REUNION

Common Law History at the University of Ottawa

uOttawa

Faculté de droit
Faculty of Law

Section de common law
Common Law Section

30 ANS *en français*
COMMON LAW
50 YEARS *in English*

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Preface

When Dean Bruce Feldthusen asked me to undertake the task of supervising a history project spanning the past 50 years of the law school, I was both excited and daunted by the challenge. Surely such a project would necessitate more people-power than just me! And almost as if he was reading my thoughts, he laid a plan out in front of me: one summer, five students, a huge amount of research, alumni, faculty, and staff interviews, calls for photographic contributions all to culminate in an online document. "Reunion: Common Law History at the University of Ottawa" thus came into being.

The project was divided into 7 decanal periods, and Adél Gönczi, Marion Van de Wetering, Laura Ann Ross, Philip Graham, and Carly Stringer all set to work on researching and capturing life in Common Law throughout the past 50 years. By the end of the summer, the students had spent hundreds of hours tucked away in the University Archives, conducted dozens of interviews with alumni, faculty, and staff, and submitted a final draft of their written papers. Their enthusiasm, dedication, and hard work was an inspiration! In particular, I would like to extend my sincerest thanks to Marion van de Wetering, who took a lead role in the project and was *always* willing to lend a helping hand.

I would also like to thank a number of people for their diligent support including Professor Constance Backhouse, who listened, encouraged, and mentored; my friend and colleague, Micheline Laflamme, who supervised the French content of the project; Christina Benedict, who organized and conducted some of the alumni interviews; the translators–Hélène Laporte, Common Law Section, Raymond Arsenault Consultants Inc., and the University of Ottawa Centre for Legal Translation and Documentation; University of Ottawa Archivists, Anne Lauzon and Janice Zeitz; Accurate Design, and in particular, David Duguay, for his perseverance; and to Dean Feldthusen, for giving me the opportunity to manage such an interesting and diverse project.

Most of all, I'd like to thank all of the Common Law alumni, faculty, staff, and friends who contributed to this project–I do hope that you enjoy reading what we discovered about the unique history of the largest law school in Canada.

You can help us create a "living document" by contributing your comments or making additions through the blog accompanying this document.

Amanda Turnbull

Painting of Ottawa area.[1]

THE FOUNDATIONS OF FAUTEUX

ORIGINS OF THE FACULTY OF LAW

The University of Ottawa was founded in 1848 as the College of Bytown by the Oblates of Mary Immaculate, a French Catholic religious order.[2] From the beginning, the College offered a classical education, providing students with a solid grounding in Latin, Greek, religion, and mathematics. Initially situated in Lowertown, the College relocated to Sandy Hill in 1856. Its name was changed to the College of Ottawa in 1861 and, in 1866, it was elevated to university status by royal charter. In 1872, the University Senate conferred its first Bachelor degree, and then its first Master's degree in 1875, followed by its first Doctorate in 1888.[3]

Mgr. Guigues OMI, founder of the University of Ottawa.

The University of Ottawa has been home to two Faculties of Law offering common law degrees in its history. The first Faculty was founded at the end of the 19th century, and the second recently celebrated its 50th anniversary. In order to put the history of the present Common Law Section into context, it is necessary to recount the history of the original Faculty.

No. 140.] (1866.

AN ACT TO AMEND THE ACTS INCORPORATING "THE COLLEGE OF OTTAWA," AND TO GRANT CERTAIN PRIVILEGES TO THE SAID COLLEGE.

CANADA, CAP. 130. [Assented to 15th August, 1866.]

(As amended by the Standing Committee on Miscellaneous Private Bills.)

WHEREAS the corporation of the College of Ottawa have, by their petition, set forth that the said institution was incorporated by Act of Parliament of this Province in the year 1848, and hath since that time continued in full and successful operation; that in the opinion of the petitioners the time has arrived when the usefulness of the said institution might be more widely extended by conferring on the said institution the status and powers of an university; and whereas it is desirable to grant the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

1. For and notwithstanding anything contained in Act of the Parliament of Canada, passed in the twelfth year of Her Majesty's reign, chapter one hundred and seven, the said corporation shall have power to hold, possess and enjoy real property and estate not exceeding in yearly value the sum of four thousand pounds, currency, and may from time to time, as may be deemed advisable for the interest, progress and success of the said college, mortgage the real estate which the said corporation owns, or which at any time or times hereafter it may acquire.

2. For the purposes hereinafter mentioned, the President of the said college, the Rector of the said college, the Professor of Divinity of the said college, the Professor of Philosophy of the said college, the Professor of Rhetoric of the said college, the Professor of Belles Lettres of the said college, and the Prefect of Studies of the said college, together with the ex-officio members hereinafter named, shall constitute the "College Senate."

3. The Roman Catholic Bishop of Ottawa shall be ex-officio a Member of the "College Senate."

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Top: Original College.[5]
Bottom: From the Royal Charter of the University of Ottawa.[6]

THE LAW SOCIETY'S MONOPOLY

North American legal systems–both civil and common law–were imported from Europe by the colonists and adapted to the realities of life in Canada. The modes of teaching these two legal systems differed greatly: the Roman tradition demanded that knowledge be transmitted using a scholarly method, whereas the Anglo-Saxon tradition was based on an apprenticeship method. During the Enlightenment, this apprenticeship method arose because it was considered improper to teach professions–rather than academics–in a university setting.[6] This division between practical teaching and university teaching of the common law marked the evolution of law schools in the country.

Formal training of students in the common law began in Canada in 1883 with the founding of the Faculty of Law at Dalhousie University in Nova Scotia. Dalhousie and other early Canadian law schools adopted the case law method of teaching law which was developed in the United States in 1870. The method's

founder, Christopher Columbus Langdell from Harvard University, advocated teaching legal principles through the decisions of appellate courts. Gradually this method of analyzing jurisprudence was adopted by all Canadian law schools in place of the old apprenticeship method.

Despite both the modernization of legal teaching methods within universities and the recognition of the merits of higher education by the Bars of other Canadian provinces during the 19th century, a law degree did not guarantee access to the legal profession in Ontario. In fact, since its creation in 1797, the Law Society of Upper Canada had regulated the practice of law in the province of Ontario. It monopolized the teaching of the law and blocked all attempts by universities to gain this power.

"Universities were free to teach law, of course, but the Law Society refused to give any official sanction to law-degree programs in other institutions, and university law students received no special credits towards admission to practice."[8]

Christopher Moore

Osgoode Hall [9]

The Law Society's creation of Osgoode Hall's Faculty of Law in 1889 reflects the intent of the Society's leadership to maintain this monopoly. Since completion of courses recognized by the Law Society was the only way to participate in its mandatory bar exams before 1957, attendance at Osgoode became the only way to gain admission to the profession.[10] According to Canadian historian and author, Christopher Moore, "[a]ttendance for a couple of hours a day, September through April, with the rest of the day devoted to office work, [became] an obligatory prerequisite to admission to the practice of law…"[11]

In the early years, the Law Society required students to translate a portion of Cicero's *Orations* in order to show a particular level of competency in Latin. To create a legal elite, the Law Society sought to ensure that only students with good habits and exemplary conduct could obtain their diplomas.[12] According to *An Act for the better Regulating the PRACTICE of law*, a candidate had to be registered in the Convocation's Books for five years, and complete at least three years of training as a clerk before receiving a "Diploma of Barrister-at-Law."[13]

By the end of the 19th century, administrators of Ontario universities had developed a keen interest in establishing law schools. The Law Society's monopoly, which hampered their attempts to develop law faculties within their institutions, led, however, to great dissatisfaction. The Law Society responded by agreeing to finance local associations dedicated to teaching the law, as long as these associations maintained a minimum enrolment of 12 students and employed at least one barrister. In an attempt to retain a certain level of control, the Law Society directed the County Library Aid Committee to regulate these associations. The Committee required that students take a minimum of 18 hours of courses over a six-month period, and complete an examination of at least 24 questions.[14] Despite the improvement of these law programs, completing one did not guarantee students access to the profession. Although there were many attempts by Ontario universities to decentralize legal education, these early efforts proved fruitless.

THE FIRST FACULTY OF LAW

The motto on the Coat of Arms states, "Deus Scientiarum Dominus Est," meaning "God is the Lord of the Sciences" recalls the religious foundations of the University of Ottawa. The shield displays a Bible and Cross, a further representation of its sacred foundation along with other signs representing secular aspects of society including the fleur-de-lis, the harp of the Irish, the rose of the English as well as a Scottish thistle. Additionally, the bees in the bottom right of the shield are there to remind both professors and students that work is imperative.

Coat of Arms[15]

From left to right: Sir John Sparrow Thompson[16], Justice Télésphore Fournier[17] (Photographer: W. J. Topley), Napoléon Antoine Belcourt[18], Sir Richard W. Scott[19]

Since obtaining royal charter in 1866, the University of Ottawa had planned to set up a law school. In order to do so, the school had to overcome both internal and external obstacles. The University had to generate the financial resources necessary to set up a new faculty which it ultimately accomplished through eliminating the last two years of the Civil Engineering program. The University also had to obtain a pontifical charter from the Vatican allowing the preservation of all of the rights and privileges of a Catholic university, despite the presence of protestant examiners, professors, and students.

In 1887, the provincial government enacted the *Federation Act*, which permitted Ontario universities to establish faculties of law–the long arm of the Law Society notwithstanding. The University of Ottawa and the University of Toronto were the first institutions to take advantage of this new legislation, and each created a Faculty of Law that year.

Sir John Sparrow Thompson–who eventually became the fourth Prime Minister of Canada–a brilliant lawyer, judge, and former Premier of Nova Scotia, became the first Dean of the Faculty of Law at the University of Ottawa. Justice Télésphore Fournier of the Supreme Court of Canada became Vice-Dean of the Faculty from 1892 until 1895, while Napoléon Antoine Belcourt occupied the post of secretary during this time. In addition, Sir Richard W. Scott, the great grandfather of alumnus, David W. Scott ('60), represented the Faculty at the University Senate. Sir Scott played a leading role in passing legislation and ensuring the rights of separate schools in Canada as the president of the University Senate. His efforts were recognized by the University of Ottawa, when he was granted an LL.D. in 1889.

By 1892, students from both Quebec and Ontario were registered in the new law school at the University of Ottawa. The Bachelor of Laws was a three-year program that combined common law courses with courses in equity, Roman law, and international law. It acted as a general program in law that prepared students to practice in both Ontario and Quebec. At that time, Quebec students could take civil law courses instead of the standard common law courses taken by Ontario students. The Law Society's monopoly still prevented students who had completed a degree in law from practicing law in Ontario. Those wishing to practice law were required to complete an additional two years of study at Osgoode Hall.

Early Faculty Members*

1893–1898 The Honourable Théodore Davie, Premier of British Columbia

1893–1899 The Honourable Charles Joseph Doherty, Judge of the Québec Superior Court (later Minister of Justice and Attorney General of Canada)

1893–1899 The Honourable Joseph Dubuc, Judge of the Court of Queen's Bench, Manitoba

1892–1899 The Honourable Pierre Armand Landry, Judge of the County Court of New Brunswick

1895–1896 The Honourable François R. Latchford, Chief Justice of the Supreme Court of Ontario

1893–1899 The Honourable Thomas H. McGuire, Judge of the Supreme Court of the North-West Territories

1893–1899 The Honourable Hugh MacMahon, Judge of the Supreme Court of Ontario 1892–1900 The Honourable Martin O'Grady

1893–1898 Denis Ambrose O'Sullivan

1893–1899 Sir William W. Sullivan, Premier of Prince Edward Island[20]

**Though the original Faculty folded in 1896, these Faculty members continued to hold their titles until 1902.[21]*

This first law school's existence was short-lived. The last deliberations at the Faculty took place on May 21, 1896, shortly after the death of the Honourable former Vice-Dean, Télésphore Fournier. The reasons for the Faculty's dissolution remain unclear to this day owing to inadequate records from the time period. Additionally, much historical information was lost in a fire in 1903 at the University of Ottawa. The momentum for re-establishing the Faculty lay dormant until the mid 20th century.

Exams were administered yearly in the first of week of June with a passing grade of 55%. In order to obtain a LL.B. students also had to ensure the following:

1) be able to present a certificate of good conduct,

2) have graduated from the Faculty of Arts or be a member of the Law Society or be a law student in any other province in Canada,

3) have attended the Faculty of Law for three years, have successfully passed the prescribed examinations during their three years at the Faculty

4) be at least 22 years old.

Top: Fire engulfing Tabaret Hall, 1903.[22]
Below: Ruins of Tabaret Hall, 1903.[23]

FROM CIVIL TO COMMON LAW

The end of the Second World War marked a phase of renewed expansion at the University of Ottawa. In June 1949, the University's Senate recommended forming a new law school at the University of Ottawa to its Board of Directors.[24] The Board of Directors immediately approved this proposal, but it was blocked by the Law Society on May 22, 1950 because they believed it was premature to set up a new law school.[25] Thus, it was not until the National Assembly of Québec passed Bill 46 in 1953, which recognized that candidates completing the University of Ottawa's proposed civil law degree might be considered for admission to the Quebec Bar, that the new Faculty was born.[26]

The general aim of the Faculty is to provide its students with legal training based upon the principles of Christian philosophy and to graduate lawyers and notaries who are conscientious, devoted to the interests of their fellow-men and capable of contribution to a just solution of provincial, federal and international problems.[27]

Georges Caron, Secretary at the Faculty of Law.

When the University inaugurated the Civil Law Section, the program was offered in a building located between Academic Hall and the "École Normale"–now Hagen Hall, on Wilbrod. In 1956, the University inaugurated the Faculty of Arts building–now known as Simard Hall–and, the following year, the Faculty of Law moved to the fourth floor of the Arts building. This is where the Common Law Section began.

The original faculty was located on the fourth floor of the Arts building. Common Law was on one side and Civil Law was on the other. Faculty and students had to share the same washrooms. The washroom door was located at the right angle to that of the library which led to one of Professor Kavanagh's favorite stories. One morning before class was scheduled to start, the Dean collided with a Common Law student. The Dean pulled himself up and excused himself. The student replied, "Sorry I don't speak French" to which the Dean replied, "I was speaking in English."[28]

Lorraine Kavanagh.

Upon the establishment of the Faculty in the old Arts Building, administrators worked zealously to create a Common Law Section to complement the Civil Law Section. It was thought that two faculties would better reflect Canada's dual nature. By January 1957, the Administration Council had created a committee to develop a Common Law program. On February 21, 1957, the University's Board of Directors approved a proposal to set up an "English Section" of the Faculty of Law for the 1957-58 academic year, and took care that "a temporary consultative committee composed of lawyers from the region and the city be created to deal with the organization of the English Section of the Faculty of Law."[29]

The Common Law Section was created under very strict budgetary constraints. Many of the library's materials were donated by practitioners. Justice O'Halloran of the Supreme Court of British Columbia, for example, contributed the first set of British Columbia

Reports, while Chief Justice Clinton James Ford from the Supreme Court of Alberta provided the Alberta Reports.[30] Local lawyers and faculty members also contributed material to strengthen the library's collection.

The law school also purchased legal reports, periodicals, and books. Transportation and communications were less sophisticated than today, and so obtaining these documents and books became a lengthy process. To overcome this, faculty members would often try to hasten the process in any way possible. Professor John Erskine Read, retired Judge of the International Court, used his influence to expedite the shipping of the International Court of Justice Reports to the school.[31] In addition to the Section's library, students also had access to the library at the Supreme Court of Canada.

Even though the school was new and had limited resources, Professor Kavanagh liked the fact that students had access to resources from the government such as the Supreme Court of Canada library. They also had access to judge practitioners.[32]

Lorraine Kavanaugh.

By the end of the 1950s, law schools were seen as tools for social change. There had been a shift from the desire to instill the basic mechanics of legal training into students, to a desire to teach a wide range of competencies relevant to the practice of law.[33] With this new paradigm, faculties could achieve "something of a swing towards both public law, legal process and statute law in the early stages of law school."[34] It was within this modern context that the Common Law Section at the University of Ottawa was established.

We were starting something brand new—we were invading the Common Law tradition.[35]

David W. Scott ('60)

Administrators at the University of Ottawa had also been encouraged in their efforts by the Law Society of Upper Canada's change in position. After two centuries of monopolizing legal education, the Law Society had finally modified its conditions for admission to the Bar in 1957. The new guidelines stipulated that, although candidates had to complete some course work and the Bar admission exams, any student who had completed legal studies at an Ontario university would be exempt from the Law Society's obligatory courses at Osgoode Hall.[36]

The Law Society, however, still maintained its overall control over legal studies with strict rules on the quantity and quality of legal education these students received.[37] In addition, the new minimum standard for admission to the Ontario Bar comprised of at least two years of university education, three years of legal studies—as evidenced by a valid law degree—one year of supervision, and completion of the Bar admission exams.[38]

The Faculty of Law comprised of two separate sections, each with its own council. Each section followed a different program of studies, the teaching methods also differed, career guidance was not the same, legal issues were often treated in opposing ways, the degree awarded was not the same, and the length of studies was also different (…). In addition, each of the sections was operated by different staff, which established the intention by University authorities not to "mix things up." They both had the same Dean, but that is another story…[39]

Gilles Pépin, President of Société de Justinien

The Honourable Mr. Justice Gérald Fauteux[40]

THE NEW FACULTY'S FIRST DEAN

Joseph Honoré Gérald Fauteux, son of Homère Fauteux–a dentist–and Héva Mercier, was born on October 22, 1900 in Saint-Hyacinthe, Québec into a family where public service was held in high regard.[41] Both his maternal grandfather, Honoré Mercier, and his maternal great-uncle, Sir Jean-Lomer Gouin, were former Premiers of Québec. In addition, his brother, the Honourable Gaspard Fauteux, served as both Speaker of the House of Commons of Canada, and later, Lieutenant Governor of Québec.[42]

Gérald Fauteux obtained his Licentiate of Laws (LL.L.) at the University of Montréal and was called to the Québec Bar in 1925. The same year, he founded the firm Mercier & Fauteux with his uncle Honoré Mercier.[43] Four years later, he married Yvette Mathieu, and together, they had five children.

In 1930, the Gérald Fauteux became a Crown Attorney in Montréal, and later Chief Crown Prosecutor of the Province of Québec[44] from 1939 until 1944. He also accepted a post as a part-time lecturer in criminal law at McGill University's Faculty of Law in 1936. Over the next two years, he rose through the ranks of the university to become a full professor.[45]

In 1946, he accepted the post of legal advisor for the Royal Commission on Spying Activities in Canada,[46] and later became a Member of the Commission in charge of establishing the principles of revision of the Criminal Code. In 1947, he was elevated to the bench of the Superior Court of Québec. In 1949, the same year he was appointed to the Supreme Court of Canada,[47] he became Dean of McGill's Faculty of Law for two years.

The law school should teach "rules of conduct for men according to the legal conception of two brilliant civilizations that had a pervasive influence on the field of law: French civilization and English civilization."[48]

Dean Fauteux

When the new Faculty of Civil Law was established in 1953, the Honourable Mr. Justice Fauteux became its first Dean. Two other Francophone Supreme Court judges also played roles in the creation of the Faculty: Justice Thibaudeau Rinfret was a part of the Faculty's organization committee and Justice Robert Taschereau taught introductory courses in law.[49]

From the start of his tenure at the University of Ottawa, Dean Fauteux sought to create a national faculty that would reflect the legal traditions of both of Canada's colonial founders. This dream became a reality in 1957, when the Common Law Section opened its doors to its first students.

Chancellors of the University of Ottawa

1889–1909 Joseph-Thomas Duhamel
1911–1922 Charles-Eugène Gauthier
1922–1927 Joseph-Médard Émard
1928–1940 Joseph-Guillaume-Laurent Forbes
1940–1953 Alexandre Vachon
1953–1965 Marie-Joseph Lemieux
1966–1972 Pauline Vanier
1973–1979 Gérald Fauteux
1979–1985 Gabrielle Léger
1985–1990 Maurice Sauvé
1991–1993 Gordon Henderson
1994–present Huguette Labelle

Fauteux was an honorary dean... He knew the Oblate Fathers and had said to them that "a university without a law school was not a university." During discussions on the creation of a Common Law Section, Fauteux thought that common law components would be added to the curriculum like at McGill University, but this did not occur because of the Law Society of Upper Canada.[50]

Professor Joseph Roach

Chancellor Gérald Fauteux[54]

Dean Fauteux continued to head both the Common Law and Civil Law Sections until 1962. In June of that year, he stepped down to devote his energies to his work at the Supreme Court. He appointed Thomas Feeney, Common Law's Director of Courses, and Pierre Azard, who had directed the doctoral course in Civil Law, as separate deans for each of the Sections.[51]

Universities are laboratories where ideas are constantly subjected to life or death trials depending on the value that are attributed to them by scholars. They are living, dynamic, critical and impatient centres directed both towards themselves and towards society. They give witness to excellence and vigour…

The Honourable Mr. Justice Gérald Fauteux.

The Honouable Mr. Justice Fauteux continued to teach part-time at the law school until 1970, when he was named Chief Justice of the Supreme Court of Canada. He also became the first Chairman of the Board of the Governors after the University's reorganization in 1965, and then occupied the post of Chancellor from 1973 until 1979. Recipient of numerous honorary doctorates and author of *Le livre du magistrat*, the Right Honourable Mr. Justice Fauteux retired from the Supreme Court of Canada on December 23, 1973. He died in Montréal on September 14, 1980 at the age of 79.[52]

BUILDING A TOP NOTCH FACULTY

Once the Common Law Section had been established, the University of Ottawa hired three full-time professors: John Bruce Dunlop, Thomas Gregory Feeney–who also acted as Director of Courses–and Arthur Lloyd Foote. While Professor Dunlop only stayed on at the law school for one year, Professor Foote, who taught "Agency" and "Master and Servant," had been considered "from a pure academic perspective, the best professor."[55]

Professor Arthur Lloyd Foote

Professor Thomas G. Feeney

Professor Feeney, a former law professor at Dalhousie University, was a "tremendous teacher–a wonderful character,"[56] according to David W. Scott ('60), a member of the first graduating class and partner at Borden Ladner Gervais LLP. He brought a "Maritime approach" affirmed classmate Pierre Lionel Morel ('60), who is now retired from public office. According to the Honourable Roydon Kealey ('62), judge at the Ontario Superior Court of Justice, Professor Feeney also "brought together a cluster of professors who were top notch."[57]

To round off the faculty, the University recruited lawyers from both the federal government and private practice to teach on a part-time basis. One of the best part-time professors was Gordon Henderson, who was, according to the Honourable Mr. Kealey, "one of

Fauteux–Chancellor installation[53]

three top lawyers in Canada. He was a legend, a prodigious worker, and more or less a genius."[58] The Common Law Section also recruited the Honourable John Erskine Read in 1958, who sat on the bench of the International Court of Justice for 10 years.

Professor Read was a character of first order. He was a neat, interesting man with a wealth of knowledge. He said "when you graduate, for the first two years, you will be giving a $500 opinion for $50. After that, it will reverse itself."[59]

The Honourable Mr. Justice Roydon Kealey

Professor John A. Kavanagh ('60)

A good number of the first Common Law professors were young and enthusiastic but did not have much experience in teaching. This led to some graduates, like Rodrigue Landriault ('60), to say that the early years at the law school were "a challenge for both the students and the teachers since each year, it was the first year for both students and professors. It was therefore a new challenge each time."[60] To many graduates, however, the professors' inexperience did not matter. Several, like Patrick Fahey ('61), felt that many of the professors were "excellent."[61]

This excellence can be attributed to the fact that the professors had a sincere desire to teach law. When questioned why her husband chose to become a professor at the University of Ottawa, Mrs. Lorraine Kavanagh, widow of Professor John A. Kavanagh ('60), stated that he "did not have the patience to practice law. He found what he was meant for in teaching the law."[62]

One stormy evening in the winter of 1960, all three of the Common Law Section's full-time professors attended a Carleton County Law Association dinner. Visibility was poor and Professor Pharand, who was driving, had an accident in which Professor Feeney broke his leg and Professor Foote broke his jaw. This "immobilized"[63] *the Common Law Section, despite efforts by upper year students to instruct some of the classes that had normally been taught by the injured professors.*

After the accident, Professor Feeney sought compensation from Professor Pharand's insurance.[64] *Thus, the moral of the story became "to encourage corporate executives not to travel together."*[65]

As told by numerous anonymous graduates of the class of 1960.

Within a short period of time, these dynamic professors had substantially increased the profile of the Common Law Section. James Hendry and Arthur Foote, for example, were among the first to publish articles with titles like, *The Legal Profession of the Future,* and *The Recognition and Enforcement of Foreign Judgements*.[66] In 1959, Professors Hendry and Pharand set up an Ottawa branch of the International Law Association. Around that time, Professor Feeney also invited all the professors to become members of the new Canadian Association of Comparative Law.

Professor James Hendry

The increased visibility of the Common Law Section within the legal community became a solid base upon which the law school could expand. Between 1957 and 1962, the faculty grew from three full- and three part-time professors to five full- and sixteen part-time professors. This phenomenal growth set the stage for the subsequent development of the law school.

BY INVITATION ONLY

During its first meeting on September 26, 1957, the Common Law Section's Faculty Council–the body that governs the Section's affairs–adopted the University's rules for the Common Law Section.[67] These rules were important because they codified the structure of the Common Law program within the parameters set out by the Law Society of Upper Canada which had, for example, stipulated that law students pass numerous mandatory courses within three years of full time study.[68] The Section's administration also wanted to offer courses not prescribed by the Law Society, as well as a professional and liberal education tailored to the demands of public office and the business world.[69]

> *The curriculum being followed in the Common Law Section is the basic curriculum prescribed by the Law Society of Upper Canada, with the addition of a course in agency, and, an interesting experiment, a first-year course in jurisprudence."*[70]
>
> Georges Caron, Secretary of the Faculty of Law, 1958

Successful candidates to the law school held a Bachelor of Arts or equivalent, but admission was contingent upon a candidate's ability to demonstrate good morals.[71] Once admitted, students had to maintain an average of 60%, and could not score below 50% in any subject. If a student's average was below 60%, the student had to re-apply and repeat the year.[72] Second-class honours were granted to any student with an average between 65 and 75%, as long as they did not have any grades below 60%. The few lucky students who obtained averages of at least 70%, with no marks below 65%, were granted first-class honours.

Pierre Lionel Morel ('60)

During Common Law's first years, "it was easier to get in, but harder to get out."[73] Several members of the first class began their legal studies upon the invitation of Father Lorenzo Danis, the member of the Oblates of Mary Immaculate who had been primarily responsible for "establishing and administering the Common Law Section of the University."[74] Pierre Lionel Morel ('60), for example, was pursuing a military career in Shiloh, Manitoba, and had intended to study medicine when Father Danis invited him to come and study at the Faculty of Law.

Jean-Marc Labrosse ('60)

The Honourable Justice Jean-Marc Labrosse ('60), recently retired from the Ontario Court of Appeal, noted that for him, studying law at the University of Ottawa was simply a logical continuation of his previous studies. Justice Labrosse obtained his high school diploma from the University of Ottawa, and then completed an Arts degree with a concentration in political science. According to him, obtaining his first diploma in 1956 was "just in time for Common Law to open." He added, "they were looking for people to come in. I didn't have to apply, so it fit like a glove."[75]

> *"At the intake interview, Father Danis was very reluctant in allocating a valuable seat in this program to a woman. In fact, he told me at that time that I was taking a man's place, that I would marry and have children and never practice law. I stand before you as witness that I have worked my entire life to prove Father Danis wrong. I was admitted. I took a man's place. I have worked my entire life in advancing my profession and I have thoroughly enjoyed it."*[76]
>
> Rose-Marie Perry, ('60).

While many students began to study law right after completing their first degrees, the opening of the Faculty also attracted students who were already in the workforce. Patrick Fahey ('61) had been working at the federal Ministry of Finance for two years when he decided that pursuing legal studies would further his career.

Admissions in those early years were not solely the result of Father Danis' persuasiveness. According to Mr. Morel, the limited financial resources of the majority of the first class meant they had no other choice but to study law at the University of Ottawa. Mr. Morel added, though, that "nobody complained."[12]

Rose-Marie Perry ('60)

During Justice Fauteux's deanship, there were only two women–Rose-Marie Perry ('60) and Elizabeth Slasor ('61)–who obtained their degrees from the Common Law Section. Ms. Perry recounted that, "being the only female was different, but I was accustomed to it" as she had also been the only woman in a three-year science program at St. Patrick's College. Mr. Morel ('60) noted that, with the exception of the Faculty of Medicine, "these numbers reflected the reality of the University of Ottawa" at that time. In fact, it was only after 1973 that women formed more than 20% of the student body of Canadian law schools.[78]

Although these first women may have grown used to it, women at the University of Ottawa faced the prejudicial attitudes of their male counterparts on campus. According to an article in the *Fulcrum* that surveyed attitudes towards female students, there were significant barriers to integration. Although some comments were positive, many male students slurred not only these women's intellectual capacities, but also their looks, manner of dress and grooming.[79]

THE RULES OF THE GAME

Once admitted, students found that there was a very strict attendance rule at the law school. Students were expected to attend all classes and could not miss more than 5% of their classes per year. Any student who missed more than this was prevented from writing final exams in first year, and would have had to repeat the year.[80] Fortunately for the students, a new policy was adopted by the law school in 1960, which extended the maximum number of absences to 15% of classes.

Students were also expected to follow a code of conduct. The students were, in many respects, treated like high-school students. They were forbidden to use the Waller Street entrance to the Arts Building, as it was reserved for professors.[82] Additionally, there was no smoking allowed anywhere on the fourth floor, except for the common room. Students were also expected to be quick and quiet in the hallways, as loitering and noise were not permitted. Bells signaled the movement of students between classes, and each student had an assigned seat in each class. Failure to adhere to these rules resulted in students being marked absent from classes.

According to The Honourable Roydon Kealey ('62), "if someone did not comply with the rules, Professor Feeney would summon them in his office." Students at the end of the '50s and the beginning of the '60s, "had no rights…they could not afford to be vocal."[83] Students who wished to work part-time had to obtain authorization from Professor Feeney, the Director of Courses. In order to obtain this permission, a student had to identify the reasons, nature, and range of the desired employment. While some requests may have been more successful than others, the Director would refuse these requests if a student was required to work during exam preparation periods.[84]

Despite the strict rules, there was a very friendly atmosphere at the law school. Mr. Fahey remembered that, "in our class, several classmates were from St. Patrick's College. We were fairly close to each other."[85] Since students were few in number, and since many of them

Waller Street entrance to Arts Building.[81]

had known each other since secondary school, an atmosphere of familial solidarity arose in the student body. According to Justice Labrosse, "we were such a small group that we basically lived with the professors."[86] Professor Joseph Roach ('62) added that there were many informal opportunities for the professors and students to talk, since the two shared the cafeteria in Tabaret Hall during afternoon break.

Joseph Roach ('62)

A GOOD BASIC GROUNDING

According to Rose-Marie Perry ('60), "at that time, we had a more general knowledge. There was no course selection–we really didn't get to pick and choose."[87] The law school offered a "very good basic grounding from an academic point of view" in the core subjects.[88] According to Pierre Morel ('60), "the basic purpose of the law course was as an introduction. The rest was left to the individual…the courses were labour intensive."[89] Moreover, the students did not have the same technological resources to prepare for their courses that are available today. The Honourable Roydon Kealey ('62) remembered that, "we took notes. We also had a syllabus with case references and we briefed cases and identified principles. There was also a lot of note borrowing and therefore great generosity and comradeship."[90]

H discovered that W committed adultery with X. Upon W's promise not to see the man again, H agreed to take her back and that night they had marital relations. The next morning W's attitude had changed and she declared that she was going to resume her friendship with X. H immediately left her and commenced divorce proceedings.

(a) Can H succeed?

(b) Would it make any difference to your answer to (a) if W had become pregnant by X and knew it, but failed to disclose this fact to H? Give reasons.[91]

Family Law Exam Question, 1959.

In addition to the many challenges that inevitably accompanied legal studies, the French-speaking students were faced with additional difficulties. In the Faculty of Law's first incarnation in the 1800s, students had been allowed to write exams in the language of their choice. In the modern Faculty, this was not permitted, so Francophone students in '50s and '60s had to both learn legal terminology and do so in English.

"Life had mostly been in French but then when I got to Common Law, there was a big change from French to English. There were only three or four French Canadians in the class. I had a "rough" English at that point. I could think in English but I had a severe accent."[92]

The Honourable Mr. Justice Labrosse ('60)

The fall sessions generally began in the third week of September, while the winter examination session could extend until the third week in May. The course work required a certain amount of effort, and students had to seriously apply themselves. To prepare for exams, Pierre Morel ('60) recalls that students had to "sit down, read the case, and write down an abridgement." Classmate Rose-Marie Perry ('60) adds, "we were the first class to go through examinations, and we didn't know what they were going to be like."

Rodrigue Landriault ('60)

Examinations from the late '50s constituted real challenges for students, since they had to manage with very few resources. Rodrigue Landriault ('60) states that, at the time of his exams, "we brought no text… it was necessary to memorize. The law had to be known."[93] This certainly posed a challenge, as there was an overwhelming quantity of material, and it had to be assimilated at a phenomenal pace. Exam results were posted publicly after Christmas and in April every year, with marks corresponding to students' names.[94] According to Mr. Landriault, "if the name was not on the list, it was worrying!"

The "mortality rate" amongst the first-year class was relatively high. It was also fairly common to quit law school in second or even third year. Only about one third of those who began legal studies graduated with their degrees. According to at least one study, this phenomenon was common to many law schools.

> *Failure rates of 20%, 30% and even 40% were not unusual in first year as recently as the mid 1960s. Students that had earned dubious credits therefore had an opportunity to prove their talent, but failed if they had not worked hard enough. This type of rigorous philosophy had a certain attraction. Since a certain number failed, it was not terribly embarrassing to fail. To a large extent, most of the students that failed shrugged their shoulders and chose a new vocation. Very few complained and lodged grievances. In such strict and authoritarian conditions, the Faculty and the administration made relatively few decisions. It is difficult to assess what type of psychic trauma was caused by the failure of such a large number of people.*[95]
>
> D.A. Soberman, 1976.

Students who were having academic trouble did have opportunities to remedy their situation. If they failed written work, the work would be read a second time by the professor.[96] If they failed an examination, they could write a supplementary exam, as long as they had not failed more than two exams during that term.[97]

The Faculty retained full discretion over these initiatives. The final say belonged to Professor Feeney, the Director of Courses. If Professor Feeney did not believe a student deserved another chance, there was no further recourse. In 1960, for example, the eight students who had obtained the worst results on the Christmas exams were barred from attending second year. These students were, however, informed that they might be readmitted to first year the next fall.[98]

NOT ALL HARD WORK

The students' time at the law school was not solely filled with unremitting hard work. There were also many fun and interesting opportunities for social and intellectual events such as performances by the Dave Brubeck Quartet, Verdi's *La Traviata*, Rough Riders' parties, and dances.

One of the most eagerly anticipated events each year became the annual Law Ball. Organizers from the Civil Law Section were generous enough to invite Common Law students to the Ball the first winter the Section was in operation.[99] The students also began to organize other dances, like the Derby Dance at the St. Louis Hotel in 1961.[100] Married students brought their spouses, while single students brought dates–there were always enough dance partners.[101]

Although the Oblate Fathers who ran the University stipulated that no alcohol be consumed at dances, they did tolerate these events. It is unclear whether the Fathers knew about, or approved of, the parties that students attended after the official events. For instance, after the Derby Dance, the students finished the night at the Salaberry Armories in Gatineau.[102]

In addition to the dances and parties organized by student groups, the Faculty organized events to enhance students' legal knowledge. In 1958, Dean Fauteux proposed a series of presentations that would take place throughout the academic year. Practitioners from specific legal fields were invited to provide an introduction to contemporary legal questions.[103] Presenters included Gordon Henderson, who spoke about intellectual property, as well as experts in Ontario litigation like Arthur E. Maloney and John Mirsky, as well as Jacques Barbeau, who spoke on the policies of taxation. Dr. A. H. Robertson also made a presentation on "The Development of European Integration Since the War."[104]

Upon the inauguration of the Common Law Section, Allan McLean was elected president of the Common Law Students' Society (CLSS). Another election was planned "once students got to know each other."[105] These student representatives each saw their mandates differently. Patrick Fahey ('61), president of the CLSS in his third year, said, "I was more of a class representative. I had a lot of contact with Professor Feeney."

Moot Court Competition 1959.[106]
Second Year: Front row, left to right: R. Bougie, J. O'Neil, R. McMahon, P. Loney, R. Marin, G. Michel, P. Mills, W. Spooner, E. Gladu. Second row: J.M. Labrosse, R. Gauthier, G. Gordon, R. Perry, S. Flesher, W. Davis, M. Girard, B. Manton. Third row: J.M. Bordeleau, D. Scott, A. Cousineau, R. Adams, J.M. Kavanaugh, D. Dehler, J. Bonhomme. Fourth row: R. Cusson, B. Guertin, T. Swabey, R. Landriault, J.A. Kavanaugh, G. Kealey.

