

# A National Law School with an International Outlook



# Western Law

## *A Strategic Plan*



Endorsed by the Student Legal Society Executive - February 22, 2006

Ratified by Faculty Council - February 27, 2006

Endorsed by the UWO Law Alumni Association - February 27, 2006

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## INTRODUCTION

### THE DYNAMIC ENVIRONMENT OF LEGAL EDUCATION

In *Towards the Future*, the Law School's strategic plan adopted in the Autumn of 2000, it was noted that since the 1970s and 1980s – in other words, since the majority of the legal academy received their initial legal education – profound changes had taken place to the context in which law schools in Ontario must operate. These included a newly emerged dynamic of overt competition among law schools (especially among the six law schools in Ontario), and an increased demand for a “world-class” law school experience, including programs, faculty, facilities and services. This has resulted, *Towards the Future* noted, in a clear delineation, at least in terms of perception, about the relative positions of law schools in the province.

In most respects, the environment in which Western must operate remains the same. Canadian law schools still compete on at least three levels: they compete for the best students, they compete for the best faculty and they compete, as agents, to help students obtain desired jobs. And if anything, the demand for “quality” in their educational experience has grown among students as tuition levels have risen. Yet the competitive horizon seems more cloudy now than it did five years ago. That is because the Government of Ontario decided in 2004 to impose a freeze on tuition levels. This decision – the decision simply to freeze tuition at the level it happened to be at in the 2004-05 academic year – has meant that in practical terms the University of Toronto and, to a lesser extent, the Osgoode Hall Law School, enjoy a significant advantage. Likewise, law schools in some other Canadian jurisdictions now enjoy a financial autonomy that Ontario law schools no longer have.



## THE CHALLENGE FACING LEGAL EDUCATION IN TWENTY-FIRST CENTURY CANADA

It is trite that we are living in a world in which, increasingly, national boundaries (or, as a lawyer would conceive of them, the traditional bounds of jurisdiction) are becoming more and more permeable. So, too, is it trite that we are now living in an age where the flow of information is increasing, and the means to regulate that flow are becoming more diffuse.

From a legal perspective, these observations pose several challenges. First, since the conclusion of NAFTA, Canada's economic fortune has become intertwined, probably inextricably, with that of the United States. To be sure, we have long been economically interdependent with our neighbours to the south. But one consequence of NAFTA is that this interdependence now has a *de facto* constitutional aspect to it.

Secondly, patterns of immigration have led to a significant change in the demographic profile of Canadian society – which, in turn, has contested some of the unwritten understandings upon which the Canadian social contract (and, therefore, Canadian law) was based.

Thirdly, since the events of September 11, 2001, it has become apparent that globalization is posing additional challenges to national and social security.

Taken together, these three observations make it clear that, whatever else Canadian law schools undertake, they will in the decades to come have to do much more than in the past to inculcate in their students a genuine sense of connection with the world beyond Canada's borders. That is why we describe ourselves as a national law school with an international outlook.

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## WESTERN LAW'S STRATEGIC FOCUS

In *Towards the Future*, the School adopted as its goal to be the preeminent law school in Canada focussing on business law in the global environment. ***This remains the School's ambition.***

The business law focus was adopted for a combination of reasons, all of which remain apposite. It is worthwhile to reiterate them:

[The] climate of uncertainty [facing legal education] in fact offers us a freedom of action that may not have been present a generation ago. We now have both the opportunity and the incentive to strive to acquire a national and international stature that would have proven extremely difficult to achieve in the days when legal education was more inwardly-focussed.

Achieving national and international preeminence will meet a number of important objectives:

- it will better fulfill the career aspirations of members of faculty, and help Western to attract the best possible faculty in the current fluid climate;
- it will better enable Western to attract the highest calibre of law student, which will in turn assist us in increasing the intellectual rigour of our programs;
- it will better assist our graduates in fulfilling their career objectives;
- it will better assist us in our external development efforts.

