proposal for a SCHOOL OF LAW
at TRINITY WESTERN UNIVERSITY

Submission for accreditation by
the Federation of Law Societies of Canada

JUNE 2012
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I. Executive Summary

This proposal is for the creation of a School of Law at Trinity Western University in Langley, B.C. The proposal is for the School of Law to open in September, 2015 in a new building on campus. The first year class would be 60 students with the total student body reaching 170 students by 2017. TWU seeks FLSC approval under the Program Approval Model.

Since 1992, Trinity Western University has had the development of a law school in its strategic plan. The university strives to develop excellence in its students and has a strong focus on developing leadership for the marketplaces of life. Within the last few years, several indicia have pointed to the need for new law schools in Canada: (1) the number of Canadian students attending law schools in other countries and then seeking to have those degrees recognized in Canada; (2) the need for new lawyers to practice in small firms and in smaller urban centres; and (3) the need for students to be trained in the law and in ethics.

Trinity Western University is proposing to move forward with its plan to develop a law school with a focus on excellence, strong ethics, public service and professionalism.

The School of Law will focus on training students interested in practising law in small to medium sized firms outside of the major B.C. urban areas. The School of Law will offer a J.D. degree based on an integrated curriculum that includes the development of core competencies needed for the practice of law. In keeping with the nature of Trinity Western University, specializations will be offered in charities and social justice law and in small business and entrepreneurial law.

The background, impetus and rationale for establishing a law school at Trinity Western University are provided below. Particulars of the proposed admissions policy, curriculum, library plan, and faculty/staff requirements are also provided. Operational details including the facilities plan are set out in the proposal as well.

This proposal is based on many years of work by a development committee at Trinity Western University and on the recommendation of the following:

- Dr. Jonathan Raymond, TWU President
- The TWU Board of Governors
II. Trinity Western University

A. HISTORY

The university was founded in 1962 as a junior college. In 1969, TWU was created by the B.C. Legislature as Trinity Junior College.1 In 1979 TWU was given the privilege to grant degrees2 and in 1984, was accepted as a member of the Association of Universities and Colleges of Canada. In 1985, the B.C. Legislature changed the name of the college to Trinity Western University and granted the university the authority under its amended charter to offer graduate degrees.3 The university celebrated its 50th anniversary in 2012.

TWU is now the largest privately-funded Christian university in Canada. It offers over 40 undergraduate majors and 16 graduate programs. It has a current student body of approximately 3,600 students with over 22,000 alumni. Many of the 3,600 students are enrolled in TWU’s professional programs including Business (M.B.A., B.B.A., B.A. – Business), Leadership (M.A. – Leadership), Nursing (M.Sc.N., B.Sc.N.) and Education (B.A. – Education). TWU’s sports teams have excelled in Canadian Interuniversity Sport athletics, winning national championships in soccer and volleyball. TWU has a renowned choir which performs regularly with the Vancouver Symphony Orchestra.

TWU was successful in a key case before the Supreme Court of Canada in 2001.4 The Court

1 *Trinity Junior College Act*, S.B.C. 1969, c. 44.
issued an order of mandamus requiring the British Columbia College of Teachers to accredit TWU’s Teacher Education program. In the 8 to 1 decision in favour of TWU, the Supreme Court of Canada made the following statements about a professional program at a faith based university:

The diversity of Canadian society is partly reflected in the multiple religious organizations that mark the societal landscape and this diversity of views should be respected. (para. 33)

In this particular case, it can reasonably be inferred that the B.C. legislature did not consider that training with a Christian philosophy was in itself against the public interest since it passed five bills in favour of TWU between 1969 and 1985. (para. 35)

Students attending TWU are free to adopt personal rules of conduct based on their religious beliefs provided they do not interfere with the rights of others. Their freedom of religion is not accommodated if the consequence of its exercise is the denial of the right of full participation in society. (para. 35)

TWU has been a member of the Association of Colleges and Universities and Colleges of Canada (AUCC) since 1984.

**B. ACADEMIC EXCELLENCE**

Professors at TWU are committed to high-quality teaching. Due to small class size, students regularly interact with their professors. TWU is a community-oriented campus and professors regularly interact with students outside the classroom. TWU has built a reputation for academic quality, earning an A+ for Quality of Education in the Globe and Mail University Report Card for five years running. In 2011, the Globe and Mail survey led to the university being rated an A+ in “enriching educational experience.”

**C. RESEARCH**

The university provides a stimulating environment for research. It has an Office of Research which assists faculty research and coordinates grant applications. Faculty members are funded through the Tri-Council Agencies, as well as through a wide variety of foundations and grants. This office holds regular professional development workshops to assist faculty in obtaining grants, publishing their research results and engaging in collaborative research. TWU has three Canada Research Council Chairs and is currently developing a fourth. TWU joined the Royal Society of Canada in 2009.
D. ACADEMIC INSTITUTES AND CENTRES OF EXCELLENCE

TWU has five academic Institutes and four Centres of Excellence. These include the Gender Studies Institute and the Religion in Canada Institute. The institutes provide opportunities for interdisciplinary collaboration, as well as special colloquia and lectures. The Religion, Culture and Conflict Research Group has, for the last five years, held annual inter-religious symposia on issues such as “Religion, Culture and Middle East Conflict,” and has produced several books of collected papers.

E. CAMPUS AND FACILITIES

Trinity Western University is a 157-acre campus located outside Langley, BC, Canada. Its location is 45 minutes from downtown Vancouver and an hour from the North Shore mountains. Housing undergraduate and graduate programs, the campus includes residences, food services, health services, fitness centres, mail resources, sports facilities, a bookstore, a library, and an ecosystem study area. The university has a strong student life and student leadership program as well as a career centre and a wellness centre. The Equity of Access Officer ensures that students with disabilities are accommodated both with respect to facilities and academically. The university also has extension campuses in Bellingham, Washington and Ottawa, Ontario. A further extension campus is currently being developed in Richmond, B.C.

F. COMMUNITY ENGAGEMENT

TWU has a strong focus on students engaging with the community, be it locally in British Columbia or internationally in Zambia or Guatemala. Faculty and staff members organize a variety of service opportunities from working with the homeless in Vancouver’s Downtown Eastside to summer programs to serve in hospitals in the developing world. TWU also facilitates students engaging in community work individually by connecting students with organizations. A significant focus of the university is that our graduates “serve the world’s deepest needs.” This starts while they are students.

III. Rationale and Demand for a School of Law at TWU

A. RATIONALE FOR A SCHOOL OF LAW

1. Advancement of the Mission of Trinity Western University

Over the last 15 years, Trinity Western University has developed several professional schools, including Nursing, Education and Business. With the development of student leadership and
excellence in these fields, a law school is a natural next step in the development of the university. It is in keeping with the mission and purpose of the university.

Trinity Western University has a mission focused on the development of leadership. TWU’s recent strategic plan entitled Envision the Century described the vision of the university as follows:

The vision for Trinity Western University’s future builds on its identity and essence as a Christian university of the liberal arts, sciences and professional studies, and on its historical mission to develop people of high competence and exemplary character who distinguish themselves as exceptional leaders in “the marketplaces of life.”

A law school that focuses on the development of highly competent, professional and ethical graduates who will no doubt distinguish themselves in the legal community and beyond is a natural and appropriate advancement of the TWU mission.

As well, Trinity Western University is a unique faith-based educational community where its members are “called to care about the well-being of others; and committed to knowledge and understanding that addresses the world’s deepest needs…” A law school that has strategic partnerships with agencies that serve the poor and the oppressed will give students unique opportunities to provide needed legal services to the less privileged and represents again a natural and appropriate advancement of the TWU mission.

2. Expanded Access to the Legal Profession Without the Need for Public Funding

In 2009, the Law Society of British Columbia held a public forum on access to justice. “Access to legal services is becoming more and more difficult for many individuals in our communities,” said John Hunter, QC, then-President of the Law Society. “The increasing number of self-represented litigants and growing reliance on self-help guides is well known to us all.” One of the barriers to training more lawyers has been the need for public funding. A law school at Trinity Western University has the great advantage of providing increased access to the legal profession without the need for public funding.

3. Training for the Profession - An Integrated Curriculum

A primary objective of the School of Law at TWU will be training students for the profession and ethical demands of the practice of law. The overarching curricular goal will be the

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5 Trinity Western University, Envision the Century, 2008.
6 Ibid.
development of core competencies that are the bedrock of the profession.

The 2008 Federation of Law Societies of Canada, Consultation Paper on the Canadian Common Law Degree (the “FLCS Consultation Paper”) emphasized the importance of embedding “framework” competencies in law school curricula. The paper indicated that legal educators in Canada proposed curriculum requirements where “academic instruction is more closely integrated with the development of practice skills so that upon a call to the bar lawyers are better prepared to advise clients and protect their interests.” These recommendations were substantially approved in the Federation of Law Societies Common Law Degree Implementation Committee Final Report.9

The proposed TWU School of Law will integrate into its curriculum the formation of professionalism including the nature of the profession of law, ethics and client relations. In upper years, the law school curriculum will also include courses that develop skills used in the practice of law such as drafting documents, negotiation and advocacy. Each course at the proposed TWU School of Law will focus on practice elements and skills.

4. Benefit to Sole Practitioner and Small Firm Practice

The January 2007 Report of the Small Firm Task Force for the Benchers of the Law Society of B.C.10 indicated that 35% of the B.C. bar practises as sole practitioners and a further 20% in firms of two to four lawyers. These lawyers provide the “vast majority of legal services outside of the urban centres.” The Report indicates the following concern for the future of legal services in the province:

Younger lawyers do not enter sole and small firm practice with the same frequency as they enter practice in larger firms. Outside of the urban areas, where there are fewer medium size and larger firms, the absence of younger lawyers is more prevalent. These numbers raise concerns about whether the sole and small firm bar is renewing itself, particularly in less populated parts of the province…

The proposed TWU School of Law hopes to be able to serve the province of B.C. by attracting and training students interested in practising law in small firms, particularly outside of the major B.C. urban areas. The proposed law school will also work with small firms across the province to create

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articing positions for its graduates. TWU believes that the integrated approach\(^\text{11}\) indicated above is especially important for the development of needed competencies of those who will practice in small firms and has designed its curriculum accordingly. This integrated curricular approach will benefit B.C. and other provinces by providing graduates prepared for small firm practice.

5. Specialization in Charities and Social Justice Law

Charitable and Not-For-Profit organizations play a significant role in Canadian society. The 2003, National Survey of Non-Profit and Voluntary Organizations indicated the following:

- In 2003 there were approximately 161,000 non-profit or voluntary organizations in Canada with approximately 13% (20,000) in B.C.
- These organizations had a total revenue of $112 billion with B.C. non-profits reporting revenues of $11 billion.
- In B.C. these organizations provided employment for 147,000 people.
- Non-profits and voluntary organizations provided employment for almost 20% of the entire workforce across Canada

These organizations often have unique legal requirements in the areas of governance, human rights, employment, taxation etc. However, no law school in Canada provides a specialization in charities law, and many do not even offer a course related to this area. A key focus of the TWU School of Law will be in the area of charities and not-for-profit law. Trinity Western University already has considerable expertise and reputation in serving this area through its Non-Profit and Charitable Organization Management MBA program. By conducting scholarly legal research in this area and by giving students the option to have particular training in charities law, a law school at TWU would further contribute in a significant way to this important sector of Canadian society.

While charities and not-for-profit organizations have long been engaged in working for the public good, many are increasingly engaged in social innovation, working with social entrepreneurs to devise innovative solutions to society’s problems. Students interested in pursuing social innovation through a specialization in charities and not-for-profit organizations will be encouraged to fulfill their practica requirements in placements related to social innovation. Many charities and not-for-profit organizations have a focus on social justice; for example,

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shelters for the homeless, international development agencies and food banks. Students pursing this specialization will engage with theoretical issues, such as the meaning of “justice,” as well as practical issues such as advocacy for those who are marginalized.

6. Specialization in Small Business and Entrepreneurial Law

The Fraser Valley is a rapidly expanding business corridor. In the City of Surrey alone, approximately 18,600 business licenses were issued in 2011. The majority of these enterprises are small, growing, entrepreneurial businesses. Not surprisingly given its location, much of the TWU community is also from, or connected to, entrepreneurial, growing enterprises. TWU desires to serve this constituency through a specialization in small business and entrepreneurial law. Graduates from this specialization will be equipped to meet the legal needs of entrepreneurial, growing enterprises.

B. MARKET DEMAND FOR A SCHOOL OF LAW AT TWU

There is growing recognition across Canada that access to the legal profession must be expanded. Until 2010, no new law school had been approved in Canada for 30 years. For example, the population of B.C. has grown by 72% since the Faculty of Law at the University of Victoria was opened in 1976, without there being any significant increase in access to the legal profession in B.C. until the opening of the new law faculty at Thompson Rivers University. Canada has the lowest number of law schools per capita of any Commonwealth country.

Competition to get into existing law schools is now fierce, with many arguably qualified candidates unable to access a legal education. According to the LSAC Official Guide to Canadian Law Schools, the University of British Columbia, Faculty of Law had 2,188 applicants in 2010 with 182 being enrolled (2,006 applications being rejected). The University of Victoria, Faculty of Law had 1,346 applicants in 2010 with 113 being enrolled (1,233 applications being rejected). Many qualified candidates have been forced to look for international options for a legal education. (see Appendix Sixteen for a list of universities accepting Canadian students abroad) The province of Ontario reported having 272 international candidates registered for articles in that province in the 2010/11 licensing year.

12 According to Statistics Canada the population of B.C. on January 1, 1976 was 2,520,425. On January 1, 2008 the population of B.C. was 4,346,201.
The university engaged a market research firm, Concerto Marketing, to conduct surveys to determine the level of interest in the proposed School of Law. The results indicate that there is a sustainable level of interest to meet enrollment targets at our proposed tuition.

C. ADDRESSING THE ARTICLING GAP

A common challenge faced by graduating law students is a shortage of articling placements. A recent report by the Law Society of Upper Canada Articling Task Force noted a 12.1% shortage in articling placements for the 2010/11 licensing group. The report also notes that the number of articling placements has remained static while the number of students seeking articles has increased. All Canadian law societies require completion of articles for licensing. This has similarly been a problem in British Columbia.

The proposed TWU School of Law curriculum has been designed to ensure that graduates will have the basic “turnkey” skills and knowledge to be immediately useful in the regular transactions that occur in small and medium sized firms. With mentorship that will have occurred in the practica that students are required to participate in, these skills and abilities will already have been brought into a workplace setting and will be readily adaptable to any new workplace situation.

Small and medium sized firms will see TWU School of Law graduates as already having many practical skills necessary to be valuable to the firm because of the practical opportunities gained through practice-oriented courses and required practica. They may be more inclined to offer articling positions.

The TWU School of Law will have an Articling Coordinator who will assist students to find articling placements and seek out new articling placements for graduates.

IV. The School of Law Juris Doctor (J.D.) Program

The three year J.D. curriculum, 90 semester hours, has been developed in accordance with the requirements set out in the Federation of Law Societies of Canada Common Law Degree Implementation Committee Final Report (August 2011). See Appendix Fifteen for a table detailing how the National Standards established in the Final Report are achieved in the curriculum.

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15 Ibid., iii.
A. OBJECTIVES

The innovative J.D. curriculum is designed to build skills within the context of law as public service. The J.D. program will:

1) focus on professionalism, practice competence, and high ethical standards;

2) integrate practical assignments;

3) emphasize leadership and character development; and

4) integrate a Christian worldview.

B. HOW THE OBJECTIVES ARE ACHIEVED IN THE CURRICULUM DESIGN

1. Each course will have a focus on professionalism, practice competence, and high ethical standards. This focus will begin during Orientation Week. A required first year course, LAW 508, Introduction to Practice Skills and the Practice of Law, introduces students to professionalism and ethics. There will also be a required second year course, LAW 602, Ethics and Professionalism, that examines and applies these concepts more fully. In third year, students will be required to take the capstone LAW 706, Jurisprudence course and LAW 707, Practice Management.

2. School of Law faculty will be encouraged to integrate practical assignments into all courses. For example, students must draft contracts in LAW 502, Contract Law. They will be required to walk through all the steps to incorporate a company in LAW 703, Business Organizations. While understanding the theoretical principles is important for all law students, students also should experience what lawyers do when they practice law. Students will, therefore, be required to complete three practica over the course of the program with the expectation that this will integrate the real-world practice of law with the theoretical study of law.

3. TWU has a strong focus on leadership and character development. This focus is particularly relevant to the J.D. program in that lawyers are leaders in their communities and through their profession. Leadership development is infused throughout the university, among faculty, and through the entire student life program, and will be integrated into the J.D. curriculum. Leadership will be emphasized in the first year mentoring relationships. As well, leadership will be addressed in LAW 602, Ethics and Professionalism, where students will be encouraged to understand the practice of law as public service and their role as professionals as leaders with their clients and in the community.
4. TWU was chartered by the Province of British Columbia to provide to students of diverse backgrounds a university education “with an underlying philosophy and viewpoint that is Christian” (Trinity Junior College Act, SBC 1969, c 44, s 3(2)). The program faculty will respect all students’ views and beliefs while integrating a Christian worldview into all courses. They will encourage all students to see the profession of law as a high calling in a life of service to God and to the community.

C. ADMISSION AND GRADUATION REQUIREMENTS

1. Admission

Entrance to the J.D. program will be determined by an Admissions Committee consisting of the Dean of the School of Law, three faculty members, and a student representative elected by the student body.

Applicants must have a degree from a recognized university or at a minimum have completed three years (90 semester hours) of study towards that degree having achieved a minimum GPA of 3.0 (or equivalent).

All applicants must complete an application form that lists work, leadership experience and community involvement, a personal statement, two academic references, transcripts and their LSAT score before a final decision will be made with respect to admission.

Grade Point Average (GPA) and the Law School Admissions Test (LSAT) will be two key factors in selecting students for admission. Other factors such as the personal statement, work experience, community involvement, public service, and leadership experience will also be considered. An interview with the Admissions Committee may be required.

If an applicant has written multiple LSAT exams the average score will be used. No LSAT score taken five years or more before the date of a candidate's application will be considered by the Admissions Committee.

A rolling admissions process will be used with first offers being made in November. The application deadline will be February 1 for admission to that year’s incoming September cohort.

Up to five of the 60 places available will be reserved for exceptional applicants who may have a somewhat lower GPA and LSAT but elect to qualify for admission through the Special Access category. Special Access is designed for students who have had their academic careers impacted
by factors beyond their control and who are able to demonstrate strength in related endeavors. Applicants in the Special Access category will still be evaluated by GPA and LSAT but a greater weight will be placed on other factors such as leadership ability, work experience, community involvement and public service. In all cases applicants being considered in the Special Access category will be interviewed by the Admissions Committee either in person or by telephone.

Students are annually required to read, understand and pledge to the terms of the Community Covenant Agreement prior to registering for classes.

2. Transfer

A limited number of students will be accepted from other law schools. Transfer students must meet the requirements for admission noted above and have a minimum GPA of 2.75 in the course of studies at law school. The law courses completed must be compatible with the TWU School of Law curriculum. In the Application for Transfer, students must submit all materials necessary for Application as well as a statement on why they wish to transfer. Transfer students must complete two years of study at TWU School of Law to be eligible for graduation from Trinity Western University.

3. Graduation

To graduate from the J.D. program, graduates must successfully complete a minimum of 90 semester hours with an overall GPA of at least 2.75/4.3. The 90 semester hours will include required and elective courses and internships as set out in the Program Requirements section. It is expected that students will complete the program in six terms of study.

D. PROGRAM REQUIREMENTS

The J.D. curriculum is designed to build skills within the context of law as public service. Each course will have a focus on professionalism, practice competence and high ethical standards. This focus will begin during Orientation Week. A required first year course, LAW 508, Introduction to Practice Skills and the Practice of Law, introduces students to professionalism and ethics. There will also be a required second-year course LAW 602, Ethics and Professionalism. In third year, students will be required to take the capstone LAW 706, Jurisprudence course and LAW 707, Practice Management.

As with most law schools across Canada, TWU’s first-year program will have a strong focus on learning to read and analyze case law. The first-year program will focus on understanding the legal system, recognizing authoritative legal sources, reading and analyzing cases, and becoming aware of the ethical calling of the practice of law.
During Orientation Week, students will take LAW 501, Introduction to Law, a concentrated course in understanding the legal system and how to read a law case. Throughout the first semester, students will also take LAW 507, Fundamentals of Canadian Law, to gain an understanding of how the Canadian legal system functions.

First-year students will be matched with a practitioner mentor for the first year. Mentors will be asked to invite students to their law firm to help them see first-hand how a law practice works and the ethical and professional framework at work in law offices. It will be up to the mentors and students if they wish to continue the mentoring relationship throughout law school.

As with most first-year law school programs across the country, all courses will be compulsory.

Note that the size of all first-year classes will intentionally be kept to approximately 30 students or less (so that there will be two sections of each class) in order to ensure a high degree of classroom interaction. LAW 507, Fundamentals of Canadian Law, includes the legal research component and writing lab while LAW 508, Introduction to Practice Skills and the Practice of Law includes the moot court.

Each student in first year will be required to complete a practicum, not for credit, either during the academic year or during the summer between first and second year. There will be an approved list of such practica, including: junioring an upper-year clinic student, participating in a familiarization tour and writing a report (visiting a prison as part of criminal law, for example) or completing a research report for a non-governmental organization.

The upper-year courses will each integrate a practice approach. Professors will be encouraged to ensure that each course includes assignments that include real-world issues or problems. The upper year courses will centre on practice-related courses, such as those required for sole or small firm practice. Students are required to take 20 courses in their combined second and third years of the J.D. program. With the exception of LAW 602, Ethics and Professionalism, which must be taken in second year and LAW 706, Jurisprudence, intended to be a capstone course for the J.D. program, which must be taken in third year, the remaining eight compulsory courses can be taken in any of the four terms of second and third year.

While understanding the theoretical principles is important for all law students, we believe that students should also experience what lawyers do when they practice law. Students will, therefore, be required to complete three practica over the course of their years in the J.D. program with the expectation that this will integrate the real-world practice of law with the theoretical study of law.
### Juris Doctor Program Requirements

#### A. Required Courses – 60 Semester Hours

<table>
<thead>
<tr>
<th>COURSE NUMBER</th>
<th>COURSE NAME</th>
<th>S.H.</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>LAW 501</td>
<td>Introduction to Law</td>
<td>0</td>
<td>Orientation</td>
</tr>
<tr>
<td>LAW 502</td>
<td>Contract Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 503</td>
<td>Tort Law</td>
<td>5</td>
<td>New course (full year)</td>
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<tr>
<td>LAW 504</td>
<td>Constitutional Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 505</td>
<td>Property Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 506</td>
<td>Criminal Law</td>
<td>5</td>
<td>New course (full year)</td>
</tr>
<tr>
<td>LAW 507</td>
<td>Fundamentals of Canadian Law: Common Law and Statutory Instruments</td>
<td>2.5</td>
<td>New course (one semester)</td>
</tr>
<tr>
<td>LAW 508</td>
<td>Introduction to Practice Skills and the Practice of Law</td>
<td>2.5</td>
<td>Includes first-year practicum and moot court. New course (one semester).</td>
</tr>
<tr>
<td>LAW 601</td>
<td>Practicum</td>
<td>0</td>
<td>New course</td>
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<td>LAW 602</td>
<td>Ethics and Professionalism</td>
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<td>LAW 701</td>
<td>Practicum</td>
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<td>Administrative Law</td>
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<td>Civil Procedures</td>
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<td>Evidence</td>
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<tr>
<td>LAW 706</td>
<td>Jurisprudence</td>
<td>3</td>
<td>Capstone course. New course.</td>
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<tr>
<td>LAW 707</td>
<td>Practice Management</td>
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<td>New course</td>
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<tr>
<td>LAW 708</td>
<td>Real Estate Law</td>
<td>3</td>
<td>New course</td>
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<tr>
<td>LAW 709</td>
<td>Wills and Trusts</td>
<td>3</td>
<td>New course</td>
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#### B. Electives – 30 Semester Hours

To complete their second and third-year course requirements, students may complete 10 courses from the following list. Students may choose to complete a specialization as part of their elective requirements (C.).

<table>
<thead>
<tr>
<th>COURSE NUMBER</th>
<th>COURSE NAME</th>
<th>S.H.</th>
<th>NOTES</th>
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</thead>
<tbody>
<tr>
<td>LAW 611</td>
<td>Aboriginal Law</td>
<td>3</td>
<td>New course</td>
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<tr>
<td>LAW 612</td>
<td>Advanced Advocacy</td>
<td>3</td>
<td>New course</td>
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<tr>
<td>LAW 613</td>
<td>Alternative Dispute Resolution</td>
<td>3</td>
<td>New course</td>
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<td>LAW 614</td>
<td>Bankruptcy and Insolvency Law</td>
<td>3</td>
<td>New course</td>
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<td>LAW 615</td>
<td>Charities and Not-for-Profits Law</td>
<td>3</td>
<td>New course</td>
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<tr>
<td>LAW 616</td>
<td>Client Relations and Interviewing Skills</td>
<td>3</td>
<td>New course</td>
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<td>COURSE NUMBER</td>
<td>COURSE NAME</td>
<td>S.H.</td>
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<tr>
<td>LAW 614</td>
<td>Bankruptcy and Insolvency Law</td>
<td>3</td>
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<td>LAW 617</td>
<td>Commercial Law</td>
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<td>LAW 619</td>
<td>Consumer Law</td>
<td>3</td>
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<td>LAW 620</td>
<td>Debtor and Creditor Law</td>
<td>3</td>
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<tr>
<td>LAW 621</td>
<td>Employment and Labour Law</td>
<td>3</td>
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<td>LAW 622</td>
<td>Environmental Law</td>
<td>3</td>
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<td>LAW 623</td>
<td>Family Law</td>
<td>3</td>
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<td>LAW 624</td>
<td>Financial Institutions</td>
<td>3</td>
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<td>LAW 625</td>
<td>Health and Elder Law</td>
<td>3</td>
<td></td>
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<td>LAW 626</td>
<td>Human Rights Discrimination Law</td>
<td>3</td>
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<tr>
<td>LAW 627</td>
<td>Immigration and Refugees Law</td>
<td>3</td>
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<tr>
<td>LAW 628</td>
<td>Insurance Law</td>
<td>3</td>
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<td>LAW 629</td>
<td>Intellectual Property Law</td>
<td>3</td>
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<td>LAW 630</td>
<td>International Law</td>
<td>3</td>
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<tr>
<td>LAW 631</td>
<td>Landlord and Tenant Law</td>
<td>3</td>
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<td>LAW 632</td>
<td>Municipal Law</td>
<td>3</td>
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<td>LAW 633</td>
<td>Natural Resource Law</td>
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<td>LAW 634</td>
<td>Advanced Negotiation</td>
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<td>LAW 635</td>
<td>Remedies</td>
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<td>LAW 636</td>
<td>Religion and the Law</td>
<td>3</td>
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<td>LAW 637</td>
<td>Securities Law</td>
<td>3</td>
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<tr>
<td>LAW 638</td>
<td>Tax Law</td>
<td>3</td>
<td></td>
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<tr>
<td>LAW 639</td>
<td>Advanced Tax Law</td>
<td>3</td>
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<tr>
<td>LAW 640</td>
<td>Special Topics in Law</td>
<td>3</td>
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<tr>
<td>LAW 641</td>
<td>Individual Directed Research</td>
<td>3</td>
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<tr>
<td>LAW 642</td>
<td>External Moots</td>
<td>3</td>
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<tr>
<td>LAW 701</td>
<td>Practicum</td>
<td>3-6</td>
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C. Optional Specializations – 9 Semester Hours

To receive a specialization, students must complete the required courses and three of the six elective courses. In addition, students must complete one of their three practica requirements in the area of their specialization.
E. COURSE DESCRIPTIONS

1. Required Courses

LAW 501 Introduction to Law (0 semester hours)
This course introduces students to law, the legal system and the legal profession. It will teach students the basic skill of how to read and analyze a case. By the end of Orientation Week, students should be able to write a basic case brief.

