an ability to do research, to analyse problems, to construct legal arguments, an ability to write, speak and advocate a position, and to provide wise counsel.

Liberal Education

As well as a professional education, the School must offer a liberal education in law, not narrowly focussed on the practice of law, let alone any particular kind of law. The ideas and methods of the law must be presented in a fashion that will provide an enduring basis for a wide variety of professional practice and other law-related careers. Simply meeting today's needs and replicating the existing profession of law does not serve our students, the legal profession or Canadian society, who are entitled to expect leadership in preparation for the future. Societal changes that can be identified now, including globalization, computerization, economic restructuring, deregulation, demographic shifts, and changes in family relationships, must be recognized and accommodated in our curriculum, but with the humility to recognize that the future is unpredictable and that students must be prepared for a lifetime of change.

Lifelong Learning

Education in law is a lifetime process. The LLB curriculum should prepare students to assimilate new knowledge in a self-directed manner. The Law School's teaching mission does not come to an end after three years of legal education. Graduate programs and continuing legal education programs should provide organized opportunities for study for those who, after graduation, wish to engage in advanced research and writing, to deepen their understanding of law, to develop new specialized knowledge, and to acquire new skills.

Variety

A variety of perspectives on the law must be presented. The faculty must collectively represent the important intellectual streams current in society. Presentation of a variety of perspectives should not be a neutral or technical exercise. Critical evaluation must be an essential element of the process, not only to determine whether the law is serving society effectively, but also with a view to identifying the impact of legal doctrines on women, Aboriginal people, visible minorities, persons with disabilities, poor people and other disadvantaged groups. The faculty must unite in the conviction that law should be a force for greater social justice, and not simply the guardian of the status quo.

**Realism**

The law must always be examined in a context of the realities of legislative, judicial and administrative decision-making. It is law-in-action that is relevant. Clinical opportunities in which students are placed in actual settings, in which they participate in actual or simulated lawyering roles, and in which they reflect upon their experiences, must be a central part of the curriculum.

Diversity

The Law School must continue to recruit a body of students who are not only well prepared for the study of law, but are diverse in terms of their education, sex, race, age and class. The recruitment of new faculty should also aim for the goal of roughly reflecting the proportions of women, men and minorities in Canadian society. The School's learning environment must be comfortable for the diverse groups within the School.

Innovation

Innovation in both teaching and research has always been a hallmark of the School, and this must continue. This involves the regular recruitment of the finest young scholars onto our faculty, keeping up with new ideas and contributing to them, fostering interdisciplinary and comparative study and research, continued use of clinical education and other non-lecturing teaching techniques, and the use of the latest developments in information technology.

Excellence

Teaching and research must always conform to the highest standards of pedagogy and scholarship. Our graduates are respected wherever they go, and our grades are taken as real evidence of achievement. Our faculty are the leaders in many fields of scholarship, are disproportionately represented in the Royal Society of Canada, and are in great demand to serve on public tasks of great variety. It is our duty to maintain these standards.

Faculty

Goals

- (a) To recruit outstanding new faculty;
- (b) To improve the faculty-student ratio;
- (c) To make better use of part-time faculty and give better recognition to their contributions;
- (d) To ensure that our faculty reflects the diversity of Canadian society;
- (e) To fill gaps in our curriculum, to build on areas of strength, and to develop expertise in new and emerging fields of law;
- (f) To improve the quality of teaching.

Recruitment Planning

In the fall of 1998, under the leadership of its chair, Professor Toni Williams, the Faculty Recruitment Advisory Committee (FRAC) established a three-year plan for the recruitment of full-time faculty (Report of FRAC, September 29, 1998). The plan included a detailed review of the demographics of the faculty, the impact of projected retirements, student demand for courses and seminars, and existing and anticipated gaps in our teaching and research capacity. Faculty Council approved the plan at its meeting on October 6, 1998. The plan is stipulated to be a permanent feature of the work of future FRACs. The plan is a rolling one that will be revised and updated by the incoming FRAC at the beginning of each academic year in light of the appointments made in the previous year, new information about candidates for recruitment, new information about prospective or actual resignations and retirements of existing faculty, new information about the availability of funding for new faculty, new trends in student demand for courses and seminars, and to reflect new or modified academic priorities. The idea of the permanent, rolling three-year plan is to place recruitment on a coherent, strategic basis, focused on academic priorities that include but are not limited to the immediate needs of the Law School.

The recruitment plan of 1998 noted that a total of six new faculty were hired in 1996-97 and 1997-98, and called for the hiring of nine new faculty over the three-year period starting with 1998-99. The fifteen new faculty were to replace faculty who had resigned or retired or whose retirement was expected over the next three years. The plan identified five areas of subject-matter priority:

- advanced property law (including real estate, trusts and estates);
- advanced criminal law and criminal justice (including criminal procedure and evidence);
- civil procedure, litigation and other skills areas (including civil procedure, trial practice, negotiation, mediation, drafting and statutory interpretation);
- intellectual property (including patents, copyrights, trademarks and competition law);
- social security and public/private compensation systems (including torts, accident compensation, social assistance, insurance).

The plan left four of the nine projected appointments available for future faculty planning initiatives and for candidates of special distinction who do not fit the five specific subject matter priorities.

In 1998-99, FRAC worked on the basis of the recruitment plan of 1998. Four appointments (Benedet, Drummond, Li, Sossin) were made (one more than initially contemplated), one of which (Sossin) was a cross-appointment with Political Science. During the year, the University



increased the faculty complement by two persons, and two of the four 1998-99 appointments were treated as filling the two new positions. The four new professors all started at Osgoode on July 1, 1999.

In 1999-00, FRAC revised and updated the rolling three-year plan for the recruitment of new faculty (Report of FRAC, October, 1999), and this plan was approved by Faculty Council at its meeting on October 5, 1999. The new plan called for the hiring of nine new faculty over the three year period starting with 1999-00, with four of them to be hired in 1999-00. The plan identified seven areas of subject-matter priority:

- advanced property law (including real estate, trusts and estates);
- intellectual property (including patents, copyrights, trademarks and competition law);
- social security and public/private compensation systems (including torts, accident compensation, social assistance, insurance);
- corporate commercial (including business associations, commercial law and financial institutions);
- international human rights (including immigration and refugee law);
- legal theory (with a special emphasis on the theory and practice of statutory interpretation);
- academic director, intensive program in poverty law at Parkdale Community Legal Services.

As this Plan is written (winter, 2000), the recruitment process is well advanced, with very strong candidates.

After two years of experience, it seems obvious that the three-year rolling plan is a useful basis for the annual recruitment process.

1. The Faculty Recruitment Advisory Committee should continue the planning process started in 1998-99. Early in the fall term of each academic year the Committee should submit to Faculty Council an updated three-year recruitment plan, along with recommended priorities for the current year's recruitment.

Recruitment Priorities

The recruitment plan of 1998 contemplates that each year FRAC will set priorities for the next phase of recruitment and seek approval of those priorities from Faculty Council. This is a desirable process, because each year events occur that may cause changes in the priorities, especially new hiring and unexpected resignations. As well, even the enduring elements of recruitment planning should be subjected to regular review to make sure that they continue to suit the aspirations of the Law School. Succeeding sections of this Plan do, however, indicate many of the principles that ought to be followed in the setting of recruitment priorities. The main principles are the following:

1. All first-year courses should be taught by full-time faculty members.
2. Most basic upper-year courses should be taught by full-time faculty members.
3. There should be enough sections of all basic upper-year courses to more than satisfy anticipated student demand.

Faculty

4. Upper-year intensive programs should normally be taught by full-time faculty members, and proposals for new intensive programs should be taken into account in setting priorities.
5. Demand for faculty supervision in the graduate program should be taken into account in setting priorities.
6. There should be an increased emphasis on research and writing (including drafting) in all three years of the LLB, and more faculty (and Law Library) resources will need to be applied to that end.
7. The development of information technology requires a strong faculty complement in intellectual property, as well as the ability to teach the uses of the new technology to students. (The new Law Librarian and professional library staff will also play a role in meeting this priority.)
8. The strengthening of our existing interdisciplinary degree programs and the development of new ones call for the appointment of persons whose scholarly and teaching interests cross over from law into other disciplines, especially those that are particularly strong elsewhere at York University. The regulation of financial institutions is an example (mentioned later on).
9. The effect of globalization is reflected in a group of courses and seminars with an international focus, but there is no full-time faculty member teaching international human rights, immigration law, refugee law or the intensive program in immigration and refugee law. There should also be an intensive program in international studies.
10. The aging of the population is not adequately reflected in our curriculum, for example, (as mentioned later on) nearly all advanced property courses are taught by part-timers, and no member of faculty is a specialist on pensions and other income-support programs for old people.
11. Subject matter priorities are not the only considerations in recruitment. Achieving equity and demographic diversity within the faculty complement must inform all recruitment decisions; this is discussed later in this chapter of the Plan. And individuals of special distinction should be considered even if they do not fit current priorities.

The foregoing points can be regarded as principles to be derived from this Plan. As well, some particular shortages of faculty resources can also be identified:

12. Corporate law is an area that was identified as a priority in the Centennial Campaign of 1989, and the fund endowed for that purpose has not been used. Since then, our strength has improved but we still lack a senior person to develop transactions-based programs and to provide leadership to the Advanced Business Law Intensive Program, which has for many years been taught by part-time faculty.
13. Legal Drafting and Statutory Interpretation are fundamental legal skills that are now taught only by part-time faculty. Developing this part of the curriculum is part of the required emphasis on legal writing.
14. Advanced property law is an area where we are heavily reliant on part-time instructors for high-demand courses in real estate, estates and trusts.
15. The growth and consolidation of Canadian financial institutions arguably calls for another faculty member with expertise in the regulation of financial institutions to complement Professor Geva's expertise and to develop joint programs with the Schulich School of Business which is particularly strong in this area.



16. Alternative dispute resolution is a movement that is sweeping, and perhaps transforming, the legal profession. It is an area of great strength at Osgoode, but the demand at the undergraduate level, the graduate level, and the continuing legal education level is so huge, that we are making heavy use of part-time faculty and do not have young full-time faculty to replace the senior faculty who now dominate the field.
17. Civil procedure, constitutional litigation, trial practice and appellate advocacy are also areas of great strength at Osgoode, but once again the demand has caused us to rely heavily on part-time help and we do not have enough young full-time faculty to replace the senior faculty who dominate the field.
18. Family Law is an area where we are normally able to staff the high-demand basic course with full-time faculty, but have not been able to offer many advanced courses or seminars or an intensive program (which has been offered in the past).

The Faculty Recruitment Advisory Committee has choices to make each year in setting the priorities for the hiring of that year. Hopefully, of the many needs, some will emerge each year as having a special claim to prior attention, having regard to the principles of the Plan.

Diversity of Faculty

Osgoode has an Affirmative Action Plan, which was approved by Faculty Council in March 1994. That plan stipulates, as a long-term goal, that the faculty should “mirror the percentages of the four designated groups in society at large.” The four designated groups are women, visible minorities, Aboriginal persons and disabled persons. Progress towards this goal was reviewed in the faculty recruitment plan of 1998 (described above).

With respect to women, much progress has been made. In 1998–99, 18 of our 52 faculty were women. This was still well short of 50 per cent. However, among our younger faculty, women are over represented (67 per cent of those under age 40), while men are over represented among the older faculty. If in the future we recruit women and men in roughly equal numbers, as the older cohort of faculty retires, gender parity will become a reality early in the new century. This will occur more rapidly if we hire more women than men over the next 10 years, but, as the recruitment plan commented, “the case for continuing to fill the bottom rungs of the career ladder with women is not obvious.” The recruitment plan concluded that a better strategy for speeding up progress towards gender parity would be to hire more women at the mid-career level, where the faculty is still mainly male.

With respect to visible minorities, progress was also reported in the recruitment plan. In 1998–99, visible minorities held four of the 52 full-time faculty positions, for a percentage of eight per cent. This is lower than the percentage in Canada (11 per cent), Ontario (16 per cent) or Toronto (34 per cent), and continued hiring of visible minority faculty continues to be a recruitment goal.

With respect to Aboriginal persons, progress was also reported. In 1998–99, there was one Aboriginal faculty member, representing two per cent of the full-time faculty, which is less than the percentage in Canada (3 per cent), but more than the percentage in Ontario (1.3 per cent) or Toronto (0.4 per cent). The hiring of at least one more Aboriginal person continues to be a recruitment goal.

Faculty

With respect to disabled persons, no progress has been made. We still have no disabled persons on our faculty. The correction of that situation remains a recruitment priority.

As explained earlier, in the year following the recruitment report of 1998, four persons were added to the faculty, all of them starting at the beginning of 1999-00. The four persons consisted of three women and one man. This brought the number of women on the faculty up to 21. One of the women was at mid-career level. Along with the retirements of three male professors, and the resignation of one male professor, the percentage of women on the faculty on July 1, 1999 rose to 40 per cent. One of the new faculty was a member of a visible minority, bringing that number up to five or 11 per cent on July 1, 1999. Unfortunately, our only Aboriginal professor resigned in 1998-99, leaving us with no Aboriginal professors. No disabled person was hired.

2. The Affirmative Action Plan of 1994 should be reaffirmed with the object of continuing to increase the numbers of women and visible minorities on the faculty, and adding Aboriginal persons and disabled persons.

The Faculty Affirmative Action Plan is addressed to the composition of the full-time faculty. However, in selecting part-time faculty, the Dean and Associate Dean should pay attention as well to issues of diversity.

3. The Dean and Associate Dean should also pay attention to the diversity of the faculty in selecting persons to teach on the part-time faculty.

Increase in Faculty Complement

The nine new appointments contemplated by the recruitment plan of 1998 were not going to increase our faculty complement; they would simply replace professors who have resigned or retired. In 1998-99, our faculty complement consisted of 52 professors, some of whom are cross-appointed and others of whom have administrative duties involving released teaching time. After making all due deductions for cross-appointments and administrative teaching releases, the faculty complement stood at 47 full-time equivalent professors. This yielded a ratio of full-time faculty to LLB students of 47:905 or 1:19.28. Because we reduced the size of the first-year class from 320 to 280 in 1998-99, and plan to continue the lower intake, we expect our LLB student numbers (including various upper-year transfer categories) to fall to 870 by 2000-01, but that would only improve the faculty-student ratio to 47:870 or 1:18.51.

According to the "Law School Statistics for 1997/98" (figures that are assembled by the Council of Canadian Law Deans), Osgoode has the second-worst faculty-student ratio of the 20 professional law schools in Canada. (Sherbrooke is the only one with a worse ratio.) We are badly behind McGill (35:535 = 1:15.79) and the University of British Columbia (42:679 = 1:16.17). We are behind all of the other five Ontario law schools, and are especially disadvantaged in comparison to the University of Toronto, whose Faculty of Law in 1997-98 had a ratio of 36:530 or 1:14.72, and has since then been hiring at a rate well above replacement of retirements.

We must increase our faculty complement. Indeed, all of the recommendations of the later section of the Plan on the LLB curriculum demand resources, which can only come from either a diversion of faculty away from things we are doing now or from new faculty. We want to increase the



small-group teaching in first year, and we want to reduce class sizes in the upper years. We want to reduce our dependence on part-time instructors for core courses in the upper years. We want to develop better progressions of courses in each field culminating in “capstone” courses that draw together the substantive and procedural law, policy, practice and theory in the field. We want to expand our teaching of research and writing and introduce a writing requirement in the upper years. These kinds of recommendations require more full-time faculty and more professional librarians.

The later section of the Plan on Graduate Studies explains that our graduate programs have grown dramatically in recent years. In 1998-99, we had 67 graduate students (37 LLM and 30 DJur) in full-time residence, compared with 41 in 1994-95. We also had 340 students enrolled in ten part-time LLM programs, compared with 20 in 1994-95. The part-time LLM requires the completion of the equivalent of six one-semester courses and a major (75-page) paper. The growth of the part-time LLM and non-degree Continuing Legal Education programs provided the revenue that enabled us to retain our existing faculty complement in a period of severe cut-backs in government funding. The growth of the full-time LLM and DJur programs (and deregulated tuition) enabled us to modestly reduce our first-year LLB class in 1998-99. However, the teaching and supervision required by these programs engages virtually every member of the full-time faculty, and the growth of the programs has not been accompanied by any increase in faculty complement. The increase in graduate programs also places a strain on our library resources. We require more full-time faculty and more professional librarians.

One way of increasing faculty complement is through private fund raising. In practice, this means fundraising for named chairs or professorships, which give name recognition to the donor. In 1998-99, Faculty Council approved a policy paper respecting Named Chairs, which sets out the sums that must be raised and the conditions upon which a named chair or professorship or visiting professorship may be established. Predating this policy by more than 20 years, the Law School does in fact have two named professorships, for which money was raised in the 1970s as part of the Osgoode Excellence campaign. These are the Falconbridge Professorship in Commercial Law and the Laskin Professorship in Public Law. These positions have been used to create named positions for visitors to the School. The funds raised for these professorships are not sufficient to appoint full-time faculty to the positions, and indeed would not be sufficient today even to create named professorships according to York University’s (and therefore Osgoode’s) current policy, which requires a fund of \$1 million for a professorship and \$2 million for a chair. The Dean should pursue the possibility of augmenting the funding now in place for those professorships with a view to creating a sufficient endowment to make full-time appointments to the professorships. Now that the Law School has adopted a policy with respect to new named chairs and professorships, the Dean should also explore the possibility of fundraising for other named chairs or professorships. These initiatives, if successful, would increase our faculty complement.

4. The Dean and Director of Development should attempt to raise funds to create named chairs and professorships in order to increase the complement of faculty and professional librarians.

Faculty

The other way of increasing our faculty complement is to obtain an increase in the Law School's funding from York University. The Administration of the University has been consistently sympathetic to and supportive of the Law School's objectives. However, there are many claims on scarce resources, and the Law School is regarded as "over-resourced" by comparison with the other faculties. The University's financial situation has been improved by two recent changes in the policy of the Government of Ontario. One is a change in the funding formula for Ontario universities ("Fair Funding" announcement of November 23, 1998) under which, starting in 1999-00, the Government will increase the provincial grants to a number of universities, including York, that have in the past been under-funded. That increase in operating funds has been distributed among the faculties, with an understandable preference for those programs that are planning to grow in undergraduate student numbers. As reported earlier, Osgoode, which of course is planning to shrink its LLB program somewhat, has been granted two new faculty positions out of this funding. That brings our faculty complement up from 47 to 49.

The second change in the policy of the Government of Ontario that impacts on the financial situation of the University is the deregulation of tuition for professional faculties, which, starting in 1998-99, allows the University to set fees for professional faculties unconstrained by the regulatory limits that apply to tuition for other faculties. As reported in the next chapter of this Plan, as the result of this new policy, Osgoode's tuition rose by 20 per cent for 1998-99 (to \$3,874) and by a further 20 per cent for 1999-00 (to \$4,648), and an even larger increase that will take the tuition up to \$8,000 has been approved for 2000-01. Tuition for Osgoode students is set by the University and paid to the University, but the University accepts the principle that the deregulated portion of a tuition increase should all flow back to the faculty whose students are paying the higher fees. Indeed, no tuition increase should be imposed on law students without that understanding. There are many calls on the additional resources that will be generated by these increases, but one of them is an increase in our faculty complement.

5. The Dean should continue to strive to obtain more funding from the University for increases in the complement of faculty and professional librarians.