A GREAT VICTORY

Participation in moot court competitions, where students argued fictional or real cases pending before upper courts, constituted a source of great pride for Common Law students. In the early years of the Common Law Section, the panel of judges consisted of a professor and two, third-year students. In 1960, David Richard Dehler ('60), Roger Gauthier ('60), David W. Scott ('60), and Ronald Stewart ('60) competed for the law school's Moot Court Shield. Mr. Gauthier and Mr. Scott won, thus giving them the opportunity to represent the University of Ottawa in a competition–later named the Gale Cup–at Osgoode Hall, where they were defeated.

The following year, the University of Ottawa team comprised of Roydon Kealey ('62) and Lee K. Ferrier ('62) won the competition.[107] Justice Kealey also won the Advocacy award. The victory constituted one of the events that established the Common Law Section's reputation, and was a feather in Professor Feeney's cap. The pair's success was reaffirmed the following year when they won again.

> *It was the first moot competition in 1961 between University of Ottawa, Queen's, University of Toronto, Western and Osgoode Hall. It is now called the Gale Cup. Lee Ferrier and I won at the University of Ottawa and were sent to Western for an interuniversity competition. We won the first moot court in 1961 and again in 1962. It was a great feather in Feeney's cap and a great victory for the University of Ottawa. As for our second year, we were practically mailed in. It was a fantastic thing.*[108]
>
> The Honourable Mr. Justice Royden Kealey ('62)

In addition to external honours, students profited from awards and scholarships sponsored by the law school and by the University. The Section's full-time professors were among the first to offer awards to students who obtained the best results in their final exams. The first prize, offered in 1958, was for $25. Dean Fauteux had the honour of awarding first prize to the student

who obtained the best average, while the teaching staff awarded second prize. Dennis & Co. sponsored a prize for the student with the best marks in the study of jurisprudence and history of English law.[109] Several deserving students also received legal books as prizes. Carswell and Cartwright, along with the Canada Law Book Company, were among the most generous in this regard. During the years that followed, several law firms also joined the list of donors who granted awards to students who obtained the best results in specific courses. In 1961, the field of awards was broadened to include prizes for the best essays in specific areas of law. Prizes for the best essay ranged from $100 to $1000.[110]

Amongst the recipients was John A. Kavanagh ('60), who later became a professor in the Common Law Section. He won the gold medal in 1960, which was awarded annually to the student with the highest average. Mrs. Kavanagh attributed her late husband's outstanding successes to the fact that "he found something he really liked. Law was an intellectual stimulus that never failed him." Moreover, she added that he had an "incredible work ethic."[111]

Exceptional student successes resulted in additional awards and scholarships, allowing them to attend prestigious universities. As a result of a scholarship from the Ford Foundation, Professor Kavanagh was able to move his young family to Boston for a year where he completed his Master's degree at Harvard. His wife often joked that this allowed their children to attend "Harvard Nursery."

Faculty members at other Ontario law schools also worried about the difficulties students faced in financing their legal studies. In 1961, representatives from concerned law schools met to discuss the creation of a fund that would provide scholarships for Ontario law students.[112] Professor Feeney, who represented the University of Ottawa, explained that the need for financial assistance was more crucial at the University of Ottawa than elsewhere in Ontario since, in addition to more than 20% of the students who secured provincial loans, 10% of the students received "Dominion Provincial Bursaries." He also noted that the University of Ottawa's scholarships only amounted to $100 annually. Professor Feeney stated that these scholarships were not enough to cover the school fees of the majority of students in Ottawa, who had very little chance of finding adequate employment during summer months.[113]

APPLYING THE FRUIT OF ONE'S KNOWLEDGE

After obtaining their law degrees, students from the '50s and the beginning of the '60s had to comply with the Law Society of Upper Canada's requirements before being able to launch their legal careers. Candidates had to complete a year of articling and six months of additional coursework at Osgoode Hall before writing the Bar exams.

> *When I went through the Bar Admissions Course, I thought there was a good balance of academic and practical perspectives. One thing lacking was the practical hands-on approach. That shortcoming at the Faculty was bridged by the bar admission course… the two complemented each other.*[114]
>
> The Honourable Mr. Justice Royden Kealey ('62)

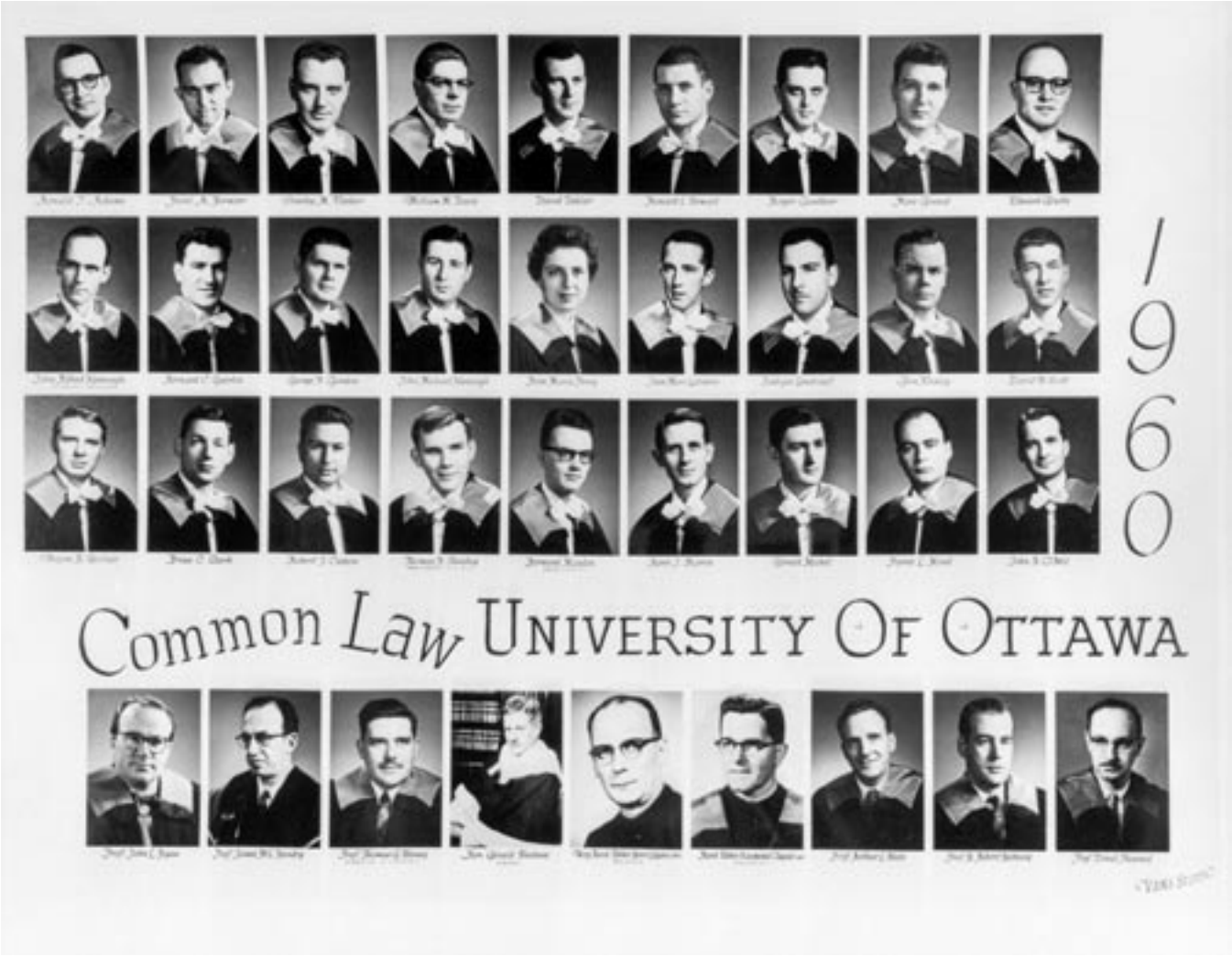
In order to facilitate the success of its first graduating class, the Common Law Section teamed up with the Carleton County Law Association to send circulars to local firms, urging each to take a law student under its wing. According to Professor Feeney, the response from the firms was very positive, which reassured the Faculty that the majority of the students would find articling positions.[115]

> *It was an excellent experience to go to Toronto for six months for the Bar admission courses. The institutions operated differently. In Ottawa, all of the lawyers knew each other, it was a friendlier atmosphere, like a family, and much less aggressive. In Ottawa, "one's word was good" and promises made, were promises kept.*[116]
>
> Rodrigue Landriault ('60).

In fact, of the 27 members of the first graduating class, 25 were called to the Ontario bar in 1962.[117] This high level of success was due not only to the drive, ability, and ambition of each of the students, but also to the support of the Faculty. This level of success in entering the profession was thereafter, repeated yearly. In addition to Ontario, graduates of the Common Law Section eventually entered practice in other Canadian jurisdictions as well. The high standards and wide variety of courses offered at the faculty enabled subsequent graduates to attain success in both legal and non-legal settings all over the world.

The practice of law is not merely a matter of visiting the fruit of your newly acquired legal knowledge upon your clients. It is just such a patronizing process which results in ordinary citizens frequently finding lawyers self-absorbed and arrogant. Rather, it is a process of developing, from the day you begin practice, a personality, a presence and a set of communication skills which will result in your clients liking you—people like to like their professional advisor—trusting you; listening carefully to you; and repeatedly relying upon you for useful advice and counsel.[118]

David W. Scott ('60)



Common Law's first graduating class, 1960.

ENDNOTES

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[10] Blaine Baker, *Legal Education in Upper Canada 1785-1889*, p. 68

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[19] Sir Richard W. Scott. http://www.canadascapital.gc.ca/bins/ncc_web_content_page.asp?cid=16297-58245-59585-58945-59630&lang=2&bhcp=1

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[21] J. Gaston Descôteaux, *La Faculté de Droit de l'Université d'Ottawa 1953-1978*, p. 9.

[22] Detail of AUO-PHO-NB-38A-1-78. Fire at Tabaret Hall.

[23] Detail of AUO-PHO-NB-39A-2-307. Ruins of Tabaret Hall.

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[28] Interview of Lorraine Kavanaugh by Adél Gönczi (20 June 2007).

[29] AUO, Index et résumé des corps délibérants de l'Université Antérieurs à 1965, file "Conseil d'administration- Affaires générales," 21 February 1957.

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[50] Interview of Professor Joseph Roach by Adél Gönczi (13 July 2007).

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[88] Interview of Patrick Fahey by Adél Gönczi (7 June 2007).

[89] Interview of Pierre Lionel Morel by Adél Gönczi (7 June 2007).

[90] Interview of Royden Kealy by Adél Gönczi (13 June 2007).

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[92] Interview of Justice Labrosse by Amanda Leslie (23 February 2007).

[93] Interview of Rodrigue Landrault by Adél Gönczi (21 June 2007).

[94] Interview of Justice Royden Kealey by Adél Gönczi (13 June 2007).

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[98] AUO, Fonds 23, NB 4019, 1957-1960, "Section Council Minutes Supporting Documents and Agenda," file "Réunion du personnel," 7 January 1960.

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Dean Thomas G. Feeney[1]

A LAW SCHOOL FROM SCRATCH

LOOK TO THE LEFT, LOOK TO THE RIGHT

Dean Feeney was one of those men who was "larger than life."[2] He was born Thomas Gregory Feeney in Fredericton, New Brunswick, in 1924,[3] and was considered to be a bit of a child prodigy.[4] He was one of the youngest students admitted to the University of New Brunswick,[5] where he studied pre-law for two years.[6] He then obtained both his B.A. and LL.B. degrees at Dalhousie University in 1946. He married Dorene Steele, and they had six children.[7] Mrs. Dorene Feeney-D'Iorio remembers that "he was a star when he graduated from law school. He took all the prizes–three prizes,"[8] including the gold medal in law.[9] Upon graduation, he joined the faculty at his alma mater as an assistant professor of law for four years. The next seven years were spent in private practice with his father in Campbellton, N.B.

When the Law Society of Upper Canada modified its conditions for admission to the bar, enabling the University of Ottawa to offer a Common Law program, Professor Feeney took up the post of Director of Courses under Dean Joseph Honoré Gérald Fauteux. When Dean Fauteux stepped down in 1962, the University appointed separate deans to both the Common Law and the Civil Law Sections, and Professor Feeney became the Dean of Common Law.[10]

> *For me, a law school's business is mostly–and almost entirely–concerned with the law as it is. A critical examination of existing law is of course the life blood of teaching and learning the law, but, to my mind, a law school's success can be measured very little by the number of legal and social reformers it produces. I think the true measure of success of a law school is the number of successful practicing lawyers it produces.*[11]
>
> Thomas Gregory Feeney, August, 1972

The Dean was gruff, he had definite ideas about how he wanted things to be run, and he was "ultra-conservative".[12] He also knew how to get things done, and when he set his mind to putting together a law school from scratch, he did it in his own unique way. As Dean of Common Law, Feeney built a law school like no other. This was due, in part, to his background as a "traditional small-town lawyer,"[13] and in part, to the unique pressures that faced the school as it grew. As part of a small French-Catholic university, the English-speaking Common Law Section seemed to be an anomaly. It taught subjects that could only be read in English, at a school whose curriculum was strictly controlled by an outside body–the Law Society of Upper Canada.

> *He bestrode the faculty like a colossus; he was a classic combination of Irish temper and Irish charm and his every utterance was a volcano–whether he was spouting specifics of the rule against perpetuities or spinning the secrets of curtesy and fee tail, or spitting stories about "Annie Slash." Even "Good Morning" was a tour de force!*[14]
>
> Dermot P. Nolan ('73), September, 2001.

At the time Dean Feeney began his term at the Faculty of Law, the Oblates of Mary Immaculate–the French Catholic religious order that had founded the College of Bytown–ran its later incarnation, the University of Ottawa.[15] This resulted in inadequate funding throughout the first third of Dean Feeney's term because the funding from the Catholic Church was not on par with the provincial funding received by other universities. For the Common Law Section, this meant a limited number of Faculty members, a lack of space, and a small library. Dean Feeney was recognized by his colleagues, students, and alumni for building a law school in the face of these obstacles. He did this through his hallmark admissions and promotion style of a flexible admission policy coupled with stringent in-course standards.

The University owes Tom Feeney an immense debt of gratitude for having created the Common Law Section with very few resources. [16]

Rector Antoine D'Iorio, 1988.

Since the school had trouble attracting the best and brightest of newly-graduated students to the law school, Dean Feeney interviewed students with less-than-stellar transcripts and offered them places in first year. He also admitted many qualified students at the last minute if there was room. His rationale was that the professors would be teaching anyway, whether the seats were full or empty. He believed in giving students who had not had terrific academic success in their first degrees a chance. This strategy was proven repeatedly, as mediocre students were engaged in a way that they had not been in their undergraduate studies, and these students flourished.[17]

I walked in, it was a Friday afternoon, and it was the week of the preliminary lectures, before classes actually started… I went up to Mary Ahn, who was Tom Feeney's secretary, and I introduced myself and I said "I want to find out what I need to get into law school." And she said, just a minute, and she went across the hall and she spoke to Tom Feeney. Tom said he'd see me…and he said "Well, look. Get your transcript up here by noon or two o'clock on Monday and 500 dollars, and I'll look at it. I went back home and I got the transcript, and I got the 500 bucks from my father, and at two o'clock on the Monday afternoon, I was in Feeney's office. He looked at the thing and I don't think he EVER thought I'd ever get through, but he had an empty seat and he was willing to fill it.[18]

David Clarke ('64)

While it was easy to get in to law school at the University of Ottawa if you could "convince Dean Feeney you ought to be,"[19] the tough in-course standards meant that not all students excelled at the law, and many did not pass their first year. Almost half of the first-year class failed final exams each year,[20] and only a handful of the students who had failed were allowed to repeat the year. If a student who had repeated first year failed second year, he or she was not invited to repeat the year again.

One need only look at our unbelievable record at the bar admission course to see that our law school maintains a standard of academic excellence–only one student from Ottawa University has ever failed the bar course.[21]

Gerald Anthony (Gerry) Ferguson ('71)

Although he was a "no-nonsense" dean, the students loved him. As Dermot P. Nolan recounted in his tribute to Dean Feeney in September, 2001, students' first introduction to "the Feen,"[22] as he was dubbed by the student body, was often reminiscent of a scene from "The Paper Chase." He would tell entering students to "look to your left and look to your right; a year from now only one of you will be here."[23] Although he was abrasive, he had the students' best interests at heart, and they seemed to know it.

Professor John M. Kavanagh ('60)[25]

The kindness he showed the students, coupled with the standards he inspired in them, had a lasting impact on all of them.[24] Dean Feeney appreciated the students, and was very proud of them. His hiring of graduates, such as John M. Kavanagh ('60), Joseph E. Roach ('62), and Gladys M. Choquette ('66), demonstrated this pride.

Students who had Dean Feeney, loved him, if they could get over the initial fear.[28]

Dean Henry Albert Hubbard, June 2007.

Professor Joseph E. Roach ('62)[26]

Although the students appreciated Dean Feeney, many faculty members had difficulty with his headstrong style of leadership. Turnover was high in the law school during those early years, and many fine professors, such as Edmond Ross Alexander, John Bruce Dunlop, Arthur Lloyd Foote and Walter S. Tarnopolsky, left to pursue other opportunities.[29] Those that stayed, such as Professors Christopher Granger, Emilio S. Binavince, H. Albert Hubbard and Joseph E. Roach, formed a core that would endure for more than a decade.

Professor Gladys M. Choquette ('66)[27]

While the Common Law Section grew throughout Dean Feeney's time, the law school was still financially the worst off in the province.[30] It was the smallest law faculty overall, in terms of student and faculty members, as well as having inadequate space and funding. The Common Law Section also had one of the lowest per student rates of funding of any body in the university–even the Civil Law Section got more money.[31] Finances were so bad at the University at the end of Dean Feeney's term that the Rector called 1972-73 the "year of the Freeze."[32] The Faculty Council, the body that governed the Common Law Section, suggested that this could be remedied by increasing the entering class from 140 to 180 students. Given an attrition rate of 25%, this would bring the faculty up to 440 members, which would equal other law schools. Over two years, this increase could generate an additional quarter million dollars in revenues. [33]

In order to accommodate these changes, the Curriculum Committee proposed a massive reorganization to modernize the faculty. This reorganization would have resulted in some cuts to professors' teaching hours. Dean Feeney was vehemently opposed to this course of action. He felt the changes would jeopardize future staffing requests.[34] Since the University approved of this change, despite his protests, Professor Feeney tendered his resignation as dean in June, 1973. Professor Hubbard became Acting Dean until August 1, and was offered the position as Dean after that.[35] Professor Feeney continued teaching law at the faculty until his death in 1988.

Dean Feeney was pretty amazing. He was a real legend. He had his fans and his detractors. He had a very strong personality, but he dearly loved the students and he was very committed to them and there wasn't much law that he didn't know. He was a passionate teacher. . . you never forgot the law you learned from him.

Margaret A. Ross ('74)

A BIT LIKE A HIGH SCHOOL

Dean Feeney's practice of looking at the whole student, and not just at transcripts, when deciding whom to admit did not necessarily result in diversity within the faculty. For at least the first decade, the student body was overwhelmingly made up of young, white, single men. The few special students who were admitted had mostly been "heavyweights" in politics or business, such as senators.[37] In addition to special students, the faculty kept track of the number of married students, as well as women.[38]

[Before I was admitted, I got a call from] Professor Kavanagh who said, "You're married aren't you? Do you really want to come to law school?"[39]

Sheila Block ('72)

From the school's inception until 1970, only 41 women had enrolled in the LL.B. program, nine of whom had graduated, and 21 of whom were still at the law school.[40] While many classes did not contain any female graduates, in those that did, women made up less than one percent of the class, while the first minority student did not graduate until 1969.[41] This lack of diversity may have been because during the 60s, not many women aspired to study law, and most of the students were local at a time when the population of Ottawa was not as varied as it is now.[42] Many of these locals were from St. Patrick's College, which the law faculty considered a "feeder school."[43] Those few female and minority students who did study at the University during Dean Feeney's era were of the same high caliber as the rest of the student body. Although only one or two women or minority students were typically part of a class, they routinely distinguished themselves in their legal studies, winning everything from the first-year Prize for Diligence, to the Moot Court Shield, to the University's Gold Medal.[44]

The law school was located on the fourth floor of the Arts building, now Simard Hall.[36]

I only was aware of being sexually harassed once. We had some sort of exercise, and they brought a professor in from Civil Law to judge it… I was dressed modestly. I can still remember how I was dressed that particular day. I was wearing a pleated wool skirt, a white blouse and a mohair sweater–a cardigan which was draped across my shoulders…The guy who was brought in from Civil Law to judge this little contest had nothing to say about what he thought of my argument. He ripped into me for my appearance. His focus was my cardigan. I hadn't slipped my arms through the sleeves and it was still draped across my shoulders as I spoke…He went on about that cardigan and he had other comments. They were all personal, and they were all about my appearance. I was shocked.

Linda McCaffrey (née Barton, '67)

Starting in the 1972-73 academic year, the Law Society of Upper Canada encouraged the school to accept mature students–those students who might not necessarily have the academic experience to allow them to attend law school.[45] Around that time, the faculty also agreed to allow aboriginal graduates of the University of Saskatchewan's orientation to legal studies to enter law school upon completion of that class, provided they were otherwise qualified.[46] These initiatives did not change the face of law overnight, but they were a start to increasing diversity within the school. While the number of women and minority students who graduated from the faculty increased over time, this seemed largely due to the increase in the number of students in the faculty as a whole, and not to any overt increase in the ratio of women or minority students accepted into the faculty.

After the students were accepted into first year and had started classes, they had to buy their books at the University Bookstore. Faculty Council grew dissatisfied with this arrangement in the late 60s because casebooks were sometimes not available until after courses had begun, and the mark-up was extremely high. The Council suggested that the students could run a bookstore, but the university had fought this initiative in the past.[47] However, the Board of Governors approved a request by the Common Law Students' Society (CLSS) to begin selling law books in 1970, [48] and they began selling books to students at a discount.[49] The first books were sold out of Law House, a residence for law students that was also an informal social club. The bookstore moved to the Student Legal Aid Society's quarters the following year, and was run out of student's lockers in the Arts building in 1972, the year before Fauteux Hall opened.[50]

The structure of Law House itself was somewhat grandiose. At one time it would have had an indoor fountain, although it was not working when we lived there. The ceilings were 12-14 feet high, and it had a beautiful central staircase.[52]

James Sloan ('71), President of Law House.

The lack of adequate physical facilities was one of the greatest challenges of being a student in the law faculty during Dean Feeney's era. "It was like going to law school in a high school," James Wilson ('73) said.[53] The close quarters and lack of adequate facilities bred a camaraderie amongst the student body. Also, "being in English Common Law,…a primarily English speaking group, in a sea of bilingual students, created sort of a sense that you were a small island, rightly or wrongly."[54]

Bookstore line-ups.[51]

Like many law students of the day, Gregory Kane ('69) would go to the Supreme Court building to study, instead of the cramped library the faculty operated at one end of the fourth floor. In addition to the library, there were bookshelves full of law reports lining the halls and offices. "At that time," Mr. Kane noted, "there was no online capability, so you were completely dependent on the physical books."[55] Students went wherever they could read the cases for each class. Students also studied in the library at Carleton University.[56]

After the excitement of convincing Dean Feeney to admit you, starting classes and finding a place to study, first-year students wrote practice exams every December that did not count towards their final grades. This was later changed in some classes to a fail-safe system, where the December exams would count if they helped, but would not count if they detracted from a student's final standing in the course. These early exams were tough, not only because there was so much material, most of which was entirely new to first-year students, but also because the exams were closed book. It was not until the spring of 1973, when Professors Bruce K. Arlidge and William E. McCaughey proposed that faculty members be allowed discretion to set open book exams, that summaries began to appear in exams.[57] Since there were often correlations between the December scores, and how students did on finals, the Dean often recommend that "the apparently hopeless" withdraw from school after the December results arrived. [58]

In addition to the strict in-course standards, behavioural standards were strict as well. Sheila Block ('72) remembers that "you had to be on time, you had a dress code, you couldn't smoke or drink coffee, and they took attendance…it was a bit like a high school" in that regard, as well.[59]

The tough in-course standards meant that students at the Faculty of Law often did well in competition against other schools. After Lee K. Ferrier ('62) and Royden Kealey ('62)–both of whom later became judges–won the first two Moot Court competitions in 1961 and 1962, Denis Power ('63), who also became a judge, and Joseph Lewis ('63) placed second the following year. The University team won again in 1968 with the pairing of Philip Johnston ('69) and Jean-Jacques Fleury ('69). The faculty won once more in 1971 with Sheila Block ('72) and Joyce Harris ('72), and yet again in 1973 with Gary O'Neill ('73) and Dermot P. Nolan ('73) bringing home the cup. The faculty also fared well in Advocacy. In the winter of 1971, Gerald Cooper ('71) and Michael Swinwood ('72) won the Advocacy competition in Windsor. At the same competition, The Honourable Allan M. Rock ('71), who would later become the federal Minister of Justice, won the award for best mooter.[61]

1968 moot winners Jean-Jacques Fleury ('69) and Philip Johnston ('69).[60]

Law students practice court procedure, 1974.[64]

Best Advocacy Team 1971: Gerald Cooper ('71) and Michael Swinwood ('71).[62]

Joyce Harris and I mooted for the school in the Fall of 1971 and we mooted at U of T. We were the only women from any of the law schools, and we were on the same team… we won the whole thing.[63]

Sheila Block ('72)

I FOUGHT THE LAW

Students in the early years of the law school had active social lives. In the first half of Dean Feeney's term, the law school was small enough that it did not really need a formal mechanism for student governance, like the Common Law Students' Society (CLSS). If something needed to be done, it was done by whomever was concerned about it on an ad hoc basis.

You have to remember that the law school consisted of 20 people in the third year, 20 people in the second year, and 60 people in the first year and so we were a pretty tight knit group…Representative democracy wasn't really needed because if there was some issue that came up, we just decided we were all going to meet.[65]

C.E. (Rich) Wilson ('63)

During the latter part of Dean Feeney's term, the Common Law Students' Society began to carry out more student-led initiatives. One of the recreational outlets the CLSS co-ordinated was a wide variety of sporting events against other faculties in the school. Each faculty usually had an A-level team, which boasted experienced players, and a B-level team, with enthusiastic but inexperienced players. It was not that the B players were necessarily inexperienced, but that they put a premium on having a good time. The joke

around the faculty was that "to make the A team, you had to be able to turn both ways."[66] In reality, however, the A team was made up of many former Junior A and B players, as well as members on the varsity hockey team. The faculty's A-level hockey team had won the title,[67] although rumour had it that they had never won until Dean Feeney wore his hockey sweater to the final game.[68]

The hockey teams were called the Nads. I don't know where the term came from, unless it's a guttural term...We had great matches against the French Law and Phys Ed teams who were great players in their own right and certainly didn't want to lose to a bunch of stupid Anglais'. Remember the tension between French and English was running very high at this point in history. The games were often frozen reenactments of the Battle of the Plains of Abraham. The A team enjoyed a following of fans led by the late Hugh Doyle '71 who would bring a portable stereo to the games and play "I Fought the Law & the Law Won" after each of our goals. I can still see him sitting in the corner of the rink trying to get as much amplification as possible. Our cheer if you will excuse the expression was "Go Nads Go."[69]

James Sloan ('71)

While Dean Feeney did not encourage students to engage in time-consuming outside activities, many students did have outside commitments. Several students played varsity sports while in law school, some were heavily involved in student politics, and many had part-time jobs. David Morrow ('66) played basketball, Ernest Toomath ('70) played football, and Paul Conlin ('71) played hockey for the Gee-Gees while they were completing their studies. The Honourable Allan Rock ('71) became president of the Students' Union of the University of Ottawa at the end of his first year in law school.

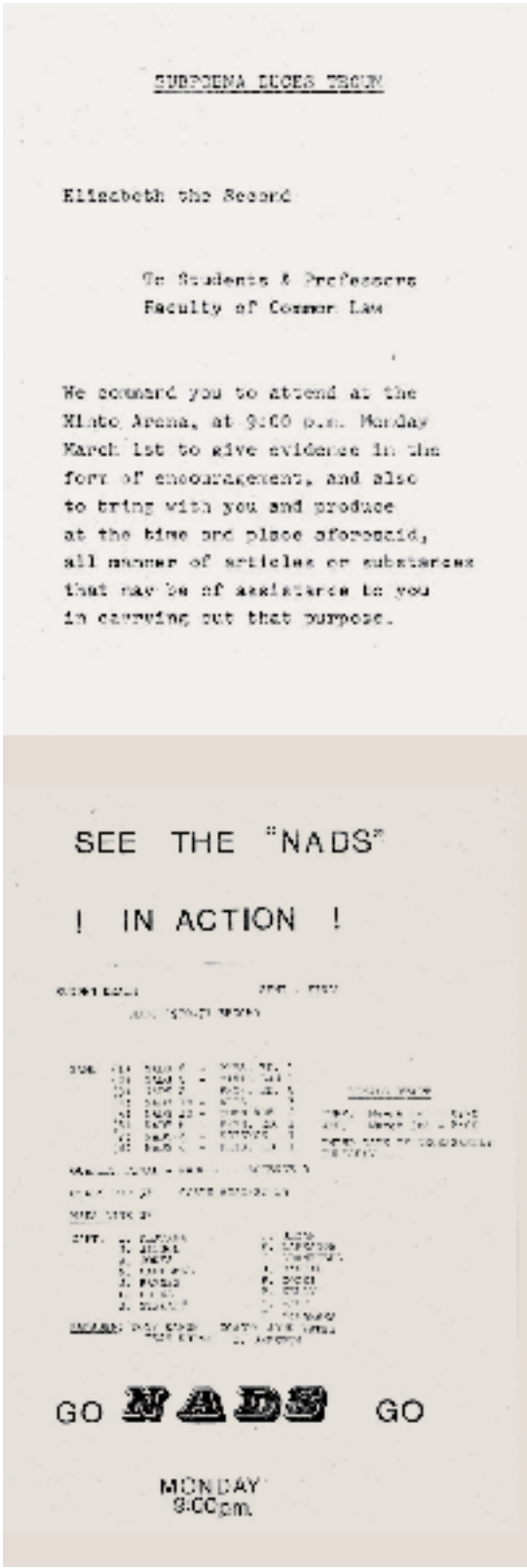
I didn't hear any complaints from Dean Feeney or anybody else for that matter about my outside activities. I felt that I was doing my job at the law school by doing whatever work was required to pass the examinations. I guess there was no charter at that time, but I felt that I had the constitutional right to run for office at the same time, and nobody took any issue with it.[70]

The Honourable Allan M. Rock ('71)

Linda McCaffrey ('67), Ronald Gravelle ('67), and Gregory Kane ('69) were three of the many students who worked part-time. Ms. McCaffrey worked three part-time jobs her first year, because "people didn't accept debt lightly in those days."[71] Mr. Kane says that Dean Feeney tried to stop students from working part-time, or at least get permission, but that the students "covered up for each other" or kept their extra-curricular activities quiet.[72]

The rule at the time was nobody was supposed to work…but the class that was in third year when we were in first year, I think 98% of them worked and the Dean knew about it and didn't say anything because they were a favorite class. [73]

Ronald Gravelle ('67)



SUBPOENA DUCES TECUM

Elizabeth the Second

To Students & Professors
Faculty of Common Law

We command you to attend at the Kinsto Arena, at 8:00 p.m. Monday March 1st to give evidence in the form of encouragement, and also to bring with you and produce at the time and place aforesaid, all manner of articles or substances that may be of assistance to you in carrying out that purpose.

SEE THE "NADS"

! IN ACTION !

GO NADS GO

MONDAY
8:00pm

Subpoena, courtesy of Mr. James Sloan ('71)

As the law students were generally a tightly knit group, social events were a common occurrence. Standish Hall was a favorite hangout for drinks and dancing in the mid 60s.[74] Another favorite haunt was the Albion.[75]

One winter day, about twenty law students went to the Albion before Accounting class and the next thing we knew … the class started, there was a bit of a snowball fight and the snowballs were popping off the blackboard and all the rest and Professor Royden Kealey … just sort of looked at us with a bit of a smile … and he said something along the lines of "Well lads, I can tell that you're not quite up to Accounting today, so we'll continue next week."[76]

Allan R. O'Brien ('73)

The Law Ball, 1960.[77]

No matter what else had been planned, the Law Ball was always one of the highlights of the year. The first Law Ball was held in 1957, the year the Common Law Section began. Early Law Balls were formal affairs, often held at landmark venues like the Chateau Laurier or the French Embassy.[78] They featured a guest of honour, who gave a keynote speech, followed by dinner and dancing to live music.[79] Robert Lamb ('65) remembers that "everybody dressed up right to the tees…white tails and…we rented capes [and] top hats."[80] Mr. Lamb also said that the parties afterwards were notorious. After the official Law Ball at the Château Laurier in 1965, the revelers went to the Officer's Mess at the old armories to party for the rest of the night.[81] Later balls kept to the formal character–important venue, guest of honour–but devolved into 12-hour extravaganzas. The day of Law Ball in 1971, drinks were served in the Feeney Room at the Law House starting at 4:30 p.m, the Ball's dinner and dancing went until 1 a.m., and a comedian was hired to entertain the crowd from 1:00 until 4:30 a.m.[82]

If there was a law party, it was quite common for professors and the dean to come. Also, Mrs. Feeney would attend and…she got to know many of the classmates and she was very friendly. She'd make a point of sitting and talking and having a laugh and having a drink with us, and just in some ways being one of us. I'm not sure she knew she was being referred to as "Mother."[83]

Allan R. O'Brien ('73)

In addition to the wide variety of sports at all levels of ability and the annual Law Ball, the CLSS also organized peer mentoring, advocacy practice, and guest speakers. The very successful law luncheons program hosted many outstanding speakers, drawing politicians such as the Right Honorable Pierre Elliot Trudeau,[84] and the Right Honorable John George Diefenbaker,[85] as well as many practicing lawyers and judges.

On one evening, former Prime Minister John Diefenbaker spoke at… a formal dinner and dance at one of the local hotel establishments, and it was all quite wonderful, and we were actually in tuxes that night–black tie–it was really a posh event. As Mr. Diefenbaker started to speak, I'm not quite sure what happened, there were eight of us at … our table, and we started to move our chairs about a foot to the right, and then we'd move the table, and then another foot and another foot. Throughout Mr. Diefenbaker's speech, our table gradually crossed the dance floor in front of him. He looked at us with, not puzzlement, but just sort of somewhat amusement, and he continued on with his speech throughout the whole event. It was just great timing–by the end of the speech, we were on the other side of the dance floor.[86]

Allan R. O'Brien ('73)

The Law House, courtesy of Mr. James Sloan ('71)

In 1967, a group of Common Law students received permission from the Board of Governors to start a residence for up to 15 law students.[87] This initiative later became the Law House. One of its two locations was at 385 Laurier Avenue East,[88] just down the street from what is now Le Cordon Bleu cooking school.[89] It was mainly a gathering place for law students, although some students lived there as well. James Sloan ('71), who lived there in his third year, was the president of Law House. He remembers that "there was a common room with a television. [It] was a great big old beautiful place, run down–there were probably twelve bedrooms… It was essentially home to ten to twelve law students, who used it as sort of a fraternity," although Mr. Sloan says it was not affiliated with any outside organization.[90] Living at Law House was fun–"it was almost like having siblings"[91]–but residents had to expect the unexpected. In 1970, when the FLQ crisis was going on, there was an embassy beside Law House. Mr. Sloan said that the resident students "woke up one morning to find four guys with machine guns, walking up and down the sidewalk."

Every month the CLSS would sort of have a movie night and we used the movie nights as a fundraiser opportunity. What we would do is run down to the depot and pick up a movie, run it at the school auditorium and charge everybody a buck or something to come in and watch, and we had to do everything–we sold the tickets and collected the money and ran the projectors.[92]

Gabriel Tsampalieros ('73).

The faculty taught students full-time for three years under the original agreement with the Law Society of Upper Canada (LSUC) in 1957, after which graduates articled and took the Bar Admission Course. The LSUC also prescribed a large number of mandatory material that students had to take during their time at school, leaving little room for electives. In 1970, the result of this policy was still felt, as there were only eight optional courses offered at the school. By 1973, however, this had been completely reversed. Only four third-year courses were required–Evidence, Wills, Trusts, and Taxation–while the number of optional courses had increased to 35. In fact, there were so many optional courses, the faculty took the unusual step of offering some of them only in alternate years.[93]

Although Dean Feeney firmly believed that the school should be run by an administration made up of faculty, the student body began to demand a voice in governance in the late 60s. This was part of a wider societal push for a greater voice for youth. The universities had recognized that a voice was needed for students, as a report jointly commissioned by the Canadian Association of University Professors and the Canadian Association of Universities and Colleges recommended student representation on educational governance structures.[94] In 1968, students locked out faculty and occupied their buildings in a bid for representation on several Canadian campuses, including the University of Ottawa.[95] The Honourable Allan Rock ('71) was President of the Students' Union of the University of Ottawa during the 1969-1970 academic year, and he spoke about the need for students to have some input in running the university.[96] These pressures resulted in the University allowing student representation on the senate, the board of governors, and the executive council,[97] as well as on the Section's faculty council[98] in the early 1970s.

