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Memo Regarding Academic Innovation Committee Consultation Paper*

ACADEMIC AFFAIRS COMMITTEE * *

* Academic Affairs Committee, *Memo to Law Faculty Council RE: Academic Innovation Committee on the Robson Hall J.D. Curriculum: Consultation Paper*, 9 March 2016.

** Faculty present: Lorna Turnbull (Chair), Lisa Fainstein, Gerald Heckman, John Irvine, Sarah Lugtig, Mary Shariff, Jesse Epp-Fransen.



Faculty of Law



MEMORANDUM

DATE: March 9, 2016

TO: Members of Law Faculty Council

FROM: Academic Affairs Committee (Dean Lorna Turnbull, Professors Lisa Fainstein, Gerald Heckman, John Irvine, Sarah Lugtig and Mary Shariff; student member: Jesse Epp-Fransen)

RE: Academic Innovation Committee on the Robson Hall J.D. Curriculum: Consultation Paper

A. Recommendation

The Academic Affairs Committee proposes that Law Faculty Council adopt the resolutions (appended as Schedule A to this memorandum) which set out a program objective and learning outcomes for Robson Hall's J.D. Curriculum as well as guiding principles to inform and direct the overall organization of the program of instruction to achieve the program objective and the learning outcomes.

B. Background

1. The AI Report

In the fall of 2011, the Academic Innovation Committee ("AI Committee") was created to lead the first phase of a curriculum review process at Robson Hall. This process was prompted in part by the 2011 publication of the Federation of Law Societies (FLS) Implementation Report which set out uniform national requirements for all Approved Common Law Degree programs across Canada. This report required that law schools ensure that all J.D. graduates meet specific minimum competencies in knowledge, skills and "ethics and professionalism" in order for the school to remain accredited. The mandate of the AI Committee, as approved by Faculty Council, was "to propose a program objective for the J.D.

program, agree on learning outcomes, and define principles to guide curriculum reform.¹ To achieve its mandate, the AI Committee gathered evidence from various sources, drew observations from the evidence, and engaged in discussion and debate to make recommendations about a program objective and learning outcomes for the J.D. program as well as principles to guide the organization of the J.D. program. On March 12, 2014, it presented to Law Faculty Council a report, titled "Academic Innovation Committee on the Robson Hall J.D. Curriculum: Consultation Paper" ("AI Report"), which set out the evidence it had gathered, its observations and recommendations. The AI Committee recommended that key stakeholders be provided with an opportunity to give feedback on the recommendations and information contained in the AI Report before it was presented to Law Faculty Council for decision.

2. Stakeholder Consultations on the AI Report – March 2014 to October 2014

In June and July 2014, Professor Sarah Lugtig, Director of Experiential Learning and 3L student Josh Bokhaut conducted three focus groups involving members of the Bench and Bar: one with lawyers ten years or more in practice, one with lawyers from articling to nine years in practice and one with members of the judiciary, as recommended by their Chief Judge. Professor Lugtig prepared a report, titled "Summary of Themes Emerging from Bench and Bar Focus Groups"² dated August 25, 2014, and presented the report at the Faculty Retreat held on August 27, 2014.

The AI Report was the subject of discussion at the August 27, 2014 Faculty Retreat. Participants discussed the report's recommendation to structure the J.D. curriculum around learning outcomes, the principles recommended by the AI Committee to guide curriculum reform, the learning outcomes proposed in the report, the program objective and the process to be followed with regards to curriculum reform. Notes from this Faculty Retreat were prepared and made available to faculty.³

¹ Academic Innovation Committee on the Robson Hall J.D. Curriculum: Consultation Paper, March 12, 2014 at 6, online: http://law.robsonhall.ca/images/stories/Academic_Innovation_Committee_Report_12_March_2014.pdf [AI Report].

² Sarah Lugtig, *Bench and Bar Focus Group Summary*, August 25, 2014, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Academic Affairs Committee/ Report on the JD Curriculum – Faculty Consultation July-August 2015 tab).

³ "Flip Chart" Notes from Discussion, Faculty Retreat, August 27, 2014, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Academic Affairs Committee/ Report on the JD Curriculum – Faculty Consultation July-August 2015 tab).