*Though "Business Law" is generally understood as encompassing the realms of corporate and commercial law, we understand the term to include aspects of several other areas of domestic and international law, as well. A broad legal education of the highest quality will always be available at Western. Moreover, we do not interpret our aspiration to excellence in business law as embodying a particular ideology. Rather, our commitment is to the value of free and critical enquiry.*

## WHY BUSINESS LAW?

Of the possible areas of focus which could be chosen, “Business Law” is the one which best commends itself to Western. To state the case at its simplest, the fact is that a large majority of our graduates begin their working lives in large law firms with corporate practices. There is, in other words, a significant market demand at Western for this type of education – a demand which is reflected regularly in feedback from alumni and firms which employ our graduates.

The goal of national and international preeminence in the field of business law is one that is clearly within our reach. Western has in fact had a long tradition of leadership in the study of business law. In the 1960s, Earl Palmer and Dan Prentice (now the Allen and Overy Professor of Corporate Law at the University of Oxford) developed the first published teaching materials in Canada on corporate law. Likewise, in the 1970s, former Dean David Johnson (now President of the University of Waterloo) wrote the first Canadian text on Securities Regulation. More recently, Richard McLaren’s multi-volume works on *Secured Transactions* and *Commercial Reorganization* have become recognized as the leading treatises in their areas in Canada. Similarly, Bruce Welling’s treatise, *Corporate Law in Canada: The Governing Principles* is the only work of its kind in Canada.

Western’s national reputation for excellence extends as well to cognate areas of business law. The National Tax Centre, which is based in the Law Faculty, has for many years represented the greatest concentration of taxation law scholarship and teaching in the country. So, too, has Western enjoyed a national reputation for leadership in industrial relations law and insurance law. Recent appointments to the Faculty in business law-related areas further include outstanding young scholars in information technology and intellectual property law, international law and bankruptcy and insolvency law.

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Also of relevance to our choice of focus is the fact that one of our sister faculties is one of the world's leading business schools. By any measure, the Richard Ivey School of Business represents a standard of excellence and accomplishment to which other institutions aspire. At the moment, we offer two joint programs with the Ivey School, the Concurrent HBA/LLB program and the LLB/MBA program. In addition, we have a Joint arrangement with the Ivey School whereby second and third year law students and second-year MBA students may cross-register in courses offered by the other faculty. Law school faculty have also begun to teach in the Ivey School in greater numbers. This reflects, of course, the natural community of interest shared by the law and business schools in much of what we do.

## **WESTERN LAW SCHOOL GOAL**

*Within five years, Western Law will be seen as being one of the top three law schools in Canada. We will be seen as a dominant force in the study of business law, while at the same time being known for our commitment to core legal studies.*

## **WESTERN LAW SCHOOL MISSION**

*To prepare national and international leaders in the practice of law, in business and in the public service; to further the interests of the rule of law both in Canada and abroad; to create an environment in which the values of scholarly enquiry flourish.*

## **WESTERN LAW SCHOOL VALUES**

- **Leadership** – in teaching, in research and in law reform
- **Diversity** – in our curriculum, in our scholarly interests and in our student community
- **Collegiality and Partnership** – in our mission
- **Responsibility** – to one another, and to our law school, for the accomplishment of our goals
- **Integrity** – in our dealings with students, with one another, and with the community.



## ELEMENTS OF OUR STRATEGIC MISSION

We intend to lead Western Law into a preeminent spot within the Canadian legal academy within the next five years. Our main effort will remain providing a superior legal education and generating internationally-regarded research. Our next priority will be to maximize our potential for growth in stature the area of business law. We will allocate additional resources to this aim as they become available, without sacrifice to the core program.

There are eight broad areas of development which together make up the law school's strategic plan. These include our faculty and staff profiles, our research culture, our Graduate and LLB programs, our student community, our building and infrastructure, and our external relations.



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## I FACULTY PROFILE

Western Law has done an extraordinary amount of faculty recruitment over the past few years. No fewer than sixteen faculty members – in other words, half the full-time professoriate – have joined the Law School since 2000. These appointments have served to rejuvenate the faculty, and have brought with them a tremendous amount of new energy that has helped kindle a spirit of creativity and enterprise among senior and junior faculty alike.