One of the planks of my election platform was to increase student involvement in the University administration. Across the continent during that period, students were being admitted to the board of governors and the senate of universities, and at University of Ottawa, none of that was going on. It seemed to me that we were way behind. [99]

The Honourable Allan M. Rock ('71)

The students at the Faculty of Law had always been a tightly knit group, full of leaders of all kinds. Dean Feeney was proud of the alumni, which included first-class lawyers, judges, business leaders, and many politicians. Many of the students who had been involved in the school continued to actively support the faculty after graduation. They formed the Common Law Chapter of the Alumni Association, and donated both money and time to the faculty. In addition, several graduated practitioners, such as Royden Kealey ('62), Denis Power ('63), and Gerald Morin ('63)[100]–all three of whom were later elevated to the bench–came back to teach part-time. In this way the alumni, who had gained so much from the Faculty of Law in general, and Dean Feeney in particular, were able to improve the law school for successive generations of students.

At the end of law school, I went to Africa with CUSO. I had already secured an articling position in Toronto. I didn't tell Dean Feeney, but he heard about it. He called me into the office and said "Kane, where have we gone wrong?[101]

Gregory Kane ('69)

CONGRATUALTIONS FROM "DIEF THE CHIEF AND P.E.T."

During the latter part of the 20th century, many law schools followed the lead of Harvard and began to establish legal publications at their faculties. These journals printed analyses of the law, case comments, and book reviews of important and timely legal matters. Some of these were affiliated with the law schools in name only, and some were the work of the faculty, while a few allowed student input. [102]

The original idea for publishing a student-run law review at the University of Ottawa belonged to Professor Emilio S. Binavince.[104] He envisioned a law review that would serve as an educational tool in legal research and writing, communicate views on legal issues, contribute to legal development, serve as both a forum for research and as a vehicle for recognition of faculty, and enhance the prestige of the law school.[105]

Professor Emilio S. Binavince.[103]

The fist edition of the *Ottawa Law Review* was published in March, 1966,[106] for $2,500.[107] Its publication roughly coincided with the Common Law Section's Tenth Anniversary, to which the first issue is dedicated. Critical acclaim followed the *Review's* successful launch. Accolades on the *Review* came in from "Dief the Chief and P.E.T.,"[108] as well as deans, judges, and alumni.[109]

Law schools by developing the opportunities afforded them by their special attributes can make meaningful contributions to the important role of universities as active participants in directing the course of society. It is our belief that the publication of a law review is such a contribution. A law review should not be begun simply to "keep up with the Joneses," but a law review is well within the grasp of the opportunities afforded a university law school, to contribute to the betterment of society. A good law review participates in a practical way in the work of the legal profession and the courts at every level of social control by law.[110]

Dean Feeney, 1966.

The faculty had planned the launch of the *Ottawa Law Review* for two years prior to its debut. Thus, Dean Feeney had been prepared for the discrepancy of revenues to expenses over the first couple of years, but not even he could have foreseen the long-term problems that arose. The first issue was estimated to make $1,000 in subscriptions and advertising, but cost $2,500 to print.[111] The very first printer charged the faculty $251 over this agreed price, which Dean Feeney disputed.[112] This pattern repeated itself annually throughout the publication's early years.

Printing costs tripled over the first three years of publication. These ongoing financial constraints, coupled with secretarial problems, led to several issues of the *Review* being published behind schedule. In its first few years of operation, Professor Binavince had hired two student editors over the summers to keep up with the workload. However, Professor Binavince felt that he should hire three

student editors over the summers of 1971 and 1972, in order to get the publishing schedule back on track. Since the money to fund an extra student editor had not been built into the original budget, it was suggested that students who edited the *Review* during the school year forgo their pay,[113] generally between $100-200 each,[114] since they also got academic credit for their work. This money could then be used to fund the summer editors.[115]

In February 1973, James Wilson ('73), President of the Board of Editors, wrote to Dean Feeney asking him to ensure that the student editors be paid the stipend they had been promised at the beginning of the year. Dean Feeney replied that, although he agreed student editors should be paid for their work, all but $150 of the entire student administration budget had been paid out to student editors the previous summer. Thus, no money remained to pay the winter editors.[116] "We never did get paid," Mr. Wilson remembers. "That was just before the new school and so on, and I think times were a bit tougher."[117]

Over the last half of Dean Feeney's administration, the faculty tried to work out its financial shortfalls by asking for grants from the Canada Council. Decisions on granting money to the *Review* were delayed,[118] and finally denied due to the large number of Canadian legal journals requesting grants.[119] Once the *Review* had moved into its new quarters in Fauteux Hall, it was funding one issue through its own subscription and advertising revenues, as well as obtaining funding from the University to fulfill the other half of its budgetary commitments.[120]

> *Probably the best example of the excellence of legal education and the degree of scholarly achievement that is available at our law school is illustrated in the publication of the Ottawa Law Review. Next to the Canadian Bar Review, we have the best Law Review in Canada and we have the second largest circulation of University Law Reviews in Canada. Our Law Review is a ninety percent student-run publication. It should be the rallying point of pride in this law school.*[121]
>
> Gerry Ferguson ('71), 1970.

Today, although there have been some changes to how editors are selected and funding, the structure and management of the *Ottawa Law Review* is substantially the same as that instituted originally.[122] It has been successful in meeting the objectives originally envisioned by Professor Binavince. It has helped students gain practical research and writing experience, helped communicate different views on legal issues and contributed to legal development, and provided a forum for research and recognition of faculty. Publishing the *Law Review* has ultimately enhanced the prestige of the law school, and will continue to do so for the foreseeable future.

THE "USELESS" CLINIC

> *It would seem that there would be practically no legal aid in Ottawa if it were not for… the graduates of this School.*[123]
>
> Dean Feeney, September 1962.

The first attempts at setting up a student legal aid clinic were documented between 1962 and 1966. At that time, articling students seem to have been providing most of the legal aid services in Ottawa.[124] David W. Scott, the Honourable Jean-Pierre Beaulne, then a lawyer for the University's Director of Public Relations, and the Honourable James B. Chadwick ('62), then the local Director of Legal Aid, all made pleas to Dean Feeney, at different times, to allow students to establish a legal aid society at the law school.[125] Although the Dean approved of legal aid clinics in principle, he believed that students, even articling students, should not be providing legal advice without the immediate supervision of practicing lawyers. Such a situation provided no protection, either to the students or to the law school.[126] None of these practitioners' suggestions for a clinic were acted upon, and the issue of Student Legal Aid died down for the next couple of years.

Personally I would oppose any form of student participation that did not directly and substantially advance the educational purpose and programme of the university.[127]

William R. Lederman (Dean of Law, Queen's University, ca. 1968.)

In early 1968, two years after the provincial Legal Aid Act came into force,[128] there was a renewed push for student legal aid clinics on many fronts. The students had wanted to establish a clinic at the University of Ottawa for many years, and the administration of the Ontario Legal Aid Plan wanted to help set up student clinics at any of the law schools that were interested. The majority of Deans of Ontario law schools disagreed with the proposal because the 1957 agreement between the Law Society of Upper Canada and the law schools specified that students should be engaged in full-time academics for three years with no concurrent practice of the law distracting students from their studies. The deans felt that legal aid work would be demanding, and would compete with legal studies for students' time. It would be a step backwards to pre-1957 times, when budding lawyers spent all their time clerking and little of their time studying the law.[129]

Dean Feeney was definitely of the view that the law school should be a law school, and the students weren't to be involved in significant extra curricular activities… There were those of us who were significantly financially embarrassed that we would slide away for an afternoon and research or search some titles, and that was definitely frowned upon by the law school. So maybe that's what he was fretting about, the fact that we might be significantly involved in the preparation of a trial or something that would take away from our academics.[130]

C.E. (Rich) Wilson ('63)

In 1969, the executive of the University of Ottawa's Common Law Students' Society (CLSS) commissioned James M. Bond ('70) to undertake an analysis of the CLSS's "potential and priorities" in this area. The report outlined how other "student defender programmes" in Canada operated, as well as describing the various forms a student legal aid program at the University of Ottawa could take.[131] Over the summer, Terrence A. Platana ('71), later Justice Platana, met with other students to determine what form a student program should take here.[132]

No student who is worthy of the name has time for much else in the three-year period leading to the degree of LL.B. These three years are very dearly purchased at the expense of the student and his parents, the universities themselves and the public treasury. They should not be frittered away on the trivia of legal aid practice on minor matters—matters that by definition are so minor that they do not qualify for legal aid under the public legal aid scheme of the Province of Ontario.[133]

W. R. Lederman (Dean of Law, Queen's University, ca. 1968.)

These students met with Dean Feeney, Ontario Legal Aid Area Director Chadwick, and others over the summer. All the participants at this meeting agreed that the school could sustain a program of legal aid research. Under this proposal, students would engage in research for legal aid lawyers on active files.[134] The Dean agreed to the suggestion, put forth by both Area Director Chadwick and the CLSS, to allow a Student Legal Aid Society to be formed for this purpose. The CLSS prepared the forms for the Dean's signature, but at the last minute, they rejected the proposed course of action. They feared the research would not be of benefit to the students, and that students might be exploited by the lawyers working on the legal aid cases. Instead, the CLSS decided to ask the Dean to approve a full Student Legal Aid Society.[135]

Students are always extremely anxious to get practical experience–actually see a client, take instructions, frame a legal argument–not in the abstract but in the practical, concrete circumstances of a particular client's case.[136]

The Honourable Allan M. Rock ('71)

The Honourable Allan Rock ('71), then Chairman of the Student Legal Aid Committee at the University of Ottawa, wrote to Dean Feeney asking for permission to start a legal aid society at the law school. Dean Feeney replied, in the fall of 1970, that it was not possible to approve of such a plan without an experienced full-time faculty member on staff to supervise students. The workload at the time precluded the assignment of any of the current staff to this position,[137] while the absence of this supervision could have serious repercussions for the Dean, who was ultimately responsible for the conduct of the students both within and outside the law school.[138]

A meeting of all parties throughout the province interested in forming legal aid societies in June, 1970, initiated by the provincial Legal Aid Programme Committee, spawned several useful suggestions for changes to the Legal Aid Act that could enable a student legal aid society to become a reality at the University of Ottawa. First, the regulations should be relaxed to allow second-year students to represent clients in court, as many of the most successful third-year students got valuable exposure in second year. Next, privilege should be extended to student members, to enable client communications with the students representing them to remain confidential.[139] Although the regulations were amended in 1969 to include student legal aid societies, these suggestions were not incorporated.[140]

During the 1970-71 academic year, Dean Feeney finally requested, and received, approval for a student legal aid program at the University of Ottawa law school.[141] Thus, the University of Ottawa Student Legal Aid Clinic (U.O.S.L.A.S) was born. The work was important, but the acronym was hard to say, so the clinic staff shortened it from UOSLAS to "useless."[142] It was much easier to pronounce.

Professor Bruce K. Arlidge.[143]

The clinic itself started operations on October 12, 1971,[144] and it was run out of a room above an old apartment building on Laurier Street.[145] The Dean hired Professor Bruce K. Arlidge to serve as Faculty Advisor to the students at the clinic.[146] Professor Arlidge supervised students in two capacities. The first mandate of the clinic was to provide direct service to clients, while the second was to provide legal education to members of the public.[147] Professor Arlidge remembers that he had a "hands-off approach" to supervising the students, much the same way the Dean "kept an eye on it, but believed in letting the students to do their own thing."[148]

One thing that I did while at law school, which was really useful to me, was get involved in the Student Legal Aid Program and, for two summers, I was one of …three students hired to run that program. It did more than anything else to prepare me for practice because it got me into court and it gave me a better sense of what I was headed into.[149]

Janice Payne ('74)

The students proved just as able to continue the work once the clinic opened its doors as they had been to establish a clinic in the first place. In the early years, the clinic was run by a student executive, who operated at arm's length from the Faculty of Law. They had an Executive Director, a Faculty Advisor, and a part-time Review Counsel to support the students' work, but organized and managed their own workload. Participation was strictly voluntary, and was neither paid during the school year, nor recognized as work toward credit.

I worked on everything from small civil to small criminal cases. I had my first civil and criminal trials as a result of that work. It was great in terms of building my confidence. It was really a good thing to do.[150]

Janice Payne ('74)

Today, the fine work of the University of Ottawa Community Legal Clinic continues. The work is now for credit, and the students are closely supervised by review counsel. The Preventive Law Program has become the community legal education and outreach division. In addition to the civil and criminal cases seen by the earliest volunteers, the clinic now boasts Tenant, Women's, and Aboriginal divisions. These changes, reflective of the changing needs of the community, demonstrate the clinic's capacity to grow to serve the needs of its clientele. Doubtless the clinic will continue to change to reflect the needs of the community it serves.

INTO THE TAJ MAHAL

When the re-established law school opened its doors at the University of Ottawa in 1953, it only taught Civil Law, and the school was housed on the fourth floor of the Arts building, which later became known as Simard Hall. When the Common Law Section began operations in 1957, it joined the Civil Law Section on the fourth floor. It was so crowded that faculty members were crammed two professors per office. Civil Law eventually left to take up residence in the Laurier Wing of Tabaret Hall, giving the Common Law Section a bit more room.[152]

Faculty of Law Groundbreaking Ceremony, January 13, 1972.[151]

Despite this extra room, the Feeney administration had lobbied for a new law building for many years. The space they had been assigned had not been built with a law school in mind–it was poorly laid out, was physically isolated from the Civil Law Section, and did not have enough room for an adequate law library. "We actually had library books in the women's washroom," Margaret A. Ross ('74) remembered.[153] Although the space was renovated in 1965-66 to accommodate the Section,[154] the fourth floor was never suitable for housing a law school. As enrolment grew, the fourth floor space became progressively more inadequate.

It created really strong bonds, I think, among the students because you really felt like you were not only going through the rigors of law school and so on, but you were doing it in a fairly Spartan setting. It became sort of, it's almost like Black humour, you know, "How bad can it get?" because of the physical setting.[155]

James Wilson ('73)

In addition, the climb up to the fourth floor of the Arts building could be daunting to the uninitiated, but students soon adapted to the exercise. Although some students tried to use the elevators, Dean Feeney actively discouraged this practice, as the elevators were strictly reserved for faculty and staff. This occasionally presented special problems for some students.

I broke my leg badly skiing, and that was in the spring of my first year, shortly before exams, so it presented some special challenges. We were still, of course, in the old school and we had to climb up to the fourth floor using the stairs, and weren't allowed to use the elevator. That was Dean Feeney's requirement, that students were NOT to use the elevator. Dean Feeney found me in the stairwell once, hobbling up the stairs, when the elevator was broken, and offered to carry my books for me. He said that as soon as it was repaired, I was to use the elevator which shows that he wasn't all hard-nosed.[156]

Janice Payne ('74)

Although a new law building had been promised by the Oblates, it was not until after the reorganization of the University of Ottawa, on July 1, 1965, that enough money started to flow from the provincial government to enable the administration to begin serious planning for any new buildings. As a number of other universities were building university centers and other recreational facilities for students, Dean Feeney felt that there was a danger that the University of Ottawa would follow suit. He feared the law school would be pushed to the bottom of the list if too many other building projects were begun on campus.

Pressure on the University administration for a new law building was launched from several angles. The Dean urged the faculty to put out a position paper outlining the need for a new law school for submission to the university administration.[157] He also worked with Thomas R. Swabey ('60), President of the Common Law Chapter of the Alumni Association, to draft a letter to the Board of Governors on the matter in the spring of 1966.[158]

These initiatives finally had the desired effect. In the fall of 1967, a joint committee of the Common and Civil Law Sections was struck,[159] led by Professor H. Albert Hubbard of the Common Law and Professor J. Gaston DesCôteaux of the Civil Law Sections, to outline the requirements for a new law building. Four firms submitted tenders to design the building. The firm of Adamson & Associates was hired to draw the initial plans in the fall of 1969.[160] Work proceeded slowly while the committee made revisions to the initial proposal.

The original plan for the building was estimated to cost in excess of the budgeted amount of 5.7 million dollars by almost a million dollars, and cuts had to be made.[161] The committee was frustrated in their efforts, for it seemed that no matter how they cut back on the building's space, the costs did not decrease accordingly. The committee was not initially aware of the fact that, since it is located in an ancient rift valley riddled with geologic faults, Ottawa is in an earthquake zone.[162] Once the committee took into account the base amount needed, both for the structural elements necessary to erect an earthquake-safe building, as well as for the furnishings and equipment essential for a law school, the final plan began to take shape within the budgeted amount.[163] One novel cost-cutting approach was to reduce the Moot Court room from 300 seats to 100 seats, and to build moveable walls between the two adjoining classrooms so the Moot Court could be expanded to 300 seats when needed. It was felt that any further reductions in space would seriously undermine programming at the law school.[164]

The planners of the new law building initially incorporated the Arts building's "no-elevator rule" into their plans. The architects suggested that the students be discouraged from using the elevators in Fauteux Hall except to access the library. To ensure that students would not use the elevators to get from class to class, the first two floors, as well as the fifth floor, would have key-operated call buttons, including the buttons in the elevator itself. Only the third and fourth floors, which allowed access to the library, would have regular call buttons that could be pushed. The plan was to issue elevator keys to faculty and staff, as well as to students with mobility problems, rendering the elevators useless to the majority of students on their way to and from classes.[165]

I can remember one day getting off the elevator on the fourth floor of the Arts building and the first person I ran into was Dean Feeney. I remember him saying "Mr. Platana. Do you not know the rule about this elevator?" And I said, "Well, I did, sir, but I was running a little bit late." He got on the elevator, rode back down with me, went to the bottom of the stairs, and watched while he made me walk back up to the fourth floor.[166]

Justice Terrence A. Platana ('71)

During the planning stages of the new building, the architects also made some assumptions that have had a lasting impact on the law school. One of these assumptions was that the number of female law students would not exceed 15% of the student population. The planners assumed that, since the maximum number of students would be 1,060, and 15% of these students would be female, they would need washrooms for 159 women. The planners thought it could accommodate this number by placing women's washrooms on the first, third, and fifth floors. Although the members of the joint building committee questioned this assumption, they noted that there was no way to either confirm or deny whether this assumption was accurate,[167] and so the building went ahead as planned.

Top: Groundbreaking ceremony, January 13, 1972.[168] Bottom: Construction in foyer of Fauteux Hall, May 1973.[174]

A year after the plans had begun, the drawings were finally finished, and tenders were submitted for the actual construction. The contract was awarded to Ellis-Don in the fall of 1971.[169] A "sod-breaking party" was planned for the first week in November, 1971, with judges, faculty, alumni, members of the Board of Governors, heads of other University of Ottawa departments, and deans of other law schools to be invited.[170] The actual excavation was delayed somewhat because the re-zoning application was held up,[171] so the groundbreaking was held on January 13, 1972. Chief Justice Fauteux wielded a shovel, while the Rector, Dr. Roger Guindon, pried loose the frozen soil with a pickaxe.

Construction proceeded without major interruptions for a year and a half, and the Common Law and Civil Law Sections moved in at the beginning of the 1973-74 academic year. Finishing work was still going on while classes were being taught, which occasionally resulted in interruptions to services like lighting and air conditioning during lectures.[172] Even with the ongoing construction, the students thought the new building was fabulous. Bruce Carr-Harris ('75) remembers "here we have been handed a brand new jewel of a law school building. Believe me, it was like walking out of a phone booth into the Taj Mahal!"[173]

There was so much room, and the library was huge. I remember being very impressed. It just seemed so spacious, it seemed amazing that we could fill it.[175]

Janice Payne ('74)

Eight months after the Section moved into Fauteux Hall, the faculty held its inauguration. A three-day celebration was held, with the Canadian and Foreign Law Research Centre's Eleventh International Symposium on Comparative Law planned for the first two days. This was followed by a special convocation on Saturday, April 6th to confer honorary doctorates on Prime Minister Pierre Elliot Trudeau, Bora Laskin, Chief Justice of the Supreme Court, and French legal scholar René David. While the keynote speech was to be delivered by the Right Honourable Prime Minister, he was attending the memorial service for French President Georges Pompidou at the time, so his wife, Margaret Trudeau, delivered his speech instead.[178]

[I]n a society in which expectations are constantly changing and values constantly challenged, the law must somehow manage to be able to reflect our ideals, and our notions of justice and fairness.[180]

Margaret Trudeau, 1974

During the inaugural dinner at the Chateau Laurier on April 6th, 1974, the Rector declared Fauteux Hall officially opened.[181] After spending its first 15 years in cramped quarters, isolated from the Civil Law Section and deprived of many of the facilities that would enable it to function properly, the Common Law Section finally had a first-class home of its own.

Fauteux inauguration.[179]

New Students' Lounge.[176]

Professors' Lounge.[177]

Fauteux Hall.[182]

ENDNOTES

1 Detail of AUO-PHO-NB-23-18. Feeney.

2 Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

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5 *Ibid*.

6 Interview of Dorene Feeney-D'Iorio by Marion Van de Wetering (23 July 2007).

7 "Thomas G. Feeney" [n.d.], Ottawa, University of Ottawa Archives (Fonds 6, 9563.28, file Feeney, Thomas G.).

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9 "Thomas. G. Feeney (8 May 1964)" Ottawa, University of Ottawa Archives (Fonds 6; 9563.28, file Feeney, Thomas G.).

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13 Interview of Bruce K. Arlidge by Marion Van de Wetering (17 July 2007).

14 Dermot P. Nolan, "Tribute to Tom Feeney" (29 September 2001) at 3, Ottawa, University of Ottawa Archives (Fonds 23, NB 3755, file Feeney Event, 29 September 2001) [Tribute].

15 The Canadian Encyclopedia "HISTOR!CA", online: Historica Foundation of Canada <http://72.14.253.104/search?q=cache:3fxOt8TDcxcJ:www.thecanadianencyclopedia.com/index.cfm%3FPgNm%3DTCE%26Params%3DA1ARTA0005865+Oblates+Mary+Immaculate+University+Ottawa&hl=en&ct=clnk&cd=4&gl=ca&client=firefox-a,>

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18 Interview of David Clarke by Marion Van de Wetering (25 July 2007).

19 Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007).

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21 Gerry Ferguson, "Our Inferiority Complex" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (20 November 1970) 3 at 6, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat).

22 Dermot P. Nolan, "Tribute to Tom Feeney" (29 September 2001) at 3, Ottawa, University of Ottawa Archives (Fonds 23, NB 3755, file Feeney Event, 29 September 2001).

23 *Ibid*.

24 *Ibid*.

25 Detail of AUO-PHO-NB-23-23. Kavanagh.

26 Detail of AUO-PHO-NB-23-25. Roach.

27 Detail of AUO-PHO-NB-23-21. Choquette.

28 Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

29 *Ibid*.

30 Common Law Section Executive Committee Meeting No. 18–1972-73 (4 April) [attributed to 1973], Ottawa, University of Ottawa Archives (Fonds 23, NB 4020, file Executive Committee Minutes, Supporting Documents and Agendas 1972-1974).

31 *Brief on the Funding of the Common Law Section* [n.d.], Ottawa, "University of Ottawa Archives (Fonds 23, NB 3739, file Faculty Council 1972-1973) [Funding].

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[37] Common Law Section, Meeting No. 8–1966-67 (13 June) [attributed to 1967], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[38] *New First-Year Class Statistics: 1966-67* [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[39] Interview of Linda McCaffrey by Marion Van de Wetering (20 July 2007).

[40] Letter from Thomas G. Feeney to Professor Cameron Harvey (24 March 1970), Ottawa, University of Ottawa Archives (Fonds 23, NB 1855, file Common Law Alumni Chapter 1958-1973).

[41] "Convocation '69" *Alumni News [University of Ottawa]* 19:2 (June 1969), Ottawa, University of Ottawa Archives (Fonds 98, file Ottawa Alumni June 1969).

[42] Interview of Linda McCaffrey by Marion Van de Wetering (20 July 2007).

[43] Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

[44] Letter from (Mrs.) G. Choquette, Research Assistant and Lecturer to Cameron Harvey (14 February 1969), Ottawa, University of Ottawa Archives (Fonds 23, NB 1855, file Common Law Alumni Chapter 1958-1973).

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[46] Common Law Section Executive Committee Meeting No. 5–1971-72 (14 June) [attributed to 1972], Ottawa, University of Ottawa Archives (Fonds 23, NB 4020, file Executive Committee Minutes, Supporting Documents and Agendas 1972-1974.); Common Law Section Executive Committee Meeting No. 1–1972-73 (12 July) [attributed to 1972], Ottawa, University of Ottawa Archives (Fonds 23, NB 4020, file Executive Committee Minutes, Supporting Documents and Agendas 1972-1974).

[47] Common Law Section Meeting No. 3 – 1968-69 (1 November) [attributed to 1968], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

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[51] Detail of AUO-PHO-NB-101-73-110-R3-9A. Bookstore.

[52] Interview of James Sloan by Marion Van de Wetering (17 July 2007).

[53] Interview of James Wilson by Marion Van de Wetering (26 July 2007).

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[55] Interview of Gregory Kane by Marion Van de Wetering (17 July 2007).

[56] *C.L.S.S. Student Handbook 1970-1971* [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file C.L.S.S–Student Handbook 1970-1971).

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[59] Interview of Sheila Block by Marion Van de Wetering (20 July 2007).

[60] Detail of AUO-PHO-NB-23-29. Moot winners.

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[62] Detail of AUO-PHO-NB-23-32. 1971 Cooper-Swinwook.

[63] Interview of Sheila Block by Marion Van de Wetering (20 July 2007).

[64] Detail of AUO-PHO-NB-6-698. Practice court.

[65] Interview of C.E. (Rich) Wilson by Marion Van de Wetering (1 August 2007) (R. Wilson).

[66] E-mail from James Sloan to Marion Van de Wetering (18 July 2007).

[67] *Ibid.*

[68] E-mail from Brian Burns to James Sloan (30 July 2007).

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[70] Interview of Allan M. Rock by Marion Van de Wetering (30 July 2007).

[71] Interview of Linda McCaffrey by Marion Van de Wetering (20 July 2007).

[72] Interview of Gregory Kane by Marion Van de Wetering (17 July 2007).

[73] Interview of Ronald Gravelle by Marion Van de Wetering (18 July 2007).

[74] Interview of Robert Lamb by Marion Van de Wetering (25 July 2007).

[75] Interview of Allan R. O'Brien by Marion Van de Wetering (30 July 2007).

[76] *Ibid.*

[77] Detail of AUO-96-Ottaviensis-1960 p. 134. Law Ball.

[78] Interview of Robert Lamb by Marion Van de Wetering (25 July 2007).

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[84] Interview of Gregory Kane by Marion Van de Wetering (17 July 2007).

[85] *Caveat [University of Ottawa Common Law Students' Society]* 2:5 (1971) 2, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[86] Interview of Allan R. O'Brien by Marion Van de Wetering (30 July 2007).

[87] "Common Law Residence" *Alumni News [University of Ottawa]* 17:1 (March 1967) 13, Ottawa, University of Ottawa Archives (Fonds 98, file Ottawa Alumni Mar. 1967).

[88] *C.L.S.S. Student Handbook 1970-1971* [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file C.L.S.S–Student Handbook 1970-1971).

[89] Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

[90] Interview of James Sloan by Marion Van de Wetering (17 July 2007).

[91] *Ibid*.

[92] Interview of Gabriel Tsampalieros by Christina Benedict (31 August 2007).

[93] *Course Assignments for 1973-74* [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 4020, file Executive Committee Minutes, Supporting Documents and Agendas 1972-1974).

[94] *Rapport du Comité du Senat pour l'etude du Rapport Duff-Berdahl* (25 April 1967), Ottawa, University of Ottawa Archives (Fonds 156, NB-7449.15, file Duff-Berdahl).

[95] "Students occupy two campuses, may strike third" *Edmonton Journal* (27 November 1968).

[96] "Student Representation" *Alumni News [University of Ottawa]* 19:3 (September 1969) 27, Ottawa, University of Ottawa Archives (Fonds 98, file Ottawa Alumni Sept. 1969).

[97] "Student Law Senators" *Caveat [University of Ottawa Common Law Students' Society]* 4:1 (1972) 3, Ottawa, University of Ottawa Archives (Fonds 23, HF 10, file Caveat Newspaper published by the Common Law Students' Society, vol 13 no 1, 1971).

[98] Common Law Section Meeting No. 3 - 1969-70 (14 October) [attributed to 1969], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[99] Interview of Allan M. Rock by Marion Van de Wetering (30 July 2007).

[100] Interview of Terrence A. Platana by Marion Van de Wetering (9 August 2007).

[101] Interview of Gregory Kane by Marion Van de Wetering (17 July 2007).

[102] *On the Establishment of a Law Review* [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Law Review Requisitions 1966-1976) [Establishment].

[103] Detail of AUO_PHO-NB-23-33. Binavince.

[104] Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

[105] *On the Establishment of a Law Review* [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Law Review Requisitions 1966-1976).

[106] University of Ottawa Department of Public Relations, Press Release (20 March) [attributed to 1966], Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976); "Table of Contents" 1:1 (1966) Ottawa L. Rev., Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Ottawa Law Review–Vol 1, no 1).

[107] Letter from Thomas G. Feeney to Miss C. Desjardins (Administration Office, U of O) (31 May 1966), Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[108] Speech [initialed T.G.F.] on the occasion of the celebration of the success of the OLR (29 November 1967), Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[109] Letter from W.F. Bowker (Dean, Faculty of Law, University of Alberta) to T.G. Feeney (3 April 1967), Ottawa, University of Ottawa Archives (Fonds 23, NB5833, file Ottawa Law Review 1966-1976); Letter from Maxwell Cohen (Dean, Faculty of Law, McGill University) to Thomas G. Feeney (22 April 1968), Ottawa, University of Ottawa Archives (Fonds 23, NB5833, file Ottawa Law Review 1966-1976).

[110] Thomas G. Feeney, "Dean's Foreword" 1:1 (1966) Ottawa L. Rev. 5 at 5, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Ottawa Law Review–Vol 1, no 1).

[111] Letter from Thomas G. Feeney to Reverend Father Lanctôt (University of Ottawa Press) (28 January 1966), Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[112] Requisition follow-up form from T.G. Feeney to Mr. Arthur LaSalle, Purchasing Department (19 April 1967), Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[113] Confidential Memorandum from Emilio S. Binavince to Dean Thomas G. Feeney re: Ottawa Law Review Operation and Other Matters [n.d.], Ottawa, University of Ottawa Archives, (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[114] Letter from Emilio S. Binavince to Dean Feeney (8 December 1971), Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[115] Confidential Memorandum from Emilio S. Binavince to Dean Thomas G. Feeney re: Ottawa Law Review Operation and Other Matters–1971 [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[116] Letter (unsigned) to Mr. Wilson [n.d], Ottawa, University of Ottawa Archives (Fonds 23, NB 5833, file Ottawa Law Review 1966-1976).

[117] Interview of James Wilson by Marion Van de Wetering (26 July 2007).

[118] Letter from N.F.W. Gates (Executive Officer, Research Communications, Canada Council) to Professor Emilio Binavince (29 January 1973), Ottawa, University of Ottawa Archives (Fonds 23, NB 1857, file Ottawa Law Review #2 1971-1980).

[119] Letter from Frank Milligan (Associate Director for University Affairs, Canada Council) to Professor Emilio Binavince (29 March 1973), Ottawa, University of Ottawa Archives (Fonds 23, NB 1857, file Ottawa Law Review #2 1971-1980).

[120] Common Law Section Executive Committee Meeting No. 18–1972-73 (4 April) [attributed to 1973], Ottawa, University of Ottawa Archives (Fonds 23, NB 4020, file Executive Committee Minutes, Supporting Documents and Agendas 1972-1974).

[121] Gerry Ferguson "Our Inferiority Complex" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (20 November 1970) 6 at 6, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[122] Interview of Katrina Anders by Marion Van de Wetering (24 July 2007).

[123] Letter from Thomas G. Feeney (Dean Ottawa U Common Law) to David W. Scott, Esq. (Chairman of the Legal Aid Committee of the County of Carleton Law Association) (21 September 1962), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[124] Letter from David W. Scott to C.E. (Rich) Wilson (4 September, 1962), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid); Interview of C.E. (Rich) Wilson by Marion Van de Wetering (1 August 2007).

[125] Letter from David W. Scott to C.E. (Rich) Wilson (4 September, 1962), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid); Letter from G. W Boss (Director of Public Relations at Ottawa U) to Thomas Feeney (21 March 1963), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid); Letter from James B. Chadwick (Director of Legal Aid, County of Carleton) to Dean Feeney (25 January 1966), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[126] Letter from Thomas G. Feeney to David W. Scott, Esq. (Chairman of the Legal Aid Committee of the County of Carleton Law Association) (21 September, 1962), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[127] Letter from W. R. Lederman (Dean, Faculty of Law, Queen's University) to W. G. C. Howland, Q.C. (Chairman, Legal Education Committee, Law Society of Upper Canada) [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[128] *Legal Aid Act*, S.O. 1966, c. 80.

[129] Letter from W. R. Lederman (Dean, Faculty of Law, Queen's University) to W. G. C. Howland, Q.C. (Chairman, Legal Education Committee, Law Society of Upper Canada) [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[130] Interview of C.E. (Rich) Wilson by Marion Van de Wetering (1 August 2007).

[131] "Student Legal Aid" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (1970) 2, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[132] "Student Legal Aid" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (1970) 2, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[133] Letter from W. R. Lederman (Dean, Faculty of Law, Queen's University) to W. G. C. Howland, Q.C. (Chairman, Legal Education Committee, Law Society of Upper Canada) [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[134] "Student Legal Aid" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (1970) 2, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[135] "Student Legal Aid" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (1970) 2, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[136] Interview of Allan M. Rock by Marion Van de Wetering (30 July 2007).

[137] "Student Legal Aid" *Caveat [University of Ottawa Common Law Students' Society]* 2:3 (1970) 2, Ottawa, University of Ottawa Archives (Fonds 23, NB 8707, file Caveat Newspaper published by the Common Law Students' Society, vol 2, no 1, 3-6, 1970-1971).

[138] Letter from the Office of the Dean of Common Law (unsigned) to Mr. Allan Rock (Chairman, Student Legal Aid Committee) (11 November 1970), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[139] Letter from L. S. Fairbairn (member, Legal Aid Programme Committee) to Thomas G. Feeney, Q.C., LL.B. (27 November 1970), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[140] *Legal Aid Act*, S.O. 1966, c. 80, as am. by R.S.O. 1968-69, c. 000; O. Reg. 259/69, s. 74.

[141] Letter from Dean Thomas G. Feeney to Andrew M. Lawson (Provincial Director, Ontario Legal Aid Plan) [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Student Participation in Legal Aid).

[142] Interview of Bruce K. Arlidge by Marion Van de Wetering (17 July 2007).

[143] Detail of AUO-PHO-NB-23-43. Arlidge.

[144] Memorandum from Bruce Arlidge to Clarey Sproule on the Student Legal Aid Society (9 May 1978), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Legal Aid).

[145] Interview of Bruce K. Arlidge by Marion Van de Wetering (17 July 2007).

[146] Letter from B. K. Arlidge (Faculty Advisor) to Richard Parisien, Esq. (Chairman, University of Ottawa Student Legal Aid Society) (17 August 1972), Ottawa, University of Ottawa Archives (Fonds 23, NB 5799, file Federal Government Grant to Student Legal Aid Society).

[147] Letter from B. K. Arlidge (Faculty Advisor) to Richard Parisien, Esq. (Chairman, University of Ottawa Student Legal Aid Society) (17 August 1972), Ottawa, University of Ottawa Archives (Fonds 23, NB 5799, file Federal Government Grant to Student Legal Aid Society).

[148] Interview of Bruce K. Arlidge by Marion Van de Wetering (17 July 2007).

[149] Janice Payne, interviewed by Christina Benedict (16 July 2007).

[150] Janice Payne, interviewed by Christina Benedict (16 July 2007).

[151] Detail of AUO-PHO-NB-101-72-10-R2-7. Groundbreaking.

[152] Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

[153] Margaret A. Ross, interviewed by Marion Van de Wetering (24 July 2007).

[154] *Annual Report of the Rector, 1965-1966* (Ottawa: University of Ottawa), Ottawa, University of Ottawa Archives (Fonds 3, 5532.15, file R.A. du Recteur/A.R. of the Rector 1965-1966).

[155] Interview of James Wilson by Marion Van de Wetering (26 July 2007).

[156] Janice Payne, interviewed by Christina Benedict (16 July 2007).

[157] *The Case for the Highest Priority for a Law Building: Report from the Dean of Civil Law and the Dean of Common Law to the Joint Committee of the Board and Senate* (First Draft, 26 September 1969). University of Ottawa Archives (Fonds 23, NB 1855, file The Case for the Highest Priority for a Law Building 1969-1970).

[158] Letter from T.R. Swabey, President (Common Law Alumni) to Board of Governors, University of Ottawa (30 March 1966), Ottawa, University of Ottawa Archives (Fonds 23, NB 1855, file Correspondence to the Board of Governors Re Law Building–Common Law Chapter 1966).

[159] Common Law Section Meeting No. 2 - 1967-68 (14 September) [attributed to 1967], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[160] Common Law Section Meeting No. 5 - 1969-70 (3 December) [attributed to 1969], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[161] Memorandum from Chairman of the Joint Building Committee of the Faculty of Law to the members of the Council of the Common Law Section [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[162] Statement from Mark Bourrie to Marion Van de Wetering (26 July 2007).