Part-time Faculty

Part-time faculty enable us to offer a vastly richer academic program than would be possible with only the resources of the full-time faculty. In 1998-99, upper-year students selected from a range of 91 different courses and seminars. Of those 91, 18 were offered in more than one section, typically taught by different instructors. The multiple sections expanded the range of choice to 113 different instructor/course combinations. No fewer than 43 of the 113 course selections were taught by part-time instructors.

We are able to rely so heavily on part-time instructors because of our location in Toronto with its large and sophisticated bar. Law Schools located in smaller centres cannot draw on a comparable pool of expertise, and our access to the Toronto bar is a very important comparative advantage to Osgoode (and the University of Toronto). Of course, our location would not help much if it were not for the extraordinary generosity of so many members of the bar in giving their time to Law School teaching. Most of our part-time instructors are practising lawyers, who travel from downtown offices to do their teaching. They are paid only \$1,300 per credit hour, or \$3,900 for a three-hour single-semester course, and many of them donate their remuneration back to the



University. They typically bring a specialized knowledge and a familiarity with practice and procedure that is not present in the full-time faculty. Student course evaluations tell us that many of the part-time faculty are very popular with the students. The students appreciate the more practical perspective that the part-timers bring to their classes, and the students also appreciate the exposure to role models of excellent practising lawyers.

We do not adequately recognize the great contribution that part-time instructors make to the academic program. The University has a policy for the bestowal of the honorific title Adjunct Professor on persons who will enhance the academic program of a faculty and contribute to the intellectual life of the University. Many law schools use this title for some or all of their part-time faculty. It would be appropriate for us to follow the same practice, perhaps reserving the title for those who have given valued service for several years.

6. The Associate Dean should develop a policy for the bestowal of the title Adjunct Professor on some of our part-time faculty, including a mechanism for the selection of the appointees, and obtain the approval of the University for the policy.

We should consider as well whether we adequately service the academic needs (production of materials, etc.) of part-time faculty, whether we provide adequate support to them, especially those that teach in the evenings when staff are not at the Law School, and whether more can be done to integrate them into the life of the Law School.

7. The Associate Dean, in consultation with part-time faculty, should review the needs of part-time faculty and make recommendations for any additional services that should be supplied to assist them in their academic duties.

If we are successful in increasing the complement of full-time faculty, we should then better target our use of part-time faculty. It is not desirable for part-time faculty to be the only or the major teachers for core courses. When core areas of the curriculum are taught predominantly by part-time instructors, there is a lack of leadership in building advanced courses, seminars and intensive programs in those areas, and of course the School is not contributing to the scholarship and law reform activity in those areas. Nor can part-time teachers normally undertake large academic projects like the running of an intensive program. Nor can they undertake supervision of graduate students. Of course, in the real world, it is likely that we will always have need of talented part-time teachers for some of our core courses. There is no drawback to that, provided there are also some full-time faculty in the same field, so that academic leadership, scholarship, law reform and graduate supervision are not missing from the field.

The law is such a vast and rich discipline, and one that is in such a rapid state of evolution, that no matter how large the Law School's faculty became there would be many specialties unrepresented by the full-time faculty, so that the offerings of a wide range of specialized courses and seminars would continue to depend upon part-time faculty. Nor is the full-time faculty ever likely to contain enough people versed in the practice of litigation, alternative dispute resolution, business transactions and other lawyering skills to enable skills-based courses to be effectively taught without assistance from part-time faculty. For these reasons, part-time faculty play a truly indispensable role in the rich and varied curriculum which is one of Osgoode's great strengths – a strength that is in large part a product of its location in the city of Toronto.

Faculty

Teaching Improvement

It is a well-worn cliché that university professors receive no training in teaching. Like so many clichés, it is unfortunately largely true. Some faculty members turn out to be fine teachers from the first day they enter the classroom: a mysterious mixture of industry, organization, communication, good humour and enthusiasm seems to work for a complete amateur. But even the most talented teachers have a great deal to learn about teaching and evaluation, and many faculty members have real difficulties in the classroom.

Because the students evaluate each course with an anonymous questionnaire, professors do have some feedback from their students, but knowing that there are problems is not always the same as knowing how to correct them. The Dean regularly reviews the teaching evaluations and discusses problems with poorly evaluated teachers. Untenured members of faculty also have the benefit of a “visiting committee” of three of their tenured colleagues. The members of the committee are expected to provide assistance in preparing the untenured person for his or her tenure application. Among other duties (advice about research, for example), the members of the committee are expected to attend classes from time to time, and to offer advice on teaching. The tenure process includes a review of teaching prepared by a committee of students. York University’s Centre for the Support of Teaching now provides a series of seminars on teaching for members of faculty in their first year of teaching at York. The Centre also provides professional assistance for those professors who request it, including attendance at classes by a professional educator and remedial training.

All of this is helpful. However, it is not enough, because it does not engage the faculty as a whole, despite their shared interest in teaching, and because (apart from the new first-year program) it is too focussed on the correction of faults rather than the pursuit of excellence and innovation.

In 1997-98, the Law School had the benefit of a visitor from the University of Montreal, whose specialty was the teaching of law. Professor Diane Labrèche ran a “teaching project” consisting of seminars for faculty, with accompanying reading, on various aspects of teaching, including for example, conducting seminars, teaching large classes and methods of evaluation. These seminars, which were well attended, provided a regular opportunity for Osgoode professors to learn about aspects of teaching from literature on teaching and from an expert on the subject. Perhaps even more important, the seminars were an organized opportunity for faculty to exchange ideas among themselves.

In 1999-00, Professor Emeritus Simon Fodden was pressed back into service to run a series of workshops for faculty on the use of technology in teaching. These workshops provided training in the use of the new electronic classrooms, computer basics, technology and evaluation, conferencing and collaboration, course websites and electronic materials.

A teaching project of some kind should be a regular feature of the academic year, so that faculty are encouraged to be thoughtful, articulate and scholarly in their approach to teaching, just as they take for granted they must be in their approach to the law. These kinds of regular discussions also enable innovations in teaching to be described and evaluated, and, if successful, celebrated. They also convey the message to faculty and students that teaching is not only one of the great pleasures of academic life but that, along with scholarship, it should be seen as the heart of the academic enterprise.

8. The Dean should find the financial and human resources to make a teaching project for the improvement of teaching by faculty a part of each academic year.

Students

Goals

- To recruit and retain a student body with excellent academic credentials;
- To make sure that the student body reflects the diversity in Canadian society, including women, visible minorities, Aboriginal persons and disabled persons;
- To develop strategies and resources to provide sufficient financial assistance to students in need so that no qualified student is unable to take up a place at Osgoode;
- To assist students in obtaining articling positions and other law-related employment;
- To make the Law School experience a pleasant and fulfilling one.

Admissions

The first-year class consists of 280 students. For the 280 places in 1998-99, 2,060 applications were received. For the 280 places in 1999-00, 2,142 applications were received. As well, 144 applications were received for about 15 upper-year places (transfers, letters of permission, certification of foreign-trained lawyers and other special students) in 1998-99 and 103 applications were received for 1999-00. Osgoode receives more applications than any other law school in Canada and more than all but the best-known elite law schools in the United States.

Each year, approximately one-third of the applications seek admission to one or more of Osgoode's discretionary categories, namely:

- Mature Applicant Category: for persons 26 or older, with a minimum of five years out of any post-secondary education;
- Aboriginal Applicant Category: for First Nations applicants;
- Access Applicant Category: for persons with a disadvantaged background; and
- Special Circumstances Category: for persons whose academic record was impaired by a special circumstance.

The classes that were admitted to first year in 1998-99 and 1999-00 comprised the following:

| | 1998-99 | 1999-00 |
|---------------------|------------|------------|
| Regular Category | 196 (72%) | 207 (75%) |
| Mature Category | 29 (11%) | 29 (11%) |
| Access Category | 34 (13%) | 25 (9%) |
| Special Category | 9 (3%) | 13 (5%) |
| Aboriginal Category | 4 (2%) | 2 (1%) |
| Total | 272 | 276 |
| Male | 122 (45%) | 130 (47%) |
| Female | 150 (55%) | 146 (53%) |
| Total | 272 | 276 |
| In Province | 244 (90%) | 248 (90%) |
| Out of Province | 28 (10%) | 28 (10%) |
| Total | 272 | 276 |

(The reason why less than 280 students were admitted to make up a first-year class of 280 was because a small number of students had been admitted in the previous year, and were either repeating the year or starting first year at Osgoode after one year of a joint degree program.)

Students

The sole criterion that is used for the (non-discretionary) Regular category of admissions (over 70 per cent of the class) is a meld of the applicant's undergraduate university grade point average (GPA) (all university grades being counted equally) and the applicant's score on the Law School Aptitude Test (LSAT). We convert each applicant's LSAT score (the highest if there is more than one) into a number representing 30 hours of university courses. The effect is to give the LSAT the weight of one undergraduate university year. For the applicant with only two undergraduate years, the LSAT counts as one-third of the admission score. For the applicant with a four-year undergraduate record, the LSAT counts as one-fifth of the admission score. This formula reflects assumptions that the GPA is a better predictor of success at Law School than the LSAT, and that the melded GPA/LSAT is better still. These assumptions have not been empirically verified since the 1970s, and should be verified to make sure that we are admitting the persons most likely to succeed academically.

The applications of all candidates for admission include personal statements, reference letters, and a list of each candidate's employment experience, extracurricular activities and volunteer work. However, for the candidates in the Regular category we make no use of these materials. Admissions decisions are based entirely on the melded GPA/LSAT score and are processed by our administrative staff. This reliance on numbers is a result of the practical difficulty of incorporating a careful and consistent assessment of non-numerical information into our ranking of the large number of regular files. As well, offers must be made quickly to applicants with exceptional university records and LSAT scores. However, as the process unfolds over the spring and summer, and the last offers are decided upon, tiny differences in applicants' scores can make the difference between the offer of a place and rejection. The Chair of the Admissions Advisory Committee has recommended that, at the margin, we should become attentive to differences in applicants' accomplishments that could be gleaned from a review of the non-numerical information in the files. On balance, however, there is much to be said for the reliance on objective data that excludes personal discretion and is easy to explain to disappointed applicants (and their parents), some of whom conduct campaigns to attempt to influence the process.

Nowhere in our admissions process is any consideration given to whether the applicant's parent was a graduate of the Law School, or a donor to the Law School. From time to time, a large donation is offered on condition that the donor (or the donor's child) be admitted. It has been suggested in the past that a small number of places could be reserved for the discretionary disposition of the Dean, who could reach below the regular cut-off point and admit a few applicants with close family or financial ties to the School. We have always rejected this idea in the past and it should be rejected again. Even if the policy is openly disclosed, and is limited to a small number of places, it impairs the integrity of the admissions process by introducing unacceptable personal discretion on the part of the Dean, and by opening the process up to financial and other influences.

Students admitted from the Mature, Access, Special Circumstance and Aboriginal categories represent approximately 30 per cent of the entering class. In these categories, a discretionary judgment is made by the Admissions Advisory Committee regarding the applicants' ability to succeed academically at Law School, as well as their ability to contribute to the Law School and the wider community during their studies and in their professional careers. The goal of the discretionary admissions programs is to provide access to Law School to a number of capable individuals who would not be treated fairly by an evaluation system based only on performance in academic tests.



A related goal is to foster the diversity of the student body so that it reflects more closely the composition of the population at large than would be produced by purely academic admissions criteria.

The Mature category seeks to identify applicants whose work and life experiences have prepared them as well for academic and professional success as pre-law university studies have prepared the Regular applicants. The Admissions Advisory Committee gives priority to mature applicants who have little or no post-secondary education (often because they lacked financial resources earlier in their lives). The Access and Aboriginal categories seek to identify applicants who come from communities that are under-represented in legal careers, who have faced systemic barriers in their access to or ability to succeed in pre-law university studies, and who have the ability to succeed at Law School and contribute strongly in their academic and professional careers. The Special Circumstances category seeks to identify applicants whose pre-law university performance has been negatively affected by particular events (illness, for example), personal responsibilities (care of a family member, for example), or extracurricular activities (athletics or politics, for example).

The Admissions Advisory Committee devotes itself from January through May to an assessment of the applications in the four discretionary categories. The process includes 50 to 100 interviews of the most promising Mature candidates. Later in the summer, the files of the upper-year applicants (Montreal Exchange, Transfer, Letter of Permission and National Committee on Accreditation applicants) are considered. In all discretionary categories, for first year or upper years, each applicant's entire file is carefully reviewed. As noted above, this is not the case for the Regular applicants, who comprise 70 per cent of the entering class, and whose applications are dealt with solely on the basis of their GPA and LSAT scores.

The Academic Support Program Officer, who administers the discretionary admissions program, provides academic support for students across the three years of the LLB program, including weekly classes to develop legal writing and reasoning skills, individual counselling on academic skills, and special services for students with disabilities.

Apart from the numbers of men and women (which have been close to equal for some years now), we have never made any effort to measure the diversity of the student population, which is odd since achieving a representative student body is one of our goals. On the other hand, compiling information regarding characteristics such as race, ethnicity or disability in a sensitive way is exceedingly difficult. Nor have we been tracking the correlation between admissions variables and Law School grades, a task which is relatively easy to accomplish, and which would be illuminating in many ways. More challenging is to measure the correlation between admissions categories and the contributions that students make that are not measured by grades, for example, extracurricular contributions to the Law School, or service to the wider community. With more information about correlations between admissions variables and Law School performance in the broader sense, we would be in a position to refine the criteria used by the Committee in making its selections, perhaps altering the numbers in the different categories, and better targeting the support services that some students need and receive.

We have remarkably little statistical information about our students, and more information would enable us to refine our admissions criteria, monitor our progress on access and diversity, improve our timetabling of courses, develop more effective student financial aid programs, develop better

Students

computer technology for the students, and make the hours and other aspects of student services more convenient. In 1998, the then Assistant Dean (Student Services) began a study that analysed the relationship between admission variables and law school performance. That work was not completed when he resigned in 1999, but it should be continued, because we must be certain that we are using the best predictors of student success and ability to contribute in our admissions criteria.

9. The Assistant Dean (Student Services) should conduct a study of the correlations between admissions characteristics and Law School grades and report his findings to the Dean. The Assistant Dean should also develop plans to study correlations between admissions characteristics and other kinds of contributions students make to the Law School and in their professional lives. The Assistant Dean should also develop plans to study other characteristics of the student body, for example, ethnic origins, where they live, debt loads and living expenses, the prevalence of part-time work, and satisfaction with their Law School experience. The purpose of these studies is to refine our admissions criteria, monitor our progress on access and diversity, develop more effective student financial aid programs, and improve other services to students.

A commitment to equal access to legal education obviously requires resources, since many of the students whom we are most anxious to recruit lack the personal or family resources to easily afford a university education. Law studies are particularly expensive in that most students have already completed an undergraduate degree before entering law school and many have acquired significant debt in doing so. As well, non-traditional students are often older, often have families, and often have other special circumstances that restrict their ability to pay for law school.

Financial Assistance

Tuition for professional programs, including Law, was deregulated by the Government of Ontario, starting with academic year 1998-99. For that year, the Board of Governors of the University (acting on the recommendation of the Osgoode Dean and Executive Officer) increased Osgoode's tuition by 20 per cent, bringing it up to \$3,874 (plus ancillary fees of \$606). For the next year (1999-00), Osgoode's tuition went up another 20 per cent, bringing it up to \$4,648 (plus ancillary fees of \$636). For 2000-01, tuition is to increase to \$8,000 (plus ancillary fees) for the entering class (but not for those in second and third year). The rationale for this large increase is that we need to increase our faculty complement for first-year small-group teaching and for upper-year intensive programs, we need to maintain faculty salaries at a level comparable to other law schools, we need more computer technology to expand access from outside the building, we need some more administrative staff, and we need to renew our classrooms and physical plant. The figure of \$8,000 was selected, because it is the current level of tuition at the Faculty of Law, University of Toronto, and our resources must match those of the law school that is our main competitor for faculty and students.

The Government of Ontario has stipulated that 30 per cent of any increase in tuition (whether regulated or deregulated) must be set aside and dedicated to student financial assistance. The Board of Governors of the University, with the full approval of the Law School, increased that set-aside number to 35 per cent for the two increases applicable to 1998-99 and 1999-00. For 1999-00, the second year, the Tuition Reinvestment Fund (derived from the set-aside) was \$430,000, all of which was spent on student financial assistance. For 2000-01, 2001-02 and 2002-03, the three years in which the increase to \$8,000 is phased in, we will set aside at least 30 per



cent of the increase for the Tuition Reinvestment Fund. There will be no further increase in tuition before 2002-03. If there were any increase after 2002-03, then, even if the Government no longer stipulates for a set-aside proportion, we should continue to set aside at least 30 per cent of any new increases to augment the Tuition Reinvestment Fund.

10. As tuition increases, at least 30 per cent of any increase should be set aside for student financial assistance.

The Government of Ontario's Student Assistance Plan (OSAP) provides financial aid to students. The maximum award for a single student is \$9,350, of which \$2,350 is forgivable; the maximum award for a "sole support" student is \$17,000, of which \$10,000 is forgivable. Nearly 40 per cent of Osgoode's students received an OSAP award in 1997-98. The average award was \$8,099. Students who receive full OSAP, and still have unmet needs, have their tuition frozen at \$4,500. This is because provincial regulations require tuition (including ancillary fees) in excess of \$4,500 to be rebated to the eligible students.

Student financial assistance has been the Law School's top priority for fund raising ever since tuition began to rise significantly. Private donors have not needed much persuading of the high priority that ought to be given to student financial assistance, and law firms and individuals have been exceedingly generous. A Government of Ontario matching program, which unfortunately ended on March 31, 1999, has since 1997 been matching private donations. The result is that the Law School has accumulated endowments of \$11,134,000, the income from which is devoted to student financial assistance.

11. The Dean and Director of Development should continue their efforts to raise funds for student financial assistance.

Starting in 1999-00, we have made an arrangement with the Royal Bank to provide loans to students at preferred rates, and, if a borrower meets our definition of need, the Law School will pay the interest on the loan during the time in Law School and for a reasonable period after graduation.

In 1998, Osgoode appointed a senior staff person as the Student Financial Assistance Officer. That officer, who is located in the Student Services suite of offices in the Law School building, provides information about the various public and private funds that are available, distributes and assists in the filling in of forms, including OSAP documents, provides financial counselling and makes emergency loans.

With all these measures in place, I have some confidence that accessibility to Osgoode will not be impaired by increased tuition. However, this is a matter that must be kept carefully under review.

12. The Admissions Advisory Committee, advised by the Assistant Dean (Student Services) and the Student Financial Assistance Officer, should annually report on admission application numbers and acceptance rates in all admissions categories, demand for and availability of student financial assistance, and other matters bearing on access to Osgoode. With the benefit of this information, all feasible steps must be taken by the Dean to ensure that no student is prevented from entering or completing Law School by reason of inadequate financial assistance.

Students

Extended Time Program

Perhaps the most daunting barrier to admission to law school for many people is the fact that it occupies three years of full-time study. The commitment to full-time study is not practical for some people, for example, those with family responsibilities to children or elderly or sick family members, or those with an illness or disability that limits their capacity to work, or those with financial obligations that require a continuance of substantial income-earning activity. In 1992, the Law School took a step in the direction of accommodating this class of person with its Extended Time Program, which allows a student who has been admitted to the School to apply to the Admissions Advisory Committee for permission to reduce their courses to approximately half the normal required load. The Extended Time Program was originally available only in the upper years, but in 1995 first year was added, and now the Program is available for all (or part) of the LLB degree. A student who was admitted to the Program in first year, and remained on the Program for the entire LLB, would require six years to complete the degree. The Program is open to a maximum of five students per year, so that there is a limit of 30 students on the Program at any one time. We have never studied the operation of the Extended Time Program to see whether it is meeting the needs of those enrolled in it, or to consider whether it should be expanded. It is time to conduct a review of the Program.

