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The University of Alberta Faculty of Law

Frank D. Jones

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I. The University

The University of Alberta was founded in 1908, three years after the Province of Alberta was created from the Northwest Territories. From the beginning the University has played a pivotal role in the life of the province. As the first and only university in the province it educated the business and professional class in the new society. Few young residents of the province ventured elsewhere to obtain a university education, and if they did, they obtained their first degree at the University of Alberta. The central importance of the Edmonton campus continued until the University of Calgary was established in 1945. Even after this date the University of Alberta continued to be the only source of training for several of the professions, including law.

The University of Alberta currently has some 31,396 undergraduates and 4,443 graduate students. It is the second largest University in Canada, in terms of full-time student enrollment, and employs some 1,400 permanent, full-time, teaching, faculty members.

The Faculty of Law was first listed in the University of Alberta calendar in the academic year, 1913-14. At that time some thirty-six students were formally registered in the Faculty. The Faculty grew quickly in its early years and the lectures it sponsored were structured around the requirements of the office routines of the students who were simultaneously employed in the offices of local lawyers. As the University historian, Dr. Walter Johns has noted:

By 1915 there were seventy-six students registered in Law, forty-four in Edmonton, twenty-four in Calgary, and eight in other parts of the province. Lectures were given in the Court Houses, beginning at 8:45 or 9:00 o'clock in the morning, and closing in time for students to reach their offices at 10:00 o'clock, or beginning at 5:10 in the afternoon when the students were able to leave their office work. There were apparently about 150 lectures given annually in each city. At first there was a feeling that lectures should be made compulsory, but later the requirement for attendance was fixed at the minimum of two-thirds of the lectures in each course if students were to present themselves for the degree of LL.B.

The phase of part-time studies in law was replaced with a full-time teaching and attendance regime when the Faculty was reorganized in 1921. In that same year the Legislature of the province statutorily recognized the degree offered by the Faculty as qualification for admission to the Law Society and the practice of law.

The Faculty was conceived and nurtured by far-sighted members of the local bar and it has been a close relative ever since. In the early years of its life, the Faculty was dependent upon the contributions of sessional lecturers drawn from the local, practicing bar and this important involvement of the bar in the day to day life of the Faculty has continued to the present.

Four Deans have tended the growth of the Faculty since the post-war period. In 1947 Wilbur Bowker became Dean and after a stewardship of 20 years, was succeeded by the then Justice of Appeal G. V. LaForest in 1968 (now of the Supreme Court of Canada). In 1970 Professor G. H. L. Fridman assumed the Deanship and, after a term of five years, was succeeded by the incumbent, Dean F. D. Jones.

II. *The Faculty Members*

The Faculty has a complement of 28 full-time teaching members. Several members have national reputations in their areas of expertise, including family law, creditor's rights, torts, health law, administrative law and oil and gas law. Several members are highly regarded for their contributions to the local legal community, by way of their involvement in continuing and public legal education. Three members of the Faculty are members of the Benchers of the Law Society of Alberta, a fact which helps the Faculty to maintain close links to the profession. The Dean has an *ex officio* appointment and two other Faculty members hold elected positions.

The Faculty relies upon the services of some thirty-six members of the local practicing bar and the Bench to teach courses as sessional lecturers.

In recent years the Faculty has obtained special funding from the Alberta Law Foundation to enable it to underwrite the cost of having a "Practitioner in Residence" — a member of the local bar who spends six months as a member of Faculty, meeting and getting to know full-time members of the faculty and student body and giving special lectures in areas of expertise.

The Faculty is administered by a Dean who is the chief executive

officer and as such, in addition to generally supervising the overall operation, is directly responsible for budgeting, and staffing. The Dean is assisted by an Associate Dean who is primarily engaged in curriculum matters and student affairs. The administrative support functions are supervised by an Administrative Officer, while the admissions and general student counselling functions are supervised and carried out by a Student Advisor.

The Faculty is governed by a body created pursuant to provincial statutes — Law Faculty Council — which is comprised of the full-time teaching members, a representative of the University Registrar's office, a representative of the sessional lecturers, the Law Society of Alberta, the graduate students and two student representatives from each of the years of the LL.B. program. The Council is statutorily empowered to supervise the academic life of the faculty, including: determining the programs of study; appointing examiners; determining admissions policies; and authorizing the granting of degrees.