3. Law Faculty Council Resolution on the Curriculum Review Process

At its meeting of October 9, 2014, Law Faculty Council agreed on the following framework to govern further consultations and deliberations on the JD program curriculum:

Whereas an Academic Innovation Committee was struck in the Fall of 2011 with the mandate to propose a program objective for the Robson Hall J.D. program, agree on learning outcomes and define principles to guide review of the JD program curriculum;

Whereas the Academic Innovation Committee's composition and mandate was ratified by LFC at its November 14, 2013 meeting;

Whereas the Academic Innovation Committee discharged its mandate by producing a report, titled "Academic Innovation Committee on the Robson Hall J.D. Curriculum: Consultation Paper" (the "AI Report"), and presenting it to members of LFC on March 12, 2014;

Whereas the AI Report has been made available to Faculty members, students and to the general public through its publication on the Robson Hall website;

Whereas focus group consultations on the AI Report were held in the summer of 2014 with senior and junior members of the legal profession as well as members of the Manitoba Bench;

Whereas a Faculty Retreat was held on August 27, 2014 to discuss the AI Report and the outcome of these consultations;

Whereas it is desirable to continue and complete the process of consulting relevant stakeholders in order for the outcome of these consultations to be available to inform LFC deliberations on whether and how to move forward with reviews to the Robson Hall JD Curriculum;

Whereas it is desirable to establish a framework to carry out additional stakeholder consultations and to support LFC deliberations on the issue of curriculum review with a view to facilitating discussion and building consensus on this issue among members of LFC;

Whereas it is important to proceed in a manner that is both collegial and respectful of the academic freedom of all individuals; be it resolved that:

1. A curriculum review committee be created and populated according to the process for constituting committees adopted by LFC at its October 2, 2014 meeting, that it be provided with adequate administrative assistance and that it be charged with the following tasks:

(a) ensure that, in cooperation with the executive of the Manitoba Law Students Association and in a manner consistent with any directions from LFC, Robson Hall students are consulted on the content of the AI Report in an orderly and timely manner;

(b) ensure that, in cooperation with faculty members and in a manner consistent with any directions from LFC, faculty members are consulted on the content of the AI Report in an orderly and timely manner;

(c) ensure that any further stakeholder consultations, as directed by LFC, be carried out in an orderly and timely manner;

(d) compile, organize and report the results of all stakeholder consultations to LFC in order to inform its deliberations on review of the JD curriculum in a timely manner;

(e) support LFC deliberations on review of the JD curriculum as directed by LFC by, for example, tracking points of disagreement, agreement and possible resolutions following LFC debates and, based on these, with a view to achieving consensus, proposing a revised statement of program objective, learning outcomes and guiding principles for a final LFC debate and vote.

2. Once LFC is satisfied that appropriate consultations have been completed and that it has at its disposal the evidence and input it considers relevant to the task of curriculum review, including the AI Report, LFC shall schedule meetings to debate the adoption of a revised program objective, revised learning outcomes and revised guiding principles for the JD program curriculum at Robson Hall in an orderly, timely and deliberative manner.⁴

4. Student and Faculty Consultations on the AI Report – February to September 2015

Pursuant to the LFC Curriculum Review Process Resolution, the Academic Affairs Committee invited the Manitoba Law Students' Association (MLSA) through Jesse Epp-Fransen, student member of the Academic Affairs Committee, to consult Robson Hall students on the AI Report. Between February 26 and March 13, 2015, the MLSA held three town halls - one for each of the first, second and third year classes at which Mr. Epp-Fransen and Professors Sarah Lugtig and Gerald Heckman spoke about the report and solicited input from participants. The MLSA prepared a summary of student input on the AI Report and curriculum reform.⁵

Pursuant to the LFC Curriculum Review Process Resolution, on July 17, 2015, the Academic Affairs Committee invited Robson Hall faculty members to provide written feedback on the AI Report. To facilitate this process, the Committee prepared a powerpoint presentation that served as a guide to the Report and that suggested topics for faculty input and made available to faculty members the summaries of the feedback received from students and from the Bar and Bench on the Faculty's "Law Faculty Academic Development" UMLearn course page. Several faculty members provided comments to the Committee by the August 24, 2015 deadline.⁶ At the Faculty Retreat held on September 2, 2015, the Academic Affairs Committee reported on the results of the faculty consultation.