LAW 502 Contract Law (5)
This course sets out the rules for the formation of legally binding contractual relationships. The course will cover the formation and interpretation of contracts. Further, it will cover the enforcement of contracts including the remedies available in the event of a breach of contract. This is a full year course.

LAW 503 Tort Law (5)
Tort law is a foundational component of the common law system beginning as a system covering legal wrongs between private individuals. Today tort law has evolved into a complex body of law encompassing interactions between public and private entities. This course will cover the common law claims and defences for intentional torts such as assault, battery, false imprisonment, trespass and nuisance. Further, it examines the area of negligence. Other topics which will be examined include strict liability, defences, the assessment of damages and modern alternatives to tort law such as statutory compensation. Students will look critically at legal
actions involving carelessness and recklessness. Students will critically examine the role of torts in society and explore new developments in Canadian tort theory. This is a full year course.

**LAW 504 Constitutional Law** (5)
Canada is governed by a variety of documents collectively called “the Constitution.” The first half of this course covers the “division of powers”; that is, the law that governs the relationship between different levels of government in Canada. The intended clear division between federal and provincial powers by the founding fathers of Confederation has been made more complex by new inventions, developments and circumstances such as aeronautics, telecommunications and commercial realities of the twenty-first century. The second half of the course will focus on the Canadian Charter of Rights and Freedoms and examine its application and interpretation. This will include an examination of the principles of human rights and Charter values. This is a full year course.

**LAW 505 Property Law** (5)
Canadian society, indeed Western society, places a high value on the ownership of property, including both land and things. This first part of the course examines the rules governing possession and ownership of real property (land). The second part of the course examines the rules governing possession and ownership of personal property (things). It will also examine the social context for use and ownership of property. This is a full year course.

**LAW 506 Criminal Law** (5)
This course examines the general principles of liability in Canadian criminal law as applied in the criminal trial process. Students will learn the legal elements of a crime and will use the Criminal Code to consider the elements of specific offences. Students will be provided with an introduction to common law and statutory defences as well as an overview of the process by which these various elements are proved in court. This course also canvases basic concepts, principles and institutions of criminal procedure, as well as focuses on the review of the most important rules governing the criminal process from the investigative phase through the laying of charges until conviction, sentencing and beyond. The student who successfully completes the course will have a good understanding of the norms of procedure set out in the Criminal Code and related statutes, as well as the procedural rights guaranteed by the Charter of Rights and Freedoms. This is a full year course.

**LAW 507 Fundamentals of Canadian Law: Common Law and Statutory Instruments** (2.5)
In this course, students will become familiar with the principles of the common law system, including the doctrines, principles and sources of the common law, how it is made and developed and the institutions within which law is administered in Canada. It further examines how laws are made and the principles of legislative interpretation and statutory analysis. It will also
examine how regulations are made under legislation and the relationship between legislation and regulations. Legal research will be a component of this course.

**LAW 508 Introduction to Practice Skills and the Practice of Law** (2.5)
Beyond understanding legal principles, the lawyer must master a variety of skills to use in private practice, many of which are more relational and creative (right-brained) than cognitive and linear (left-brained). This course introduces students to professionalism, engaging with clients, the art of negotiation and advocacy (both written and oral) in the context of representing clients. It will include the first year practicum and a moot court.

**LAW 601 Practicum** (0)
Upper year students must complete two practica. Law 601 will not be for credit but can include a broad range of possible placements.

**LAW 602 Ethics and Professionalism** (3)
Is law a calling, a job or a business? The lawyer, as a professional, is governed by a professional body of peers that establishes a code of conduct and general practices. This course focuses on the practice of law as public service and addresses the question of what does it mean to be a professional? It will also address the principles of ethical practice, particularly issues covered by the Code of Ethics. It challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing their professional obligations and responsibilities.

**LAW 701 Practicum** (3)
Upper year students must complete two practica. Law 701 will be a supervised practicum for academic credit.

**LAW 702 Administrative Law** (3)
Administrative law broadly covers the exercise of government power excepting that of criminal law powers. It regulates how governments exercise their authority, including both political and administrative authority. Administrative law addresses both direct exercise of government decision-making and the host of tribunals governments establish. This course will cover the rules governing how governments make decisions and carry them out as well as the procedures to challenge those decisions, including judicial review. Students will have the opportunity to visit a tribunal hearing.

**LAW 703 Business Organizations** (3)
This course will cover all aspects of business organizations from sole proprietorships to partnerships to corporations. The first question posed will be, “what type of business organization
is best?” Students will be required to complete all phases of incorporating and dissolving a corporation. They will also cover the legal effect of incorporation, responsibilities of directors, control and management of corporations and minority shareholder rights.

**LAW 704 Civil Procedures (3)**
An inquiry into the functions of a modern procedural system with specific consideration of the extent to which the litigation process aids in the achievement of just, speedy and economic resolutions of justiciable conflicts. Students will be introduced to the basic structure of a civil action and major items for consideration throughout the development of civil litigation. In the result, such matters as the expenses of litigation, jurisdiction, initial process, pleadings, amendment, joinder, discovery, disposition without trial and alternatives to adjudication will be discussed.

**LAW 705 Evidence (3)**
This course surveys the history of rules of evidence in Canadian law. The course introduces students to principles of admissibility, relevance, types of witnesses, written versus oral evidence and the use of demonstrative evidence in court and tribunal proceedings in Canada. It also examines concepts and rules relating to burdens of proof, presumptions, exclusionary rules, ethical issues in the law of evidence and the effects of the *Canadian Charter of Rights and Freedoms* on the law of evidence.

**LAW 706 Jurisprudence (3)**
Canadian law took shape from its British and French origins, both of which were heavily indebted to a Judeo/Christian understanding of law. This course explores the philosophical, social, historical, political, and religious underpinnings of the law and legal systems. Key questions include, “what is law?” and “do we have an obligation to obey the law?” Recurrent themes include the relationship between law and morals, legal reasoning and logic, and the relationship between law and liberty. The course will challenge students to understand, first through an historic lens, the development of notions of justice, fundamental rights of persons, and the use of force and punishment in society. Then the course will examine modern and postmodern legal theories as they affect current legal and ethical problems in Canadian and international discourse.

**LAW 707 Practice Management (3)**
The private practice of law is both a profession (calling) and a business; lawyers live and manage this tension on a daily basis. This course will introduce students to the business and administrative aspects of a law practice while keeping in view the duties owed by a lawyer to clients and the state. The class sessions will be highly interactive with many “hands on” experiences in the use of practice management tools and processes.
LAW 708 Real Estate Law (3)
This fundamental course will familiarize students with the mechanics and legalities of a real property transaction from its inception to post completion. The course examines the legal structure, the legal problems and the legal remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. We will examine the agreement of purchase and sale that is the foundation of every real estate transaction, what should be included in it, how it should be drafted, how it is completed and what remedies are available for its breach. Other issues that will be examined include the two systems of land registration, real estate agents duties, mortgages and other security, development-related issues, leases, easements, title insurance, fraud and solicitor's opinions.

LAW 709 Wills and Trusts (3)
Students will understand the rationale and principles for preparing wills and have an opportunity to draft one. They will also understand the consequences of not having a will. The rules governing the administration of estates, particularly, the terminal tax return, rules governing matrimonial property, the care of dependants and distribution of assets. So-called “living wills” and issues around incapacity and substitute decision-makers will also be covered. Students will become familiarized with the law of trusts and their formation, benefits, regulation and taxation. The role and responsibilities of trustees will also be addressed.

2. Elective Courses

LAW 611 Aboriginal Law (3)
Aboriginal peoples in Canada belong to more than 50 nations. This course will examine the historical development of treaty rights and aboriginal title. It will consider the complex issue of self-government and aboriginal justice. Students will examine the Indian Act along with federal government proposals for amendment. As well, students will examine the legal cases involving aboriginal rights.

LAW 612 Advanced Advocacy (3)
The lawyer is an advocate. Students will learn to write effective legal arguments and how to express themselves persuasively. Students will be required to prepare written submissions, including a factum, and argue a moot court.

LAW 613 Alternative Dispute Resolution (3)
While most of the emphasis and popular attention in the arena of dispute resolution has focussed on litigation and the drama of the courtroom, increasingly, in practice, disputes are managed and resolved outside of trial. Lawyers who are assisting clients with disputes have an array of options
available to them including negotiation, mediation, arbitration and litigation, each of which is useful and appropriate in different circumstances. This course will focus on the “alternative” dispute resolution options with a balance of theory and practice.

**LAW 614 Bankruptcy and Insolvency Law (3)**
Bankruptcy and insolvency law assumes an important economic and social role in contemporary credit economies. The course will consider liquidation and reorganization as the two basic approaches to bankruptcy and focus on three legislative arenas: the *Bankruptcy and Insolvency Act* (BIA), the *Companies’ Creditors Arrangement Act* (CCAA) and relevant provincial legislation. Students will become familiar with the fundamentals of the business and personal bankruptcy process including the various actors in the system. This course will familiarize students with monetary obligations, the rights and obligations of creditors and debtors, priorities among creditors, and certain restrictions on the discharge in bankruptcy of categories of debt. Students will apply the relevant statutory framework and case law to fact patterns in each stage of the bankruptcy process. The course will consider the broader public policy and institutional interests at play.

**LAW 615 Charities and Not-for-Profits Law (3)**
This course examines the special legal principles which apply to charities and not-for-profit corporations, with particular emphasis on the new federal and provincial not-for-profit legislation. It will cover incorporation, fundraising, taxation, and governance issues.

**LAW 616 Client Relations and Interviewing Skills (3)**
The practice of law is driven by the needs of clients. This course gives students practical skills for interviewing and advising clients, using a client-centred approach. It will help students understand the needs of clients during transactions and during challenges such as litigation. Students will discuss issues such as professionalism and ethical issues. Over half of the course time will be in practice scenarios.

**LAW 617 Commercial Law (3)**
Commercial law is that branch of private law concerned primarily with starting a business, financing a business, and the supply of goods or services by merchants and other businesses for profit. Commercial law includes such topics as sale of goods, bailment and carriage of goods, documents of title and negotiable instruments, banking, the various forms of secured credit and an introduction to the law of insolvency and bankruptcy. This course therefore provides the student with a basic understanding of the law affecting the operation of any business doing commercial transactions.
**LAW 618 Conflict of Laws (3)**
This practical course considers the increasingly prevalent issue of conflict of laws. The course will consider which court has jurisdiction to decide a case, what law should apply to the dispute, and whether the judgment will be recognized and enforced. Students will be introduced to common scenarios faced by lawyers in the context of globalization. The course will engage students in applying the Canadian rules of conflict of laws to problem-solving exercises drawn from all private law areas, including torts, contracts, property, succession and family law. This course will analyze Canadian rules of conflict of laws and equip students to assess legal situations that engage multiple jurisdictions, particularly the US and Asia.

**LAW 619 Consumer Law (3)**
This course focuses on the consumer law relating to the sale of goods and services, including an examination of the *Sale of Goods Act* and the *Business Practices and Consumer Protection Act*. Students will have an opportunity to develop practical problem-solving skills by applying relevant authority to contemporary scenarios. Students will also be introduced to the Vienna Convention on the International Sale of Goods.

**LAW 620 Debtor and Creditor Law (3)**
This course provides an examination of the methods by which unsecured creditors may enforce money judgments. There will be an overview of the general principles and forms of relief offered by provincial and federal legislation. A review will also be made of exemptions from enforcement that are available to debtors as well as other legal rights accorded to debtors after judgment. The course will be a combination of lecture, case analysis, and discussion of practice problems.

**LAW 621 Employment and Labour Law (3)**
All aspects of the employment relationship will be covered in this course including the employment relationship, the contract, implied rights and obligations and terminating the employment relationship. As it is termination of employment that is most frequently litigated, it will be examined in detail including constructive dismissal, reasonable notice, dismissal for cause and damages. Human rights legislation, as it applies to employment, will also be a significant topic. This course also addresses the relationship between management and labour when there is a union. It will include the historical development of unions in Canada. It will also cover all aspects of unionization including certification, bargaining in good faith, the collective agreement and industrial conflict.

**LAW 622 Environmental Law (3)**
This course examines the regulatory framework for environmental law, including federal and provincial jurisdictions. As well, it addresses the wide variety of environmental issues, including pollution, biodiversity and climate change.
LAW 623  Family Law  (3)
The family is said to be the basic building block of society. This course will examine the state’s regulation of the family and critically assess whether state regulation has changed the family or responded to social changes. It will also include an assessment of the current challenges in family law, especially the backlog in the courts, and alternative dispute resolution and mediation as alternatives.

LAW 624  Financial Institutions  (3)
This course examines the law relating to banks and other deposit-taking institutions, such as credit unions. Particular emphasis will be on the regulatory framework, the bank and customer relationship and clearing systems such as ACSS, LVTS, Interac, credit cards and third party payment providers.

LAW 625  Health and Elder Law  (3)
This course introduces students to the law relating to the Canadian health care system with a particular focus on care for the elderly. The first half of the course will cover the regulation of the health care system including health care professionals, informed consent to medical treatment, malpractice, confidentiality and disclosure of health information. The second half of the course will address specific issues related to our aging population, including mental disability, substitute decision-making and end-of-life decision-making.

LAW 626  Human Rights and Discrimination  (3)
This course examines the historical roots for human rights legislation in Canada. Students will examine the structure of the human rights codes in terms of prohibited grounds and specific discriminatory practices. It will include critically examining human rights procedure, including the transition of provinces like British Columbia and Ontario to new systems that change the role of the Human Rights Commissions.

LAW 627  Immigration and Refugees Law  (3)
Canada is largely a country of immigrants. This course will cover the regulatory framework for immigration to Canada. It will also critically assess the issues raised by Canadian immigration policy. As well, students will be introduced to the international and national rules governing refugees.

LAW 628  Insurance Law  (3)
This course will examine the theory and elements of the practice of insurance law, with reference to the most common forms of both first party and third party insurance: property, life and motor vehicle insurance. It will cover the basic theory of insurance as a loss spreading mechanism; the
nature of insurance contracts; the insurance industry; principles of indemnity insurance; the duty of good faith and obligation of full disclosure; and the claims process. It will also cover selected issues on interpreting insurance policies.

**LAW 629 Intellectual Property Law (3)**

Intellectual property laws protect ideas, creativity and designs. These are protected by patents, trademarks, copyright and industrial design. This course will examine the rules governing each of these, the protection they offer and enforcement of each of these protections. Other rules and remedies, such as passing off, will also be covered.

**LAW 630 International Law (3)**

This course will cover the sources, development and institutions of international law. It will address the relationship between international law in its customary and conventional forms and the domestic laws of Canada. Trade, investment, peace and security and international human rights will be canvassed. Students will have the opportunity to assess bilateral and multi-lateral international agreements including the NAFTA, WTO and UN Agency-generated treaties.

**LAW 631 Landlord and Tenant Law (3)**

This course considers the essential landlord-tenant relationship in both residential and commercial contexts. It introduces students to the critical legal elements of the relations, including the requirements for the formation of a valid agreement, the rights and duties of the parties under the agreement, and remedies for breach. Students will become familiar with the statutory regimes governing landlord-tenant relationships. The course will provide opportunities for students to critically assess commercial and residential tenancy agreements for compliance with the relevant statutory provisions. Students will also engage in problem-solving exercises in order to advise clients on the best course for pursuing remedial action.

**LAW 632 Municipal Law (3)**

Issues of development and planning have become increasingly controversial. This course is an introduction to the basic structure, functions and powers of municipal or local governments. It will start with where municipal governments get their powers and how they make by-laws. It will include municipal taxation. A significant part of the course will focus on municipal planning and land use.

**LAW 633 Natural Resource Law (3)**

The course begins with an overview of the development of Canadian natural resource law, including some underlying philosophies, principles and ethics. This foundation will lead to an examination of the natural resource law framework in Canada from federal, provincial, municipal and Aboriginal perspectives. The course will also explore the legislation and common
law principles that govern natural resource protection, compliance, enforcement and liability for natural resource harm, natural resource rights, public participation and environmental assessment. Emphasis will be placed on the specific example of forestry, but will also include mining, oil and gas and fisheries.

LAW 634 Advanced Negotiation (3)
This skills-based course will develop negotiating theory and skills through practical assignments and readings on negotiation theory. Each week, students will have opportunity to participate in a practice scenario and to analyze the results. Coaching and peer input will be provided.

LAW 635 Remedies (3)
This course introduces students to legal and equitable remedies in the area of private law, predominantly torts, property and contract law. The class will emphasize principles governing remedial selection. Students will become familiar with the range of remedial options available in law, and will practice developing creative strategies to best meet clients’ needs. The course will provide opportunities for students to apply their learning by analyzing problems, drafting opinion letters, and offering client advice in a client counselling session.

LAW 636 Religion and the Law (3)
This course examines the relationship between religion and the state in a wide variety of contexts. Chief Justice McLachlin noted that “both law and religion are comprehensive doctrines,” that is, they place total claims on lives of citizens and adherents. This will inevitably lead to conflicts. Specific focus will be on Canada and will include human rights, regulation of religious institutions and accommodation of religious difference.

LAW 637 Securities Law (3)
This course covers securities regulation, predominantly through the raising of funds for corporate development through selling securities to the public. The course will focus specifically on the B.C. Securities Act. The course will include registration requirements for persons trading in securities, prospectus requirements to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements and take-over bid legislation.

LAW 638 Tax Law (3)
This course covers the fundamental principles, concepts, and application of Canadian federal income tax legislation. Topics include the concepts of income and liability for tax; income from employment, business, and property; shareholder benefits; deductions; capital gains and losses; computation of taxable income and tax planning for individuals. The course emphasizes
understanding of the conceptual structure of the *Income Tax Act* and the application of its rules to practical cases.

**LAW 639  Advanced Tax Law  (3)**
This advanced course covers the principles of taxation that apply to entities other than individuals. It surveys tax implications that apply to corporate reorganizations, tax planning, and the application of tax principles and concepts to complex tax situations like trusts, partnerships, and corporations. Topics include shareholder benefits; transfer of property to corporations; anti-avoidance and other rules; purchase or sale of a business; partnerships; death; trusts; and intra-family property transfers.

**LAW 640  Special Topics in Law  (3)**
To be established where faculty expertise exists.

**LAW 641  Individual Directed Research  (3)**
To be established where student interest exists.

**LAW 642  External Moots  (3)**
To be established when student teams participate in external moots.

For new course outlines, see Appendix Eight.

**F. PROGRAM DELIVERY**

The program will be delivered mainly through the classroom, supplemented by mentoring and practica. The size of all first year classes will intentionally be kept to approximately 30 students or less (so that there will be two sections of each class) in order to ensure a high degree of classroom interaction. The majority of first year courses will be taught as full year courses with upper year courses as one semester courses.

The program emphasizes practical experience. Supervised practica may include the legal aid clinic, competitive moot, or a pro bono placement with an NGO such as the Red Cross, International Justice Mission, Amnesty International, Christian Legal Fellowship or Christian Prison Fellowship. Non-credit placement, which can be paid, may include a summer job with law firm, a summer placement with government, a courthouse or tribunal placement, correctional services, legal research for an NGO, or a political office. TWU has a small campus in Ottawa, the Laurentian Leadership Centre (LLC), which will offer practicum opportunities for students in the summer months with federal government, political offices and NGOs.
Students in the J.D. program will be able to accrue practicum experience through the pro-bono legal clinic TWU plans to establish with the partnership of a charitable organization serving the less fortunate in Vancouver and the Fraser Valley. Many clients of this type of organization have legal issues and often do not have the resources to get the assistance of a lawyer. Students working in the clinic will work one day a week under the supervision of a staff lawyer.

**G. LEGAL CLINIC**

TWU proposes to establish a pro bono legal clinic with the partnership of a charitable organization serving the less fortunate in Metro Vancouver and the Fraser Valley. Many clients of this type of organization have legal issues and often do not have the resources to get the assistance of a lawyer.

Students working in the clinic will work one day a week under the supervision of a staff lawyer. The legal clinic will be developed once approval for the TWU School of Law is granted. An expression of interest from Union Gospel Mission in the downtown east side is included with the Letters in Support in Appendix Seven.

**V. The Facilities Plan**

**A. DEVELOPMENT PROCESS**

The proposed School of Law will be housed in a new state of the art building (the “School of Law Building”). The School of Law Building will be a spacious and inviting building (see Appendix Ten for a cost estimate). It will have a prominent presence on the campus and will become a “signature” building for Trinity Western University. The proposed building is a “live-learn centre,” meaning that there are dormitory facilities included in the building. While not all students will be able to take advantage of on-site dormitory facilities, those who do will have an enhanced community experience.

Appendix Eleven includes preliminary concept drawings. These drawings are based on research conducted on existing law school buildings in Canada and the U.S. The preliminary concept drawings have been drafted to ensure there are adequate classrooms and other facilities to properly offer the number and type of courses in the proposed J.D. program. TWU has been advised that, including the six months for architectural drawings, the School of Law Building could likely be completed in 18 months to two years from the date that approvals are provided.
B. THE SCHOOL OF LAW BUILDING

In particular the School of Law Building will include the following:

Spacious Lobby/Student Commons
People arriving at the School of Law Building will enter into a spacious lobby area. This lobby area or student commons will include a number of seating areas. It will be designed to create a welcoming and warm atmosphere for students and visitors.

Student Collegium
The School of Law Building will include a student collegium (lounge) modelled after the successful Graduate Collegium at TWU. The collegium will include comfortable seating, a partial kitchen area, coffee machine, computer stations with printers etc.

Law Library
The Law Library will be housed on two floors in approximately 14,250 square feet of space. The Law Library is more fully described in the Library Plan (Section VII below).

State of the Art Moot Court Room/ Lecture Theatre
This 2,200 square foot, 200 seat, high quality, lecture theatre will be designed to simulate a large courtroom. It will provide a fully equipped mooting facility but also will be useable for overall School of Law events, special lectures, law conferences and larger classes.

Large Classroom
This more general classroom will seat up to 75 students.

Skills Training Facility (Client Meetings, Witness Interviews, Negotiation and Mediation)
This multi-purpose room will be designed to assist students to develop some of the practical skills needed in the practice of law. This room will be used to teach interviewing, negotiation and mediation skills. It will include an observation area.

Two Medium (45 Seat) Classrooms
The School of Law Building will include two medium-sized classrooms designed for classes with up to 45 students.

Six Breakout/Meeting/Small Classrooms
Six breakout, meeting or small classrooms will be strategically located throughout the School of Law Building.
Executive Meeting Room
This 30 seat executive meeting room will be designed in boardroom style. It will be used for staff and faculty meetings and other School of Law business.

Faculty and Staff Offices
The School of Law Building office area will include 20 offices for full-time and adjunct faculty and staff. One office will be larger and executive-style to be used by visiting judges, lawyers or other visiting scholars. The office area will also include adequate space for School of Law staff.

Dean's Office
The Dean's Office will incorporate a professional meeting area for six to eight people.

Faculty Lounge
A faculty lounge will be included in the office area. This will be designed to encourage a collegial atmosphere between faculty members. It will include a comfortable seating and a partial kitchen.

Articling and Career Centre
An Articling and Career Centre will be maintained to provide students with information and advice on a range of career goals and opportunities, with a particular focus on articling placements. In particular, the Articling and Career Centre will run a variety of programs to prepare students for summer, articling, and clerking positions. It will also have an outreach function in working with small law firms to develop new articling positions.

Law Student Association Office
It is anticipated that the TWU School of Law will include a Law Student Association. While formation of such an association will be at the discretion of law students, space has been allocated for this purpose.

VI. The Law Library Plan

A. OVERALL LIBRARY OBJECTIVES

The library plan will be developed in accordance with the Canadian Academic Law Library Standards, which is included in Appendix Twelve.

The School of Law will maintain a law library that is an active and responsive force in the educational life of the law school. The law library's effective support of the School of Law's teaching, scholarship, research and service programs will require a direct, continuing and informed relationship with the faculty, students and administration of the School of Law.
The law library shall have sufficient financial resources to support the School of Law’s teaching, scholarship, research, and service programs. These resources shall be supplied on a consistent basis. The School of Law will keep the law library abreast of contemporary technology and adopt it when appropriate. The law library will have its own librarian and staff, sufficient to meet the needs of faculty and students.

B. THE LAW LIBRARY FACILITY

The law library will be housed in approximately 14,250 square feet within the new School of Law Building. It is recognized that this space allocation is lower than other Canadian law school libraries. However, given the vast availability of legal resources in an electronic format, and the availability of interlibrary loans, this will provide faculty and students more than adequate access to legal resources.

The law library will include 75 computer stations and study carrels. Law students will be given priority for the use of these computer stations/study carrels.

C. LAW LIBRARY POLICIES AND COLLECTIONS POLICY

Approximately 12 to 15 months prior to the opening of the School of Law the Director of the Law Library (see position description at Appendix Thirteen) will be hired. The Director will be tasked to develop within three months the administration and staffing structure, overall library policy and collection policy for the law library. The collection policy will be based on research of collection policies at other Canadian law schools and on the Canadian Academic Law Library Standards (see Appendix Twelve). In particular the collections policy will include the following:

- An Overall Law Library Mission Statement
- Funding Policies and Requirements
- Law Library Coverage Levels and Priorities
- Resources Evaluation Criteria

D. ACQUISITION OF RESOURCES

In accordance with the collections policy, the Director will begin the acquisition of electronic, media and print resources approximately one year prior to the opening of the School of Law. An initial budget of $2 million has been established for the creation of the Law Library with $1,750,000 allocated for monographs and $250,000 for electronic databases. (It is recognized that electronic resources will require annual funding for licence renewals with a component allocated for rate increases). The university currently has subscriptions for several electronic
databases that will be used by law students, including Quicklaw, JSTOR and EBSCOhost. TWU is cognizant that this budget is an estimate only and may need to be adjusted as the acquisition phase proceeds.

E. RESOURCE SHARING AGREEMENTS

The Norma Alloway Library at TWU is a full participant in the InterLibrary Loan system. The law library will also provide access to resources beyond TWU through resource sharing agreements with other academic law libraries in Canada and the United States.

VII. Faculty and Staff

A. FACULTY AND STAFF REQUIREMENTS

The School of Law will strive to appoint only the most highly qualified professors to teach in the School. It is recognized that an LL.M. (or equivalent) is considered sufficient for appointment as a faculty member at Canadian law schools. The School of Law will strive to have some faculty members with doctoral degrees in law. As well, given the focus on practice skills, the School of Law will prefer candidates with solid experience in the practice of law.