[163] Memorandum from Chairman of the Joint Building Committee of the Faculty of Law to the Members of the Council of the Common Law Section [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[164] Memorandum from Chairman of the Joint Building Committee of the Faculty of Law to the Members of the Council of the Common Law Section [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 4019, file Section Council Minutes, Supporting Documents, and Agendas 1966-1970).

[165] Letter from J. Bagby (Gordon S. Adamson & Associates) to Mr. Y. Sakiris (20 July 1970), Ottawa, University of Ottawa Archives (Fonds 23, NB 5836, file Law Building (Joint) 1966-1973).

[166] Interview of Terrence A. Platana by Marion Van de Wetering (9 August 2007).

[167] Letter from H.A. Hubbard to Mr. Yani Sakiris (Design Manager) Re: Faculty of Law Building (11 November 1970), Ottawa, University of Ottawa Archives (Fonds 23, NB 5836, file Law Building 1968-1971).

[168] Detail of AUO-PHO-NB-101-72-10-R1-1. Groundbreaking.

[169] Letter from W. Kubasiewicz, Director (U of O Administration, Planning and Construction) to Mr. V. Milic (Gordon S. Adamson & Associates Ltd.) Re: Law Building - Contract Award (30 November 1971), Ottawa, University of Ottawa Archives (Fonds 23, NB 1855, file Re: Law Building 1971-1972).

[170] Memorandum from F. B. Sussmann to Dean Feeney Re: Estimated Cost of "Sod-Breaking Party" for New Law Faculty Building (13 October 1971), Ottawa, University of Ottawa Archives (Fonds 23, NB 1855, file Re: Law Building 1971-1972).

[171] Letter from Mayor Kenneth H. Fogarty to Mr. A.K. Gillmore, Vice-Rector (18 November 1971), Ottawa, University of Ottawa Archives (Fonds 23, NB 1855, file Re: Law Building 1971-1972).

[172] Letter from Yani Sakiris to Mr. K. Schwyrie (Gordon S. Adamson & Associates) (17 September 1973), Ottawa, University of Ottawa Archives (Fonds 23, NB 5836, file Law Building–Office Space– Phones 1972-1973).

[173] Interview of Bruce Carr-Harris by Carly Stringer (24 July 2007).

[174] Detail of AUO-NEG-NB-101-73-86-1. Foyer construction.

[175] Interview of Janice Payne by Christina Benedict (16 July 2007).

[176] Detail of AUO-NEG-COL-101-74-10-1. Students' Lounge.

[177] Detail of AUO-NEG-NB-101-73-151-R1-3. Professors' Lounge.

[178] "U. of O. Confers Three Honorary Law Doctorates" *Alumni News [University of Ottawa]* 24:2 (June 1974), Ottawa, University of Ottawa Archives (Fonds 98, file Ottawa Alumni June 1974).

[179] Detail of AUO-collection 38-Golden book p. 323-324. Fauteux Hall inauguration.

[180] Office of the Prime Minister, Press Release, "Notes for Remarks by the Prime Minister on the Occasion of the Conferring of Honorary Degrees at a special convocation, University of Ottawa" (6 April 1974) at 1, Ottawa, University of Ottawa Archives (Fonds 6, NB 9382, file Inaugurations–Droit Pavillion Fauteux).

[181] *Inauguration du Pavillion Fauteux; Allocution du recteur* (6 avril 1974), Ottawa, University of Ottawa Archives (Fonds 6, NB 9382, file Inaugurations–Droit Pavillion Fauteux).

[182] Detail of AUO-PHO-NB-6-693. Fauteux Hall.

Dean Henry Albert Hubbard.[1]

Dean Alfred William Rooke Carrothers[2]

CREATING A BILINGUAL AND BIJURAL TRADITION

Although its two Sections are most completely autonomous, our unique Faculty provides a milieu for a truly Canadian social, cultural and intellectual exchange from which we have tried to benefit. In the light of the [bijural] character of this country and the special objectives of the University of Ottawa, we have from the beginning tried to foster interest in both systems of law… [3]

Dean Henry Albert Hubbard

Originally from Ottawa, Henry Albert Hubbard graduated *summa cum laude* from the University of Ottawa with a Bachelor of Arts in Philosophy in 1952, and went on to pursue his legal education at Osgoode Hall. After being called to the Ontario Bar in 1956, he worked for a general practice law firm in Ottawa, and then spent a year in Paris, France as legal advisor for the Federal Ministry of Production of Defence.[4] Although Professor Hubbard enjoyed working for the Government of Canada abroad, he could not refuse the opportunity to shape generations of legal minds. In 1959, he left France to accept a position as Assistant Professor with the University of Ottawa's new Common Law program. Over the next 15 years, Professor Hubbard became a full professor and held numerous administrative positions within the Faculty, such as Section Secretary. [5] In these capacities, Professor Hubbard discovered the merits of advancing bilingualism and bijuralism, both within the University, and throughout Canada.[6]

Professor Christopher Granger.[7]

When Dean Thomas G. Feeney's resigned in 1973, Professor Hubbard became the Acting Dean of Common Law. The Rector of the University, Father Roger Guindon, recognized Professor Hubbard's reputation and offered him the position of Dean.[8] Former Section Secretary, Professor Christopher Granger, noted that Professor Hubbard quickly proved to be an "administrator with strengths in logic, detail, and dispute resolution."[9] He eventually used these strengths to lead the law school through a 14-year period of "major expansion and growth" [10] that witnessed the creation of the French Common Law Program, the Human Rights Research and Education Center, and the joint LL.B. / M.B.A. Program, as well as the expansions of the Graduate Studies Program, the Student Legal Aid Program, and the Ottawa Law Review.[11]

I have known Professor Hubbard since my arrival at the Faculty in 1982. At that time, he was teaching tort law. The following year, I took his course on family law. My classmates all agreed that Professor Hubbard was an exceptional teacher. He prepared his courses in great detail and had a gift for communicating his material in a clear and precise manner. [12]

Professor Marc Cousineau

After seven years as Dean, Professor Hubbard asked to return to full-time teaching. In response to this request, a Dean Selection Committee, steered by decision makers such as Rector Guindon, Professor Sanda Rodgers, and Professor Julian Payne, interviewed a number of candidates and eventually nominated Dr. Alfred William Rooke Carrothers as Dean.[13] Professor Carrothers, who boasted graduate studies experience from Harvard Law School, a specialization in labour law, 33 years of university administrative experience, and a "reputation for thoroughness, insight and ability,"[14] seemed like a natural candidate to

October 17, 1977

Dear Lord Denning,

Further to our last meeting in July, I have been in touch with all the law schools of Ontario who have responded most enthusiastically to Your Lordship's proposed visit.

Please find enclosed a copy of the itinerary, which although lacking in detail, may enable Your Lordship and Lady Denning to form a fairly good idea of the nature of our proposal. It is hoped that this itinerary will stimulate discussion amongst all of us concerned at an early date which will lead to a successful project. Therefore we would appreciate it very much if Your Lordship would send us your comments.

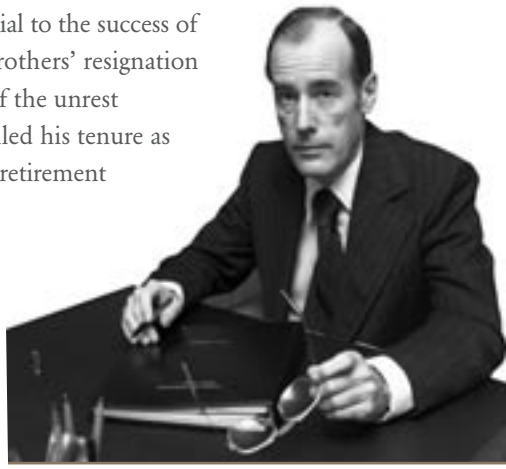
With best wishes, I remain

Yours truly,

V. Kololian[22]

build on Dean Hubbard's progressive legacy. Of particular interest to the Committee was Professor Carrothers' open endorsement as President of the University of Calgary of both bilingualism in law and bijuralism in Canada.[15] This stance impressed the Committee because there was a need for the new dean to advance such issues in order to ensure the success of the relatively new French Common Law Program.[16]

The administrative reprieve for Dean Hubbard was, however, short lived. Within months of Dean Carrothers' arrival, his "delegator management style"[17] discouraged the development of collegial working relationships between himself and professors, students, and members of the University's Central Administration. Since such a rapport had been essential to the success of Dean Hubbard's tenure, Dean Carrothers' resignation seemed inevitable.[18] Keenly aware of the unrest brewing, Professor Carrothers curtailed his tenure as Dean in 1983 by accepting an early retirement package.[19] The following year, the Common Law Section welcomed "a new-but-not-new Dean"[20] Hubbard back to its administrative fold for a final term. While Dean Hubbard continued to guide the law school's efforts towards bilingual and bijural legal studies, he also prepared it for a shift towards equity initiatives. This preparation was best embodied by recruitment efforts that diversified both the faculty and the student body.



Dean Hubbard[21]

A MODERN LAW SCHOOL

Very few people are aware today of the major challenges posed in the early seventies by the need to move our law school from the Feeney era to the position of a modern law school. Dean Hubbard was a very strong leader in achieving that goal. In his quiet and unassuming but focused manner, he built a very strong foundation which continues to serve us well today.[23]

Professor Edward Ratushny

Professor Ed Ratushny[24]

As Dean, Professor Hubbard's leadership marked a shift in the vision of the Common Law Section. While Dean Feeney built a traditional law program, Deans Hubbard and Carrothers modernized the law school, developing it into a forward-thinking, bilingual legal entity. Although each Dean's personality motivated aspects of the shift, certain societal factors also contributed to the changes made between 1973 and 1987. Notably, human rights modifications to the *Constitution Act 1982*, such as the adoption of the *Charter of Rights and Freedoms*;[25] linguistic rights amendments to the *Ontario Courts of Justice Act*,[26] such as the adoption of French legal services; and, fiscal responsibility adjustments to the University of Ottawa's funding process, all encouraged the growth of programs and student services on campus. To become a forward-thinking, bilingual law school, the Common Law Section diversified its faculty and student body, reorganized its administrative structure, and reformed its curriculum.[27]

Although Dean Feeney and Dean Hubbard did not share leadership styles or a common view of what the law school should be in the early 1970s, they did share an understanding of academic excellence. To train the best lawyers, they knew they had to recruit the best professors.

That is what they did.[28]

Henry Albert Hubbard

Like other university programs throughout Ontario, the Common Law Section faced a significant fiscal shortfall in the early 1970s, which necessitated many changes. In 1972, the Committee of Ontario Deans highlighted the meagreness of the law school's financial resources by ranking the Common Law Program as the smallest of all Ontario law schools–in relative as well as absolute numbers–with respect to budget, students, faculty, and support staff.[29] In preparation for the move in 1973 from the Arts Building to Fauteux Hall, Dean Hubbard used this comparative data to brief his colleagues on an apparent correlation between the size of a program and its financial means.[30] Dean Hubbard and most Faculty Council members quickly realized that the size of the Common Law Section had to be increased. Maintaining a small law school would continue to limit course selection, perpetuate the difficulty in attracting specialists, and increase the already high operating cost.[31]

This Section of the Faculty of Law has been the Cinderella among Ontario law schools, and among other Faculties of the University of Ottawa as well. Living in the shadow of the Civil Law Section, it has remained small in terms of students and staff, and has suffered from inadequate space and funding.[32]

Dean Hubbard

The Dean's proposal to boost student admissions received mixed reactions from members of Faculty Council. While most professors accepted the proposal as a responsible way of becoming more competitive with other Ontario law schools, Professor Roach recalls that a few faculty members balked because it could have compromised the low professor-student ratio fiercely protected by Dean Feeney.[33] On June 12, 1973, Faculty Council, however, agreed that the 1973 first-year class be "increased beyond the projected 140 [students] by as many as possible, up to a maximum of 180 [students]."[34] The revenue from these additional students resulted in an increase in funds available to the Section which "[provided] a better base for the formation of workable teaching units and for the acquisition of specialist staff."[35] Between 1973 and 1981, the size of the Common Law Section increased to approximately 30 full-time and 40 part-time professors. The student body also increased to 500 members.[36]

I always looked forward to going to law school; although there were many lectures, the courses were organized so as to push students to achieve their potential.[37]

Ronald Caza ('87)

As in the Feeney era, Deans Hubbard and Carrothers personally recruited many of the Common Law Section's faculty members. In the mid-1970s, formal staffing efforts were facilitated through the creation of the Committee on Teaching Personnel, whose mandate was to recruit and interview potential faculty members. The criteria used by the Deans and the Committee for hiring professors in the 1970s and 1980s depended mostly on the area of need and the reputation of the applicant. As a result, most professors hired during the 1973-87 period were scholars with reputations in human rights, comparative law, and critical theory.

Professors' interviews were nothing like the interviews now. I had the credentials and they needed someone to teach tax law–it was simple.[38]

Professor Ellen Zweibel

When I was a student at the faculty, there was only one woman professor, and she only worked part-time.[39]

Professor Aline Grenon ('72)

Although the faculty suffered from a gender imbalance in the early 1970s, efforts were made near the end of Dean Hubbard's final term to neutralize the problem. The Teaching and Personnel Committee, led by Professor Sanda Rodgers, actively sought out qualified female candidates such as Ruth Sullivan, Elizabeth Sheehy, and Ellen Zweibel. They also encouraged these scholars to challenge students' conservative perceptions of the law. Each of these professors accepted the challenge and helped to establish a vibrant, progressive culture at the Common Law Section.[40]

Dean Hubbard took the lead in beginning to hire women law professors, who were few in numbers in the seventies…[41]

Professor Edward Ratushny

Once the size of the Common Law Section had been increased, the Dean and the Faculty Council restructured how it was to be governed. They first decentralized the decision-making power previously held by the Dean of Common Law by increasing the number committees and expanding the responsibilities of each committee member. The Dean then challenged professors and students to prepare motions and reports for meetings in order to increase the participation of each committee member.

Committee meetings during Dean Hubbard's time were conducted as democratically as possible. Regardless of the redundancy of a member's comment, each committee member could exercise his or her speaking right. Although not every motion for reform was … accepted, as long as it was substantiated, it stood a chance at Faculty Council! [42]

Professor Christopher Granger

CREATION OF THE FRENCH COMMON LAW PROGRAM[43]

Dean Hubbard governed the Common Law Section at a time when significant changes occurred in Ontario regarding French legal services. These changes were fuelled by key events, the most important of which probably was the adoption of the federal *Official Languages Act* in 1969. In the mid-seventies, Attorney General for Ontario Roy McMurtry approved a pilot project whereby bilingual and French trials were allowed in the Provincial Court

Mooters 1986[44]

(Criminal Division) in Sudbury. This marked a turning point in the provision of French legal services. The following year, the project was extended to other communities, including Ottawa, Hawkesbury, and Rockland. In 1978, the *Judicature Act* and the *Juries Act* were amended to allow the use of the French language before courts in designated areas of the province. These changes created a need for lawyers capable of representing Francophones in their language. Immediately the training of lawyers and the development of the necessary tools (precedents, lexicons, etc.) to practice law in French became a concern.

As a bilingual institution, the University of Ottawa was well-positioned to take the lead in the matter. Soon after the appointment of Dean Hubbard, discussions began regarding the teaching of common law courses in French. Although several individuals, both within and outside the Common Law Section, doubted that this was feasible, others, including Dean Hubbard, welcomed this opportunity to contribute to the training and development of the French-speaking bar in Ontario. On March 18, 1977, the Faculty Council approved the teaching, on a trial basis for two years, starting in September 1977, of five first-year courses: Civil Procedure, Contracts, Criminal Law, Criminal Procedure, and Torts as well as Property II in second year. This experience revealing successful, the program became permanent in February 1980, once the funding was secured.

Being the first Coordinator of the French Common Law Program, I had the privilege of participating – from the very beginning – in the unique adventure of teaching the common law in French.[45]

Professor Joseph Roach ('62)

Throughout the 1980s, the French Common Law Program evolved slowly. In 1984, the position of Associate Dean was created to ensure a formal administrative representation of the French Program. Michel Bastarache, who later was appointed to the Supreme Court of Canada, was the first to occupy this position. During his three-year tenure, he was instrumental in bringing about significant structural changes that led to the current French Common Law Program, with its distinctive administrative and teaching units. In 1986, under his leadership, the University Senate approved a proposal that 40 first year places be set aside for the French Program. Admission was now dealt with separately in the French and English language programs. New rules applied to the French program : all first-year courses were to be completed in French, as well as 50% of the second and third year courses, the major paper, and the moot court. Students fulfilling the said conditions were entitled to a special attestation on their transcript confirming they had studied the common law in French.[46] These were crucial steps in the development of the French Program.

At the end of Dean Hubbard's second term, the French Common Law Program was expanding and well on its way to becoming the vibrant and progressive Canadian law program it is today.[47]

A TOKEN TEN PERCENT

Encouraged by the growth of the student body, the law school also revised its admissions policy in 1974. Prior to these revisions, "Regular Applicants" were accepted on a calculated average composed of 1/6 of their Law School Admissions Test (LSAT) scores and 5/6 of their undergraduate grades.[48] Although the Admissions Committee often considered applicants from non-competitive backgrounds, and sometimes admitted them, it did not yet follow equity-based admissions criteria. The 1974 revisions examined equity in legal education by recognizing that, in addition to academic merit, factors such as age, gender, and race should be considered when admitting individuals to law school.[49] Faculty members therefore crafted an admissions policy that relaxed the importance of academic merit. This allowed them to admit a limited number of Mature Applicants, Native Applicants, and Linguistically Disadvantaged Applicants–such as some Francophones–who would not otherwise have been competitive candidates.[50]

Shirley Greenberg ('76)

Prominent lawyers Janice Payne ('75), Shirley Greenberg ('76), and current Supreme Court Justice, the Honourable Louise Charron ('75), each recalled beginning law school at the University of Ottawa with strong marks and a desire to succeed. Although they knew that there were few other women studying at the law school–and even fewer women practicing in the legal profession in the early 1970s–each followed her intuition, becoming part of a generation of legal trailblazers.

The Honourable Madam Justice Louise Charron ('75)

In those days, there was always a "token 10% of women"—not more, not less—who were admitted to law school… Being a woman at law school, however, was not problematic. Our small numbers encouraged female students to be quite close and collegial. [51]

Janice Payne ('75)

Dean Hubbard and former Section Secretary, Professor Christopher Granger, both recalled that "getting in" to the Common Law Section in the late 1960s and early 1970s was not as difficult as "staying in."[52] The Admissions Committee generally admitted more first-year students than it could accommodate on the premise that a certain number would not return as second-year students because of the rigors of the program. This admissions cliché often did not hold true for female applicants in the 1970s, as more than the expected number of first-year women graduated each year. Once admitted, however, female and male students were treated equally. Vast quantities of readings and papers were distributed to all, and the same standard of excellence was expected from all students.

"There was no question that I would be admitted to the Common Law Section. My grades were excellent and my LSAT score was good. However, when the end of July came around, and I still had not received any news, I became concerned…I quickly booked an appointment to see the Professor who was the president of the Admissions Committee to resolve [the matter]. During the interview, I felt that this professor doubted my ambition to pursue a legal career… After comments made during the interview such as "women go into law, essentially, to find a husband" and "[w]hat did you do to get those marks, did you shovel the Dean's driveway?!" Madam Justice Charron calmly replied, "Show me the 120 students that you have accepted with better grades than mine and a better LSAT than me, and I will leave your office, but until you do, I will not budge." Shortly after that, she was accepted into the law program.[53]

The Honourable Madam Justice Louise Charron ('75)

Prior to 1974, the Common Law Section had not admitted any Aboriginal students into the law school.[54] Struck by this statistic, the Admissions Committee lobbied Faculty Council to recruit and admit these students. Faculty Council agreed that "some Native students should be admitted at a reduced standard of admissions."[55] Although this change in policy allowed the Common Law Section to recruit a number of Aboriginal students for the 1975-76 academic year, it retained few. Professor Ellen Zweibel recalls that while many factors precluded the success of these students, it was, in particular, the law school's failure to provide adequate accommodation that discouraged many potential Aboriginal lawyers from achieving their true potential. In an effort to support Aboriginal students, the law school created an academic support system. In 1976, on a tight budget, the law school hired tutors for Aboriginal students and sensitized staff and the study body to the particular issues facings First Nations peoples. This support system helped to improve the group's success rate in the following years.

The Common Law Section shoved Aboriginal students into a system that did not meet their needs, did not pull out their talents, and essentially battered their self-esteem. At the end of the year, the Common Law Section did not have a great record. I felt that this failed admissions initiative was "intellectual genocide." These were smart people who would have to go back to their communities having failed at something they never should have failed at.

There was a problem![56]

Professor Ellen Zweibel

Murray Costello ('77)

The 1973-74 admissions policy to admit a "limited number" of mature applicants officially provided the opportunity for some candidates to study law who had, for a variety of reasons, previously dropped out of the education system. Although the modified admissions policy only admitted a few mature applicants between 1973 and 1987, those given a chance often turned out to be remarkable law students and accomplished lawyers. Murray Costello ('77), a former National Hockey League player and Margaret Bloodworth ('77), were each admitted as mature students, and quickly became leaders for their younger peers.

Margaret Bloodworth ('77)

In addition to being academic leaders, many mature students enriched their younger colleagues' academic experiences by teaching them the merits of work-life balance. Mature students often had other skills they could share with their colleagues, as well. For example, two members of the University of Ottawa's Moot Court team in 1979 were mature students. Charles Beall ('79) and William Henderson ('80) teamed up with Steven Carlo ('79) to tally a perfect score at the annual event, held that year at Osgoode Hall in Toronto.[57]

In 1980, the Admissions Committee focused on revising the admissions equation once more for Regular Applicants and Mature Applicants, as well as for Francophone Students. Faculty Council decided that, from that point forward, Regular Applicants would be subject to an admission equation based on 1/4 of their LSAT scores and 3/4 of their undergraduate grades. In addition, revised requirements for Older Applicants gave these individuals a greater chance of being accepted. Under this scheme, Older Applicants–those candidates who were above a certain age cut-off–were first placed in the Regular Applicant stream. If unsuccessful, they were considered with the Mature Applicants, those candidates who had been out of school for a specified period of time. To be considered with the Mature Applicants, Older Applicants had to submit a minimum LSAT score of 550 and a personal statement outlining their prior achievements.

Although there were no special programs for mature students, our class did have a unique group of mature students, who turned out to be remarkable people… Because of my age and my family, I didn't do a lot of extracurricular activities. Law school was a challenge and I had to work hard to make sure that I didn't fail at the whole thing… There were a lot of students who were very bright and had very promising futures… The young students coming out of high school were so bright… and learned everything so quickly. They intimidated me at how well they did… I suppose that was good because it motivated me to work hard…[58]

Murray Costello ('77)

Finally, revisions for admitting Francophone students clarified the law school's stance with respect to the LSAT. In a relatively undisputed vote, Faculty Council decided that students seeking admission to the new French Common Law Program should not be evaluated on their LSAT scores. Although Francophone or Francophile students could write the LSAT and submit their results for consideration, the test's English language bias did not make these scores essential for the Admissions Committee's evaluation of these candidates' applications.[59]

Professor John Manwaring [61]

Despite the changes to admissions, former Chairs of Admissions, Professor Zweibel and Professor John Manwaring, both remember the admissions process in the early 1980s as overly mechanical and unfair.[60] Discouraged by the lack of diversity within the law school's student body, Professors Zweibel and Manwaring teamed up in late '80s and early '90s to reform the admissions process. These changes were implemented by Faculty Council early in the McRae deanship.

EDUCATING THE MASSES

In the late '70s, a couple of students at the University of Ottawa noted that there might be a better way of informing clients about legal matters rather than waiting for them to walk through the door of the legal clinic. Celia Laframboise ('81) and Collette Yvonne Chenier ('81)[63] put together a proposal, modeled on a program in Winnipeg, for a free telephone service that would give out legal information to callers.

10th February, 1978

Dear Mr. Kololian,

I am sorry not to have replied before to your letter of 11th January: and I believe you telephoned yesterday to see what the position was.

I am afraid I have delayed a little because I was anxious to know how Lady Denning would be. She is getting better, but still I feel doubtful whether she will be able to come next September and, if she is not able to come, I am afraid that I would hardly feel like coming myself. But if I were able to come, that week of 17th to 24th September would suit extremely well, and your programme would be just right.

I would very much like to come, because all your law students in Ontario have always been so kind to me, and the students so welcoming.

I am proposing to talk it over with Lady Denning this weekend, and I will write during the week to let you know the position.

We much appreciate your kindness in inviting us. It is so unfortunate that Lady Denning is not well, as it makes our plans uncertain. It all depends very much on the doctors' advice.

Yours sincerely,

Denning[62]

Celia Laframboise and I were looking for a project to do and both of us were involved in student legal aid…we realized there was a need for general information for the public, as well as representation…we saw the need for a phone in line. So we thought that would be a good thing to do. [64]

Yvonne Chenier ('81)

Celia Laframboise ('81)

The benefits of such a program would be that it could provide information to those with limited access to a walk-in clinic, and that it would be especially useful to those people who only needed summary advice. The program had minimal needs beyond staffing, which could be done by law students. All that was required was a room with a phone, several stock answers to routine questions that were likely to be asked, and library access to research questions of a more complex nature. An initial investment of $20,300, it was felt, could reduce legal aid costs in the long run.[65]

Collette Yvonne Chenier ('81)

The proposal went to Faculty Council, which approved the program in principle and was sent on to the Legal Aid Clinic's executive committee for approval. The Clinic's executive, however, balked at the proposal. They felt that they did not have the resources to support this new venture.[66] Undeterred, Dean Hubbard turned the project back over to Ms. Laframboise and Ms. Chenier to find outside funding and to get interested faculty members involved.[67] The students responded with zeal, and in March, 1980, the Law Line was born. Staffed by student volunteers, it was "the only free bilingual telephone legal information service in the Ottawa area."[68]

The Law Line office was right off the common area close to a walkway to another building… That's where we were, exactly, because I can remember being high up over the street…It was great. We would be in that little office with the door closed and the phone would ring and it would be so exciting. I remember it very well. [69]

Yvonne Chenier ('81)

The Law Line gave information, but not advice, on a wide variety of legal problems, including family law matters, landlord and tenant issues, and court procedures.[70] The University of Ottawa's Law Line ceased operations in the early '90s,[71] about the time the federal, not-for-profit Legal Line® began operations in 1994.[72]

DEFENDING HUMAN RIGHTS INTERNATIONALLY

The Human Rights Research and Education Centre of the University of Ottawa

…The establishment of the Institute–the first in a Canadian university–reflects the public interest in human rights in Canada, which has actually increased as a result of the current debates on the Constitution. It is becoming more evident than ever that there is a need for an independent and well-established human rights organization, such as the Institute.[73]

Professor Walter S. Tarnopolsky, Director of the Human Rights Research and Education Centre of the University of Ottawa.

Since the end of the Second World War, the area of human rights experienced unprecedented development. Humanitarian advances occurred so rapidly that until the 1970s, the Canadian education system was not able to keep up the pace.[74] Apart from courses on constitutional law, there was very little education about human rights in universities or secondary schools.[75] In May 1981, the Human Rights Research and Education Centre (HRREC) at the University of Ottawa created an extensive program to fill this gap.

Recognizing this need, legal visionaries took the initiative to help Canada better respect its commitment to the United Nations Educational, Scientific and Cultural Organization (UNESCO) by creating an interdisciplinary resource centre that would report on advances in human rights.[76] Yvon Beaulne, the former ambassador of Canada to the United Nations, came up with the idea of creating the HRREC which was also supported by Gordon Fairweather, former President of the Canadian Commission of Rights and Freedoms, when it was presented to the rector of the University of Ottawa.[77] Within a short period, the University Senate accepted the Beaulne-Fairweather challenge and granted them space at the Faculty of Law, providing start-up subsidies.[78] For its part, the Faculty of Law supported the HRREC with "in kind" contributions. The Director and Deputy Director, who were part of the uOttawa teaching faculty, were given partial release from teaching responsibilities while they operated the Centre.[79]

In 1980, the HRREC's first Director, Professor Walter S. Tarnopolsky, was successful in attracting three years of start-up funding from the Donner Canadian Foundation. This donation was the first in a series of successful fundraising achievements, thanks to Professor Tarnopolsky's impressive research and program development skills. Over the years, the HRREC was financed by federal and provincial ministries, foundations, the University, the Social Sciences and Humanities Research Council of Canada (SSHRC), and by individual philanthropists.

The University was a wise choice for the establishment of the Centre on campus, since the [F]aculty is bilingual and operates courses on both legal systems used in Canada; it is located in the federal capital; it is located on the border of Canada's two largest provinces; Ottawa is the centre of many national agencies and the Canadian international agencies bureau; the International Cooperation Institute and the Centre for Research on French Canadian Culture, both of which are on campus, work together with the new institute.[81]

Dean H. Albert Hubbard, Common Law Section and Dean Raymond Landry, Civil Law Section

Professor Walter S. Tarnopolsky[80]

Opening of the HRREC. (L to R): Yves Beaulne, Louis Pettiti, Gérald Beaudoin, Walter Tanopolsky, Thomas Buergenthal, and Robert Gordon Lee Fairweather.

Professor Tarnopolsky and Professor Gérald-A. Beaudoin were the founders of the HRREC, and became Director and Associated Director of the Centre respectively. Both sections contributed to the Centre, and the position of Director alternated between the Civil and Common Law Sections.[82] Since its creation in 1981, the HRREC has had several objectives: research, education, and the promotion of human rights through legal and interdisciplinary studies in both official languages.[83]

> *Professor Tarnopolsky envisioned the Centre as a domestic champion of human rights, recognizing that the Centre operated in a privileged context and should thus be willing to assist in human rights challenges throughout the world.*[84]
>
> Professor Errol Mendes

During its first mandate, various projects were conducted at the HRREC, including the Canadian Human Rights Yearbook, the Human Rights Library, the Research Associates Program, annual conferences, and an annotated commentary on the *Canadian Charter of Rights and Freedoms.* The Yearbook is an annual publication that was created under the supervision of Professors Tarnopolsky and Beaudoin, and their team of writers. The first volume contained articles from Canadian and foreign experts dealing with disturbing aspects of human law from the 1980s.

> *For Professors Tarnopolsky and Beaudoin, it was important that the Centre not be isolated academic research, but that it be action orientated, either toward support and work with [non-governmental organizations] or work with governments. It was thought that the Ottawa Centre could be a bridge between the activist community and government and policy makers and the academic world.*[85]
>
> William Pentney, Associate Director, Human Rights Research and Education Centre

In collaboration with staff from the University of Ottawa libraries, and with funding from the federal government, the HRREC's management created a public library specializing in human rights that became essential to its expansion. Thanks to the organizational efforts of librarian Ivana Caccia along with the generosity of Professors Tarnopolsky and Beaudoin, the Human Rights Library boasted many specialized acquisitions, an electronic classification catalogue, and a mechanism for reporting judicial decisions dealing with the *Canadian Charter of Rights and Freedoms.*

The Research Associates Program was designed to provide a way of helping those planning to make an important contribution in the area of human rights law to prepare their briefs. The HRREC's senior fellows like Kalmen Kaplansky of the union movement, John Humphrey of the United Nations, and A. Allan Borovoy of the civil liberties movement in Canada, worked on the preparation of their career briefs during the years 1981-83. In addition to the senior fellowships, other junior fellowships were created to enable students to travel to Canada or elsewhere in order to expand their knowledge in the area of human rights law. The junior fellows included Itzak Elkind, Kusum Jain, and William Pentney.[86]

In 1983, the first important research project put in place by the HRREC was the first edition of the publication entitled, *The Canadian Charter of Rights and Freedoms*, jointly edited by Walter Tarnopolsky and Gérald Beaudoin in both English and French.[87] This publication, which provided an assessment of decisions and theories relating to the *Canadian Charter of Rights and Freedoms* would often be cited by judges, academics, and lawyers worldwide.

When I met with the Honourable Pierre Trudeau, former Primer Minister of Canada, on behalf of the Centre to give him a copy of our book, he commented that it was "marvellous that such a book had been created within the year of the Charter's inception." My response to his comment was that "there was no choice, we had to do it!" [88]

Senator Gérald-A.Beaudoin, Director of the Human Rights Research and Education Centre

From the conceptualization of the HRREC, the intention was not to create an institution that would issue diplomas, but rather, to encourage the inclusion of content relating to human rights in existing programs of study at all levels of the education system. Between 1981 and 1983, courses in human rights law were offered to students in the Common Law Section, the Civil Law Section, and the Faculty of Education. Another project that garnered a great deal of success in 1981 was the inauguration of the Annual Beaulne-Fairweather Conference Series. The Beaulne Conference deals with *The International Protection of Human Rights* and the Gordon Fairweather Conference relates to *The Protection of Human Rights in Canada.*[89]

When Professor Tarnopolsky was appointed as Judge to the Court of Appeal in Ontario in 1983, Professor Edward Ratushny replaced him and Professor Beaudoin continued on as Associate Director. Although the structure of the HRREC did not change during this period, the number of employees increased considerably to better serve its clients. Over the course of 1983, the assistant researcher, Allan McChesney, was put in charge of several projects, including a mandate to develop a Human Rights Code for the Northwest Territories as well as teaching materials concerning human rights for the governments of the British Commonwealth. In addition to purely educational projects, the HRREC participated in the strategic activities of a coalition of human rights defence groups to celebrate the 35th anniversary of the Universal Declaration of Human Rights in 1983. This Canadian coalition organised the celebrations in connection with a national conference that took place in Ottawa.[90]

The Centre's team created interactive training materials that could educate people from various backgrounds about human rights. For example, the training materials created for public servants of the British Commonwealth in the early 1980s were later used by the United Nations to train their employees… Our work was innovative and well respected nationally and internationally.[91]

Allan McChesney, Past Research Associate, HRREC

When Professor Ratushny's term ended in 1985, Professor Gérald-A. Beaudoin succeeded him and William F. Pentney assumed the position of Associate Director. During this period, the HRREC was conducting an interesting program of national and international activities. These programs encouraged the presence of increasing numbers of academics from each of the faculties at the University of Ottawa as well as lawyers from both the public and private sectors. After some time, the valuable reputation gained by these programs led the HRREC to form a bank of human rights experts. This bank included over three hundred individuals from private groups, governmental and non-governmental Canadian and foreign ministries, which joined forces with the HRREC to offer their services as intermediaries or expert witnesses.[92]

The position of Director became increasingly demanding over the years with the creation of the Chair in Human Rights as well as the increased affiliation with the Graduate Program. The Chair, jointly funded by the federal government and the estates of the former Chancellor of the University, Gordon F. Henderson, considerably enhanced the visibility of the HRREC's teaching program. Since its creation, the Director has had the task of attracting at least six reputable researchers from Canada and abroad to facilitate the education of audiences with varying levels of knowledge. The collaboration between the HRREC and the Graduate Program is a natural one. Although the Centre does not offer a program that leads to a diploma, students can register in Master's program at the Faculty of Law and, by choosing a concentration in human rights law, they are encouraged to contribute to the HRREC's activities as research assistants. Although the availability of funds during the 1980s was still uncertain, the relevance of the research in the area of human rights elicited financial support from various sources.[93]

The Centre is such an important part of our faculty and its history. In many ways, it is the "heart" of our law school. This makes a public statement about our commitment to progressive research and education, and about our desires to make changes on the ground, where things really matter. The people whose lives have been touched by the Centre–faculty, staff, students, and members of the public–are all better people for their connections with this centrally important institution.[94]

Professor Constance Backhouse, Past Director, Human Rights Research and Education Centre

In 1986, the library housed the largest Canadian collection of bilingual documents on human rights. It provided bibliographic information on the documents in its collection as well as on documents on campus or in the Ottawa region. Additionally, thanks to the efforts of Magda Seydegart, the HRREC organized a second Summer School on human rights, an intensive two-week course designed to fulfill the requirements of human rights defenders from various interest groups. This was a great success for the HRREC as it provided participants with a unique opportunity to exchange views, acquire new qualifications, and improve their analytical skills. The HRREC also published, in both official languages, the second edition of *The Canadian Charter of Rights and Freedoms* jointly edited by Professors Ratushny and Beaudoin.[95]

May 25, 1978

My Dear Lord Denning:

It was with the greatest disappointment that I received your Lordship's letter dated May 4th. I can fully appreciate your reluctance to travel under the circumstances.

If your Lordship would indulge me one last opportunity, I would like to make an alternative proposition, than that which we discussed last summer. What I have in mind is a three day visit to Ottawa only…This would make it less tiring for your Lordship and it would curtail the length of time that you would be away from Lady Denning.

…So many of us have read and studied your monumental judgments, that the inspirational value of actually meeting and hearing you would be immeasurable. In view of this, I would like to respectfully urge your Lordship to reconsider our invitation.