5. Intervening Curriculum-related Developments at Law Faculty Council: September 2015 – February 2016

During the Fall of 2015, the Academic Affairs Committee met to consider Professor Sarah Lugtig's report, titled "A Vision for Experiential Education at Robson Hall: Supporting Students' Transition to Practice," which, among other things, recommended that certain learning outcomes be approved by Law Faculty Council in order to strengthen and expand experiential

⁴ Minutes, Robson Hall Law Faculty Council, October 9, 2014, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Faculty Council Minutes tab) [LFC Curriculum Review Process Resolution].

⁵ Jesse Epp-Fransen, *Summary of Student Input on Report on JC Curriculum*, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Academic Affairs Committee/ Report on the JD Curriculum – Faculty Consultation July-August 2015 tab).

⁶ These comments can be viewed online at the UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Academic Affairs Committee/ Report on the JD Curriculum – Faculty Consultation July-August 2015 tab).

education at Robson Hall.⁷ The Committee recommended that LFC adopt the report in principle.⁸ The LFC did so on January 21, 2016.⁹

On February 1, 2016, Law Faculty Council adopted the following resolution with regards to implementation of the Truth and Reconciliation Commission's Call to Action 28:

The Faculty of Law, University of Manitoba is committed to working collectively to meaningfully implement Call to Action #28, with particular attention to its implications for our curriculum and the learning environment at Robson Hall. Our current curriculum includes a mandatory unit on Aboriginal-Crown relations, Treaties and Aboriginal Rights (in Constitutional Law) and some of the other topics highlighted by the TRC are addressed in ad hoc ways in a range of mandatory and elective courses. A broad-based curriculum review process is already underway (which includes, for example, a proposal from the Academic Innovation Committee that knowledge of Indigenous Legal Traditions be a mandatory competency of the J.D. program). The Faculty of Law commits to incorporating measures consistent with Call to Action #28 in the Faculty's future curriculum. On the shorter term, the Faculty will investigate options for fulfilling elements of Call to Action #28 in existing courses and programs in a more systematic way.¹⁰

C. Consideration of the AI Report by the Academic Affairs Committee

On February 12, 16 and 17, pursuant to its authority to consider and provide advice regarding any academic matter referred by Law Faculty Council and in furtherance of its role under the LFC Curriculum Review Process Resolution of supporting LFC deliberations, the Academic Affairs Committee met to consider the Academic Innovation Report, feedback on the report from students, Bar and Bench and faculty members, the LFC Lugtig Report Resolution and the LFC TRC Call to Action 28 Resolution.

The Committee began by preparing a list of draft resolutions for Faculty Council based on: a) the recommendations set out in the AI Report concerning the J.D. Program's program objective and learning outcomes as well as the guiding principles that inform and direct the overall organization of the J.D. Program; b) the Lugtig Report; and c) the Truth and

⁷ Professor Sarah Lugtig, A Vision for Experiential Education at Robson Hall: Supporting Students' Transition to Practice, September 14, 2015, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page [Experiential Education/ Final Report tab] [Lugtig Report].

⁸ Academic Affairs Committee, Memorandum to Law Faculty Council Re: A Vision for Experiential Education at Robson Hall: Supporting Students' Transition to Practice, December 23, 2015.

⁹ Minutes, Robson Hall Law Faculty Council, January 21, 2016, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Faculty Council Minutes tab) [LFC Lugtig Report Resolution].

¹⁰ Minutes, Robson Hall Law Faculty Council, February 1, 2016, online: UMLearn Robson Hall Law Faculty Council and Committee Resource Page (Faculty Council Minutes tab) [LFC TRC Call to Action 28 Resolution].

Reconciliation Committee's Call to Action 28.¹¹ Supporting references to these documents are set out in the square brackets following each resolution in Schedule A. It then considered changes to these resolutions based on all of the feedback it had received and on the views of its members. It also sought to improve the general readability of the text. Only the more significant substantive changes will be highlighted here.