Appendix Fourteen outlines the teaching requirements in the School of Law. These teaching requirements, along with the leadership and administrative needs of the School of Law and law library will necessitate over a three-year period the hiring of:

- a Dean of the School of Law
- an Assistant to the Dean
- a Faculty Secretary
- a Director of the Law Library
- an Associate Law Librarian
- two Law Library Support Staff
- a Marketing and Communications Director
- an Articling and Career Centre Coordinator
- 12 full-time faculty
- approximately 14 adjunct faculty

B. POSITION DESCRIPTIONS

Position descriptions for the Dean of the School of Law, the Director of the Law Library and a faculty member are included in Appendix Thirteen.
C. RECRUITMENT AND HIRING TIMELINE

Recruitment for the Dean of the School of Law will begin approximately two years prior to the opening of the School of Law. The objective will be that the Dean begin her/his position approximately 18 months prior to the opening of the School.

The Dean, in conjunction with the Provost, will seek to recruit and hire the Director of the Law Library approximately 12 to 15 months prior to the opening of the School of Law.

The Dean, in conjunction with the Provost, will begin recruitment of faculty 18 months prior to the opening of the School. Some potential faculty have already been contacted by TWU and have expressed interest in a position in the School of Law. However, the Dean will have primary responsibility for building the faculty team. As TWU currently does not have any law-related programs or courses, new faculty members will be hired.

As indicated in Appendix Fourteen the hiring of faculty will be a graduated process. Six full-time faculty will be needed for the opening of the School of Law. Four additional full-time faculty will be hired for the commencement of second year. Two further faculty members will be added for the commencement of the third year, bringing the full-time faculty to 12 members.

The objective will be for the Associate Law Librarian, the Marketing and Communications Director, and the Articling and Career Centre Coordinator to be recruited and commence their positions four to six months in advance of the School of Law opening. This will allow adequate time for the development of their offices and related policies.

The proposal developers, Janet Epp Buckingham and Kevin Sawatsky, both of whom are current faculty members of Trinity Western University, are potential faculty members for the School of Law. They have specializations in constitutional law, human rights, corporate and commercial law, charities and contracts. As well, during the consultation process, the Professors Buckingham and Sawatsky have had discussions with numerous potential faculty members. In particular, serious discussions have been held with potential faculty members qualified in the following areas: aboriginal law, administrative law, constitutional law, criminal law, employment law, human rights, labour law, international law, jurisprudence and torts. Numerous lawyers within easy driving distance from the University have indicated an interest in teaching courses as adjunct professors. We are confident we can obtain sufficient qualified faculty members.
VIII. Articling and Career Centre and Student Support Services

The School of Law will include an Articling and Career Centre to provide advice and information to law students on their career goals. The Articling and Career Centre will operate a variety of programs and services to ensure law students are prepared for, and are able to obtain, summer, articling and clerk positions. The Articling and Career Centre will provide personalized career counselling and assistance in resume and interview preparation. The Articling and Career Centre will be responsible for bringing guest speakers on career options to the School of Law. The Articling and Career Centre will also host career fairs for law firms and other organizations interested in School of Law students and graduates. The Articling and Career Centre will also be responsible for assisting students in locating mentors and good practicum opportunities. It will also have an outreach function in working with small law firms to develop new articling positions.

The Articling and Career Centre will be staffed by an Articling and Career Centre Coordinator along with administrative support staff.

IX. Financial Plan

TWU has developed a financial plan (the “Financial Plan”) for the School of Law that has been reviewed by the Board of Governors. This Financial Plan is based on the following principles:

• The School of Law will be a distinct business unit under the direction of the Dean of the School of Law.

• The School of Law must be adequately funded to ensure there is consistent excellence in the provision of academic programs.

• The School of Law will be operating in a highly competitive environment with respect to the ability to recruit and retain high quality faculty. The School of Law salary budget will need to be structured to recognize this competitive environment.

• The law library must have sufficient financial resources to support the School of Law’s teaching, scholarship, research, and service programs

• The School of Law must be self-sustaining by its third year of operation.
• The School of Law cannot have a detrimental impact on the overall finances of the University nor negatively impact other areas of campus.

Highlights of the Financial Plan include the following:

• The Financial Plan is based on a first year cohort of 60 students with the total student body increasing to 170 students by year three. Market research has been conducted by Concerto Research Inc. which indicates that “…demand for the Trinity Western Law School projects to safely meet enrollment targets.”

• The School of Law will not be publically funded and will therefore be dependent on tuition. Tuition will be just slightly higher than undergraduate tuition rates at TWU, commencing at $25,500 in 2015. Again market research by Concerto Research Inc. confirms there is adequate demand at that tuition price.

• By year three the School of Law will have a salary budget of $2,225,000 for faculty and support staff.

• By year three the School of Law will have a direct operating expense budget of approximately $600,000. (This is direct operating expenses only and excludes salaries, capital expenditures and facility overhead costs.)

• Following required approvals, TWU will immediately commence a capital campaign to fund building costs, pre-commencement development costs, library acquisitions, scholarships and endowment. It is anticipated that the capital campaign will be in the 18 to 20 million dollar range.

X. Accountability

A. STRUCTURE

The J.D. program will be administered by the Dean of the School of Law, who will report to the Provost.

B. EVALUATION AND ASSESSMENT

The J.D. program will be subject to the normal academic review procedures of the Academic Division at TWU. It will be assessed regularly to ensure it meets its goals, objectives and expected learning outcomes. In particular the program will be assessed by regular student evaluations,
surveys of School of Law graduates, credentials and research of faculty and an overall program review every five years.

The School of Law is also committed to working closely with the Federation of Law Societies of Canada and the Law Society of B.C. and fully complying with any program evaluation and assessment requirements they establish.

XI. Implementation Timeline

A. TARGET LAUNCH DATE

The target launch date for the J.D. program is September 2015.

B. ENTERPRISE IMPLEMENTATION TIMELINE

If all needed approvals are completed by early 2013, there will be sufficient time to construct the School of Law building, purchase library resources, hire required faculty and staff, and to recruit the first class.
APPENDIX ONE

Members of the TWU School of Law Task Force (2008)

1. Jonathan S. Raymond, Ph.D., President – TWU, Langley, B.C.

2. Dr. Donald Buckingham, Law Professor, Lawyer – Federal Department of Justice, Ottawa, ON

3. Dr. Janet Epp Buckingham, Director of Laurentian Leadership Centre of Trinity Western University, Ottawa, ON

4. Geoffrey Cowper Q.C., Partner – Fasken Martineau LLP, Vancouver, B.C.

5. Dr. Dennis Jameson, Provost – TWU, Langley, B.C.

6. Robert G. Kuhn, Partner – Kuhn and Company, Abbotsford, B.C.

7. Dr. Eugene Meehan Q.C., Partner – Supreme Advocacy LLP, Ottawa, ON

8. Kevin G. Sawatsky, Lawyer, Professor of Law – TWU, Langley, B.C.

9. Elizabeth, Davis, Facilitator, London, ON

Note: additional members of this task force asked that their involvement be kept confidential.

1. Dr. Donald Buckingham, Law Professor, Lawyer – Federal Department of Justice, Ottawa, ON

2. Dr. Janet Epp Buckingham, Director of Laurentian Leadership Centre of Trinity Western University, Ottawa, ON

3. Dr. Eugene Meehan Q.C., Partner – Supreme Advocacy LLP, Ottawa, ON

4. Prof. Kevin Sawatsky, Professor of Law – Trinity Western University School of Business, Langley, B.C.

Note: Two additional members of this working group, who are faculty in other law programs in Canada, asked that their involvement be kept confidential.
APPENDIX THREE

Law School Advisory Council (2011- )

1. Kevin Boonstra, Partner, Kuhn LLP, Abbotsford, B.C.

2. Dr. Donald Buckingham, Chairperson, Canada Agricultural Review Tribunal, Ottawa, ON

3. Lorne Jacobson, Partner, Triwest, Calgary, AB

4. Dr. Eugene Meehan Q.C., Partner – Supreme Advocacy LLP, Ottawa, ON

5. Peter Mogan, Partner, Access Law, Vancouver, B.C.

6. Amber Pashuk, Public Prosecution Service of Canada, Toronto, ON

7. Earl Phillips, Partner, McCarthy Tétrault LLP, Vancouver, B.C.

Note: additional members of this advisory council asked that their involvement be kept confidential.
APPENDIX FOUR

External Review: ALBERT H. OOSTERHOFF

REPORT

on the Academic Soundness
of the Proposal for a

JURIS DOCTOR PROGRAM

at

TRINITY WESTERN UNIVERSITY

by

Albert H. Oosterhoff
Professor Emeritus
Faculty of Law
The University of Western Ontario

January 24, 2012
REVIEWER’S QUALIFICATIONS

Education

- The University of Western Ontario, J.D., 1964
- The Law Society of Upper Canada, Barrister & Solicitor, 1966
- The University of Western Ontario, B.A., 1968
- University of Toronto, LL.M., 1970

Work Experience

- Practiced law in London, Ont., 1966-68
- University of Windsor, Faculty of Law
  - Assistant Professor, 1969-70
  - Associate Professor, with tenure, 1970-72
- The University of Western Ontario
  - Associate Professor, 1972-80
  - Professor, 1980-2005
  - Associate Dean (Student Affairs), 1982-85
  - Associate Dean (Administration), 1989-92
  - Acting Dean, January 1999 – June 2000
  - Associate Dean (Academic), 2001-03
  - Retired June 30, 2005, with title of Professor Emeritus
  - Member of the University Senate for three terms and served on numerous University and Faculty Committees
  - Co-Director of the Joint LL.B./MBA Program, 1982-85 and 2001-03
- University of Toronto
  - Adjunct Professor, 2005-10 (teaching Trusts)

Academic Specialization

Property, Trusts and Wills

Publications

Numerous publications in the form of peer reviewed articles, comments, monographs, reviews, reports, and studies, and continuing legal education materials. Frequently cited in all levels of courts.

Other Activities and Memberships

Associate Editor for many years of the Dominion Law Reports, Canadian Criminal Cases, and Ontario Reports.
Consultants on a number of occasions to the Ontario Law Reform Commission, and the Uniform Law Conference of Canada, Consultant to law firms.
Member of the Law Society of Upper Canada, and the Canadian Bar Association.
1. GENERAL COMMENTS

The proposed Juris Doctor program is a very thorough and carefully considered proposal. It is very meritorious on many levels:

- The program is compatible with and builds on the University’s mission.
- It satisfies the requirements of the Federation of Law Societies of Canada. There is demonstrated student demand for sound legal education in Canada and the demand greatly exceeds available spaces.
- The unique position of the University as a faith-based educational institution permits it to offer a program that emphasizes professionalism, high ethical standards, leadership, and character development, while integrating a Christian worldview.
- The proposed curriculum includes all the courses essential to a sound legal education and requires all students to take a core list of courses, but also leaves plenty of room for student choice.
- The proposed program permits a certain degree of specialization in charities and social justice law, and small business and entrepreneurial law. The emphasis on placing graduates in smaller communities which are underserviced is a desirable goal.

In my opinion, therefore, the proposal is a sound one and highly relevant in the current Canadian market.

2. SPECIFIC COMMENTS

2.1 Program Aspects

2.1.1 Objectives

The objectives are, in some respects, unique, for a common law Canadian law school. While a renewed emphasis on professionalism and ethics has become a feature in most Canadian law schools in the last decade, and while practical assignments have been part of Canadian legal education for many years, the program takes these desirable objectives to a new level by also emphasizing leadership and character development and integrating a Christian worldview into the program.

2.1.2 Curriculum Design

The Curriculum has been designed carefully to achieve the program’s objectives.

2.1.3 Admission and Graduation Requirements

These requirements are fairly standard for a Canadian law school and are unexceptional.
2.1.4 Program Requirements

The program requirements elaborate on the design of the Curriculum. While the first year and upper year curricula are typical of the average Canadian law school, the emphasis on professionalism, practical competence, and high ethical standards sets this program apart, especially since these come into play from the outset and are built into all courses, including particularly three capstone courses.

The emphasis on a built-in practice approach is to be applauded, since it appears likely that law societies will get out of the business of operating bar admission courses.

The small-group approach in first-year is also to be applauded. This is common in many Canadian schools and is highly desirable from a pedagogical viewpoint.

2.1.5 Course Descriptions

Subject to a couple of suggestions in Section 2.3, the course descriptions are adequate and unexceptional.

2.1.6 Overall Program Design

The design of the program is adequate and unexceptional.

2.1.7 Program Delivery

As is to be expected, the program will be delivered mainly through classroom instruction. However, the program goes further than many Canadian schools by the features of mentoring and practica, important features that will set the program apart. The wide range of practicum placements sounds particularly exciting.

2.2 Strengths

In my opinion, the strengths of the program are the emphases on: (a) professionalism and high ethical standards; (b) practical competence; (c) social service; (d) a core curriculum; and the opportunity to specialize to some extent in underserviced areas of law.

2.3. Suggestions for Improvement

I have three suggestions that I believe may improve the program. I list them in no particular order:

A number of schools teach an Ethics course in the First Year. The program proposal states that the focus on professionalism, practical competence, and high ethical standards begins during Orientation Week, but there is no indication that professionalism and ethics will be taught further in the First Year. I realize that the First Year curriculum is already quite full, but I wonder if it
would not be possible to have a stronger focus on these matters throughout the First Year, perhaps by incorporating these matters in First Year courses, or during a break-out week at the start of the second term.

The second suggestion betrays my own interests, but I am concerned that there is only a joint course for Wills and Trusts, worth three semester hours. I doubt that one can do justice to both topics in such a short time frame and would prefer to see them divided into two separate courses. Lawyers practicing in smaller communities especially will be faced with wills and trusts issues on a regular basis and they will need more than an introductory course to prepare them for such a practice.

The list of required courses in the upper years has, I suspect, been considered carefully, so I am somewhat hesitant in questioning the choices. However, I am of the view that both might have made the list: Tax Law (the basic course), and Trusts. My reasons are: both Tax Law and Trusts are so pervasive in our legal system and a basic knowledge of the two subjects is essential in many areas of practice. I realize that they cannot simply be added to the list, since that would overload the required course list and have deleterious consequences for student choice. But to delete courses from the list may not be attractive to the developers of the program either. However, if it were my choice, I would delete Family Law and Real Estate Law. Neither course has the same pervasiveness as Tax and Trusts.

2.4 Resources

2.4.1 Facilities

I believe that the facilities in the form if the proposed state-of-the-art School of Law building will be adequate for delivery of the program. I assume that the building will be appropriately wired for state-of-the-art audio-visual presentations and for internet access, especially throughout the library, the classrooms, and student common areas. In my experience, seminar rooms are always in great demand and you may wish to increase their number from four to six.

2.4.2 Library

Since the library plan will be developed in accordance with the Canadian Academic Law Library Standards, I believe that the library will adequately serve the needs of the program. It is an exciting time to be planning a new law library when so many resources are now online, and, there, fewer hard copies will likely be needed. However, based on my experience, it will still be important to maintain and adequate monograph collection, both historical and current.

2.4.3 Personnel

The proposals for hiring a dean, a director of the library, and other staff and faculty have been developed with careful thought. I believe that the staffing of the Law School will be adequate for the delivery of the new program. Further, the proposed hiring of the faculty and staff over a three-year period once the program is approved and comes on stream is appropriate.
2.5 Timeline

It is a bit difficult for me to judge whether the timeline is realistic. Based on the information provided in the Proposal, it seems clear that internal approval should not present a problem and ministerial approval should not present a difficulty either. However, as the proposal indicates, the approval process of the Federation of Law Societies of Canada is new and the members of the new Canadian Common Law Program Approval Committee will be “learning on the job” so this part of the process may take a bit longer. I do not know how long it will take the Law Society of British Columbia to give its approval. Assuming that the approval time of both of these bodies is not more than a year in total, the working timeline for a launch of the J.D. Program in September 2015 is indeed realistic.

2.6 Other Observations

I believe that the proposal has demonstrated a need for a new Canadian common law school. The statistics clearly show that many qualified applicants cannot gain admission to the limited number of places. Further, from a marketing viewpoint, the special focus of the program, with its emphasis on professionalism, practical competence, high ethical standards, social service, a core curriculum, and its focus on placing graduates in smaller communities will be attractive to many applicants. So will the fact that the University provides an integrated Christian worldview for its students.

3. SUMMARY

In conclusion, it is my considered opinion that the Proposal is academically sound, will have adequate resources attached to it, satisfies regulatory requirements, and proposes a realistic timeline. In addition, the proposed program builds on the strength of the University’s mission and existing programs.

Further, there is a demonstrated need for the program. And finally, the program will be attractive to many applicants because of its emphasis on social justice, high ethical standards, professionalism, and practical competence, as well as a core curriculum and the integration of a Christian worldview into the legal studies.

Respectfully submitted.

Albert H. Oosterhoff
Professor Emeritus
Faculty of Law
The University of Western Ontario
Lyman R. Robinson, Q.C., B.A., LL.B., LL.M.

January 30, 2012

Dr. Elsie Froment,
Dean of Research, Trinity Western University,
7600 Glover Road, Langley, B.C., V2Y 1Y1

Dear Dr. Froment:

RE: EXTERNAL REVIEW of PROPOSED Juris Doctor PROGRAM at TRINITY WESTERN UNIVERSITY

I understand that it is customary for an External Program Reviewer to provide a summary of his qualifications to provide an External Review.

My academic qualifications include substantial experience in both professorial and administrative positions at two Canadian law schools, namely Queen’s University and the University of Victoria (hereinafter referred to as “UVic”). At UVic, I was one of the founding members of the Faculty of Law where I participated extensively in the design and development of its curriculum. I subsequently became the second Dean of the Faculty (1980-85). I also served as Associate Vice-President, Legal Affairs at UVic (1996-2000).

In the early 1990s, I was a member of the Board of Trustees of the Law School Admissions Council (LSAC), a not-for-profit U.S. corporation that designs and administers the LSAT test. I served as the Chair of the Budget and Legal Affairs Committee of the LSAC for several years. During that period I became quite familiar with the accreditation standards and processes for the accreditation of law schools in the United States. The LSAC does not accredit proposed law schools; however, the LSAC was named as a defendant, along with the American Bar Association (ABA) and the American Association of Law Schools (AALS), in litigation involving the accreditation of law schools.

My understanding of the competency requirements that are needed by a practicing lawyer began in 1963 when I articled with and subsequently practiced with the law firm of Crease & Company in Victoria, B.C. Throughout my academic career, I have been periodically engaged as a consultant in legal matters and I have appeared as counsel at both the trial and appellate level. During the period from 1986 to 1996, I served as a chair of adjudicative tribunals on two federal tribunals. I have also served as chair of several public inquiries and I have been the
1. EVALUATION OF ACADEMIC SOUNDNESS

Prior to writing my Review, I carefully read Draft 6 of the proposed Juris Doctor Program at Trinity Western University dated January 10, 2012 (hereinafter called “J.D. Program, Draft 6”) and the Final Report of the Common Law Degree Implementation Committee of the Federation of Law Societies of Canada dated August 2011 (hereinafter called the “Federation Committee’s Final Report on Accreditation Requirements”). I also read the draft Proposal for a School of Law at Trinity Western University, (hereinafter called the “Proposal for a Law School”).

My evaluation of the academic soundness of the proposed J.D. Program of Trinity Western University (hereinafter referred to as “TWU”) included an examination of several factors including:

(1) The Objectives of the Program;
(2) The structure and course content of the curriculum;
(3) The teaching methodologies proposed to be used in the courses;
(4) The adequacy of the resources that TWU proposes to allocate to the Program; and
(5) The likelihood of accreditation by the legal profession’s governing bodies.

After considering these factors in relation to my knowledge of the J.D. Programs of other Canadian law schools and my understanding of the substantive legal knowledge and practical skills that are required to practice law as a profession, I have concluded that the proposed J.D. Program is academically sound. My reasons for this conclusion are described in the following paragraphs.

OBJECTIVES OF THE PROGRAM: The objectives of the proposed J.D. Program are described in the J.D. Program, Draft 6, at pages 1 and 4. These objectives include a focus on professionalism, practice competence and ethical standards. These objectives are based, in part, on two reports regarding the relationship between academic legal education and the practice of law as a profession. The Federation of Law Societies of Canada Consultation Paper on the Canadian Common Law Degree dated September 2008, at page 15, paragraph 23, commented favourably upon the development of academic programs where “…academic instruction is more closely integrated with the development of practice skills”. The Federation Committee’s Final Report on Accreditation identified the competency requirements of law graduates who seek to enroll in provincial bar admission programs. This Report also emphasized the need to integrate the teaching of ethics and professionalism into law school curricula. The 2007 Report of the Small Firm Task Force prepared for the Law Society of British Columbia, at page 6, identified a need to educate law students who will be capable of practicing as sole practitioners or in small firms in less populated areas of the province. This followed an observation that when older lawyers, who are practicing in these areas retire, they are not being replaced by young lawyers. The objectives of the proposed J.D. Program respond to
needs that were identified in the above mentioned reports.

STRUCTURE AND CONTENT OF THE CURRICULUM: The structure of the curriculum of the proposed J.D. Program is similar to the structure of J.D. programs of other Canadian law schools whose degrees have been accredited by the provincial law societies, namely, 90 semester hours of course work over six terms (3 years). As is the case with most J.D. programs, all courses in the 1st Year of the curriculum are required courses because they serve as the foundation for upper year courses. It is in the 2nd and 3rd years of the TWU J.D. Program that both the structure and the content of curriculum are different than most Canadian J.D. programs. In the proposed TWU J.D. Program, students must complete 10 required courses in subjects that are regarded as essential for a graduate who is preparing to enter the legal profession. This is a significant improvement compared to many J.D. programs because it will ensure that graduates have a broader understanding of the legal subjects that are the foundation of the Canadian legal system. In many J.D. programs, it is common to have only one or two required courses in the combined 2nd and 3rd Years of the program. The course content of the proposed TWU J.D. Program is distinctive in that there is a much greater emphasis on the development of practice skills and a focus on professionalism and ethical standards. For example, two of the required courses are LAW 225 ETHICS AND PROFESSIONALISM and LAW 330 PRACTICE MANAGEMENT. I have examined the Course Description of each of the proposed courses in the J.D. curriculum and, in each case, I am satisfied that the course is academically sound and will contribute to the satisfaction of the objectives of the proposed J.D. Program.

TEACHING METHODOLOGIES: The teaching methodologies, which are proposed to be used the various courses, are suitable for the respective courses. In many cases, these methodologies will contribute to the development of practice skills and they are a significant improvement compared to the typical lecture format that is often used in basic substantive law courses in other J.D. programs.

RESOURCES: The resources, which TWU proposes to allocate to the J.D. Program, including the appointment of faculty and staff, the establishment of a law library, and the construction of a law school building, are relatively comparable to those of other Canadian law schools when the size of the proposed student body is considered. These resources will enable the School of Law to deliver the proposed J.D. Program and provide the students with a proper learning environment.

PROFESSIONAL ACCREDITATION: The likelihood of professional accreditation by the governing bodies of the legal profession is an important consideration in the evaluation of an academic program when it is proposed that the degree will serve as the credential for professional qualification. The Law Society of British Columbia will make its own decision regarding the accreditation of the proposed J.D. Program for the purpose of enrollment in its Bar Admission Program. Similarly, the Canadian Common Law Program Approval Committee (“the Approval Committee”) established under the auspices of the Federation of Law Societies of Canada will
make its own decision regarding accreditation of the J.D. Program for the purpose of determining whether graduates of the proposed J.D. Program will be eligible for enrollment in bar admission programs of other provincial law societies. In developing the proposed J.D. Program, the developers have sought to develop the J.D. Program in accordance with the requirements set out in the Federation Committee’s Final Report on Accreditation Requirements [See J.D. Program, page 4]. My analysis of the curriculum and course content of the proposed J.D. Program measured against the competency requirements described in the Federation Committee’s Final Report on Accreditation Requirements provides me with encouragement that the proposed J.D. Program will be favourably received by the governing bodies of the legal profession when accreditation of the J.D. Program is considered by them. By way of a separate document, I have provided TWU with a copy of my analysis.

On the basis of my examination of the proposed J.D. Program I am completely satisfied that the proposed J.D. Program is academically sound and that the structure and content of the curriculum will satisfy the Program’s objectives of producing law graduates who will have a comprehensive knowledge of the fundamental legal subjects of Canadian legal system and the practical skills to serve clients particularly in small law firms outside major metropolitan areas.

2. OVERALL SOUNDNESS and RELEVANCY OF THE PROPOSED J.D. PROGRAM

Program Aspects

FIRST YEAR

All of the 1st Year courses in the J.D. program are required courses. The courses are similar to those found in the 1st year program of many Canadian law schools. I have examined the structure of the 1st Year program, the course objectives, course outlines and suggested texts for each course. Subject to the two suggestions that I will make below under the heading “Suggestions for Improvements”, I have concluded that the structure and content of the 1st Year of the J.D. program will provide students with the requisite knowledge of substantive law and an introduction to practice related skills that will serve as a proper foundation for upper year courses. Where texts are suggested for a course, the texts are appropriate for the course. An important feature of the 1st Year of the J.D. program is the proposal to divide the proposed enrollment of 60 students into two sections of 30 students or less [J.D. Program, Draft 6, pages 7 and 22]. In the 1st year of a law program, it is important to provide students with an opportunity to learn to “think like a lawyer”. This involves regularly calling upon each student to articulate his or her understanding of the meaning and effect of a judicial decision or statutory provision, provide arguments in support of his or her understanding or interpretation, and respond to any contrary arguments. This teaching technique develops a student’s analytical skills as well as the skill of making oral presentations. In my experience, this technique is most effective in classes with 30 or fewer students.
2nd & 3rd YEARS
The structure of the 2nd and 3rd Year of the J.D. Program requires each student to complete 10 required credit courses (one of which must be taken in 2nd Year) and two practicums (LAW 200 does not have any semester hour credit). After examining the structure of the proposed 2nd and 3rd program, the course outline for each course, and the proposed teaching methodology for each course, I have concluded that they are academically sound and consistent with objectives of the J.D. program. The proposed texts have been written and prepared by well-known and respected legal authors. The proposed teaching methodologies are suitable for the respective courses.

Strengths of the Proposed Program

There are several strengths of the proposed J.D. Program that merit emphasis. They include:
(a) DEVELOPMENT OF PRACTICE COMPETENCIES AND SKILLS: The integration of practice competencies and skills into the J.D. curriculum is an objective of the J.D. Program. The proposed J.D. program accomplishes this objective in many courses, including:
LAW 111A and LAW 111B CONTRACT LAW [J.D. Program, Draft 6, pages 29 & 30]: In both of these courses, students will be introduced to the principles of drafting contracts and given practice in negotiating and drafting contracts.
LAW 117 INTRODUCTION to PRACTICE SKILLS and the PRACTICE OF LAW [Draft 6, page 40];
LAW 305 BANKRUPTCY AND INSOLVENCY LAW [J.D. Program, Draft 6, page 49]: Students will be given practice drafting bankruptcy documents (proposals, assignments, etc).
LAW 306 BUSINESS ORGANIZATIONS [J.D. Program, Draft 6, pages 4, 13 & 51]: Students will be required to complete or “walk through” all steps of incorporating and dissolving a corporation.
LAW 308 CIVIL PROCEDURE [J.D. Program, Draft 6, page 53]: One of the course objectives is to develop legal drafting skills including the drafting of civil pleadings.
LAW 309 CLIENT RELATIONS and INTERVIEWING [J.D. Program, Draft 6, page 54]: Over half of the course time will be devoted to practice scenarios.
LAW 329 NEGOTIATION (Advanced) [J.D. Program, Draft 6, page 78];
LAW 331 REAL ESTATE LAW [J.D. Program, Draft 6, page 80]: The course objectives include developing practical skills through problem solving exercises.
LAW 332 REMEDIES: The Course Description includes “drafting opinion letters”.
LAW 337 WILLS and TRUSTS: Students will be given practice in taking instructions for drafting a will [J.D. Program, Draft 6, page 87] and drafting a simple will [J.D. Program, Draft 6, page 20].