The School was in one sense fortunate to have made so many appointments so quickly, for two things have changed in the landscape that make it likely that the rate of new appointments will slow markedly in the few years to come. The first is the decision of the Government to freeze tuition that has already been adverted to. Although the Government has announced that it will review the whole policy on tuition levels, it is unlikely that the fiscal autonomy that law schools enjoyed until 2004 will return in the near future. The second change, of course, is the impending abolition of mandatory retirement. Data from the United States suggests that the *de facto* retirement age does not necessarily alter dramatically in the academic sector with the repeal of compulsory retirement. Nonetheless, the certainty associated with a fixed retirement age no longer exists.

Assuming that funds are available to support them, and excepting any appointments that might be necessary to replace colleagues who take positions elsewhere, the Law School intends through its appointments over the next half decade to expand its scholarly base in the areas of Business Law, Private Law and Public Law. With respect to the appointment in Private Law in particular, it is intended that the appointee will play a significant role in teaching in the first year.

In addition to these appointments, we will, depending on the outcome of external fundraising efforts and/or University-supported initiatives, make other appointments, including in the areas of Trade Law and Health Law and Policy.

Beyond these, it is likely that we will have to make one or two appointments in the area of Criminal Law (to replace likely retirements). Ideally, at least one of the appointments will be of someone who has a research and teaching interest in White Collar Crime, and one will be of someone at mid-career level.



It will be important in all appointments to ensure that new colleagues cannot only serve the needs of our existing LLB program, but also can bolster our research capacity – including our capacity for graduate education. Our aim in making all faculty appointments will be to embrace a commitment to interdisciplinarity, and to diversity in research methodology.

## **II STAFF PROFILE**

One of the thrusts since 2000 has been to professionalize the delivery of administrative and student support services within the School. Progress has been made in this regard, but more remains to be done in the following areas:

- Communications (particularly media relations); and
- IT Support

Funds will continue to be made available for professional development of staff.

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## **III RESEARCH AND SCHOLARSHIP**

The Law School will continue to promote a vigorous culture of research and scholarship among the faculty, and among our professional and Graduate students. In recent years the Law School has made important strides in the area of research. Measured in terms of volume, the faculty's output is impressive, and is matched by only a very few other Canadian law schools. Moreover, it is a source of pride to Western Law that we have the highest proportion of full-time faculty with earned doctorates – nearly 50% – of any law school in the common law provinces.

Five years from now, we want to observe an increase in the number of publications and in the quality of those publications. We also want to see the increased citation of Western Law scholarship and a stronger impact of Western Law's voice in law reform and in the development of public policy. The Law School will continue to promote a vigorous culture of research and scholarship among the faculty, and among our professional and post-graduate students. Steps to be taken in this regard will include:

- Continuing to appoint candidates with outstanding research credentials (including, where appropriate, earned doctorates);
- Mounting a series of internal professional development seminars on the development of individual and group research programs;
- Providing a significant reduction in teaching in the first year for colleagues who are new to the academy;
- Continuing to provide funding, to the extent possible given financial constraints, for faculty attendance at learned conferences, and for research assistance;
- Encouraging faculty members actively to seek external support for their research, and providing support for them when they do. This will include, though need not be limited to, seeking funding from Tri-Council sources;

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- Maintaining the status of the Western Law Library as one of the best-served legal research resources in the country;
  - Continuing each year to mount conferences that bring together leading scholars and practitioners in their fields;
  - Formalizing a Visitors' Program. This will include sabbaticants from other law schools and other visiting scholars;
  - Continuing, on an opportunistic basis, the program of Judges in Residence. This will be supplemented by an informal residence program for people from other disciplines, *eg* Journalists, Artists/Writers, *etc*;
  - Considering an expanded series of named lectures;
  - Instituting the practice of inaugural lectures for colleagues promoted to the rank of Professor;
  - Considering, in a concerted way, the introduction of a second scholarly journal in the Law School;
  - Gathering and maintaining in a systematic way data on things like citation counts, comparative publication rates, *etc*.
  - Appointing, to commence on or before July 1, 2007, an Associate Dean or Director of Research and Graduate Studies.