1. Program objective

The version of the program objective recommended in the AI Report and the version recommended by the Academic Affairs Committee are set out below:

The JD Program at Robson Hall aims to deliver a rigorous and student-centered program that engages students in an enriched conception of legal practice as knowledgeable skilled problem solvers, critical thinkers and creative actors, attuned to law in context and with a developing identity as humane, ethical and reflective professionals. [AI Report]

Informed by an enriched conception of legal practice, and with a focus on active learning, the JD program at Robson Hall aims to deliver a rigorous legal education that engages students as critical thinkers and creative, skilled problem solvers. Our graduates will be knowledgeable and attuned to law in context with a developing identity as humane, ethical and reflective professionals. [Proposed by Academic Affairs Committee]

The Committee noted that a program objective should speak to an audience of students, legal professionals, faculty members and members of the general public. It agreed with feedback gathered from the profession and faculty members that the meaning of some of the terms used in the AI Report's program objective was not self-evident and concluded that they were not sufficiently accessible to the target audience. It decided that the term "student-centred", a term of art in the literature on adult learning, could be removed because the term "focus on active learning" and the idea of "engaging students" more clearly conveyed the Faculty's desire for a program that develops and responds to law students' evolving autonomy and independence as learners through a focus on skills and practices that foster lifelong learning and problem solving. The Committee agreed that the meaning of the term "actors", a term of art taken from Will Rhee's description of the relationship of theory to practice,¹² could lead to confusion without explanation. Rather than add explanatory footnotes or comments, it decided to remove the term. In its view, the Faculty's desire to recognize, through its J.D.

¹¹ The Committee decided to base its proposed resolutions on the recommendations in the AI Report rather than on Figure 17 of the AI Report, titled "Academic Innovation Committee Proposed Option for J.D. Program". While Figure 17 was meant to allow readers to visualize what a JD Program designed according to the framework set out in the AI Report could look like, the Committee concluded that its use of course names (rather than learning outcomes) and the necessarily abbreviated nature of the information displayed on the chart could lead to confusion and would hinder rather than help a better understanding of the proposed framework.

¹² AI Report, *supra* note 1, at 82-85.

program, the broad range of law students' career aspirations from law reform to solicitors' work, legal advocacy or the production of legal scholarship was covered by the term "enriched conception of legal practice". Similarly, in the Committee's view, the term "professional", read in the context of the entire program objective including the term "enriched conception of legal practice" and "attuned to law in context", has a broader meaning than "practitioner".

2. Learning outcomes

The Committee modified the learning outcomes recommended in the AI Report to give effect to Law Faculty Council's resolution with regards to implementation of the Truth and Reconciliation Commission's Call to Action 28 and to incorporate the additional learning outcomes proposed in the Lugtig Report and approved in principle by Law Faculty Council.

Changes related to the TRC Call to Action 28 are found in the following resolutions:

Attitude domain:

- 1.c(ii) page 3 Ethical and professional attitudes required by TRC CTA 28

Skills domain:

- 2.b(x) page 5 Ability to communicate with, represent and advise clients applying intercultural competency, etc.

Knowledge domain:

- 3.b(iv) page 6 Core concepts relating to residential schools, UNDRIP, treaties and aboriginal rights, indigenous law, aboriginal-crown relations

Changes flowing from LFC's adoption in principle of the Lugtig Report are found in the following resolutions:

Attitude domain:

- 1.c(i) page 3 Developing a theory-based, reflective and critical understanding of legal practice, etc.

Skills domain:

- 2.b(iv) page 5 Addition of "including procedural"
 2.b(ix) page 5 Practice management
 2.b(x) page 5 Ability to communicate with, represent and advise clients ethically and professionally through deploying [skills]

Knowledge domain:

- 3.b(v) page 7 Core concepts underlying legal procedure

The Committee discussed at length the meaning of resolution 3.c, in which it proposes that Law Faculty Council approve as “AIC guaranteed optional content” in the “knowledge domain” content designed to enable students to demonstrate a general understanding of the core legal concepts applicable to the practice of law in the areas of Family Law, Wills and Estates, the Law of Evidence, Tax Law and Trusts. It agreed that this resolution expresses a commitment to offer, every academic year, courses that enable students to demonstrate the knowledge described in the resolution.