A secondary benefit, which flows from the development of practice skills, is that it demonstrates the importance of having a thorough understanding of the relevant substantive legal principles.

(b) DESIGNATION OF REQUIRED COURSES: The designation of 10 courses in the 2nd and 3rd years of the J.D. program [J.D. Program, Draft 6, Page 7 & 8] as required courses is an important strength of the J.D. program. Over the past 40 years, the trend in most Canadian law schools has been to make the 2nd and 3rd year curriculum largely optional subject to one
or two required courses. Consequently, a student who has chosen an esoteric selection of optional courses, may not have a broad knowledge of the fundamental legal subjects that are the foundation of the Canadian legal system and may not have developed the practical skills that a lawyer needs to engage in the general practice of law with a small firm or as a solo practitioner. The proposed J.D. program, by designating 10 courses as required courses, ensures that each graduate of the program will have thorough knowledge of the legal subjects that are fundamental to the Canadian legal system and the practice skills to engage in the practice of law.

(c) ETHICS AND PROFESSIONALISM: An objective of the proposed J.D. Program is to focus upon and integrate ethical standards and professionalism into the curriculum. The proposed J.D. program accomplishes this objective in many courses and it is an important strength of the program. LAW 225 ETHICS and PROFESSIONALISM [J.D. Program, Draft 6, pages 12 & 43] is a required second year course where these topics are the center of attention. Examples of specific aspects of ethics and professionalism, which are expressly incorporated into other courses, include: LAW 117 INTRODUCTION TO PRACTICE SKILLS and the PRACTICE OF LAW; LAW 303 ADVANCED ADVOCACY; LAW 309 CLIENT RELATIONS AND INTERVIEWING SKILLS; LAW 313, DEBTOR and CREDITOR LAW; LAW 316 EVIDENCE, a required course; LAW 330 PRACTICE MANAGEMENT a required course; LAW 334 SECURITIES LAW; LAW 335 TAX LAW; LAW 336 TAX LAW (Advanced); and LAW 337 WILLS and TRUSTS.

Suggestions for Improvement of the Proposed Program

My comments in this section should not be interpreted as a criticism of the proposed J.D. Program but rather as observations that the developers of the Program may wish to consider as they proceed with the implementation of the Program.

FIRST YEAR CURRICULUM:

LAW 110 INTRODUCTION TO LAW [J.D. Program, Draft 6, page 28] is a required, not for credit, course that will be completed by first year students in the first week of the Fall Term. The objectives of this course include introducing students to the study of law, law as a profession and a calling, and teaching students how to read, analyze and brief a reported legal case. For most students, the study of law is an entirely new academic discipline with many components. While the stated course objectives are important, “case briefing” is a significant component of other first year courses (see, for example, LAW 112A and LAW 112B TORTS). I think that is equally important that students in an introductory course of this nature be given a framework of how the various components of the legal system relate to one another. The framework should include the basic structure of the constitution (division of powers), the legislative system (federal and provincial), the role of the courts in the interpretation of the constitution, legislation, and the development of the common law, and the role of private law where parties structure their own legal relationships by means of contracts, wills, and other legal arrangements. Students, who have a framework of this
nature, will be in a better position to understand how the content of the remainder of the 1st Year courses relate to legal system as a whole.

LEGISLATION and the PRINCIPLES OF STATUTORY INTERPRETATION:
The J.D. Program, Draft 6 at page 6, states:
“As with most law schools across Canada, TWU’s first year program will have a strong focus on learning to read and analyze case law.”
This statement is followed, in the next paragraph, by a reference to Law 116, FUNDAMENTS OF CANADIAN LAW, where students will “… gain an understanding of how the common law and the Canadian legal system function”. My concern is the balance in the 1st Year curriculum between the development of the common law and the importance of legislation and the principles of statutory interpretation in Canada’s legal system. LAW 111A and B CONTRACT LAW, LAW 112A and B TORT LAW, and LAW 114A and B PROPERTY LAW place heavy emphasis on the development of the common law on a “case-by-case” basis. There is a question in my mind whether LAW 116, FUNDAMENTALS OF CANADIAN LAW needs to devote much further time to the development of the common law. In my opinion, the typical 1st first year curriculum in most Canadian law schools does not give enough emphasis to statutes, regulations and municipal bylaws that are prominent components of the Canadian legal system. One of the core competencies identified in the Federation Committee’s Final Report on Accreditation Requirements, under the headings of both “Skills Competencies - Legal Research” and “Foundations of Law”, is statutory interpretation and analysis. The Course Description of LAW 116 FUNDAMENTALS OF CANADIAN LAW [J.D. Program, Draft 6, page 39] does include, among other topics, the principles of statutory interpretation, delegated legislative authority and regulations. However, for example, the UVic Law Program devotes an entire first year course to the legislative process and the principles of statutory interpretation. When I taught that course during its inception, I was often struck by how few students (other than those who had majored in political science) understood the legislative process in Canada. Lawyers have frequently told me that UVic law students (who may work in law firms as early as after 1st Year) had greater familiarity with legislation, regulations and the principles of statutory interpretation than their counterparts from other law schools. I submit that LAW 116 FUNDAMENTALS OF CANADIAN LAW could be strengthened by increasing the emphasis on the legislative process and the principles of statutory interpretation.

2nd and 3rd YEAR COURSES:
LIST OF REQUIRED COURSES: In a discussion about the designation of required courses, there is often a debate about the courses that should be included on the required list. The debate is often shaped by the debaters’ personal experience in practice. Notwithstanding that I practiced family law for several years, I don’t think that it is essential that every lawyer have knowledge of family law. Nevertheless, I recognize that one of the objectives of the J.D. program at TWU is to prepare students for practice in small law firms particularly outside the major B.C. urban areas. Most lawyers who practice in this context will, almost
inevitably, have some clients who will require the advice of a lawyer who has knowledge of family law. Therefore, I understand why LAW 317 FAMILY LAW has been designated as a required course. There is an old axiom that only two things in life are certain, namely death and taxes. On the basis of this axiom, it could be argued that LAW 337 WILLS AND TRUSTS and LAW 335 TAXATION are just as important as Family Law and should be designated as required courses.

LAW 317 FAMILY LAW [J.D. Program Draft 6, page 63]: An important function of a lawyer who practices family law is the negotiation and drafting of separation agreements. This topic is not specifically mentioned in the Course Outline. Students would benefit from the inclusion of this topic in this course.

LAW 328 NATURAL RESOURCES LAW [J.D. Program, Draft 6, page 76]: Natural resources are an important part of British Columbia’s economy. The content of this course would benefit from a greater focus on specific natural resource issues that lawyers in small firms outside the large urban areas may encounter. For example, legal issues relating to forest industry could be one focus of the course.

LAW 331 REAL ESTATE LAW [J.D. Program, Draft 6, page 80]: The following 3 topics are not specifically mentioned in the course description:

(a) The acquisition of an interest in or on land situated on Indian Reserve Land. Both commercial and residential developments on Reserve land are becoming more common.
(b) Strata property transactions: Many commercial and residential property holdings are now governed by Strata Property legislation. This course does cover the purchase and sale of real estate and this may include strata lots. The course content does not appear to cover aspects of the ongoing relationship between a strata lot owner and the strata corporation.
(c) Conflicts of Interest: Circumstances arise in many real estate transactions where there is a potential for a lawyer to become involved in a conflict of interest.

This course would benefit from the inclusion of these topics.

Adequacy of Resources

FACULTY and STAFF: When it reaches full strength, the proposed faculty complement will consist of a Dean, a 12 full-time faculty, and approximately 14 adjunct faculty members [J.D. Program, Draft 6, page 23 and Appendix B, pages 89 & 90]. Given the range of proposed course offerings in the curriculum, this number should be sufficient to deliver the proposed curriculum.

Upon the enrollment of its initial first year class, TWU proposes to have 6 full-time faculty and one adjunct faculty member [J.D. Program, Draft 6, Appendix B, page 88]. The UVic Faculty of
Law had a similar number of full-time faculty in when it enrolled its initial 1st Year class. The commencement of a new law school including the development of new courses requires a great deal of time and energy by the founding faculty members. I don’t think that an attempt should be made to begin the first year of operation with less than 6 full-time faculty members.

The planned number of support staff is suitable for the planned number of faculty and students.

LIBRARY: The law library will be developed in accordance with the Canadian Academic Law Library Standards [J.D. Program, Draft 6, page 22-23]. Many electronic legal data bases are now available. This dramatically reduces the need to acquire hard copies of many series of law reports and the shelf space that would be required to house them. Provision will need to be made to enable law students in the J.D. program to gain access to these data bases. A criticism of recent law graduates, which I occasionally hear from law firms, is that they tend to rely exclusively on electronic legal data bases when they are conducting research. Law students will still require instruction to develop their knowledge of and skill in using traditional printed material, including legal digests and monographs that are frequently relied upon as legal authorities.

LAW SCHOOL BUILDING - CLASSROOMS and STUDENT FACILITIES: I have visited almost 20 law schools in Canada and the United States. As the chair of the UVic law school building committee, I carefully examined, in the company of an architect, the design and the space configurations of 6 law schools in Canada and the U.S. On the basis of the projected enrollment at TWU, and bearing in mind that electronic data has reduced the space needs of a law library, I believe that the components of the proposed new school law building [J.D. Program, Draft 6, page 22] and the proposed square footage and room configurations [See: Proposal for a School of Law, pages 25-28] are relatively comparable to those of other law schools and the proposed facilities of will properly serve the needs of students, faculty and staff. For a reader of this Review who has not have participated in the overall learning process in a law school, it is important to recognize a significant amount of learning takes place in informal settings with a law school building where students debate legal principles and the merits of various legal cases and statutory provisions. I regard the Student Collegium as a critical component of the proposed law school building.

Timeline for Development of the Proposed Program – Is it Realistic?
The timeline for recruiting a Dean, Law Librarian and faculty members [See: Proposal for a School of Law, pages 30-31] is comparable to the timeline followed by the UVic law school and it is realistic and achievable. The timeline for preparing architectural drawings and completing the construction the School of Law Building [J.D. Program, Draft 6, page 22 and 25; Proposal for a School of Law, page 25] by September, 2015 may be tight without much room for any unexpected delays.
Other Considerations
MARKET VALUE OF THE PROGRAM: There is a need for a law school where the primary emphasis of the J.D. Program will be to provide students with a knowledge of the substantive legal subjects that are the foundation of the Canadian legal system and the practical skills that will enable them to engage in the general practice of law in areas outside major urban areas. I expect that there are many prospective law students, whose primary objective is to become a practicing lawyer, who will find the J.D. Program at TWU to be very attractive.

3. SUMMARY
I have carefully reviewed the proposed J.D. Program and I have concluded that it is an academically sound program. Graduates from the Program will have a sound knowledge of the substantive legal subjects that are the foundation of the Canadian legal system. The Program’s emphasis on ethical standards and professionalism and the development of the legal skills and competencies will likely result in the Program being favourably received by the governing bodies of the Canadian legal profession.

Yours truly,

Lyman R. Robinson, Q.C
APPENDIX SIX

Response to external reviews

The two external reviewers were very favourable in their assessments of the soundness and academic soundness of the program. Each made some suggestions for improvement of the proposed program, although they indicated that these were suggestions only.

Albert H. Oosterhoff

Suggestion 1: Professionalism and ethics should be incorporated into the First Year curriculum either by incorporating them in the courses or during a break-out week at the start of the second term.

*It is crucial to have a focus on ethics in first year to underscore its importance. It will be incorporated into each of the first year courses. Issues of professionalism will be incorporated into LAW 508, Introduction to Practice Skills and the Practice of Law.*

Suggestion 2: Divide the Wills and Trusts course, LAW 709.

*After consultation with lawyers in small firms, or sole practitioners, this suggestion has not been taken. The lawyers felt that the course as designed was adequate.*

Suggestion 3: Change the required upper year courses such that Family Law and Real Estate Law are not required but Tax and Trusts are.

*The Wills and Trusts course has been made mandatory, replacing Family Law. However, the small firm lawyers consulted recommended that Real Estate Law remain a required course over Tax Law.*

Suggestion 4: Increase the number of seminar rooms from four to six.

*This is a helpful suggestion and this information has been incorporated into the proposal.*

Lyman R. Robinson

Suggestion 1: In LAW 110 (renumbered LAW 501), include an introduction to the legal system.

*This is an excellent suggestion and the course description has been amended accordingly. Several of the topics mentioned in this suggestion are included in the course on the Fundamentals of Canadian Law, a required course in the first semester.*

Suggestion 2: Increase the emphasis on legislation and principles of statutory interpretation in LAW 116 (renumbered LAW 507).

*This course was developed in accordance with the requirements of the Federation of Law Societies of Canada. The FLSC requires that graduates of law schools must have an understanding of the foundations of law, including,*

- *Principles of common law and equity;*
• The process of statutory construction and analysis; and
• The administration of law in Canada.

We believe that all three components are important. They will be addressed in other first year, and upper year courses but this is where the foundation is laid. Prof. Robinson makes the point that several of the first year courses focus on common law. As this is the case, LAW 507 will have more of an emphasis on statutory instruments and interpretation.

Suggestion 3: Change the required upper year courses such that Family Law is not required but Tax and Wills and Trusts are.
This is similar to a suggestion made by Albert H. Oosterhoff. Wills and Trusts has been made a mandatory course and Family Law has been removed as a mandatory course.

Suggestion 4: Add to LAW 317 (renumbered LAW 706) negotiation and drafting of separation agreements.
This is an excellent suggestion and the course description has been amended accordingly.

Suggestion 5: The Natural Resources Law course, LAW 328 (renumbered LAW 632) would benefit from a greater focus on specific natural resource issues that lawyers in small firms outside the large urban areas might encounter – forestry, for example.
The course description and outline have been amended to include forestry.

Suggestion 6: Real Estate Law, LAW 331 (renumbered LAW 709) should be amended to include the following three topics: (a) land on Indian Reserve Land; (b) Strata property transactions; and (c) conflicts of interest.
The course outline has been amended accordingly.
APPENDIX SEVEN

Letters in Support
397 Gladstone Ave.
suite 100
Ottawa, ON K2P 0Y9
Canada
Telephone: (613) 695-8855
Fax: (613) 695-8880

MAIL

Ms Elsie Froment, PhD
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Dear Ms. Froment:

Re: Trinity Western University Law School

1. I am an irregular church goer, but more regular Law School attendee (four times) – so I probably know more about the latter than the former.

2. I do believe however in something greater than me.

3. But this new Law School is doing something special, and big in my view, that I acknowledge, respect, and support – it will be open to:
   • all faiths
   • Christian or non-Christian
   • those of no faith.

4. Though the Law School will be small (in terms of graduates being produced) they will serve a very necessary need for lawyers in:
   • small to medium sized firms
   • rural Canada (in this particular respect I attach the article “Nova Scotia Needs More Rural Lawyers”, Canadian Lawyer magazine, Feb 2012)

5. This Law School will produce lawyers with strong moral values together with a sense of local community – something most positive for the legal profession throughout Canada.

6. Because this Law School will focus on:
   • practical training
   • clinical programs
   • how-to programs as well as academic-type programs

www.supremeadvocacy.ca

Reply to:
Eugene Meehan, Q.C.
emeehan@supremeadvocacy.ca
March 20, 2012
• cooperative programs
their graduates will be much sought after.

7. My firm would be pleased to take anyone from the first graduating class as an articling student.

8. And to speak personally and directly, I do put my money where my mouth is – I have personally contributed $25,000 to this Law School initiative. I will contribute more.

9. And last, the Law School I (first) attended was the University of Edinburgh – the University being founded in 1583 and the Law School 1707 – we do this now, we do this forever. In other words, creating something that wasn’t there before, and doing so for the benefit of others, is something greater than us.

Yours very truly,

Eugene Meehan, Q.C.
LL.B. (Edinburgh, 1975)
LL.M. (McGill, 1977)
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February 27, 2012

BY EMAIL AND POST

Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

Attention: Dr. Elsie Froment, Dean of Research

Dear Sir/Mesdames:

I am pleased to express my support for the Juris Doctor proposal of Trinity Western University.

There are three features of the proposal that stand out as particularly important:

- better preparing law graduates for the practice of law,
- emphasizing ethics and professionalism, and
- promoting service to the community.

The traditional articling system is under strain and there is serious discussion of other ways to meet Law Society requirements for being qualified to practise law. It seems inevitable that some of the training burden will have to be assumed by law schools. There is also a need for more lawyers outside the major cities, but lawyers in the smaller centres must be convinced that law graduates have the training and practice skills that will make them worthy of hire.

Lawyers in Canada have the great privilege of being a self-regulating profession. But that privilege can only be sustained by a constant emphasis on ethics and professionalism. Law schools have an important role to play, introducing and teaching law students about the ethical obligations of practising law, being officers of the court, and serving clients. Closely related is the need to emphasize what it means to be a professional: to act so as to truly profess the ideals of the rule of law, justice and equity.

Perhaps service to the community is part of professionalism, but it deserves special mention. This is a time of great legal complexity; it is also a time when access to justice is seriously strained. Lawyers must be prepared to offer their legal knowledge and skills in service to their communities and to those who lack real, practical access to justice. A law school curriculum and experience that is rich with encouragement and opportunity for community service will be of great benefit. It will bolster a key foundation of our society - the right of all people and organizations to have their rights honoured and their disputes resolved in a legal system that is available, accessible and fair.
I have been practising law for almost 32 years. The firm I joined in downtown Vancouver has grown from about 25 lawyers to 100 or so, and has been part of a national firm of 600+ lawyers since 1989. The changes we have seen in our firm have been matched by changes in our profession and our society. But those changes have only served to highlight the importance of the fundamentals of practising law: knowledge and skills, ethics and professionalism, and service. It is from that perspective that I gladly endorse the TWU proposal.

Yours truly,

Earl Phillips

EP/Jssb
March 9, 2012

Trinity Western University
7600 Glover Road
Langley, BC V2Y 1Y1

ATTENTION: Jonathan S. Raymond, Ph.D., President

Dear Sir:

Re: Law School and Juris Doctor Degree Program at Trinity Western University

I am writing to express my support for the pending proposal for a Law School and a Juris Doctor degree program at Trinity Western University. I have read the proposals, and as a lawyer and an employer, I would strongly encourage and endorse this program. I understand the proposal program will soon be submitted to the BC Ministry of Advanced Education for approval. You have my permission to include this letter as part of an appendix to that submission.

I understand that the Law School will have a particular focus on charity and not-for-profit law. As the Managing Partner of Carters Professional Corporation, one of the leading firms in Canada in the area of charity and not-for-profit law, our firm has a particular interest in the development of a Law School program that puts forth a valuable curriculum with a charity and not-for-profit law focus. Two of our lawyers, Karen Cooper and Jane Burke-Robertson, have taught at the University Of Ottawa Faculty Of Common Law, teaching advanced seminars on charity and not-for-profit law. As well, I have given lectures as part of those courses over the last five years. Our firm also participates in an extensive number of seminars each year to assist churches, charities and not-for-profits in understanding developing trends in the law in order to reduce unnecessary exposure to legal liability. A Law School at Trinity Western University would enhance the knowledge base of future lawyers in Charity and Not-for-Profit Law, and provide a Christian environment in which to learn.

I strongly recommend that this degree program be offered at Trinity Western University.

Yours truly,
Carters Professional Corporation

Per: Terrance S. Carter

TSC: wmes

cc: Janet Epp Buckingham, Laurentian Leadership Centre, 252 Metcalfe St., Ottawa, ON K2P 1R3

S:\Lawyer\Folder\TSC\TWU 2012\Preference letter 2012 03 06 draft 2.doc
March 26, 2012

Dr. Elsie Froment
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC, V2Y 1Y1

Dear Dr. Froment:

RE: Trinity Western University’s (“TWU”) Juris Doctor Proposal Endorsement Request

Thank you for your letter of March 6, 2012. I am delighted to be asked to give my opinion concerning the Juris Doctor degree program proposal. I have read the proposal with interest, including the appendices. The proposal is well written and engaging.

I heartily endorse this program for the following reasons:

1. The program’s objectives set a new and high standard in Canadian legal education.

The integration of practical assignment with the study of case material will be much appreciated by the students. Although all courses may not lend themselves to this type of integration, those that do will add a “real life” element to the course. There were few of these available when I attended law school 20 years ago. The lack of practical experience was a constant complaint among students. I am pleased this proposal addresses that complaint.

The objective of integrating the study of law with a Christian worldview is intriguing, vital and distinctive. If fact, without this component, there really is no reason for TWU to have a School of Law, other than for general, educational purposes. However, in keeping with TWU’s mission of approaching all of life with a Christian worldview in mind, this proposal is totally appropriate. The curriculum, as taught from a Christian perspective, will allow students and faculty alike to explore the dialectical relationship between love and justice. The late Reinhold Niebuhr’s thought in this regard is instructive. “Justice is the embodiment of love in complex human relations. On the one hand, justice without love ceases to be justice. On the other hand, love without justice ceases to be love.” To the best of my knowledge, there is no other Canadian law school that has as one of its objectives, to
wed the best of Canadian legal scholarship with the best of Christian theological scholarship.

I believe that TWU’s Law School graduates will add a healthy dimension to B.C.’s and Canada’s pluralistic society.

2. A new state-of-the-art Law School building will provide students and faculty with a valuable resource for years to come.

I am of the opinion that a great law school program is built on a great law school library. The fact that TWU is going to build and equip a new library from the ground-up will allow it to take advantage of the newest in legal technological resources, as well as current hard copy resources. I am also of the opinion that the new library will not only be a valuable resource for those on campus, but will be a valuable resource for those who live throughout the Fraser Valley area of B.C.

3. There will be a unique curriculum design focused on leadership, character development and ethics.

Although alluded to above, under section 1, the focus on ethics and professional responsibility begins during Orientation Week and continues throughout the entire three year curriculum. The first year mentoring program is a wonderful idea. It is one which should be followed in all law schools. The second year course in Ethics and Professionalism is very positive, as are the third year courses in Practice Management and Jurisprudence.

However, most importantly, is the emphasis that law is a calling that has service to others, regardless of their economic status or social class, as its highest goal. I hope the Practice Management class will emphasize service to the poor and oppressed as being a virtue highly prized by Christ.

4. There will be an emphasis on the core subjects of legal education.

There may be some who will think that a law school that emphasizes a Christian worldview will be “soft” in terms of course content and methodology. This does not seem to be the case. The first year program will have a strong focus on learning to read and analyze case law. The five basic first year courses will be taught: Contracts, Torts, Property, Constitutional and Criminal Law. In addition, the first year students will take two half courses: Fundamentals of Canadian Law: Common Law & Statutory Instruments, and Introduction to Practice Skills and the Practice of Law. Thirty-six credit hours in core subjects in first year law do not make for a “soft” legal program. Upper year courses also appear to be just as rigorous.

5. There are plenty of elective courses.

In many law schools there is the reoccurring complaint that there are too many mandatory courses and not enough electives. This does not appear to be the case as set out in the
proposal. Any student should be able to find courses that appeal to their tastes and interests and be useful in their legal practices after graduation.

6. There will be small class sizes.

   It has been my experience, both as a student and a teacher, that small class sizes are more conducive to class participation than larger ones. Engaging in a give-and-take discussion or debate is more likely to happen in a smaller class setting than a larger one. I am pleased to see that first year classes will be kept to approximately 30 students or less per section.

7. There will be optional specializations.

   A feature that I found particularly appealing is the option to specialize, either in Small Business and Entrepreneurial Law, or in Charities and Social Justice. I am unaware of this being offered in other law schools in Canada. This is particularly appealing for those students who have a firm view in mind of the area of the law they want to practice in.

8. The introduction of the requirement that each student must complete three practica over the course of their years in the J.D. program is an appealing feature of the program.

   This requirement is in keeping with the objective that the TWU – J.D. program will have a practical, as well as a theoretical focus to it. I am certain that each student will greatly appreciate this emphasis. It will give each student the feel of what legal practice is all about, and hopefully a love for the law.

Overall Strengths and Weaknesses

   Overall, I am greatly impressed by the proposal to offer a J.D. program at TWU. If I were to make several small criticisms, the first would be that there is no Legal History course being offered. Although this course seems to have fallen out of favour in many law schools, I do think there is some merit in knowing the lineage of the law. It may be that this focus will be picked up as part of another class. If so, I would be in favour of it.

   My second criticism is actually more a suggestion than a criticism. It pertains to the Charities and Social Justice specialization. I would think that you may want to include course LAW 626 – Human Rights Discrimination Law and course LAW 622 – Environmental Law under the same heading, particularly since they represent a major focus of Social Justice.

   My last criticism concerns the task of teaching with a focus on a Christian worldview. Although the law school is not a seminary, it would be helpful that there be an optional course in Christian apologetics or a survey course in biblical/theological studies. It may be easy to say that the students are going to be taught with a Christian worldview in mind, but if students have little or no theological background or training, this may be difficult to achieve. It may even be the case that some instructors have little or no theological training. This criticism may become moot if some of these issues are addressed in the Religion and Law course or the Jurisprudence course.
Some of the strengths of the proposed program I have already mentioned above. However, what I did not mention is the overall environment of this new law school. I suspect, given the nature and focus of TWU's mission, that the law school may have a more collegial or cooperative bent to the program than many law school programs in Canada. If such be the case, we may be seeing a new paradigm in legal education at TWU.

In conclusion, I am very much impressed by this proposal. As a partner of a mid-size law firm in Kelowna, B.C., I am sure that we would give serious consideration to any law school student from the School of Law at TWU looking for summer employment, articles or for permanent employment at our firm, depending on our needs of course at that time. We would treat a TWU School Law graduate no differently than we would a graduate from any other law school in Canada. That is, we will assume they are well trained and ready to make a contribution to the practice of law.

This is a very exciting proposal and one I hope comes to full fruition. There is definitely a need for another law school in British Columbia.

Thank you once again for inviting me to give my thoughts on this proposal. Should you have any questions or require any clarification concerning what is written herein, please feel free to contact me at your convenience.

Kind regards,

DONALD L. WILKINSON

cc. Dr. Janet Epp Buckingham
May 1, 2012

Trinity Western University
7600 Glover Road,
Langley, BC V2Y 1Y1

Attention: Elsie Froment, PhD
Dean of Research

Dear Sirs/Mesdames:

Re: Proposed Law School at Trinity Western University

It is with deep sense of gratitude, as well as unhesitating endorsement, that I write in full support of the establishment of a law school at Trinity Western University.

I graduated from what was then Trinity Western College in 1972 with an Associate of Arts diploma. Having been born and raised in the interior British Columbia, it proved to be the perfect accelerant to ignite and fuel my educational aspirations. Even then, as only a two-year school, it gave me an extraordinary opportunity to experience a post-secondary education in an environment that actually cared about me. Its faculty and staff invested in me as a young man, providing ample opportunity and encouragement to excel academically, as well as develop as a well-rounded person with something to contribute to our province and country. Trinity invested in me in a way that I believe no other school would have. They taught me to reinvest, which I believe my firm and I have been able to do through contributions made to the charity and not-for-profit sector of this province.

