I. Programs

Juris Doctor Program

II. Evaluation Process (Outline of the visit)

- This Final Assessment Report on the above programs was prepared from the following documents: 1) the self-study report produced by the academic unit; 2) the report of the external evaluation following the virtual visit; 3) the responses prepared by program leadership, Jeremy de Beer, and a response by Kristen Boon, Dean of the Faculty of Law, Common Law Section.
- The site visit took place on October 5, 2023, covering undergraduate programs and was conducted by the following external evaluators: 1) Lorne Sossin, Western University and 2) Erika Chamberlain, Court of Appeal Ontario.
- During the site visit, the external evaluators met with the Vice-Provost, Academic Affairs, Alain St-Amant, the Dean of the Faculty of Law, Common Law Section, Kristen Boon, the Assistant Dean, JD Program, Rachel Leck, and members of the support staff, regular professors and students.

III. Summary of Reports on the Quality of Programs

STRENGTHS

The Faculty strengths include (a) the diversity of course offerings, (b) innovative pedagogy, and (c) a distinct, bilingual approach to legal education.

(a) Size and Diversity

The Faculty’s J.D. program is the largest in the country by student population (approximately 400 students are admitted into the program annually). The number of students enrolled in the J.D. programs at the Faculty has fluctuated during this program review cycle. The Faculty reports that the J.D. (English) incoming class has ranged from roughly 260 to 330 students per year. The Faculty hopes to stabilize around 300 students in the J.D. (English) program going forward. The faculty expressed the strong view in its report that any higher number threatens sustainable achievement of the Faculty’s J.D. program learning objectives and jeopardizes the ability to place students in appropriate careers upon graduation. An additional 80 students were enrolled in the J.D. program in French this year. This number is set to rise to 89 in 2023-2024.

As the J.D. enrollment hovers around 400, with approximately 74 full-time faculty and 146 part-time professors, the Faculty benefits from significant economies of scale in a broad array of courses and academic opportunities.
For example, the Faculty has brought coherence to the very broad array of courses it offers by organizing those courses into various clusters and suggesting various curricular packages to students in the form of course “Options” (i.e. suggested concentrations of courses that students may follow in order to receive particular mention on their academic transcript). These Options allow students to pursue a personalized curriculum, developing a particular area of legal expertise. The Faculty offers Options to its J.D. students in the following areas of concentration: Aboriginal Law and Indigenous Legal Traditions; Dispute Resolution and Professionalism; Environmental Law; International Law; Law and Social Justice; Law and Technology; and Public Law.

To take another example of an area which depends on economies of scale, the Faculty reports that opportunities available to students to gain practical experience have grown sufficiently in number so as to permit every student to take advantage of this type of learning experience if he or she wishes to do so. In part, this is due to the Faculty’s innovative “Student-Proposed Internships” (SPIs), which have become an established part of its experiential learning portfolio. These internships allow students to identify and propose an internship opportunity, under the supervision of a lawyer, for academic credit. These internships take place in Ottawa or anywhere else in Canada or the world during the summer period or January term. We understand that this program has proven to be extremely popular with students.

(b) Innovative Pedagogy

The Faculty has an impressive commitment to innovative pedagogy, which represents an important strength. Technology enhanced learning, for example, has enabled Faculty members to develop “bimodal” teaching across national border before there was even a label for such things or a pandemic requiring the pivot to on-line legal education.

To take another example, the Faculty’s ambitious January term exposes first-year students to practical issues of dispute resolution and professional responsibility and allows upper-year students to take courses offered by law professors drawn from countries around the world or pursue a wide variety of internship opportunities.

The formal curriculum is supplemented by a stimulating array of experiential learning opportunities in internships, moots, clinics, pro bono services, conferences, and other events. The Faculty states that it has the capacity to place every student in an internship for academic credit with the public sector, the private sector, the courts, or the NGO community. Additionally, hundreds of research assistantships every year allow students to participate actively in our faculty’s research output.

The Faculty’s demonstrated accomplishments with respect to innovative pedagogy reflect an important strength.

(c) Bilingual Legal Education

The Faculty provides the only opportunity for French common law education in Ontario.