The Committee also discussed resolution 3.d, which proposes that Law Faculty Council approve as “AIC optional content” in the “knowledge domain” content designed to enable students to demonstrate an advanced understanding of the legal concepts applicable to the practice of law. In the Committee’s view, this reflects a commitment by the Faculty to offer optional courses that enable students to demonstrate an *advanced understanding* of legal concepts applicable to the practice of law. The Committee concluded that an enumeration of specific subject areas was neither necessary nor desirable as such a list would likely be under inclusive.

3. Guiding Principles

The Committee renamed the “research optimization” principle the “research and expertise optimization” principle to better reflect its emphasis on both research and expertise (which may not necessarily flow from research). It also replaced the term “maximized reliance” with “optimal reliance” as it understood this principle as encouraging the optimal “use” of faculty research and expertise. The Committee agreed that the word “optimal” better reflected the intent that faculty research and expertise be tapped to design the curriculum where, taking into account the other guiding principles, this is consistent with the program objective and learning outcomes.

The Committee considered and rejected the suggestion, mentioned at a Faculty retreat, that a guiding principle of “balance” be added to reflect the idea expressed in a previous curriculum reform that a “balanced legal education” required students to be exposed to “doctrinal”, “clinical” and “perspective” courses. The Committee agreed that this idea of balance is reflected in the program objective (“skilled problem solvers”, “attuned to law in context”) and in the learning outcomes (attitudinal, skills-based and knowledge-based) proposed by the Committee for adoption together with the guiding principles of coordination and integration.

D. Conclusion

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

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

The adoption of these resolutions is the first step in developing a renewed J.D. curriculum for Robson Hall. If Law Faculty Council decides to take this step, the Academic Affairs Committee urges it to charge the Committee with the task of examining and reporting to Law Faculty Council (through a consultative and deliberative process) on the specific changes required to implement the resolutions.

We are grateful to the members of the Academic Innovation Committee for the considerable work they put into preparing the AI Report. We also thank the students, faculty members, lawyers and judges who participated in the curriculum review process by contributing their time and providing thoughtful feedback to inform our deliberations.

Schedule A to the Memorandum of the Academic Affairs Committee on the Academic Innovation Report

A. PROGRAM OBJECTIVE

The Academic Affairs Committee proposes that Law Faculty Council adopt the following program objective for Robson Hall's JD Program:

Informed by an enriched conception of legal practice, and with a focus on active learning, the JD program at Robson Hall aims to deliver a rigorous legal education that engages students as critical thinkers and creative, skilled problem solvers. Our graduates will be knowledgeable and attuned to law in context with a developing identity as humane, ethical and reflective professionals.

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B. LEARNING OUTCOMES

Whereas Bloom's Taxonomy, a widely accepted basis for developing and organizing a post-secondary curriculum, divides educational objectives into the domains of knowledge, skills and attitudes;

Whereas "learning outcomes" are the knowledge, skills and attitudes which all students should have by the time they graduate from the J.D. Program;

Whereas the Federation of Law Societies has recognized that legal education is an enriched learning environment that provides both a liberal legal education and a professional education, during which students begin to "think like lawyers," examine law critically and address deficiencies in legal systems and principles;

Whereas the Federation of Law Societies has specified that law students seeking entry to law society bar admission programs must satisfy a list of minimum competencies ("FLS J.D. Competencies") and the Academic Innovation Committee has recommended, in its March 2014 Consultation Paper ("AI Report"), that these competencies be approached as a "baseline" for the learning outcomes of the J.D. Program;

Whereas the Academic Innovation Committee has recommended that the J.D. Program pursue additional mandatory learning outcomes ("AIC recommended mandatory learning outcomes");

Whereas the Federation of Law Societies has created a National Entry-level Competency Profile setting out a list of competencies that students must acquire before they can be admitted to the bar and enter the legal profession ("FLS NECP Competencies");

Whereas the Academic Innovation Committee has expressed the view that optional courses and student choice are critical to the students' development of self-directed and lifelong learning skills;