I have remained involved with TWU ever since I was a student, both personally and professionally. I have watched TWU mature into a first class, leading institution of higher learning. It rightfully has taken its place among other prestigious universities in British Columbia through membership in a number of organizations, including the Association of Universities and Colleges of Canada.

There are relatively few private universities in Canada. I believe that TWU is the largest and, given the economic, enrollment and regulation requirements, this must be recognized as a significant accomplishment. In academics, sports, community, national and international involvement, as well as numerous other arenas of comparison, Trinity has become "the little school that could", challenging, effectively competing with and overcoming numerically superior universities in Canada in many ways. TWU has had to contend with numerous challenges in a relatively short period of time in order to achieve its size and superlative reputation, all without
receiving public funds. This is a testament to the outstanding quality of its leadership, faculty and students. Many of its graduates who have taken their places as professional, business and political leaders in Canada are proud to be TWU alumni, attributing to that institution much of what provided them with the opportunity, skills and vision to become who they are.

I understand that TWU is the only university in Canada to receive an A+ award for overall quality of education in the Globe and Mail University report card in each of 2006, 2007, 2008, 2009 and 2010. It also received an A+ for Quality of Teaching and Learning in the 2011 and 2012 editions of this report (it was the only university in Canada to receive this A+ rating in 2012). This reputation is not deemed because of a lucrative funding base, but rather these widely accepted public "report cards" reflect and constitute compelling evidence that Trinity's educational excellence and vibrant, caring student life are worthy of respect and recognition.

TWU has succeeded brilliantly in establishing other professional schools, including ones for education and nursing. It also has a wide variety of very successful graduate programs in a variety of fields, including counselling psychology and leadership. Of particular note is its Master of Business Administration program, as the TWU School of Business was selected by the Globe and Mail as the best business school in British Columbia.

Given its track record for development of important educational programming and professional development, a law school is a logical next step for TWU. It will bring its standard of excellence, highly successful student life environment, and ability to attract both highly qualified and yet caring faculty to legal education. As a graduate of TWU, and a lawyer who has practiced in Vancouver and the Lower Mainland for over 30 years, I know first-hand that the educational program at a law school developed and launched by Trinity would, as have its many other successes, leave the uninformed observer amazed. It is only those who carefully examine the educational environment created by TWU who will understand its amazing ability to transform its students by helping them to actualize their potential and realize their hopes and dreams, as it did for me.

A TWU law school would be the only one in the Fraser Valley. The Fraser Valley is probably the fastest growing geographic area of our Province, not just in a residential sense, but for business and institutional growth. Further, it is sustainable, and diverse and community-oriented growth. As a resident, and as founding partner of a medium-sized law firm with its head office in Abbotsford, I am fully convinced that a law school at Trinity would be well situated not only for present needs, but for the future of the Province.

A Trinity law school would educate lawyers that can serve in small to medium sized firms, like the one in which I am a partner. These firms serve the families and small to medium-size businesses that are the backbone of our economy. I fully expect that TWU's law school graduates would also be attracted to some of the rural areas of BC, which in my experience have been underserved by the legal profession. The practical legal education proposed at TWU would be very welcome and much-needed addition to our profession.
My firm has been committed to hiring and training articling students, and we typically take at least one articling student each year. We have trained a number of lawyers whose undergraduate degrees were from TWU. From my experience, I can say that these Trinity-educated students now comprise some of our brightest and best legal talent. I know that my partners and I would welcome applications for articling position who would graduate from a TWU law school program.

In conclusion, I cannot be more enthusiastic in my support of the development of a law school at Trinity Western University. I say this with the benefit of an education first grounded there, which has stood me in good stead in a dynamic and demanding legal profession. I say this knowing what it takes to succeed in that profession, especially in the Fraser Valley. I say this knowing the invaluable, well-rounded, educational experience received by students who attend Trinity. I say this in full confidence that a Trinity Western University law school would soon become an exemplar, a model of what a law school can be.

Yours truly,

KUHN LLP

[Signature]

Robert G. Kuhn
Law Corporation
Dr. Janet Epp Buckingham
Director, Laurentian Leadership Centre
Associate Professor, Trinity Western University
252 Metcalfe Street, Ottawa ON K2P 1R3

February 24, 2012

Dear Janet,

Warm greetings from rainy Vancouver! I trust this finds you well.

It was good to meet you last month and to hear of Trinity Western’s University’s interest in establishing a law program.

As I shared at that time, at Union Gospel Mission we serve a wide diversity of clients, many of whom come from marginalized and difficult situations, who need legal advice regarding all sort of personal matters. Many sadly have histories of convictions and crime and need help dealing with pardons, advice or other legal counsel. We have over 100 recovery and long-term residents living in this facility, and serve hundreds more each day in both our Hastings facility and Cordova’s Women’s Centre.

All this to say, the idea of having legal clinic staffed by Trinity Western legal interns is exciting to us, and we anticipate would be huge help to our programs and our people.

We are very interested in exploring this idea with Trinity, and hope the law program becomes a reality.

I would be happy to meet and dialogue about this further.

Warm regards,

Dan Russell, DMin
Director of Programs
May 2, 2012

Dr. Elsie Froment
Dean of Research
Trinity Western University
7600 Glover Road
Langley, BC, V2Y 1Y1

Dear Dr. Froment:

Re: School of Law and Juris Doctor Program at Trinity Western University

I am writing to express my support of the proposal to establish a School of Law at Trinity Western University and offer a Juris Doctor Program. Trinity Western University has a strong academic reputation. The university also has an excellent track record for graduates of strong character, high ethical standards, and exemplary leadership qualities. The graduates of this university that I have met and worked with, including Members of Parliament, political staff, and Manning Centre for Building Democracy staff contribute substantially to the public good of their communities and indeed to Canada. I recommend approval of a School of Law and a Juris Doctor program to be offered at Trinity Western University.

Yours sincerely,

[Signature]

Preston Manning, C.C.
President and CEO

PM:jmc
June 13, 2012

Janet Epp Buckingham, LL.B, LL.D.
Director | Laurentian Leadership Centre
252 Metcalfe St., Ottawa, ON K2P 1R3
Associate Professor
Trinity Western University

Dear Dr. Buckingham:

Re: Trinity Western University School of Law Proposal

Thank you for meeting with me to discuss the exciting project that you and others associated with Trinity Western University are putting together for the establishment of a law school.

Thus far, three of my children have attended Trinity Western University. Our eldest daughter went through the sciences program, is now completing a Masters in Science at the University of Western Ontario and has been accepted into the School of Medicine at the University of British Columbia. Our second daughter graduated with a B.A. majoring in political science and is carrying on her studies at the University of Leicester in the UK studying law. Our third daughter is currently pursuing a program in the Trinity Western arts faculty and is aiming at finishing the requirements for her B.A. degree in three years instead of the usual four. In each case, our children have appreciated the high standards, teaching and research abilities of the faculty, the collegiality of the students and the leadership provided by the university administration.

With regard to the proposal for a new law school in British Columbia, I have to say that I enthusiastically support it. I attended the University of British Columbia years ago for both my B.A. and LL.B. and then obtained an LL.M at Yale. The University of British Columbia, the University of Victoria and Thompson River University law schools are all largely funded by the provincial government and each provides, in their own way, a perspective on the law that is similar to that of other Canadian law schools.

In my view, it would be useful having another law school with another perspective offered. The mission statement and principles of Trinity Western University clearly would form a distinctive voice among Canadian law schools. Anyone truly committed to academic freedom and excellence and vigorous intellectual debate and discussion would have to concede that point.

I offered my views to you on how Trinity Western University would, of course, have to provide a solid grounding in core courses in law that are required in Canadian law schools and by Canadian law societies for admission to the bar. I have already noted my own family’s
experience with the high standards that Trinity Western University displays in relation to the programs of study and the courses it already offers. I added that Trinity Western could readily draw upon the talents of other faculty members, particularly relating to philosophy, history, government, political science and other disciplines, so as to offer courses involving legal philosophy, legal ethics, professional obligations and legal history not emphasized or offered elsewhere. I have in mind courses relating to the natural law tradition as but one example.

Trinity Western University makes a point of developing among its students not just academic excellence, but also an understanding of principles of leadership and service. Given that the legal community prizes all three of those that creates an opportunity and potential advantage for students graduating in law from Trinity Western University. Having what would perhaps amount to an even greater appreciation and understanding of the possibilities that a legal education and career in law affords would be very useful, in my view.

I am pleased to join in support of the proposal by Trinity Western University to open a law school.

Yours truly,

HOLMES & KING

per:

[Signature]

Robert D. Holmes, Q.C.
APPENDIX EIGHT

New Course Outlines
LAW 501 Introduction to Law (0 s.h.)

Description
This course introduces students to law, the legal system and the legal profession. It will teach students the basic skill of how to read and analyze a case. By the end of Orientation Week, students should be able to write a basic case brief.

Course Objectives
The objectives of this course are to:
1) address what is, and is not, “law”;
2) introduces students to the foundational principle of law as a profession and a calling;
3) enable students to understand the basic structure of the Canadian legal system;
4) teach students the basic skill of how to read and analyze a case;
5) enable students to write a basic case brief.

Course Outline
1. What is law?
2. The nature of the legal profession.
3. The structure of Canadian courts.
4. A framework for understanding law and the legal system.
5. Reading and analyzing cases.
6. Writing a case brief.

Texts
No Text
LAW 502, Contract Law (Formation) (5 s.h.)¹

Description
This course sets out the rules for the formation of legally binding contractual relationships. The course will cover the formation and interpretation of contracts. Further, it will cover the enforcement of contracts including the remedies available in the event of a breach of contract.

Course Objectives
This course is designed to:
1) describe and assess the role of contracts in the Canadian economy and society;
2) explain how a legally enforceable agreement is formed;
3) explain the requirements for the content and characteristics of a legally enforceable agreement;
5) give students an in-depth understanding of how the common law functions including legal interpretation, *stare decisis* and applying and distinguishing cases;
6) explain the role of standard form contracts and how courts control abusive use;
7) explain principles which may vitiate a contract at formation or performance;
8) introduce principles for remedies;
9) introduce students to ethical issues related to the formation, performance and breach of contracts;
10) practice negotiating and drafting contracts.

Course Outline
1. What is a contract?
2. How a contract is formed:
   a. Offer and acceptance
   b. Capacity
   c. Intention
   d. Consideration
3. Standard form contracts
4. The content of contracts including standard form contracts:
   a. Letter of intent vs. contract
   b. Oral vs. written contracts
   c. Form
   d. Priority
   e. Misrepresentation
   f. Terms
5. Exclusion clauses
6. Principles which may vitiate a contract at formation:
   a. Mistake
   b. Duress
   c. Undue Influence

¹ This is a full year course.
d. Economic duress
7. Principles which may vitiate a contract at performance:
   a. Unconscionability
   b. Illegality
   c. Frustration
8. Remedies
9. Negotiating contracts
10. Drafting contracts
11. Ethical aspects of contract law

Texts
Description
Tort law is a foundational component of the common law system beginning as a system covering legal wrongs between private individuals. Today tort law has evolved into a complex body of law encompassing interactions between public and private entities. This course will cover the common law claims and defences for intentional torts such as assault, battery, false imprisonment, trespass and nuisance. Further, it examines the area of negligence. Other topics which will be examined include strict liability, defences, the assessment of damages and modern alternatives to tort law such as statutory compensation. Students will look critically at legal actions involving carelessness and recklessness. Students will critically examine the role of torts in society and explore new developments in Canadian tort theory.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history of tort law and liability from its English origins to its modern day incarnations in Canada;
2) familiarize students with various theories of tort liability;
3) introduce students to the different types of intentional torts;
4) introduce students to techniques for identifying the elements of each of the intentional torts
5) introduce students to defences available to intentional torts;
6) enable students to read and analyze cases where an intentional tort is the cause of action, to identify the elements of an intentional tort raised in the cases, and the defences that were successfully (or unsuccessfully) raised in the case, and identify arguments that could have been used to support either side of the argument with respect to issues raised;
7) familiarize students with the theory and impact of negligence as a legal principle regulating the injurious conduct of persons in Canada;
8) familiarize students with the increasingly important role and scope of negligence law and responsibility in Canadian law;
9) assist students to identify the elements of a negligence action;
10) introduce students to expanding bases for negligence and related liability for wrongful or injurious conduct in Canada;
11) explain defences available to negligence claims;
12) equip students to read and analysis cases where negligence is the cause of action, to identify the elements of negligence raised in the cases, and the defences that were successfully (or unsuccessfully) raised in the case, and identify arguments that could have been used to support either side of the argument with respect to issues raised;
13) identify and discuss ethical issues in torts;
14) teach students to prepare short case briefs and prepare oral précis concerning cases covered to present in class.

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2 This is a full year course.
Course Outline

1. Development of tort liability and tort theory in Canada
2. Intentional torts
   a) Trespass to the person
   b) Intentional interference with the person
   c) Trespass to property
   d) Nuisance
   e) Defences
3. Negligence
   a). Duty of care
   b) Standard of care
   c) Causation
   d) Remoteness
   e) Defences and remedies
4. Tort liability of public authorities
5. Misrepresentation/pure economic loss
6. New developments in Canadian tort theory
7. Ethical issues related to intentional and unintentional torts

Texts
Description
Canada is governed by a variety of documents collectively called “the Constitution.” The first half of this course covers the “division of powers”; that is, the law that governs the relationship between different levels of government in Canada. The intended clear division between federal and provincial powers by the founding fathers of Confederation has been made more complex by new inventions, developments and circumstances such as aeronautics, telecommunications and commercial realities of the twenty-first century. The second half of the course will focus on the Canadian Charter of Rights and Freedoms and examine its application and interpretation. This will include an examination of the principles of human rights and Charter values.

Course Objectives
The objectives of this course are to:
1) familiarize students with the structure and substance of Canadian constitutional law, including both division of powers and the Charter of Rights;
2) familiarize students with techniques of Constitutional interpretation;
3) introduce students to the literature which expounds the Constitution, including case law and doctrine;
4) introduce students to methods of analysis which involve the Constitution in resolving legal problems;
5) teach students to identify constitutional issues, identify relevant facts, advise a client about what a court is likely to decide concerning the issue identified, and identify arguments that could be used to support either side of the argument with respect to issues and proposed legislation;
6) familiarize students with the specific rights and freedoms protected by the Charter, the structure of Charter arguments and assembling evidence to advance Charter claims and to create section 1 defences;
7) introduce students to the available remedies under the Charter including possible remedies that continue to be developed by the courts;
8) introduce students to written and oral advocacy skills in relation to the constitutionality of a proposed piece of legislation.

Course Outline
1. Pre-Confederation constitutional documents
2. Constitution Act, 1867, additional constitutional documents and amendments
3. Federal powers
4. Provincial powers
5. Concurrent and shared powers
6. Quasi-constitutional powers accorded to other bodies
7. Application of the Charter and the “notwithstanding” clause: Sections 32 and 33
8. The fundamental freedoms:

3 This is a full year course.
Section 2(a): freedom of conscience and religion
Section 2(b): freedom of thought, belief, opinion and expression
Section 2(c) and (d): freedoms of assembly and association

9. Democratic rights: sections 3 through 5
10. Mobility rights: Section 6
11. Legal rights:
   - Section 7: right to life, liberty and security of the person
   - Sections 8 through 14: search, seizure, arrest, and criminal proceedings
12. Equality rights: sections 15(1) and (2), 27 and 28
13. Official languages, heritage and aboriginal rights: section 16 through 22, 25 and 27
14. Minority language educational rights: sections 23 and 29
15. Reasonable limits on rights: section 1, including the use of legislative facts and other methods of proof.
16. Ethical issues in Constitutional litigation

Texts
LAW 505, Property Law (5 s.h.)

Description
Canadian society, indeed Western society, places a high value on the ownership of property, including both land and things. This first part of the course examines the rules governing possession and ownership of real property (land). The second part of the course examines the rules governing possession and ownership of personal property (things). It will also examine the social context for use and ownership of property.

Course Objectives
This course is designed to enable students to:
1) understand the rules governing acquisition, possession and ownership of land;
2) understand and critique the social context for property law in comparative perspective (including aboriginal concepts of property and some community ownership such as the Hutterian Brethren);
3) understand the rules governing acquisition, possession and ownership of personal property (things);
4) understand and critique the social context for property law in comparative perspective;
5) identify and discuss ethical issues relating to property law;
6) analyze and critique cases related to property law;
7) conduct legal research and communicate the results.

Course outline
1. What is private property? Classifications of property
2. Transfer of property
3. Tenure, life estates, leaseholds
4. Contingent vs. vested interests
5. Rule against perpetuities
6. Matrimonial property
7. Easements
8. Restrictive covenants
9. Security interests on real property – mortgages
10. Possession, finders law and ownership
11. Gifts
12. Security interests on personal property
13. Registration of interests
14. Ethical issues related to property law

Texts
Bruce H. Ziff, Jeremy deBeer, Douglas Harris, and Margaret McCallum, A Property Law Reader: Cases, Questions and Commentary (Carswell, 2008)

4 This is a full year course.
**LAW 506, Criminal Law (5 s.h.)**

**Description**
This course examines the general principles of liability in Canadian criminal law as applied in the criminal trial process. Students will learn the legal elements of a crime and will use the *Criminal Code* to consider the elements of specific offences. Students will be provided with an introduction to common law and statutory defences as well as an overview of the process by which these various elements are proved in court. This course also canvasses basic concepts, principles and institutions of criminal procedure, as well as focuses on the review of the most important rules governing the criminal process from the investigative phase through the laying of charges until conviction, sentencing and beyond. The student who successfully completes the course will have a good understanding of the norms of procedure set out in the *Criminal Code* and related statutes, as well as the procedural rights guaranteed by the *Charter of Rights and Freedoms*.

**Course Objectives**
Through this course, students will:
1) understand and critically assess (a) the role of police, prosecutors, defence counsel and judges in the administration of the criminal law process, (b) the principles of criminal responsibility and punishment, and (c) the effect of the *Canadian Charter of Rights and Freedoms* upon both criminal procedure and substantive criminal law;
2) understand and critically assess theories and perspectives on the purposes and functions of the criminal law and criminal justice system and on the competing interests that both serve;
3) demonstrate practical competence in identifying legal issues in a problem and to present, in an acceptable legal style, arguments in relation to such issues;
4) gain a working knowledge of Canadian criminal procedure;
5) gain practical tools necessary for the practice of law in the area;
6) develop the necessary skills to identify procedural errors in various fact scenarios;
7) understand the criminal procedure governing various offences;
8) develop basic trial advocacy skills through participation in a mock trial;
9) produce high-quality critical writing about themes and issues within the criminal law;
10) identify and discuss critically ethical issues related to criminal law.

**Course Outline**
1. Introduction to criminal law
2. The structure of criminal proceedings
3. Burdens of proof
4. Elements of an offence
   a. *Actus reus*
   b. *Mens rea*
   c. *Mens rea* and the *Charter*
5. Types of offences

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5 This is a full year course.
6. Defences
7. Criminal procedure: what is it, what is its purpose and what are its sources?
8. The levels of the criminal courts in British Columbia
9. The criminal process and the roles of police, Crown and defence
10. Investigative powers of police
11. Charge approval and commencing proceedings
12. Compelling appearance and judicial interim release
13. Arraignment, pre-trial case management, elections, re-elections and preliminary hearings
14. Pre-trial and other applications
   a. Disclosure and procedural applications
   b. Charter applications
   c. Trial management
15. Jury selection
16. Trials
17. Sentencing
18. Youth court
19. Mentally disordered offenders
20. Appeals
21. Ethical issues in criminal law

Texts
Stephen Coughlan, *Criminal Procedure* (Irwin Law, 2008)
LAW 507, Fundamentals of Canadian Law (2.5 s.h.)

Description
In this course, students will become familiar with the principles of the common law system, including the doctrines, principles and sources of the common law, how it is made and developed and the institutions within which law is administered in Canada. It further examines how laws are made and the principles of legislative interpretation and statutory analysis. It will also examine how regulations are made under legislation and the relationship between legislation and regulations. Legal research will be a component of this course.

Course Objectives
Students in this course will:
1) learn the historical development of the common law system and its origins in Britain;
2) understand how common law works on an incremental, case-by-case basis, and develop skills in applying principles from past legal cases to a new case;
3) recognize that legislation supersedes common law but that legal principles are applied to interpret legislation and regulations;
4) understand the legislative process and the procedure to draft, pass and implement legislation, including the concept of delegated authority;
5) understand the administration of the law in Canada;
6) critically reflect on the interface between law and society.

Course Outline
1. Origins of common law, including principles of law and equity
2. Precedents and *stare decisis*
3. Differences between common law and civil law
4. The legislative process -- how are laws made?
5. Principles of statutory interpretation
6. Delegated authority and process to make regulations
7. The relationship between legislation and common law
8. The administration of law, including the organization of the courts and tribunals in Canada
9. Appeal processes
10. Law as an instrument of social change

Texts
LAW 508, Introduction to Practice Skills and the Practice of Law (2.5 s.h.)

Description
Beyond understanding legal principles, the lawyer must master a variety of skills to use in private practice, many of which are more relational and creative (right-brained) than cognitive and linear (left-brained). This course introduces students to professionalism, engaging with clients, the art of negotiation and advocacy (both written and oral) in the context of representing clients. It will include the first year practicum and a moot court.

Course Objectives
This course, taught primarily by guest practitioners, will be weighted heavily towards learning by practice and application. Students will have opportunities to:
1) understand the role of the lawyer as professional, advocate, problem-solver and negotiator;
2) become familiar with and engage in several of the skills used by lawyers in regular practice including interviewing, researching, drafting, negotiating and advocating;
3) be equipped to identify and address ethical issues;
4) understand the role of the lawyer as an agent of social change.

Course Outline
1. The role and activities of the practitioner: what is lawyering about and what are the activities that lawyers in private practice engage in?
2. The practice of law as a profession.
3. The lawyer as agent of social change.
4. Engaging with the client: an introduction to interviewing skills – what is the lawyer seeking to achieve in an interview and how is this accomplished? Practice interviews.
5. Engaging with the client and other counsel - communications skills: review of the tools by which the lawyer communicates with clients, opposing counsel and others and how these tools are most appropriately and effectively used.
6. Legal research: how lawyers use library and web-based tools to build and support their case and their opinions.
7. Legal drafting: an introduction to the language and strategies of legal drafting and to plain language concepts.
8. Negotiation: an introduction to the basic theories of negotiation including interest-based negotiation; an overview of negotiation styles and how they are used and practice.
9. Problem solving: many clients come to their lawyer presenting a problem, often one that is not easily categorized. A primary task of the practitioner is to listen, understand and develop a strategy. Through the use of case studies, students will consider real situations involving problem-solving skills.
10. Basic advocacy: a key role of the lawyer is to advocate for her client. In this course, students will be introduced to basic advocacy and will have opportunities to strategize and practice based on actual past cases.
11. Mooting: following the advocacy classes and practicums, each student will prepare for and participate in a moot trial, one of the highlights of the first year law school experience.
Texts
LAW 601, Practicum (0 s.h.)

Description
Upper-year students must complete two practica. Law 601 will not be for credit but can include a broad range of possible placements. Non-credit placement can be paid and will include:

- Summer job with law firm
- Summer placement with government
- Courthouse or tribunal placement
- Correctional services
- Legal research for NGO
- Political office

Course Objectives
Students will complete a variety of experience in their practica. The objectives are to give students exposure to the practical aspects of law. Students will set learning objectives and be required to write a summative detailing how they met their objectives.

Course Outline
Students must get approval for their practicum. There will be required documentation and a summative. The first week of third year, students will meet in small groups to discuss their learning experience.

Texts
No Text
LAW 602, Ethics and Professionalism* (3 s.h.)

Description
Is law a calling, a job or a business? The lawyer, as a professional, is governed by a professional body of peers that establishes a code of conduct and general practices. This course focuses on the practice of law as public service and addresses the question of what does it mean to be a professional? It will also address the principles of ethical practice, particularly issues covered by the Code of Ethics. It challenges students to reconcile their personal and professional beliefs within a framework of service to clients and community while respecting and performing their professional obligations and responsibilities.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history of the legal profession in Canada;
2) familiarize students with various notions of the role of the legal profession in Canadian culture and business;
3) familiarize students with the ethical issues arising from the practice of law;
4) familiarize students with the duties owed to clients and the legal profession;
5) introduce students to the Code of Professional Conduct and Professional Conduct Handbook;
6) enable students to identify ethical issues in fact scenarios and from past cases where professional bodies have imposed discipline on lawyers for failure to meet ethical obligations;
7) enable students to identify relevant facts and arguments to respond to various scenarios where professional obligations are raised and reconcile those arguments with personal beliefs and obligations to serve the public and to pursue justice.

Course Outline
1. The history and evolution of the legal profession in Canada
2. Lawyer-client relationship
3. Confidentiality and privilege
4. Duty of loyalty and conflicts of interest
5. Ethics and criminal law practice
6. Civil litigation and ethics in advocacy
7. Lawyers in organized settings

Texts
Alice Wooley et al., Lawyers’ Ethics and Professional Regulation (LexisNexis Canada, 2008)
D. Buckingham, J. Bickenbach, D. Bronaugh & B. Wilson, Legal Ethics in Canada (Harcourt Brace, 1996)
Gordon Turriff, Q.C., Annotated British Columbia Legal Profession Act (Carswell: looseleaf)
LAW 611, Aboriginal Law (3 s.h.)

Description
Aboriginal peoples in Canada belong to more than 50 nations. This course will examine the historical development of treaty rights and aboriginal title. It will consider the complex issue of self-government and aboriginal justice. Students will examine the Indian Act along with federal government proposals for amendment. As well, students will examine the legal cases involving aboriginal rights.

Course Objectives
Through this course, students will:
1) develop an understanding of the history of state-first nations relations;
2) understand the legal framework for state-first nations relations;
3) critically assess the legal position of various first nations in Canada;
4) analyze impact of the Charter on Aboriginal peoples in Canada.

Course Outline
1. Aboriginal peoples in Canada: First Nations, Inuit, Metis
2. The Indian Act
3. Aboriginal land title
4. Residential schools
5. Criminal justice
6. Taxation
7. The Bill of Rights and the Charter and Aboriginal Peoples
8. Treaty rights and enforcement of Treaty rights
9. Governance and self-government
10. Aboriginal peoples and international law
11. Proposals for reform of the governance of Aboriginal peoples in Canada

Texts
J. Burrows and L. Rotman, Aboriginal Legal Issues (LexisNexis Canada, 2007)
J. Y. Henderson, First Nations Jurisprudence and Aboriginal Rights (Native Law Centre, University of Saskatchewan)
LAW 612, Advocacy (Advanced) (3 s.h.)

**Description**
The lawyer is an advocate. Students will learn to write effective legal arguments and how to express themselves persuasively. Students will be required to prepare written submissions, including a factum, and argue a moot court.

**Course Objectives**
Following on the basic level of instruction on advocacy in LAW 508, this course is designed to help students understand and practice the skills of advocacy so that they are prepared for advocacy in practice. It will:
1) provide students with a more advanced understanding of the theory of a case;
2) teach the steps involved in developing a case through discoveries, pre-trial motions, trial and appeal, the use of experts, interlocutory and summary applications and the evidentiary and ethical issues that counsel deal with in advocating for clients;
3) require students to practice advocacy skills, written and oral, including persuasive writing, pleadings and mooting.