13. The Academic Standing Committee, in consultation with the Admissions Advisory Committee, should conduct a review of the Extended Time Program to investigate whether it is meeting the needs of those enrolled in it and whether it could be made more attractive and expanded.

Career Development

In 1997, Osgoode established the Career Development Office and appointed an experienced lawyer as the Career Development Officer. That office maintains current information respecting articling and summer positions, judicial clerkships, volunteer placements and other job opportunities, arranges events that bring students and prospective employers together, counsels and trains students to enhance their skills at interviewing, job searching, resumé-writing, time-management and presentation. The manifold duties of the office are performed by the one Career Development Officer, with the help of volunteer and work-study students.

At the Forum of February 5, 2000, there was strong student support for the Career Development Office, and a student consensus that more resources were needed to provide more information to students, especially in electronic form; more individual counselling; more promotion of Osgoode among potential employers, including those in New York, London and Hong Kong; and lifelong services to alumni of the School. There is no doubt that there is student demand for more services than can be provided by an office with only one professional staff person, and an increase in the size of the office is a priority concern for students.

14. The Executive Officer, in consultation with the Assistant Dean (Student Services) and the Career Development Officer, should review the staffing needs of the Career Development Office and develop a plan to increase the level of service that can be provided to students.



The Career Development Office is developing a database of our students, starting in first year, and including career-related information such as part-time employment, summer employment, articling positions, volunteer activities, grades, and areas of interest. This database does not now extend beyond articling, but it should be maintained throughout the graduate's career with regular updates, in conjunction with the Alumni Office. This will yield information about the career paths of our students, both at and following law school, which will be relevant to planning our academic programs, to the design of the services offered by the Career Development Office, and to communication with our alumni.

15. The Career Development Office, in cooperation with other parts of Student Services and the Alumni Office, should maintain a database of career-related information about our students while at Law School and after graduation.

Social Environment

At the two forums (described earlier) that were held in the fall of 1997, much of the discussion dwelt on student dissatisfaction with their experience in Law School. A point that emerged over and over again was the need to know more about our students, their needs and aspirations. Gathering more information has been recommended earlier in this chapter of the Plan. Many of the criticisms voiced by participants concerned areas that are later addressed by this Plan, especially the curriculum, the building and the library. It is to be hoped that the proposals of this Plan will cover most of the criticisms. But there was also an area of concern that did not fit easily into the more obvious rubrics, and which could be described as the “social environment.” The kinds of events or activities that affect the social environment of the Law School are orientation, Wednesday morning coffee, pubs, clubs, athletics, *Obiter Dicta* and Mock Trial. These events and activities bring faculty and students together outside the classroom, enable interests to be pursued outside the classroom, facilitate the forming of friendships, and generally contribute to the learning environment.

Among the points that emerged from the discussion of the social environment was that there was insufficient opportunities for faculty and students to mingle, that there was weak communications among administration and faculty and students, that intolerant or disrespectful attitudes towards women or minorities were occasionally on display, and that we did not do enough to celebrate the achievements of faculty, students and alumni. These kinds of issues could be remitted to a committee to review the reports of the two forums and to consider and make recommendations.

16. The Student-Faculty Relations Committee should consider the extra-curricular events and activities, including orientation, morning coffee, pubs, clubs, athletics, Obiter Dicta and Mock Trial, with a view to developing recommendations for improving the social environment (including accessibility to all aspects) of the Law School.

Goals

- (a) To provide the administrative infrastructure to support the teaching and research activities of the Law School.
- (b) To recruit and retain dedicated and capable staff; and
- (c) To create a pleasant and fulfilling working environment for employees of the University.

Secretarial Services

Despite a long history of budget cuts, especially during the years 1992 to 1998, the Law School has managed to sustain a reasonably strong administrative infrastructure.

Hardest hit by budget cuts over the years have been secretarial services for faculty. The faculty are now served by nine full-time faculty secretaries, which is less than half the number on staff in the 1970s. It is true that new technology has reduced the need for secretarial support. Many faculty now do most of their own typing on their own computers. However, the increase in the faculty complement that is contemplated by this Plan may well require one or two additional support positions.

At the moment, the faculty secretaries all have identical job descriptions, reflecting the traditional secretarial functions, with appropriate changes to incorporate the new technology that is used for those functions. Before adding to this corps, it would be advisable to review the question of what services would be most useful for faculty. It may be that, as we become more reliant on technology, some specialization of function among faculty support staff would work better than the current organization of secretaries. For example, some faculty might find it more useful to be helped with the development of PowerPoint presentations or web pages for their courses. Before committing additional resources to the area, we need to look carefully at what is needed and what would be the most effective way of providing what is needed.

17. The Executive Officer, in consultation with faculty and staff, should review the support services for faculty, and develop a plan for the delivery of the services that will meet the developing needs of faculty in the most effective way.

Student Services

The Law School resisted the University's centralization of student services, and most services to Osgoode students are delivered in the Law School. Indeed, the Student Services staff has grown in recent years with the addition of a Career Development Officer and a Financial Assistance Officer. However, an additional administrative position in Student Services is still needed, especially to assist the Assistant Dean (Student Services) and the Career Development Officer. As well, as reported earlier, there is a need for more professional staff in the Career Development office. As well, the rapid growth in the amount of funds being disbursed for student financial assistance (from \$280,000 in 1998 to an estimated \$2 million by 2001) will necessitate further administrative support for the Financial Assistance Officer.

18. The Executive Officer, in consultation with the Assistant Dean (Student Services), should review the support services for Student Services and make recommendations for the necessary additional staff.



Computer Services

Under the heading “Computer Technology,” this Plan proposes a strategy that will greatly extend access to computer technology by students, staff and faculty. That will require a large investment in hardware and software, of course, but it will also require more staff than the two full-time people who now coordinate computer operations for the School.

19. The Executive Officer should review the staff support required by the Law School’s computer services, and, as the services expand, make a recommendation for the necessary additional staff.

Special Events

In 1999, we added an administrative assistant to support the three Research Centres in the Law School. The Research Centres organize a number of conferences, seminars and other events for which the new staff member provides administrative support. As well, conferences, seminars and other events are often organized by the Dean and other faculty members, sometimes with administrative support from the Dean’s office and sometimes with administrative support from a faculty secretary or from students. The organization of special events is time-consuming and requires a considerable expertise. These events would be more effectively organized if the Law School had a staff person dedicated to their organization.

20. The Executive Officer should consider the appointment of a staff person with responsibility for the organization of conferences, seminars and other special events.

Advancement

The Law School has increased the support for Development and Alumni Affairs by the appointment in 1998 of a Director of Development and in 1999 of a full-time administrative assistant for the Alumni Office. However, these functions are still woefully understaffed by comparison with comparable United States law schools, and, if we are to increase significantly the amount of private support for the Law School, we need additional staff for the purposes of communications, research, special events and management of development functions. This is explained in more detail and is the subject of a recommendation in chapter 12 of this Plan, Advancement, below.

Office Space

Under the heading “Building and Facilities,” we noted the serious shortage of office space that would be caused by increases in the faculty or staff. All of the foregoing recommendations will obviously place further demands on our limited office space, and may make necessary the acquisition of some space elsewhere in the University for some part of the Law School’s operations.

Working Environment

At the Forum of February 5, 2000, a number of concerns were expressed about the working environment for Law School staff. Lack of privacy at the secretarial stations, insufficient meetings and inadequate communication with staff, inadequate understanding by some faculty of what can be asked of staff members, and an absence of rewards for superior work, were complaints that were voiced.

21. The Executive Officer, in consultation with the York University Staff Association, should review the working environment of the staff of the Law School and consider what steps are needed to improved working conditions and communications.

LLB Curriculum

Goals

- (a) To identify the core knowledge and skills that every law student should acquire at Osgoode;
- (b) To so design the curriculum that every student progresses through different levels of complexity, skills and teaching methods;
- (c) To preserve a high degree of student autonomy in constructing individual programs of study;
- (d) To make use of the insights of other legal systems and other disciplines;
- (e) To reflect the diversity in Canadian society;
- (e) To reduce destructive anxiety and competitiveness.

History

Until 1969, the year of the move to York University, the LLB curriculum of the Law School consisted primarily of compulsory courses. As late as 1967-68, the first year was entirely compulsory, second year was compulsory except for one optional course, and most of third year was compulsory, although three options were available. Most courses occupied a full year. The affiliation agreement with York University (1966) was the stimulus for a major evaluation of the curriculum. A Curriculum Committee reported in 1968 and recommended that the upper-year curriculum should be predominantly elective. Courses were to be organized on a three-tier structure: a compulsory first year of basic courses; a second tier of more advanced courses that were available to second and third year students at their option; and a third tier of specialized seminars in which research papers would be written. Courses were to be confined to a single semester to facilitate the expansion of the curriculum. In April 1969, Faculty Council accepted this basic plan, making all upper-year courses and seminars elective, and reducing all courses and seminars, including the compulsory first year courses (except for an Introduction to Law course), to a single semester. This was the curriculum that Osgoode brought with it to York, and it has changed surprisingly little in its basic design in the three decades that have elapsed since the affiliation. Indeed, Osgoode's curriculum became the model for other Canadian law schools, most of whom, while resisting the semesterization of first year, have moved to a predominantly elective upper-year curriculum.

After the move to York, a comprehensive review of the curriculum was undertaken by a Long Range Academic Policy Study Group, chaired by Professor Peter Hogg, which reported in 1974. With respect to first year, the Report suggested a number of changes. One was the introduction of "workshops" that would meet in conjunction with the first-year substantive courses and which would require the completion of a series of practical exercises, starting with exercises needed to survive in Law School (library exercises, briefing cases, answering examination-type questions) and moving on to more complex and interesting tasks (drafting letters, memoranda of law, factums, contracts and other legal documents, as well as oral argument, interviewing and negotiation). Another was the requirement that in each semester one first-year course should be taught in small groups. Another was the introduction of an optional subject into first year, the "perspective option" (which would replace Evidence, which was then one of the compulsory first-year courses). Only the third of these recommendations--the perspective option--survived. The workshops were tried for only one year and were not continued (apparently because the initiative was regarded as a failure), and the small-group teaching was never tried (apparently for lack of resources).



With respect to the upper years, the Hogg Report ratified the elective nature of the offerings, but criticized the sameness of the educational experience in most of the courses and seminars. The Report recommended more variety, more clinical experiences and more interdisciplinary study. Among many recommendations, there were three major ones. First, the Report recommended that students be permitted to do directed research projects for credit independently of any course or seminar. Secondly, based on the model of the Parkdale clinic program (which had started in 1972), the Report recommended the establishment of a range of “intensive programs” that would occupy an entire semester and that would allow for an intense specialization in a field of law and the opportunity to develop advanced lawyerly skills through research, clinical and observational experiences that could not be provided in the conventional classroom setting. Thirdly, the Report recommended the introduction of an honours program, leading to an LLB(Hons.) degree, which would be open to only the most qualified students and which would involve a major research project stretching over more than one semester and occupying between one-third and two-thirds of the candidate’s time (the rest of which would be spent taking courses and seminars in the normal elective curriculum). The last of these recommendations – the honours program – on which the committee had been divided – was rejected by Faculty Council and never tried. The directed research option was introduced and continues to this day. The intensive programs were also introduced, and new intensive programs in criminal law, family law, administrative law and immigration law were established. Two of these programs are still being offered (in criminal law and immigration law), as is the Parkdale program (in poverty law), and programs in First Nations law, advanced business law and an Innocence Project are also now on offer.

After the Hogg Report of 1974, the only other comprehensive review of the entire curriculum was undertaken by a Long Range Curriculum Review Committee, chaired by Professor Brooks, that reported in 1993. With respect to first year, the Brooks Report recommended (among other things) a two-week orientation period, for introduction to legal vocabulary and institutions, followed by a single compulsory semester with new courses, Law and the Market Economy (which would include the basic private law subjects of contract, property, torts), Foundations of the Regulatory State (which would study public institutions and the regulatory tools at their disposal) and Theory and Methods (which would study social-science theories and methods). These recommendations were discussed in informal meetings, but were never formally presented to Faculty Council, and were therefore never carried out. The failure to follow through seems to have been based on a reluctance to embark on untried, radical change and doubt as to whether enough members of faculty had (or would be willing to acquire) the capacity to deliver courses which involved a heavy component of social-science theory and methods. The Report also endorsed the earlier recommendations for small-group teaching in first year, which would have committed many faculty members to teaching the proposed new curriculum.

With respect to the upper years, the Brooks Report endorsed the continued elective character of the course offerings, but recommended that a writing requirement be introduced (“two substantial pieces of writing” would be required), and that more structure be introduced to make it easier for students to design programs that involved a progression in knowledge and skills, ending in “capstone courses” of which the existing intensive programs could be models. The first step in this reform was for interest groups of faculty to meet and describe the existing offerings in each field of law, to suggest the appropriate progression, and to suggest a capstone course. Another step

LLB Curriculum

was an improvement in the information issued to students when they select their courses, so as to help students to develop academic programs that involved a useful progression in their knowledge and skills. Following the Report, there were meetings of faculty interest groups and reports were prepared on many of the fields of law in the upper-year curriculum, and there was some expansion of the advisory material issued to the students, but the ability to design appropriate streams of progression in the upper years remains a problem for students and there has been only a modest increase in the intensive programs (or capstone courses).

When comprehensive curriculum review is done properly, with full research into the literature, full consultation with all interested groups, and full deliberation by the institutions of the Law School, it is extraordinarily time-consuming, and, in Osgoode's democratic environment, not just for the persons serving on the review committee. The Hogg Report was 167 pages long (excluding appendices) and occupied two years of preparation. The Brooks Report was 132 pages long and occupied four years of preparation. Both Reports contain extremely useful discussion of the objectives and methods of legal education, and the distinctive role of Osgoode Hall Law School. The changes that flowed from the two reports were, however, modest. Indeed, it is arguable that the main significance of the Reports was to ratify the essential elements of the 1969 curriculum reform: the compulsory first year of foundational courses, and the elective upper years with a progression of knowledge and skills.

The true engine of change, as was predicted in 1969, is the elective curriculum, which allows a "hundred flowers" to bloom and a "hundred schools" to contend. The creative energy of faculty (including part-time faculty) and students ensures that there is continuous innovation in the courses and programs that are offered, and as new fields and new ideas enter the landscape of legal practice or legal theory they are rapidly assimilated into the curriculum. The growth in teaching about equality issues, clinical legal education, alternative dispute resolution, international issues and health law are examples.

What did not take hold in the recommendations of both reports were the more structural or radical elements--the honours program, the workshops, the new social-science-based courses for first year, for example. These ideas did not achieve the acceptance and commitment of a critical mass of faculty without which no reform could work. Moreover, curriculum reform cannot be the preserve of the older members of faculty. As the Law School takes on large numbers of young faculty, its composition is going to change markedly in the next few years, and no reform could work that is not driven by, or at least championed by, a critical mass of young faculty. For this reason, this Plan does not propose radical changes in the LLB program. However, nothing in the Plan is intended to preclude the consideration of, and even experiment with, more radical changes. The Academic Policy Committee is ready to consider any proposals advanced by individuals or groups of faculty or students. The only caveat would be that the pursuit of more radical change should not lead us to postpone or abandon the proposals in this chapter of the Plan for immediate improvements to the existing curriculum.

What emerges from the recent history of curriculum reform is a widely shared approval of the present structure of the LLB and a desire to make it work better. What we should be able to say to students contemplating entry into a law school is that Osgoode offers the finest range of courses,



seminars and programs in the country, the best opportunities to acquire the widest range of lawyerly knowledge and skills that will be needed for a lifetime career in law, and a faculty dedicated to the teaching of LLB students. This involves tackling and solving the problems that inhibit the mastery of fundamentals in first and second year, that make the range of choice narrower than it appears, that make it difficult for students to construct rational progressions of courses and seminars, and that create unhealthy competitiveness and anxiety among students. It is in fact rather surprising that the repeated recommendations for small-group teaching in first year and a progression of knowledge and skills in the upper years, upon which there is widespread agreement, have so far eluded us. They are the subject of later recommendations in this Plan, along with some other rather commonplace ideas that will make the LLB curriculum more responsive to the goals of the School, the aspirations of the students and the needs of the profession.

First Year of the LLB

In 1998-99 (the first year that we admitted only 280 students) and succeeding years, the 280 first-year students are divided into four sections of 70 students. The curriculum consists of compulsory four-hour, one-semester courses in Contracts, Torts, Criminal Law, Property, Civil Procedure and Constitutional Law. The first three are offered in the fall semester, and the second three are offered in the winter. This compulsory core has remained as the heart of first year since before 1969. A course in Legal Research and Writing (LRW) is also compulsory and runs through both semesters (it is the Law School's only year-long course). This course has gone through various incarnations and name changes over the years; its present name reflects its present emphasis on legal research and writing. The only element of choice in first year is provided by a "perspective option" that is taken in the winter and is chosen from a range of courses and seminars that cut across traditional doctrinal boundaries. It will be recalled that this option was introduced following the recommendation of the Hogg Report in 1974. As well, throughout the year, a "Legal Dimensions" program of occasional lectures and seminars explores ideas and theories about law. This is an innovation, tried for the first time in 1998-99.

Another innovation, tried for the first time in 1998-99, is a partial move to small-group teaching. In each semester, one course is taught in a combined lecture and small-group format, meaning that three of the four hours are spent in the full 70-person section, and the fourth hour is spent in a small group. This idea, along with the Legal Dimensions program, was the recommendation of a First Year Curriculum Committee chaired by Professor Brian Slattery. That Committee's work is continuing with the idea of proposing staged reforms to the first year curriculum. An earlier draft of this Plan treated the partial small-group arrangement as a compromise, merely a way station to full small-group instruction in one course each semester, and recommended that we move rapidly to a full small-group system in first year. However, the First Year Curriculum Committee has decided not to proceed with the full small-group proposal on two grounds. First, the Committee took the view that the benefits of the full small-group proposal were not greater than those of the partial small-group proposal, and therefore not sufficient to justify the large movement of scarce faculty resources out of the upper-year curriculum that the full small-group proposal would entail. Secondly, the Committee noted that those Canadian law schools that have implemented a full small-group system use it as their legal research and writing program as well as to teach a substantive law course. Since Osgoode has a longstanding and successful Legal Research

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and Writing course in first year, which uses its own small-group system, the case for a full small-group system in first year was much less obvious at Osgoode than at other law schools. Consultations with students who have experienced the partial small-group system at Osgoode indicate a high level of satisfaction with the system and a preference for that system over a full small-group system. The informed conclusion seems to be opposed to the move to a full small-group system in first year.

22. The Law School should continue to operate the partial small-group system established in first year in 1998-99, and, as faculty resources permit, gradually expand the courses taught in that system.

Other concerns being addressed by the First Year Curriculum Committee include: concerns that a single semester is too short a time to cover basic subjects; concerns that the larger ideas of the law and its intersection with other social sciences are inadequately conveyed; concerns that students have to face three final examinations yielding three final grades after only one semester of Law School; concerns that in many courses the single final examination is the only method of evaluation; concerns about the variation in content between different sections of the same course; and concerns about anxiety and competitiveness among the students. These concerns are not universally shared, and the First Year Curriculum Committee has discovered wide divergences in faculty and student views as to the appropriate responses. No solution is going to be accepted by every one, but the concerns must be addressed.