Whereas the Academic Innovation Committee has recommended that the J.D. Program deliver certain skills and knowledge content every academic year in order that students may have the option to pursue this content in any academic year ("AIC guaranteed optional content") and additional skills and knowledge content at an advanced level (that may vary from year to year) that students may pursue to the fullest extent available ("AIC optional content");

Whereas on January 21, 2016, Law Faculty Council adopted in principle the report of Professor Sarah Lugtig, Director of Experiential Education, titled "A Vision for Experiential Education at Robson Hall: Supporting Students' Transition to Practice," which sets out, among other things, additional learning outcomes in the attitudes, skills and knowledge domains ("Lugtig report"); and

Whereas on February 1, 2016 Law Faculty Council resolved to commit to incorporating measures consistent with the Truth and Reconciliation Commission's Call to Action #28 in the Faculty's future curriculum ("LFC Resolution on TRC CTA 28");

Schedule A to the Memorandum of the Academic Affairs Committee on the Academic Innovation Report

1. Attitude Domain

a. The Academic Affairs Committee proposes that Law Faculty Council adopt the following learning outcome ("FLS J.D. Competency") in the "attitude domain" mandated by the Federation of Law Societies for entry into Canadian bar admissions programs:

Ethics and Professionalism

The student must have demonstrated an awareness and understanding of the ethical requirements for the practice of law in Canada, including,

- a. the duty to communicate with civility;
- b. the ability to identify and address ethical dilemmas in a legal context;
- c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada, including those related to: i. circumstances that give rise to ethical problems; ii. the fiduciary nature of the lawyer's relationship with the client; iii. conflicts of interest; iv. duties to the administration of justice; iv. duties relating to confidentiality and disclosure; vi. an awareness of the importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public; and vii. the importance and value of serving and promoting the public interest in the administration of justice.

b. The Academic Affairs Committee proposes that Law Faculty Council adopt the following AIC recommended mandatory learning outcome in the "attitude domain":

Developing self-reflection and lifelong learning skills: students are given the opportunity to "learn how to analyze their performances and generalize from those experiences." [AI Report, Recommendation 10.7]

c. The Academic Affairs Committee proposes that Law Faculty Council adopt the following additional recommended mandatory learning outcomes in the "attitude domain":

(i) Developing a theory-based, reflective and critical understanding of legal practice, the role of lawyers and other legal professionals, and their own developing professional identity and values. This includes attention to current and future challenges and developments facing the legal profession and the justice system more broadly, with special attention to access to justice issues and future changes in the delivery of legal services.[Lutgig Report, p. 19]

(ii) Developing the ethical and professional attitudes required by the Truth and Reconciliation Commission's Call to Action 28. [LFC Resolution on TRC CTA 28]

Schedule A to the Memorandum of the Academic Affairs Committee on the Academic Innovation Report

2. Skills Domain

a. The Academic Affairs Committee proposes that Law Faculty Council adopt the following learning outcomes ("FLS J.D. Competency") in the "skills domain" mandated by the Federation of Law Societies for entry into Canadian bar admissions programs:

(i) Problem-Solving

In solving legal problems, the student must have demonstrated the ability to: a. identify relevant facts; b. identify legal, practical, and policy issues and conduct the necessary research arising from those issues; c. analyze the results of research; d. apply the law to the facts; and e. identify and evaluate the appropriateness of alternatives for resolution of the issue or dispute.

(ii) Legal Research

The student must have demonstrated the ability to: a. identify legal issues; b. select sources and methods and conduct legal research relevant to Canadian law; c. use techniques of legal reasoning and argument, such as case analysis and statutory interpretation, to analyze legal issues; d. identify, interpret and apply results of research; and e. effectively communicate the results of research.

(iii) Oral and Written Legal Communication

The student must have demonstrated the ability to: a. communicate clearly in the English or French language; b. identify the purpose of the proposed communication; c. use correct grammar, spelling and language suitable to the purpose of the communication and for its intended audience; and d. effectively formulate and present well-reasoned and accurate legal argument, analysis, advice or submissions.