III. *The Student Body*

As it was the only law school in the province for many years and as it has been the largest law school in the province since the founding of the Calgary Faculty of Law, it is not surprising that the University of Alberta Faculty of Law, has made a very significant contribution in the development of Alberta. The alumni of the Faculty have gone on to fill, at one time or another, virtually every important leadership role in the public life of the province. The Faculty includes among its graduates, the Premier, several cabinet ministers, and almost all the trial and appellate justices in the province.

The Faculty has experienced a steady increase in enrollment. From 107 students in 1960, and 307 students in 1970, the Faculty has grown to its present size of 500 students — a size maintained by quota. Admission to the Faculty is granted by an Admissions Committee which meets each June to consider the numerous applications (in the last several years applications for enrollment have ranged between eight and nine hundred while the number of available places has ranged between one hundred eighty and two hundred).

Aside from the “special categories” of applicants which are briefly described below, admission to the Faculty is based on a “prediction indicator” which is calculated using a formula which gives a one third weighting to the mark obtained in the Law School Admission

Test and a two thirds weighting to the average obtained in the last two years of full time academic study. The “prediction indicator” is assumed to rank applicants according to their relative likelihood of success in a program of legal studies and the great majority of admissions are based on this criterion alone.

While most admissions are made on the basis of the “prediction indicator” the Committee has the jurisdiction to depart from this standard in the case of certain “special categories” of applicants. “Native Applicants” who have a minimum of two years leading toward a degree, or the equivalent, may apply for admission and the minimum grade point average and Law School Admission Test score are not applicable. “Mature Students” are persons who are at least thirty years of age prior to the first day of September of the year in which admission is sought. They must have successfully completed two years of study toward a degree, exhibit evidence of past non-academic achievements indicative of their ability to compete in legal studies, and persuade the Committee that they have an above average chance of succeeding in law school. Finally, the Committee has sole discretion to admit candidates who might not otherwise qualify — the “Exceptional Cases”.

In the past few years the Committee has admitted several Native and Mature students, who have attained varying degrees of success — from quite respectable showings to unfortunate failure. To the extent that there has been no recent move to change these categories, it is safe to infer that the Faculty is satisfied with the manner in which the Admissions Committee has been discharging its responsibilities.

The mix of male and female students has undergone a significant change in the last decade. In 1972, the graduating class was comprised of sixty-nine persons of whom fourteen, or twenty percent, were female. In 1982, the graduating class was comprised of one hundred fifty-four persons of whom fifty-three, or thirty-four percent, were females. A comprehensive study of admissions data and of the post graduation career prospects of Alberta graduates is being undertaken this summer and will provide interesting statistical data on the comparable career attainments of male and female graduates.¹

IV. *The Curriculum*

It is possible to summarize the history of curriculum development by observing that there has never been anything approaching a radical change in legal education at the University of Alberta Faculty of Law. This is not to say that there has not been controversy, but rather to frankly recognize that the present curriculum has, apart from a few notable skirmishes and resulting oddities, peacefully evolved in recognition of the demands of the profession.

(i) *The LL.B. Program*

In the recent history of curriculum development two events stand out — both unusually long meetings of Law Faculty Council devoted to debating and changing the curriculum. The first meeting was held in 1970 and the minutes hint, and veterans confirm, that it was a somewhat heated affair. The second meeting was held ten years later, in 1980, and participants coolly consolidated some of the changes that had been made in the intervening period. A summary of the main points considered at these two meetings and a quick review of some subsequent developments will suffice to highlight the main trends in curriculum development.

The main accomplishment of the first meeting was to prescribe the compulsory core and optional complement of courses that students were to take. A summary of this development is important because the curriculum has remained fundamentally unchanged to this day.

In their first year students were to take Contracts, Torts, Property, Criminal Law and Procedure, Legal Process and an option of Legal Accounting, Legal History, or Agency.

In their second and third years students were required to take Constitutional Law, Company Law, Trusts, Civil Procedure, Commercial Law, Administrative Law, Evidence, Conflict of Laws and such additional, optional courses as could be managed, to bring the total of course hours to something between fourteen and sixteen in each term.

One of the following courses had to be taken as one of the options: Jurisprudence, International Law, Criminology, Legal History, Philosophy of Criminal Law.

In addition to approving the foregoing compulsory core, the 1970 meeting went on to approve a whole host of optional courses, some of which could not be taught because no qualified faculty member was then on staff. The changes made at this meeting endured more or less unchanged throughout the seventies and set the stage for the

relatively minor alterations that were made in 1980 and have been made subsequently.

