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# The Dean's Newsletter: Volume 1, No.1 (Summer 2002)

Osgoode Hall Law School of York University

Peter W. Hogg

*Osgoode Hall Law School of York University*

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# THE DEAN'S NEWSLETTER



Peter W. Hogg

We have just had another very nice convocation and a new cohort of students has become alumni. In September, a new first-year class will begin at Osgoode and the cycle will continue. During July and August, it seemed to me that it would be a good idea to communicate with alumni and friends rather than wait for our Continuum alumni magazine to come out in January. Hence this inaugural newsletter, which we plan to send out every summer. I am always eager to hear from you, and I hope you will fill out and return the alumni survey included with this newsletter.

I want to take this opportunity to inform our alumni and friends where we are going with tuition. Osgoode's LLB tuition is now at \$8,000, and we plan to move to \$12,000, starting with the first-year class in 2003-04. While the future is obviously not entirely predictable, we have no plans to move beyond \$12,000.

Two things have been driving these large increases in tuition. The main one, obviously, is the poor level of public support for universities in Ontario. In the 1990s this led all universities to dramatically cut costs, which could only be accomplished by removing or reducing academic programs. At Osgoode, we were partially protected from this by the establishment in 1995 of our Professional Development Program, which increased the Law School's revenue. This filled some of the gap but not all of it. We were not allowed to increase tuition until the Government of Ontario decided in 1996 to deregulate professional programs, including law. Since then, tuition has risen steeply at all Ontario law schools. Osgoode is now below most of the Ontario schools.

The second reason for the increase in tuition is the opportunity to provide an excellent academic program. We compete for students and faculty with the other Canadian law schools, and especially with the University of Toronto, which has recently been in the news with its plan to increase tuition to \$22,000. If we failed to keep up the quality of our program, we would suffer a very serious loss of the top student applicants and the best faculty.

Over the last few years, we have made a number of improvements to the services available to students. We now have a large information technology staff and much course material and administrative services are available online. Our career services office is now staffed by two full-time professionals. The Community and Legal Aid Services Program (CLASP) has three full-time lawyers on the premises (a director and two review counsel). A full-time financial assistance officer administers our financial assistance programs for students (of which more later), including Ontario Student Assistance Plan (OSAP) applications.

We are now teaching four of the six basic first-year courses in a small-group format, under which three hours of class take place in the full first-year section (70 students) and the fourth hour takes place in a small group (taught by the same professor). We are offering multiple sections of all the popular courses, so that this year more than 90 per cent of the students got their top choices. We are offering a huge array of courses and seminars, including several innovative "intensive programs" in the business law area, and many clinical programs. We have initiated "curricular streams" which make it easier for students to plan

a more structured upper-year program. We have greatly expanded our exchange agreements with universities in Australia, Europe and Asia, and many more students are spending a semester abroad and being replaced by foreign students at Osgoode. We now have a writing requirement and a professional ethics component in both first-year and upper years.

Our academic program is, I believe, the best in Canada. Why then, you may ask, am I proposing to move tuition up to \$12,000 in a year's time? One reason is to protect our existing programs from University-wide cuts caused by the failure of government to increase operating funds to universities sufficiently each

year to deal with the year-over-year increase in expenses. The other reason is to make some additional improvements to our programs. We will increase our faculty complement by two persons (over and above replacement of retirees) to improve our faculty-student ratio, which at 1 to 19 is the second worst in Canada. (Only 8.6 per cent of the new money will go to faculty salaries--to junior faculty to bring them up to par with the competition.) We will provide more money for the Law Library, which has the largest holdings in Canada, but whose budget for new acquisitions and for staffing has fallen well behind several other Canadian law schools. We will provide more staff for student services, especially

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*I am convinced that an increase in tuition to \$12,000, coupled with the measures to protect those who cannot afford the full amount, will not impair access at the beginning or choice of career at the end.*

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(Cont'd on Page 3)

# Three Outstanding Faculty Receive Prestigious Awards

**Three Osgoode faculty members – Harry Arthurs, Neil Brooks and John McCamus – have been honoured recently with prestigious awards for outstanding career achievement.**

Professor Harry Arthurs, a former Osgoode Dean and President Emeritus of York University, is one of five prominent Canadian scholars to be honoured with the 2002 Killam Prizes, Canada's most distinguished annual awards for outstanding career achievement in social sciences, humanities, engineering, natural sciences and health sciences.