## IV GRADUATE STUDIES

Specific steps to be taken relating to research and scholarship at the Graduate level will include:

- Enhancing our student recruitment efforts in our LLM program. Consideration will be given to targeting China, Korea and India as specific sources of graduate students;
- Increasing enrollment in our LLM program to ten full-time students per year by 2007-2008. This will represent a doubling of our enrolment from current levels;
- Establishing a conference travel fund for graduate students;
- Establishing an academic support program for foreign graduate students whose first language is not English. Among other things, this program will provide assistance with the editing of dissertations;
- Introducing a doctoral program by July 1, 2007, contingent upon there being adequate resources to support it.





## V THE LLB PROGRAM

A core part of our mission is to prepare national and international leaders in the practice of law, in business and in the public service, and to further the interests of the rule of law. We consider a critical element of this to be to imbue in our students a sense of critical enquiry – and to give each of our graduates a well-rounded and broadly-conceived legal education. As suggested earlier (and as noted in *Towards the Future*), for us, “business law” is not restricted to the study of the corporate form and the law relating to commercial transactions. To be sure, these are key parts of our focus. But they are supplemented – and, in our view, enriched – through exposure to underlying theoretical and policy issues associated with the law, and through teaching and scholarship in other areas.

There are a number of specific initiatives that we intend to pursue with respect to our LLB program in the next five years. These include:

**a The Small Group Program**

Western was a national leader in instituting a small group program in the first year. We continue to view the small group program as one of the principal defining elements in our approach to legal education. We will therefore return to offering at least ten small group sections per year by 2007 – 08, with an average of sixteen or seventeen students per section.

**b Research, Writing and Advocacy**

We will continue to work to increase the rigour and place of legal research, writing and advocacy in the LLB. Consideration will be given to introducing a more rigorous program of research-based work in the upper years, and to increasing opportunities for students actively to be involved in faculty research.

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**c The Core Curriculum**

We will enhance the Core Curriculum, and ensure that its content remains relevant. The Core is one of the things that has helped us attain a placement rate in the national law firms which is second to none in Canada. The employment market sees Western graduates as people who are, better than most, intellectually prepared for the rigours of modern legal practice.

**d The Third Year**

In the 2005 – 2007 period, we will engage in a study of how we might improve the third year curriculum, to make it a more intellectually satisfying program from the perspective of faculty and students alike.

**e The Areas of Concentration**

Western has been the national leader in terms of Areas of Concentration within the LLB. The Faculty will continue to work to enhance them.

**f Clinical Programs**

Both in terms of exposing our students to the realities of legal practice, and in terms of providing a service to the local community, our clinical programs – especially Community Legal Services and the Western Business Law Clinic – represent an outstanding Western success story. We will continue to enhance the profile of these two programs, and consider how they might be better integrated with the rest of our curriculum.

In a similar way, we will work to raise the profile and level of activity of our two other clinical programs, the Dispute Resolution Centre and SportSolution.

**g Dual Degree Programs**

Within Western, Law has been a leader in the development of dual degree programs. At the moment, we offer combined degree programs with the Richard Ivey School of Business (LLB/HBA, LLB/MBA), the Departments of History and Political Science, the Department of Computer Science, the Faculty of Information and Media Studies, and the Faculties of Engineering and Health Science. We will continue to work to heighten awareness of these programs and actively to recruit students into them.

At the same time, we will work to develop dual degree arrangements with top law schools in the United States, Europe and Asia.



**h Student Exchanges**

We presently have eighteen exchange agreements in place with law schools from around the world. Measured according to participation rate, our is the largest exchange program of any law school in North America, and one of the largest in the common law world. Our goal is to maintain this position. By 2007 – 08, our ambition is to have more than 20% of the graduating class having taken part in an exchange. We will work to ensure that we continue to provide bursary assistance to students who take part in an exchange.