23. The First Year Curriculum Committee should continue its review of other elements of the first year curriculum, and develop proposals to make first year a stronger foundation for the upper years, and a better learning experience for the students.

Second and Third Year of the LLB

The second and third year of the LLB program is completely optional with students obliged to complete 60 credits over the two-year period by selecting from a range of courses, seminars and other programs. In 1998-99, for example, we offered 91 different courses and seminars to the upper-year students, and 18 of these were offered in more than one section with different instructors. As well, six intensive programs were available, students could do an individual directed research program for credit, and credit could also be earned for competitive mooting, for leadership in the Law School's Community and Legal Aid Services Program (CLASP) and for senior editorial roles in the Osgoode Hall Law Journal. No other law school is close to offering such a rich range of courses and programs.

The principal rationale for the elective curriculum is that it allows a "hundred flowers" to bloom. By allowing new courses and seminars to be added in second and third year, the hope was that "the creative energies of all the faculty will be directed to continuous innovation in, and improvement of, legal education in the fields in which they are informed" (Report of the Curriculum Committee, February 2, 1968, p. 2). That hope has been abundantly realized. The list of options each year changes as new offerings gain approval and some old ones are abandoned. By allowing the interests and energies of faculty (including part-time faculty) and students to be quickly reflected in the curriculum, there is a virtual certainty that the curriculum will remain various,



interesting and relevant to topical concerns and developments. Of course, one could still make some courses compulsory, but it is appropriate to be modest about one's ability to predict changes in society, in the practice of law and in the career paths of individual students. That unpredictable future suggests the futility of insisting on a list of required courses, which would likely reflect a stereotypical view of the practice of law that might be quite inaccurate for many career choices, and which would in any case rapidly become out of date.

Another, related rationale for the optional upper-year program is that of student autonomy. The student is enabled to construct a program of study that fits his or her particular interests and career aspirations. The student has of course completed successfully the basic courses that are required for first year, and those are the only law school courses that are required for enrolment in the Law Society of Upper Canada's Bar Admission Course. In selecting upper-year courses, the student is guided by a syllabus that sets out all the academic requirements and other information, including descriptions of all the available offerings. The syllabus includes a statement by the Law Society of Upper Canada that, while recognizing the importance of "a diverse student curriculum," recommends that students follow a "well-rounded" plan of study, which would include "an adequate grounding in the areas of law dealt with in Phase Three of the Bar Admission Course." Those areas are listed as Business Law, Civil Litigation, Criminal Procedure, Estate Planning and Administration, Family Law, Public Law and Real Estate.

The optional curriculum does not work properly if second-year students cannot find places in those upper-year courses that comprise the second tier of the three-tier system. These are the basic courses upon which the advanced courses, seminars and programs build, for example, Evidence, Business Associations, Commercial Law, Taxation Law, Trusts, Family Law and Administrative Law. These courses are demanded by most of the students in the Law School. If a number of these fundamental courses are not taken in second year, then the student does not have the grounding to move to more advanced work in those fields in third year. As well, choice in third year will be distorted by the need to take second-tier courses that were missed in second year. The problem of places will be somewhat eased by the reduction in the first-year class from 320 to 280, which started with the first-year class that entered in 1998-99, and will continue. As that cohort moves into second and third years, the number of upper-year students will decline somewhat. However, the best solution to the problem of places is to lay on multiple sections of the high-demand courses. For a course that nearly everyone selects, three sections each with 105 places (105 being the capacity of our largest lecture rooms) is not necessarily enough for a class of 280 because of timetabling conflicts with other courses that inhibit choice. Each of the most popular courses should be offered in four sections, so that every one who wants it in that year can get into it. Since a four-section course will not be fully subscribed, the multiple sections also have the effect of reducing average class sizes in the most popular courses.

24. The Dean and Associate Dean should keep under constant review the demand for upper-year courses and offer each high-demand course in sufficient sections to provide places well in excess of anticipated demand.

That ought to solve the problem of timely selection of fundamental courses. If it does not do so, consideration should be given to providing a second-year preference for the high-demand courses. That is a measure that would be both unpopular (with third-year students) and difficult to

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administer. It should only be pursued as a last resort.

The syllabus is not as helpful as it might be in guiding students through a rational progression from fundamental to advanced work. The syllabus does contain a listing of courses and seminars organized under areas of concentration, so that it is easy for a student to identify all the offerings in a particular field of law; and the student can then turn to the more detailed descriptions of the offerings. However, because of the freedom of choice, a student can pick a program that consists primarily of survey courses and avoids any advanced work in a particular area. At the moment (and this issue is pursued in the next section of this Plan) there is not even a requirement of the completion of a major research paper.

The Brooks Report (p. 127) recommended what it described as “structural pluralism”: courses would be grouped into areas of concentration, and, in each subject area, “a sequence of progressively more difficult courses should be offered,” and courses “might be classified in as many as four or five levels of difficulty.” For example, a number system (100 level, 200 level, etc.) could be used to ascribe various levels of sophistication to courses and seminars. It would be possible to go one step further than this and stipulate requirements for a “major” in one of the areas of concentration, which should include “interdisciplinary studies and research” and “clinical studies” as well as subject areas, such as Public Law, Business Law, Labour Law, International Law, Family Law, Criminal Law and Property Law. The major would not need to be compulsory, but students failing to take it up would not be able to claim the major designation.

25. The Academic Policy Committee should review the listing of courses and seminars in the syllabus, consider how the listing should be improved to indicate the rational progression of subjects in each area of concentration, consider whether and how requirements for a “major” could be introduced into the curriculum, and identify gaps or weaknesses in the sequences of courses and seminars.

A related point is that the detailed description of each seminar in the syllabus that is distributed to the students is not always clear as to the nature of the seminar. Some of the seminars examine a small field of the law in depth and call for a scholarly research paper to be written. Others emphasize skills-based learning, for example, Trial Practice, Dispute Settlement, Lawyer as Negotiator and Constitutional Litigation. Others emphasize problem-solving at the intersection of various bodies of law, for example, Estate Planning, Taxation Planning. Still others emphasize mastery of a body of law in a way that is no different from a course.

26. The Academic Policy Committee should construct a taxonomy of seminars with a view to a listing in the syllabus that would indicate the kind of learning experience offered by the seminar.

The Brooks Report (p. 127) recommended that “ideally, the progression of courses should end with what some law schools have labelled capstone courses”:

“That is, a course that perhaps carries twelve to fifteen hours of credit and may extend over two semesters. It might involve extensive research and writing, diverse teaching methodologies, interdisciplinary and cross-doctrinal breadth, and advanced lawyering skills and values. Our present intensive courses are obvious models for such courses.”



The introduction of “capstone courses” in each area of concentration would provide an opportunity to students who were pursuing a sequence of courses (or “majoring”) in a particular area to draw together the substantive law, procedure, policy, practice, theory and skills that are applicable to that area. The intensive programs are examples of capstone courses.

Intensive Programs

The intensive programs available in 1998-99 and 1999-00 are the Advanced Business Law Workshops (ten credits over two terms), the Innocence Project (nine credits over two terms), the Intensive Program in Criminal Law (16 credits over one term), the Intensive Program in Immigration and Refugee Law (15 credits over one term), the Intensive Program in Lands, Resources and First Nation Governments (15 credits over one term) and the Intensive Program in Poverty Law (at the Parkdale Community Legal Services clinic) (15 credits over one term). Some of these programs involve the delivery of legal services to real clients under the supervision of a lawyer (and the Osgoode director) (Criminal, Parkdale, also CLASP). Others involve extended placements in legal settings outside the Law School that may involve services to clients or may involve primarily observations (Immigration, First Nations). All involve regular classroom time for student presentations, reflection and discussion of experience in the “field,” as well as the traditional review of relevant literature, and the preparation of a major paper. These programs do impart lawyering skills, but that is a byproduct of the learning process that occurs when the student is placed in real or simulated situations that require action (or observation) on his or her part, and is provided with opportunities to study, discuss and generalize from the experience.

As the logical end of the sequences of courses in areas of concentration, we need more intensive programs. For example, Taxation Law, Constitutional Law and Family Law are areas of faculty strength now lacking in capstone courses. These need not be programs that occupy an entire semester of students’ time. Less intensive programs have their models in the Advanced Business Law Workshops (ten credits over two terms) and the Innocence Project (nine credits over two terms), and such programs may often be easier to establish, staff and administer than the full-semester models.

27. The Academic Policy Committee, as part of its review of the sequencing of courses, should identify the fields where new intensive programs might be established as the culmination of a sequence, should suggest in broad outline what each intensive program might look like, and report its findings to the Dean, Associate Dean and Clinical Education Committee.

Because of the heavy clinical component in all the existing intensive programs, no proposal for a new intensive program should bypass the review of the Clinical Education Committee. Because of the complexity of the programs, and because they impact on people outside the Law School, it is vital for the Clinical Education Committee to develop standards for external supervisors, for adherence to rules of professional responsibility and a protocol and schedule for regular review of each program.

28. The Clinical Legal Education Committee should review all detailed proposals for new intensive programs, and should develop standards for the operation of existing and new programs, and should regularly review each program.

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The intensive programs are vastly more difficult to administer than conventional courses and seminars, which makes them expensive in terms of the faculty director's time. They are also more expensive in terms of money, since they all incur some costs and, in the case of a program with placements outside Toronto (First Nations, for example), substantial funding has to be found to support the placements--and that becomes another administrative task for the faculty director. If we expand these programs, as this Plan urges as the logical corollary of better progression in the upper years, we multiply these difficulties.

29. The Clinical Education Committee should make recommendations to the Dean and Associate Dean for research assistance and administrative support for the directors of intensive programs.

The development of new intensive programs is an essential step forward in making our upper-year curriculum more progressive and therefore more interesting and satisfying, but it is (as noted, above) expensive of faculty time. The reality is that we will have to move slowly in establishing new intensive programs. There is in any case some prudential reason for caution, since experience shows that each program has, along with its unique strengths, some unique and often unexpected difficulties. However, with some reordering of our upper-year curriculum, steady progress should be possible in the expansion of intensive programs.

Writing

One of the most demanding tasks in the Law School is the preparation of a major research paper. This task should be part of the sequence of experiences for all students in the Law School. It is safe to assume that most students write more than one research paper in the course of their upper-year program, because that is the most common method of evaluation of seminars. As well, many courses allow a research paper to be written for credit as an optional addition or substitute for the final examination. And, as noted earlier, our directed research option allows an independent research paper to be written for credit independently of a course or seminar. However, as noted earlier, it is possible for a student to progress through second and third year without engaging in any truly advanced work, and without writing a substantial paper. One simple structural element that ought to be put in place is the requirement of one substantial piece of writing as a condition of completing the upper years. The writing requirement could be combined with a seminar, course, directed writing program or intensive program, and the student would stipulate to the Student Programs office what was to count as the requirement. Some definition of what would satisfy the requirement (a length requirement, perhaps, and a B grade requirement, perhaps) and the administrative details should be worked out by the Academic Policy Committee.

30. There should be a writing requirement for upper-year students, and the Academic Policy Committee should design the rules governing the requirement.

The proposal for a writing requirement carries the corollary that we should be providing enough instruction in the skills of research and writing. We do, of course, have the Legal Research and Writing course in first year, and we now have a full-time Director of Legal Research and Writing, Professor Sherifa Elkhadem, whose duties are not only to run the LRW course, but also to provide instruction to upper-year students. She now offers a seminar on Intensive Legal Research and Writing. (There is also a seminar, offered in two sections, on Legal Drafting.)



Professor Elkhadem also arranges a series of non-credit workshops to refamiliarize upper-year students, graduate students and students transferring from other law schools with writing and research skills, including the Library's research resources. An articling refresher is held in the winter of third year for students about to enter articles. One service we do not provide is remedial help with writing, although there are some students who meet our high admission standards and still have very weak writing skills. This is sometimes the case with students for whom English is a second language, but there are other students with serious writing deficiencies as well.

31. The Director of Research and Writing, in consultation with the Access Admissions and Academic Support Officer, should explore the feasibility and cost of providing remedial writing instruction to students with weak writing skills, and make recommendations to the Dean.

Professional Responsibility

Professional responsibility, including legal ethics, is an important part of the LLB curriculum. In recent years, however, we have not taught a separate course on professional responsibility, and, when we have offered such a course, it has never been compulsory. What we do is rely on individual teachers of particular courses to include as part of the syllabus the professional responsibility issues that arise in that course. That is not a particularly effective means of ensuring that all students are exposed to reading, discussion and instruction on issues of professional responsibility, and it is clear that there is considerable variation in the amount of exposure each student has to issues of professional responsibility. That is not good enough.

32. The Academic Policy Committee should make recommendations for the systematic teaching of professional responsibility, including legal ethics, in the LLB curriculum.

Interdisciplinary Study

The Osgoode faculty share a commitment to interdisciplinary study as one important route to a socially responsive view of the law in action, one that employs external perspectives as well as internal analysis of the law. The value of interdisciplinary study is also recognized outside the halls of academe. The Law Society of Upper Canada, in its statement to our students in our syllabus, says that "changes in both the practice of law and in societal demands on the legal process require that lawyers have a strong theoretical grounding and a facility with interdisciplinary and comparative approaches to legal studies." Interdisciplinary approaches are reflected to some degree in our teaching. Nine members of the faculty are cross-appointed to other faculties or to university-wide research centres. Three members of faculty are cross-appointed from other faculties. Our rules permit our students to cross-register in other York faculties (although only two students in 1998-99 are doing so, and five non-Osgoode students are enrolled in Osgoode courses). About ten of our seminars are explicitly interdisciplinary in their focus, for example, Canadian Legal History, Health Law, Law and Social Change: Policing and Law and Psychiatry.

We offer two interdisciplinary degrees, namely the MBA/LLB (and the similar MPA/LLB) with the Schulich School of Business and the MES/LLB with the Faculty of Environmental Studies. In 1998-99, there are 51 students enrolled in the MBA/LLB and 15 in the MES/LLB. In both programs, there have been complaints of the lack of "linkage courses" that actually bring the two dis-

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ciplines together in a single course, ideally co-taught by instructors from both faculties. There is one such course in the MBA/LLB. In both programs, there have been complaints of inadequate advice and supervision structures. Various improvements in the administration of the programs are being implemented in 1998-99. We should also do more to publicize each program, both in recruiting students to each faculty and to students who are already enrolled in either faculty.

33. A new Associate Dean (Research and Graduate Studies) (whose appointment is recommended later in this Plan) would have responsibility for the interdisciplinary degree programs, and should review the programs and make suggestions for improvements in recruitment, administration and substance.

Business and Environmental Studies are by no means the only York faculties that teach disciplines that are complementary to Law. Within the Faculty of Arts, many of the disciplines offer perspectives on law that would combine well with Osgoode courses or directed research. Anthropology, History, Economics, Philosophy, Political Science, Psychology, Sociology and Social Science are obvious examples. It should be recalled that many of our students have come to Law School with strong undergraduate (or graduate) degrees in an Arts discipline, and have retained their interest in the field. We do not now provide much opportunity for our students to make use of—let alone enhance— their pre-law learning. It seems reasonable to assume that combined degrees with Arts would be attractive to enough students to warrant the establishment of new programs, provided we had the administrative capacity to do it smoothly.

34. The new Associate Dean (Research and Graduate Studies) should investigate and make recommendations with a view to establishing combined MA/LLB and PhD/LLB degrees with the Faculty of Arts.

International Study

York University is now studying reports by an advisory committee chaired by Professor Arthurs that contemplate an expansion of international studies across the University. The global economic, cultural, environmental, social and political forces that are increasingly shaping our domestic institutions make it impossible to regard many disciplines from a purely Canadian outlook. York's faculty should be full participants in the international community of scholars. York's students should not only be exposed to international perspectives on their disciplines, but should have the opportunity to meet with foreign professors and students at York, and to study abroad. These points apply with compelling force to Law.

Osgoode attracts very few foreign students to its LLB program, which is normal for undergraduate programs in law in Canada (and the United States). It should be noted, however, that there is a small, but steady stream of Osgoode graduates to positions outside Canada. Osgoode has 58 alumni in New York City, and significant groups in Los Angeles, London and Hong Kong. The applicants to the full-time LLM and the DJur programs do come from all over the world and, in 1998-99, 17 of 67 (24 per cent) full-time graduate students were foreign. Not surprisingly, their interests are also often international, comparative and interdisciplinary, and faculty members with those credentials are in great demand as supervisors.

In 1998-99, Osgoode offers 12 courses and seminars with an international focus, as well as an



intensive program in Immigration and Refugee Law. The arrival of new faculty members with international interests can be expected to improve on what is already a rich menu of offerings.

Osgoode has an exchange program with the Faculté de droit, Université de Montréal, which, while not an international program, provides an opportunity for Osgoode students to study in a civilian legal system, and Montréal students to study in a common law system. Osgoode students in their second or third years may take one or two semesters in Montréal for credit towards their Osgoode degree or they may spend a fourth year after graduation and earn a Montréal LLB degree, receiving two years credit from Montréal for the Osgoode degree. Reciprocal arrangements apply to Montréal students who wish to study at Osgoode either (in second or third year) for credit towards their Montréal degree or (in a fourth year) for an Osgoode degree. This is the most popular and active of our exchange programs, but each year on average only five or six students at each institution avail themselves of the exchange. The exchange also covers faculty, and we have occasionally had visiting professors from Montréal for a semester under the auspices of the exchange.

Another exchange program is with the University of Bologna in Italy. Every second year, five Osgoode students spend a semester at Bologna and receive credit towards their Osgoode degree. Only two or three Bologna students have travelled in the other direction. Another exchange program is with the University of Law, Economy and Sciences at Aix-Marseilles in France. This program is active with respect to faculty, and eight Osgoode faculty members have taught at Aix, and two Aix faculty members have taught several times at Osgoode. As well, there is a summer program under which Aix students come to Osgoode for two weeks of study and law office placement each summer. Six Aix students have enrolled at Osgoode for a full semester or a full year, and three Osgoode students have studied at Aix. Another exchange program is with the Southwest Institute of Political Science and Law (Chongqing) in China. Under this agreement, we have sent graduates to the Institute to teach International Business Law and English, there have been some faculty exchanges, and three student study tours organized by the Institute in which 15, 17 and 12 students have toured China and studied Chinese law for ten days at the Institute. Another exchange agreement is with Kobe University in Japan, which has yielded some faculty visits in both directions, and one Osgoode student has spent a semester at Kobe. An exchange with Monash University in Australia has also yielded some faculty visits in both directions, but in recent years seems to have fallen into desuetude.

There is certainly something wrong with this picture in that what appear on the surface to be exciting opportunities for foreign study have not been much availed of. The lack of student interest in study abroad is undoubtedly partly the result of deficiencies in Canadian student fluency in languages other than English. There may also be a perception that study abroad would not be regarded by potential employers as being as valuable as staying within the regular LLB program. However, it is likely that the chief cause of low international participation is the relatively modest commitment of Osgoode. We do not promote international opportunities among our students, and we do not have a source of funding to assist students who wish to study abroad (or foreign students who wish to come here). And we do not have an exchange program with a law school in the United States, which would likely be more popular than more exotic destinations.

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Considering the manifold reasons for the internationalization of our program that were touched on at the beginning of this section, we should take steps to improve international opportunities for our students and faculty.