On April 25 at Rideau Hall, Governor General Adrienne Clarkson presented Arthurs with the first ever Killam Prize in the social sciences.



**Harry Arthurs**

The Killam Prizes, inaugurated in 1981, honour eminent Canadian scholars and scientists engaged in research in industry, government agencies and universities.

After earning law degrees at the University of Toronto and Harvard University, Arthurs was called to the bar in 1961. He immediately joined the faculty of Osgoode Hall Law School, where he served as Dean from 1972 to 1977. He served as President of York University from 1985 to 1992. In 1995, he was appointed University Professor of Law and Political Science.

Principal author of the influential *Law and Learning*, a report on legal research and education in Canada, Arthurs pioneered research into the relationship between law and society, and his work in labour and administrative law has had a significant influence on Canadian policy-makers.

Known as an academic innovator, his most important book, *Without the Law*, was a study of administrative justice and legal pluralism in 19th-century England. He has also written and co-written five monographs,

published some 90 scholarly articles in Canadian and foreign journals, edited or co-edited numerous collections, casebooks, conference proceedings and reports, and delivered scores of lectures, conference papers and presentations to academic, public, government and professional audiences.

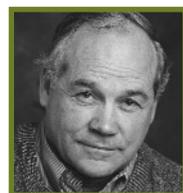
In addition to his university career and his work as a labour mediator, arbitrator, policy adviser and administrator, Arthurs has been extensively involved in professional and public issues. He holds seven honorary degrees, is an Officer of the Order of Canada, a Member of the Order of Ontario and a Fellow of the Royal Society of Canada.

The Canadian Association of Law Teachers (CALT) has awarded the 2002 CALT Prize for Academic Excellence to Professor Neil Brooks.

The award, which honours exceptional contributions to research and law teaching by a Canadian law teacher in mid-career, was presented to Brooks at a banquet in Toronto on Saturday, May 25 in conjunction with CALT's annual conference. Brooks, who teaches taxation law, has been a professor at Osgoode since 1974. Economics, public finance and (in his work on evidence) psychology are fields that show up in his writing and teaching.

To be considered for the CALT Prize, one or more colleagues must nominate a candidate by submitting three letters of reference and representative student evaluations. The nominations are considered by a selection committee of three law teachers or members of the judiciary appointed by the President of CALT. Candidates are assessed on quality of teaching; creation of new courses; and research in relation to law reform or other legal matters.

Osgoode Dean Peter Hogg summed up Brooks' success as a teacher this way:



**Neil Brooks**

"Having often heard him present, I would venture to suggest that his passionate love of his subject, his strong moral principles, his quick wit and great sense of humour (often self-deprecating), and his brilliant mastery of a very technical field somehow combine to create a charismatic presence in the classroom. A Brooks class is a very enjoyable experience despite the fact that one is challenged to confront difficult technical material and difficult policy material."

Brooks is universally recognized, along with Harry Arthurs, as being "Osgoode's intellectual par excellence in matters of pedagogy," Hogg said. He has been extremely active in general curriculum reform, and was the chair of a committee and sole author of a comprehensive report on the entire LLB curriculum (the Brooks Report) that came out in 1995.

Professor John McCamus was one of seven lawyers awarded The Law Society of Upper Canada's top honour, the Law Society Medal, at a ceremony on June 6 in Toronto.

Originally struck in 1985, the Law Society Medal is awarded each year to distinguished members of the legal community who have made significant contributions to the profession.