(iv) Ethics and Professionalism

The student must have demonstrated an awareness and understanding of the ethical requirements for the practice of law in Canada, including: a. the duty to communicate with civility; b. the ability to identify and address ethical dilemmas in a legal context; c. familiarity with the general principles of ethics and professionalism applying to the practice of law in Canada, including those related to, i. circumstances that give rise to ethical problems; ii. the fiduciary nature of the lawyer's relationship with the client; iii. conflicts of interest; iv. duties to the administration of justice; v. duties relating to confidentiality and disclosure; vi. an awareness of the importance of professionalism in dealing with clients, other counsel, judges, court staff and members of the public; and vii. the importance and value of serving and promoting the public interest in the administration of justice.

b. The Academic Affairs Committee proposes that Law Faculty Council adopt the following AIC recommended mandatory learning outcomes in the "skills domain". The student must:

(i) demonstrate the ability to advocate in a manner appropriate to the legal and factual context and, in particular, to conduct a hearing or trial before an adjudicative body (trial advocacy); [AI Report, p. 118]

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- (ii) demonstrate the ability to negotiate in a manner appropriate to the legal and factual context and, in particular, to negotiate the resolution of a dispute or legal problem; [AI Report, p. 118]
- (iii) produce a research paper that includes proper citation and the student's original analysis of the research findings; [AI Report, Observation 9.5, Recommendation 9.3]
- (iv) conduct practice-oriented, including procedural, legal research, analysis and writing clearly and effectively (e.g. legal memoranda, legal brief, opinion letter etc.); [AI Report, Observation 9.5, Recommendation 9.3, Lugtig Report, pp. 40-41]
- (v) demonstrate basic inter-personal communication skills and the ability to match communication to setting and relationship; [AI Report, Recommendation 9.6]
- (vi) demonstrate the ability to work collaboratively; [AI Report, Recommendation 9.6]
- (vii) demonstrate the ability to carry out a critical analysis of law from various perspectives and within its social context; [AI Report, Recommendation 9.6]
- (viii) demonstrate the ability to engage in creative thinking and legal problem-solving; [AI Report, Recommendation 9.6]
- (ix) demonstrate the ability to effectively deploy practice management skills that are applicable in the context of legal education, including file- and time-management; [Lugtig Report, p. 23] and
- (x) demonstrate the ability to communicate with, represent and advise clients ethically and professionally, through deploying the above skills as well as skills in interviewing, factual research and advising. These will include application of the intercultural competency, conflict resolution, human rights, and anti-racism knowledge and skills advocated for law schools by the Truth and Reconciliation Commission. [LFC Resolution on TRC CTA 28, Lugtig Report, p. 20]

c. The Academic Affairs Committee proposes that Law Faculty Council approve as "AIC guaranteed optional content" in the "skills domain" content designed to enable students to demonstrate the mandatory skills in sections B.2(a) and B.2(b) (FLS J.D. Competencies and AIC recommended mandatory learning outcomes approved in the skills domain) in French [AI Report, Recommendation 9.13, Lugtig Report, p. 24].

d. The Academic Affairs Committee proposes that Law Faculty Council approve as "AIC optional content" in the "skills domain" content designed to enable students to demonstrate the ability, in more complex or advanced settings to:

- (i) produce a research paper that includes proper citation and the student's original analysis of the research findings; (advanced legal writing – research focus) and
- (ii) conduct practice-oriented legal research, analysis and writing clearly and effectively. (advanced legal writing – practice focus)

Schedule A to the Memorandum of the Academic Affairs Committee on the Academic Innovation Report

3. Knowledge Domain

a. Recognizing that the Federation of Law Societies requires J.D. students to “have undertaken a sufficiently comprehensive program of study to obtain an understanding of the complexity of the law and the interrelationship between different areas of legal knowledge”, the Academic Affairs Committee proposes that Law Faculty Council adopt the following learning outcomes (“FLS J.D. Competency”) in the “knowledge domain” mandated by the Federation of Law Societies for entry into Canadian bar admissions programs:

(i) Foundations of Law

The student must have an understanding of the foundations of law, including: a. principles of common law and equity; b. the process of statutory construction and analysis; and c. the administration of the law in Canada.