A preliminary problem, which should not be underestimated, is the lack of any person at Osgoode with overall responsibility for exchange programs and study-abroad programs. Experience teaches that neither the Dean nor the Associate Dean is able to commit enough time to these tasks. Nor is it sufficient to have a volunteer faculty member responsible for each program (we have that now). We need someone with the interest, the expertise, the time and the administrative support to oversee all the programs, to review international opportunities, to research student demand and faculty interest, to coordinate with University programs, to develop new programs, to develop funding plans, to develop “marketing” plans for existing and potential students, to oversee existing programs, to provide advice and guidance to students and faculty, and to supervise a staff member who would assist departing (or arriving) students with all the academic, financial, immigration, housing and other details that need to be dealt with. These functions would be primarily directed at undergraduate students, but faculty would also be a prominent part of any arrangements for students, and the functions generally fit rather easily with the functions already identified as appropriate for an Associate Dean (Research and Graduate Studies).

35. The new Associate Dean (Research and Graduate Studies) should be given responsibility for exchange programs and other study-abroad or teaching-abroad programs. Early initiatives would include investigation of Osgoode student participation in study-abroad programs now run by United States’ law schools; the development of an exchange program with a law school in the United States; the exploration of a joint LLB/International MBA with the Schulich School of Business; the development of a new intensive program in international studies, including provision for foreign placements; and the identification of new funding sources, including private donations, to support study abroad.

Civil Law

Our exchange program with the Faculté de droit, Université de Montréal, was outlined in the previous section of this Plan. It offers our students an opportunity to study in a civil law system for credit towards an Osgoode degree, or to spend a fourth year in a civil law system and earn a Montréal degree in addition to the Osgoode degree. Reciprocal arrangements are available to allow Montréal students to study in a common law system at Osgoode.

Osgoode’s own curriculum does not adequately reflect the bilingual and bicultural culture of Canada. We have occasionally offered a course in French, most recently, on institutions of the European Community, by professors from Aix-Marseilles visiting under the exchange program discussed in the previous section of this Plan. We used to offer a course in Civil Law, and occasionally it was offered in French, but that course has not been offered since Professor Louise Arbour became a judge. Any Law School that aspires to national status should obviously offer at least a basic course in the civil law.

36. The Dean and Associate Dean should use their best efforts to offer the course in Civil Law that is an approved part of the curriculum but has not been offered recently.



Diversity

Osgoode's commitment to social justice and equality has been a longstanding guiding principle. The inadequacy of the legal system's responses to poverty and other forms of disadvantage drove the Law School to establish Canada's first Community Legal Services Clinic at Parkdale in 1972 – an initiative that was strongly opposed by the Law Society of Upper Canada. (Parkdale has since become the model for community legal clinics across the province.) Special admissions categories were created to make places for those who, through discrimination or other disadvantage, had not been as well prepared for entry to law school as those not suffering from such impediments. Equality issues were brought forcibly to the fore when a human rights complaint was made against the Law School after the appointment of a male Dean in 1987. The settlement of that complaint led to further initiatives by the Law School. An affirmative action plan was established to stimulate the recruitment of faculty from women, visible minorities, Aboriginal persons and disabled persons. The progress on those fronts is reported earlier in this Plan. An Equality Committee was established to keep equality and diversity issues in the curriculum under constant review and to provide a forum for complaints and issues to be discussed and recommendations forwarded to Faculty Council. One recommendation, accepted by Faculty Council in 1998–99, is for the appointment of a “safe counsel” to whom students could bring equality-related concerns in confidence, and when the Committee has completed the definition of the job description and other terms of appointment, that appointment will be made.

Resources have been applied to the creation of intensive programs with a focus on equality issues. They include the intensive programs on Poverty Law (at Parkdale), Immigration and Refugee Studies and Lands, Resources and First Nations Governments. Courses and seminars that focus on the experience of the poor, the disadvantaged, women and visible minorities have proliferated, for example, Law and Poverty; Rights of Indigenous People; Immigration Law; Refugee Law; International Human Rights; Discrimination and the Law: Sex Equality; Legal Values: Liberty, Justice and Equality; Law, Gender and Equality; Legal Values: Racism and the Law; Legal Values: African-Canadians, Racism and the Legal System; and Sexuality and the Law. Teaching sessions have been held for faculty to help them to eliminate racial, cultural and sexual stereotyping from all courses, make all courses more inclusive of diverse perspectives and introduce equality issues into all courses. The Student Evaluation questionnaire that is filled in by every student at the end of every course includes several questions relating to the instructor's sensitivity to equality issues. The existence of these questions attracts a good deal of adverse comment about “political correctness” from student respondents, illustrating the importance of proceeding with sensitivity and caution in raising divisive issues without full explanation of why these issues are relevant to the study and practice of law.

Obviously, equality and diversity issues have been a major preoccupation of the Law School, especially in the last decade, and many needed changes have been made. However, it is still the case that some Aboriginal students, visible minority students and women report dissatisfactions with their experience at Osgoode, and a sense that “their” issues are not sufficiently addressed. No doubt, in this field, as in others, perfection is unattainable, but complaints of this kind must be taken seriously. All students pay the same fees and are entitled to an equally satisfactory learning experience.

37. The Law School should reaffirm its commitment to equality and to continuing the process of reforming the curriculum and the learning environment so that they are fully respectful of the diversity that we welcome in our students.

Graduate Studies

Goals

- (a) To further the Law School's mission of research by supporting and supervising scholarly research and writing;
- (b) To encourage theoretical, interdisciplinary, international and comparative approaches to legal analysis and research;
- (c) To build a vibrant international and multicultural graduate student community that participates in the teaching and scholarly activities of the Law School;
- (d) To help develop a new generation of law professors; and
- (e) To further the Law School's mission of lifelong learning by providing structured opportunities to study law at an advanced level and acquire new knowledge and skills.

Graduate Degrees

Osgoode offers a full graduate program, including the degrees of Master of Laws (LLM) and Doctor of Jurisprudence (DJur). The LLM is offered in a research stream, with a thesis requirement, and in a course-work stream on a part-time basis through the Professional Development Program. The Professional Development Program, including the part-time LLM degree, is described later in this chapter of the Plan. The research stream of the graduate program, comprising the full-time LLM and the DJur programs, has grown rapidly in a very short time: from 41 active students in 1994-95 to 67 in 1998-99. This full-time graduate program is the largest in Canada, attracting students from across Canada and all over the world. In 1998-99, 17 of the 67 students (24 per cent) came from outside Canada.

Most of the growth in the research stream of the graduate program has been in the number of doctoral students, which went from 12 (out of 41) in 1994-95 to 30 (out of 67) in 1998-99. This reflects a new tendency among law schools to favour candidates for doctoral degrees in recruiting new faculty, as well as the attractiveness of Osgoode as the place to undertake this work.

The growth in the research stream of the graduate program is an exciting development for the Law School, introducing into the School a critical mass of young scholars, many of them engaged in interdisciplinary and comparative work. The growth in numbers has had many important effects. They bring different cultural, intellectual and legal backgrounds to the School. They work closely with faculty supervisors, expanding faculty research interests, and they provide assistance to faculty as graduate assistants and research assistants. They contribute to the teaching of the LLB students as teaching assistants in the Legal Research and Writing course and as guest lecturers and part-time instructors. One of the doctoral students received a teaching excellence award from the students for his courses in Legal Drafting and Statutory Interpretation (which was the topic of his dissertation) and Legal Drafting in 1998-99. They contribute to the intellectual life and energy of the Law School through their conferences, reading groups and connections to other parts of York University.

With many graduate students coming from other countries and many departing after graduation to other countries, they help reinforce the international profile of the Law School. An outstanding graduate program enhances the international reputation of the Law School. For reasons developed later, we should be cautious about expanding the size of the program above its present numbers. What we can and must do, however, is to nurture it, improve its quality, and



generally justify the claim that Osgoode is one of the best places in the world to do graduate work in law. We must remove the last vestiges of the old idea that an American or English graduate degree is an essential credential for a faculty appointment in Canada. We do that by running a graduate program that is second to none, and doing a better job of communicating its quality to the rest of the world.

38. The profile of the graduate program should be raised both internally and externally by every means possible, including better publicity about the program, assistance to graduates seeking academic positions and other careers, and the maintenance of a continuing connection with our graduate alumni.

One consequence of the growth of the research stream of the graduate program, coupled with increasing demands on the Law School by the Faculty of Graduate Studies, is that the staff of the graduate program office in the Law School, which now consists of 1.5 positions, needs to be increased to two, and needs to be kept under review.

39. The Executive Officer, in consultation with the Director of the Graduate Program or (when established) the Associate Dean (Research and Graduate Studies), should periodically review the support services for the research stream of the graduate program and make recommendations for any additional staff.

Course Work

With respect to course work, LLM students in the research stream are required to complete three courses in addition to their thesis, and DJur students are required to complete two courses (five if they enter without an LLM) in addition to their thesis. In 1998-99, we only offer one course that is dedicated to graduate students, and that is the Graduate Seminar on Legal Theory and Research, a seminar that runs all year and of which the first semester is devoted to legal theory and the second semester to research methodology. Nearly all graduate students take this course, and they satisfy the remaining course requirements in a variety of ways, for example, by taking an undergraduate seminar, taking a graduate course in another unit of the University, or by doing a supervised research paper with an Osgoode faculty member. These options should continue to be available to graduate students.

The growth of the graduate program makes it appropriate and possible to offer more seminars that are dedicated to graduate students, in which the students would be entirely or mainly graduate students, and in which the level of instruction is geared to graduate students. Such seminars might be interdisciplinary in character, and if so should be cross-listed with related disciplines elsewhere in the University. Such seminars might allow for some recognition of specialization in the program, especially as the Ontario Council of Graduate Studies requires that doctoral programs have “fields.”

40. We should develop, and seek approval from the Faculty of Graduate Studies for, additional seminars dedicated primarily to graduate students, taking advantage of the opportunities to cross-list courses with related disciplines elsewhere in the University.

Graduate Studies

Topics that are likely to attract a critical mass of students, especially if they are open to graduate students from other parts of the University, are aspects of legal history, legal theory, law and society, legal ethics, globalization and social science methodology. Probably, LLB students should also be admitted to the seminars on some selective basis.

Thesis

The central requirement of the research-stream LLM and of the DJur is, of course, the thesis, which is expected to be about 125 pages long in the case of the LLM and about 300 pages long in the case of the DJur. A graduate student will be admitted to Osgoode only if a faculty member has agreed in advance to supervise the writing of the thesis. After admission, an advisory committee is established consisting of the supervisor and two other faculty members. The supervisor will meet regularly with the student, and the advisory committee will meet occasionally, but all three will eventually have to recommend when the thesis is ready for examination. Examining is carried out by an examining committee and includes an oral examination as well as a critical review of the thesis. All these tasks make heavy demands on the time of faculty members.

41. The growth of the graduate program should be proportioned to the resources available to support it, and efforts should be made to increase these resources by encouraging more faculty to undertake graduate supervision, by hiring more faculty able to undertake graduate supervision, by increasing the staff of the Law Library, and by raising additional funds for the support of graduate students.

In constructing teaching loads for faculty, only the supervisor of a thesis receives any credit, which is one credit hour for successful completion of an LLM and one and a half hours for successful completion of a DJur. These credits can be “banked”, and a course release obtained when enough credits have accumulated. The credits undoubtedly understate the work involved, especially in bringing a doctorate to completion, and no credits are available for the tasks of serving on advisory committees and examining committees. However, it is not recommended that the credit rules be changed, since some reading of theses and other involvement in the graduate program should be regarded as a normal part of any academic’s workload. It is perhaps worth noting that the credits that do exist are often not claimed and may not be well understood by all faculty.

42. The availability of credits for graduate supervision should be publicized and systematically recorded so that they are regularly used by faculty members.

The needs of the graduate program are relevant to faculty recruitment. Resignations and retirements of faculty have left serious gaps in the fields of intellectual property law, immigration and refugee law and international human rights law. In 1998–99, these were areas of strong demand for graduate supervision that resulted in highly qualified students being turned away from Osgoode.

43. In order to ensure that the needs of the graduate program are taken into account in faculty recruitment, the Associate Dean (Research and Graduate Studies) should be an ex officio member of the Faculty Recruitment Advisory Committee and a representative of the Graduate Law Students’ Association should be a member of the Committee.



Integration of Graduate Students

The Law School has not entirely caught up with the growth of the graduate program, and especially in the numbers of doctoral students. The absence of graduate-level courses has already been noted. They need support from the Law School in various other ways. They have a graduate student common room, which is in need of some renovation, which is now being planned. They need access to the Law Library, especially in the summer, when severely reduced hours limit their access to the collection and to their carrels (which are in the Library). The Library is now planning the implementation of a card-entry access to the Library for graduate students that will give them 24-hour access. We have established a graduate student computer laboratory, and we must keep that equipment up to date as far as possible, and improve after-hours access to the facility.

44. We must make sure that the basic infrastructural needs of graduate students, including Library access and services and computer services, are met.

The graduate students are without exception talented individuals who are doing interesting work, much of it interdisciplinary and comparative or international in character. All of them will become qualified for appointment to the full-time faculty of this or other law schools, and many of them plan to follow that career path. It is important to make sure that we benefit fully from their presence and that they benefit fully from their sojourn at Osgoode. They must be integrated into the intellectual life of the School, including many of the faculty-based activities of the Law School. We already employ eight graduate students as teaching assistants in the first-year Legal Research and Writing Program, which is the only course in the Law School in which teaching assistants are used. They often give guest lectures to LLB classes on the topics of their research. We employ a number of graduate students as part-time instructors in upper-year courses, and we should routinely consult the Director of the Graduate Program before going outside the Law School to appoint part-time instructors. As far as possible, we should create opportunities for graduate students to become involved in the work of the three research centres housed at the Law School. Graduate students should be routinely invited to all faculty seminars and other events, and faculty should be routinely invited to graduate student seminars and other events. Graduate students have one representative on Faculty Council, and there is a proposal before Faculty Council in the fall of 1999-00 to increase that representation to three.

45. We must do everything possible to involve graduate students in the intellectual life of the Law School.

Professional Development Program

The Law School's Professional Development Program provides a postgraduate educational experience in law and related disciplines to lawyers (and other professionals). The Program fulfils the Law School's mission to assist lawyers in what should be a process of lifelong learning, by enabling lawyers to engage in research and writing, to broaden and deepen their understanding of the law, to develop new specialized knowledge, and to acquire new skills. The Program is unique in Canada. No other Law School attempts anything similar. We know from the demand for the various courses that the School is meeting an important unmet need with the Program.

Graduate Studies

The Professional Development Program has two branches. One is the part-time LLM, in which a series of courses in a particular specialization is offered at graduate level to part-time students in the evenings over a period of two to three years. The other is Continuing Legal Education, which consists of non-degree programs of instruction for lawyers (and other professionals) that typically occupy a short period of time from one day to eight days.

The Professional Development Program started in 1995, when a full-time Director of Professional Development was appointed. Before 1995, we had offered a part-time LLM degree, but only one possible specialization was usually available in any given year, and only about 20 students were typically enrolled. Before 1995, we had offered only one regular Continuing Legal Education program, namely, the Intensive Trial Advocacy Workshop, which was (and still is) given each summer for eight days. In 1995, six part-time LLM programs were started and eight Continuing Legal Education programs were given. From there on growth was very rapid, and in 1998-99 we had ten part-time LLM programs running, with 340 students enrolled, and we put on 30 continuing legal education programs.

Part-time LLM

The part-time LLM programs that were offered in 1998-99 were in Administrative Law, Alternative Dispute Resolution (two sections), Banking and Finance, Criminal Law, Insolvency, Intellectual Property, Real Estate, Securities and Tax. Each LLM involves course work equivalent to six one-semester courses, usually offered in the evenings, each of which is evaluated by examination or research paper, and a major research paper of about 75 pages. Each LLM is administered by a course director, usually a full-time member of faculty, and the courses are taught by a mix of full-time and part-time faculty. The teaching and administrative resources that are required to offer as many as twelve part-time LLMs (our highest point) are the maximum that can be provided by a School of Osgoode's size without compromising quality.

46. There should be no significant growth in the part-time LLM program for the next five years.

A problem for any part-time program is that students continue to be rooted in their homes and occupations. We have been astonished at the distances that some students have been prepared to travel to come to their weekly classes, but the great majority of students come from the Greater Toronto Area. In view of the absence of similar programs in other Canadian cities, it is imperative that we make the programs available to students in other parts of the country. Indeed, Osgoode's status as a national law school is at stake, as alumni outside Toronto have occasionally pointed out to the Dean!

47. Without expanding the size of the part-time LLM program, we must develop the distance education technology, the pedagogy and the support for research, to enable us to offer the program to students outside the Greater Toronto Area.

Video conferencing, the Internet and compact disks are among the technological facilities that we need to learn how to use effectively. We should start our distance education with one specialization and as experience indicates (and facilities permit) expand into other areas. We should also



Continuing Legal Education

develop our use of computer technology to facilitate effective electronic communication between faculty and students and among students enrolled in all the part-time LLM programs. This is an issue that is taken up in chapter 11 of this Plan, Computer Technology, below.

The Continuing Legal Education branch of the Professional Development Program has grown from eight Continuing Legal Education programs in 1995-96 to 30 programs in 1998-99. Some of these dealt with topics of substantive law and many dealt with skills, such as mediation, negotiation, and advocacy. Unlike the part-time LLM, the Continuing Legal Education programs operate in a competitive market with many other providers, namely, the Canadian Bar Association, the Law Society of Upper Canada and a variety of commercial companies. While many of the competing programs are very good, they are typically shorter in duration (less than a day is the norm), less ambitious in scope (recent developments in a particular field is a common theme) and more uneven in the quality of the written material and the presentations than Osgoode's programs.

48. In order to maintain our distinctive niche in the Continuing Legal Education system, we should move towards a curricular approach to programming, under which programs in a particular field of law would be offered in three levels from basic to advanced (Levels 1 to 3).

This would make it possible for students to progress through a complete course of study, while also allowing for students taking only the more basic courses or the more advanced courses. The design and implementation of progressive programming is a highly sophisticated skill which will require an increase in our planning resources.

Our most popular programs in 1998-99 were those in Information Technology and Cyberspace Law, Search and Seizure and DNA Forensic Evidence. They attracted registrants from all across Canada. For those coming from British Columbia or Newfoundland (for example) the travel greatly increased the cost of the program, and obviously many potential registrants would have been deterred by the cost in time and money.

49. We must develop the capacity to provide distance education so that our Continuing Legal Education programs can be easily taken by persons who are outside the Greater Toronto Area.

Many of our programs are attractive to non-lawyers, for example, police officers, forensic accountants and public officials, and many non-lawyers have registered for them. There is a demand for legal education by many kinds of non-lawyers that is not now being met.

50. We should develop more programs for non-lawyers.

51. We must also monitor developments in the governance of the legal profession, including changes in the Bar Admission Course, mandatory continuing legal education and specialist certification, to determine whether they offer opportunities for our Professional Development Program.

Graduate Studies

Facilities

We have been offering most of our part-time LLM courses and most of our Continuing Legal Education programs in downtown locations, recognizing the difficulty for many students of travelling from their workplaces to York University. Intensive sessions of LLM courses and Continuing Legal Education programs that last more than a day can be held at York and often are held at York (although it is a common criticism by registrants that they would have preferred a downtown location). The classes that meet once a week or the programs that last only a day or less are best held in a downtown location. York University has a facility ideally located in the heart of the financial district, the Downtown Management Centre of the Schulich School of Business, and we have been teaching some of our courses there. Unfortunately, in 1998-99, the growth in Schulich's own programs of downtown teaching has totally absorbed the space in that facility at all of the times that would be useful to us, and we have been unable to use it. We have had to rent space from a variety of places, and one of the characteristics that is common to most of the useful facilities is that they are expensive. The cost of renting space was much higher in 1998-99 than it had been in previous years with a similar level of activity.