**John McCamus**

McCamus, a former Dean of Osgoode Hall Law School, is an accomplished teacher and legal scholar. As a member and Chair of the board of the directors for the Canadian Civil Liberties Association (CCLA), he has been instrumental in guarding the rights and freedoms of Canadians. McCamus is a former Chair of the Ontario Law Reform Commission, and the Ontario Legal Aid Review. He is also an Associated Scholar of Davies Ward Phillips & Vineberg LLP.

He is widely recognized as the leading Canadian scholar in the law of restitution. His book, *The Law of Restitution* (with Peter Maddaugh), is a legal classic and standard reference text.

"Through these and other activities, McCamus has shown dedication to, and zeal for, the rule of law and the liberties of all," the Law Society noted.

# Notice of the Annual General Meeting of the Osgoode Hall Law School Alumni Association

As part of Homecoming 2002, the second Annual General Meeting of the Osgoode Hall Law School Alumni Association will be held on Saturday, September 28, 2002 in the Moot Court of Osgoode Hall Law School of York University, 4700 Keele Street, Toronto, ON at 9:30 a.m.

Copies of the agenda will be available in advance through the Alumni Office (416) 736-5638 or [ozalumni@yorku.ca](mailto:ozalumni@yorku.ca). All alumni are welcome.

## Dean's Message *(Cont'd from cover)*

to administer the growing international exchange programs and the clinical programs. We will do a better job of renovating and maintaining the student spaces in the Law School, which are showing their age.

How will a tuition increase affect the accessibility of the Law School? This is, of course, the most troublesome question.

First of all, it is important to be clear that the tuition increase will have no effect on the most needy group of students. For all students who receive full support from OSAP, and who still have unmet needs, we are required by law to provide a rebate of all tuition in excess of \$4,500. For these students, comprising at present 16 per cent of the Osgoode student body, a tuition increase (to any level) has no impact. Their tuition will simply stay at \$4,500.

We are also required by law to hold back 30 per cent of any tuition increase and to use the resulting money for student financial aid. We are concerned that the 30 per cent holdback may not be adequate, and we have decided to hold back 38 per cent of the new increase for student financial aid – 35 per cent will go to general financial aid and 3 per cent will provide for exit bursaries to help with student loan repayments for graduates leaving to pursue social justice careers.

As well as the revenue stream generated by the tuition holdback, we have income from privately funded endow-

ments. We have been vigorously fund raising for student financial aid and have now accumulated an endowment of \$17 million. This provides an annual income of \$850,000, which is spent exclusively on scholarships and bursaries.

With all these resources applied to student financial aid, I think we can be confident that tuition at the level of \$12,000 will not be a barrier for anyone to enter Osgoode. Our experience with previous increases has been that they have been followed by no reduction in the number of students applying, no decline in the academic standards required for entry, and no increase in the number of students dropping out during their studies. That is not to deny that some students have a difficult struggle to make ends meet. We know that they do. But by continuing to place a high priority on student financial aid we are able to ease the burden.

Osgoode Hall Law School is a publicly funded institution committed to a legal education that prepares its graduates for a wide variety of careers, not all of them high-paying. I am convinced that an increase in tuition to \$12,000, coupled with the measures to protect those who cannot afford the full amount, will not impair access at the beginning or choice of career at the end. The increase will certainly maintain and enhance the excellence of our academic program and preserve the high value of an Osgoode degree.

## The LLB/JD Debate

In late November 2001, a three-person sub-committee – consisting of Osgoode Professor Jamie Cameron, Career Services director Wendy Griesdorf and Mark Skuce LLB '03 – was struck to identify and examine the merits of replacing the Bachelor of Laws (LLB) degree with a Juris Doctor (JD) degree.

The sub-committee reported to Osgoode's Academic Policy Committee (APC) which, in turn, recommended that Dean Peter Hogg invite the Deans of other Canadian law schools to participate in a discussion about changing the designation of the first law degree from LLB to JD. Hogg will report the outcome of the discussion to the APC in the late fall of 2002, and the APC will propose a course of action at the last Osgoode Faculty Council meeting of 2002.