**Course Outline**
1. The theory and development of a case: an examination of how to approach and strategize about a case. Students will have a hands-on opportunity to analyze a new case and write a strategic approach.
2. The steps in an action: how does a practitioner advance a case to resolution?
3. Where do ADR opportunities arise and how can they be used?
4. Pleadings: students will draft and be critiqued on pleadings.
5. Motions and interlocutory applications: what options are available; when and how to use them.
6. Evidentiary issues: how to recognize them and approach them.
7. Experts: when and how to select and use them.
9. Case management: how to move a case along and maintain momentum
10. Trial preparation: getting ready; anticipating the unexpected.
11. Oral advocacy: how to build a persuasive argument and present a case.

**Texts**
LAW 613, Alternative Dispute Resolution (3 s.h.)

Description
While most of the emphasis and popular attention in the arena of dispute resolution has focussed on litigation and the drama of the courtroom, increasingly, in practice, disputes are managed and resolved outside of trial. Lawyers who are assisting clients with disputes have an array of options available to them including negotiation, mediation, arbitration and litigation, each of which is useful and appropriate in different circumstances. This course will focus on the “alternative” dispute resolution options with a balance of theory and practice.

Course Objectives
Students will leave this course with:
1) a solid understanding of conflict;
2) the dispute resolution options and when to use them;
3) the underlying theoretical basis for each method of dispute resolution;
4) practical knowledge of how to access each methodology;
5) practical experience in mediation both as counsel and as mediator.

Course Outline
1. Anatomy of a dispute – an examination of the nature and breadth of disputes that legal counsel encounter in practice.
2. Conflict theory
3. Interest-based negotiation
4. Negotiation practicum – students will have opportunities to role play negotiation scenarios where they will be encouraged to use interest-based methodologies.
5. Mediation – the underlying theory and methodology of mediation
6. Mediation practicum I - students will have opportunities to role play mediation scenarios taking turns as counsel, client and mediator
7. Challenges in mediation: power imbalances, the “third-party neutral”, managing gender, race and cultural issues.
8. Mediation practicum II
9. The practice of mediation: service providers, mediation agreements, settlement agreements, failed mediations
10. Arbitration – theory and practice
11. Putting it all together

Texts
LAW 614, Bankruptcy and Insolvency Law (3 s.h.)

Description
Bankruptcy and insolvency law assumes an important economic and social role in contemporary credit economies. The course will consider liquidation and reorganization as the two basic approaches to bankruptcy and focus on three legislative arenas: the Bankruptcy and Insolvency Act (BIA), the Companies’ Creditors Arrangement Act (CCAA) and relevant provincial legislation. Students will become familiar with the fundamentals of the business and personal bankruptcy process including the various actors in the system. This course will familiarize students with monetary obligations, the rights and obligations of creditors and debtors, priorities among creditors, and certain restrictions on the discharge in bankruptcy of categories of debt. Students will apply the relevant statutory framework and case law to fact patterns in each stage of the bankruptcy process. The course will consider the broader public policy and institutional interests at play.

Course Objectives
This course is intended to:
1) describe the role of bankruptcy and its socio-economic significance;
2) familiarize students with the procedural steps involved in the bankruptcy process in relation to commercial and consumer bankruptcies;
3) explain the reasons for bankruptcy process procedures;
4) introduce students to the administration of the bankruptcy, including creditors generally, the priority of claims, and the administration of the estate;
5) introduce students to corporate reorganizations;
6) equip students to walk a client through the procedure to file under both the BIA and the CCAA; and
7) practice drafting simple bankruptcy documents (proposals, assignments, etc.).

Course Outline
1. Purpose of bankruptcy/insolvency law
2. Introduction to bankruptcy legislation
3. Commencement of bankruptcy
4. Property of the bankrupt
5. Third party proprietary claims
6. Preservation of the bankrupt estate
7. Enhancement of the bankrupt estate
8. Administration of the bankrupt estate
9. Secured creditors and receivers
10. Creditors meetings
11. Property of debtor and claims to specific property, goods, or fund
12. Liquidation
13. Orderly payment of debts
14. Proof of claims
15. Discharge of bankrupt
16. Special commercial bankruptcy issues
17. Special consumer bankruptcy issues
18. Bankruptcy offences

**Texts**

*Federal and Ontario Insolvency Legislation* (Canada Law Book, 2011-2012)
LAW 615, Charities and Not-For-Profits Law (3 s.h.)

Description
This course examines the special legal principles which apply to charities and not-for-profit corporations, with particular emphasis on the new federal and provincial not-for-profit legislation. It will cover incorporation, fundraising, taxation, and governance issues.

Course Objectives
This course is designed to:
1) describe and assess the role of charities and not-for-profits in Canada;
2) explain how not-for-profits may be organized, structured, governed and regulated;
3) explain how lawyers interact and advise not-for-profits on an ongoing basis;
4) practice incorporating a not-for-profit organization;
5) enable students to understand how a Christian worldview impacts on charitable giving and volunteering and how rules governing charities can enhance or hinder the practice of religion.

Course outline
1. Charities and not-for-profits in societal context
2. Constitutional jurisdiction
3. Definition of “charity” and “charitable purpose”
4. Legal structures
5. Governance issues – duties and liabilities of the board of directors, members and volunteers
6. Incorporating the charity or not-for-profit
7. Restrictions on charities – political activity and business activities.
8. Employment and volunteers
9. Human rights considerations
10. Fundraising – the rules of getting
11. Philanthropy – the rules of giving
12. The special tax rules – income tax, property tax, GST exemptions
13. Issues in social innovation

Texts
LAW 616, Client Relations and Interviewing Skills  (3 s.h.)

Description
The practice of law is driven by the needs of clients. This course gives students practical skills for interviewing and advising clients, using a client-centred approach. It will help students understand the needs of clients during transactions and during challenges such as litigation. Students will discuss issues such as professionalism and ethical issues. Over half of the course time will be in practice scenarios.

Course Outcomes
Students completing this course will:
1) have a solid grounding in the purposes, methodologies and challenges of oral and written communications with clients;
2) understand and apply client confidentiality and solicitor/client privilege;
3) confidently approach client relationships based on their many hours of practice interviews and written communications.

Course Outline
1. The lawyer-client relationship: formation, engagement and ending the relationship
2. The lawyer as counsellor: listening, advising, responding
3. The interview: purposes, methods, challenges
4. The belligerent client
5. The reluctant client
6. Power imbalances: spouses, business partners
7. The organizational client: business, NGOs
8. Written communication: how to write, electronic vs. letter communications, goals and methodologies
9. Fees: managing the financial side of the relationship
10. Conflicts of interest: how to manage emerging conflicts in the client relationship and when to terminate the relationship
11. Confidentiality
12. Solicitor/client privilege

Texts
LAW 617, Commercial Law (3 s.h.)

Description
Commercial law is that branch of private law concerned primarily with starting a business, financing a business, and the supply of goods or services by merchants and other businesses for profit. Commercial law includes such topics as sale of goods, bailment and carriage of goods, documents of title and negotiable instruments, banking, the various forms of secured credit and an introduction to the law of insolvency and bankruptcy. This course therefore provides the student with a basic understanding of the law affecting the operation of any business doing commercial transactions.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history and development of commercial transaction and the law that governs such transactions in Canada;
2) familiarize students with the division of powers between the federal and provincial legislatures in the area of commercial law;
3) familiarize students with the steps needed to buy or sell a business;
4) familiarize students with the basics of a commercial transactions and the chain of purchase, carriage and insurance contracts that arise from such transactions;
5) familiarize students with an understanding of financing commercial transactions and the types of security that are available to lenders and sellers;
6) familiarize students with a basic understanding of the operation of Canadian law when commercial enterprises can no longer meet their financial and commercial obligations;
7) enable students to learn how commercial entities require legal services at various junctures of their operation;
8) enable students to analyze various business challenges facing commercial clients and develop an understanding of how to advise clients on the legal implications of sales and service contracts, financing and eventually, if necessary, insolvency and bankruptcy issues facing them.

Course Outline
1. Division of powers over commercial transactions
2. Buying and selling a business
   a. Sale of a business by assets
   b. Sale of a business by shares
   c. Stages of a transaction
   d. Drafting an agreement
3. Financing the business – security in commercial transactions
   a. Bank Act security
   b. The PPSA
4. Sales law
5. Bills of Exchange and negotiable instruments
6. Introduction to insolvency and bankruptcy
7. The impact of technology on commercial law
8. Future directions for commercial law in Canada

**Texts**


LAW 618, Conflict of Laws (3 s.h.)

Description
This practical course considers the increasingly prevalent issue of conflict of laws. The course will consider which court has jurisdiction to decide a case, what law should apply to the dispute, and whether the judgment will be recognized and enforced. Students will be introduced to common scenarios faced by lawyers in the context of globalization. The course will engage students in applying the Canadian rules of conflict of laws to problem-solving exercises drawn from all private law areas, including torts, contracts, property, succession and family law. This course will analyze Canadian rules of conflict of laws and equip students to assess legal situations that engage multiple jurisdictions, particularly the US and Asia.

Course Objective
The objectives of this course are to:
1) introduce students to the principles and concepts of private international law;
2) familiarize students with the issues of jurisdiction, choice of law theories, and recognition and enforcement of extra-territorial judgments;
3) develop practical skills by applying conflict of law rules to problems drawn from various areas of private practice;
4) acquaint students with the policy concerns, such as the impact of globalization and technology, underlying the development of private international law;
5) provide students an opportunity to make and defend submissions on jurisdiction in a mock court setting.

Course Outline
1. Choice of law
2. Adjudicatory jurisdiction
3. Marriage
4. Contractual obligations
5. Extra-contractual obligations
6. Substance and procedure
7. Proof of foreign law
8. Jurisdiction
9. Recognition and enforcement of foreign judgments and awards

Texts
Dicey, Morris and Collins on the Conflicts of Laws (Sweet and Maxwell, 2006)
LAW 619, Consumer Law (3 s.h.)

Description
This course focuses on the consumer law relating to the sale of goods and services, including an examination of the *Sale of Goods Act* and the *Business Practices and Consumer Protection Act*. Students will have an opportunity to develop practical problem-solving skills by applying relevant authority to contemporary scenarios. Students will also be introduced to the Vienna Convention on the International Sale of Goods.

Course Objectives
Through this course, students will:
1) learn fundamental legal principles applying to sales transactions;
2) become familiar with the legal framework for consumer protection;
3) develop practical skills by analyzing fact scenarios according to relevant statute and case law.

Course Outline
1. Historical development, context and overview of *Sale of Goods Act*
2. Sale of goods
   a. Transfer of property
   b. Transfer of title
   c. Assumption of risk
   d. Statutory contract
   e. Delivery
   f. Payment and acceptance
   g. Seller’s remedies
   h. Buyer’s remedies
3. Consumer protection legislation

Texts
LAW 620, Debtor and Creditor Law (3 s.h.)

Description
This course provides an examination of the methods by which unsecured creditors may enforce money judgments. There will be an overview of the general principles and forms of relief offered by provincial and federal legislation. A review will also be made of exemptions from enforcement that are available to debtors as well as other legal rights accorded to debtors after judgment. The course will be a combination of lecture, case analysis, and discussion of practice problems.

Course Objectives
The objects of this course are to:
1) explain debtor and creditor law and relations;
2) critically analyze debtor and creditor legal issues and policy considerations;
3) equip students with a basic understanding of the procedures and practical aspects of how to enforce money judgments;
4) enable students to understand professional responsibility matters especially important to lawyers acting for debtors and creditors.

Course Outline
1. Overview of the law governing debtor and creditor relations
2. Credit—credit reporting, credit cards and lines of credit, interest rates
3. Debt collection practices
4. Initiating proceedings—limitations, choice of registry, initiating the action, service of process
5. Proceeding to judgment—default judgment, summary judgment and summary trial
6. Registration and actions on foreign judgments
7. Pre-judgment execution—the Mareva injunction, preservation orders, prejudgment garnishment
8. Post-judgment execution—examination in aid of execution, subpoena to debtor, Small Claims Court
9. Post-judgment garnishment
10. Execution against land
11. Execution against personal property—goods, chattels, effects, money and securities for money, shares
12. Equitable execution—equitable receivers, equitable charging order
13. Execution priorities
14. Exemptions and immunities—federal and provincial
15. Fraudulent transactions—fraudulent conveyances, fraudulent preferences
16. Bankruptcy and insolvency—property, income, claims against the estate, and discharge
17. Professional responsibility

Texts
F. Bennett, Bennett on Creditors’ and Debtors’ Rights and Remedies (5th edition) (Carswell, 2006)
C.R.B. Dunlop, Creditor-Debtor Law in Canada (2nd edition) (Carswell, 1995)
L.R. Robinson, British Columbia Debtor - Creditor Law and Precedents (Student Edition) (Carswell, 2009)
LAW 621, Employment and Labour Law (3 s.h.)

Description
All aspects of the employment relationship will be covered in this course including the employment relationship, the contract, implied rights and obligations and terminating the employment relationship. As it is termination of employment that is most frequently litigated, it will be examined in detail including constructive dismissal, reasonable notice, dismissal for cause and damages. Human rights legislation, as it applies to employment, will also be a significant topic. This course also addresses the relationship between management and labour when there is a union. It will include the historical development of unions in Canada. It will also cover all aspects of unionization including certification, bargaining in good faith, the collective agreement and industrial conflict.

Course Objectives
The objectives of this course are to:
1) give students a historical understanding of the development of employment law and trade unions and collective bargaining;
2) equip students with a basic knowledge of the nature of employment contracts, the rights and responsibilities of employers and employees specifically on termination of the employment relationship;
3) equip students with a basic knowledge of the role of trade unions, certification, negotiating collective agreements and strikes and lockouts;
4) assist students to understand the crucial role of the Charter and human rights law in the employment context.

Course Outline
1. The employment relationship as distinct from other relationships
2. The employment contract
3. Statutory minimum standards
4. Rights and responsibilities of employees and employers
5. Terminating the employment relationship
6. Unions and certification
7. Collective bargaining and the collective agreement
8. Industrial conflicts -- strikes and lock-outs
9. The trade union and its members
10. The Charter and trade unions
11. Human rights in employment law

Texts
David Harris, Wrongful Dismissal (Carswell, looseleaf)
LAW 622, Environmental Law (3 s.h.)

Description
This course examines the regulatory framework for environmental law, including federal and provincial jurisdictions. As well, it addresses the wide variety of environmental issues, including pollution, biodiversity and climate change.

Course Objectives
The course aims to instill in students:
1) an understanding of the economic, social and political context of environmental policy and law;
2) an appreciation of the limits of the common law and historical property law principles in approaching environmental issues;
3) a basic familiarity with environmental statutes and regulations and the federal and provincial levels;
4) an understanding of enforcement principles and regulatory powers;
5) an appreciation of specific topics in First Nations issues, the role of local governments and wilderness and wildlife protection;
6) practical considerations arising from land sales and other transactions, pollution abatement and responding to governmental enforcement will be emphasized throughout.

Course Outline
1. The common law
   a. Applying traditional tort law and understanding their limits;
   b. Class action suits and environmental tort claims
2. Jurisdiction of the environment – division of powers
3. Environmental regulation – sectoral regulatory regimes
4. Compliance and enforcement
   a. Using the courts and tribunals to protect the environment
   b. Using administrative decision making
   c. Corporations and harnessing market forces
5. Judicial review of environmental decision making, including public interest standing
6. Federal environmental assessment
7. Species protection

Texts
Meinhard Doelle, Chris Tollefson, Environmental Law: Cases and Materials (Carswell, 2009)
Muldoon, Lucas, Gibson and Pickfield, An Introduction to Environmental Law and Policy in Canada (Edmond Montgomery, 2009)
LAW 623, Family Law (3 s.h.)

Description
The family is said to be the basic building block of society. This course will examine the state’s regulation of the family and critically assess whether state regulation has changed the family or responded to social changes. It will also include an assessment of the current challenges in family law, especially the backlog in the courts, and alternative dispute resolution and mediation as alternatives.

Course Objectives
This course aims to:
1) promote an interest in family law and the legal and social issues in familial relationships;
2) communicate basic principles that underlie and inform regulation of families through law;
3) explore relevant legislation and case law and identify current family law issues in order to make effective family arguments;
4) provide students with practical experience in drafting agreements related to family law;
5) provide an opportunity to examine and consider the law reform and theoretical debates that shape and inform family law in Canada.

Course Outline
1. Histories and changing definitions: What is “family”?
2. The legal framework for family law
3. Creating the “family”: marriage and marriage-like relationships
4. Children: determining parentage and adoption
5. Legal regulation of family life: abuse, violence and child protection
6. Family breakdown and corollary issues, including alternative dispute resolution
7. Negotiating and drafting prenuptial and separation agreements (and practice drafting)
8. Economic consequences of family breakdown
9. Policy directions in family law
10. Ethical issues in family law

Texts
Statutes are available online:
- Supreme Court Family Rules
- The Family Law Act (note: bill passed in the BC Legislature on November 23, 2011 and will replace the Family Relations Act)
- Family Relations Act and Regulations
- Divorce Act

Harold Niman (ed.), Evidence in Family Law (Canada Law Book, looseleaf)
LAW 624, Financial Institutions (3 s.h.)

Description
This course examines the law relating to banks and other deposit-taking institutions, such as credit unions. Particular emphasis will be on the regulatory framework, the bank and customer relationship and clearing systems such as ACSS, LVTS, Interac, credit cards and third party payment providers.

Course Objectives
The objective of this course is that students learn to:
1) describe and explain the role of banks and other deposit-taking institutions in Canada;
2) describe and explain the institutional context within which Canadian banks operate;
3) explain how banks and other deposit-taking institutions are regulated and what they may do;
4) explain how the bank and customer relationship operates with respect to paper and electronic transactions, including the mutual duties owed by each party;
5) understand the international context for financial institutions and financial transactions.

Course Outline
1. Banks and Credits Unions
2. Definition of “banking”
3. Regulation and prudential oversight of financial institutions, including federal/provincial jurisdiction
4. Financial institutions as businesses
5. Financial institutions and the customer
6. Bills of Exchange
7. Account operation
8. Loans
9. Electronic fund transfer
10. Electronic payments
11. Credit cards
12. Dispute resolution
13. Monitoring of financial transactions -- money laundering and terrorist financing

Texts
LAW 625, Health and Elder Law (3 s.h.)

Description
This course introduces students to the law relating to the Canadian health care system with a particular focus on care for the elderly. The first half of the course will cover the regulation of the health care system including health care professionals, informed consent to medical treatment, malpractice, confidentiality and disclosure of health information. The second half of the course will address specific issues related to our aging population, including mental disability, substitute decision-making and end-of-life decision-making.

Course Objectives
The course aims to instill students with a basic understanding of fundamental principles and issues in health law and policy, including:
1) legal foundations of health care law and health care funding;
2) regulation of health care professionals and institutions, both private and public;
3) negligence law and patient safety;
4) consent to treatment and mental capacity;
5) privacy and confidentiality in health care;
6) public health law, including laws relating to infectious disease control;
7) ethical and legal issues in end-of-life care.

Course Outline
1. Regulation of health care professionals and complementary health care professionals
2. The Canadian health care system, including federal and provincial statutes
3. Private and public health care providers and statutes regulating the same
4. Applicable tort law, including medical malpractice
5. Informed consent
6. Minors and health care
7. Elderly and health care
   a. Personal autonomy and capacity
   b. Financial planning, powers of attorney and elder abuse
   c. Private elder care and regulation
   d. Family support and the elderly
8. Mental health law
9. Health information and privacy
10. Public health law
11. End of life
12. Decision-making at the end of life (including living wills)

Texts
LAW 626, Human Rights and Discrimination  (3 s.h.)

Description
This course examines the historical roots for human rights legislation in Canada. Students will examine the structure of the human rights codes in terms of prohibited grounds and specific discriminatory practices. It will include critically examining human rights procedure, including the transition of provinces like British Columbia and Ontario to new systems that change the role of the Human Rights Commissions.

Course Objectives
The course aims to instill students with a basic understanding of fundamental principles and issues in human rights law and policy, including:
1) interaction between ideas of morality social justice and human rights and the purpose of protecting human rights;
2) development of human rights post-WW II;
3) competing conceptions of equality and discrimination;
4) the impact of human rights laws on private relationships and contracts;
5) preparing and assembling evidence for human rights complaints;
6) defending against human rights complaints.

Course Outline
2. Meaning of discrimination – substantive equality v. formal equality
3. Structure of human rights statutes – process
   a. Human rights commissions
   b. Human rights tribunals
   c. Practice issues
4. Structure of human rights statutes – substantive protections
   a. Areas of protection (employment, wages, employment advertisements, purchase of property, discriminatory/hateful speech, tenancy, services customarily available to the public, association/union membership, etc.)
   b. Grounds on which discrimination is prohibited
5. BFOR/BFOQ defences
6. Special interest exemptions
7. Charter limitations on scope of human rights prohibitions

Texts
Stanley Corbett, Canadian Human Rights Law and Commentary (LexisNexis, 2007)
Anita Braha, Annotated British Columbia Human Rights Code (Canada Law Book, looseleaf)
LAW 627, Immigration and Refugees Law (3 s.h.)

Description
Canada is largely a country of immigrants. This course will cover the regulatory framework for immigration to Canada. It will also critically assess the issues raised by Canadian immigration policy. As well, students will be introduced to the international and national rules governing refugees.

Course Objectives
The course aims to instill students with a basic understanding of fundamental principles and issues in immigration and refugees law in Canada including:
1) the constitutional and international basis for migration laws;
2) social, political and economic context and consequences of migration control;
3) practical skills for representing immigrants and refugee claimants;
4) obtaining protection as a refugee;
5) border protection;
6) process and principles for settling in Canada;
7) losing the ability to stay in Canada.

Course Outline
1. Introduction to migration, borders and mobility
2. Canada’s place in the world: the Charter and international legal instruments
3. Citizenship and permanent residency requirements
4. Introduction to asylum law
5. Security, human trafficking and smuggling
6. Definition of refugee in Canada, persecution and ability to return
   a. Interdiction
   b. Refoulement
   c. Expulsion of refugees
7. Immigrating to Canada
   a. Decision-making structure and process, including immigration and refugee board
   b. Standard of review
   c. Economic criteria and classes of immigrants
   d. Family class immigration
   e. Humanitarian and compassionate immigration
8. Exclusion, removals and deportation
   a. Criminality
   b. War crimes
   c. Medical and health issues.

Texts
Lorne Waldman, Canadian Immigration & Refugee Law Practice 2011 (LexisNexis, 2011)
Annotated Immigration and Refugee Protection Act (Carswell, 2012)
Benjamin A. Kranc, North American Relocation Law (Canada Law Book, looseleaf)
LAW 628, Insurance Law (3 s.h.)

Description
This course will examine the theory and elements of the practice of insurance law, with reference to the most common forms of both first party and third party insurance: property, life and motor vehicle insurance. It will cover the basic theory of insurance as a loss spreading mechanism; the nature of insurance contracts; the insurance industry; principles of indemnity insurance; the duty of good faith and obligation of full disclosure; and the claims process. It will also cover selected issues on interpreting insurance policies.

Course Objectives
This course will allow students to:
1) gain an appreciation of the principles of insurance law and the particular operation of contract law in the insurance context;
2) develop an ability to analyze insurance problems and apply legal doctrine and policy considerations to them;
3) develop skills in working with mixed jurisprudence based in part on statute and in part on common law;
4) acquire insight into the structure and substance of insurance policies;
5) evaluate the effectiveness of legislation and common law principles in controlling the insurance industry and protecting consumers of insurance products.

Course Outline
1. Introduction to insurance
2. Nature of insurance
3. Insurable interest
4. Principle of indemnity
5. The insurance contract
6. Duty of good faith and obligation of full disclosure
7. Selected issues in interpreting insurance contracts
8. Public policy restrictions
9. The claims process
10. Valuation

Texts
Barbara Billingsley, General Principles of Canadian Insurance Law (Student Edition) (LexisNexis, 2008)
LAW 629, Intellectual Property Law (3 s.h.)

Description
Intellectual property laws protect ideas, creativity and designs. These are protected by patents, trademarks, copyright and industrial design. This course will examine the rules governing each of these, the protection they offer and enforcement of each of these protections. Other rules and remedies, such as passing off, will also be covered.

Course Objectives
In this course, students will be exposed to the legal protection for inventions and creativity. They will:
1) understand the various protections, and length of protection, for patents, industrial design, trademarks and copyright;
2) understand the issues for international protection for intellectual property, or lack of protection, as the case may be;
3) have a basic understanding of the procedures of the Canadian Intellectual Property Office (CIPO) to protect intellectual property;
4) know how to search CIPO databases;
5) be challenged to think about innovation and how that affects the protection of intellectual property.

Course Outline
1. What is intellectual property and why protect it?
2. The global context for intellectual property protection
3. Patents
   a. Novelty
   b. Non-obvious
   c. Utility
   d. Claim construction
   e. Infringement
   f. Defences
   g. Remedies
4. Industrial design
5. Trademarks
   a. Registrable?
   b. Official/non-official
   c. Infringement
   d. Defences
6. Passing off
   a. Misrepresentation
   b. Damages
7. Copyright
   a. Works
   b. Infringement
   c. Moral rights
d. Defences
8. New issues with intellectual property coming out of new technologies

Texts
David Vaver, *Copyright Law* (Irwin Law, 2000)
LAW 630, International Law (3 s.h.)

Description
This course will cover the sources, development and institutions of international law. It will address the relationship between international law in its customary and conventional forms and the domestic laws of Canada. Trade, investment, peace and security and international human rights will be canvassed. Students will have the opportunity to assess bilateral and multi-lateral international agreements including the NAFTA, WTOA and UN Agency-generated treaties.

Course Objectives
The objectives of this course are that students be able to:
1) explain the relationship between the historical origins and nature of international law and the current international legal system;
2) outline the key characteristics and fundamental principles of international law, particularly with respect to customary and conventional law;
3) identify the principal attributes of the main players in the international legal system;
4) describe how international law is generated, the theories advanced to explain its legal effects, and the manner in which it interacts with domestic (particularly Canadian) law;
5) articulate key substantive doctrines of international law, including rules relating to the sovereign equality of states, the prohibition of intervention in the domestic affairs of states, state succession, the principle of self-determination of peoples, the law of treaties, state jurisdiction, the law of the sea, air and space law, sovereign and diplomatic immunities, state responsibility, and the international protection of human rights and/or the use of force in international relations;
6) identify international legal issues in various fact scenarios and analyze such issues in light of the foregoing knowledge in order to provide well-reasoned, persuasive international legal advice;
7) engage in critical and informed debate concerning the nature, reality, content, strengths and shortcomings of current international law.

Course Outline
1. Sources of international law
2. Customary international law
3. Jus Cogens norms and Erga Omnes obligations
4. Jurisdiction and immunities
5. The law of treaties
6. Trade law
7. Human rights

Texts
LAW 631, Landlord and Tenant Law (3 s.h.)

Description
This course considers the essential landlord-tenant relationship in both residential and commercial contexts. It introduces students to the critical legal elements of the relations, including the requirements for the formation of a valid agreement, the rights and duties of the parties under the agreement, and remedies for breach. Students will become familiar with the statutory regimes governing landlord-tenant relationships. The course will provide opportunities for students to critically assess commercial and residential tenancy agreements for compliance with the relevant statutory provisions. Students will also engage in problem-solving exercises in order to advise clients on the best course for pursuing remedial action.

