

AGENDA ITEM NO:

UNIVERSITY COUNCIL
ACADEMIC PROGRAMS COMMITTEE
REPORT FOR INFORMATION

PRESENTED BY: Terry Wotherspoon; Chair, Academic Program
Committee

DATE OF MEETING: January 18, 2018

SUBJECT: **French Common Law Option – program change
with tuition implications**

COUNCIL ACTION: **For Information Only**

SUMMARY:

The Academic Programs Committee approved the program change for the French Common Law Option at its December 13, 2017 meeting. APC is required to approve changes to the overall number of credit units for an approved program when this change affects tuition.

The College of Law recently made changes through University Course Challenge to the distribution of credit units for courses in the Juris Doctor (J.D.) program. The overall credit unit requirements for the J.D. program did not change, but the program modifications raised the credit units required for the French Common Law Option from 30 c.u. to 32 c.u. Since tuition in the College of Law is assessed on a per-credit unit basis, this change impacts the tuition assessed from students enrolled in the French Common Law Option as a part of the J.D. program.

ATTACHMENTS:

- College of Law Submission – French Common Law Option

College of Law Submission to APC – December 13, 2017

The following changes in red were approved by the College of Law on October 18th, 2017, and are now being submitted to APC for approval.

French Common Law Option (~~30~~ 32 credit units)

This program may be offered in partnership with another law school, such as the Law Faculty of the University of Ottawa. All courses taken toward this option must be approved for credit by the Associate Dean Academic. Students who choose this option will complete a total of 90 credit units, as they would in the regular J.D. program; however, 30 of the total 90 credit units will be in French. The following requirements will be taken in tandem with the J.D. program.

To be eligible to complete this option, students must submit a letter of intent written in French. Decisions will be made by the Associate Dean Academic.

Year 1 (35 credit units)

- ~~LAW 233.3~~ LAW 230.5 or equivalent, as approved by the Associate Dean Academic ~~Constitutional Law in French or an additional 3 credit unit course in second or third year, with the approval of the Associate Dean Academic.~~ The course must relate to the practice of law in French, language rights or Constitutional law.

Year 2 and/or Year 3 (27 credit units)

Students must complete the 27 credit units of approved French coursework at the U of S or at a French language law school, such as the University of Ottawa, as approved by the Associate Dean Academic.

Required Courses (15 credit units)

Note: these courses replace 15 credit units of electives in the regular J.D. program.

- LAW 344.3 or equivalent
- LAW 345.3 or equivalent
- LAW 362.3 or equivalent
- LAW 350.3 (350.3 may be repeated with permission of the Associate Dean Academic)
- 3 credit units of French electives, as approved by the Associate Dean Academic (unless LAW 350.3 has been completed twice)

Choose 12 credit units:

Students must complete the remaining 12 credit units of approved French coursework at the U of S or at a French language common law school, such as the University of Ottawa, as approved by the Associate Dean Academic.

Rationale: The above proposal is a result of J.D. program revisions approved by University Course Challenge on November 30, 2017, specifically, the revised version of the required Constitutional Law course. Under recommendations of the Truth and Reconciliation Report (TRC), the Constitutional Law course increased by two credit units. Further details are included in the attached November, 2017 University Course Challenge document.

College of Law Submission to University Course Challenge -- November, 2017

The following curricular changes were approved by the College of Law on October 18, 2017 and are now being proposed to University Course Challenge for approval.

The addition of two new requirements to the J.D. program are outlined, as follows:

- 1) In response to the Truth and Reconciliation Report (TRC), the college proposes the creation of a new mandatory 3 credit unit first-year course in Indigenous Peoples and Law, and the completion of a 3 credit unit course from a suite of upper year courses in the area of Indigenous Peoples and Law. Although a first-year course is being added, it is the college's intention to keep the overall credit units for the J.D. program the same. This will be accomplished by combining two 3 credit unit Constitutional Law courses into one 5 credit unit course, and reducing the two non-Legal Research and Writing courses from 6 credit units to 5 credit units each.
- 2) A new zero-credit unit course in Dispute Resolution will be required in Year 1 of the J.D. Program.

New Course Proposals

LAW 232.3 Kwayeskastasowin, Setting Things Right

A course in Aboriginal people and the law, which includes the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

Prerequisites: None

LAW 244.0 Dispute Resolution

In this course, students will learn about the continuum of dispute resolution processes and their comparative advantages; discuss and reflect on the professional roles of a lawyer; practice effective communication and negotiation skills; learn about client interviewing and counseling; consider ethical implications of the choices lawyers make; and experience problem-solving processes and how they have contributed to changes in systems of justice.