The sub-committee noted the following points in its discussion of the LLB versus the JD:

- A bachelor's degree is commonly understood as a first and undergraduate degree. Admission to a Bachelor of Laws program in Canada is generally not granted straight from high school (as is the case in England and other Commonwealth countries). In the vast majority of cases, some form of post-secondary education is required before admission to a Canadian LLB program will be granted. The LLB is not exclusively an undergraduate or first-level degree, and nor is it an advanced or second degree in all cases; for most Canadian students, an LLB is a second degree, but not for all.
- The JD was first introduced in the United States to acknowledge that those who hold the degree have first completed a period of post-secondary education. The JD designation acknowledges that law is a second-level entry degree. That is, a JD is not a first degree but neither is it a graduate degree.
- In 2001, the University of Toronto's Faculty of Law voted to adopt the JD in place of the LLB. Graduates of U of T now receive a JD and U of T law alumni may elect to convert their LLB diploma to a JD. The University of Windsor Law School has for many years offered a joint LLB/JD program in conjunction with the University of Detroit Mercy School of Law. No other Canadian law school currently offers a JD.
- York University cannot offer both an LLB and a JD. A five-step process would have to be followed to change the designation of Osgoode's law degree.
- Recruiters in the United States and Canada have indicated that it is extremely unlikely that the conversion from an LLB to a JD would have any effect on Osgoode graduates in the employment market.





# “Welcome Back”

Homecoming 2002 – Saturday, September 28th

A warm fall day, friends you haven't seen in years, dynamic lectures, the Moot Court, your favourite professor and rediscovering Osgoode Hall Law School – all of this and more awaits you as the Law School rolls out the red carpet to welcome you back. Homecoming weekend is a time for alumni, students and the entire Osgoode community to celebrate their alma mater and show their pride in Osgoode Hall Law School. All events and parking are free.



## HIGHLIGHTS:

- 9:30 a.m. – 10:30 a.m. Alumni Association Board of Directors Annual General Meeting
- 10:30 a.m. – 2:00 p.m. Registration and daycare open
- 11:00 a.m. – 12:00 p.m. Keynote Address  
**The Honourable Madam Justice Louise Arbour**
- 12:00 p.m. – 12:45 p.m. Dean's Remarks and Class Reunion Presentations
- 12:45 p.m. – 2:00 p.m.
  - Celebrity Barbeque
  - Tours of the Law School
  - Live Music

Homecoming weekend also marks class reunion celebrations for the following classes: 1967, 1972, 1977, 1982, 1987 and 1992. Reunions provide opportunities to reconnect with friends and reminisce about your years spent at Osgoode Hall Law School.

To RSVP or for more information about Homecoming or Class Reunions, contact the Advancement Office at 416-736-5638, or [ozalumni@yorku.ca](mailto:ozalumni@yorku.ca).

## Eminent Legal Scholar Receives Honorary Doctor of Laws (LLD) Degree

Professor William Twining, who has been highly influential in defining new approaches to legal education and legal research in the United Kingdom and around the world, received an honorary Doctor of Laws (LLD) degree from York University and addressed Osgoode graduates at the spring convocation ceremony on June 14.

Formerly Quain Professor of Jurisprudence at University College, London, Twining has held chairs at Queen's University in Belfast and at the University of Warwick, U.K., and had numerous international appointments, most recently at the University of Miami in Florida. He taught for seven years in Sudan and Tanzania and has maintained a research interest in Commonwealth legal affairs. He is also a legal education consultant in Hong Kong, India, Tanzania and Uganda.

Twining's approach stresses the importance of linkages between the law and its social, political, cultural and economic environment. His texts, *Rethinking Evidence* and *How to Do Things with Rules*, are required reading for students of law everywhere.



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