(ii) Public Law of Canada

The student must have an understanding of the core principles of public law in Canada: including, a. the constitutional law of Canada, including federalism and the distribution of legislative powers, the Charter of Rights and Freedoms, human rights principles and the rights of Aboriginal peoples of Canada; b. Canadian criminal law; and c. the principles of Canadian administrative law.

(iii) Private Law Principles

The student must demonstrate an understanding of the foundational legal principles that apply to private relationships, including: a. contracts, torts and property law; and b. legal and fiduciary concepts in commercial relationships.

b. The Academic Affairs Committee proposes that Law Faculty Council adopt the following AIC recommended mandatory learning outcomes in the “knowledge domain”:

(i) demonstrate an understanding of core concepts relating to various perspectives from which to critically assess the law (“law in context”); [AI Report, Recommendation 9.6]

(ii) demonstrate an understanding of the overlapping concepts of comparative, international and transnational law and their impact on the practice of law (“globalization”); [AI Report, Recommendation 9.6]

(iii) demonstrate an understanding of the core concepts of adversarial and alternative dispute resolution processes (“ADR”); [AI Report, Recommendation 9.6]

(iv) demonstrate an understanding of the core concepts relating to the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations (“aboriginal people and the law”); [LFC Resolution on TRC CTA 28, AI Report, Recommendation 9.6] and

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(v) demonstrate an understanding of the core concepts underlying legal procedure in a range of procedural areas (criminal, civil, administrative, family) ("procedural knowledge"). [Lutig Report, pp. 40-41]

c. The Academic Affairs Committee proposes that Law Faculty Council approve as "AIC guaranteed optional content" in the "knowledge domain" content designed to enable students to demonstrate a general understanding of the core legal concepts applicable to the practice of law in the areas of Family Law, Wills and Estates, the Law of Evidence, Tax Law and Trusts. [AI Report, Recommendation 7.5 and p. 119]

d. The Academic Affairs Committee proposes that Law Faculty Council approve as "AIC optional content" in the "knowledge domain" content designed to enable students to demonstrate an advanced understanding of the legal concepts applicable to the practice of law. [AI Report, Recommendation 9.12, pp. 119-120]

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C. GUIDING PRINCIPLES

Whereas “guiding principles” inform and direct the overall organization of the program of instruction to achieve the program objective and the learning outcomes;

Whereas no guiding principle is paramount and each guiding principle must be balanced with other guiding principles;

The Academic Affairs Committee proposes that Law Faculty Council adopt the following seven principles as “guiding principles”:

a. Progression:

The J.D. curriculum should provide increasing complexity and sophistication in each of the three years in accordance with pedagogical best practices so that students are presented with progressively more intellectually challenging problems as their knowledge, practical judgment, self-direction and lifelong learning skills develop allowing students to experience a sense of continuing growth and achievement.

b. Flexibility

The J.D. curriculum development framework should be flexible enough to accommodate changes in legal education, legal thinking and in the legal system itself.

c. Coordination

Existing courses and the addition or deletion of courses offerings should take place within a coherent and rational policy framework consistent with the Program Objective.

d. Congruence

Congruence should be understood as instructional alignment: each course has outcomes consistent with the Learning Outcomes and aligned with the Program Objective, which in turn, is aligned with the law school’s mission. Coordination and connecting teaching and assessment methods to Learning Outcomes are important to achieving congruence.

e. Integration

The J.D. curriculum should achieve the integration of the knowledge, skill, and attitudinal aspects of legal education in a variety of ways. Integration may occur within or across courses. Coordination is important to achieving integration.

Schedule A to the Memorandum of the Academic Affairs Committee on the Academic Innovation Report

f. Student Choice

The J.D. curriculum should be designed to afford students a significant measure of freedom in designing their program of study in order to: 1) develop the skills of self-directed learning and in turn, lifelong learning; and 2) to reflect their academic preferences and professional aspirations.

g. Research and Expertise Optimization

There should be deliberate consideration of, and optimal reliance on, faculty research areas and expertise when designing and delivering a curriculum that aligns with the Program Objective and Learning Outcomes.