The Faculty is deeply committed to promoting the Francophonie and bilingualism. The outreach of this program and its graduates are a continuous source of pride. In addition, the Faculty offers two national degree programs that integrate common law and civil law. We offer bilingual courses, and students in the English common law program can take law courses in French, as many do.

The Faculty’s commitment to bilingual legal education represents a distinct advantage for the J.D. program, which enriches academic and career opportunities for students.
CHALLENGES

The Faculty’s challenges include (a) inadequate physical space (b) a need for greater staff capacity to meet the academic program needs, (c) the ongoing effort to “decolonize” the curriculum, and (d) an imbalance in enrolment in the J.D. program (French).

(a) Inadequate Physical Space

There is nothing surprising in the observation that the Faculty’s physical space (principally Fauteux Hall) is inadequate for the academic needs of the J.D. program. The J.D. program has greatly expanded over the past decade without any commensurate expansion in the Faculty’s space.

The Self-Study Report lists physical infrastructure as the Faculty’s “number one weakness.” The building is described as “bursting at the seams,” and “pedagogically dysfunctional.” These descriptions were reinforced through our site visit and tours of the teaching and learning spaces for the Faculty.

The inadequacy of physical infrastructure impedes collaboration amongst both faculty and students. It imposes real mobility barriers, exacerbates health and safety concerns due to overcrowding, and lacks adequate facilities to meet the Faculty’s essential community needs.

The limitations of the available physical infrastructure pose particular problems for the goal of promoting the learning environment for Indigenous students and pedagogy appropriate for education on Indigenous legal methods (indeed, we note that the pilot Indigenous “course modules” offered in 2023 are taking place in rented facilities off-site as no appropriate spaces were available at the University).

We were surprised to learn the Faculty does not even control the booking of space in Fauteux Hall. This lack of appropriate space and inability to control the space it does have makes the Faculty an outlier among the Ontario Law Schools with which it competes for students, faculty and staff.

(b) Staff Capacity to meet Program Needs

In addition to the limitations of the physical environment, the challenges of hiring and retaining specialized administrative staff also constrain the Faculty’s ability to reach their goals.

For example, law students have high needs in terms of mental health support and academic accommodations. The Faculty has a full time Equity and Student Success Counsellor who ensures proper implementation of accommodations recommended by the University’s Academic Accommodations office, as well as assesses accommodation requests related to short-term illness and non-medical accommodations.

The Faculty has added a dedicated Mental Health and Wellness Counsellor for law students who can provide short-term mental health counselling, supervised through the University’s counselling service. This position is currently funded through 2024 on a contract basis but has not yet been made permanent, making recruitment, retention and planning in this area more difficult. The precarity of resources for such a critical aspect of support for law students (among others) represents a significant challenge.
(c) Decolonization

The Faculty continues to grapple with how best to respond to TRC Call to Action #28 (with respect to ensuring all students receive education in 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) and the creation of a required course on Aboriginal/Indigenous Law.

The Faculty is late to this process. The Calls to Action were released in 2015 and within a few years, most law faculties across the country had made an existing course compulsory, designed a new course, or developed a curricular requirement across several courses in the field. Indeed, we are not aware of another Ontario law school which has yet to introduce a required curriculum in the field.

The Faculty's efforts to implement this new part of the curriculum brought mandatory “course modules” to all first-year students in 2023. Choosing to connect students directly with the unceded Anishinaabe-Algonquin territory on which the University of Ottawa is built, the instructors chose to base their modules around the Seven Sacred Teachings common to many Anishinaabe nations. Using this framework, the instructors approached their lessons through understandings of truth, courage, and love, encouraging students to show humility and respect – attitudes that can lead to what is known in Anishinaabe language as minobimaadiziwin, or a good life.

The modules offered to first-year students are just a small part of a much larger plan outlined by the Indigenous Legal Traditions Committee, known as the Pathways Plan. The Pathways Plan sets out to decolonize the curriculum, not just through the first-year modules, but by offering teaching and learning opportunities to law professors in every field so that they may incorporate these learnings at all levels of study. While the plan is ambitious, the lack of a clear consensus as to how to implement curricular reform in this field represents both an ongoing challenge for the Faculty, and of course, a significant opportunity.