With best regards and wishes of a complete recovery to Lady Denning, I remain,

Yours sincerely,

Vahan Kololian[96]

A CO-OPERATIVE APPROACH

Although the law school increased the number of optional courses it offered during the mid 1970s, students from that time recall that the curriculum's focus remained on bar admission preparatory courses. Alumnae such as the Honourable Madame Justice Louise Charron ('75) and Janice Payne ('75) recalled that these courses gave students a strong foundation in legal basics and fostered impeccable research and writing skills.[97] At the time, aside from volunteering at the University's Legal Aid Society or the Ottawa Law Review, it was accepted that students would only begin to apply their substantive knowledge and hone their advocacy skills while articling.[98]

Chin Shin Tang[100]

…Professor Hubbard, in the academic year of 1974-1975, was instrumental in seeing the inclusion of Introduction to Legal Research and Bibliography into the Common Law Section's curriculum as a credit course, making the Section a pioneering institute in Canada that offered a systematic instruction to the subject as a law course.[99]

Chief Librarian Chin Shin Tang

To foster bilingualism and bijuralism in law, the law school encouraged students to take courses from the Civil Law Section and created numerous joint teaching initiatives between the two sections. The course on *Current Canadian Constitutional Issues* was one such initiative. For this course, professors Albert Hubbard and Gérald Beaudoin, of the Common Law and Civil Law Sections, created a bilingual seminar format to challenge students to consider important constitutional issues facing Canadians. This course and others like it were well received by Common Law students because they encouraged them to test their understanding of advanced legal principles through the prism of both Common Law and Civil Law perspectives.

Before Professor Hubbard's tenure as Dean, the Common Law and Civil Law Sections of the Faculty [of Law] functioned virtually as totally independent bodies. There was not much done to ensure the enrichment of both Sections by a cooperative approach to matters. The relations between the two sections became much closer during his tenure.[101]

The Honourable Gérald La Forest, Former Chief Justice of the Supreme Court of Canada, Former Director of the Legislative Drafting Program, 2000.

By the early 1980s, the law school had managed to diversify its course offerings and had begun encouraging interdisciplinary studies. In 1982, the Faculty Council re-structured the curriculum so that there were only eight compulsory courses for first-year students and ten compulsory courses for second- and third-year students. This relaxation of the mandatory course load eventually encouraged students to enjoy over sixty optional courses.[102] Interdisciplinary studies were also encouraged by the creation of such initiatives as the joint Bachelor of Laws and Masters in Business Administration program. This program sought to nurture the relationship between law and business in Canada by offering students an opportunity to complete both programs over four years that would have required five years if taken separately.[103]

What stands out in my mind was that feeling that we were almost a hallowed dimension of the law. There were so many awesome individuals both in the past as well as at the time, involved in the profession in so many levels, and in so many ways. We were part of a wonderful sense of tradition--great minds, great thinkers.

Robert Pitfield ('81)[104]

MASTERING THE LAW

Shortly after the creation of the Civil Law Program at the University of Ottawa, Civil Law Professor Pierre Azard sought to promote the new Faculty of Law's reputation by encouraging the school to offer graduate studies.[105] Dean Gérald Fauteux and many faculty members soon became interested in Professor Azard's idea of developing a name in legal research and even more intrigued by the idea of using the proposed graduate studies program as a means of recruiting professors.[106] Supported by his colleagues, Professor Azard eventually convinced the University of Ottawa to initiate a Graduate Studies in Law Program on October 1, 1957.[107]

At the outset, the Program admitted students with either a *licence en droit* from the University of Ottawa or an education deemed equivalent by the Faculty[108] to work towards earning a Diploma of graduate studies (Diplôme d'études supérieures en droit or D.E.S.D.) or a Doctorate of Law (Doctorat en droit or LL.D.).[109] Although the Graduate Studies Program never discouraged Common Law alumni from applying, few students with this background attempted graduate studies at the University in the 1960s because of its clear specialty in Civil Law.[110] In 1970, the Faculty of Law attempted to make its Program more accessible to Common Law students by renaming their Diploma, a "Master of Laws" (LL.M.),[111] and offering four areas of specialization: Public Law, Commercial Law, Employment Law, and Comparative Law.[112] Finally, from the early 1970s until 1993, the Faculty of Law offered a Diploma in Specialized Legal Studies (Dipl. S.L.S.) as a means of allowing students to acquire graduate experience without the obligations of completing as many credits or having to write a thesis.[113]

In 1981, the Common Law and Civil Law Sections of the Faculty of Law united their resources to enrich the Graduate Studies Program by offering a joint bilingual program.[114] Upon forming this partnership, the administration appointed co-directors from each Section to share the tasks of recruiting thesis supervisors, soliciting program reform opinions, and promoting the curriculum. In preparation for the 1982-83 academic year, the director redefined the Program's objectives by linking them to the Faculty of Law's natural strengths: Human Rights, Public Law–including Constitutional and Administrative Law–International Law, and Comparative Law.[115] These fields were chosen according to the depth and strength of faculty resources, student demand, and the law school's geographical location in Canada's capital.[116]

20th June, 1978

Dear V. Kololian,

When I wrote on 7th June I said I would reconsider the position, especially in view of your great kindness in arranging a passage for us on Air Canada for 17th September.

But, after talking it over with Lady Denning, I am afraid that once again I must disappoint you. Her health is such that she could not possibly come herself, and I feel I cannot be away from her.

So, much as we should like to come to you, I am sorry to say we must say No.

I am very sorry about this and do hope you will understand.

Yours very sincerely

Denning[120]

In addition to the Diploma and Masters' programs, the Graduate Studies Program has also offered a Doctorate of Law (LL.D.) degree since its inception in 1957. Throughout the years, the doctoral studies program has remained a research-based program for those having demonstrated a capacity for scholarly research and writing.[117] The program required completion of both tutorials and a thesis that would make an original contribution to the advancement of legal science.[118] However, due to the fact that seven years were required to complete doctoral studies, only six LL.D. theses were defended between 1978 and 1986.[119]

FILLING A VOID IN LEGAL EDUCATION

From 1970 to 1999, the Graduate Studies in Law Program offered a Legislative Drafting Program that was unique in Canada and perhaps the world.[121] The special program began as two diploma options–one in French and one in English–as a means of training interested individuals in the theoretical and practical aspects of legislative drafting and interpretation. The English diploma program began in 1970 under the direction of Elmer Driedger while the French diploma program was established in 1980 under the direction of the Honourable Louis-Philippe Pigeon, a retired justice from the Supreme Court of Canada.[122] In 1975, students were given the option of transferring their credits earned in this diploma program towards a new LL.M. in Legislation.[123]

The Legislative Drafting Program involved practical exercises and traditional course work… Much of the course work was done at the Department of Justice, where students often met with clerks of the House of Commons and the Senate. This proximity to real legislative drafting offered students a clear insight into the substantive material, in addition to the opportunity to be submersed in the world of government.[124]

Professor Ruth Sullivan

Former student, professor, and director John Mark Keyes ('85) recalled that the program addressed a need in the domestic and international legal community to train specialists in legislative interpretation and drafting. Despite the importance of the program, former student, professor, and director, Ruth Sullivan ('84) recalled that it continually battled financial and human resource problems. Finally, in 1999, the program was terminated due to a lack of funding.

The program sought to fill a void in legal education, but like many applied legal education programs, it was never truly accepted by students or administrators as a worthy recipient of their time and funding. The need for qualified legislative drafters and interpreters in Canada thus continues to be satisfied by the respective Provincial and Federal governments.[125]

Professor Ruth Sullivan

The Human Rights Research and Education Centre

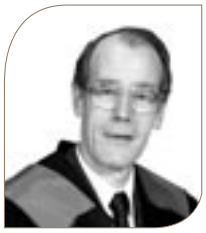
The Human Rights Research and Education Centre (HRREC) is the oldest national university-based human rights institute in Canada. Operating since May 1981 out of the University of Ottawa, the HRREC maintains an active and extensive program, domestically and internationally. The HRREC's Director is a Professor of the Faculty of Law, and its Advisory Committee provides advice on major new research and education directions, while facilitating linkages and communications. The HRREC's commitment to service and collaboration in research and education has been reflected in close working relationships with several faculties at the University of Ottawa, the Canadian Human Rights Commission, the Departments of Justice, Canadian Heritage, Foreign Affairs and International Trade, and the Canadian International Development Agency.

Past Directors

- Professor Walter Tarnopolsky 1981-1983
- Professor Ed Ratushny 1983-1985
- Professor Gérald-A. Beaudoin 1985-1988
- Professor William F. Pentney 1988-1989
- Professor William W. Black 1989-1993
- Professor Errol P. Mendes 1993-2001
- Professor Constance Backhouse 2001-2003
- Professor Sheila McIntyre 2003-2005
- Professor Karen Eltis 2005-2006
- Professor Marie-Claude Roberge 2006-2007

Working with non-governmental organizations, governments, and civilians has encouraged the successes of the HRREC programming and contributed to its increasingly prominent reputation as a site of expertise in human rights. "Partnerships are absolutely critical," states past Director, Professor Errol Mendes. "A university human rights centre must be focused on substantive research and teaching, not preaching."[1]

[1] Interview with Professor Errol Mendes by Philip Graham and Carly Stringer (15 June 2007).



Dean Hubbard[126]

The law school underwent major growth and change during this 14-year period with the creation of the French Common Law Program as well as the Human Rights Research and Education Centre, the joint LL.B./M.B.A. Program, and the expansion of the Graduate Studies Program, the Student Legal Aid Program, and the Ottawa Law Review. This period at the law school was also one of unrest with the short deanship of Dr. Alfred William Rooke Carrothers that ended in 1983. Dean Hubbard returned, once again, to the law school that same year and continued the efforts toward bilingual and bijural legal studies, also focusing on equity initiatives that became the hallmark of the following two deanships.

ENDNOTES

1 Detail of AUO-NEG-COL-101-84-89-R2-1A. Hubbard.

2 Detail of AUO-PHO-NB-101-81-32-R1-14. Carrothers.

3 Henry Albert Hubbard, "University of Ottawa, Faculty of Law-Common Law Section: The Past Ten Years" (1985) 9:2 Dal. L.J. 383.

4 University of Ottawa External Relations and Information Services, "News-Nouvelles" (19 September 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 25.69575, file Henry Albert Hubbard).

5 *Ibid*.

6 Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007). See also interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007). During this interview Christopher Granger noted that the position of "Section Secretary" is akin to that of "Section Vice-Dean" in the current Common Law Section administration.

7 Detail of AUO-PHO-NB-23-22. Granger.

8 University of Ottawa External Relations and Information Services, "News-Nouvelles" (19 September 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 25.69575, file Henry Albert Hubbard).

9 Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007).

10 Letter from Professor Christopher Granger to Dean Bruce Feldthusen (12 July 2000).

11 J. Gaston Descôteaux, *The Faculty of Law of the University of Ottawa, 1953-1978* (Ottawa: University of Ottawa Press, 1979).

12 Letter from Professor Marc Cousineau to Dean Bruce Feldthusen (29 May 2000).

13 Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007). See also interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007); interview of Edward Ratushny by Laura Ross (14 June 2007).

14 "A.W.R. Carrothers" *Gazette [University of Ottawa]* XVI:13 (1981) 4 at 4-5, Ottawa, University of Ottawa Archives (Fonds 6, Gazette). Dean Carrothers' academic credentials included a Bachelor of Arts from the University of British Columbia, and a Master of Law and a Doctorate of Law from Harvard Law School.

15 University of Ottawa External Relations and Information Services, "Nominations and Information" (1 April 1981), Ottawa, University of Ottawa Archives (Fonds 23, container 6. 9385, file Faculties-Common Law).

16 "A.W.R. Carrothers" *Gazette [University of Ottawa]* XVI:13 (1981) 4 at 4-5, Ottawa, University of Ottawa Archives (Fonds 6, Gazette).

17 Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007).

18 *Ibid*. See also interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007); interview of Edward Ratushny by Laura Ross (14 June 2007).

19 Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007). See also, interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

20 "Governor, Deans, Directors and new departmental chairmen" *Gazette [University of Ottawa]* XIX:13 (1984) 5, Ottawa, University of Ottawa Archives (Fonds 6, Gazette).

[21] Detail of AUO-PHO-NB-101-78-110-R1-6. Hubbard.

[22] Letter from Vahal Kololian to Lord Denning (17 October 1977).

[23] Letter from Professor Edward Ratushny to Dean Bruce Feldthusen (14 July 2000).

[24] Detail of AUO-PHO-NB-101-83-088-4. Ratushny.

[25] *Canadian Charter of Human Rights and Freedoms*, Part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982* (U.K.), 1982, c. 11.

[26] *Loi sur l'organisation judiciaire, L.O. 1978, c. 26.*

[27] Memorandum from Dean Henry Albert Hubbard to Council Members Re: Brief on the Funding of the Common Law Section (8 June 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 27.3739, file Faculty Council, 1972-19730. See also Minutes of Special Council Meeting of the Brief on the Funding of the Common Law Section (12 June 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 27. 3739, file Faculty Council 1972-1973).

[28] Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

[29] Report from the Faculty Council of the Common Law Section to all Faculty Members, *Brief on the Funding of the Common Law Section* (8 June 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 27.3739, file Faculty Council 1972-1973, 3).

[30] *Ibid.*

[31] *Ibid.*

[32] Memorandum from Dean Henry Albert Hubbard to Council Members Re: Brief on the Funding of the Common Law Section (8 June 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 27.3739, file Faculty Council 1972-1973). See also Minutes of Special Council Meeting of the Brief on the Funding of the Common Law Section (12 June 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 27. 3739, file Faculty Council 1972-1973, 1).

[33] Interview of Joseph Roach by Laura Ross (23 May 2007).

[34] Report from the Faculty Council of the Common Law Section to all Faculty Members, *Brief on the Funding of the Common Law Section* (8 June 1973), Ottawa, University of Ottawa Archives (Fonds 23, container 27.3739, file Faculty Council 1972-1973, 9).

[35] *Ibid.*

[36] *A Five-Year Plan for the Common Law Section of the Faculty of Law* (Ottawa: University of Ottawa, December 1981).

[37] Interview of Ronald Caza by Laura Ross (16 July 2007).

[38] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[39] Letter from Professor Aline Grenon to Dean Bruce Feldthusen (10 August 2000).

[40] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[41] Letter from Professor Edward Ratushny to Dean Bruce Feldthusen (14 July 2000).

[42] Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007).

[43] Detail of AUO-PHO-NB-6-724. Mooters.

[44] For a more detailed history of the French Common Law Program, see "Recognizing Common Law in French," *Reunion: Common Law History at the University of Ottawa*.

[45] Interview of Professor Joseph Roach by Laura Ross (23 May 2007)

[46] See *Amended Minutes, Faculty Council 3R*, Common Law Section, University of Ottawa, 29 November 1985, AUO box 07774, folder Faculty Council 1981-1986, where the decision is made to allocate 40 places to the French Program (with the possibility of increasing this number to 60) and to reduce places in the English Program to 120 in order to maintain the total admission target of 180. These numbers remained unchanged until 2004, at which time admissions to the English Program were increased to 200.

[47] For a recent study of French Common Law graduates and the impact of this program on the Ontario and Canada legal landscape, see Louise Bélanger-Hardy, Stéphane Émard-Chabot, Yves Le Bouthillier and Gabrielle St-Hilaire, *Au service de la justice en français – Rapport sur les personnes diplômées du Programme de common law en français de l'Université d'Ottawa*, Ottawa, Faculty of Law, University of Ottawa, 2006.

[48] Report from the Common Law Section Admissions Committee to all Council Members, *Report on the Question of a Quota System* (9 December 1974), Ottawa, University of Ottawa Archives (Fonds 23, container 23. 3739, file Faculty Council 1974-75, 1). In 1973, "regular applicant" was an admissions term used by the Section of Common Law of the University of Ottawa. It refered to all those applicants who did not qualify for a "special category" such as Mature Student, Aboriginal, etc. Non-Competitive was also a termed used by the Section of Common Law and it referred to groups who had been disadvantaged because of their social status.

[49] *Ibid.*

[50] *Ibid.*

[51] Interview of Janice Payne by Christina Benedict (16 July 2007).

[52] Interview of Christopher Granger by Laura Ross and Marion Van de Wetering (13 July 2007).

[53] Interview of Louise Charron by Laura Ross (25 July 2007).

[54] Report from the Common Law Section Admissions Committee to all Council Members, *Report on the Question of a Quota System* (9 December 1974), Ottawa, University of Ottawa Archives (Fonds 23, container 23. 3739, file Faculty Council 1974-75, 2).

[55] *Ibid.*

[56] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[57] "Common Law students take national Moot Court Honors" *Gazette [University of Ottawa]* 14:4 (1979) 6, Ottawa, University of Ottawa Archives (Fonds 6, Gazette).

[58] Interview of Murray Costello by Carly Stringer (20 July 2007).

[59] Report from the Common Law Section Admissions Committee to all Council Members, *Report on the Question of a Quota System* (9 December 1974), Ottawa, University of Ottawa Archives (Fonds 23, container 23. 3739, file Faculty Council 1974-75, 1).

[60] Interview of John Manwaring by Laura Ross and Carly Stringer (15 June 2007).

[61] Detail of AUO-PHO-101-87-132-3. Manwaring.

[62] Letter from Lord Denning to Vahal Kololian (10 February 1978).

[63] Memorandum from Professor Sproule to Executive Committee Re: Lawline Proposal (22 January 1979), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Legal Aid).

[64] Interview of Yvonne Chenier by Marion Van de Wetering (27 July 2007).

[65] Memorandum from Celia Laframboise to Faculty Council Subject: Lawline [n.d.], Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Legal Aid).

[66] Minutes from the Executive Council Meeting (4 January 1979), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Legal Aid).

[67] Letter from Dean H.A. Hubbard to Professor C. Sproule (6 February 1979), Ottawa, University of Ottawa Archives (Fonds 23, NB 5797, file Legal Aid).

[68] General Guide to the Fonds and Collections of the Archives of the University of Ottawa, fonds or collections call number: 248 (destroyed) listing: OTTAWA LAW INFORMATION LINE, Ottawa, University of Ottawa Archives.

[69] Interview of Yvonne Chenier by Marion Van de Wetering (27 July 2007).

[70] General Guide to the Fonds and Collections of the Archives of the University of Ottawa, fonds or collections call number: 248 (destroyed) listing: OTTAWA LAW INFORMATION LINE, Ottawa, University of Ottawa Archives.

[71] E-mail from David Paciocco to Marion Van de Wetering (17 July 2007).

[72] Website: Legal Line, online: <http://www.legalline.ca/?TabID=8224>.

[73] University of Ottawa External Relations and Information Services, "Information - l'Institut des droits de la personne de l'Université d'Ottawa" (24 April 1981), Ottawa, University of Ottawa Archives (Fonds 23, container 6.9385.12, file Faculties-Law-Institut des droits de la personne).

[74] Human Rights Institute of the University of Ottawa, *The Prospectus*, [n.d., private collection] Human Rights Research and Education Centre.

[75] *Ibid*.

[76] *Ibid*.

[77] Human Rights Research and Education Centre, *Annual Report 1994-1995*, online: <http://www.uottawa.ca/hrrec/admin/rappor95.html#Historique>.

[78] *Ibid*.

[79] Human Rights Institute of the University of Ottawa, *The Prospectus*, [n.d., private collection] Human Rights Research and Education Centre.

[80] Detail of AUO-PHO-NB-101-83-036-13. Tarnopolsky.

[81] University of Ottawa External Relations and Information Services, "Information - l'Institut des droits de la personne de l'Université d'Ottawa" (24 April 1981), Ottawa, University of Ottawa Archives (Fonds 23, container 6.9385.12, file Faculties-Law-Institut des droits de la personne).

[82] Human Rights Research and Education Centre, *Annual Report 1986-87*. Human Rights Research and Education Centre.

[83] *Ibid*.

[84] Interview of Errol Mendes by Carly Stringer (15 June 2007).

[85] Interview of William Pentney by Laura Ross (1 August 2007).

[86] Human Rights Research and Education Centre, *Annual Report 1981-82*. Human Rights Research and Education Centre.

[87] Human Rights Research and Education Centre, *Annual Report 1982-83*. Human Rights Research and Education Centre.

[88] Interview of Gérald Beaudoin by Laura Ross (30 July 2007).

[89] Human Rights Research and Education Centre, *Annual Report 1981-82*. Human Rights Research and Education Centre.

[90] Human Rights Research and Education Centre, *Annual Report 1982-83*. Human Rights Research and Education Centre.

[91] Interview of Allan McChesney by Laura Ross (30 July 2007).

[92] Human Rights Research and Education Centre, *Annual Report 1986-87*. Human Rights Research and Education Centre.

[93] *Ibid*.

[94] E-Mail from Constance Backhouse to Amanda Leslie (11 January 2008).

[95] *Ibid*.

[96] Letter from Vahal Kololian to Lord Denning (25 May 1978).

[97] Interview of Janice Payne by Christina Benedict (16 July 2007). See also interview of Louise Charron by Laura Ross (25 July 2007).

[98] Interview of Janice Payne by Christina Benedict (16 July 2007).

[99] Letter from Chief Librarian Chin Shin Tang to Dean Bruce Feldthusen (7 June 2000).

[100] Detail of AUO-NEG-NB-101-84-89-R1-20. Tang.

[101] Letter from Gerald Laforest to Dean Bruce Feldthusen.

[102] *A Five-Year Plan for the Common Law Section of the Faculty of Law* (Ottawa: University of Ottawa, December 1981).

[103] Henry Albert Hubbard, "Common law Section" in *The Faculty of Law of the University of Ottawa, 1953-1978,* J. Gaston Descôteaux (Ottawa: University of Ottawa Press, 1979) 4.

[104] Interview of Robert Pitfield by Christina Benedict. (21 August 2007).

[105] Interview of Gérald Beaudoin by Laura Ross (30 July 2007).

[106] *Submission to the Ontario Council on Graduate Studies,* 1 (1986) Faculty of Law, University of Ottawa. As predicted, the Graduate Studies Program quickly became a useful recruitment tool for the Faculty of Law at the University of Ottawa. Future professors, Léo Ducharme (1959), Viateur Bergeron (1960), Gaston DesCôteaux (1962) and the Honourable Jean-Pierre Beaulne (1969) all graduated from the Program.

[107] J. Gaston Descôteaux, *The Faculty of Law of the University of Ottawa, 1953-1978* (Ottawa: University of Ottawa Press, 1979).

[108] *Program Offerings [Graduate Studies in Law] 1970-1971*, Civil Law Section, University of Ottawa.

[109] *Submission to the Ontario Council on Graduate Studies,* 1 (1986) Faculty of Law, University of Ottawa.

[110] *Ibid.* Some Common Law graduates with French competencies did choose the Faculty for their graduate studies. Joseph Magnet defended his thesis on "Provincial Taxation Powers in Canadian Constitutional Law" under the supervision of Professor J.-P. Lacasse in the Graduate Studies Program.

[111] *Graduate Studies Calendar – Law 1986-1988*, Faculty of Law, University of Ottawa.

[112] *Submission to the Ontario Council on Graduate Studies,* 1 (1986) Faculty of Law, University of Ottawa.

[113] *Graduate Studies Calendar – Law 1993-1994*, Faculty of Law, University of Ottawa.

[114] *Graduate Studies Calendar – Law 1986-1988*, Faculty of Law, University of Ottawa.

[115] *Graduate Studies Calendar – Law 1982-1983*, Faculty of Law, University of Ottawa.

[116] *Submission to the Ontario Council on Graduate Studies,* 1 (1986) Faculty of Law, University of Ottawa.

[117] *Graduate Studies Calendar – Law 1986-1988*, Faculty of Law, University of Ottawa.

[118] *Graduate Studies Calendar – Law 1986-1988*, Faculty of Law, University of Ottawa.

[119] *Submission to the Ontario Council on Graduate Studies,* 1 (1986) Faculty of Law, University of Ottawa.

[120] Letter from Lord Denning to Vahal Kololian (20 June 1978).

[121] Interview of Ruth Sullivan by Laura Ross (22 June 2007).

[122] *Graduate Studies Calendar- Law 1986-1988*, Faculty of Law, University of Ottawa.

[123] Henry Albert Hubbard, "University of Ottawa, Faculty of Law-Common Law Section: The Past Ten Years" (1985) 9:2 Dal. L.J. 383.

[124] Interview of Ruth Sullivan by Laura Ross (22 June 2007).

[125] *Ibid.*

[126] Detail of AUO-NEG-NB-101-84-89-R2-1A. Hubbard.

The University of Ottawa's Faculty of Law is one of a handful of institutions in Canada that teaches both Common Law and Civil Law programs under the same roof. In 1971, Dean Hubbard from Common Law and Dean Bergeron from Civil Law set up two "special" LL.B.-LL.L. programs: students who were already enrolled at the Faculty could obtain a Common Law or a Civil Law degree by taking an additional year of studies following the completion of their LL.B./LL.L. This option became known as the National Program.

The 1971-72 calendar states that this program allowed each Section to retain its methodology without compromising the education of its students. "The purpose of these programs is to produce two kinds of national lawyers: different from each other because neither has had to forsake nor minimize anything that is basic to the cultural heritage of his group; yet, both [train] truly national lawyers in that each has completely adequate academic foundation for eventual admission to the practice of law anywhere in Canada."[1]

The National Program began as one of gradual integration in students' curriculum and was recommend for students with outstanding marks. The first five individuals admitted into the program were (the late) Grégoire Lehoux, Raymond Levasseur, Lionel Levert, Murray Sclars, and Bernard Laprade.[2] Mr Laprade, Senior General Counsel for the Department of Justice of Canada, who defended the federal government's interests before the Supreme Court, recalls spending "the better part of many evenings reading through [Common Law] cases and attempting to elicit their basic legal principles."[3] He felt that this bijural education made him a stronger attorney, and also enabled him to become part of a broader legal community. This feeling was shared by his colleague, Lionel Levert, who was Chief Legislative Counsel of the Minister of Justice of Canada from 1995 to 2001. He stated, "A few years ago, I played a role with respect to a certain number of initiatives which firmly established bijuralism within the Department of Justice. With only a Civil Law degree in hand, I am not sure I could have played the same role."[4]

In 1973-74, the law school opened its doors to civil law graduates from all Quebec universities who wished to complete an LL.B. The law school continued to maintain the National Program's gradual integration system and added a modified structure where students spent three years in one Section and then an additional year in the other (the 3+1 sytem). Two years later, the gradual integration program was phased out.[5]

The creation of a French Common Law program in 1980 allowed students in the National Program to take their classes in French. Administrators, however, expressed reservations as to the "wisdom" of this policy in view of the "national" character of the program.[6] These concerns dissipated over time, and in 1982, students were able to select their language of choice. That same year, however, the gradual integration program was reinstated which required students to take 46 mandatory credits beginning in their second year of the LL.L.[7]

I chose the Faculty of Law at the University of Ottawa because it had a bilingual program, and it had the National Program. It struck me that being able to study in English and in French, and to being able to do the civil law and the common law just made sense.

Terrence Badour (National Program '84)[8]

In 1991, the law school formally adopted the 3+1 system. The number of students during that decade increased from 10 to 30.[9] The administration also accepted an agreement with the Department of Justice of Canada allowing civil law lawyers from the federal government to pursue part-time studies in order to obtain a Common Law degree. This agreement was renewed again in 2007.[10]

In 1999, the entering grade to the National Program was lowered to C+ allowing for a larger number of applicants into the program.[11] According to Professor François Larocque, Director of the National Program, "The students who enter the program with a lower grade point average are young people who, for a variety of reasons, had poor results in their LL.L. degree but, who are able to outdo themselves in Common Law."

In 2000, Professor John Manwaring, who was Acting Dean between Sanda Rodgers and Bruce Feldthusen, was hired as the National Program's first director. Professor Manwaring restructured the program by designing more relevant courses, and by ensuring the close supervision of a student body of more than 60 people.

When I was Program Director, I came to the conclusion that we needed to bring about change in order to have a more flexible program that would enable students to take more optional courses and become specialized in their fields of interest. We therefore made some adjustments to the required curriculum of courses.

Professor John Manwaring, National Program Director (2000-05)

When Professor Larocque became Director, recruitment efforts gained momentum. The Common Law Section of the National Program, whose students are mainly graduates of the Civil Law Section, has begun to focus on recruiting from Quebec law faculties in order to diversify its student body. But, as several universities now offer a one-year Common Law program, the competition has become increasingly fierce. Professor Larocque has also been able to develop a sense of belonging within the National Program student community through organizing events, receptions, and other celebrations.

With the help of National Program alumnus, Colonel Michel Drapeau, Professor Larocque began organizing a large year-end celebration at the Rideau Club in Ottawa which is attended by distinguished guests, such as Federal and/or Supreme Court justices. Colonel Drapeau has also helped Professor Larocque create a scholarship which is awarded to the a student in the National Program who has demonstrated exceptional leadership qualities.[12]

Academic excellence […] It may mean a first job for you, but if you lack the necessary personality, energy and passion, you will not succeed in life.

(retired) Col. Michel W. Drapeau, graduate of the National Program ('00)

The National Program is part of the prestige of the University of Ottawa.[13] It is undoubtedly a major achievement for the Faculty of Law–the creation of visionaries whose goal was to train truly Canadian lawyers, but who could never have imagined that globalization would make it such a vitally important program.

It seems to me that the National Program, at the outset, was designed as an elite program, with very few enrolled students. Civil Law students rarely enrolled in the National Program. Over time, with the evolution of society, the Faculty and the University, we restructured the program to better reflect the realities of the Canadian and international communities, where there is a greater need for lawyers with dual legal training.

Professor John Manwaring

ENDNOTES

[1] Common Law Section Course Calendar 1971-1972, Faculty of Law, University of Ottawa, p. 5.

[2] Interview of Joseph Roach, by Micheline Laflamme (26 July 2007)

[3] Interview of Bernard Laprade by Micheline Laflamme (26 July 2007).

[4] Interview of Lionel Levert by Micheline Laflamme (25 July 2007)

[5] Common Law Section Course Calendar 1975-1976, 38, University of Ottawa.

[6] Common Law Section Course Calendar 1980-1981, 23, University of Ottawa.

[7] Common Law Section Course Calendar 1982-1983, 31, University of Ottawa.

[8] Interview of Terrence Baddour by Christina Benedict. (26 July 2007).

[9] "Programme national," Ottawa, University of Ottawa Archives, (Fonds 22, NB-9511, file 1).

[10] Interview of François Larocque by Micheline Laflamme (19 June 2007).

[11] Common Law Section Course Calendar 1999-2001, 27, University of Ottawa.

[12] Interview of Michel W. Drapeau by Micheline Laflamme (11 July 2007).

[13] Interview of François Larocque by Micheline Laflamme (19 June 2007).

RECOGNIZING COMMON LAW
IN FRENCH

ORIGINS

While we are able to state with pride that the French Common Law program is, after 30 years, active, vibrant and more visible than ever, it is nonetheless the result of the efforts and energy of many individuals who believed in the possibility of studying common law, a creature of Anglo-Saxon origin, in the language of Molière.[1]

Professor Louise Bélanger-Hardy
and Professor Gabrielle St-Hilaire

Prior to 1977, all Francophone lawyers in the common law provinces were trained only in English. On March 18, 1977, however, a change was initiated: the Common Law Section Council adopted, by majority, a resolution that proposed to offer common law courses taught in French, over a two-year period.[2] The first Director of this new program, Professor Joseph Roach, believes that this initiative was a major milestone in the development of legal services offered to Franco-Ontarians.[3]

The creation of the program arose from initiatives that originated with the Attorney General of Ontario, Roy McMurtry, who encouraged legal bilingualism. Starting in 1976, a bilingual program was introduced on a trial basis in the Provincial Court (Criminal Division) in Sudbury. In 1978, legislative amendments were brought recognizing the right of Francophones to express themselves and to file documents in their own language in proceedings before Ontario courts in designated regions.

Convinced of the necessity to train common law lawyers in French, Dean Hubbard, Professor Roach, and the rector of the University, Father Roger Guindon, developed the infrastructure required to establish the program, despite concerns raised by this project. Some professors found it difficult to imagine teaching Anglo-Saxon notions in French and doubted that the labour market would provide many opportunities for Francophone lawyers.[6] Professor Edward Ratushny, a supporter of legal bilingualism, recalls that many of his colleagues opposed the French program because of the scarceness of financial resources at the University of Ottawa throughout the 1970s. They feared that it would affect the growth of the English program.[7]

Having been named the first director of the Program, I was able to participate from the beginning in this magnificent adventure, which is the expression of the common law in French.[4]

Professor
Joseph Roach[5]

In September 1977, the law school offered five first-year courses in French: Torts, Contract law, Criminal law, Criminal procedure, and Civil Procedure.[8] In addition, Property Law II was offered, which was mandatory in second year. Between 10 and 22 people, including students in the National Program, took first-year courses in French that year.[9] As soon as the first courses were offered, interest in courses given in French continued to grow and enrolment increased in subsequent years.[10]

At the time, there was no separate admission process for people wishing to study in French–all applications were examined by the Common Law Section admissions committee. Francophone students were free to choose their language of instruction.[11] The Faculty management, however, recognized very early on that the *Law School Admissions Test* (LSAT) put Francophones at a disadvantage. As a result, they eventually decided to exclude it when considering the admission of Francophone candidates.[12]

In April 1978, the Faculty Council agreed to extend offering courses in French for another two years.[13] In 1979, it was decided to expand the range of courses by adding, in the first year, Introduction to Law and Methodology, and Property Law I, and in the second and third years, Family law, International Private Law, Evidence, Trusts as well as Wills and Estates.[14]

FUNDING

From the beginning, the French Common Law program's greatest challenge was funding. The University of Ottawa could only count on subsidies from the Ontario Ministry of Colleges and Universities, which provided a special grant of $60,000 to fund the courses offered in 1977-1978.[15] In March 1978, the Ministry continued its support and confirmed that a sum of $80,000 would be granted to fund the project's second year of operation.[16] The subsidy was renewed in the amount of $160,000 for the year 1979-80 and then, in April 1980,

the Minister of Colleges and Universities, Bette Stephenson, advised the University's rector that the Common Law Section would receive $180,000 to support its efforts to develop the French Common Law program,[17] ensuring its existence for the year 1980-81. In March of the following year, the amount was increased to $225,000.

During 1980s, the law school sought to ensure the financial stability of the French Common Law program. The funds partially stemmed from Common Law's budget[18] and also, in part, from the French program maintenance subsidy granted to the University of Ottawa by the *Commission d'éducation franco-ontarienne* (CEFO). This funding was used mostly to pay for salaries and benefits relating to four (and eventually five) teaching positions. The last contribution from this funding, namely the sum of $340,000, was granted for the 1998-99 academic year and, beginning in the following year, the expenses associated with the French Common Law program were completely integrated into the Common Law Section's budget.[19]

CONSOLIDATION

In February 1980, the Faculty Council agreed to pursue the development of the French Common Law program over the long term with respect to admissions, funding, tenure-track positions and advertising, thus leading to its continued development during the 1980s.

Once this important step had been taken, the Faculty Council created a committee responsible for developing instruction in the French Common Law program.[20] As of 1978, the committee became a permanent body at the law school, whose mandate was to manage the structure of the program, course offerings, as well as faculty.[21] Professor Roach became the first coordinator of the program. His tasks included ensuring good relations between the students, the faculty, and the University's central administration. In response to the reorganization of the University of Ottawa that took place during the 1980s, the law school replaced the position of coordinator with that of Associate Dean of the French Common Law program. The Honourable Michel Bastarache, who would later be appointed Justice to the Supreme Court of Canada, was the first to hold this position.[22] He had a clear vision of common law studies in French, and, under his guidance, the program developed a more solid administrative and regulatory structure.