The 1980 meeting followed a lengthy review of the curriculum by the Long Range Curriculum Planning Committee. In summary it may be said that the Committee considered and rejected most of the “trendy” proposals which had surfaced in the previous decade. The Committee started with the assumption that the primary goal of the Faculty was to prepare persons for the practice of law in Alberta. In view of this assumption, the curriculum needed some fine tuning—not a radical overhaul.

The Committee stated its starting point as follows:

In our view, the central objective of the Bachelor of Laws curriculum is to prepare or, more correctly, to assist in preparing people to practice law in Alberta. We define practice broadly to include law-related jobs in government, business, and education, but we do not include people whose intention is to work in other than law-related jobs. Our view is that if people choose to take law with the intention of working in another kind of career, that is their decision. However, our objective should be directed to the education of people who intend to be lawyers.

Several recommendations were adopted by Law Faculty Council. First, it was agreed that an attempt should be made to rationalize the courses offered in the area of commercial law with a view to ensuring that all relevant material was being covered and that overlap was eliminated. Second, two courses, Trusts and Commercial Law lost their compulsory designation and were made optional. Several courses had their compulsory nature reaffirmed. These included Evidence, Civil Procedure, Administrative Law, Jurisprudence, Company Law, and Conflict of Laws. Third, it was agreed that each student would be required to complete a two credit-hour course in Professional Responsibility. Fourth, it was decided that all students would be required to satisfactorily complete at least one piece of serious legal writing. This “written work requirement” could be met by obtaining a grade of “6” in a course in which a written research paper was worth not less than 60% of the final grade. Fifth, it was decided that a list of courses which were optional but, nevertheless, “Recommended for Practice” would be included in the Faculty Calendar. That list included the following courses: Commercial Law, Wills and Administration, Family Law, Land Titles, Taxation, and Creditors’ Rights.

The result is that second and third year students must arrange their

program of study to accommodate the compulsory courses and sufficient optional courses to give them 14-16 credit hours in each term of the last two years of study.

Given the thorough review of the curriculum that was undertaken by the Committee, and the thorough airing its recommendations received at the lengthy, special meeting of Law Faculty Council, there has been little concerted effort to reform the curriculum since 1980. One subsequent change to the LL.B. curriculum is, however, significant. The faculty was concerned that first year students were not obtaining sufficient personal contact with their instructors, all of whom taught the first year courses in large, lecture sections. As a result, a Committee was appointed with the task of recommending changes to the first year curriculum. That committee recommended, and Law Faculty Council endorsed, the proposal that each first year student would take one of their first year courses in a "small section" composed of no more than twenty students. This decision entailed the restructuring of the first year timetable and placed a heavy demand on instructors who were required to grade four written assignments and to supervise a moot.

The small group program was re-evaluated last year and after a few improvements were made, there was general agreement that the program was working well and ought to be continued.

One other recent development deserves some mention. The Faculty became convinced that it ought to be doing more to prepare students for the use of computers in legal applications. Generous funding from the Alberta Law Foundation has made possible the purchase of several terminals which are available for student and faculty use. The Foundation has also provided funding to train students in the use of the QUIC/LAW system. In addition, The University has assisted in the provision of training facilities and funds so that first year students receive, as part of their orientation program, twelve hours of "hands-on" instruction in the use of the University computer for word processing, and data base management. The Faculty is currently developing several data bases for public use. Included are data bases in the following areas: health law, communications law, the Charter of Rights, labour law, and unreported Alberta decisions from the Court of Queen's Bench and Court of Appeal. Access to the data bases may be obtained through the auspices of LAWSEARCH.

While the mooting program is, strictly speaking, an extracurricular activity, it warrants special mention because the Faculty has given it

such a high priority. A large number of second and third year students participate in the five competition moots that are held each year. Students who represent the Faculty in competition moots are able to receive credit for the work done in preparing their factums and written material if the supervising instructor is prepared to attest that the work is substantial, and good enough to warrant credit.

(ii) *The LL.M. Program*

The Faculty offers the LL.M. degree to those candidates who have completed a minimum residence of one year, passed two courses, and submitted, and orally defended, a thesis. While the number of students varies from year to year the average enrollment in the program is ten.

Students are able to take any of the second and third year courses to fulfill their requirements. Alternatively, they may register in a special course which requires the completion of a research paper on a topic different from that of the thesis.

The University provided limited funding for a number of graduate research assistantships and students who obtain these grants are paid for doing a specified number of hours of research for their supervisors.