Curricular reform, of course, is just one aspect of decolonization. We learned instructors in other fields (Property Law, for example), are engaging in ambitious reforms to the course syllabus in order to advance decolonisation.

The Faculty will also have to determine how wide and how deep such curricular changes will be, in addition to other important aspects of decolonisation, such as the extent of collaborations with Indigenous communities, the Faculty’s hiring and recruitment policies in the field of Indigenous legal orders and staff support for Indigenous initiatives, and the recruitment of Indigenous students, among others.

While decolonization reflects many strengths within the Faculty, achieving consensus as to how best to advance this goal, and engaging in the kind of holistic change to the J.D. program necessary to achieve it, constitutes a continuing challenge.

(d) The Imbalance in enrolment in the JD program (French)

However, as seen in the self-evaluation report, the cohort’s composition has changed significantly since it was last evaluated. Since 2005, the Faculty has created double degree programs with the Telfer School of Management and the Faculty of Social Sciences. Students who enrol benefit from early admission into the Faculty of Law, as long as they maintain a GPA of 8.0 (a recent agreement requires Faculty of Social Sciences students to maintain a GPA of 8.3).

These programs have become so popular that now, more than half of the new members of the cohort in the common law program are students coming from the School of Management or the
Faculty of Social Sciences. However, in contrast to the initial plan, a significant number of students in this group did not take enough courses in French during their first two years of studies to master the language. This failure to fully implement the initial plan has raised serious concerns among professors who teach common law in French.

Additionally, this route of entry into the J.D. program appears to avoid the Faculty’s own rigorous admissions process and standards, and could in time undermine the Faculty’s policies with respect to student recruitment. More pragmatically, because these students are admitted through their undergraduate programs, the Faculty of Law is not even aware of how many new students to expect in any given year until the summer before they enter the J.D. program. Finally, if current trends persist, there is a risk that the program may not be able to achieve one of its goals, which is to educate francophone lawyers from across Canada.

IV. Opportunities for Program Improvement

Recommendation 1: Expand and renew physical space

Recommendation 2: Continue efforts to decolonize legal education at the Faculty

Recommendation 3: Reflect on the future of bimodal/hybrid legal education

Recommendation 4: Address imbalance in JD (French) entry through dual degree programs with Telfer School of Management and the Faculty of Social Sciences

Recommendation 5: Engage in ongoing curricular renewal, including in the first-year program

V. Summary and Assessment of the Proposed Action Plan

The External Reviewer’s recommendations were addressed by program leadership via an action plan that was considered by the Senate Committee on the Evaluation of Undergraduate Programs (SCEUP) at its meeting on April 4, 2024.

The program leadership agreed with all recommendations of the external evaluation. The actions to be taken and the timetable are clearly defined and have been endorsed by the Dean’s Office. The SCEUP is satisfied with the program leadership’s response and action plan.

VI. Conclusion

The review exercise confirmed the strength and stability of the programs offered, and it identified recommendations for their ongoing improvement. The members of the SCEUP would like to thank the external evaluators for their detailed assessment, as well as all the stakeholders involved in this cyclical program review process.

VII. Schedule and Timelines

A progress report that outlines the completed actions and subsequent results will be submitted to the evaluation committee by December 15, 2025.

The next cyclical review will take place in no more than eight years, 2029-2030. The self-study brief must be submitted no later than June 15, 2029.

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See the Appendix for the Unit Response and Action plan.
Unit Response and Action Plan

Faculty:
• Common Law Section

Programs evaluated:
• Juris Doctor (JD)

Cyclical review period:
• 2022-2023

Date:
• February 12, 2024

General comments:

On November 24, 2023, the Faculty of Law, Common Law Section was made aware of Justice Lorne Sossin and Dean Erika Chamberlain’s External Review Report produced in the context of the cyclical program evaluation of the Section’s Juris Doctor program. We were extremely pleased with the positive evaluation.