The Professional Development Program is administered by a Director and staff who are located at York University in the Law School building. In 1997-98, we added a suite of offices on the fourth floor to accommodate the Professional Development Program, but the expansion that is contemplated for the Continuing Legal Education programs will require more staff who will need more office space. That will be very difficult to provide in the Law School building, where there is already a serious shortage of office space which will get worse as new faculty are hired.

52. We need to acquire our own premises in downtown Toronto where teaching, research and training can take place and where at least some of the staff, as well as staff and equipment to provide library research and training, can be accommodated.

This would enable us to develop a facility ideally adapted to our Professional Development Program needs, including the capacity to provide distance education. It would greatly simplify and improve the scheduling and accommodating of classes and programs. It would, of course, be expensive, and we should look for private assistance in the acquisition and renovation of the premises; this should be a fund raising objective.

Research

Goals

- (a) To promote research and writing in the Law School;
- (b) To better integrate the research activities of faculty, graduate students and undergraduate students so that each helps the other;
- (c) To encourage interdisciplinary research;
- (d) To encourage international and comparative research;
- (e) To encourage links with the French-language and civilian legal traditions in Canada;
- (f) To develop administrative structures and strategies to assist faculty in developing institutional or at least cooperative projects of research; and
- (g) To develop strategies to find funding for research projects and create new funding.

Research at Osgoode

Osgoode has a very strong research culture. Research and scholarship were highly praised in the External Review of the law school in 1993. Six members of faculty are members of the Royal Society of Canada. An informal count of Canadian law school publications puts us, with the University of Toronto, far ahead of all the others in terms of pages published, and when factors of quality, diversity and influence are introduced it cannot be doubted that we are the supreme research institution in the country. An inventory of faculty research undertaken by the Research Advisory Committee in 1999 indicated that virtually all members of faculty were active in research, and the areas of research were enormously diverse. The general attitude towards research is that it should be concerned with the role of law in society and that it should be concerned with the law in action rather than simply the law in books. Many faculty reported the use of social science methodologies or the use of public policy analysis in their research.

This is not an area of weakness that needs correction, but an area of strength that can be even stronger. It is important to maintain a positive and supportive environment for research of all kinds, and in particular an environment where critical and novel work is valued and where ideas are constantly under review. As well, it is important to improve the institutional arrangements in order to expand research opportunities, and to make sure that faculty have the time and the funding to do excellent work.

Faculty Research Leave

In comparison with other occupations, university faculty enjoy great autonomy in their work – a privilege that is expected to yield scholarly work. During term, at least after courses have been taught more than once, teaching and administrative workloads leave some time available for research. The summer is free of teaching and, with the exception of some committees, largely free of administrative tasks. Every seventh year is a sabbatical year which is entirely free of both teaching and administration. At York University, the first sabbatical is paid at full salary. Later sabbaticals are paid at 80 per cent of salary, which may require the sabbaticant to do some income-earning work, or take only one half a year, which is fully paid. In assessing the amount of faculty time available for research, it is important to keep these valuable privileges in mind. It is also important to bear in mind that any increase in the amount of faculty time released for research reduces the resources available for our teaching programs; and this will become a more serious problem to the extent that we move to a full-year curriculum in first year. As well, where released time leads to

prolonged absences from the Law School by some faculty, there is the risk of diminishing the sense of collegiality in the faculty.

All this being said, it is true that faculty consistently report difficulty in finding enough time to carry out their research. Partly this is because more ambitious projects have become the norm, and the completion of a doctoral dissertation or book does indeed absorb extravagant amounts of time, especially if source materials are not all housed in the Law Library, as is the case with most interdisciplinary, comparative or empirical work. Partly this is because teaching is taking up more time, with more use of varied techniques of teaching and evaluation, including small classes in first year and the use of electronic techniques, and more time devoted to examining as the result of the recent innovations of deferred examinations and grade appeals. And, of course, the democratic character of the governance of the School does make heavy demands on faculty, especially when new faculty are being recruited in significant numbers, as they have been in recent years; even for those who are not members of the busy Faculty Recruitment Advisory Committee, recruitment requires much reading of candidates' publications, attendance at recruitment seminars and meetings with visiting candidates.

New faculty, who are not yet tenured, face the double problem of teaching courses and seminars for the first time, which is exceedingly time-consuming, and building a publication record that will satisfy the tenure and promotion committees of the Law School and the University. Older members of faculty will vividly remember teaching a full load from day one, but in recent years the Dean and Associate Dean have been imposing light teaching loads on entry-level faculty. The policy now is to ask that one course or seminar be taught each term for the first year, with a third course or seminar being added in the second year, and a full load of four courses or seminars (or the equivalent in hours) being assumed in the third year. It is desirable to move a step further in supporting the research and writing of our pre-tenure faculty by assuring each of them a semester of time released from teaching to facilitate intensive work on a scholarly project.

53. All untenured tenure-stream faculty should be granted a semester free of teaching in their pre-tenure period.

The timing of this leave should be determined by the Associate Dean, taking account of both the preference of the faculty member and the teaching needs of the Law School. The understanding would be that the faculty member would spend the released semester at the Law School and would continue to be responsible for administrative or committee tasks.

A legacy of the pre-York history of Osgoode is an early tenure process, under which the normal time for an application for tenure (and promotion from Assistant to Associate Professor) is the fall of the fourth year of teaching at Osgoode. Even with somewhat lighter teaching loads in two of the three years, this is an early time to present a substantial publication record, especially for those persons who came on to the faculty with an incomplete doctoral dissertation or who did not have many publications at the time of appointment. By contrast, in the rest of the University, the normal time for an application for tenure is the fifth year of teaching at York, and this is also the norm at the Faculty of Law of the University of Toronto. A longer pre-tenure period allows more time for publication. It also makes it easier to arrange for a semester released from teaching (as recommended in the previous paragraph) which may often be essential to the completion of a



substantial piece of scholarly work. The later grant of tenure and promotion has no effect on salary or sabbatical entitlement.

54. Appointments of entry-level faculty should normally be at the Pre-Candidacy I level, which leads to an application for tenure and promotion in the fall of the fifth year at York, with a right of deferral for a further year at the option of the faculty member.

With respect to tenured faculty, the Law School provides for a mid-sabbatical release from teaching through the Osgoode Hall Law School Research Fellowship, which permits a faculty member to be granted leave on full pay for a year, or two faculty members for one semester each (which has been the more common pattern). The leave is granted by the Dean on the recommendation of the Research Advisory Committee, which has to make a choice based on the research project presented as the basis for the leave. The awards of this Fellowship have naturally led to some dissatisfaction among those whose applications were refused, and it certainly is an invidious task for a committee to pass judgment on the wide variety of research that is being conducted by colleagues. The Research Advisory Committee (in its report of March 18, 1999) has recommended that the Osgoode Hall Law School Research Fellowship should be made less discretionary by removing the limit on numbers awarded per year, but confining it to a single semester to be taken in conjunction with a heavy-load semester. As well the holder of the fellowship would be expected to continue to sit on faculty council committees (but not as a chair) during the leave period.

The difficulty with the recommendation of the Research Advisory Committee is that it has the potential to considerably increase the number of faculty released from teaching for a semester each year. That is of course the point of the recommendation. Coupled with a heavier load in the other semester and the continuance of committee responsibilities, the proposal might be manageable in a curriculum that is wholly based on semester-length courses. However, as reported in chapter 6 of this Plan (LLB Curriculum), the First Year Curriculum Committee is actively looking at moving wholly or partially to full-year courses in the first year, and this Plan recommends that one first-year course in each section be taught in small groups. Making first year a better learning experience has to have first call on our faculty resources, and without some experience in operating a new first-year curriculum, it would be imprudent to withdraw faculty resources from the teaching enterprise. The recommendation of the Research Advisory Committee should be kept under advisement as a possible development in the future, but it should not be implemented yet. However, the Osgoode Hall Law School Research Fellowship should be continued, so that each year two faculty members with outstanding projects that need intensive work will obtain a semester free of teaching.

Research Day

At the initiative of Professor Iain Ramsay, Chair of the Research Advisory Committee, a Research Day for faculty was held in 1998-99 (on April 15, 1999). This was an opportunity for faculty to talk about their research, and to make suggestions for better institutional support for research. The Associate Vice President (Research) for the University also attended and spoke about the work of the Office of Research Administration. This was a valuable day and should be repeated regularly, not necessarily every year or even every second year (since it occupies a day), but certainly every two or three years.

55. A Research Day for faculty should be held from time to time.

Research

Research Seminars

Because the Law School receives a steady flow of visitors from other jurisdictions, many of whom give a seminar during their visit, and because the recruitment process annually generates nine or ten seminars by visiting candidates, there is a noticeable faculty fatigue leading to poor attendance at some seminars, especially in the winter term when the numbers become more intense. This indicates that caution is needed in approaching suggestions for additional faculty seminars. The Research Advisory Committee report (March 18, 1999) recommended that a series of seminars on a consistent theme, along the lines of the well attended series on privatization put on by the Institute for Feminist Legal Studies, would be attractive to faculty and would enhance the research environment of the School. This seems sound if the theme of the seminars has broad appeal and if the seminars are timed to avoid the heavy recruitment phase of seminars in the winter term.

56. The Research Advisory Committee, in consultation with the Faculty Seminars Committee, should each year plan a short seminar series for the following year, concentrated in the fall term, that will showcase interesting work in progress by Osgoode faculty as well as by visitors. A sufficient budget and administrative infrastructure should be provided to support the series.

Research Centres

The Law School is home to three research centres, the York University Centre for Public Law and Public Policy, the Institute for Feminist Legal Studies and the Jack and Mae Nathanson Centre for the Study of Organized Crime and Corruption. These centres sponsor research projects, organize conferences, seminars and publications, and, where funding is available, employ undergraduate students, graduate students, post-doctoral fellows and visiting scholars. The Public Law centre has no endowed funds and operates with modest Law School support and self-funding projects. The Feminist centre operates with a small endowment income, modest Law School support and self-funding projects. Only the Nathanson centre has endowment income that can support a continuing group of scholars in residence and that can undertake ventures that do not fund themselves.

57. More funding should be sought for the research centres so that they can expand their activities and support a community of students, past-doctoral fellows and visitors.

It has been a recurring complaint, echoed in the External Review of 1993, that the research centres have not been well integrated into the life of the Law School. The broad mandates of the Public Law and Feminist centres involve them in work that is of interest to a broad cross-section of faculty, and successive directors have made an effort to involve faculty and students in the centres' activities. Faculty are prominent in the conferences and seminars that are put on, for example. The problem is the small scale of the two centres' operations. The Nathanson centre is more narrowly focussed and its work cannot accommodate the research interests of the bulk of the faculty. However, as the recruitment policy of strengthening the criminal law capacity of the faculty brings more people into the Law School with interests that intersect with those of the Nathanson centre, that isolation should diminish.



Administrative Responsibility for Research

There are administrative functions that are needed to support faculty research. One is to manage the flow of information that comes to the University and the Law School with respect to conferences, policies of granting agencies, research projects and other research opportunities. There must be a timely distribution of this kind of material to those faculty who might be interested, and there should as well be a central depository of the material administered by someone with a good deal of knowledge of the research activities of the faculty and the external funding environment. That person would also cooperate with the University's Office of Research Administration. A second, related function is to encourage participation by faculty in research initiatives, especially those that attract external funding, and assist with funding applications, and monitor faculty research activity in a proactive way. Part of this function might be the organization of the research day and the series of research seminars. A third, related function is to make arrangements for visiting scholars to give special lectures or seminars or make longer visits to the Law School. This involves keeping track of interesting people who may be visiting eastern North America or who may be available for a visit or whose work may be particularly valuable for work being undertaken at the Law School. This involves as well the management of the various funds that support special lectures and visiting professors. A fourth, related function is the management of our various exchange programs with other law schools, which allow for faculty as well as student exchanges, resulting in visiting faculty to teach in the academic program and also to contribute special seminars and lectures and contribute to research projects at Osgoode. A fifth, related function is the supervision and coordination of the three research centres that are housed in the Law School.

At the moment, there is no one person who is responsible for these various research-related activities. The Dean is, of course, responsible for everything, and many of these functions are in fact managed out of the Dean's office, but the Dean is too preoccupied with too many matters to give these issues the kind of attention that they deserve. The Chair of the Research Advisory Committee has also in the past managed some of these functions, but it is not appropriate that the Chair of a committee take on too onerous a role, and in any case the Chair changes frequently and the amount and type of activity depends a good deal on the energy and interests of the individual doing the job at the time. As well, the Chair lacks the administrative support that is needed. For similar reasons, individual faculty who have assumed or been given responsibility for particular functions, for example, faculty seminars, an exchange program, a special lecture, or a conference, suffer from the absence of coordinated expertise in the Law School, and lack administrative support.

The proof of the pudding is in the eating, and it is a fair generalization to say that most research-related administrative functions are performed poorly at the Law School most of the time. The dissemination of research-related information is spotty; no one takes a proactive role in the encouragement of research across the faculty; opportunities for interesting visitors are often missed; funds that are available for lectures, seminars, visitors or conferences are often inactive; some exchange programs fall into desuetude for lack of initiative at Osgoode, and administrative problems have beset those programs that are active; and the research centres have not been as active or as well integrated into the life of the Law School as would be desirable. Moreover, on many research-related issues we lack institutional policies. For example, the Dean is often asked to invite someone to the Law School as a visitor, to accept a person as a post-doctoral fellow, to agree to an exchange program with another Law School, or to adopt another research centre. The absence of clear policies on visitors, post-doctoral fellows, exchange programs and research centres

means that these kinds of requests are dealt with ad hoc, which usually means saying yes to a proposed visitor and no to the more enduring institutional proposals.

58. The Law School should establish the position of Associate Dean (Research and Graduate Studies) with responsibility for research in the Law School, for special lectures and seminars, for interdisciplinary programs with other York University faculties, for exchange programs with other law schools, for the research centres and for coordination with the rest of the University in research-related activities. The new position would also have responsibility for graduate studies in the Law School, and would replace the existing position of Director of Graduate Studies.

This person would make sure that the various research-related administrative functions are carried out, he or she would bring expertise and support to the tasks, and he or she would be expected to help us to develop policies with respect to the various functions.

59. The new position would have sufficient administrative support to help faculty members and graduate students to prepare research proposals and obtain research funding.

The Research Advisory Committee in a paper dated March 18, 1999 recommended (p. 5) against the creation of an Associate Dean (Research). They expressed concern about “another layer of management” and suggested that better cooperation by Faculty Council committee chairs would help the problem. With respect, what is needed is a single person with proper administrative support who has the time, energy and interest to foster research in the School. The loss of some academic time by the person appointed would be more than made up by the increased research output of the faculty at large. And by combining the research portfolio with the directorship of graduate studies we would not only ensure integrated administration of closely related functions, but we would avoid the proliferation of administrators that concerned the Committee.

While I remain committed to the idea of an office of Associate Dean (Research and Graduate Studies), I have decided to postpone creating the office and filling it. The existing Director of Graduate Studies (Professor Eric Tucker), whose (extended) term ends on June 30, 2001, does not want to assume the additional administrative duties that are contemplated for the new position and I do not want him to relinquish his responsibility for the graduate program. I have, therefore, made a temporary appointment of a Director of Special Projects, and Professor Harry Arthurs has agreed to take on that role until June 30, 2001. The Director of Special Projects will assume the new responsibilities that this Plan recommends for the new Associate Dean (Research and Graduate Studies). In brief, these are the interdisciplinary, international and research responsibilities of the office. They include the active development of new research opportunities for faculty and students, the promotion and expansion of interdisciplinary work within the Law School and in partnership with other York faculties, and the promotion and expansion of international exchange agreements and other opportunities for students and faculty to study and teach abroad. I expect that much progress will have been made on these initiatives, and some infrastructure will be in place, by June 30, 2001, when the office of Director of Special Projects will come to an end. Guided by the advice of the outgoing Director of Special Projects and the outgoing Director of Graduate Studies, I will be in a position to develop a more detailed plan for the job description and staffing of the new office of Associate Dean (Research and Graduate Studies), and I will be able to recruit a suitable person for the office.



60. Pending the appointment of a new Associate Dean (Research and Graduate Studies), the existing office of Director of Graduate Studies will continue, and a new Director of Special Projects will carry out the other duties recommended by this Plan for assignment to the Associate Dean (Research and Graduate Studies), including the research, interdisciplinary and international initiatives that are recommended by this Plan.

Financial Support for Research

Like everything else, research requires resources. Increased opportunities for released time by faculty will impose increased costs of replacement teaching. It would be desirable to increase the budget for summer research assistance, which has diminished with the reduction in the Law Foundation of Ontario's annual grant to the School. In the 1970s and 1980s we used to be able to make a student research assistant available for the entire summer to each member of faculty who could use the help. The practice in recent years is to support a research assistant for five weeks of the summer, leaving faculty to find other funding or use their own resources for longer periods of assistance. It would be desirable to return to the old practice, which also provides much appreciated employment to our students. (With the growth of the graduate program, graduate students also need employment as research assistants.) It would be desirable to "top up" sabbatical salaries from 80 per cent to 100 per cent, so that it was not necessary for sabbaticants to take income-earning work during sabbatical leaves. It would be desirable to augment the Law Library's funds for acquisitions, technical services, research librarians and hours of opening – all fundamentally important research aids. It would be desirable to have administrative support for faculty applying for external funding.

The School has come through a long period of government cutbacks to university education. If those cutbacks have come to an end and funding is going to stabilize or even increase, and if tuition increases for Osgoode are implemented by the University, and if private fund raising becomes more effective, we can look forward to a steady improvement in the Law School's resources. There are many claims on any new resources, but the claims of research should be formulated and measured.

61. The new Associate Dean (Research and Graduate Studies) should prepare an analysis of the Law School's revenues and expenditures on research, and, under the direction of the Dean, develop a financial strategy for improving support for research.

Library

Goals

- (a) To support the teaching and research activities of the Law School and the wider York University community;
- (b) To maintain the status of the Law Library as the largest and preeminent legal research library in Canada;
- (c) To acquire, organize and preserve law-related information in any appropriate format, and provide electronic access to library services and world-wide information sources both on-site and off-site;
- (d) To integrate Library staff expertise in research into the curriculum of the Law School, and help students and faculty to develop the research skills necessary for their work; and
- (e) To provide central, quiet, pleasant places for reading, research, reflection and writing by students and faculty.

Importance of Law Library

The Law Library, with 480,000 volumes and volume equivalents and a wide range of electronic resources, is a very good legal research library. Indeed, it is the largest academic law library in Canada and, we think, the entire Commonwealth. It is, therefore, an important element in the high reputation of the Law School.

The Law Library's holdings still fall far short of the major university law libraries in the United States, and even of the major state university law libraries, as the following numbers (from 1995-96) show:

| | |
|-----------|---------|
| Buffalo | 478,940 |
| Michigan | 771,342 |
| Minnesota | 796,488 |
| Virginia | 734,531 |
| Osgoode | 447,913 |

The Law Library's funding and staffing fall far short of the major state university law libraries in the United States, but they have also drifted downwards to the bottom end of the Canadian law libraries. According to statistics compiled for 1997-98 by the Canadian Association of Law Libraries, our funding per student and our staffing ratios place us near the bottom of Canadian law libraries. For example, with a budget of \$1,845,476, and 914 LLB students, the Law Library's funding per LLB student was \$2,024, which was well below Alberta (\$3,549) and Toronto (\$3,175) and placed us 11th out of the 14 law libraries for which figures were available. With a staff of 24, the Law Library's ratio of staff to LLB students was 1:38, which was below Alberta (1:20) and Toronto (1:35) and placed us 11th out of the 14 law libraries for which figures were available. Other measurements produce similar results, for example, ratio of library staff to all students (including graduate students) (Osgoode is 12th of 14) and ratio of library staff to full-time faculty (Osgoode is 6th of 14, reflecting our poor faculty-student ratio). Needless to say, these figures translate into less services for our students and faculty than are available at other Canadian law libraries.