Course Objectives
This course will:
1) introduce students to the nature of the landlord-tenant relationship;
2) familiarize students with the essential elements of a valid tenancy agreement and the distinctions between commercial and residential relationships;
3) equip students to identify flaws, inconsistencies and deficiencies in tenancy agreements;
4) develop skills to provide effective client advice on remedial options under tenancy agreements and applicable legislation.

Course Outline
1. Creation of landlord-tenant relationship
2. Application of landlord and tenant statutes
3. Leases and tenancy agreements
4. Agreements for lease
5. Obligations of landlord
6. Obligations of tenant
7. Rent
8. Assignment and subletting
9. Renewals and options
10. Merger and surrender
11. Forfeiture and re-entry
12. Abandonment
13. Termination by Notice to Quit
14. Statutory remedies
15. Fixtures

Texts
Donald H.D. Lamont, Q.C., Residential Tenancies (Carswell, 2000)
Description
Issues of development and planning have become increasingly controversial. This course is an introduction to the basic structure, functions and powers of municipal or local governments. It will start with where municipal governments get their powers and how they make by-laws. It will include municipal taxation. A significant part of the course will focus on municipal planning and land use.

Course Objectives
This course will enable students to:
1) understand the unique role of municipalities in regulating planning and property taxation;
2) be equipped to make applications to the relevant municipal bodies for planning approvals, and understand the appeals processes;
3) understand and apply the relevant legislation for municipal regulation.

Course Outline
1. Where do municipalities derive their authority?
2. Scope of municipal authority
3. Municipal taxation
4. The scope of the zoning power
5. Land use, non-conformity and variances
6. Subdivision
7. Municipal regulation of houses of worship
8. First Nations issues
9. Liability issues for municipalities
10. Liability issues for planners
11. Municipal services

Texts
W. Buholzer, *British Columbia Planning Law and Practice* (LexisNexis, looseleaf)
LAW 633, Natural Resource Law (3 s.h.)

Description
The course begins with an overview of the development of Canadian natural resource law, including some underlying philosophies, principles and ethics. This foundation leads to an examination of the natural resource law framework in Canada from federal, provincial, municipal and Aboriginal perspectives. The course also explores the legislation and common law principles that govern natural resource protection, compliance, enforcement and liability for natural resource harm, natural resource rights, public participation and environmental assessment. Emphasis will be placed on the specific example of forestry, but will also include mining, oil and gas and fisheries.

Course Objectives
This course will enable students to:
1) gain an appreciation of the social, political and economic context of natural resource law and policy making and enforcement;
2) consider the challenges of natural resource law making and regulation within the Canadian federation, including First Nations issues and the role of local government;
3) understand the scope and limitations of common law actions and remedies in the natural resource context;
3) gain a basic familiarity with natural resource regulation and law making at the federal and provincial levels including standard-setting, the emerging debate with respect to “smart regulation” and related issues of public participation, enforcement, judicial review and standing;
4) evaluate the efficiency and effectiveness of these models within a broader socio-political context, and consider possibilities for reform;
5) consider the role of the criminal law in natural resource regulatory enforcement including private prosecution;
7) acquire an understanding of the natural resource assessment and species protection processes, with an emphasis on federal issues and emerging critiques;
8) consider the impact of climate change on selected areas of natural resource law and policy.

Course Outline
1. Overview of Canadian natural resource law
2. Sources of jurisdiction and natural resource legislation
3. Using the courts for natural resource protection
4. Regulation of natural resources
5. The future of natural resource law
6. Practicing natural resource law

Texts
LAW 634, Negotiation (Advanced) (3 s.h.)

Description
This skills-based course will develop negotiating theory and skills through practical assignments and readings from on negotiation theory. Each week, students will have the opportunity to participate in a practice scenario and to analyze the results. Coaching and peer input will be provided. Prerequisite(s): LAW 613 Alternative Dispute Resolution.

Course Outcomes
Students will have:
1) a comprehensive understanding of how and why we negotiate;
2) the moral and practical benefits of principled (interest-based) negotiation;
3) skills to understand the client’s interests;
4) the methods used to lead people to engage in principled negotiation;
5) personal testing of their negotiation styles and many hours of negotiation practice and observation in a variety of scenarios;
6) honed skills and outcomes in all aspects of life: professional, family and community.

Course Outline
1. Negotiation methodologies and styles. (Course participants will get a personal negotiation style assessment.)
2. Negotiation theory – building on the basic theoretical models discussed in Law 304, a comprehensive examination of how individuals, groups, organizations and nations engage in negotiations, how to measure results based on maximizing interests, and optimization
3. Distributive and integrative bargaining
4. Taking instructions from a client
5. Single issue vs. multiple issue negotiations: identifying and mapping interests
6. Negotiating in the business context
7. Negotiating in the family context
8. Negotiating between organizations
9. International negotiations
10. Documenting the course of negotiations and documenting the outcome
11. Challenges for negotiators: ethical issues, getting to the table, power imbalances, the “hard bargainer”, cultural and gender issues, managing personal emotions
12. Using negotiation software as an optimization tool

Texts
W. Ury, Getting Past No: Negotiating in Difficult Situations (Bantam Books, 1993)
Description
This course introduces students to legal and equitable remedies in the area of private law, predominantly torts, property and contract law. The class will emphasize principles governing remedial selection. Students will become familiar with the range of remedial options available in law, and will practice developing creative strategies to best meet clients’ needs. The course will provide opportunities for students to apply their learning by analyzing problems, drafting opinion letters, and offering client advice in a client counselling session.

Course Objectives
The objects of this course are to:
1) introduce students to the method of remedial choice, and the factors that influence various choices;
2) familiarize students with principles governing the assessment of damages and the rationale;
3) develop practical skills by applying rules and authority to client scenarios in order to identify the benefits and drawbacks for clients in pursuing various remedial strategies;
4) consider public policy considerations that influence courts’ choice of remedies, including social justice concerns.

Course Outline
1. Basic principles of remedies
2. Damages
   a. Expectation damages
   b. Reliance damages
   c. Restitutionary remedies
   d. Aggravated and punitive damages
   e. Damages for personal injury
   f. Limiting principles
3. Equitable remedies
4. The social and policy implications of various remedies

Texts
Jamie Cassels and Elizabeth Adjin-Tetty, Remedies: The Law of Damages (Irwin Law, 2008)
LAW 636, Religion and the Law (3 s.h.)

Description
This course examines the relationship between religion and the secular state in a wide variety of contexts. Chief Justice McLachlin noted that “both law and religion are comprehensive doctrines,” that is, they place total claims on lives of citizens and adherents. This will inevitably lead to conflicts. Specific focus will be on Canada and will include human rights, regulation of religious institutions and accommodation of religious difference.

Course Objectives
This course will allow students to:
1) critically analyze the place of religion in Canada’s pluralistic, multicultural state;
2) understand the historical roots of many of Canada’s current religious conflicts;
3) understand and evaluate regulation of religious institutions;
4) understand the legal framework for religious freedom including the Charter and human rights codes.

Course Outline
1. Understanding religion and religious diversity in Canada
2. The Constitutional background
3. Religion and education
4. Religion and family law
5. Accommodation of religious practices
6. Limits on religious expression
7. Regulation of religious institutions
8. The place of religious law
9. Competing and conflicting rights

Texts
Janet Epp Buckingham, *Crosses, Kirpans and Conflict*, (McGill-Queen’s University Press, forthcoming)
Law 637, Securities Law (3 s.h.)

Description
This course covers securities regulation, predominantly through the raising of funds for corporate development through selling securities to the public. The course will focus specifically on the B.C. Securities Act. The course will include registration requirements for persons trading in securities, prospectus requirements to trade in securities, exemptions from the prospectus requirement, restrictions on the resale of securities, remedies for failure to comply with securities legislation, continuous disclosure requirements and take-over bid legislation.

Course Objectives
The objectives of this course are to:
1) familiarize students with the origins of regulation of securities transactions;
2) explain the concepts of public offerings, private placements, market disclosures, insider trading;
3) understand the law regulating offerings and trading of traditional domestic equity securities;
4) analyze court decisions, security commission rules, disclosure forms, regulatory explanations, and formulate ways in which they would assist clients raising funds through security offerings;
5) familiarize students with the effects of the Canadian Charter of Rights and Freedoms on securities law especially with regards to enforcement actions against individuals;
6) analyze ethical issues in advising clients in securities law matters generally and when representing clients before the securities commissions or before federal judicial bodies while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. The history and evolution of the regulation of raising money for industry
2. The registration process for newly issued securities
3. Civil liability for deficiencies and misrepresentations in the registration materials
4. Exemptions from registration
5. Definition of security
6. Regulation of securities trading markets
7. Liability for securities fraud (and insider trading)
8. Regulation of securities industry participants
9. Cross-border regulation of securities transactions
10. Ethical considerations in securities law

Texts
M. Condon, A. Anand, J. Sarra, Securities Law in Canada (Emond Montgomery, 2005)
The (British Columbia) Securities Act, R.S.B.C. 1996, c. 418
The (Ontario) Securities Act, R.S.O. 1990, c. S.5
LAW 638, Tax Law (3 s.h.)

Description
This course covers the fundamental principles, concepts, and application of Canadian federal income tax legislation. Topics include the concepts of income and liability for tax; income from employment, business, and property; shareholder benefits; deductions; capital gains and losses; computation of taxable income and tax planning for individuals. The course emphasizes understanding of the conceptual structure of the *Income Tax Act* and the application of its rules to practical cases.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history and evolution of tax law in Canada;
2) explain the fundamental principles of Canadian federal income taxation;
3) explain how individuals calculate income tax payable under Canadian law for different types of income earned including employment, professional, business, rental and investment income;
4) explain the kinds of deductions available to individuals when calculating income tax payable;
5) understand the Canada Revenue Agency’s tax administration, audit and enforcement under the *Income Tax Act*;
6) familiarize students with the effects of the *Canadian Charter of Rights and Freedoms* on the law of income tax especially with regards to enforcement actions against individuals;
7) enable students to read and interpret provisions effectively relating to individuals in the *Income Tax Act*;
8) analyze various ethical issues relating to advising clients in tax matters generally and when representing individuals before the Canada Revenue Agency or before federal judicial bodies while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. History, objectives and the legislative process that applies to taxation in Canada
2. Jurisdiction and liability to tax
3. Tax administration and enforcement
4. Types of taxable assets and income
5. Deductions and credits
6. Capital gains
7. Tax avoidance and tax evasion
8. Provincial and other taxes
9. Professional ethics in tax planning and tax litigation

Texts
LAW 639, Tax Law (Advanced) (3 s.h.)

Description
This advanced course covers the principles of taxation that apply to entities other than individuals. It surveys tax implications that apply to corporate reorganizations, tax planning, and the application of tax principles and concepts to complex tax situations like trusts, partnerships, and corporations. Topics include shareholder benefits; transfer of property to corporations; anti-avoidance and other rules; purchase or sale of a business; partnerships; death; trusts; and intra-family property transfers. Prerequisite(s): LAW 638, Tax Law.

Course Objectives
The objectives of this course are to:
1) familiarize students with the fundamental principles of Canadian federal income taxation as it applies to entities other than individuals;
2) familiarize students with how entities calculate income tax payable under Canadian law for different types of income earned by corporations, partnerships, limited partnerships and trust;
3) explain the kinds of deductions available to corporations, partnerships and trusts when calculating income tax payable;
4) explain the implications and techniques of corporate reorganization to minimize tax under the Income Tax Act;
5) explain concepts under the Income Tax Act relating to purchase or sale of a business and intra-family property transfers;
6) explain concepts under the Income Tax Act relating to the death of an individual and the winding-up of a corporation;
7) enable students to read and interpret provisions effectively relating to partnerships, corporations and trust in the Income Tax Act;
8) analyze various ethical issues relating to advising corporate clients in tax matters generally and when representing corporate clients before the Canada Revenue Agency or before federal judicial bodies while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. Overview of differences in the taxation of income earned by various business organizations
2. Taxation of the corporation, its officers and its shareholders
3. Transfers of property into and out of a taxable Canadian corporation
4. Corporate reorganizations and its tax implications
5. Anti-avoidance rules
6. Purchase and sale of a business
7. Partnerships, limited partnerships and trusts
8. Transfers of property among family members or family-held corporations
9. Death of a taxpayer

Texts
Vern Krishna, Fundamentals of Income Tax Law (Carswell, 2009)
LAW 701, Practicum* (3-9 s.h.)

Description
Upper year students must complete two practica. LAW 701 will be a supervised practicum for academic credit. The supervised practicum eligible for credit for LAW 701 will include:

- Legal aid clinic
- Competitive moot
- Private law firm, government legal services department
- Pro bono placement with a non-governmental organization
- Internship with a Member of Parliament or Senator, or provincial MLA (or equivalent)
- Tribunal or court

Course Objectives
Students will gain a practical experience of law and/or advocacy through the 3rd year placement.

Course Outline
Students must get approval for their practicum. There will be required documentation and a summative.

Texts
No Text
LAW 702, Administrative Law* (3 s.h.)

Description
Administrative law broadly covers the exercise of government power excepting that of criminal law powers. It regulates how governments exercise their authority, including both political and administrative authority. Administrative law addresses both direct exercise of government decision-making and the host of tribunals governments establish. This course will cover the rules governing how governments make decisions and carry them out as well as the procedures to challenge those decisions, including judicial review. Students will have the opportunity to visit a tribunal hearing.

Course Objectives
The objectives of this course are to:
1) familiarize students with the history and development executive-branch agencies and tribunals in Canada;
2) explain the differences between the judiciary and administrative tribunals and agencies;
3) familiarize students with an understanding of the operation of government decision-making and that of agencies and tribunals and the process that governs challenging their decisions;
4) critique the social, religious and political implications of challenging governmental authority;
5) enable students to identify issues arising from governmental decision-making action that would permit legal review of such decisions;
6) enable students to learn to analyze and critique the rapidly changing area of administrative law; and to formulate arguments to address the ambiguity of conflicting decisions by different courts and to communicate their results to colleagues and clients.

Course Outline
1. History and development of administrative law in Canada
2. Constitutional basis for judicial review
3. Expertise and statutory purpose
4. Procedural fairness
5. Bias and lack of impartiality
6. Jurisdictional issues and discretionary decisions
7. Remedies

Texts
Sara Blake, Administrative Law in Canada (5th edition) (LexisNexis, 2011)
Guy Régimbald, Canadian Administrative Law (LexisNexis, 2008)
LAW 703, Business Organizations* (3 s.h.)

Description
This course will cover all aspects of business organizations from sole proprietorships to partnerships to corporations. The first question posed will be, “what type of business organization is best?” Students will be required to complete all phases of incorporating and dissolving a corporation. They will also cover the legal effect of incorporation, responsibilities of directors, control and management of corporations and minority shareholder rights.

Course Objectives
Students in this course will:
1) understand and be able to identify benefits and liabilities of various business structures;
2) know the steps to incorporate a company;
3) understand the legal effects of incorporation;
4) understand fiduciary relationships in various business structures;
5) understand legal liabilities of corporations.

Course Outline
1. Sole proprietorships
2. General partnerships and limited liability partnerships
3. Joint ventures
4. Corporations
   a. benefits of incorporation
   b. legal status of a corporation
   c. incorporating a company – federal and provincial corporations
   d. fiduciary relationships and the corporation
   e. control and management of a corporation
   f. closely held corporations
   g. rights of shareholders
   h. tort liability of corporations
   i. contracting with a corporation
   j. criminal liability of corporations
   k. piercing the corporate veil
   l. transferability of shares
5. Franchises

Texts
Fasken Martineau DuMoulin LLP, Annotated British Columbia Business Corporations Act (Carswell, looseleaf)
LAW 704, Civil Procedures* (3 s.h.)

Description
An inquiry into the functions of a modern procedural system with specific consideration of the extent to which the litigation process aids in the achievement of just, speedy and economic resolutions of justiciable conflicts. Students will be introduced to the basic structure of a civil action and major items for consideration throughout the development of civil litigation. In the result, such matters as the expenses of litigation, jurisdiction, initial process, pleadings, amendment, joinder, discovery, disposition without trial and alternatives to adjudication will be discussed.

Course Objectives
This course will:
1) introduce the fundamentals of civil procedure and familiarize students with the structure of a civil action;
2) provide a theoretical framework for the rules of procedure and identify the values and policies on which the rules are based;
3) place these rules in a practical context to encourage future practitioners to wield the rules in a responsible, strategic, and cost-effective manner;
4) develop practical legal drafting skills including: drafting a Notice of Civil Claim, Response to Civil Claim, Notice of Application and affidavits.

Course Outline
1. Theoretical perspectives on civil litigation
2. Commencement of proceedings
3. Pleadings and parties
4. Document discovery
5. Examinations for discovery, other discovery, applications, and examinations for discovery
6. Complex litigation
7. Interim relief and summary trials
8. Costs and access to justice
9. Trial procedure and experts’ reports

Texts
Bouck, Dillon, and Turriff, British Columbia Annual Practice 2010-2011 (Canada Law Book Inc.)
LAW 705, Evidence* (3 s.h.)

Description
This course surveys the history of rules of evidence in Canadian law. The course introduces students to principles of admissibility, relevance, types of witnesses, written versus oral evidence and the use of demonstrative evidence in court and tribunal proceedings in Canada. It also examines concepts and rules relating to burdens of proof, presumptions, exclusionary rules, ethical issues in the law of evidence and the effects of the Canadian Charter of Rights and Freedoms on the law of evidence.

Course Objectives
This course is designed to:
1) explain the history and development of the law of evidence in Canada;
2) identify and critically assess the basic principles and rules governing the burden of proof and admissibility in respect of the presentation and evaluation of evidence in adjudicative proceedings;
3) understand the types of witnesses and the types of evidence that are part of an adjudicative proceeding;
4) understand the ethical issues in the law of evidence and professional responsibilities as a lawyer;
5) familiarize students with the effects of the Canadian Charter of Rights and Freedoms on the law of evidence;
6) enable students to identify effectively admissibility issues with respect to evidence;
7) analyze various issues relating to admissibility issues and to advise clients on how such issues should be addressed before a court or tribunal so as to provide the client with the best representation possible while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. Why are rules of evidence important?
2. Burden of proof
3. Admissibility and relevance
4. Character evidence and exclusionary rules
5. Expert evidence
6. Ethical issues in the law of evidence
7. Effects of the Canadian Charter of Rights and Freedoms on the law of evidence

Texts
LAW 706, Jurisprudence (capstone course)*  (3 s.h.)

Description
Canadian law took shape from its British and French origins, both of which were heavily indebted to a Judeo/Christian understanding of law. This course explores the philosophical, social, historical, political, and religious underpinnings of the law and legal systems. Key questions include, “what is law?” and “do we have an obligation to obey the law?” Recurrent themes include the relationship between law and morals, legal reasoning and logic, and the relationship between law and liberty. The course will challenge students to understand, first through an historic lens, the development of notions, of justice, fundamental rights of persons, and the use of force and punishment in society. Then the course will examine modern and postmodern legal theories as they impact on current legal and ethical problems in Canadian and international discourse.

Course Objectives
In this course, students will:
1) analyze and critique the concepts of “law”, “legal systems” and “justice” in historical and modern day Canadian context;
2) explain the interaction and evolution of law, philosophy and religion from antiquity to the present;
3) explain the major schools of legal thought and the leading legal thinkers providing intellectual depth for more theoretical debates based on traditional modern theories like legal positivism and natural law and postmodern ones like feminist legal theory and critical race theory;
4) argue the competing positions on the justification and limits of legal rights;
5) critically analyze law in its social context, including how law shapes and is shaped by society;
6) understand the philosophical basis of law;
7) articulate the issues in the foundations of law and assess the plausibility of alternative views;
8) analyze legal cases to determine the philosophical assumptions with which legal decisions are made.

Course Outline
1. Introduction and survey of legal doctrine in the New Testament
2. Survey of legal doctrine in the Old Testament and in other religions
3. Legal thought in Greek and Neo- Greek thought
4. The Reformation, Luther and the law
5. Law and modernity – Natural Law, Positive Law and Legal Realism
6. Law in a postmodern world – Feminism, Critical Legal Studies and Race Theory
7. Human rights, war, terrorism and humanitarian intervention
8. Crime and punishment, reconciliation and forgiveness in the legal system
9. The just use of property and science, bioethics, and the environment
10. Christianity, justice, equity and the practice of law
11. The separation and convergence of Church, Synagogue, Mosque and State
12. Current challenges in Canadian jurisprudence relating to worldviews
Texts
Susan Dimock, Classic Readings and Cases in the Philosophy of Law (Pearson Longman, 2007)
Neil Simmonds, Central Issues in Jurisprudence (Sweet & Maxwell, 2008)
M. Kramer, Critical Legal Theory and the Challenge of Feminism (Rowman and Littlefield, 1995)
LAW 707, Practice Management* (3 s.h.)

**Description**
The private practice of law is both a profession (calling) and a business; lawyers live and manage this tension on a daily basis. This course will introduce students to the business and administrative aspects of a law practice while keeping in view the duties owed by a lawyer to clients and the state. The class sessions will be highly interactive with many “hands on” experiences in the use of practice management tools and processes.

**Course Objectives**
This course is designed to:
1) familiarize students with all aspects of the establishment and maintenance of a private practice of law and the requirements imposed by law and policy;
2) introduce strategies to maintain personal health and balance while in practice;
3) develop an understanding of what is required to enter practice;
4) have rich resources to turn to once they enter the profession.

**Course Outline**
1. Structure of practice: sole practitioner, associations, partnership, LLP, the law corporation and the agreements governing these relationships
2. Getting started: staffing, leasing office space, equipping and fixturing, service contracts
3. Marketing: getting clients in the door
4. Staying on side: the requirements of Law Society Rules and Professional Conduct Handbook on practitioners
5. Managing work flow: time and case management systems, conflict management systems, using precedents
7. Managing accounting: a review legal accounting software
8. Managing space and the quest to go paperless: document management systems, archiving
9. Managing technology: computer hardware and software, document management systems, case management software, backup systems, cloud computing, virus protection, copiers/printers/scanners, phone systems
10. Managing risk: insurance, tickler systems
11. Law office economics
12. Managing self: maintaining physical, emotional, social and spiritual health

**Texts**
LAW 708, Real Estate Law* (3 s.h.)

Description
This fundamental course will familiarize students with the mechanics and legalities of a real property transaction from its inception to post completion. The course examines the legal structure, the legal problems and the legal remedies associated with commercial transactions involving the sale, mortgaging and leasing of real estate. We will examine the agreement of purchase and sale that is the foundation of every real estate transaction, what should be included in it, how it should be drafted, how it is completed and what remedies are available for its breach. Other issues that will be examined include the two systems of land registration, real estate agents duties, mortgages and other security, development-related issues, leases, easements, title insurance, fraud and solicitor's opinions.

Course Objectives
This course will enable students to:
1) understand the legal framework governing real estate transactions;
2) understand the basic legal duties of real estate licensees and the legal implications of the listing contract, and be aware of conflict of interest issues;
3) evaluate and analyze the legal significance of problems that occur between signing the contract for purchase and sale and registration of land transfer documents in the Land Title Office;
4) understand the range of potential remedies available to parties in contracts for sale of land;
5) develop practical skills through problem solving exercises in evaluating and strategizing about breaches of contract;
6) scrutinize a purchase and sale agreement for compliance with the relevant rules and authorities.

Course Outline
1. Pre-contract
   a. General - Brokers
   b. Deposits
2. Contract formation – essential considerations
3. Special considerations for acquisition of an interest in or on land situated on Indian Reserve Land
4. Strata property transactions
5. Post-formation
   a. Conditional contracts
   b. The effect and implications of the contract
   c. Misd Descriptions of the contract subject-matter
   d. Other defects of quality
   e. Title
   f. The Planning Act
   g. The Registry Act and priorities
   h. The Land Titles Act and priorities
6. Contract completion
a. Time
b. Tender
c. Remedies

7. Post-contract completion
   a. Defects in quality and title

8. Conflicts of interest in real estate transactions

Texts
Description
Students will understand the rationale and principles for preparing wills and have an opportunity to draft one. They will also understand the consequences of not having a will. The rules governing the administration of estates, particularly, the terminal tax return, rules governing matrimonial property, the care of dependants and distribution of assets. So-called “living wills” and issues around incapacity and substitute decision-makers will also be covered. Students will become familiarized with the law of trusts and their formation, benefits, regulation and taxation. The role and responsibilities of trustees will also be addressed.

Course Objectives
The objectives of this course are to:
1) explain the history of wills, estates and trusts as they developed from English law to their introduction and evolution in Canada;
2) explain all aspects of establishing and managing trusts;
3) familiarize students to the principles governing the creation, administration, variation and termination of express private trusts as well as statutory, resulting and constructive trusts;
4) understand the duties and powers of the trustees as well as their fiduciary responsibilities;
5) understand the rights and duties of trust settlors, trustees and beneficiaries under a trust and remedies for breach of trust;
6) familiarize students with the basic concepts of taxation of trusts;
7) practice interviewing a client and taking instructions for drafting a will for that person;
8) identify and analyze various ethical issues relating to advising clients in wills, estates and trust matters while still meeting the lawyer’s professional responsibility obligations.

Course Outline
1. Introduction to the law of trusts
2. Creation of express trusts
3. Changing or ending a trust
4. Statutory trusts
5. Resulting trusts and constructive trusts
6. Appointment, retirement, and removal of trustees
7. Duties of trustees
8. Powers and rights of trustees
9. Breach of trust
10. “Living” wills and powers of attorney

Texts
Chambers, McInnes, Oosterhoff & Smith, Oosterhoff on Trusts: Text, Commentary and Cases (7th edition) (Carswell, 2009)
James Kessler and Fiona Hunter, Drafting Trusts and Will Trusts in Canada (3rd edition) (LexisNexis 2011)
APPENDIX NINE

Summary of Faculty Qualifications

The program developers, Dr. Janet Epp Buckingham and Prof. Kevin G. Sawatsky, are currently faculty members at Trinity Western University in other departments. They may be faculty members in the proposed TWU School of Law.

Janet Epp Buckingham

Specialization: Human Rights, Constitutional Law, Religion and the Law

Education: B.A. History (Western Ontario), LL.B. (Dalhousie), LL.D. (Stellenbosch)

Professional Certifications: Member of the Law Society of Upper Canada


Professional Experience: Director of Laurentian Leadership Centre and Associate Professor Trinity Western University (tenured), Director of Law and Public Policy and General Legal Counsel for the Evangelical Fellowship of Canada, Executive Director of the Christian Legal Fellowship, Researcher for Public Legal Education Association of Saskatchewan, UN representative for the World Evangelical Alliance, private practice lawyer, academic and professional presentations and publications.