Given that the JD program has committed to providing an outstanding training and research experience, we were gratified to see that the external reviewers found strengths in our “diversity of course offerings”, “innovative pedagogy”, and “distinct, bilingual approach to legal education”. The reviewers specifically praised the coherence we have created through specialized options and the opportunities we have made for every student to take part in experiential learning if they wish. Our “simulating array” of internships, moots, clinics, pro bono services, conferences, and other events are amongst our important accomplishments. “Technology enhanced learning” builds, the reviewers noted, on our strengths in bimodal teaching across borders before there was even a label for such things. Another of our “distinct advantages” lies in the fact we provide the only opportunity for French common law education in Ontario.

Despite the COVID-19 pandemic, the reviewers noted we have accomplished many of the strategic goals in the Section’s first-ever Strategic Plan (2019-2024). We are recognized as a leader in transformative learning that furthers the University’s Transformation 2030 Strategic Plan. Our admissions standards are in line with practices at other Canadian law schools, and we have the chance to use our processes to even better control and stabilize our class sizes and compositions. Our dispute resolution and professional responsibility training was highlighted by reviewers as unique in a Canadian law school. Our student body is generally engaged and positive about the student experience.
The reviewers helpfully contextualized how our JD program “is not a typical undergraduate program”. One reason they noted that “it may not be appropriate to consider the JD program in relation to other undergraduate programs at the University” is the fact that almost one-third of our entrants already hold a graduate degree in another discipline. And, in addition to the curricular constraints imposed by the Federation of Law Societies, law students who pay more than double the general undergraduate tuition have higher expectations of us with respect to academic offerings, student services and supports. Yet our faculty/student ratio remains less favourable than other Ontario law schools.

Our challenges, according to the reviewers, include “inadequate physical space”, “a need for greater staff capacity”, “the ongoing effort to ‘decolonize’ the curriculum’, and an “imbalance in enrolment” in our French-language JD program. The reviewers’ site visit reinforced descriptions of our physical infrastructure as our “number one weakness” and “pedagogically dysfunctional”. The building “impedes collaboration”, “imposes real mobility barriers”, “lacks adequate facilities to meet the Faculty’s essential community needs”, and poses “particular problems for the goal of promoting the learning environment for Indigenous students and pedagogy”, which the reviewers link directly to our ability to sustainably achieve the JD program’s learning objectives. For example, partly due to inadequate physical facilities and human resources, we are late to the process of grappling with a response to the call to decolonize legal education.

Building on what the reviewers called our “excellent Self-Study report”, the evaluators’ report makes five recommendations to confront the challenges we face. We take all the recommendations seriously and feel confident that by addressing them, our JD program will be even stronger. The recommendations and our responses are included below.
**Recommendation 1: Expand and renew physical space**

**Priority Level:** IMPORTANT

**Unit response:**
The Section agrees we must develop a strategy for dealing with space constraints in the short, medium, and long term. As well as strategizing along those three different time horizons, the Section needs to identify actions that can be taken by the Section independent of the University, actions that must be taken in coordination with the University, and actions that depend entirely on the University not the Section.

**Actions to be undertaken:**
1. Determine an individual or group of individuals who can coordinate, implement, and monitor the Section’s development of a strategy for dealing with space constraints.

   **Assigned to:** The Dean.

   **Timeline:** 3 months

   **Curriculum change?** No

**Actions to be undertaken:**
2. Develop a strategy, possibly through a matrix of short/medium/long term timelines and independent/coordinated/dependent actions.

   **Assigned to:** The individual or group of individuals determined by the Dean.

   **Timeline:** 3 to 12 months

   **Curriculum change?** No

**Actions to be undertaken:**
3. Implement strategy to expand and renew physical space.

   **Assigned to:** The individual or group of individuals determined by the Dean.

   **Timeline:** 12 to 48 months

   **Curriculum change?** No
**Recommendation 2: Continue efforts to decolonize legal education at the Section**

**Priority Level:** IMPORTANT

**Unit response:**
The Section agrees and commits to a required course in Indigenous law responding to TRC Call to Action 28, and to build on this first step with a broader curricular review and community engagement on decolonization. The imminent curricular reform focussed on decolonization will integrate with a broader curricular review that reflects on the future of bimodal legal education (Recommendation 3), the key objectives of the first-year program, and the long-term achievability of January term goals for first-year and upper-year students (Recommendation 5).

**Actions to be undertaken:**
1. Complete the curriculum committee’s nearly finished work consulting on options for first-year curricular change required to make room for the new mandatory course.