Restriction: Students must be enrolled in Year 1 of the J.D. program, or be a transfer student who has permission of the Associate Dean to take the course.

Rationale: The first year law curriculum generally focuses on doctrinal case analysis, and legal skills that assist in the development and presentation of legal arguments. The Dispute Resolution course introduces students to the relationship at the heart of lawyering – the lawyer-client relationship. In advancing their clients' interests, lawyers must employ a wide range of advocacy skills: communication, problem-solving and negotiation skills, as well as courtroom advocacy. This course introduces first year law students to the various processes and fundamental skills that lawyers use in the resolution of their clients' disputes.

Course Credit Unit Adjustments and Relabeling

To reduce each of the following courses by one credit unit:

LAW 201.6 LAW 202.5 Contracts

An introduction to the law of contracts, including formation of contractual obligations, consideration, privity, contract formalities, capacity, contractual terms, misrepresentation, mistake, and remedies.

LAW 204.6 LAW 203.5 Criminal Law

An introduction to criminal law including basic concepts, procedures and principles of criminal liability, physical and mental elements of a crime, common law and statutory defences, the Canadian Charter of Rights and Freedoms, capacity, justification, parties to offences, and specific offences.

To combine the following courses into one course:

LAW 231.3 and LAW 233.3 LAW 230.5 Constitutional Law

An introduction to constitutional law including basic principles of federalism and of constitutional interpretation. The distribution of legislative power between Parliament and the Provincial Legislatures, Constitutional amendment and the Charter of Rights and Freedoms will be examined.

Program Revisions:

Juris Doctor (J.D.)

Program Requirements

Juris Doctor (J.D.) (90 credit units)

Year 1 (30 credit units)

During first year, students must pass "Dispute Resolution" (LAW 244.0), and must complete "Legal Research and Writing" (LAW 243.0) with a grade of 60% or better.

- LAW 201.6 LAW 202.5 Contracts
- LAW 204.6 LAW 203.5 Criminal Law
- LAW 208.6 Property I
- LAW 212.6 Tort Law
- LAW 231.3 LAW 230.5 Constitutional Law
- ~~LAW 233.3~~
- LAW 232.3 Kwayeskastasowin, Setting Things Right

Year 2 (30 credit units)

Students must receive a grade of 60% or better to satisfy the minor and major writing requirements.

- course load of 15 credit units per term including the following:
- minor paper
- major paper (Year 2 or Year 3)
- Seminar class (Year 2 or Year 3)
- [LAW 340.3](#)
- [LAW 421.3](#) (Year 2 or Year 3)
- one of [LAW 326.3](#), [LAW 361.3](#), or [LAW 463.3](#) (Year 2 or Year 3)
- **in special cases, a student may be given permission by the Associate Dean Academic to undertake a program involving a load in excess of 15 credit units.**

Students may be permitted to take a maximum of 6 credit units given by another College, during second and third year, for credit in the College of Law. The course(s) must be approved by the Associate Dean, Academic. Applications are assessed from the standpoint of how the outside senior-level course contributes to the applicant's understanding of the law.

Year 3 (30 credit units)

Students must receive a grade of 60% or better to satisfy the minor and major writing requirements.

- course load of 15 credit units per term including the following:
- major paper (if not completed in Year 2)
- seminar class (if not completed in Year 2)
- **3 credit units from the following list of senior-level Indigenous Studies courses, or equivalent as approved by the Associate Dean Academic:**
 - Law 436.3 – Aboriginal Law
 - Law 447.3 – Aboriginal Rights Moot
 - Law 453.3 Aboriginal Law & Policy
 - Law 473.3 – Aboriginal Self-Government
 - Law 480.3 – Indigenous Peoples in International and Comparative Law
 - Law 499.12 – Special Topics: Indigenous Clinical Practicum

- Law 498.3 – Special Topics: Indigenous Clinical Seminar
 - Law 498.3 – Special Topics: Indigenous Rights and Resource Development
 - Law 498.3 – Special Topics: Circle Teaching Seminar
 - Law 498.3 – Special Topics: First Nations Economic Development
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- [LAW 421.3](#) (Year 2 or Year 3)
 - one of [LAW 326.3](#), [LAW 361.3](#) or [LAW 463.3](#) (Year 2 or Year 3)
 - in special cases, a student may be given permission by the Associate Dean Academic to undertake a program involving a load in excess of 15 credit units.

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