> *In the past, it was impossible for a professor of the French Common Law program not to be involved in its affairs. There were so few professors that each of them had to contribute to the organization of the program! … The challenge was simple–there was a lack of resources and an interest in expanding the French Common Law program.*[23]
>
> Professor Roger Beaudry ('82)

In spite of the program's financial position, Vice-Dean Bastarache, like Professor Roach before him, attempted to increase the number of courses available in order to expand the French Common Law program to three years.[24] There were few elective courses but, according to Professor Roach, this did not adversely affect the quality of education that was provided.[25] At this time, the staff running the program was aware that there were few lawyers that had the necessary educational background to teach the common law in French. In order to deal with this situation, the law school negotiated extending the range of courses offered in French to match those given in the Civil Law Section. The Faculty management went to great lengths to combine the schedules of the two sections so that the Civil Law Section's public law courses, such as Tax Law, Constitutional Law and International Public Law, could accommodate the common law students.[26]

The pressure to increase the course offerings in French was also applied by the Ontario government; in 1981, the government indicated that the subsidies that it was granting had to be used to increase enrolment in the program.[27] Dean Carrothers supported efforts to expand the program. In a memo, addressed to Rector Guindon, he wrote, "The only way to attract a sufficient number of candidates is by offering them a complete program in French, with a range of interesting courses, and an adequate full-time faculty."[28]

Finding qualified academic staff to fill the teaching positions in the French Common Law program was also not an easy task. Although there were interested candidates, many doubted that the program would last, and therefore, hesitated to accept full-time positions. Rector Guindon noted, "in 1985, the program had five full-time professors and, in 1987, seven-and-a-half positions were filled."[29] Eventually, the university administration committed to creating 15 regular teaching positions by 1990,

which was the minimum number required to offer a complete law program.[30] Prior to reaching this magic number, however, courses in French were usually given by lecturers. This situation, which was criticized by the faculty, did not seem to affect the Francophone student body. Ronald Caza ('87) recalls that the Program offered the advantage of an internship with practitioners in the Francophone legal community. Their commitment to legal services in French along with their practical experience encouraged students to join the profession.[31]

Ronald Caza ('87)

The French Common Law Program received a breath of fresh air in 1987 with the hiring of three tenure-track professors. They were followed by several others in the following years, which meant that, at last, the program could depend on a larger faculty whose members were determined to make a career out of teaching. This team also contributed to the stability that was required for the long-term development of the program.[32]

Professor Yves Le Bouthillier ('84)

Professor Yves Le Bouthillier ('84)

By the mid-1980s, the French Common Law program committee and the new *Association des juristes d'expression française de l'Ontario* (AJEFO) were eager for the program to become independent, in order to be able to ensure the expansion of legal services in French.[33] The committee suggested that 25 to 30 places should be allocated for Francophone candidates, out of the 180 people admitted on an annual basis.[34] This was achieved in 1985 when the Section made structural changes to its admissions.[35] As a result, 40 places were reserved for French Common Law program candidates, with the possibility of increasing the number to 60 places.[36] The University Senate endorsed this revision a year later.[37] This event coincided with the adoption by the Ontario Legislative Assembly of the *French Language Services Act* which guarantees individuals in Ontario the right to receive provincial government services in French in designated areas of the province.[38]

The 1985 reforms imposed certain criteria on new admissions to the program: first-year courses had to be taken in French; exams and other assessments, moot court activities, and the drafting of research papers also had to be conducted in French; and 50 per cent of second and third year credits had to be taken in French. This proportion was increased to 75 per cent in 1991. If these requirements were met, the student's diploma would state that he/she had "satisfied the conditions for certification in common law studies in French."[39]

INDEPENDENCE FOR THE FRENCH PROGRAM

In the years following, efforts were made to consolidate the French Common Law program. Its numbers increased, and although it was always managed by Faculty Council committee, the program became increasingly independent. In 1993, the Common Law Section conducted a major overhaul of its structure, placing the French and English programs on an equal footing. This reorganisation resulted in the creation of the posts of Vice-Dean of the French program and Vice-Dean of the English program, as well as the independence of certain key committees such as the admissions committee, the teaching committee, and the hiring committee.

For Professor Gabrielle St-Hilaire, Vice-Dean of the French Program from 2005 to 2007, these separate committees enabled the law school to better meet the respective needs of its client base in relation to the hiring of new professors. "When we review the *curriculum vitae* of a person who has applied to join the faculty, we use a framework of analysis that is specific to the requirements of the French program, not only with respect to the materials that are taught, but also with respect to the program's culture and mission."[40]

Professor Gabrielle St-Hilaire

Other committees operated jointly and reported to the Faculty Council, which has also since been reorganized; currently, it is composed of six members of the French Program and six from the English Program. According to Professor Denis Boivin, who drafted the regulations to implement this restructuring, "The Council now oversees two plenary meetings. We therefore created two mini-Faculty councils, but kept the supreme council. Essentially, the Faculty Council acts something like Canada's Senate."[41]

Professor Louise Bélanger-Hardy[42]

Professor Louise Bélanger-Hardy, Vice-Dean of the French program from 1995 to 1999, believes that the 1993 restructuring was needed to give the French program its autonomy and administrative independence. "Previously, decisions about the French program were always subject to decisions made by the Faculty Council, in which the number of professors from the program was in the minority. Therefore, the program did not have control over its future. The new structure has resulted in equality with respect to decision making."[43] Professor Boivin notes that these changes had a positive effect on communications between colleagues in the two programs: "During council meetings, it was difficult to speak in French, because not everybody understood this language. Francophone colleagues talked amongst themselves. Discussions were parallel and did not converge."[44] Since the implementation of this restructuring, the independent committees of the two programs have cooperated on the review of certain issues–on numerous occasions–which has ultimately benefited the entire law school.

In 2007, the French program hit its stride. It now includes a full range of courses–54 courses in the second and third years, covering various legal fields. The program also employs 14 full-time professors and approximately 30 part-time professors from both academia and private practice, as well as from governmental and non-governmental organizations. To date, there are 153 students in the program.

For Professor Boivin, the French Common Law program is a tremendous success. In his view, there is a parallel between the program's sustaining power and the survival of the sole hospital in Ottawa that is distinguished by its Francophone character: "Somewhat like Montfort, the program is a tangible achievement which is easily identifiable as a Francophone institution. The program is not symbolic, rather, it is an achievement of the Franco-Ontarian community."[45]

A combination of factors explains the program's success, according to Professor Bélanger-Hardy. "During the 30 last years," she notes, "there have always been lawyers who believed in this project."[46] The Ontario government created a need for legal training in French by adopting laws that guarantee the right to certain legal services in French to Franco-Ontarians. The demand for services in French, together with young Francophones who want legal training in their own language, have led to this positive result.

According to the current Vice-Dean of the French Common Law program, Professor Nicole LaViolette, "Francophone communities now benefit from the knowledge and expertise of over one thousand graduates of the French Common Law program. In addition to fulfilling the practical function of training lawyers that are able to offer services in French, the wider institutional role of the program also includes maintaining the French language and promoting the solidarity of Francophone minorities. Since it was designed especially for Francophones in Ontario, the program is now one of the essential institutions of the minority culture. In fact, legal services in French are indispensable to the development of the Francophone community as well as to its recognition as a full and equal partner."[47]

Vice-Dean LaViolette

Today, the law school continues to make efforts to ensure the longevity of the program. "It is clear that we must maintain our course with respect to the main mandate of the program, namely the training of Francophone lawyers within the common law tradition," she states. "I also predict that the program will increasingly reflect the cultural diversity of Francophone communities. Finally, I am confident that the French Common Law program will continue to be at the forefront of developments in teaching and research designed specifically for the Francophone minorities."[48]

ENDNOTES

1 Louise Bélanger-Hardy and Gabrielle St-Hilaire, *Je me souviens… retour sur l'enseignement de la commune law en français en Ontario* [forthcoming].

2 Minutes of Faculty Council Meeting 1976/77-7S (30 March 1977), Ottawa, University of Ottawa Archives (Fonds 23, container 4018, file Section Council 1975-79 - Minutes Doc/Ag, 3), cited in Louise Bélanger-Hardy *et. al.*, *Rapport sur les personnes diplômées du programme de common law en français de l'Université d'Ottawa* (Ottawa : Faculty of Law, University of Ottawa, 2006).

3 Joseph Roach, "Cette magnifique aventure qu'est l'expression de la common law en français" (1992) 1 *Télé-Clef* 64.

4 *Ibid.*

5 Detail of AUO-NEG-NB-101-92-014-R1-1. Roach.

6 Interview of Henry Albert Hubbard by Laura Ross and Marion Van de Wetering (8 June 2007).

7 Interview of Edward Ratushny by Laura Ross (14 June 2007).

8 Minutes of Faculty Council Meeting 1976/77-6S (18 March 1977), Ottawa, University of Ottawa Archives (Fonds 23, container 4018, file Section Council 1975-79 - Minutes Doc/Ag, 3).

9 Minutes of Faculty Council Meeting 1977/78-1R (30 September 1977), Ottawa, University of Ottawa Archives (Fonds 23, container 6801, file Faculty, 4).

[10] Louise Bélanger-Hardy *et. al.*, *Rapport sur les personnes diplômées du programme de common law en français de l'Université d'Ottawa* (Ottawa : Faculty of Law, University of Ottawa, 2006).

[11] Louise Bélanger-Hardy & Gabrielle St-Hilaire, *Je me souviens… retour sur l'enseignement de la common law en français en Ontario* [forthcoming].

[12] Minutes of Faculty Council Meeting 1976/77-6S (18 March 1977), Ottawa, University of Ottawa Archives (Fonds 23, container 4018).

[13] Minutes of Faculty Council Meeting 1977/78-4R (7 April 1978), Ottawa, University of Ottawa (Fonds 23, container 6801, 2).

[14] Letter from Rector Roger Guindon to the Ministry of Education (7 November 1979), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program 1976-84).

[15] Letter from the Ministry of Colleges and Universities to Rector Roger Guindon (6 June 1977), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program 1976-84).

[16] Letter from the Ministry of Colleges and Universities to Rector Roger Guindon (20 March 1978), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program 1976-84).

[17] Letter from the Minister of Colleges and Universities to Rector Roger Guindon (9 April 1980), Ottawa, University of Ottawa Archives (Funds 23, container 3739, file French Language Program 1976-1984).

[18] *Plan quinquennal de développement du Programme de common law en français de la Section de common law* (9 December 1987)), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program 1987-1994).

[19] *Subvention de maintien des Programmes en français financée par CEFO* [unpublished, archived at Administrative Office], University of Ottawa Faculty of Law Common Law Section, cited in Louise Bélanger-Hardy *et. al.*, *Rapport sur les personnes diplômées du programme de common law en français de l'Université d'Ottawa* (Ottawa : Faculty of Law, University of Ottawa, 2006).

[20] Minutes of Faculty Council Meeting 1977/78-1R (September 30, 1977), Ottawa, University of Ottawa Archives (Fonds 23, container 6801, file Faculty, 2). The first members were Dean Henry Albert Hubbard, professors Fred Bobiasz and Saul Schwartz and student Vahan Kololian.

[21] Minutes of Regular Faculty Council Meeting 1R, (13 October 1978), Ottawa, University of Ottawa Archives (Fonds 23, container 4018, file Section Council 1975-79 – Minutes Doc/Ag, 1).

[22] Louise Bélanger-Hardy *et al.*, *Rapport sur les personnes diplômées du programme de common law en français de l'Université d'Ottawa* (Ottawa : Faculty of Law, University of Ottawa, 2006). The post of Vice-Dean was held by John Manwaring (1987-1990), Marc Cousineau (1990-1993), Josée Bouchard (1993-1995), Louise Bélanger-Hardy (1995-1999), Denis Boivin (1999-2001), Martha Jackman (2001-2002), Yves Le Bouthillier (2002-2005), Gabrielle St-Hilaire (2005-2007) and Nicole Laviolette (2007-present).

[23] Interview of Roger Beaudry by Laura Ross (3 August 2007).

[24] See *A Five-Year Plan for the Common Law Section of the Faculty of Law* (Ottawa: University of Ottawa, December 1981) [Five-Year Plan].

[25] Interview of Joseph Roach by Laura Ross (23 May 2007).

[26] *Ibid*.

[27] Letter from Education Minister Bette Stephenson to Rector Roger Guindon (16 March 1981), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program 1976-84).

[28] Memorandum from Dean Alfred William Rooke Carrothers to Faculty Council (26 November 1981) 6, Ottawa, University of Ottawa Archives (Fonds 23, container 1, file Council).

[29] Roger Guindon, "L'enseignement et la pratique de la common law en français" in *Coexz équitable-La dualité linguistique à l'Université d'Ottawa,* vol. 4 (Ottawa : University of Ottawa Press, 1998) 99.

[30] See the discussion paper prepared by Associate Dean Michel Bastarache for the "superior administrative body of the University of Ottawa " (11 March 1987), Ottawa, University of Ottawa Archives (Fonds 23, container 2, file French Language Program 1985-86). See also *Plan quinquennal de développement du Programme français de la Section de common law – Université d'Ottawa* (9 December 1987), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program 1987-94), cited in Louise Bélanger-Hardy *et. al.*, *Rapport sur les personnes diplômées du programme de common law en français de l'Université d'Ottawa* (Ottawa : Faculty of Law, University of Ottawa, 2006).

[31] Interview of Ronald Caza by Laura Ross (16 July 2007).

[32] Interview of Yves Le Bouthillier by Laura Ross (2 August 2007).

[33] See *A Five-Year Plan for the Common Law Section of the Faculty of Law* (Ottawa: University of Ottawa, December 1981).

[34] Memorandum from Professor Joseph E. Roach to Dean Alfred William Rooke Carrothers (5 October 1981), Ottawa, University of Ottawa Archives (Fonds 23, container 1, file Council). See also Letter from Vice Rector Antoine D'Iorio to Bette Stephenson (30 March 1981), Ottawa, University of Ottawa Archives (Fonds 23, container 3739, file French Language Program) and Minutes of Faculty Council Meeting 1981/82-4R (8 January 1982), Ottawa, University of Ottawa Archives (Fonds 23, container 7774, file Faculty Council 1981-1982).

[35] *Proposal for Reform of the French Language Program* (16 February 1985), Ottawa, University of Ottawa Archives (Fonds 23, container 7774, file Faculty Council 1981), cited in Louise Bélanger-Hardy *et. al.*, *Rapport sur les personnes diplômées du programme de common law en français de l'Université d'Ottawa* (Ottawa : Faculty of Law, University of Ottawa, 2006).

[36] Amended Minutes Faculty Council 3R (29 November 1985), Ottawa, University of Ottawa Archives (Fonds 23, container 7774, file Faculty Council 1981-1986).

[37] Letter from Susan Mann Trofimenkoff to Dean Albert Hubbard (5 May 1986), Ottawa, University of Ottawa Archives (Fonds 23, container 2, file French Language Program 1985-86).

[38] La *Loi sur les services en français,* L.O. 1986, c. 45 guarantees individuals In Ontario the right to receive provincial government services in French in designated areas of the province.

[39] Minutes Faculty Council 4R (10 January 1986), Ottawa, University of Ottawa Archives (Fonds 23, container 7774, file Faculty Council 1981-86). The certification was included for the first time on the statement of persons receiving their diplomas in 1988.

[40] Interview of Gabrielle St-Hiliare by Micheline Laflamme (3 October 2007).

[41] Interview of Denis Boivin by Adél Gönczi (25 July 2007).

[42] Detail of AUO-NEG-NB-101-96-128-7. Bélanger-Hardy.

[43] Interview of Louise Bélanger-Hardy by Adél Gönczi (25 July 2007) [Belanger-Hardy, interview].

[44] Interview of Denis Boivin by Adél Gönczi (25 July 2007).

[45] *Ibid*.

[46] Interview of Louise Bélanger-Hardy by Adél Gönczi (25 July 2007).

[47] Interview of Nicole LaViolette by Adél Gönczi (20 August 2007).

[48] *Ibid*.

Dean Donald McRae[2]

THE JOURNEY TO EQUITY: THE SHIFT FROM RHETORIC TO REALITY IN LEGAL EDUCATION[1]

Transformation for equality must be a core value, perhaps the only core value, of legal education. …Equity cannot be an "add-on" or "afterthought." It must be the first priority and arguably the only priority: the majoritarian agenda will always look after itself.[3]

Professor Sanda Rodgers

Donald Malcolm McRae was born in New Zealand in 1944.[4] He obtained his LL.B. at the University of Otago in New Zealand in 1966. Upon graduation, he became an Assistant Lecturer in the Faculty of Law for two years at the University of Otago, and obtained his LL.M. in 1967 at the same university. The following year, Professor McRae was promoted to Lecturer.

After completing graduate work at both Cambridge and Columbia Universities, Professor McRae was granted a Diploma in International Law from Cambridge in 1970. He then took up a post as Assistant Professor in the Faculty of Law at the University of Western Ontario. He stayed for two years, and took a post at the University of British Columbia (UBC) in 1972, where he advanced from Visiting Associate Professor to Professor within five years. In 1977, Professor McRae also became a Visiting Fellow at the Centre for International Studies at Cambridge University for a year. Professor McRae was Associate Dean of Law at UBC from 1980-1982,[5] and maintained his teaching duties there until 1987. His body of work includes publications in the areas of contracts, international law, human rights, and the law of the sea. During his time at UBC, Professor McRae took a three-year sabbatical to work at Foreign Affairs in Ottawa, where he fell in love with the city.

In 1986, the University of Ottawa's Faculty of Law began to search for a new dean who was capable of leading the faculty in its efforts to change the scope of law school–both administratively and educationally. A significant number of faculty members viewed equity–the equal treatment of people of different gender, race, class, language, national origin, sexual orientation and ability–as the lens necessary to carry out this type of institutional rebuilding.

Professor Brad Morse[8]

Professor McRae's initial desire had been to join the Faculty of Law as a professor since he viewed the University of Ottawa as the "best place to do international law."[6] He was, however, clearly a candidate for a position well beyond that of an ordinary faculty member. Even at this early stage in his career, he had a vast list of accomplishments–including honours and awards from New Zealand, Britain, Canada, and the United States. Furthermore, he came highly recommended by his UBC colleague Professor Bill Black, who was a visiting professor at uOttawa at that time. He also was greatly admired by many of the faculty. Professor Brad Morse, for example, thought that Professor McRae would be a "[g]reat addition to the faculty, a wonderful colleague–frankly a wonderful dean."[7] Based on his character, his administrative ability, and his academic achievements, Professor McRae was chosen as Dean of the Common Law Section beginning in July 1987, when Dean Hubbard stepped down.

Dean McRae was able to see strengths in people and allowed them the freedom to follow their ideas.[9]

Professor John A. Manwaring

Top: Articling Day[10]
Below: Steven Mason, Edward Greenspan, Visitor – Kavanagh Speaker Series, and Brad Hanna, January 16, 1991.[15]

Don McRae's deanship became a hallmark of social justice and equity. He championed a vision of greater accessibility to legal education, and encouraged faculty members to act upon their ideas of reshaping the law school. He believed that "anything that was a good idea in promoting legal education and advancing it in any new and different way was something that the law school should do."[11] Additionally, he decided to build upon the law school's location in the nation's capital in order to set it apart from other law schools. Finally, he encouraged change because he believed that "it was the right thing to do."[12] Some wondered whether Dean McRae sacrificed his own academic interests, during his tenure as dean, for those of an equity agenda. He rejects this, noting that he "maintained an interest in international law, professionally, despite being unable to do much institutionally"[13] while he was Dean. Being Dean, to Don McRae meant, "responding to the needs of the faculty…and developing international law was not one of them."[14]

Don McRae, however, will be the first to say that "the ability to do things often depends on whether you have support."[16] He found that support in the woman who was then Vice-Dean, Sanda Rodgers, as well as in many other faculty members. Under Dean McRae's leadership, the law school exploded with opportunities for change. Professor Martha Jackman recalls that "time was not wasted fighting…instead faculty members spent time on scholarship or committees."[17] Professors were central to the administration of the faculty, and concessions were made to accommodate their personal and professional growth. Professor Sanda Rodgers recalls, "This was a law school that paid attention to and valued family life, under Don [McRae]. People would bring their babies into his office if they needed to."[18] There was even an innovative attempt to create a childcare system where students took turns looking after each other's children. Unfortunately, the time demands of student study schedules eventually put an end to the bold experiment.

Not surprisingly, there was some resistance, both from within and from outside the faculty, to the dramatic new ways in which the law school was changing. Some senior colleagues were critical of the fact that an increasing number of junior colleagues were members of central committees, such as admissions and hiring. McRae stood his ground, taking the view that "the law school should be run by the people who have a long term interest in it,"[19] and noted that the people who were on these various committees "were people who were prepared to do the work."[20] This approach, in keeping with his belief that change was essential, helped to foster a sense of ownership and commitment.

When faculty members feel that they have been part of making a law school, they feel invested in it. So it matters to them what this law school stands for—it matters to them what our students go out and do in the world.[21]

Professor Elizabeth Sheehy

Under Dean McRae's leadership, legal teaching and scholarship began to expand to include feminist and equity-based courses and research. It was during this period that the definition of legal scholarship generally was being expanded to include pro bono work, as well as work towards social change. Professor Martha Jackman recalls uOttawa being the first to recognize the high level pro bono legal advocacy as valuable, and something to be rewarded. Dean McRae also made considerable efforts to have the university recognize this type of work, especially when it came to tenure applications. Dean McRae recalls that he supported this work both because of its importance, and because of the overwhelming number of women engaged in it. He was one of the first deans in Canada to recognize that "women teaching for the first time generally have a harder time than men."[22]

Students in Fauteux Hall.

The faculty also began to recognize that "teaching [must be] sensitive to [gender]issues—just as it must be sensitive to issues of race, class, national origin, and sexual orientation."[23] While there was no attempt to displace traditional black letter law teaching, certain students began to express some degree of resistance to the efforts of faculty members who were diversifying the curriculum. It is fair to say that there was considerable grumbling about it early in the process. The winds of change, however, were evident: growing numbers of students who chose the University of Ottawa precisely because of these changes raised their voices to help silence such protests. One of the students attracted by the changes was Claudette Commanda ('97), who recognized the commitment and work that Professors Patricia Monture, Joanne St. Lewis, and Brad Morse were doing, and yearned to study with them. "I was looking forward to being a student under those outstanding professors,"[24] she explained.

To sustain the new developments that were occurring within the law school, the faculty recognized that it would need to change the composition of the faculty. With each new professor hired, the faculty added to the number of people who understood, valued, and were committed to the work and to the new vision of the law school. Rebuilding the institution became a matter of "chemistry—the right people, at the right time, thinking alike, and getting inspired by one another."[25] Candidates applying to teach at the law school were often asked about their pro bono work,[26] because the Hiring Committee wanted to ensure that potential professors recognized, and appreciated, what it was that the law school was trying to accomplish. Greater student involvement was also one of the new goals, and on October 21, 1987, the Hiring Committee accepted the students' request to sit on the committee.[27] Student participation in hiring is still an integral part of the law school's recruitment of professors more than a decade later.

The professors who stand out in my mind are George Adams, who shared with his students an amazing amount of professionalism, intelligence, and knowledge; Ellen Zweibel, who is a fantastic mentor as well as an enthusiastic professor; and Jamie Benidickson, who was always patient, thoughtful, and wise with his students.[28]

Penny Collenette ('91)

To assist with the growth of the faculty and in recruiting quality candidates, the traditional requirement that applicants hold an LL.M. degree was loosened. This was in recognition that many otherwise ideal candidates might not have been able to attend international graduate schools due to family or financial constraints. Dean McRae also expanded the outreach of faculty recruitment, visiting LL.M. students across North America in an effort to attract the very best candidates.[29] Professor Jackman recalls his commitment to recruitment as distinctive among the other Canadian law schools, and recollected that he was the only Dean who had come to Yale while she was an LL.M. student. Professor Jackman and her colleagues were "positively impressed by him–both by his energy and what he was proposing to do."[30] That same energy and vision were apparent when candidates visited the law school and met with faculty members.

There was also a conscientious effort to increase the size of the faculty in the French Common Law program. Dean McRae sent out numerous letters to law faculties across the country seeking the names of LL.M. students who possessed the ability to teach in French.[31] There was discussion about publishing ads in the *Globe and Mail*, the *National*, the *Ontario Reports*, and the *Ontario Lawyers Weekly* in order to reach a wider audience.[32] Promising students in the French Common Law Program were encouraged to complete the LL.M. degree at the law school of their choosing. The Faculty of Law offered to assist students in need with financial resources to help defray the costs of obtaining an LL.M. Funds were offered on the basis that if offered a job at the Faculty of Law upon completion of his/her degree, the recipient would accept.

Dean McRae at a reception with students.[33]

Dean McRae placed a high value on classroom teaching, and showed this by teaching a full-year contracts course to first-year students, as well as an upper year seminar. Although he already had a heavy schedule as Dean, he felt that "keeping in touch with the students was the right thing to do."[34] Dean McRae used his time in the classroom to foster an open door policy between himself and the students. Professor Ravi Malhotra ('98) remembers that, for some students, his ability to engage the class became "the highlight of their time in those days… Don McRae lectured about case law as if it were poetry. …"[35]

Dean McRae's contact with the students was frequent. He was a dean that students saw, and a dean that was accessible, and a dean that wanted to have contact with the law students…he did a lot to discourage terror in students, and he did a lot to encourage access and communication.[36]

Professor Camille Nelson ('94)

Dean McRae went to great lengths to ensure that students felt comfortable at the law school, and that they knew they were valued. For students in the French Common Law program this was critical, as they had often felt disassociated from the law school. In its early years, the program had functioned as a committee of sorts to the larger operation of the English Common Law program. There was a sense among some French Common Law students that they had to justify their presence in the faculty, their qualifications to study law, and that they were constantly fighting to be positively acknowledged. Dean McRae "made tremendous leaps and bounds in learning French, and speaking it, and using it openly."[38] This simple effort helped French Common Law students overcome their feelings of being "second-class citizens."

Students' Lounge, 1989.[37]

Students dealt with issues in a very positive way, and everyone felt fairly treated. They were also a very social group, and they worked hard to have a lot of fun. They had a lot of spirit.[39]

Perry Dellelce ('90)

Dean McRae led the school through a time of intense change. Although a self-reflective McRae remains critical of his efforts to address the conflicts at the law school, faculty members saw Don McRae as a strong shield around what they were trying to accomplish. They recall him standing up and defending the law school's actions whenever necessary. Dean McRae stepped down at the end of his appointed seven-year-term at the Faculty in order to return to academic work. Sanda Rodgers, Vice-Dean under Don McRae, was appointed Dean in July 1994. Her mandate was to follow through on the equity work begun under Dean McRae.

Top: "Class Notes," October 1991. Photo by Stephanie Krug. Bottom: Book Launch of Lawyers and the Nuclear Debate. *Dean McRae, Maxwell Cohen, and Margaret Gouin.*[40]

A NEW ADMINISTRATIVE STRUCTURE

Although Dean McRae's ambition to master and utilize the French language helped to foster a more positive environment at the law school, language tensions persisted in the early 1990s. The dynamics surrounding the Meech Lake Accord also affected relations between the French and English students. It was, in part, because of these growing tensions that the French Common Law program was established as its own administrative entity within the Faculty of Law in 1993. Under the original structure, the French program had had fewer seats on the faculty council and assembly. The creation of a separate administrative entity gave the French Common Law program an equal number of seats on the faculty council and created two separate assemblies for the French and English programs. This allowed each entity to govern its respective programs independently, and gave the French program a sense of security it had hitherto not known.

Under Dean McRae's guidance, the regulations of the Common Law Section were amended to provide for the election of an equal number of professors from the English and French programs to Faculty Council. In addition, two vice-dean positions were created, one for each program. Both English and French programs were constituted as autonomous entities and were given control over their own admission process, hiring decisions and curriculum development, while the Examination Committee remained as a joint committee of both programs. Time has shown that the administrative renewal under Dean McRae has worked very well, and has allowed room for collaboration between the programs on matters of interest to the entire Common Law section while giving the French Common Law program the autonomy it had been seeking for many years.

The fact that you had a dean that took a leading role in showing francophone students that they were a part of the law school– that reassured francophone students quite a bit. It made us feel that we were important–that we were a program that had a place in the faculty, and that the French Common Law program was being taken seriously.[41]

Professor Denis Boivin ('91)

Human Rights
Research and Education Bulletin

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People with Disabilities –
On the Long Road to Integration

HRREC Bulletin, Number 21, March 1991.

MAKING THE IDEAL INTO REALITY

The Human Rights Research and Education Centre, established at the University of Ottawa under the leadership of Walter S. Tarnopolsy in May 1981, came into much higher visibility during Don McRae's deanship. Five years after the Centre's inception, in response to a donation from Gordon F. Henderson and his family, the University established the first Chair in Canada dedicated to human rights research. In 1991, Dean McRae publicly inaugurated the Human Rights Chair as the Gordon F. Henderson Chair in Human Rights. The event announcing the naming of the human rights chair was more than a nostalgic "thank you." It was a celebration, as well as a sign of appreciation for the Hendersons' support of such a great work. This support was further demonstrated by the announcement of the Gordon F. Henderson Endowment Fund, which continues to provide resources to the Human Rights Centre. Mr. Henderson's generous endowment was matched by the Secretary of State and topped up by the University of Ottawa for a total of one million dollars.

> *Outside my window there is a monument that says all human beings are free and equal in dignity and rights. It's an ideal, but I wonder if it is the reality? There are children in this city who are too hungry to learn or to stay in school. One of the universal declarations of rights is education. Is it in reality? It certainly appears to be ephemeral. This Centre will be the basis to make the ideal into reality. The challenge of this Centre is to define the balance of effective rights and translate the ideal into reality.*[42]
>
> Gordon F. Henderson

In 1992, Dean McRae invited Professor Errol Mendes, who was on sabbatical from Western, to visit the law school. Professor Mendes remained at the Faculty of Law and, in 1993, was appointed as the Director of the Human Rights Centre. Early in Professor Mendes' administration, he was approached by the Department of Foreign Affairs to foster a dialogue on human rights with academics at China's leading university. This culminated in a path-breaking text, *Human Rights: Chinese and Canadian Perspectives*. The treatise became an influential factor in the signing of the first human rights agreement in China. Based upon the Centre's great success in China, it was invited by the Canadian government to embark on similar dialogues about human rights in other countries.

Throughout the course of its existence, the Centre has made significant contributions to enlightening the world about human rights issues, as well as unprecedented inroads in the eradication of human rights violations. Additionally, the Centre has been, and continues to be, a widely recognized and highly respected institution. It has found great acclaim domestically and internationally, with those affected by rights' violations, academics and politicians.

COULD NOT SURVIVE WITHOUT IT

Throughout the 1980s, the use of computers in the practice of law grew rapidly. Few law schools–uOttawa among them–were equipped with the resources to assist students and professionals in becoming computer literate. Students were not the only segment of the faculty without computer facilities at the law school. Neither professors nor administrators had personal computers.

University of Ottawa President Marcel Hamelin, the Honourable Mr. Justice W. D. Chilcott, Dean Donald McRae, Dean Raymond Landry (Civil Law Section)

Visiting Professor Bill Riley from the University of British Columbia, was the first to approach Dean McRae with the idea of establishing a computer facility at the law school. Dean McRae required little convincing, as he had been previously exposed to the use of computers as a professor at the University of British Columbia's Faculty of Law. Dean McRae was the first uOttawa law school dean to have a computer in his office, and he soon "realized that he could not survive without one."[43] Under his deanship, all faculty, and staff members received desktop computers as well.


UNIVERSITÉ D'OTTAWA UNIVERSITY OF OTTAWA

Deans Donald M. McRae and Raymond Landry
request the pleasure of your company
at a reception in honour of

The Honourable Mr. Justice W.D. Chilcott
to mark the naming of the W.D. Chilcott
Computer Facility in the Faculty of Law

Wednesday March 13, 1991
5 p.m. to 7 p.m.
3rd floor lounge, Fauteux Hall
57 Louis Pasteur, Ottawa

R.S.V.P. 564-2504/4983

Chilcott invitation.

Dean McRae and Professor Riley worked together to establish collaboration between the Faculty of Law, the Law Society of Upper Canada, and AT&T to finance a state-of-the-art computer lab. Incorporating the use of computers into the fabric of legal education assisted students to become computer literate lawyers from the outset. The new lab opened in 1988 in the law school's library.

The computer lab quickly became a central part of the legal community in Ottawa. It was widely used, not only by students and staff at the law school, but also by Bar Admission Course students, members of the local bar, and judges attending at The Canadian Judicial Centre. Judges participated in courses such as "Computers for Judges," which was offered by visiting Professors Robert Franson and Bill Riley.[44] Additionally, Professor Franson spent a part of his sabbatical from the University of British Columbia teaching courses to law students using computer technology.

On March 13, 1991, a few years after the lab's inception, it was formally dedicated as the W.D. Chilcott Computer Facility, in honour of Justice Chilcott, former Treasurer of the Law Society of Upper Canada. Justice Chilcott was an obvious choice, as he was the first Treasurer that the Law Society had ever selected from Ottawa, and indeed, from anywhere outside of Toronto. Justice Chilcott had enthusiastically supported the idea of the lab from the outset, and had helped to secure the support of the Law Society of Upper Canada for the project.[45] The naming of the computer lab was also a symbolic gesture of the law school's commitment to the VISION Campaign, a University-wide fundraising and endowment seeking initiative.

A STEP IN THE RIGHT DIRECTION

As part of the equity mandate, the faculty also made radical changes to admissions policies designed to increase the diversification of the student body. It was the leadership of Professor Ellen Zweibel that forged the path for the admissions changes shortly after Dean McRae arrived at the University. The new admissions policy expanded entrance criteria to give weight to more than just prior academic success. These changes were "an attempt to say that the law school had to do something to change things, instead of sitting back and waiting for it to change itself."[46]

Professor Zweibel discovered that despite the fact that most Canadian law schools had been using a combination of LSAT and Grade Point Average scores to select law students from amongst the large number of applicants, there was no empirical data available to show a correlation between LSAT/GPA scores and success as a lawyer.[47] With the aid of the Admissions Committee, she began reviewing the admissions processes used by law schools across the country. The committee was most impressed with the method used by McGill University's Faculty of Law.

The Admissions Committee eventually implemented a process, based on McGill's approach, of multiple reviews of each candidate's file instead of using the old LSAT/GPA ratio. They also revised the application package, which permitted applicants to expand on their profiles, making the process "more student-friendly."[48] Additionally, the Admissions Committee utilized the services of the Education and Equity Director, once this post was established, as well as members of the Aboriginal Advisory Committee, to review applications that were initially rejected. This helped to ensure that students with skills that would make them successful lawyers were not overlooked simply on the basis of LSAT and grades. The new process created checks and balances, while expanding the definition of merit-based admission. As Professor Zweibel noted, "the changes affected every student and allowed the Admissions Committee to find what they were looking for in a good law student."[49]

> *Detractors thought that everyone who was coming in was a marginal student, and that we were lowing our standards—that was not the case. In fact, many of these students were stronger because of what they brought in terms of their backgrounds—their life experiences, their desires, their drives, their motivations, their consistency, their diligence, their creativity, and what they wanted to give back.* [50]
>
> Professor Camille Nelson ('94)

Despite the concerns expressed by some that diversity might lower standards, the entering classes continued to produce stellar performances. One example of this is the University's performance in Moot competitions. In 1988, Yves Le Bouthillier coached Gilles Daigle, Francois Henrie, and Lise Lafreniere to a win at La Coupe Moncton-Ottawa.[51] That same year, James Carlisle, Georgina Pickett, Andrew Lokan, and John Zimmer, advised by former Gale Cup winner John O'Sullivan ('86), won the Gale Cup.[52] Two years later, in March 1990, Rita Theil, Andrew Macdonald, Perry Dellelce, Andrew Dorbrenis, and Richard Hoffman made up two teams that represented the Common Law Section for the first time in the Kaufman Cup Moot, hosted at Fordham University in New York. The moot was based on U.S. securities law, and Tom Houston coached the team. Mr. MacDonald and Ms. Theil advanced to the quarterfinals, where Ms. Theil won the best oralist prize and Mr. MacDonald placed third.[53]

Despite these indications of success, opposition to the new admissions process continued. It was probably a measure of how innovative the scope of the changes actually was. Professor St. Lewis recalls that the complaints were so widespread that, eventually, "there was a view at the Law Society of Upper Canada that the law school had a different standard for admitting people from marginalized backgrounds, when in fact it was an integrated, single policy. It was critical that we explain this because if the regulators believed that our students were substandard then they would have trouble getting articles."[54]

> *I frankly was not interested in going to an institution where I would be a faceless student again.*[55]
>
> Professor Camille Nelson ('94)

In March 1990, Dean McRae defended the new admissions approach to the Law Society of Upper Canada. He asserted that the law school had not created special admissions categories to encourage the participation of minority community members, and that "present admissions criteria [did] not appear to be a barrier to obtaining a representative class."[56] The merits of the law school's new admissions policy were best illustrated by the fact that students of colour fared very well in their legal studies at the University of Ottawa.

uOttawa has consistently produced excellent students of colour. Compared to other law schools we are light years ahead. We are rigorous, and we are recruiting students of colour, and they are graduating, and getting good jobs, and getting clerkships.

That does not happen accidentally.[57]

Professor Camille Nelson ('94)

Summer "Pre-law" course, 1991.[61]

While the new admissions approach sought suitable applicants outside the rigid LSAT/GPA formula, the Admissions Committee was also committed to finding conventional LSAT/GPA applicants from marginalized communities. In order to debunk "the presumption that every person from a marginalized community was automatically struggling or not getting "As" [in undergrad],"[58] there were concerted efforts to reach out to these types of potential candidates as well as to recruit according to other criteria. Dean McRae wrote directly to students of colour who had achieved academic excellence, and urged them to consider studying law at the University of Ottawa.[59] This outreach captured the essence of what the law school was attempting to illustrate, that "the law school should reflect the diversity of the Canadian population."[60]

While attracting students from diverse backgrounds to help the law school reflect the make up of Canadian society, it also posed additional challenges to the faculty and administration. In particular, the law school concluded that it needed to put measures in place to help some of the diverse students who had not had great academic success previously. At first, there was some ad-hoc programming, but in 1989, the faculty created the Education and Equity Program, under the leadership of the Equity and Education Director.[62] The first of its kind in Canada, this program attempted to address the needs of members of all marginalized groups in the legal profession at the same time–racial, ethnic and cultural minorities, students with disabilities, and the poor.

The law school was not reacting to a crisis. This meant that there must have been some kind of critical conscience from some of the faculty to move forward on equity; but it was not coming because they were sitting in a community that was putting a lot of external pressure on them.[63]

Professor Joanne St. Lewis

Professor Joanne St. Lewis became the first director of the Education and Equity Program. She worked closely with the Admissions Committee and the Dean to foster greater accessibility to law school for people who had otherwise been underrepresented.

Professor Joanne St. Lewis and colleagues.