   **Assigned to:** Curriculum committees

   **Timeline:** 3 months

   **Curriculum change?** No

   **Actions to be undertaken:**
2. Prepare and submit documents for approvals as required under the Section’s and University Senate governance protocols, based on curriculum committee’s recommendation.

   **Assigned to:** Curriculum committees and Reconciliation and Decolonization Committee (RDC)

   **Timeline:** 3 to 6 months

   **Curriculum change?** Yes

   **Actions to be undertaken:**
3. Determine and allocate resources (physical, human and other) to successfully implement and sustain the chosen option for implementation of a mandatory course.

   **Assigned to:** Dean and Vice-Dean (Academic)
| **Timeline**: 3 to 6 months |
| **Curriculum change?** No. |
| **Actions to be undertaken:** |
| 4. Prepare and implement new first-year course, following Section and Senate approval. |
| **Assigned to**: Dean and Vice-Dean (Academic) |
| **Timeline**: 18 months (implemented for the 2025-2026 academic year) |
| **Curriculum change?** Yes. |
| **Actions to be undertaken:** |
| 5. Monitor, evaluate, and iterate implementation of new first-year course. Integrate with broader curricular analysis (Recommendations 3 and 5). |
| **Assigned to**: Curriculum committees and RDC |
| **Timeline**: Recurring every 12 months at 24, 36, 48 months. |
| **Curriculum change?** No. |
Recommendations 3 and 5: Reflect on the future of bimodal/hybrid legal education and engage in going curricular renewal, including in the first-year program.

**Priority Level:** ADVISED

**Unit response:**
The Section will combine its response to recommendations 3 and 5 in a process of curricular review that builds on the ongoing work toward decolonization with the first step of a mandatory course on Indigenous legal traditions. This broader review will address other options for further decolonization of legal education in the context of the key objectives and structure of the first-year curriculum (recommendation 2), as well as potential new developments in the Federation of Law Societies’ requirements for accredited programs. It will include identification of the extent of student interest in, and criteria for, bimodal course delivery (recommendation 3). And it will review the goals of the January term for first-year and upper-year students and make strategic plans to ensure these goals are achievable in the long term (recommendation 5). In effect, this constitutes a three-year or four-year workplan for curriculum committee and associated representatives and committees.

**Actions to be undertaken:**
1. Set a multi-year agenda for the curriculum committees prioritizing amongst and feasibly sequencing the above-mentioned recommendations.

**Assigned to:** Dean, Vice-Dean (Academic), Assistant Dean, Curriculum committees’ chair/co-chairs, RDC, 1L program representative, and other relevant parties.

**Timeline:** 3 to 9 months

Curriculum change? No.

**Actions to be undertaken:**
2. Implement curricular review agenda.

**Assigned to:** Vice-Dean (Academic), Assistant Dean, Curriculum committees, RDC, 1L program representative

**Timeline:** 9 to 48 months

Curriculum change? Maybe
**Recommendation 4: Address imbalance in JD (French) entry through dual degree programs**

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**Unit response:**
The Section agrees with the recommendation to ensure students entering the program meet appropriate academic and French-language standards. The Section acknowledges that entry through dual degree programs effectively put control over 50% of the JD admissions process outside the Faculty, and this has accounted for a change in the entering class. However, these programs enable the PCLF to maintain the class size requested by the University. While we are not ready to impose a cap in absolute numbers, our objective is to maintain at 50% the proportion of the combined program students in the French JD cohort. At present, no qualified students from outside the University are being turned away from the PCLF program. The Section agrees to reassess this issue by the midpoint of the next review cycle, i.e. within four years.

**Actions to be undertaken:**

1. Monitor the effects of increasing minimum GPA and course language requirements for incoming students.

**Assigned to:** The Dean, Vice-Dean (PCLF), Admissions Committee (PCLF)

**Timeline:** 3 to 36 months

**Curriculum change?** No

**Actions to be undertaken:**

2. Reassess the situation at the midpoint of the program review cycle.

**Assigned to:** The Dean, Vice-Dean (PCLF), Admissions Committee (PCLF)

**Timeline:** 36 to 48 months

**Curriculum change?** No