We will continue to develop new exchange partnerships, but at a slower rate than in the past. Among others, future partnerships will include leading law schools in Africa, and the Near and Middle East.

**i Internships**

The Law School will establish an international internship program. This will include the Judicial Clerkship Program at the Caribbean Court of Justice.

**j Mentorship Program**

We will develop a mentorship program that promotes the welfare of our students and that increases the involvement of alumni in the life of the school.



## VI THE STUDENT COMMUNITY

We at Western have always felt the quality of our student body to be one of our strongest assets. We also feel that our students are equal stake-holders in our success. We will therefore continue to work to support our students, and to nurture the close-knit nature of the broader law school community. These efforts will include:

**a Student Recruitment**

We will work to broaden our student recruiting base. Our goal is that by 2008, 30% of the incoming class will come from universities outside Ontario.

**b Mature Age Students**

We will work to increase the proportion of mature age students in our student body. In particular, we will seek to admit people who have a demonstrated record of community or business leadership.

**c Entrance Standards**

We will work to increase entrance standards into the LLB. Our goal is that by 2008, the median LSAT score and GPA of students admitted to the Law School in the General Category will be within the top five in Canada.

**d Scholarships and Financial Aid**

In the past five years, the amount expended by the law school on scholarships and financial aid has increased dramatically – from approximately \$15,000 in 1996 to more than a million dollars in 2005. We will continue to place emphasis on access, and to fulfilling our pledge to students that no one should have to leave the law school solely because of financial need.



**e Student Activities**

We will continue to enhance what we offer to students *outside* the classroom. This includes our extensive program of appellate and trial advocacy competitions, and client counseling and negotiation simulations, as well as our student clubs and associations.

**f Pro Bono Students Canada**

It is a source of pride that ours is the largest and most active chapter of Pro Bono Students Canada. We will continue to view support of the Western Chapter of PBSC as a special Faculty priority.

**g Student Services**

We will enhance the level of student services. Great strides have been made in recent years to improve the level of support services provided to our students. The Faculty will continue this.

**h Academic Support Program/Peer Mentoring**

We will work with the Student Legal Society to introduce an academic support program.

**i Career Services**

Over the past several years, Western's placement rate has consistently been among the highest in Canada. We will maintain this record. Through the Director of Career Services, we will also take concerted steps to provide more assistance to those students who wish to obtain employment outside Ontario and outside Canada, and to those who are seeking employment in smaller law firms. We will also work to provide active Career Services support to our graduate student body.

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## **VII BUILDING AND INFRASTRUCTURE**

We have just completed a major expansion/renovation project, and ours is now among the most attractive and functional law school buildings in Canada. One important item for which we did not have funding was the construction of designated space to house Graduate Students. This graduate space, for which preliminary plans had been developed, would better ensure that we can fulfill our objectives of doubling enrolment in the LL.M. program and the introduction of a doctoral program.





## VIII EXTERNAL RELATIONS

In a broad sense, our goal is to enhance the visibility of the law school and to build a greater sense of community among alumni and friends. Specific steps to be taken include:

**a The UWO Law Alumni Association**

Great strides have been made with respect to the revitalization of UWOLAA. We will continue this work, recognizing that the Alumni Association should have a continuing and constructive role to play in the law school's future.

**b Web Presence**

By February 1, 2006, we will have a revamped web site.

**c Marketing Strategies**

We will develop a focussed and defined set of marketing strategies to reflect the Faculty's areas of excellence, which will be used to raise our school's profile among the judiciary and legal profession, within the academic community and among prospective students and their families.

**d Development**

As part of Western's overall development strategy, the Law School has been set a goal of raising \$1.5 million *per annum*. In addition to this, the School, with the assistance of the Alumni Relations and Development Officer, will work to position itself for the commencement of the next major development campaign, which will likely take place in 2009.