The program "created a culture, and an environment where students had a supportive community."[64] Paul Okalik ('97), the first Premier of Nunavut, recalled that the atmosphere at the law school was "very positive. I associated with a minority population at the school, and I appreciated the camaraderie with fellow minority students. The openness of professors–whether it was Professor Sullivan in contracts or Professor Chartrand in Aboriginal law or Professor Ratushny–was encouraging. They were all very supportive and open to minorities."[65]

You cannot take the brightest and very accomplished people in their own right from their communities, and shove them into a system that does not meet their needs or pull at their talents–it only batters their self-esteem.[66]

Professor Ellen Zweibel

Although for many marginalized students, the Equity and Education Program was primarily about getting academic support, for others it was about "having a safe space created by the equity officer, even physically, where students felt they could exhale, because frankly, some of the other spaces in the school did not feel quite so safe, nor did they feel like they were spaces for some."[67]

The Education and Equity Program also offered tutorials to students from marginalized groups to help ensure their success in law school. Initially, this also drew controversy. Some of the eligible students worried about participating in the tutorials at the risk of making themselves further marginalized. Additionally, some of the students who were not from marginalized groups worried that they were not getting the same leverage as eligible students. Shortly after the commencement of the tutorial program, a decision was made to make the tutorials available to all students. This substantially reduced the early opposition. The needs of marginalized students for a "safe" space were not sacrificed. They benefited from special meetings directed exclusively to them, providing a space in which they could feel comfortable seeking assistance.

It seemed wrong to let these groups flounder like that when they had the raw talent…There is something about the way law schools teach or how they examine that just doesn't work.[68]

Professor Ellen Zweibel

The Education and Equity Program attracted great interest, in part simply because of its novelty. Much time was spent explaining to people what the law school was trying to do. "Joanne St. Lewis played a pioneering role in getting the university to understand what we were doing."[69] One of the biggest lightning rods proved to be the accommodation exams–where students with special needs are allowed to make special arrangements to complete their exams. These accommodations can range from extra time to complete an exam, to typing instead of writing by hand or completing the exam orally. According to Professor McRae, "when jobs are hard to get, people look over their shoulder for someone to blame. It was more about the job market than real opposition to accommodation."[70]

My best moment was my first day of law school. I was living my dream. I always wanted to be a lawyer, and I couldn't believe that I was actually in law school, that I was going to be a lawyer. Graduating was close behind that because I earned it.[71]

Premier Paul Okalik

With the success of the Education and Equity Program came increased interest from other universities and students across the country. Even uOttawa's Faculty of Education wrote to the law school asking for insight on how they might establish a successful equity program.[72] Professor St. Lewis recalled attending several speaking engagements at the request of various law school groups

at other universities. Professor McRae used these engagements as a platform to educate others about the program, as well as on the need for increased equity in law schools.

Both the changes in the admissions process and the Education and Equity Program became resounding successes. By the end of Dean McRae's term, 50% of Common Law graduates were women. Additionally, the numbers of students from other formerly marginalized groups had grown significantly. While these changes did not single-handedly change the face of law, they demonstrated that uOttawa was leading the way in fostering progressive change inside the law school and the legal profession.

Brian Dickson Law Dinner – August 24, 1988.

TEACHING JUDGES

The Canadian Judicial Centre was established to meet the needs of continuing education for our nation's judges. In 1988, the University of Ottawa was chosen from amongst eight other schools to house the Centre. The placement of the Centre at the University of Ottawa was an important recognition of the Faculty's approach to legal education as well as the spectrum of resources it had available. These resources included access to the Civil Law program, an unprecedented French Common Law Program, a state-of-the-art computer lab, and a faculty that possessed a progressive and conscientious approach to understanding the issues facing marginalized groups in the community and the legal system.

> *I am impressed with U of O, which only confirms the soundness of the decision…to locate the Centre at the University of Ottawa. A decision, I might add, that was based for the most part on the excellence of both its Common Law and Civil Law [Sections].*[73]
>
> The honourable Mr. Justice David Marshall

The intersection between the Centre and the Faculty was most evident in the efforts of some judges, such as Justice David Marshall, who agreed to give lectures and assist at the law school where possible. Also, professors at the law school taught courses at the Centre, and students had opportunities to work at the Centre during the summer.

Faculty and staff members, VISION campaign 1991.

VISION AT THE UNIVERSITY OF OTTAWA

In the early 90s, cuts by the provincial government to funding for post-secondary education threatened the growth of the law school. In an effort to combat these cuts, the University of Ottawa announced the launch of the VISION campaign in 1991 to raise 34 million dollars. The Faculty of Law signed on to do its part in securing funds to maintain the standard of education at the law school, and provide opportunities for continued growth. While Dean McRae recognized that "there were serious questions about private funding in public institutions,"[74] he did not recall any issues stemming from the endowments received during his time as Dean.

But for the University of Ottawa, I wouldn't be where I am today. I think I owe the university something, so that's why I give back. Also, the cost of going to university is so expensive… It would break my heart if a student who wanted to go to law school couldn't go simply because of tuition… from my perspective, it's something I should do.[75]

Perry Dellelce ('90)

Reception to honour first appointee of Hyman Soloway Chair of Business and Trade Law, Calvin S. Goldman Q.C., November 23, 1989. L to R: Dean McRae, Hyman Soloway, Cal Goldman.

Dean McRae made a call to alumni and friends of the law school to support the VISION campaign.[76] This marked the law school's formal entrance into a tradition of alumni support that would help to build, sustain, and enrich academia at the law school. It was the first foray into faculty fund-raising, and Professor McRae considers his efforts "in getting any kind of alumni interest or willingness to contribute…less than successful."[77] The strength of the campaign, however, was clearly evident when Hyman Soloway generously contributed an unprecedented donation of $300,000[78] to establish the Soloway Chair in Business and Trade Law,[79] on November 16, 1988. These early efforts helped to establish excellent relationships with alumni supporters and placed the Faculty of Law on a path that has culminated in a history of alumni support.

THE RIGHT THING TO DO

L to R: *Annual Law Dinner, National Arts Centre, March 22, 1990. Dean McRae ('60), Lord Goff of Chieveley, and David W. Scott*

While the University of Ottawa's Community Legal Clinic has had a history of excellence in the community and has found general favour in the Provincial Courts,[80] it also experienced some turbulent times. During the late 1980s, there were complaints of student deficiencies at the Clinic from both clients and professors. Professor Sheehy expressed these concerns to Dean McRae in a memo in the fall of 1987. The concerns centred on the lack of student supervision at the Clinic, as well as the potential for student negligence. With Professor Sheehy's memo coming on the heels of a letter from a community resident, the Legal Aid Committee immediately began to look at the institutional structure of the Clinic in an effort to address the concerns.[81] Professors Louise Charron and Lee Stuesser as well as Mr. Clarey Sproule led the subsequent internal review of the Clinic.

Legal Aid Chairman, Professor Lee Stuesser called for "the faculty…to be involved and to ensure that rules and procedures [were] abided by" in order to redress the problems. The Legal Aid Committee instituted reforms, based on the findings of its 1987-88 internal review of the Clinic, which have survived until the present day.[82] A class on the law of Evidence was offered in the first semester of the academic year to ensure that students would understand the rules of evidence in order to undertake a trial. Supervision of students at the Clinic increased dramatically. Intense file supervision was introduced. Files were summarized by students and presented to the lawyer acting as Review Counsel, as an initial step in case management. Additional funds were made available to employ a legal professional to assist with ongoing file review after a file had passed through the review counsel stage. It was also recommended that students working at the Clinic not be left with the sole responsibility of hiring incoming students, but, instead, sit on a hiring committee with their supervisors.[83] In addition to working at the Clinic, first-year students could participate in a shadow program, where they were paired with an upper-year student working at the Clinic.

After first year, I was a summer student with the clinic and it really helped me understand… the law, and I did much better in my writing and my exams. …But for being involved with the Legal Aid Clinic, I don't think my experience would have been as rewarding. That was the highlight of my law school studies. …It gave me grounding, it gave me connection, …you learned the law from hands-on experience… the practical experience just provided me with a much more solid foundation in studying law. For me, it was also an opportunity to advance the rights of my people. I was representing Aboriginal clientele in Ottawa… As a First Nations person, it was important for me to be involved… and it gave me the opportunity to maintain my connections with First Nations people.[84]

Claudette Commanda ('97)

In 1990, the Clinic created a Women's Division in order to increase the Clinic's responsiveness to the needs of its female clients. In an effort to further the needs of this population, the Clinic decided not to represent men who had been accused of violence against their intimate partners. While the decision not to represent male batterers was not unique to the Legal Clinic–Osgoode Hall's Community Legal Aid Services Program, and Parkdale Community Legal Services had instituted similar policies–it was not without controversy.

Some members of the defence bar in Ottawa characterized the Legal Clinic's policy as discriminatory, and took harsh measures to try to force its revocation. Initially, they prohibited Clinic students from attending remand court. The prohibition remained in place for almost a full year while the parties battled over the resolution of the dispute. The County of Carleton Law Association also passed a resolution to withhold operational funding to the Clinic until the policy was revoked.[85]

Working at the Legal Clinic.

If the Clinic accepted the man and was forced to reject the woman, there would be no place to refer her as OLAP (Ontario Legal Aid Plan) did not assist women through criminal prosecutions. Therefore, they were providing women with a service which had been nonexistent without depriving men of their right to a defence.[86]

Professor Jennie Abell

The law school battled to save the policy, which Dean McRae insisted was not discriminatory at all. Rather, it sought to create a safe place for a segment of the community that had been previously unable to secure adequate legal representation. The Clinic staff had taken care to make alternate arrangements for the legal representation of men embroiled in disputes involving violence against women through the Ontario Legal Aid Plan. The law school defended the Clinic's position at hearings held by the Law Society–first at Fauteux Hall, then in Toronto. While there was some opposition to the policy from some faculty members at the University of Ottawa as well as from the University of Western Ontario, the Clinic and the law school held fast to their convictions, and were eventually victorious. When Professor McRae was asked why he supported the Clinic's decision right through to their victory, he responded, "It was the right thing to do."[87]

A PART OF THE FEMINIST MOVEMENT

The *Canadian Journal of Women and the Law*, established at Queen's University in 1985, was the first publication of its kind. It provided the first forum to showcase Canadian feminist legal scholarship. Not only was the *Journal* uniquely devoted to feminist scholarship on the law, but it also boasted a commitment to a diverse editorial board, reflective of the diversity of race, ethnicity, language, and ability.[88]

A few years after the establishment of the *Journal* at Queen's, Professor Elizabeth Sheehy was approached by Dean McRae to head the *Ottawa Law Review*. She declined the offer but countered with a suggestion that the University bring the *Canadian Journal of Women and the Law* instead to the law school. Dean McRae agreed, and she and Professor Michelle Boivin from the Civil Law Section became co-editors of the *Journal*.

By the early 90s, the Faculty of Law–including both the Common and Civil Law Sections–had far outpaced their sister faculties of law in terms of the percentage of female professors. The impressive number of women in the two faculties aided in the *Journal's* growth. The bilingual, and bi–jurisdictional knowledge that they brought was also key to the national character of the *Journal*. The publication was assigned space in the building, as well as an unprecedented level of administrative support.

Professors Michelle Boivin and Elizabeth Sheehy (Photo: Stephanie Krug, October 1990).

The *Journal* became a forum in which critical legal thinking and education could flourish. It published articles that examined issues relevant to social change, and it also led in the publication of a type of scholarship that was increasingly found in innovative classrooms. Many of the faculty had begun to introduce elements of "critical legal education" into their courses. Lively debates arose over whether critical legal education belonged solely in specialized courses, or whether it should be fully incorporated into so-called "black-letter" courses as well. The *Journal* helped to further the discussions, and ensured the issues were kept to the forefront of consciousness.

Dean McRae's support of the Journal at the Faculty of Law typified his leadership at the law school: he supported the ambitions of his faculty members. In this particular case, it gave Professor Sheehy both encouragement and resources to accomplish her goal. His open, consensus-building leadership style made him popular with faculty, students, and support staff alike. His ability to implement so many progressive changes reflected both the support he gave the faculty, and the support they gave him. The new equity programs and initiatives began to transform the composition of faculty and student body as well as the curriculum. The curriculum had begun to change both in terms of the subjects that were taught, and the pedagogical methods of instruction. The initiatives Donald McRae promoted within the law school made his deanship and the faculty visible and engaging symbols of leadership at a time when other law schools and much of the legal profession were struggling in deadlock and disarray.

ENDNOTES

1 The basis for this title originated, primarily, out of a discussion with Joanne St. Lewis.

2 Detail of AUO-1011988047R1.jpg. McRae.

3 Sanda Rodgers, "Educating for Equality: The Meaning of Feminist Administration for Legal Education in Canada," in Elizabeth Sheehy and Sheila McIntyre eds., *Calling for Change: Women, Law, and the Legal Profession*, (Ottawa: University of Ottawa Press, 2006) 150.

4 ""UBC law prof to head Common Law Section," *[University of Ottawa] Gazette* XXII:7 (1987) 1, Ottawa, University of Ottawa Archives.

5 *Ibid.*

6 Interview of Donald McRae by Philip Graham (28 June 2007).

7 Interview of Bradford Morse by Philip Graham (13 July 2007).

8 Detail of AUO-NEG-NB-101-84-89-R3-4A. Morse.

9 Interview of John A. Manwaring by Carly Stringer and Laura Ross (12 June 2007).

10 Detail of AUO-NEG-NB-101-89-013-10. Articling Day.

11 Interview of Donald McRae by Philip Graham (28 June 2001).

12 *Ibid.*

13 *Ibid.*

14 *Ibid.*

15 Detail of AUO-NEG-NB-101-91-008-2. Kavanagh Speaker Series.

16 *Ibid.*

17 Interview of Martha Jackman by Philip Graham and Carly Stringer (31 May 2007).

18 Interview of Sanda Rodgers by Philip Graham and Carly Stringer (25 May 2007).

19 Interview of Donald McRae by Philip Graham (28 June 2001).

20 *Ibid.*

21 Interview of Elizabeth Sheehy by Philip Graham (29 June 2007).

22 Interview of Donald McRae by Philip Graham (28 June 2001).

23 Donald McRae, "Dean's Letter" *Common Law Bulletin [University of Ottawa]* (Summer 1990) 1.

24 Interview of Claudette Commanda by Carly Stringer (20 July 2007).

25 Interview of Martha Jackman by Philip Graham and Carly Stringer (31 May 2007).

26 Interview of Sanda Rodgers by Philip Graham and Carly Stringer (25 May 2007).

[27] *Minutes of the Hiring Committee* (21 October 1987) Ottawa, University of Ottawa Archives, (Fonds 23, NB 6799, Hiring Committee 1987-88).

[28] E-mail from Penny Collenette to Amanda Leslie (14 August 2001).

[29] *Minutes of the Hiring Committee* (11 November 1987) Ottawa, University of Ottawa Archives, (Fonds 23,. NB 6799, Hiring Committee 1987-88).

[30] Interview of Martha Jackman by Philip Graham and Carly Stringer (31 May 2007).

[31] Letter from William Angus to Donald McRae (23 October 1987) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Hiring Committee 1987-88).

[32] Letter from William Kaplan to Donald McRae (10 September 1987) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Hiring Committee 1987-88).

[33] Detail of AUO-NEG-NB-101-91-149-10. McRae with students.

[34] Interview of Donald McRae by Philip Graham (28 June 2001).

[35] E-mail from Ravi Malhotra to Amanda Leslie (27 June2007).

[36] Interview of Camille Nelson by Philip Graham (29 June 2007).

[37] Detail of AUO-NEG-NB-101-89-014-24. Students' Lounge.

[38] Interview of Denis Boivin by Philip Graham (19 July 2007).

[39] Interview of Perry Dellelce by Carly Stringer (24 July 2007).

[40] Detail of AUO-NEG-NB-101-88-105-21. Book Launch.

[41] *Ibid*.

[42] "Human Rights Chair named for Gordon Henderson," *Common Law Bulletin [University of Ottawa]* (Summer 1991) 2 at 2.

[43] Interview of Donald McRae by Philip Graham (28 June 2001).

[44] "State of the Art Computer Lab Opens" *Common Law Bulletin [University of Ottawa]* (Winter 1988) 3.

[45] "Computer Facility named after W.D. Chilcott" *Common Law Bulletin [University of Ottawa]* (Summer 1991) 5.

[46] Interview of Donald McRae by Philip Graham (28 June 2001).

[47] Memorandum from Bradford Morse to Ellen Zweibel (20 January 1988) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Admission 1981-88).

[48] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[49] *Ibid*.

[50] Interview of Camille Nelson by Philip Graham (29 June 2007).

[51] "Gale Cup – Ottawa Wins" *Section de Common Law Section Bulletin [University of Ottawa]* 1 (May 1988) 6.

[52] *Ibid*.

[53] "Student wins Best Oralist Prize in Kaufman Moot" *Common Law Bulletin [University of Ottawa]* (Summer 1990) 11.

[54] Interview of Joanne St. Lewis by Philip Graham and Carly Stringer (7 June 2007).

[55] Interview of Camille Nelson by Philip Graham (29 June 2007).

[56] Letter from Donald McRae to Donald A. Crosbie (21 March 1990) Ottawa, University of Ottawa Archives (Fonds 23, NB 5898, Education Equity Program 1989-1990).

[57] Interview of Camille Nelson by Philip Graham (29 June 2007).

[58] *Ibid*.

[59] Letters from Dean [Donald] McRae to Delroy Rhooms, and Sophia Ruddock (19 January 1988) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Admission 1981-88).

[60] *Ibid*.

[61] Detail of AUO-NEG-COL-101-91-122-4. Aboriginal Students.

[62] Anne Tolson, "U of O makes law course accessible to minorities," *The Ottawa Citizen* (18 November 1989) A15, Ottawa, University of Ottawa Archives (Fonds 23, NB 5898, Education Equity Program 1989-1990).

[63] Interview of Joanne St. Lewis by Philip Graham and Carly Stringer (7 June 2007).

[64] Interview of Camille Nelson by Philip Graham (29 June 2007).

[65] Interview of Premier Paul Okalik by Micheline LaFlamme (24 July 2007).

[66] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[67] *Ibid*.

[68] *Ibid*.

[69] Interview of Donald McRae by Philip Graham (28 June 2001).

[70] Ibid.

[71] Interview of Premier Paul Okalik by Micheline Laflamme (24 July 2007).

[72] Letter from Patrick Babin to Donald McRae (1 February 1990) Ottawa, University of Ottawa Archives (Fonds 23, NB 5898, Education Equity Program 1989-1990). See also, Letter from Joanne St. Lewis to Yves Lahaie (29 March 1990) Ottawa, University of Ottawa Archives (Fonds 23, NB 5898, Education Equity Program 1989-1990).

[73] "U of O to house the Canadian Judicial Centre" *[University of Ottawa] Alumni News* 38:5 (November 1988) 5, Ottawa, University of Ottawa Archives, (Fonds 98, Ottawa Alumni, Nov. 1988).

[74] Interview of Donald McRae by Philip Graham (28 June 2001).

[75] Interview of Perry Dellelce by Carly Stringer (24 July 2007).

[76] Dean McRae, *"Dean's Message" Common Law Bulletin [University of Ottawa]* (Summer 1991) 1.

[77] Interview of Donald McRae by Philip Graham (28 June 2001).

[78] E-mail from Madeleine Glazer to Amanda Leslie, (9 November, 2007)

[79] Pierre St-Cyr, "Creation of the Hyman Soloway Chair in Business and Trade Law," *[University of Ottawa]Alumni News* 39:1 (January 1989) 5, Ottawa, University of Ottawa Archives (Fonds 98, Ottawa Alumni, Jan. 1989).

[80] Memorandum from Elizabeth Sheehy to Donald McRae Re: Legal Aid Review (16 November 1987) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Legal Aid 1987-88).

[81] Memorandum from Lee Stuesser to Donald McRae Re: Professor E.A. Sheehy – letter of concern on student legal aid (27 November 1987) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Legal Aid 1987-88).

[82] Memorandum from Lee Stuesser to Donald McRae Re: Student Legal Aid (27 November 1987) Ottawa, University of Ottawa Archives (Fonds 23, NB 6799, Legal Aid 1987-88).

[83] *Ibid*.

[84] Interview of Claudette Commanda by Carly Stringer (20 July 2007).

[85] Jennie Abell, "Women, Violence, and the Criminal Law: 'It's the Fundamentals of Being a Lawyer that are at Stake Here'"(1992) 17 Queen's L.J. 154.

[86] *Ibid*.

[87] Interview of Donald McRae by Philip Graham (28 June 2001).

[88] "Canadian Journal of Women and the Law Moves to the Law Faculty" *Common Law Bulletin [University of Ottawa]* (Summer 1990) 7.

Dean Sanda Rodgers[1]

EMBEDDING EQUITY: FEMINIST ADMINISTRATION OF THE COMMON LAW SECTION, 1994-1999

Furthering equality is the only agenda worth paying attention to.[2]

Sanda Rodgers

As Donald McRae's term as dean drew to a close in 1994, choosing a new leader for the Common Law Section became an important venture. The new dean had to be an individual committed to furthering the law school's commitment to institutionalizing an equity framework– one that aimed at combating systemic discrimination and promoting diversity within the legal profession. The new dean also had to be someone who could draw the faculty and student body together–to encourage them to coalesce in order to accomplish this transformation. Sanda Rodgers, a senior member of faculty and a committed advocate of equity initiatives, was chosen to become the next Dean of the Common Law Section.

Sanda Rodgers transformed the law school from a commercially-oriented, "black letter" law school to a law school with a commitment to social justice. Her influence was felt long before she became Dean, in hiring and admissions, in program development and in day-to-day decision-making. As Vice-Dean and then Dean, she handled the many challenges and occasional hostility with grace and sound judgment.

She was an inspiration to the entire community of feminist legal scholars.[3]

Professor Ruth Sullivan

SANDA RODGERS AS A FEMINIST ADMINISTRATOR

Sanda Rodgers' term as Dean began in July of 1994 after serving as Vice-Dean from 1987 until 1993. She obtained both her LL.B. in 1974 and her B.C.L. in 1975 from McGill University. She then spent a year with Montreal firm, Stikeman, Elliot, Tamaki, Mercier and Robb, before completing her articles with the Consumers Association of Canada in consumer and administrative law. Rodgers received her LL.M. from the Université de Montréal in 1978, and took a teaching position at the University of Ottawa's Faculty of Law that same year. She began her teaching career as an instructor in commercial law and consumer protection, with her primary research area being medical law.

Dean Rodgers and Hyman Soloway Receiving Honorary Doctorate, 1996

In the early stages of Rodgers' legal career, gender imbalance in the law was a stark reality. While she was at law school, only three students were female. Gender disparity was again the norm when Rodgers became a professor, with only two other women as members of the law faculty. When she began as a professor, women were not considered for leadership roles within administration.[4] Positions such as dean and assistant dean were considered male roles. This lack of diversity in faculty and in the student-body occurred across all law schools in Canada, and also within the profession as a whole.

In the years preceding Rodgers' move to leadership, a shift in female activity in the job market, and specifically, the legal profession occurred. As more women entered the profession, more were available to take on positions as students, faculty members, and administrators in law schools. The 1980s marked a significant period for women in the legal profession in Canada, with marked backlash occurring against noted feminists in the legal academy.[5] The resistance to the changing face of the practice of law persisted despite rallying calls for change from both those within and those outside of the profession.

… It is only when the mainstream is able to acknowledge the existence of outsider experience that fundamental changes will begin that will eventually transform society and institutions such as law schools.[6]

Patricia Monture-Angus

Rajmohan Gandhi, academic and writer, grandson of Mahatma Gandhi with Errol Mendes, July 25, 1998. The Human Rights Research and Education Centre partnered with the National Arts Centre to create a unique event on the role of the artist in the promotion of human rights entitled, "The Symposium on the Artist and Human Rights."

In the 1980s and early 1990s, historically-marginalized groups made great strides in attempts to diversify the legal profession. Extensive efforts by dedicated lawyers, professors, organizations, judges, students, and advocates aimed at promoting equity had successfully raised awareness of issues and concerns. Despite a certain level of increased diversity in law schools, participation levels still did not represent the Canadian population.[7] Retention and graduation rates of equity-seeking students were still lower than other students. As gatekeepers to the legal profession, law schools had to transform–they had to reflect the diverse needs and experiences of the population.

I started my studies the same year that Sanda Rodgers became the first female dean of the Common Law Section. It was a dynamic time and I enjoyed the conversations with many engaging professors and fellow students…[8]

Professor Ravi Malhotra ('98)

Sanda Rodgers undertook the task of managing the law school as a self-identified feminist administrator. Power-sharing, consensus-building, and fostering relationships were key features of her vision of leadership. Concerned primarily with shifting the understanding of the norm and promoting equity in all levels of the institution, her role as a feminist administrator was to purposefully change policies and practices that perpetuated inequality. Under the Rodgers administration, the Common Law Section became a leader in attempts to ensure that all aspects of the law school environment, from curriculum to common spaces, respected the rights and needs of all members of the law school community.

Dean Rodgers and the Honourable John Manley ('76), 1997[9]

I really enjoyed discussing and learning about concepts such as "equity," "rule of law," and "fairness and equality." I regularly have discussions with my five-year-old daughter regarding the same concepts. They apply not only to legal issues but everyday life.[10]

Vincent Lim ('96)

INCORPORATING EQUITY PRINCIPLES

The institutionalization of equity initiatives under the Rodgers leadership was demonstrated through the variety of programs that incorporated equity principles. An Education Equity Office began under Dean McRae, with a mandate to increase participation of students from marginalized groups within the law school. The Academic Support Program developed as an extension of this Education Equity Office. Through this support program, students who required additional structured support received the assistance necessary to acquire the special skills that legal studies demanded. Tutorials were put in place, for example, to address the needs of mature students who had been away from formal education for some time. Programs for students who had different learning styles along with students with diverse cultural backgrounds, who may have needed support to overcome potential cultural barriers, were implemented, as were programs for students whose first language was neither French nor English, and students with disabilities.[11] As part of the equity mandate, the Office also engaged in active outreach and recruitment of candidates from diverse communities, encouraging those who might not normally consider a law career to apply for admission to the school.

Top: Faculty BBQ
Middle: Common Law Student Society 1996
Bottom: Placement Services, 1996

Support for these students was required not only within the four walls of Fauteux Hall, but also for success outside of the classroom. Recognizing the challenge in securing summer and articling positions, a Placement and Alumni Services Office opened its doors in 1996.[12] The office was designed to provide students with the information needed to understand the practicalities of the legal practice and to provide a link between students and the legal community.[13] Through this service, students could access workshops, obtain advice, acquire resources on firms and alternative careers, and gather information on part-time summer placements and articling positions. By providing students with the information needed to link students with practitioners, the Placement Office also actively encouraged law firms to consider students from varied backgrounds and experiences and connected potential employers with the students.[14]

It was important to focus the help and service of placement on students who are seeking equality in the legal profession. The reason for equity's existence at the law school is to ensure a community of students that is representative of Canadian society. It is logical therefore for the law school to play a part in ensuring such students are given the tools to be able to actively participate and succeed in a legal profession that is also representative of Canadian society.[15]

Rosanna Carreon

Rosanna Carreon

In creating the first placement office of its kind in a law school in Canada, the Common Law Section was ahead of its time in establishing links between its students and the greater legal community. In June 1997, the Placement Office and the Equity Office merged to form the Office of Student Services–Equity and Placement under the direction of Rosanna Carreon, Director of Student Services.[16] This combined office was seen as another trailblazing effort in education equity, combining the services so that students could access assistance more effectively, whether they were to improve access to education or to remove barriers to participation within the law school itself and the profession as a whole.[17]

PRO BONO STUDENTS CANADA

Pro Bono Students Canada (PBSC) was founded in 1996 by Ron Daniels, Dean of the Faculty of Law at the University of Toronto, and Assistant Dean, Bonnie Croll. Their aim was to ensure that legal education included a grounding in the legal professional tradition of pro bono practice. One of the program's main goals was to develop a pro bono ethic in the next generation of lawyers.[1]

Today, Pro Bono Students Canada has grown into a national program involving 20 law schools with over 2000 student members.[2] It is a volunteer program that matches dedicated law students with non-profit organizations, government agencies, other public interest groups, and individuals who need legal research.[3]

The Common Law Section of the Faculty of Law joined the Pro Bono program in 1998, while the Civil Law Section joined in 2004. The bi-jural nature of the law school at uOttawa makes its Pro Bono program unique. Due to the school's location in Canada's capital, students can gain placements with a wide variety of non-governmental organizations, and other not-for-profit organizations.[4] The students gain practical legal experience while volunteering their time at various public interest and community development projects. Student obligations vary from legal research and drafting legislation, to making presentations.[5] These student volunteers donate thousands of hours of legal research, policy and background paper preparation, public education, and advocacy to their host organizations.[6]

1 Juliet Knapton, "Pro Bono – worth more than its name," *Inter Pares,* September 2002 at 3.

2 Pro Bono Students Canada website: http://www.osgoode.yorku.ca/ pbsc/ history.htm

3 "Guided by the Spirit of Justice: Pro Bono at the Faculty of Law" *Bulletin*, Summer 2005 at 30.

4 Mahira Mohtashami "U2 can be Bono!" *Inter Pares*, vol. 5 no 1, September 2005 at 10.

5 Juliet Knapton, "Pro Bono – worth more than its name," *Inter Pares,* September 2002 at 3.

6 "Guided by the Spirit of Justice: Pro Bono at the Faculty of Law" *Bulletin*, Summer 2005 at 30.

OLLIS project students, 1996.[21]

While these administrative support mechanisms were a vital element of the programming, students began to recognize the potential of peer support mechanisms in assisting law students. The Peer Advisor Program was introduced to the Common Law Section in the fall of 1994 by Michelle Farrell ('96), a student who had been involved in a similar initiative at the University of Western Ontario. The objectives of this program were quite simple: to satisfy the need for an extended orientation to law school that would supplement the traditional one-week session in September; to augment existing academic support programs by producing upper-year mentors that were trained to counsel peers on basic academic issues while referring them to other services when appropriate; and to encourage leadership and responsibility through the promotion of a sense of community within the law school.[18] The peer advisor would meet with his or her group of students during orientation week, and then continue to meet with them regularly throughout the year. Overall, the peer advisor program helped foster a sense of community amongst law students.

The greatest quality of the Common Law Section is its students… the student body is the true attractive character of the law school and… it is unique in a way you would not find anywhere else in Canada.[19]

Stuart Huxley ('98)

Dean Rodgers welcomed innovative ideas and encouraged student involvement in all areas of the law school's equity initiatives. In the spring of 1996, a group of students led by Terrance Green ('99) envisioned an equity project that would facilitate access to course materials for print-disabled students.[20] Material in texts and coursebooks was not always available in a usable format for print-disabled students, and as a result, they had to seek out the material in an accessible format, often relying on support tutors for reading or even converting the material to an accessible format themselves. Undertaking these tasks could result in falling behind in studies, and frustration over the complete inaccessibility of the material required to succeed in course-work. Despite efforts being made at the time to support and accommodate new students from previously-excluded groups, basic human resources and efforts were not perfect. The innovative On-Line Library and Information System (OLLIS) envisioned by Green was welcomed and actively supported by the administration.

Christopher Penny ('99), who worked for the OLLIS project as a student, states, "It was Terry's recognition of the need for something like OLLIS that was driving the project. He knew first-hand the challenges experienced by print-disabled students and ways to overcome some of the challenges..."[22] The innovative nature of the project grew out of a desire to ensure that "…students with a print disability had an equal opportunity to study the law…"[23] The project was intended to create the

first comprehensive on-line collection of law material required for legal studies in both official languages. The OLLIS team coded commercial textbooks and other material in hypertext markup language (HTML) so that the materials would be available in an accessible electronic format.[24] Initially, the project garnered significant support from the administration, the publishing community and the government. The Council of Canadian Law Deans endorsed the initiative, obtaining national recognition for the project. The marketing and fundraising plan developed by OLLIS organizers helped secure resources from several funding agencies and government departments. The OLLIS strategy aimed to establish working relationships with law book publishers, who eventually signed agreements with the group.[25] The vision and drive of the students behind this project emphasized its potential for a far-reaching impact on students with disabilities.

As an equity initiative, the OLLIS project recognized that the basic elements of legal study must be flexible, since "…the law itself does not have an immutable essence and… the study of the law must be informed by the diversity of human experiences and personal interactions within society as a whole."[26] The real issue, according to the project's organizers, was about how to remove barriers proactively, and not about where the responsibility to remove barriers lay.[27] In this sense, students were actively involved in ensuring that material would be received in a usable format rather than relying upon the University to provide the service.

While this well-received project had great potential and energy behind it, OLLIS was not without its growing pains and challenges. As a student-run initiative, finding time and appropriate resources to undertake this massive task was difficult. Ensuring the support of all professors proved challenging at times, and without the complete support of all staff, the task seemed even more daunting.[28] Locating the materials and coding them was a lengthy process that demanded a high degree of commitment from faculty, administration, and students. Additionally, the administrative challenges for professors having to organize course materials early were perhaps the most difficult to overcome. For students who were required to spend time dealing with issues of accommodation, participating in regular student activities was also next-to-impossible.[29] The project, however, provided a vision inspired by students who recognized the critical nature of support mechanisms for students.

TRANSFORMATION IN TEACHING

The addition of support mechanisms were among the significant changes being made at the law school during Rodgers' time in administration. This period, however, also saw an evolution in course content, and the manner in which material was being taught. One of the important evolutions was demonstrated through the creation of the Alternative Dispute Resolution (ADR) program for first-year students. The program initially began through the creative influence of Professor Ellen Zweibel, who described the idea for this course as having been developed out of a desire to do something both different and interesting in her first-year property class. She began by incorporating guest lectures from ADR practitioners into her course, who exposed students to the principles of mediation and negotiation in a property law context. Eventually, Professor Zweibel worked with Professor Donald McRae to expand this style to several classes in his first-year contracts course so that all students could be exposed to the basic concepts of ADR.

Professor Zweibel proposed a mandatory one-week mediation course for first-year students. In the early stages of the program, curriculum change was not the goal; rather, the course was considered an experiment in pedagogy.[30] "I convinced professors to give up a week of teaching to try out a new, experimental approach to a course," Zweibel recalls. "It was a persuasive process that was made easier by the camaraderie around change. A momentum had been built around change in the faculty."[31] Zweibel proposed a week-long mediation training program taught in both the English and French Common Law programs that could be used to supplement the traditional adversarial model that was generally accepted as the main teaching style in law school. The skills taught in the course could not be taught through simply reading and discussing cases but, rather, had to

Professor Zweibel and students

be experienced by the students before allowing them to reflect on the process. A traditional focus on appellate cases and adversarial models would not expose the students to these vital skills, and Zweibel's innovative strategy suggested how an experiential approach might be used.

The need to start this kind of program was client-driven… clients want lawyers with these skills. The Common Law Section gives better value to students if we equip them with some practical skills to go into the profession. We give them a rounded, balanced view of what the law is like. Clients don't want to go to court. They want to resolve matters.[32]

Professor Peggy Malpass

A week-long program, called "Mediation Week," was first offered in February 1996 with one week designated for English program students, and the following week for French program students. Prior to this week-long training, students had already received six fall-term classes which introduced them to basic strategies and approaches that would be required for the February session. The program consisted of mock mediations, role-playing scenarios, readings, group discussions, and guest speakers from the legal community. Topics were aimed at exposing students to some of the most important skills involved in the practice of law: mediation, negotiation, counseling clients, ethical issues and power imbalances.

Mediation Week

In the program's first year, approximately thirty practitioners volunteered their time as speakers, panelists, and coaches. By exposing students to a more client-centered approach to a legal career, the models "demonstrated to students that the practice of law is not just adversarial."[33] An experimental training experience was a far cry from the traditional Socratic form of teaching that most students expected as the appropriate method of teaching substantive law. Students were expected to participate in training modules and then reflect on their experience through a form of active learning that challenged students to plan what to do differently when later faced with a similar situation. The great flexibility of the program is one of its best attributes: "We respond continuously to new needs and realities," states Zweibel. "We were definitely ahead of the curve… Nobody had a first-year course that introduced students on a broad-scale to ADR in its many faceted forms."[34]

It really takes the right people with the right chemistry and the right vision. It wouldn't have happened without understanding, accommodating professors willing to give their class time. We just experimented, and then we corrected. Then we experimented, then corrected. We took risks. McRae and Rodgers were risk takers.

They were willing to put resources behind things, that's part of being a risk take.[35]

Professor Ellen Zweibel

Professor John Manwaring[36]

The ADR program was not, however, without challenges. "When you do something different, people who are used to being status-quo oriented ask, 'What is this? Why are you doing this? Why are you adding to my burden?'… There is a gap between initially what the students recognized that they needed to know to be a lawyer and what the profession recognized that they needed,"[37] Zweibel notes. Other professors compare initial reactions to the ADR course as parallel to the marginalization of clinical education. Professor John Manwaring, who coordinated and planned the program alongside Zweibel for the French program, states that there can be lack of recognition that this type of training is of equal value to "blackletter law" courses. There can be a tendency to see this type of teaching as "soft" rather than as "hard" law–ADR

training focuses on skills and application of knowledge, while the other focuses on the acquisition and development of strict legal concepts.[38] Both of these pedagogical approaches, however, are required to present the law student with a well-rounded legal education.[39] Once mediation became a recognized standard, inroads were easier and the value of such training was recognized.