It is sometimes difficult for non-lawyers to appreciate the significance of a law library to a law school. A law library not only contains the basic research tools of the lawyer, but the case reports and statutes are the primary sources of most legal research. The library does not provide the primary sources of research for the scientist, for example, who must go to the laboratory to do research. In a law school, the library is the laboratory.



The Law Library supports the research of faculty, many of whom are leading scholars. It also helps to attract graduate students and visiting scholars. The growth of our graduate program is described earlier in this Plan, and the Library is one key to building our international reputation as a centre of study at the doctoral level. As well as our full-time graduate students, the part-time graduate students require substantial library support to upgrade their research skills and produce research papers.

The undergraduate program relies on the Law Library. Legal analysis is closely tied to legal research and the one cannot be taught without the other. Legal Research and Writing is a core compulsory component of our first-year curriculum, and much of the research content is taught in the Library. The central role of the Library continues as the students advance into upper years and prepare research papers for their courses, seminars and programs. The writing requirement in upper years that is recommended earlier in this Plan will increase the use of the Library.

The Law Library is also an important resource for the rest of York University. Indeed, 50 per cent of the York University use of the Library is by non-Osgoode students and faculty. This access will not be impaired by the change of governance of the Law Library (see the next section of this chapter); the Law Library will continue to be a University resource. There is also extensive use of the Library by the legal profession, and many alumni and other lawyers spend time in the Library doing research.

Governance

Ever since the affiliation of Osgoode Hall Law School with York University, the Law Library, although located in the Law School building, has, for administrative and financial purposes, been part of the York University Libraries. This means that the Law Librarian has reported to the University Librarian, not to the Dean of the Law School, and the Law Library's budget has been part of the University Libraries' budget, not the Law School's budget. Over the last few years, tension has developed between the Law School and the University over various budgetary and staffing issues. The details are no longer interesting. Essentially, the disagreements were over the question of whether the priorities of the Law School or those of the University Libraries should be controlling.

As the result of these disagreements, the Faculty Council of the Law School was moved to pass the following motion – it was unanimous – on April 7, 1998:

That the Dean undertake a process of negotiation with the University with a view to changing the governance of the Law Library to bring it under the aegis of Osgoode Hall Law School and that the process of negotiation include discussion of the appropriate budget transfer, on the cooperative efforts necessary to continue the effective interrelationship of library services to the York Community and on the maintenance of Law Library staff rights and benefits.

The process of negotiation contemplated by this resolution led to an agreement between the University and the Law School to conduct an external review of the information needs of Osgoode Hall Law School, including but not limited to the governance of the Law Library. The terms of reference of the review and the names of the two reviewers (one from Canada and one from the United States) were agreed upon during 1998-99. The two external reviewers visited the University in April 1999 and reported to the Vice President (Academic Affairs) in June 1999 (Neil A. Campbell and Roger F. Jacobs, "Osgoode Hall Law School, York University: Review of Information Needs", June 6, 1999). The central recommendation of the report was that the gov-

ernance of the Law Library should be moved from the York University Libraries to the Law School. The reviewers recommended (p. 6) that “the Law Librarian should report solely to the Dean of Law and the Law Library should be formally integrated into the Law School.” This recommendation was accepted by the University, and it was agreed that the change should be timed to coincide with the beginning of the University’s next fiscal year, namely, May 1, 2000. The details of the change have yet to be worked out.

62. The Dean should negotiate with the University the details of the changeover of the governance of the Law Library from the York University Libraries to the Law School, including appropriate additions to the Law School’s budget.

Law Librarian

Professor Balfour Halévy, who had been the Law Librarian since 1966, and who was responsible for moving the small Philipps Stewart library from the old Osgoode Hall to York University in 1969, and for building the large research collection that now exists, retired on June 30, 1999. Indeed, it was his impending retirement that was one of the impulses to the external review of 1998-99. From June 30, 1999, the Assistant Law Librarian, Judy Ginsberg, has been appointed to the position of Acting Law Librarian. Obviously, a new Law Librarian now has to be appointed.

The external reviewers commented on the appointment of a new Law Librarian. They recommended (p. 4) that the person should be “an experienced law librarian with sufficient gravitas and administrative strength who, as a fully participating member of the law faculty, could provide dynamic leadership for the law library.” Among the “desirable qualifications” were a library degree, a law degree, administrative experience preferably in a law library, technology experience sufficient to provide leadership in coordinating law library with law school technology, and an outstanding record of scholarship and service. However, they left open a number of important questions:

- whether the appointment should be “permanent” (on the model of Professor Halévy) or for a term of years;
- whether the title should be Law Librarian or a grander title reflective of wider responsibilities;
- whether the responsibilities should include direction of the entire law school information structure including technology.

The most important of these questions is the last one, namely, whether the information technology of the entire Law School should be managed by the Law Librarian or whether we should continue the present arrangement of a separate information technology unit reporting to the Executive Officer. The reviewers pointed out that there are good Canadian and American precedents for both systems. The external reviewers said (p. 16) that, even if leadership of the entire Law School’s computing operation is not entrusted to the new Law Librarian, he or she “should be sufficiently familiar with technology . . . to be able to work with the law school technology management team to assist in the design of an integrated system for the collection, storage, communication and broadcast of information within the law school.” The reviewers also pointed out the supreme importance of working closely with the University Libraries’ information technology.

63. An essential qualification of the new Librarian should be a familiarity with information technology so that the Law Library should remain at the cutting edge of new developments, as well as being sufficiently integrated into the York University Libraries’ technology and the Law School’s technology for teaching, research and administration.



Another question raised but not answered by the external reviewers was the appropriate title for the new Law Librarian. Should the old title be retained or something different be adopted? The reviewers suggested (p. 4), as possibilities, “Chief Information Officer (Law School), Associate Dean for Law School Information Services, Associate Dean for the Law Library, Director of Law School Information Services, Director of the Law Library or some permutation of these.” Obviously, part of the answer to this question lies in the breadth of information-technology responsibilities that are attached to the new position. Equally obviously, as the position evolves the title can be changed. Another question raised but not answered by the external reviewers was the term of the appointment. The reviewers stipulated that the new person would be offered a tenured appointment in the law faculty or law library or both, but they left open the question of whether the appointment as Law Librarian would be a permanent one or limited to a term of years.

64. The Dean should, in consultation with the Library Advisory Committee, determine the title, scope of responsibility and terms of appointment of a new Law Librarian, and when he has settled those issues and obtained the approval of the Vice President (Academic Affairs), he should, in consultation with the Faculty Recruitment Advisory Committee, establish a strong search committee and direct a search for the appropriate person.

Staffing

The external reviewers made a number of recommendations (pp. 10-15) with respect to the staffing of the Law Library. At least one full-time librarian should be dedicated to technical services operations, two full-time librarians should be added to the reference staff, three full-time-equivalent students should be hired to assist circulation staff, and the hours of operation should be extended in the evenings and weekends. The external reviewers did not make any recommendation on the need for an Assistant or Associate Law Librarian, no doubt because that position existed and was filled by Judy Ginsberg at the time of the review. With Judy Ginsberg assuming the duties of Acting Law Librarian on July 1, 1999, the Assistant Librarian position is not now filled, and, if she does not revert to her old position after the new Law Librarian is appointed, that position or some similar position will also presumably need to be filled.

65. The new Librarian should review the staffing needs of the Law Library, address those needs within the limits of the Library budget, and for those needs that cannot be met make appropriate budgetary submissions to the Dean.

Facilities Renewal

The external reviewers pointed out (p. 15) that, after 30 years, the physical space of the Law Library and its furniture and fittings was in need of renovation. The extract from this part of their report is in the next chapter of this Plan, Building and Facilities, where the recommendation is made that the new Law Librarian should review the Law Library space and develop a plan for its renovation, and the Dean should develop a plan to raise the money that would be required to carry out the needed improvements. In addition, on the retirement of Balfour Halévy, the Dean announced that we would build the Balfour Halévy Rare Book Room in the Law Library to house the fine collection assembled by Professor Halévy in a pleasant reading room. Planning for that project, both architectural and fund raising, is proceeding.

Building and Facilities

Goal

To provide a safe, accessible, attractive and functional environment for teaching, learning, research and recreation.

Introduction

The Law School building was completed and ready for occupation in 1969, and it was occupied in 1969, when the Law School moved from the old Osgoode Hall on Queen Street to York University. The new building was a state-of-the-art facility at the time, adapting to Osgoode's needs and aspirations the best elements of other highly-regarded law school buildings in North America. It was guided by current best practice in law school teaching at that time, which was case-method teaching in large classes, supplemented by advanced seminars. It was designed to serve a student population that had little need of women's washrooms. It also reflected the architectural and engineering norms of the 1960s, which unfortunately included the use of asbestos as an insulating material, inadequate accessibility to wheelchairs, and an absence of windows in the classroom section of the building.

The classrooms were designed for large classes, but were configured to facilitate the interaction between student and professor and between student and student that was called for by the case-method of teaching. There were a few small classrooms that were intended for seminars, but widespread small-group teaching was not contemplated. The moot court room could accommodate 380 people, and, with adjacent rooms for counsel and judges, could be used for the hearing of actual cases. It was a multi-purpose room. Its large size made it suitable for large events, for example, public lectures or conferences, and it could be partitioned into three classrooms. The classrooms and the moot court room opened out into a large mixing area with natural light from a high ceiling. A student common room, a graduate student common room, a cafeteria and a bookstore on the ground floor made it unnecessary for students to leave the building for most purposes. The Law Library was part of the building, with large reading areas with natural light and four floors of book stacks. The faculty offices were in a separate wing of the building, and were (apart from some corner offices) of equal size, with equal access to secretarial stations, rejecting the usual university (and corporate) practice of distinguishing by rank. The faculty common room and some committee rooms were in the faculty wing. Administrative office space was modest; a suite of offices was provided on the first floor for student services; the Dean and Associate Dean had a suite of offices in the faculty wing; otherwise, administrators simply occupied faculty offices.

The financial and administrative arrangements of York University provided no budget for the Law School for the maintenance, repair or renovation of the building, including all the furniture, carpet, lighting and other equipment in the building. These tasks were the function of the central University, whose administrators were unable to maintain an adequate budget to deal with the depreciation of its physical facilities. As a result, much needed repair and renovation has not been done, or has been done after severe delays, and the building has failed to adapt to the uses demanded of it thirty years later. This Plan cannot descend to the detail of a full inventory of the needs of the building, but the general outline of what must be done is set out in the text that follows.



Asbestos Removal

In the construction of the Law School building, asbestos was used as an insulating material. This was a common practice when the building was built in the 1960s, but it is now generally accepted that asbestos becomes a health hazard if fibres break away from their settings and find their way into the air of the building. The University has strict asbestos control procedures in place, which include regular testing of the air in the building, as well as strict procedures applicable to any activities (such as maintenance, repair or renovation) that could result in asbestos fibres being disturbed. These procedures are scrupulously followed. However, the best permanent solution, we are advised, is to remove the asbestos.

On October 15, 1990, the Board of Governors of York University ordered the removal of all asbestos from the Law School building. The expectation was that the work would commence in the summer of 1991 and would continue for the succeeding four summers (Memorandum from Dean MacPherson, October 16, 1990). Unfortunately, the University did not budget funds for the task, and this schedule was not adhered to. The University did pay for the removal of asbestos from the ground and first floors of the building, and from the fourth floor of the Law Library, including the newly-renovated part of the fourth floor that now houses the Research Centres and the Professional Development Program. However, asbestos remains in the ceilings of the second and third floors of the building and part of the fourth floor (the faculty wing). (There has never been any in the classroom wing of the building.) Our experience with the removals that have occurred makes clear that the remaining asbestos could be removed over a series of summers with manageable disruption and at reasonable cost.

66. The Dean should make his best efforts to persuade the University of the high priority of compliance with the longstanding Board of Governors resolution to remove the asbestos from the Law School building, make his best efforts to obtain the requisite funding from the University, and arrange for the staged removal of the remaining asbestos.

Classrooms

In the summer of 1998, we converted one large classroom (room 106) into an electronic classroom (the Goodman, Phillips and Vineberg classroom). In the summer of 1999, we converted a second large classroom (room 104) into an electronic classroom (the McCarthy Tétrault classroom). The desire of faculty to teach in the electronic classrooms and the increasing use of technology as a teaching aid by Osgoode faculty suggest that all classrooms will need to be similarly equipped. Unfortunately, the cost of conversion is so high – in excess of \$200,000 per classroom – that it is unlikely that the conversions can be accomplished with University or Law School funds. What is needed is a repetition of what enabled the first two conversions, namely, a major private gift for each conversion.

67. The Law School should convert all classrooms into electronic classrooms, and the Dean should seek major gifts from private donors to accomplish the conversions.

The use by students of laptop computers in class requires an increase in electrical outlets in all classrooms, an apparently simple measure that turns out to be quite costly because of the dense flooring material and building code requirements. This is a high priority.

68. The Law School should install in all classrooms and in the Law Library sufficient electrical outlets to enable students to plug in personal computers.

Building and Facilities

The moot court room is not a satisfactory teaching space, even when divided into its three component “classrooms.” Acoustics, noisiness, lighting and layout are all poor.

69. The Law School should renovate the moot court room to make it more useful for teaching, as well as for large public events.

As we increase small-group teaching in first year, we will have a shortage of small-classroom space. Indeed, we have a shortage already, despite the building of the new room 203A in the summer of 1998.

70. The Law School should build more classrooms suitable for small-group teaching.

The Clinical Education Committee has identified the creation of video facilities as a high priority.

71. The Law School should convert some small classrooms to video capability, so that video tapes can be made, monitored and shown to support clinical exercises.

Students have identified the lack of windows in the classrooms as an irritant.

72. The Executive Officer should examine the feasibility and estimate the cost of installing some windows in the classroom wing of the building. Other, less radical measures should also be considered, for example, the hanging of large pictures in the large classrooms.

Faculty Offices

As new faculty are hired, they require offices. (New senior staff also require offices.) Newly retired faculty, especially if they are continuing to teach and write, would like to have, if not their old offices, at least a small office or shared time in a small office. The process of faculty replacement thus generates new demands for office space, and, obviously, so do increases in faculty complement. In 1996, we built two small offices to accommodate retired faculty who remained active in teaching and writing, and in 1999 we built two more small offices. In 1998 we built three faculty offices in the space for the Professional Development Program and the Research Centres. It is still likely that, over the next few years, we will have insufficient faculty office space, and it is not clear where that space could be found.

73. The Executive Officer should assess the likely demand for faculty office space over the next five years and, in consultation with the Dean, explore solutions to any indicated shortage.

Public Areas and Amenities

The Law School building contains a considerable amount of public space in halls, foyers, the mixing area and common rooms for staff and students. It should be a high priority to maintain these public areas and to improve their usefulness and comfort. The student common room was partly refurbished in 1997, and the graduate student common room and the staff lounge are being refurbished in 1999. The more open areas, however, continue to be poorly lit and uncomfortable.

74. The Law School should renovate public areas to provide more comfortable, well lit places where students can sit, read, talk and study.



Notices, posters and bulletins are all over the public areas, creating a clutter, and making it hard to find any particular announcement.

75. The Law School should redesign bulletin boards for official and community use that will improve communications and reduce the clutter caused by current poster practices. An electronic bulletin board should be considered in connection with that redesign.

The increase in the number of women students has required increases in washroom facilities for women. There have been increases, but none in the last decade while female numbers continued to climb to the present level of just over 50 per cent of the student population.

76. The Executive Officer should review the adequacy of washroom facilities for women and, in consultation with the Dean, plan for the additional facilities that are needed.

Physical Accessibility

Over the past decade, a considerable number of changes have been made to the building to improve accessibility to people in wheelchairs. The most significant area not now accessible is the landing between the stairs in the mixing area. A feasibility study is being conducted to determine the cost of creating accessibility in the mixing area. It is some time since a comprehensive review of accessibility was done, and now would be a good time to conduct a review in order to determine if further improvements can be made.

77. The Executive Officer should commission an external review of physical accessibility, including a review of whether current York University standards are sufficient for the Law School community, and, in consultation with the Dean, plan for the additional changes that are needed.

Administration and Staff

The suite of offices serving the Dean and Associate Dean is less than ideal. It presents an unattractive gateway to the Dean's office. There is no private waiting area for visitors to either the Dean or the Associate Dean. There is no separate room for photocopier and fax machines. Some staff have too little space.

78. The Executive Officer should review the design of the suite of offices serving the Dean and Associate Dean, and, in consultation with the Dean, plan to redesign the space to make it more attractive and more useful.

The Professional Development Program moved into the new space that was created on the fourth floor in 1998. It is unlikely that that space will continue to be adequate given the future growth of the Continuing Legal Education part of the program that is contemplated by this Plan. However, as recommended in chapter 7 of this Plan, it is necessary for us to acquire premises closer to downtown Toronto where teaching can take place, and at least some of the staff can be accommodated.

Our Alumni and Development offices are inadequate for the present level of staffing, which consists of three full-time people and student assistants. In chapter 12 of this Plan, Advancement, substantial increases in the staff of these offices are recommended, and there is some urgency to this recommendation since a capital campaign will follow the approval of this Plan.

Building and Facilities

79. The Executive Officer, in consultation with the Dean, should develop a plan to accommodate the increase in the staff of the Alumni and Development offices that is recommended by this Plan.

Law Library

As explained in chapter 9 of this Plan, the Law Library has been part of the York University Libraries and outside the jurisdiction of the Law School. As the result of the recommendations of the External Review of June 16, 1999, which have been agreed to by the University, the Law Library will, on May 1, 2000, become part of the Law School. Here is what the External Review had to say (p. 15) under the heading of “Facilities Renewal:”

When this law library was dedicated in 1967, it was truly a marvellous facility. It was larger, more attractive and provided more services to faculty and students than any other law library in the country. However, in the thirty years since, the library has aged. Its colouring seems drab, its environment is perceived as dull and sometimes uncomfortable, and office drapes are rotting. There is obviously an asbestos problem. Complaints about the comfort of study chairs are known by all, and we have personally experienced this discomfort. The following two examples evidence our general concern. Unlike most libraries where the entrance is blessed with displays, announcements or artwork, inviting patrons further into the facilities, entrance to this library is through a photocopying area. While this service is absolutely essential to patrons, we question if locating it at the entrance to the library presents the image the law school wishes to convey. Complaints we heard about access to reserve materials might be overcome by establishing an open reserve room. Such a space might also reduce the amount of staff intervention necessary to support the reserve collection.

As we say, these are just by way of examples. We have not had time to study each of these situations, but it does seem appropriate that a fresh, comprehensive look be given to the Law Library facilities and functions. A plan might be adopted that would, over a period of years, renew the library and once again make it an attractive and exciting place to conduct legal research. We feel that this would be a natural candidate for a law-school initiated “Renew Osgoode” fund raising capital campaign.

Recommendation Eleven: Review the use of library spaces, ambience and environmental issues with the aim of making them safe, functional and inviting to a new generation of faculty and students.