(iii) *The Combined M.B.A./LL.B. Program*

In conjunction with the Faculty of Business, the Faculty of Law offers a program leading to both an LL.B. and a M.B.A. After applying to both faculties independently, and being accepted by both, students proceed to take the first year of each program. They then take a mixed third year, and spend their final year in the Faculty of Law. On completion of the third year students are awarded the M.B.A., and on completion of the fourth, the LL.B. While the program has proved popular with students, there has been concern expressed by some practitioners that graduates have not been exposed to as much substantive law as their classmates who have completed the regular LL.B. Based on the success which the combined-degree people have had in obtaining articles the criticism of the program does not appear to be widely shared.

(iv) *The Diploma Program*

The Faculty offers a program of graduate study leading to a Postgraduate Diploma in Law. In order to qualify for admission,

applicants must hold the LL.B. or an equivalent degree and must have had a minimum of two years experience in the practice of law or a related field.

Candidates are required to complete a minimum of three courses, one of which must involve the preparation of a research paper and one of which must be a regularly scheduled course. In normal circumstances it is expected that the course of study will be completed in one year.

The original rationale for the Diploma was to afford practitioners a vehicle for improving their knowledge in rusty areas or to permit study and specialization in particular fields. Since introduction of the program in 1980, 4 persons have been awarded the Diploma and 3 persons are currently registered in the program. Depending on the direction which the Law Society takes in prescribing standards for specialization, the Diploma Program may expand considerably.

(v) *Continuing Legal Education*

The Faculty has very good relations with the Legal Education Society of Alberta, the agency which is primarily responsible for the continuing education of practitioners. The offices of LESA have been located in the Faculty and the Executive Director has been a trust professor on the Faculty. Many members of the Faculty are routinely asked to take part in programs dealing with their areas of expertise. The Faculty and LESA jointly sponsor one program each year, and in addition to serving as a vehicle to showcase the talents of the faculty members involved, the seminars are a modest source of hard funds for the Faculty.

(V.) *Facilities and Library*

The Faculty is justifiably proud of its building which was opened in 1971 and which serves as a Law Centre for many law-related activities in the City of Edmonton. In addition to the Faculty, the Law Centre houses three institutes. The Institute of Law Research and Reform consists of 7 full-time, research staff and several support staff. The institute is, as its name suggests and its lengthy publications list attests, engaged in an extensive research program in several different areas of law reform. There is a useful, symbiotic, interplay between the Institute and the Faculty. Some members of the Institute's staff teach as sessional lecturers and several faculty members are engaged at any given time in research at the behest of the Institute.

The International Ombudsman Institute was established in 1978 to promote the notion of the function of ombudsmen throughout the world.

The Canadian Institute for the Administration of Justice is involved in research into the judicial system and sponsors an extensive training program for newly appointed judges and conferences on important legal topics for the bar and bench.

In addition to housing the Faculty and the various institutes, the Law Centre contains the Weir Memorial Law Library which has a collection of some 100,000 volumes, and computer terminals which allow access to data banks on the University computer and other legal data bases.

VI. *The Law Review*

Founded in 1955, the Alberta Law Review is published three times a year and is distributed to all members of the Law Society of Alberta, accounting for most of its four thousand subscriptions. It is administered by a student, editorial board, and receives the cooperation and assistance of faculty members who review work submitted in their areas of expertise and regularly publish articles and case comments of particular interest to the Alberta bar.

VII. *Student Legal Services*

Approximately 350 members of the student body are involved in Student Legal Services which offers advice and, in certain instances, counsel to indigent people who do not qualify for legal aid. Student Legal Services is governed by a Board of Trustees who are elected from the student body. The trustees employ a full-time legal advisor who is a member of the Law Society of Alberta. Student Legal Services provides an excellent service to a segment of the community in need of legal assistance and in so doing also offers excellent training to the involved members of the student body.

VIII. *Conclusion*

In the decade ahead it is unlikely that any very startling changes will be made to the curriculum. There will likely be an attempt to provide more in the way of clinical legal education by developing standardized material for the advocacy program and building in a mooting component for several courses which lend themselves to that sort of treatment.

Apart from questions of curriculum it is possible to foresee certain other problems that will have to be addressed. Given the financial pressures which currently exist and will probably not abate, it is likely that greater efforts will be made to raise funds from alumni, and to make the Faculty less dependent on the University for “venture capital”. Another issue that will make the agenda is the question of the size of the graduating class in relation to the availability of articling positions. Is the Faculty over-producing? Should the Faculty reduce its quota in response to perceived market pressures? Finally, it is not clear what role the Faculty should play in specialization, continuing education and competence certification. The one thing that law professors do very well is teach law. It may make sense to harness their abilities for ongoing professional education and give them a bigger role to play than they do at present.