Kevin G. Sawatsky

Specialization: Charities Law, Business Organizations, Employment Law, Human Rights


Professional Certifications: Member of the Law Society of British Columbia


Professional Experience: Vice-Provost (Business), Trinity Western University Legal Counsel, TWU School of Business Professor of Law (tenured), Dean of the School of Business (2001-2008), private practice lawyer, academic and professional presentations and publications.
APPENDIX TEN

School of Law Building Cost Protection
<table>
<thead>
<tr>
<th>Room Types</th>
<th>No.</th>
<th>Size (sq.ft.)</th>
<th>Extension</th>
<th>Totals</th>
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<td><strong>School of Law - Initial Facility Estimate</strong></td>
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<td><strong>Room Types</strong></td>
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APPENDIX ELEVEN

Preliminary Concept Drawings
APPENDIX TWELVE

Canadian Academic Law Library Standards

Approved by the
Canadian Academic Law Library Directors Association
May 5, 2007

Preamble

CALLD Standards for Law Libraries aim at providing general provisions in the areas of administration, staffing, services, collections and facilities. These standards shall adhere to the provisions of the Access to Information Act (R.S.C., 1985, c. A-1) and shall be interpreted in a manner that respects and supports academic freedom.

General Provisions

a) An academic law library shall be an active and responsive force in the educational life of the law school. A law library’s effective support of the school’s teaching, scholarship, research and service programs requires a direct, continuing and informed relationship with the faculty, students and administration on behalf of the law school.

b) A law library shall have sufficient financial resources to support the law school’s teaching, scholarship, research and service programs.

c) A law library shall keep abreast of technology and adopt it when appropriate.

Administration

a) An academic law library shall have sufficient administrative autonomy to direct its development of the law library and to control the use of its resources.

b) The director of the law library, in consultation with the Faculty of Law and University Librarian, as appropriate, shall determine law library policy.

c) The director of the law library is responsible for the selection and retention of personnel; the provision of law library services; and the collection development and maintenance.

d) The budget of the law library may be determined as part of the law school budget or, according to institutional policy, allocated under the university library budget, but it should be administered by the law library director.

Note. This standard requires that decisions that materially affect the law library be enlightened by the needs of the law school educational program. This envisions law library participation in University library decisions that may affect the law library. This standard shall not be interpreted to restrict continuing support, collaboration and co-operation with University library initiatives designed to enhance institution-wide access to information services and collections.
**Director of the Law Library**

a) The law library shall be administered by a director whose principal responsibility is the management of the law library.

*Note: It is not a violation of this standard for the director of the law library also to have other administrative or teaching responsibilities, provided sufficient resources and staff support are available to ensure effective management of law library operations.*

b) The director of the law library shall have a degree in Library or Information Science. A law degree and experience in academic library administration are desirable.

c) The director of the law library shall be selected according to the institutional policies of the University, but opportunity must be provided for input by the dean and faculty of the law school.

**Personnel**

The law library shall have a competent staff, sufficient in number to provide appropriate library and informational resource services.

*Note: Factors relevant to the number of librarians and informational resource staff needed to meet this standard include the following: the number of law faculty and law students; the variety and number of research and teaching programs (including civil and common law programs as well as graduate programs); the level of informational resource and instructional support provided to faculties and departments outside the law school; the level of access and services provided to non-academic users; the growth rate of the collection.*

**Services**

a) The law library shall provide the appropriate range and depth of reference, instructional, bibliographic and other services to meet the legal information needs of members of the University community. Appropriate services include reference services, instruction in legal research techniques and information literacy, access services (cataloging, indexing, research guides), interlibrary loan and document delivery, and producing library publications (including web sites).

b) Where the law library serves users outside the University community, the library’s mandate shall make clear the levels of informational and instructional service provided to its different user groups.

**Collection**

a) The law library shall provide access to a core collection of essential materials. The appropriate mixture of collection formats depends on the needs of the library and its clientele. The core collection of a Canadian academic law library shall consist of the following:

i. all reported Supreme Court of Canada and Federal Court decisions as well as the reported decisions of the appellate court of each province and territory;

ii. all federal, provincial and territorial statute revisions and annual volumes;
iii. all federal, provincial and territorial regulations;
iv. all international treaties to which the government of Canada is a signatory;
   those federal and provincial administrative decisions appropriate to the
   teaching, scholarly and research needs of the University community;
v. those federal and provincial administrative decisions appropriate to the
   teaching, scholarly and research needs of the University community;
vi. the legislative materials (hansard, debates, bills) of the Parliament of Canada
   and of the province in which the law school is located;
vii. significant secondary works (journals, treatises, texts and monographs)
   necessary to support the programs of the law school and the University
   community; and
viii. those citators, periodicals indexes, bibliographies and encyclopedias necessary
   to identify primary and secondary legal information sources and to update
   primary legal information sources.

b) In addition to the core collection of essential material, a law library shall also provide a
   collection that through ownership or reliable access:
   i. meets the research needs of the law school’s students, satisfies the demands of
      the law school curriculum, and facilitates the education of its students;
   ii. contributes to the teaching, scholarship, research and service interests of the
       faculty;
   iii. serves the law school’s special teaching, scholarship, research and service
       objectives; and
   iv. meets the University community’s needs for interdisciplinary law-related
       materials.

c) A law library shall formulate and periodically update a written plan for the development of
   the collection.

d) All materials necessary to support the programs of a law school shall be complete and current
   and in sufficient quantity or with sufficient access to meet faculty and student needs. The law
   library shall ensure continuing access to all information necessary to the law school’s
   programs.
   i. In order to support and encourage the instruction and research of students and
      faculty, the law library shall facilitate access to a wide array of materials
      including central collections, databases, jointly held special collections,
      interdisciplinary materials and other types of off-side auxiliary resources.
   ii. Agreements for sharing information resources, except for the core collection, satisfy the Collection standard if:
      a. the agreements are in writing; and
b. the agreements provide faculty and students with the ease of access and availability necessary to support the programs of the law school.

Facilities

a) The physical facilities for the law library shall be sufficient in size, location and design in relation to the law school’s programs and enrollment to accommodate law school students and faculty, and the law library’s services, collections, staff, operations and equipment.

*Note: Off-site storage for non-essential library materials is acceptable so long as the material is organized and readily accessible in a timely manner.*

b) The law library shall provide a variety of work spaces to accommodate quiet study, research, collaborative learning and access to technology.

c) The law library must provide suitable space and adequate equipment to access and use all information in whatever formats are represented in the collection. Such equipment may include:

i. microform reader(s)/printer(s);

ii. computer hardware and software (including infrastructure support and services) in sufficient quantity and of acceptable currency to support the teaching and research programs of law students and faculty; and,

iii. audio-visual equipment relevant to the formats in the collection.
APPENDIX THIRTEEN

Position Descriptions – Dean of School of Law, Director of the Law Library, Faculty Member

DEAN OF SCHOOL OF LAW
Position Description

The Dean of the School of Law will be a dynamic and proactive leader. His/her role includes initiating, shaping, implementing, supervising, and evaluating programs in the School of Law as well as managing its day-to-day operations. She/he will possess the commitment, personal characteristics, insights and abilities not only of a strong faculty member but also those of an effective administrative and organizational leader. The Dean oversees the work of program directors, faculty and staff, and reports to the Provost and/or his/her designee. The Dean will responsibly represent and implement the academic and administrative policies and decisions of the University. In this context, the successful candidate will:

- Serve as an effective spokesperson for the School of Law and University in legal, academic and community circles;
- Demonstrate a commitment to academic freedom in a faith affirming academic environment;
- Effectively represent the academic administration and institutional matters to the faculty and report on faculty matters to the academic administration;
- Provide a servanthood model of leadership in setting and implementing School of Law goals and managing to institutional and Board policies;
- Demonstrate a collegial style of leadership and governance with departments and faculty members under his/her jurisdiction;
- Promote strategic planning and assessment on behalf of the School of Law’s programs and personnel annually and in accord with institutional planning initiatives;
- Provide and prepare annual professional development reviews/reports for each faculty member in accord with the Office of the Provost;
- Articulate and engage others in the focused vision of Trinity Western University’s mission and the integration of Christian faith and learning in disciplines beyond his/her own;
- Unreservedly adhere to the University’s Statements of Faith and Community Covenant; and
- Exemplify the characteristics and qualifications of a leader with a mature Christian faith;
JOB DESCRIPTION

1. **Academic Leadership**

The Dean will provide academic leadership to the School of Law including:

   a. Initiate and implement new programs and courses in the School of Law in conjunction with faculty, the Office of the Provost, and University Councils;
   
   b. Represent the School on the Graduate Academic Council, the Dean’s Council, and on other committees, as appropriate;
   
   c. Represent School of Law’s interests within the broader context of the University’s priorities and the University’s policies, goals, and priorities to the School of Law;
   
   d. Promote, monitor, evaluate, and provide support for the work of the faculty with respect to teaching, scholarship and research, and service to the University community;
   
   e. Promote mission fulfillment, the achievement of the University’s core values, and the integration of faith and learning in all aspects of the School of Law’s operations;
   
   f. Effectively articulate University standards and policies both orally and in writing;
   
   g. Monitor course syllabi and their implementation as well as how students are evaluated, and work with the faculty in developing new course syllabi;
   
   h. Direct School of Law reviews as determined by the Provost;
   
   i. Plan appropriate professional development sessions and stimulate academic activities such as faculty colloquia in cooperation with the Office of Research and Faculty Development;
   
   j. Demonstrate academic expertise in an area encompassed by the School of Law by teaching a prescribed number of courses per year as approved by the Provost or his/her designate.

2. **Staffing and Personnel**

The Dean will enable all faculty and staff in the School of Law to exercise their duties effectively:

   a. Supervise and evaluate all teaching in the School of Law, assisting instructors to improve their teaching skills;
   
   b. Review and assess annual professional development agreements with all full-time faculty;
   
   c. Review and assess, for the appropriate committees, all faculty applying for tenure, promotion, sabbatical leaves, and research funding within the School of Law;
   
   d. Meet regularly with and provide supervision to program directors, and work with a faculty assistant in a spirit of warm interpersonal relations;
   
   e. Cooperate with the Provost’s Office when recruiting and/or appointing all full and part-time faculty;
   
   f. Hire and supervise any Assistant/Associate Deans, teaching assistants and other School of Law support staff; and
g. Lead the recruitment and selection of faculty members for the School of Law and provide advice to the Academic Unit of the University on offers of employment to the faculty of the School of Law.

3. **General Administration**

The Dean will provide effective and efficient administration of all matters pertaining to the operation of the academic departments in her/his School:

a. Create and articulate a clear vision for the School of Law;

b. Administer relevant academic, faculty and staff policies;

c. Evaluate course viability (student demand and enrolment), student evaluations of courses, and grade distribution reports, and, when desirable, take corrective action;

d. Prepare each semester’s course schedule in conjunction with the faculty;

e. Prepare and manage operating, capital, and salary budgets for the School of Law (envelope system), including the supervision and approval of purchases;

f. Give general oversight to the usage and development of specialized departmental teaching facilities as needed;

g. Handle final student appeals pertaining to grades, dropping courses, changes in final examination schedules, exemption forms for graduation requirements, student discipline regarding academic dishonesty, and student complaints about faculty as it relates to competence; and

h. Recommend assignment of faculty and staff office space.

4. **External Relations**

The Dean will provide effective leadership and show willingness to work with external relations and the development of fundraising initiatives:

a. Have networking experience with other law schools and faculties, agencies, and organizations and have knowledge of the funding structures in Canada

b. Serve as the faculty lead for strategic planning, faculty recruitment, and fundraising.

c. Connect with influential legal and business leaders such that the School of Law remains well grounded in marketplace realities and well positioned within the marketplace.

**TERM OF REFERENCE**

**Term of Office**

The Dean must be qualified to teach in one or more of the academic disciplines in the School of Law. Initial appointment is for a five-year term with renewals every three years following. The Dean will preferably have an earned doctorate in his or her discipline or a minimum of a LLM or other relevant Masters degree and significant academic and professional experience. Eight to ten years of senior leadership experience is preferred. Leading candidates will be interviewed by a
President’s/Provost’s Committee, a committee of faculty representatives, a committee of student representatives, and a committee of members of the Board of Governors.

**Salary**

The salary scale will be based on the level achieved on the faculty salary scale plus an administrative stipend.

**Campus Responsibilities**

The Dean will be on campus between August 15 and May 30 unless leave has been authorized by the Provost. He/she will take regular holidays between June 1 and August 14 but will periodically check in to her/his office to ensure that necessary administrative work is completed during the summer months. This will be particularly important when there are vacancies in full-time or part-time positions that may be filled before the semester begins.
DIRECTOR OF THE LAW LIBRARY
Position Description

Position Summary
Reporting to the Dean of the School of Law and a member of the TWU faculty, the Director of the Law Library gives leadership in developing, implementing and monitoring the Law Library mission, budget and policies. The Director will in particular develop and manage the Law Library collections policy. The Director will also manage all aspects of the Law Library operations including personnel, technology, purchasing and facilities, and will support the overall School of Law’s fundraising objectives.

Duties and Responsibilities
1. Establish policies, procedures and systems that produce an effective Law Library operation.
2. Acquire, organize, and process the library resources necessary to support the curriculum needs of the School of Law.
3. Plan, coordinate and implement budgets required to ensure an efficient Law Library operation.
4. Develop, coordinate, and implement long range plans related to future needs for Law Library services.
5. Hire, direct, and evaluate personnel required to carry out various Law Library related functions.
6. Prepare, write, and submit reports on progress in meeting Law Library goals.
7. Establish and implement programs for in-service development of Law Library personnel.
8. Promote, participate, and contribute to Law Library cooperation with other law schools and the legal community.
9. Investigate, evaluate, and implement new technologies which enhance Law Library services.
10. Promote, solicit, and facilitate communication with faculty colleagues about the various facets of Law Library operations.
11. Support, contribute to, and encourage the mission and goals of the University.
12. Provide leadership as a cooperating team member to ensure the performance of duties essential to an efficient Law Library operation.

Supervision
Given: Assistant librarians, staff
Received: Dean of School of Law, Provost

Job Standards/Requirements
Education: Law Degree, Master's Degree in Library and Information Science.
Experience: Substantial relevant experience including several years in a senior administrative role in a law library.

Salary
Remuneration will be commensurate with qualifications and experience.
POSITION DESCRIPTION: FACULTY MEMBER, SCHOOL OF LAW

Position Summary

A faculty member of the School of Law will be a dynamic and proactive leader. She/he will possess the commitment, personal characteristics, insights and abilities not only of a strong faculty member, including demonstrated ability to research and publish, and to teach students at the law school level.

Duties & Responsibilities

1. Teach courses as assigned by the Dean of the School of Law;
2. Engage in scholarly activity such as research and writing, organizing conferences and symposia, and giving scholarly papers. Contribute generally to the scholarly life of the School of Law and Trinity Western University.
3. Serve on School of Law and Trinity Western University committees as assigned.
4. Advise students.

Job Standards & Requirements

Education: LL.M. or equivalent, Doctorate preferred.

Experience: Some teaching experience at law school preferred.

Skills: Able to teach courses. Demonstrated ability to research and publish.

Personal: Warm-hearted, dedicated, committed and mature evangelical Christian with a keen desire to serve in family, church, work and community. A firm commitment to TWU’s mission, Statement of Faith and Community Covenant. Impeccable character and reputation, a pleasant personality with a positive and friendly attitude in the midst of a very busy and challenging environment.

Supervision

Received: This position reports to the Dean of the School of Law.
Given: None

Campus Responsibilities

Faculty members are required to be on campus between August 15 and May 30 unless leave has been authorized by the Dean. He/she will take regular holidays between June 1 and August 14 but will periodically check in to her/his office to ensure that necessary administrative work is completed during the summer months.
APPENDIX FOURTEEN

Analysis of Teaching Requirements

YEAR 1

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Year One Teaching Requirements:

- Six Full-Time Faculty
- One Adjunct Faculty (Fundamentals of Canadian Law)

Assumes in Year One that full-time faculty will develop courses. As well, with the exception of the Dean and adjunct faculty members, each full-time faculty member will teach four classes in Year One. The Dean and adjunct faculty members will teach two classes each in Year One.

YEAR 2

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<td>LAW 502</td>
<td>Contract Law</td>
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<td>LAW 502</td>
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</tr>
<tr>
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<td>Section B</td>
</tr>
<tr>
<td>LAW 503</td>
<td>Tort Law</td>
</tr>
<tr>
<td></td>
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</tr>
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<td>LAW 503</td>
<td>Tort Law</td>
</tr>
<tr>
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<td>Section B</td>
</tr>
<tr>
<td>LAW 504</td>
<td>Constitutional Law</td>
</tr>
<tr>
<td></td>
<td>Section A</td>
</tr>
<tr>
<td>LAW 504</td>
<td>Constitutional Law</td>
</tr>
<tr>
<td></td>
<td>Section B</td>
</tr>
<tr>
<td>LAW 505</td>
<td>Property Law</td>
</tr>
<tr>
<td></td>
<td>Section A</td>
</tr>
<tr>
<td>LAW 505</td>
<td>Property Law</td>
</tr>
<tr>
<td></td>
<td>Section B</td>
</tr>
<tr>
<td>LAW 506</td>
<td>Criminal Law</td>
</tr>
<tr>
<td></td>
<td>Section A</td>
</tr>
<tr>
<td>LAW 506</td>
<td>Criminal Law</td>
</tr>
<tr>
<td></td>
<td>Section B</td>
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</table>
Year Two Teaching Requirements:

- 10 Full-Time Faculty
- Six Adjunct Faculty (one course per instructor)

Assumes faculty teaching a first year course also teach one section of a second or third year course. Also assumes faculty teaching only second or third year students will teach four sections.
<table>
<thead>
<tr>
<th>LAW 703</th>
<th>Business Organizations</th>
<th>LAW 613</th>
<th>Alt Dispute Resolution</th>
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<tbody>
<tr>
<td>LAW 615</td>
<td>Charities and Not-for-Profits Law</td>
<td>LAW 614</td>
<td>Bankruptcy and Insolvency Law</td>
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<tr>
<td>LAW 704</td>
<td>Civil Procedures</td>
<td>LAW 703</td>
<td>Business Organizations</td>
</tr>
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<td>LAW 616</td>
<td>Client Relations and Interviewing Skills</td>
<td>LAW 704</td>
<td>Civil Procedures</td>
</tr>
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<td>LAW 617</td>
<td>Commercial Law</td>
<td>LAW 618</td>
<td>Conflict of Laws</td>
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<td>LAW 619</td>
<td>Consumer Law</td>
<td>LAW 622</td>
<td>Environmental Law</td>
</tr>
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<td>LAW 620</td>
<td>Debtor and Creditor</td>
<td>LAW 705</td>
<td>Evidence</td>
</tr>
<tr>
<td>LAW 621</td>
<td>Employment and Labour Law</td>
<td>LAW 706</td>
<td>Jurisprudence</td>
</tr>
<tr>
<td>LAW 622</td>
<td>Environmental Law</td>
<td>LAW 623</td>
<td>Family Law</td>
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<td>LAW 705</td>
<td>Evidence</td>
<td>LAW 627</td>
<td>Immigration and Refugees Law</td>
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<td>LAW 624</td>
<td>Financial Institutions</td>
<td>LAW 628</td>
<td>Insurance Law</td>
</tr>
<tr>
<td>LAW 625</td>
<td>Health and Elder Care</td>
<td>LAW 630</td>
<td>International Law</td>
</tr>
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<td>LAW 629</td>
<td>Intellectual Property Law</td>
<td>LAW 706</td>
<td>Jurisprudence</td>
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<tr>
<td>LAW 706</td>
<td>Jurisprudence</td>
<td>LAW 632</td>
<td>Municipal Law</td>
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<td>LAW 631</td>
<td>Landlord and Tenant Law</td>
<td>LAW 707</td>
<td>Practice Management</td>
</tr>
<tr>
<td>LAW 634</td>
<td>Advanced Negotiation</td>
<td>LAW 708</td>
<td>Real Estate</td>
</tr>
<tr>
<td>LAW 708</td>
<td>Real Estate</td>
<td>LAW 637</td>
<td>Securities Law</td>
</tr>
<tr>
<td>LAW 638</td>
<td>Tax Law</td>
<td>LAW 639</td>
<td>Advanced Tax Law</td>
</tr>
<tr>
<td>LAW 709</td>
<td>Wills and Trusts</td>
<td></td>
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</tr>
</tbody>
</table>

Year Three Teaching Requirements:

- 12 Full-time Faculty
- 14 Adjunct Faculty (one course per instructor)
APPENDIX FIFTEEN
Alignment with Federation of Law Societies Canada National Standards

Part 1: Proposed Learning Resources

1.1 The law school is adequately resourced to enable it to meet its objectives, and in particular, has appropriate numbers of properly qualified academic staff to meet the needs of the academic program.

- This proposal is for a class size of 60 students per year over 3 years. We are planning for a full-time faculty complement of 12 plus approximately 14 adjunct faculty members. We also anticipate having a Dean with support staff, and two additional staff members, including an Articling and Career Centre Coordinator. We anticipate having a Director of the Law Library plus three additional staff.
- As this is a new program, we cannot give specifics of the faculty members. A draft position description for a Faculty Member is found in Appendix Thirteen. In general, the preference is for all faculty members, including adjunct faculty, to have at least an LL.M. or equivalent as well as significant practice experience.
- The proposal is for a class size of 60 full-time equivalent students in a J.D. program each of three years. We expect some attrition so when the program is in its third year, we anticipate a class of 170.
- The proposed School of Law will have an Articling and Career Centre to facilitate practicum placements and articling positions. The university has additional student support services, including a Wellness Centre, counselling services, financial aid, student life, food services and housing services. The library has access to interlibrary loans. There is a bookstore on campus. The campus is well equipped with sports facilities and fitness centres. IT support is also available to students and these services will be enhanced in anticipation of the opening of the School of Law.

1.2 The law school has adequate physical resources for both faculty and students to permit effective student learning.

- The proposed School of Law will be located in a new building on campus. Concept drawings for this building are found at Appendix Eleven.
- The proposed building includes a large lecture theatre, a moot court room, a large classroom, two medium-sized classrooms, six breakout rooms, the library, an executive meeting room, a skills-training facility, student commons, a student collegium, an Articling and Career Centre, and space allocated for student associations. An outdoor lounge area is available on the third floor.
• The proposed building is on three floors, accessible by elevator. The front door is at ground level.

1.3 The law school has adequate information and communication technology to support its academic program.

• With the development of the School of Law as a new undertaking, it will be on the forefront of technology. Wireless internet is available across campus for all students and faculty. Most students bring their own laptop computers to university, including tablet computers. A section of the library will be equipped with computers for student use but it is anticipated that these will not be in high demand.
• TWU has shared IT services across all Schools and Faculties. Students and faculty have access to a “Helpdesk” function that gives fairly rapid service for IT difficulties. As noted above, it is anticipated that the IT department will enhance its support complement in anticipation of additional students and faculty on campus.

1.4 The law school maintains a law library in electronic and/or paper form that provides services and collections sufficient in quality and quantity to permit the law school to foster and attain its teaching, learning and research objectives.

• A position description for a Director of the Law Library has been included at Appendix Fourteen. We anticipate hiring an Associate Law Librarian and two Law Library Support Staff.
• The first Director of the Law Library will have significant input in developing the collection and collections policies. The Director will adhere to the Canadian Academic Law Library Directors Association’s standards.
• An initial budget of $2 million has been established for the creation of the Law Library with $1,750,000 allocated for monographs and $250,000 for electronic databases. (It is recognized that electronic resources will require annual funding for licence renewals with a component allocated for rate increases). The university currently has subscriptions for several electronic databases that will be used by law students, including Quicklaw, JSTOR and EBSCOhost. TWU is cognizant that this budget is an estimate only and may need to be adjusted as the acquisition phase proceeds.
• In addition to law library staff, the university library staff are also available to support faculty, students and other library users. The university has reciprocal COPPUL and inter-library loan agreements with most universities across Canada.

Part 2

TWU is applying to have the program approved under the Program Approval Model.
**Competency Requirements**

<table>
<thead>
<tr>
<th>National Requirements</th>
<th>TWU School of Law proposal fulfillment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1. Skills Competencies</strong></td>
<td></td>
</tr>
<tr>
<td>1.1 Problem-Solving</td>
<td>Problem-solving is a standard skill taught in first year substantive courses, LAW 502, Contract Law, LAW 503, Tort Law, LAW 504, Constitutional Law, LAW 505, Property Law, LAW 506, Criminal Law. It is reinforced in upper year substantive courses.</td>
</tr>
<tr>
<td>1.2 Legal Research</td>
<td>Legal research skills are a significant component of LAW 507, Fundamentals of Canadian Law, which is taught in first year. These skills are reinforced in upper year courses.</td>
</tr>
<tr>
<td>1.3 Oral and Written Legal Communication</td>
<td>Oral and written legal communication are a significant component of LAW 508, Introduction to Practice Skills and the Practice of Law, which is taught in first year. These skills are reinforced all law school courses. Certain upper year electives particularly focus on these skills, including LAW 612, Advanced Advocacy, LAW 613, ADR, and LAW 642, External Moots.</td>
</tr>
<tr>
<td><strong>2. Ethics and Professionalism</strong></td>
<td>Fulfilled through LAW 508, Practice Skills and the Practice of Law and LAW 602, Ethics and Professionalism. All faculty members will be encouraged to include issues of ethics and professionalism in each course.</td>
</tr>
<tr>
<td><strong>3. Substantive Legal Knowledge</strong></td>
<td></td>
</tr>
<tr>
<td>3.1 Foundations of Law</td>
<td>Fulfilled through LAW 507, Fundamentals of Canadian Law, a required first year course. Note that LAW 706, Jurisprudence, is a required capstone course that is intended to draw together substantive legal knowledge through a philosophical framework.</td>
</tr>
</tbody>
</table>
| 3.2 Public Law of Canada | The Public Law of Canada is taught through a number of required courses:  
- LAW 504, Constitutional Law, is a first year course and teaches federalism and the distribution of legislative powers, the Charter of Rights and Freedoms and human rights principles. The rights of Aboriginal peoples of Canada is addressed in LAW 504, LAW 507, Fundamentals of Canadian Law (a required first year course) and LAW 708, Real Estate (a required upper year course). |
### 3.3 Private Law Principles

<table>
<thead>
<tr>
<th>Students may also take LAW 611, Aboriginal Law, an upper year elective.</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Canadian criminal law is taught in LAW 506, Criminal Law, a required first year course.</td>
</tr>
<tr>
<td>• The principles of Canadian administrative law is taught in LAW 702, a required upper year course.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Private law principles are taught through a number of required courses:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• LAW 502, Contract Law, a required first year course, teaches the principles of contract law.</td>
</tr>
<tr>
<td>• LAW 503, Tort Law, a required first year course, teaches the principles of tort law.</td>
</tr>
<tr>
<td>• LAW 505, Property Law, a required first year course, teaches the principles of property law. LAW 708, a required upper year course, teaches the principles of property transactions.</td>
</tr>
<tr>
<td>• LAW 703, Business Organizations, a required upper year course, teaches the principles of legal and fiduciary concepts in commercial relationships. Students also have a number of upper year electives that also address these concepts: LAW 614, Bankruptcy and Insolvency Law; LAW 617, Commercial Law; LAW 620, Debtor and Creditor Law; LAW 637, Securities Law; LAW 638, Tax Law; and LAW 639, Advanced Tax Law.</td>
</tr>
</tbody>
</table>
# APPENDIX SIXTEEN

## Universities Outside Canada Accepting Canadian Law Students

<table>
<thead>
<tr>
<th>Country</th>
<th>University</th>
<th>Number of Cdn law students (if known)</th>
<th>Accepts Cdn law students (no number)</th>
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<td>James Cook University</td>
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<td>Australia</td>
<td>Macquarie University</td>
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<td>Monash University</td>
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<td>Middlesex University</td>
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<td>Newcastle University</td>
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