When the Law Library is absorbed into the budget and administrative structure of the Law School, the Law School will have the power, and must find the resources, to renovate the space occupied by the Library and the furniture and fittings. The External Review’s reference to the uncomfortable chairs mirrors the most common student complaint, and we hope to start remedying that pressing need in 1999-00. The need to accommodate laptop computers is discussed in the next section of this Plan. There is also a need for an informal reading room, which would provide access to current periodicals and other reading material such as newspapers and magazines. As explained in chapter 9, we are actively planning for the construction in the Library of a rare books room.

80. The Law Librarian should review the Law Library space and develop a plan for its renovation, and the Dean should develop a plan to raise the money that would be required to carry out the needed improvements.

Computer Technology

Goal

To provide access to the best information technology for teaching, learning, research and administration.

Computers at Osgoode

The use of computer technology to facilitate teaching, learning, research and administration has developed at Osgoode at a steady pace over the last decade. Nearly all faculty and staff have pentium-level computers, operating on a standard network, with a full range of software applications, and with access to the York University Libraries network as well as the Internet. The student computer lab, which is located on the ground floor of the Law Library, is equipped with 40 pentium-level computers on a student network, giving access to the Libraries network and the Internet. There is also a small computer room for graduate students. We have two electronic classrooms, which provide a state-of-the-art range of computer and electronic tools for classroom instructional use. One was built in 1998 with a gift from Goodman, Phillips & Vineberg. The other was built in 1999 with a gift from McCarthy Tétrault. As recommended in chapter 10 of this Plan, as we raise the funds, we will renovate all the classrooms into full electronic use.

Expanding the Learning Experience

The next step in the development of computer technology at Osgoode is to create opportunities for communication to and from places outside the physical limits of the building. What must now be done is to make available to every student, via the Internet, a comprehensive, electronic gateway to the Law School, including its administrative services, the Law Library and the other York Libraries, and to interfaces with each of the courses in which they are enrolled. The standard course interface would include the course syllabus, reading assignments, course notes, and e-mail discussion-group lists for the entire class and the professor. Instructors would add additional material or links as appropriate to their particular course objectives. The instructor and the students in each class would be able to communicate electronically with each other. An e-mail chat room with the appropriate capability would permit on-line communication in real time (synchronous) and with delays (asynchronous). The technology would open up a host of teaching methodologies, ranging from group work to self-learning components. The technology would also enable students to deal electronically with the manifold administrative details required of students.

Osgoode has some particular reasons for assuming leadership in the use of technology to extend the learning experience outside the traditional classroom. The large size of the student body reduces opportunities for in-class participation and for interaction with professors and among fellow students. Our students may spend less time at the Law School than is the case at other institutions. The reasons for this include the location of the University, the geographical dispersal of the students, the fact that many classes are in the evenings, and the lifestyles of a diverse student population, many of whom have families and part-time jobs.

Osgoode's Professional Development Program offers part-time LLM courses to approximately 400 students each year. These students typically work during the day and (in the most common course format) attend a three-hour class in a downtown location one night each week. They are rarely physically present at the Law School. Their learning experience would be improved immeasurably if, without visiting the campus, they could easily communicate with their instructors and fellow students, and gain access to the research resources of the Law Library (including reference help,

Computer Technology

training, classes and workshops) and to the administrative services of the Law School. This Plan has earlier recommended, in chapter 7, that distance-education be introduced into the part-time LLM programs (as well as the continuing legal education programs). A primary vehicle of distance education would be video conferencing facilities, but electronic communication with instructors and students should also be one of the services offered to students studying at a distance. The Law Library would play an important role in the development of distance-education programs.

If Osgoode becomes the leader in the adoption, teaching and learning of electronic skills, this will make our graduates particularly attractive to potential employers, who increasingly need people with strong skills in electronic research and communications for the practice of law. The advantage of being recognized as the creator and home of the electronic law school will also help to make the Law School attractive to prospective students, prospective faculty and prospective funding agencies and private donors.

For all the foregoing reasons, Osgoode must become the leading electronic law school in Canada. This will require an early marshalling and commitment of the resources needed to implement the strategy.

81. The Law School should develop a computer-based, comprehensive communications strategy to provide to our students an electronic gateway to the School, including interactive access on site and off site to the professor and fellow students in each course, to the course materials, to the Law Library and other York Libraries, and to all administrative services. Law School and Law Library technology should be fully integrated.

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Goals

- (a) To advance the mission of the Law School by raising funds for the support of Law School programs, including student financial assistance, faculty renewal, facilities renovation, research and the Law Library;
- (b) To maintain communications between the Law School and the alumni and among the alumni;
- (c) To obtain the advice and assistance of alumni in mentoring, career placement, fund raising and communications;
- (d) To develop a communications strategy for the Law School to maintain and enhance its reputation; and
- (e) To celebrate achievements by students, faculty, staff and alumni.

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“Advancement” is the term that is generally used to describe the three functions of development (fund raising), alumni relations and communications. These functions have assumed an importance that is unprecedented in the history of the Law School, because of two changes in the environment of legal education. One is the shrinkage of government support for universities, requiring increased financial self-reliance by the Law School. The other is the competition from law schools in Canada and the United States for faculty and students, requiring us to increase the resources available for our academic mission. Part of the answer to increased resources, as explained earlier in this Plan, is increased tuition. The other part of the answer is increased support from the private sector. That is where Advancement plays its role. The three elements of Advancement, which are closely related, may be briefly described as follows.

Development

“Development” (or fund raising) refers to the raising of money for the Law School. This can take the form of gifts to an Annual Fund and Major Gifts. The Annual Fund consists of gifts that are solicited in a campaign that takes place every year. The amount of the gifts solicited varies with the prospect’s year of graduation, but does not usually exceed \$2,000, although occasionally larger sums are contributed. In 1998-99, for the first time, Osgoode participated in a University “telemail” campaign, which originated with a letter from the Dean to all alumni, and was followed by telephone calls from students who were trained and supervised at York University’s call centre. This raised a total sum of \$143,510. The average size of gift was \$168. Because the funds were solicited for student financial aid, we were able to take advantage of a government matching program, under which the Government of Ontario matched all gifts made on or before March 31, 1999 (when the program expired). The telemail campaign of 1998-99 was a great improvement over the annual campaigns of previous years, which had relied primarily on direct mail appeals. For example, in the previous year (1997-98), only \$16,000 was raised.

82. We should continue the telemail program for the Annual Fund in future years. As well, the tradition of a gift by the graduating class should be continued, and the practice of periodic class gifts at the time of each five-year class reunion should be encouraged.

The matching program for student financial assistance was in place from May 6, 1996 to March 31, 1999. During that time, Osgoode raised a total of \$5,836,562 for student financial assistance

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from the Annual Fund and from Major Gifts (defined below). This was matched by the Government of Ontario, thereby adding \$11,673,124 to Osgoode's total endowment for student financial assistance.

Major Gifts, for the purpose of the Law School, may be defined as gifts of more than \$10,000 and they are solicited from individuals, law firms, foundations, associations and business corporations. They may be made in cash or in kind, and they may be immediate or planned (to take place on the death of the donor). Apart from the occasional serendipitous windfall, each major gift requires an extended effort by the Dean, assisted by the Director of Development, faculty members and volunteers, to identify the potential donor, to cultivate the donor's interest in the Law School, and to develop a gift proposal that fits the Law School's priorities and is attractive to the donor. In 1998-99, the Dean concentrated his efforts on the large law firms, which proved to be very receptive to his overtures, and several very large major gifts were concluded and others are in the process of being developed. Major gifts can be solicited in this informal way, or they can be solicited as part of an intensive, organized Capital Campaign. Osgoode has had two previous capital campaigns, the Excellence Campaign of 1976, which raised \$400,000, and the Centennial Campaign of 1989, which raised \$6.9 million.

83. It is time for another Capital Campaign. We need to develop a comprehensive Case for Support identifying and costing the financial needs of the Law School, as indicated by this Plan, setting financial goals for a campaign, and putting in place the volunteer team to advise and assist with the campaign. Major gifts made since 1998 would be counted in the campaign and treated as the nucleus of the campaign fund.

We are in the process of developing policies of donor recognition, something we have not done systematically in the past. We need to establish annual giving clubs for annual fund donors and cumulative giving clubs for major gift donors. We have named two classrooms in recognition of the generous gifts that enabled the classrooms to be converted to electronic capability, and we have established a policy for the creation of named chairs. Other naming opportunities must be created. A donor plaque in the mixing area of the building recognizes the major gifts to the Centennial Campaign, and some other gifts are publicly recognized, but we need to establish a donor wall with clear policies as to the way in which major gifts are recognized on the wall. We also need to hold more receptions, dinners and other special events to thank major donors for their contributions to the Law School.

84. The Dean, advised by the Director of Development, must develop policies of donor recognition, so that major gifts are recognized in appropriate ways.

The second element of Advancement is alumni relations. Osgoode Hall Law School has over 14,000 alumni world-wide. Osgoode has more graduates in the large Toronto firms than any other law school, and has large numbers of alumni in New York City, Los Angeles, London and Hong Kong, as well as all the major Canadian cities, with the largest cohorts in Vancouver, Calgary, Winnipeg and Ottawa. Osgoode graduates are well represented in all branches of the profession, including the judiciary and university law faculties. As well, many graduates hold positions in government and in business.

Alumni Relations



The Law School was founded in 1889 and became affiliated with York University in 1969. The graduates are divided between the graduates of “old Osgoode” (pre-1969) and “new Osgoode.” The graduates of old Osgoode did not receive law degrees until 1960; they were simply called to the bar. From 1960 to 1969, Osgoode was invested with the right to confer the LLB degree, and the graduates of those years received a degree from Osgoode Hall Law School. After 1969, Osgoode graduates received an LLB degree from York University. (Those graduating in 1969 and 1970 were given a choice, with most opting for the Osgoode degree.) In 1991, at the recommendation of the Law School, York University offered LLB degrees (dated 1991, but also indicating the date of the graduand’s call to the bar) to all those Osgoode graduates who were called to the bar before 1960 and who therefore had not acquired a degree. The offer was immensely popular, with nearly 2,000 alumni opting to take the degree, and a special convocation was held in 1991 to confer the degrees. The offer of the degree remains open and applications continue to come in from people who took no action in 1991, and the degrees are duly issued to all qualified applicants.

In 1969, when the Law School moved to York University, it not only changed its location, it became much more scholarly, interdisciplinary, and innovative as befits a university law school. These changes are understood and appreciated by many of the alumni of old Osgoode, but in general there is a weaker attachment to the Law School by the older alumni than by those who attended their classes at York University. The conferral of York degrees on the pre-1960 alumni was an important measure to reinforce the continuity of the Law School, and strengthen the attachment to the Law School of the older alumni. By the same token, it is important to convey to students and recent alumni their association with an old and distinguished institution. We do that by holding a reception for entering students at old Osgoode on the first day of the academic year and by holding another reception there for third-year students who are about to graduate. As well, a mentor program organized by the Alumni Association links current students with alumni, many of whom graduated before the move to York.

The function of alumni relations is to maintain relations between the Law School and its alumni, and strengthen their affiliation with the School. This is done through regular meetings with members of the Board of Directors of the Alumni Association, through assistance in the organization of reunions and other alumni events (in Ontario and elsewhere), and by regularly communicating with alumni, especially through the alumni newsletter, “Continuum.” A difficult and time-consuming part of the work is the maintenance of a reliable alumni database, accurately reflecting new arrivals, changes of address and occupation, retirements and deaths.

Good relations with alumni are essential to effective fund raising, since the alumni make most of the gifts and provide most of the volunteer help. But the alumni help the School in many other ways, by maintaining its high reputation in the profession, by fostering a sense of community among graduates and between graduates and students, by assisting our students in the development of their careers, by offering advice and assistance to academic initiatives of the School (such as this Plan), and by supporting public lectures and other events sponsored by the Law School.

Reunions of each graduating class are usually held every fifth year after graduation. They are organized by committees made up of members of the class with substantial administrative support from the Director of Alumni Relations and her office. Indeed, helping with the planning and

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organization of reunions occupies a considerable amount of the time of the Director and her office. The reunions normally take the form of a function in a downtown Toronto location, sometimes a private home, more often a hotel or club, where a reception or dinner is held. They are enjoyable events, but they have insufficient connection with the Law School. The Dean and the Director of Alumni Relations usually attend, and often one or two other faculty members. Some classes like to have a speech from the Dean or another professor, bringing them up to date with developments at the School, but other classes organize very informal affairs with no speeches. Nor is much effort made to use the five-year reunions for fund raising. While there is a tradition of the graduating class making a gift to the Law School, there is no general practice of following up with another class gift every five years. Considering the resources that the Law School puts into the organization of reunions, we do not take enough advantage of the opportunities that they present to foster the connection with the Law School and to raise money.

In the United States, and increasingly in Canada as well, law school reunions take the form of homecoming events in which a program is laid on at the Law School itself for all of the alumni classes that are reuniting that year. The reunions are all held at the same time. The program at the Law School will include a speech from the Dean, panel discussions or lectures by professors, students and alumni on interesting topics, and opportunities to revisit the campus and building and see new facilities (like electronic classrooms). The day culminates with evening receptions and dinners. For most of the program, the various classes are brought together in plenary session, or are at least not separated out for special-interest sessions; for these sessions, the program brings together alumni of all ages and stages. However, the various classes can be separated for particular purposes, such as choosing representatives to participate in alumni affairs and fund raising, and each class would go its own separate way for the evening reception or dinner, which would be held in whatever location and format was desired by the representatives of that class. In that way, there is no loss of the social interaction among members of the same class that is the major pleasure of the reunion. Needless to say, alumni who cannot or do not want to attend the academic program are still able to go to their class's evening function if they wish. A class gift is an expectation, and the year preceding the reunion is a time of intense fund raising activity with heavy use of members of the class as volunteer fund raisers. The amount raised by each class is announced and celebrated at the evening reception.

85. The Director of Alumni Relations, in consultation with the Director of Development and with the Board of Directors of the Alumni Association, should prepare a plan to combine the five-year annual reunions into an annual homecoming event, which would include a program of events at the Law School during the day and separate class dinners or receptions outside the Law School in the evening. The plan should also include means of encouraging the practice of each class making a class gift at each five-year reunion.

This form of combined on-campus reunion works wonderfully well at other law schools, and it is hard to see why Osgoode should be different. We should consult with the Alumni Offices of other law schools both in Canada and the United States in order to work out what the best practices are, and adapt them to our situation. The event should be timed to coincide with York University's Homecoming Weekend, unless there is some disadvantage to doing that, in which case it could be held at a separate time. What the event will do, if it is successful, is provide first-



hand information to alumni about the Law School, opportunities for alumni to meet and mingle with new and old faculty, opportunities to meet with students, and opportunities for the alumni to revisit the campus and the building and see how we have renovated our facilities (and what still needs to be done). The results ought to be a stronger attachment by the alumni to the Law School, more help from the alumni in our activities, and a big increase in fund raising.

We have large groups of alumni in all the major centres of Canada as well as in New York, Los Angeles, London and Hong Kong. In Ontario, many alumni live considerable distances from Toronto. Many of these out-of-town alumni return for their class reunions. The experience of the American law schools suggests that many more of them will do so if an attractive program is laid on at the Law School in addition to the evening party for the class. In particular, we could and should facilitate hotel accommodation and provide transportation from the hotels to the Law School. Obviously, however, the cost and time associated with attending reunions away from home make it more difficult for the out-of-town alumni to maintain their connection with their class members and with the Law School. They sometimes organize reunions in their cities and invite the Dean and Director of Alumni Relations to attend. For example, a reunion was held in St. John's, Newfoundland, in January, 1999, and reunions will be held in Edmonton, Calgary and Winnipeg in October 1999 and in New York City in March, 2000. By past standards, this is an unusually high level of out-of-Toronto activity, but it should be continued, so as to maintain our relations with alumni wherever they are.

86. The Director of Alumni Relations should continue to encourage the holding of alumni reunions out of Toronto and arrange for the Dean to attend them.

Communications

The third element of Advancement is communications. The Law School must communicate its strengths through print material, the Internet, advertising, speaking engagements and other communications strategies. While this is essential to support development and alumni relations, communications strategies are also necessary for effective recruitment of students and faculty. At the moment, the Law School is not putting its best foot forward. For example, the alumni newsletter does not have the professional polish that is evident in the equivalent newsletters of American law schools, the Law School's web site is not as attractive or informative as it should be and is not kept regularly up to date, and the Law School's calendar is a dense mass of information, rules and regulations which is not easily accessible to an entering student.

87. All Law School publications should be reviewed, rewritten, reformatted and routinely revised to make sure that they are appropriate, accessible and attractive to their intended audience, and up to date in their information.

Osgoode is in competition with other Canadian law schools for students, faculty and resources. Increasingly, competition for students and faculty is also coming from the law schools in the United States. The media have started to focus attention on law schools, and several magazines are now surveying and ranking law schools. Even the daily newspapers have discovered legal education, and articles often appear on articling, the bar admission course, recruitment of students by New York law firms and other topics upon which the views of the Law School should be taken into account. Occasionally, too, there is an incident at the Law School, or a professor or student

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does something which attracts media attention. This is an environment in which Osgoode's reputation can be enhanced or can be damaged. The stakes are too high to maintain the customary academic attitudes of aloofness and indifference to the activities of the media. And the stakes are too high to leave public relations to the Dean, who has many other things to do and is not necessarily experienced or skilled in dealing with the media.

88. We must develop and implement a communications plan to promote the Law School and manage relations with the media.

Development Infrastructure

Until 1998, the Law School employed only one person to carry out all three functions of alumni relations, development and communications. Her title was Director of Alumni Relations, and the emphasis of her work was on alumni relations. She managed an Alumni Office that was staffed by students, who worked full-time for the summer and part-time for the rest of the academic year. In 1998, a new position, Director of Development, was created and filled. In 1999, a full-time administrative assistant was added to the Alumni Office, bringing the total personnel responsible for Advancement up to three. We are still understaffed, as the following table demonstrates:

| Law School | Total # of Alumni | Total # of Advancement Staff |
|-------------------------|-------------------|------------------------------|
| Osgoode Hall Law School | 14,000 | 3 |
| University of Toronto | 6,000 | 5 |
| University of Chicago | 7,800 | 10 |
| Duke University | 6,700 | 19 |
| University of Michigan | 18,000 | 25 |

89. We need to create and fill a new position of Director of Communications to take responsibility for the various communications functions that would be useful to the Law School. We also need a Research Officer to maintain the integrity of our alumni database and identify and develop detailed information about major gift prospects. As the pool of major donors expands, we will need a Development Officer to assist in the management of the Annual Fund, the cultivation and stewardship of actual or prospective major donors and other development functions. As the pool of major donors expands, many more special events must be scheduled to open new classrooms, announce new chairs, celebrate major gifts, and recognize and cultivate donors with lunches and dinners. Considering that we are already stretched in organizing alumni reunions and other alumni functions, as well as Law School special lectures and events, we will need an Events Coordinator to help with this work.

Paying for the kind of Advancement operation that would be ideal is a difficult challenge, because in 1998-99 there is no room in the Law School's operating budget for the contemplated increases, and most gifts and most of the income from donated endowments are dedicated to particular purposes that do not include financing the general infrastructure of Advancement. The Dean must use his best efforts to obtain the increased base funding that would supply an adequate budget for Advancement. Increases in the Advancement budget will more than pay for themselves eventually. The experience of other institutions is that, as the Advancement operation becomes larger and more efficient, the Law School will raise additional funds far in excess of the additional costs.