The ADR program continued in this one-week format for several years, coinciding with the implementation of the Ontario Mandatory Mediation Program. This program began in Toronto and Ottawa in January of 1999, and expanded to other areas of the province over the next several years. The effort reinforced the necessity of alternative dispute resolution strategies being taught as an essential element of legal education. In creating and developing the first such comprehensive dispute resolution program at a Canadian law school, the Common Law Section again reflected its commitment to diversity of curriculum and course content.

I practice labour and employment law, and we do a great deal of arbitration and mediation… I don't think I could be half as good as I am without having taken the ADR course.[40]

Raquel Chisholm ('03)

Adjusting course approaches to recognize evolving legal practices is vital for any law school. Joe Friday ('88), an active ADR practitioner with the Department of Justice, states that he has seen a growth in the number of students who cite this training as an integral part of their legal education. "When you talk to students at the University of Ottawa, it's rare to meet one that doesn't refer to the experience in ADR as a source of pride in their training," says Friday. "The participants find the program valuable and they anticipate that the profession recognizes its value. There have been frustrations and challenges, of course, but ADR is a tool of use to anybody in the legal profession."[41] Though the program did not exist during Friday's time as a student, he is an active contributor to the program today as a coach and panelist.

The law school's commitment to the development of the ADR program through the support of the administration and of the legal community reflects the Common Law Section's support of alternative forms of teaching and recognition of the varied skills that a lawyer must bring to practice following a formal legal education.

The faculty cared about its students and did what they could to ensure that people were successful… the caliber of teaching was fantastic and… I came away with some great faculty mentors.[42]

Marta Siemiarczuk ('02)

Additional changes in curriculum that reflected the equity mandate included the reorganization of the legal research and writing course. During Dean Rodgers tenure, the course operated as a one-credit compulsory course for all first-year students. The content of the course was conveyed using a blend of lectures, seminars, and written assignments based on sample problems. [43] Such an approach meant that the material was often decontextualized from the case law and other course material; for some students, this posed accessibility issues. Several students and faculty advocated an approach that contextualized the material and utilized a variety of strategies to target students who learned through non-traditional methods.[44]

I had a sense of an identity being built, and identity of a more open, questioning sort of inquisitive approach to learning that fostered and supported challenge… There was a sense of change afoot, a mix of new professors and professors who had been at the law school for many years, a mix of academics and practitioners… There were many different dynamics of learning and teaching available at any given time to students.[45]

Joe Friday ('88)

Supreme Court of Canada Clerks, 1994.

Ultimately, the Section conducted a review of the legal research course. This review determined that "…the curriculum [was] planned to separate the substantive content of the law from the skills required to research the law…"[46] By dividing legal research from the substance of other first year courses, it was being "…taught as a series of steps that can be used to find and update the law in the abstract…"[47] In response to the recommendations made in this review, the English program proposed breaking up the legal research curriculum. The first term would focus on research tools required to find Canadian case law, using research assignments in first-year small group courses to integrate the knowledge into substantive material. Material covered in the second term would emphasize research using legislation. This material would be integrated into the mandatory public legislation course for first-year students. With such changes, the law school hoped that the material would be more readily accessible to a variety of learners.

EXTERNAL CHANGE AND THE LAW SCHOOL

While some law courses were undergoing a dramatic change due to transformation within the Common Law Section, several other courses were affected by external changes. The University of Ottawa Community Legal Clinic (UOCLC), though not plagued with the public controversies that occurred during the McRae administration, faced great hardship with respect to funding during the Rodgers time. The funding cuts in the Ontario government were heavily impacting clinical legal education. The Common Sense Revolution of Ontario Premiere Mike Harris resulted in many cutbacks to programming at the University as a whole and the law school in particular.[48] Additionally, the Common Law Section faced significant cutbacks due to budget tightening in external agencies that resulted in lost grants.[49] Cuts at the Department of Justice forced it to withdraw support for the Legislative Drafting Program in 1995.[50] In May 1996, the law school budget was further reduced by $335,700, equaling budget cuts of 20.6% between 1991 and 1996, with the pace of cuts accelerating.[51] The decreases in revenues resulted in difficult choices for Dean Rodgers who then had to balance diminishing resources.[52] Cost-cutting measures imposed included a hiring freeze, some courses placed on a two-year rotation, and student services being physically consolidated into a redesigned secretariat.[53] The pressures of the Canadian economy, at that point, had significant implications for the law school.

The University of Ottawa Community Legal Clinic

The Attorney General met with the Law Society of Upper Canada to discuss legal aid issues in July 1995. The Law Society was advised to bring spending of the Ontario legal aid certificate program under control, beginning with an adjustment to the legal aid plan's financial eligibility criteria to reflect adjustments made to the province's social assistance program. Cuts to other sources of funding also affected the clinic. In April 1997, the Carleton University Students' Association and the Student Federation of the University of Ottawa, citing severe financial constraints, cut all funding to the UOCLC and its programs. The cuts,

amounting to roughly $50,000 of support, came without warning and made the UOCLC the only student clinic in Ontario operating without student funding. A request for emergency funding from the Legal Aid Director's Office was refused on the grounds that it would create a precedent that would be unfair to other university clinics.

Due to the perilous financial situation of the Clinic, the Faculty of Law agreed to cover the loss on a one-time emergency basis, "thus fully acknowledging the important contribution made by [the] Clinic to the Faculty and to the community."[54] Eventually, the Clinic was able to stabilize funding through referenda on the imposition of a refundable student levy that were held at the two universities whose student federations had previously cut funding. In response to increased funding from Carleton University, the Clinic began weekly intake at Carleton. Additionally, the Clinic was able to create a paid articling position. Throughout this period of financial stress, the Clinic was able to maintain its legal services to the community, and even expanded some offerings in the Aboriginal Legal Services division and the Community Legal Education programs. The hard work of the students committed to the Clinic, and the efforts and support of faculty coordinators were vital to the Clinic's continued provision of vital services to the community.

While funding cuts were a reality that plagued the Rodgers deanship, additional sources of funding began to be identified, and the law school was able to garner support from distinguished alumni and the greater legal community. A period of recession meant limited resources for the law school and, "as a result, the era of development and fundraising at the university was born."[55] The Law Foundation of Ontario (LFO), which historically provided grants to the law school yearly, established a Faculty Enrichment Fund with the Common Law Section. The idea of creating endowments for the six Ontario law schools began in 1993 when the Ontario Law Deans put forth such a proposal.[56] The proposal was resurrected in 1994 with the idea that the LFO dedicate a portion of its reserves to creating endowments at each of the law schools. Each school would submit a proposal detailing where the monies would be directed and where matching funds could be obtained.

The Common Law Section welcomed the transfer of a capital fund that would allow for spending of any interest generated. The Section envisioned an expansion of its skills-based educational programming, particularly through broadening of computer access and technological development. Other curriculum-based initiatives were being undertaken, including the addition of dispute resolution training to the first year curriculum, to which funding could also be allocated. Increasing student services was a goal of the Common Law Section and an endowment fund would allow the Section to provide them. Ensuring that the needs of such students were being met was a manner by which the Section could further its commitment to access and equity in the legal profession.[57]

In response to the proposals made by the six provincial law schools, the LFO announced special one-time grants valued at up to $500,000 per school from which the interest could be used for the ideas outlined in each proposal. The LFO would contribute up to half a million dollars to the Section on the condition that an additional $250,000 in private funds were raised by the school towards the project.[58] Upon completion of the campaign, the resulting endowment fund would be $750,000 and the annual income from the fund would be used for enrichment of research, teaching, and scholarly activity, with particular attention to skills-based education and training in dispute resolution, as well as additional services to students.[59] The fund would also provide services to students with special needs.

The Jay S. Hennick Law Foundation Faculty Enrichment Fund

Jay Hennick ('81) knew for some time he wanted to be a lawyer.

Jay S. Hennick ('81)

"I always wanted to practice business law," says Mr. Hennick. "The opportunity to see and experience how business and real estate transactions were completed was of interest. I also believe[d] lawyers have a certain amount of personal independence."

Mr. Hennick remembers "It was very formal," he says. "… all of the stories like, 'look to your left and look to your right–one of you will not be here at the end of the year' were all over the school. I think all first-year law students at that time were very concerned about being one of those people!"

Despite any first-year worries, Mr. Hennick graduated and went on to pursue a successful business career. In fact, it is the success of his company, First Service Corporation, which enabled Mr. Hennick to contribute so generously to the endowment. "I have been very fortunate in both my law career and in my business career. I believe it is our responsibility as successful graduates to give back to our law school and in so doing, help others enjoy the same advantages as we had."

With Mr. Hennick's generous support and the support of distinguished alumni, the legal community, students, faculty and staff, the Common Law Section was able to surpass the goal of raising $250,000 toward the Law Foundation Endowment.

The Faculty had five years in which to raise the funds required by the LFO. The fundraising campaign was launched in 1997 in order to coincide with the 40th anniversary of the English program and the 20th anniversary of the French program. Donors were incredibly supportive of this campaign. With the support of major donors including Mr. Jay S. Hennick ('81), for which the endowment is named in recognition of his most generous support, the law school was able to raise over $310,000. Upon completion of the campaign, the resulting endowment fund was over $750,000, and the fund was renamed The Jay S. Hennick Law Foundation Faculty Enrichment Fund. The incredible work of administration, alumni, faculty, the legal community, and students helped to ensure the success of this endeavour.

I found most of my professors to be very good teachers… In law school, I discovered I loved studying the law…I was happy that the law school was progressive and did not take a traditional view of legal education… I had such a positive experience as a student that the University of Ottawa was my first choice in terms of my career.[60]

Professor Nicole LaViolette ('96)

The period from 1994-1999, during which Sanda Rodgers was Dean was marked by serious external changes that impacted the law school as well as internal efforts to institutionalize equity within the Common Law Section. Through the efforts of administration, faculty, and students, programming and services were expanded and solidified in an attempt to ensure that equity existed at all practical and political levels of the institution. During those years, a new economic agenda within government manifested itself in pressures affecting law schools. In the face of these pressures, the Section was able to maintain and embed its commitment to equity.

Dean Sanda Rodgers and the Honourable Anne McLellan.[61]

Inside the institutions we all have personal, professional and institutional choices to make about what is important to us, what work we choose to lend our power to, and what we ask of our institutions.[62]

Sanda Rodgers

Following the tumultuous changes made while Donald McRae was Dean, Sanda Rodgers' deanship reflected a time of coalescence at the law school. The equity initiatives that began in the McRae years were a result of the shared vision and objectives of legal education that both McRae and Rodgers held in common. Rodgers, through her ten-year period in administration as Vice-Dean and Dean, was able to encourage this vision. She was able to ensure the standardization of the innovative programs and policies undertaken with McRae as Dean. Her feminist administration valued the relationships and community of the law school while maintaining a commitment to equity that propelled the Common Law Section forward as a leader in the area of education equity. The faculty's strategies for achieving equity–then so controversial–have since become the norm in law schools across the country. The progressive nature of the faculty pushed for change, and it was made possible by the leadership of the institution. The McRae and Rodgers deanships provided the necessary leadership and commitment to change, which permitted an environment in which change and innovation was welcomed, and where faculty and staff could bring forth ideas and be supported in their efforts to have these ideas realized.

Dean Sanda Rodgers and the Honourable Allan Rock ('71)

THE COMMON LAW SECTION'S 40TH AND 20TH ANNIVERSARIES

On October 4, 1998, the Common Law Program celebrated the 40th anniversary of the Common Law English program and the 20th anniversary of the Common Law French program. Faculty, alumni, students, and friends all gathered at Fauteux Hall to mark this special occasion. Public lectures and topical presentations, made by several faculty members included the following:

Your personal and professional Off-shore Tax Planning
Professor Vern Krishna

Judging the Judges: Judicial Accountability for Judicial Misconduct
Professor Ed Ratushny

Brian Mulroney v. The Government of Canada: The Airbus Affair
Professor Bill Kaplan

Women in the Law: Issues for the 21st Century
Professors Elizabeth Sheehy, Joanne St. Lewis, and Ellen Zweibel

Méthodes de règlement de différends
Professor John Manwaring

Le syndrôme de l'aliénation parentale
Celina Allard

Leçons à tirer des crises linguistiques récentes en Ontario: l'heure est à l'enchassement
Professors Marc Cousineau and Yves Le Bouthillier ('84)

Guests were then encouraged to take part in tours of the law school. The celebrations ended with a gala dinner and dance, held at the Westin Hotel on Saturday evening. Over 400 alumni and friends attended the event where Dean Sanda Rodgers gave a speech recognizing faculty excellence, and announced the establishment of the Jay S. Hennick ('81) and the Law Foundation of Ontario Common Law Endowment.

Margaret A. Ross ('74) was also honoured at the event. She was awarded the Méritas-Tabaret Trophy for 1997 by presenter Penny Collenette ('91). This annual award is given by the University of Ottawa Alumni Association and recognizes distinguished alumni who have made significant contributions and accomplishments within their field. The trophy, on permanent display at uOttawa's Morisset Library, is a sculpture entitled, "Past, Present, and Future" by Roger Cavalli. Margaret Ross's service to the law profession is held in high regard. She was a former Chair of the National Editorial Board of the Canadian Bar Association, one-time President of the Medical-Legal Society of Ottawa-Carleton, a former member of the Ontario Law Reform Commission, and former director of the Thomas More Lawyers' Guild of Ottawa. In 1992, she was awarded the Law Society Medal by the Law Society of Upper Canada, a medal given to members who have made a significant contribution to the profession by way of outstanding service in accordance with the highest ideals of the legal profession. The Common Law Section was extremely pleased to be able to present this award to Margaret Ross on the occasion of the Section's anniversary.

Other distinguished guests who attended the event included Charles Gonthier, Michel Bastarache ('78), Senator Margery LeBreton, Attorney General Charles Harnick, several Justices and Benchers of the Law Society of Upper Canada, as well as members of the Executive of the County of Carleton Law Association. The event was a great success and an excellent opportunity for faculty, students, staff, and alumni to reflect upon the past successes of the law school and its future as a dynamic institution in Canada's capital.

ENDNOTES

[1] Detail of AUO-NEG-COL-101-98-003-4. Rodgers.

[2] Sanda Rodgers, "Educating for Equality: The Meaning of Feminist Administration for Legal Education in Canada" in Elizabeth Sheehy and Sheila McIntyre eds., *Calling for Change: Women, Law and the Legal Profession* (Ottawa: University of Ottawa Press, 2006) 153.

[3] E-mail from Ruth Sullivan to Carly Stringer (23 July 2007).

[4] Interview of Sanda Rodgers by Philip Graham and Carly Stringer (25 May 2007); J. Gaston Descôteaux, *La Faculté de Droit de l'Université d'Ottawa, Faculty of Law University of Ottawa 1953-1978* (Ottawa: University of Ottawa Press, 1979) at 217.

[5] For a more thorough examination of this backlash and the so-called "gender wars" of the 1980s, please see Bruce Feldthusen, "The Gender Wars: Where The Boys Are" (1990) 4 C.J.W.L 66; Christine Boyle, "Teaching Law As If Women Really Mattered, or, What About the Washrooms?" (1986) 2 C.J.W.L. 96; Sheila McIntyre, "Gender Bias within the Law School: 'The Memo' and its Impact" (1987) 2 C.J.W.L. 362.

[6] Patricia Monture-Angus, "Now that the Door is Open: Aboriginal Peoples and the Law School Experience" (1990) 15 Queen's L.J. reprinted in *Thunder in my Soul: A Mohawk Woman Speaks* (Halifax: Fernwood Publishing, 1995) 100.

[7] Several reports were written to detail discrimination and lack of equality within the legal profession. For more comprehensive discussion of the issue, please see *Touchstones for Change: Equality, Diversity and Accountability*, Report of the Canadian Bar Association Task Force on Gender Equality in the Legal Profession (Ottawa: The Canadian Bar Association, 1993); The *Working Group Report on Racial Equality In the Legal Profession*, Report of the Canadian Bar Association Task Force on Racial Equality in the Legal Profession (Ottawa: The Canadian Bar Association, 1999).

[8] E-mail from Ravi Malhotra to Amanda Leslie (27 June 2007).

[9] Detail of AUO-NEG-COL-101-97-059-R2-15. Rodgers and Manley.

[10] E-mail from Vincent Lim to Carly Stringer (2 August 2007).

[11] "Education Equity Office Embarks on a New Year," *Common Law Bulletin* [University of Ottawa] (Summer 1996) 10.

[12] E-mail from Rosanna Carreon to Carly Stringer (10 July 2007).

[13] "Placement and Alumni Services Opens its Doors," *Common Law Bulletin [University of Ottawa]* (Summer 1996) 13.

[14] *Ibid*.

[15] E-mail from Rosanna Carreon to Carly Stringer (10 July 2007).

[16] Memorandum from Sanda Rodgers to Common Law Faculty (27 June 1997) Ottawa, Universtiy of Ottawa Archives (Fonds 23, NB 3509, General Memos from Deans to Section – Rodgers and Manwaring (Folder 1) 1996-1999).

[17] "Dean's Letter" *Common Law Bulletin [University of Ottawa]* (Fall 1997) 1.

[18] Tom Rideout, "The Peer Advisor Program," *Caveat [University of Ottawa Common Law Students' Society]* (October 1995) 5, Ottawa, University of Ottawa Archives (Fonds 23, NB 3244, Caveat).

[19] Interview of Stuart Huxley by Carly Stringer (11 June 2007).

[20] A print-disability exists when someone cannot communicate or receive communications through the printed word. This includes people with visual impairments, those with physical disabilities that limit the use of extremities for turning pages, and/or those with learning disabilities that require material presented in an alternative format. "Programs and Services" *Common Law Bulletin [University of Ottawa]* (Fall 1997) 6.

[21] Detail of AUO-NEG-NB-101-96-067-10. OLLIS.

[22] Interview of Christopher Penny by Carly Stringer (28 June 2007).

[23] "Report on the OLLIS Start Up Phase May 1996-December 1997" at 4.

[24] Rosanna Carreon, *Report on the direction of the On-Line Law Library and Information System 'OLLIS' submitted by the Common Law Section* (Ottawa: University of Ottawa, August 1998).

[25] "Report on the OLLIS Start Up Phase May 1996-December 1997" at 2.

[26] Emily Carasco, "Reflections on Employment Equity (The Hiring Component) and Law Schools in Ontario" in Elizabeth Sheehy and Sheila McIntyre eds., *Calling for Change: Women, Law and the Legal Profession* (Ottawa: University of Ottawa Press, 2006) 100 at 105-106.

[27] "Report on the OLLIS Start Up Phase May 1996-December 1997" at 9.

[28] E-mail from Terrance Green to Carly Stringer (29 May 2007).

[29] *Ibid*.

[30] Interview of John A. Manwaring by Carly Stringer and Laura Ann Ross (12 June 2007).

[31] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[32] Interview of Peggy Malpass by Carly Stringer (19 July 2007).

[33] Christopher Guly, "U of O law students told: walk softly with big stick" 7 *Law Times* 5-11 (February 1996) at 4.

[34] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[35] *Ibid*.

[36] Detail of AUO-NEG-NB-96-130-29. Manwaring.

[37] *Ibid*.

[38] Interview of Ellen Zweibel by Carly Stringer (30 May 2007).

[39] *Ibid*.

[40] Interview of Raquel Chisholm by Carly Stringer (17 July 2007).

[41] Interview of Joe Friday, Ottawa by Carly Stringer (18 June 2007).

[42] Interview of Marta Siemiarczuk by Carly Stringer (4 July 2007).

[43] Memo from Sanda Rodgers to Rosemary Cairns Way (Chair, Curriculum Committee, English Language Program) and John Manwaring (President, comite scolaire, programme francais), RE: Legal research and writing (24 October 1994) Ottawa, University of Ottawa Archives (Fonds 23, NB 10515, Curriculum Committee (Chair's File) 1994-1995).

[44] Alison Dewar, *A Review of CML 1102 (Legal Research) for the Curriculum Committee, Common Law, English Language Section, Faculty of Law, University of Ottawa* (Ottawa: University of Ottawa, 22 September 1995).

[45] Interview of Joe Friday, Ottawa by Carly Stringer (18 June 2007).

[46] Alison Dewar, *A Review of CML 1102 (Legal Research) for the Curriculum Committee, Common Law, English Language Section, Faculty of Law, University of Ottawa* (Ottawa: University of Ottawa, 22 September 1995).

[47] *Ibid*. at 9.

[48] Ontario Minister of the Attorney General, News Release, "Attorney General Meets with law Society on Legal Aid Issues" (24 July 1995).

[49] "Dean's Message" *Common Law Bulletin [University of Ottawa]* (Spring 1995) 1.

[50] The program was eventually restored in 1997 for a brief period of time.

[51] "Dean's Letter" *Common Law Bulletin [University of Ottawa]* (Summer 1996) 1.

[52] "Interview with Dean Rodgers" *Common Law Bulletin [University of Ottawa]* (Spring 1995) 13.

[53] "Dean's Letter" *Common Law Bulletin [University of Ottawa]* (Summer 1996) 1.

[54] Annual Report of the University of Ottawa Community Legal Clinic 1997-1998, Ottawa, University of Ottawa Archives (Fonds 23, NB 10515, Community Legal Clinic 1997-98).

[55] E-mail from Rosanna Carreon to Carly Stringer (10 July 2007).

[56] Letter from J.C. MacPherson, Dean of Osgoode Hall, Chair of Ontario Law Deans to Mr. H. Donald Guthrie, Chairman, The Law Foundation of Ontario RE: Proposal for Endowed Fund for Ontario Law Schools (3 June 1993) Ottawa, University of Ottawa Archives (Fonds 23, NB 10538, Law Foundation Endowment 1993-1995).

[57] Letter from Dean Sanda Rodgers to Mr. H. Donald Guthrie, Chariman, The Law Foundation of Ontario (3 February 1995) Ottawa, University of Ottawa Archives (Fonds 23, NB 10538, Law Foundation Endowment 1993-1995).

[58] Memorandum from Sanda Rodgers to all Corps Professoral RE: Law Foundation Endowment (27 March 1995) Ottawa, University of Ottawa Archives (Fonds 23, NB 10538, Law Foundation Endowment 1993-1995).

[59] "The Law Foundation of Ontario Faculty Enrichment Fund" *Common Law Bulletin [University of Ottawa]* (Summer 1996) 15.

[60] E-mail from Nicole LaViolette to Carly Stringer (16 July 2007)

[61] Detail of AUO-NEG-COL-101-98-045-2. Rodgers and McLellan.

[62] Sanda Rodgers, "Educating for Equality: The Meaning of Feminist Administration for Legal Education in Canada" in Elizabeth Sheehy and Sheila McIntyre eds., *Calling for Change: Women, Law and the Legal Profession* (Ottawa: University of Ottawa Press, 2006) 153.

Dean Bruce Feldthusen

BECOMING PLAYERS ON THE GLOBAL STAGE[1]

CONTINUING THE WORK OF THE "HEAVY LIFTERS."

It was a fabulous law school when I arrived. But the law school was typically Canadian in that it was overly modest and understated. My main goal was to take its previously established high quality and promote it—to our own faculty and graduates, to the local bar, to the bar generally, and to prospective law students…After I was here only a short while, I realized that the potential for this law school was even greater than I had first realized. I then tried to help us attain as much of that as we could.[2]

Dean Bruce Feldthusen

Continuing the initiatives made under the McRae and Rodgers deanships, creating cutting edge possibilities, and navigating the reality of the new millennium were foremost on Professor Bruce Feldthusen's mind as he stepped into the role as Dean on January 1, 2000. To take up this new post, Dean Feldthusen cut short a sabbatical at the University of Western Australia after six months where he had been researching and writing the fourth edition of his well-known text, *Economic Negligence*.

Bruce Feldthusen graduated from Queen's University (B.A.'72), where he studied sociology and economics. He went on to study law at the University of Western Ontario, where he received his LL.B. in 1976. He continued his legal education at the University of Michigan, obtaining his LL.M. in 1977 and his S.J.D. in 1983. Before assuming the role of Dean of the Common Law Section, he was a tenured law professor at the University of Western Ontario, where he specialized in Torts, Public Regulation, and Human Rights.

The University of Ottawa's Faculty of Law had established a reputation for promoting equity in the 1990s, positioning it ahead of all the other universities in Canada. "Battles over issues like disability accommodation—things we take for granted today—were fought here first, and all the other law schools in Canada would later benefit."[3] This "heavy lifting"[4] had been achieved under the deanships of Donald McRae and Sanda Rodgers, along with colleagues who had supported them in their endeavours.

uOttawa is most definitely committed to equity initiatives…it became committed over the last couple of deans--with Don McRae and Sanda Rodgers—and that has stuck.[5]

Professor Rakhi Ruparelia ('01)

When Dean Feldthusen arrived at the Faculty of Law, the ratio of male to female professors was approximately 50:50, and male to female students was about 40:60. These ratios have remained consistent in the years since his arrival. Many of the women at the law school self-identify as feminists—they work actively to promote equality for women as well as other groups. "I am particularly pleased," noted Dean Feldthusen, "that we have been able to hire a new generation of feminist professors over the last few years. Feminism, like most equality movements, is always developing, growing, and changing."[6]

I came to uOttawa as a student because... it was a more progressive law school than others... it most definitely lived up to its reputation.[7]

Professor Rakhi Ruparelia ('01)

Promoting gender equality was only part of the battle in Dean Feldthusen's opinion. Members of many other groups in Canadian society are under-represented in legal education and in the legal profession. Dean Feldthusen strove throughout his tenure to address some of these issues because, he felt, "this has been a time of significant expansion."[8] From 2000 to 2007, approximately twenty new faculty members were hired. With the enthusiastic and broad support of colleagues, along with the leadership of the two former deans, gender balance was maintained, and the faculty began to diversify in many other ways.

Above: Students in Fauteux Hall
Bottom: Graduation Dinner 2001. L to R: Rakhi Ruparelia, Allyson O'Shea, and Jennifer Egsgard.

To be clear, it was never necessary to adopt any formal policies, or to employ quotas. There were no rancorous debates. Professor Joanne St. Lewis was influential in moving us from goals to outcomes. She recommended strongly that every time we hired a new professor that we made sure that the short list included candidates from minority groups. After that, all we had to do was interview the candidates and then hire the very best. We followed this advice and it worked perfectly. We have hired racialized professors, Aboriginal professors, professors with disabilities and professors who had recently immigrated from foreign countries, for example.

They were all hired because they were the very best.[9]

Dean Bruce Feldthusen

Diversification during the Feldthusen deanship became a natural extension of the progress that had been made during the 1990s. As a law school, the Faculty of Law does its best to recruit and support students from diverse communities across Canada. The school's high profile as "an excellent law school in so many areas has helped us recruit members of groups that are not well-represented in the Ottawa region."[10] The law school's full-time, professionally-trained Equity Officer develops accommodation policies, counsels students, and oversees support services to students who face special challenges in accessing legal education.

Being CLSS President involved, pretty much, everything under the sun!…Basically, the job is to represent students and student interests so I became the liaison between students and faculty. I used to have weekly meetings with the Dean–that was something we initiated–to bring up student issues. He was very responsive…and always very interested in student issues.[11]

Professor Rakhi Ruparelia ('01)

Throughout Dean Feldthusen's tenure, the law school witnessed tremendous growth. In 2000 for example, there were 1859 applications for admission to the English Common Law program, and 114 French Common Law applications. By the year 2007, however, those numbers soared with 3531 applications to the English program, and 183 to the French program, positioning the school, for the fifth year in a row, as the law school with the greatest number of applications in Canada.[12] Of these applications, 684 students were registered for the academic year 2000-2001, and that number jumped to 906 students for 2006-2007.[13] Today, the University of Ottawa has the largest common law school in Canada. At the same time, the academic credentials of the entering class also continue to strengthen.

Former Deans McRae and Rodgers and Dean Feldthusen with Lise Fraser (Administrative Assistant to the Dean) at her retirement luncheon, April 13, 2007.

This growth in student numbers was also reflected in the faculty and staff: in July 1999, the law school had 37 full-time faculty positions and this number grew to 59 in July 2007. There were 13.5 full-time support staff and one contract position as of July 1999, and the number swelled to 24 full-time support staff and 7.5 contract positions by 2007.[14]

When I think back on my law school years, what stands out most is the quality of the teaching. Having taken many university courses in various countries, I have never experienced such consistently good teaching as that at the Common Law Section…Craig Forcese, Ian Kerr, David Paciocco, and Don McRae stand out in particular, but they were, by no means, the only great professors that I had.[15]

Hilary Young ('07)

CREATING NEW POSSIBILITIES

Keeping in touch with alumni is critical to any university faculty, but especially to a professional faculty. Our graduates and students are the soul of our program. When we lose touch with them, we are incomplete. Alumni give you a reality check on the law school. They keep you informed about what is going on in the profession, and if they trust you, they give you good critical feedback about how the program is perceived in the community.[16]

Dean Bruce Feldthusen

Late one fall evening, at the County of Carleton Law Association's 20th Litigator's Conference (2000) at Château Montebello, alumnus Allan O'Brien ('73) of Nelligan O'Brien Payne LLP initiated the idea of an Honour Society for the Common Law Section.[17] Dean Feldthusen agreed, and began developing this idea. He also began to develop a more structured concept of Homecoming, which was initiated in 2003. The idea was to connect with alumni, and to tap into their pride and goodwill.

Al O'Brien ('73)

FEENEY REUNION DINNER

One of the first alumni events of Dean Feldthusen's term as dean was the Feeney Reunion Dinner. Common Law alumni gathered on the weekend of September 28-29, 2001 to honour former dean, Thomas G. Feeney. On the evening of September 28, they met in the Fauteux lounge to renew acquaintances and were entertained by Professor Ed Ratushny and his band, The Wave. They toured the new Brian Dickson Reading Room and began to circulate the idea of funding a "Feeney-Era Room" to bring the former Simard Hall traditions to Fauteux Hall. This project came to fruition in September 2004.

This evening of honouring Dean Feeney completes some unfinished business because those of us who benefited most from his work feel that we missed the opportunity to say "Thank you."[18]

The Honourable Allan M. Rock ('71)

More than 200 alumni and guests gathered the next evening at the Museum of Civilization in Gatineau along with Mrs. Feeney-d'Iorio, her five surviving children and their spouses. The group in attendance all signed the border of a large photo of Dean Feeney which, today, hangs proudly in the Feeney Era classroom on the fourth floor of Fauteux Hall. Master of Ceremonies, The Honourable Allan Rock ('71), struck just the right mix of warmth and humour to keep the tone of the evening light and the speeches moving.

Dean Feeney was a man well ahead of his time. I'm sure you can say he was a little old fashioned. Maybe he did spend a little too much time on courtesy. But think of the trails he blazed for such novel concepts as ethnic diversity and gender equality. Why in our class alone, we had students named Tsampalieros, and Greenberg…and Connolly and Donihee; and O'Brien, O'Byrne and O'Neill; MacNamara and Mahoney; Cody and Carroll; Lynch and Collins–two Kellys and a Curran. Hell, we even had a Nolan! And as for gender equality–in a class of 51, he graduated four, count 'em four, lady lawyers.[19]

Dermot Nolan ('73)

In a surprise twist at the end of a very encouraging night, Gabriel Tsampalieros ('73) agreed to finance the creation of the Common Law Honour Society Wall, as well as making a donation of $100,000 to the law school in honour of M. Bernard Syron ('66). This surprise donation capped off an evening filled with fond memories, renewed friendships, and much laughter. Participants swore it was the best reunion they had experienced to date.

One incident that I just happened to remember, involved Dean Feeney discovering a student without any clothes on…
He asked, "Are you a law student?"
The student said, "Yes I am."
"What the heck do you think you are you doing, anyway," the Dean asked.
"Practicing civil law?" was the reply.[20]

Gregory Feeney, Dean Feeney's son.

In March, 2005, Shirley Greenberg ('76) made the largest individual donation ever to that date to the law school. Her $3 million endowment established the Shirley E. Greenberg Chair for Women and the Legal Profession. Dean Feldthusen noted, "This was a gift that really spoke to the culture at the law school."[21] This donation served to strengthen the teaching and research of feminist issues in law.

I will be most pleased if the gift helps women to increase their knowledge and self-esteem… to become more prominent in our public life.[23]

Shirley Greenberg ('76)

Shirley Greenberg ('76)[22]

Ms. Greenberg graduated from the law school at age 45 and founded an all-female law practice which was a "first" in the Ottawa area. Throughout her career, she fought gender discrimination and pursued legislative reforms that would improve the lives of women. She was founder of the National Association of Women and the Law, and she is known in the Ottawa area for her generous philanthropy. In 2003, Ms. Greenberg was awarded an Honorary Doctorate from the University of Ottawa. On June 1, 2005, a reception–"Hats off to Shirley"–was held to mark her importance to the University of Ottawa.

"Hats off to Shirley" event, June 1, 2005. L to R: The Honourable Madam Justice Louise Charron, Shirley Greenberg, and University of Ottawa Chancellor Huguette Labelle

The advances [in the battle for women's rights and equality] are great compared with what it was like when I was a young woman. Women are much better able to move into whatever field and endeavour they choose, without the barriers that we experienced then. In some ways, it is still a man's world. I would like to see more women in the House of Commons; I would like to see more women running for office and as leaders of parties. But we are getting there.[24]

Shirley Greenberg ('76)

COMMON LAW HONOUR SOCIETY

On December 13, 2002, Al O'Brien's suggestions made at Château Montebello came to fruition: members of the Founders Committee gathered to finalize the details of the terms of admission to the Common Law Honour Society. Al O'Brien, along with Daniel Boivin ('91), Judith Allen ('87), Justice Jean-Marc Labrosse ('60), Annamie Paul ('95), Jan Divok ('90), Brian Smeenk ('77), and David McGuinty ('86) went on to make some difficult choices. To be eligible, inductees had to have utilized their legal education as a foundation for the achievement in their chosen profession. Many had also made a significant contribution to their community and to the advancement of the law school. Additionally, a special category was created to honour exceptional candidates who had graduated within the previous ten years.

Membership in the Honour Society is a very special way for the University to recognize the graduates of the Faculty of Law.

For me, it was an honour that I will always cherish.[25]

The Honourable Mr. Justice Jean-Marc Labrosse ('60)

The fifteen charter members were selected and inducted into the Common Law Honour Society on September 20, 2003 at the Homecoming gala dinner. The 2003 inductees were each introduced by the members of the Founders Committee who had selected them.

Shirley Greenberg and Harry Stemp, June 1, 2005.

THE COMMON LAW HONOUR SOCIETY

2003

David W. Scott (LL.B. 1960, D.U. 2001)
Hon. James B. Chadwick (LL.B. 1962)
Hon. Allan Rock (LL.B. 1971)
Sheila R. Block (LL.B. 1972)
Gabriel Tsampalieros (LL.B. 1973)
Hon. Louise V. Charron (LL.B. 1975)
Peggy Mason (LL.B. 1975)
Shirley E. Greenberg (LL.B. 1976, D.U. 2003)
Hon. John Manley (LL.B. 1976, D.U. 1998)
Margaret Bloodworth (LL.B. 1977)
Hon. Michel Bastarache (LL.B. 1978, D.U. 1998)

Hon. Alban Garon, dec'd (LL.B. 1980)
Jay S. Hennick (LL.B. 1981)
Camille Nelson (LL.B. 1994)
Hon. Paul Okalik (LL.B. 1997)

2004

Hon. Jean-Marc Labrosse (LL.B. 1960)
Margaret A. Ross (LL.B. 1974)
Hon. Dalton J. P. McGuinty (LL.B. 1981)

2005

Allan R. O'Brien (LL.B. 1973)
Hon. Paul S. Rouleau (LL.B. 1977)
Dr. John R. Rudolph (LL.B. 1990)
Annamie Paul (LL.B. 1995)

2006

Murray Costello (LL.B. 1977)
Mary Gusella (LL.B. 1977)
Robert H. Pitfield (LL.B. 1981)
Nicole LaViolette (LL.B. 1996)

2007

Bruce Carr-Harris (LL.B. 1975)
Ronald Caza (LL.B. 1987)
Howard Hampton (LL.B. 1983)
Bernard Syron (LL.B. 1966)
Susan Haslip (LL.B. 1998)

RECONNECTING WITH ALUMNI

Alumni relations were a hallmark of the Feldthusen deanship. He viewed alumni as integral to the growth of the law school, and sought to strengthen ties by engaging alumni in organized events. In April 2002, Dean Feldthusen organized two events to introduce the then new University President Gilles Patry to the law alumni in Toronto. The first–hosted by Gabriel Tsampalieros ('73) at Osler, Hoskin & Harcourt LLP–was a breakfast event attended by several law graduates who went into business including Robert Pitfield ('81), Jay Hennick ('81), and Gabriel Tsampalieros. All emerged that morning as passionate supporters of the Faculty of Law and the University of Ottawa. The same day, Professor Vern Krishna, Treasurer of the Law Society of Upper Canada, hosted a luncheon for managing partners and senior lawyers at various Toronto law firms. Fifteen people attended this function, and all of them became donors afterwards. "One of the best things about these events," noted Dean Feldthusen, "was that our graduates realized that both the law school and the University had changed a great deal over the years. Another," he continued, "was the opportunity to show President Patry what a great emissary for the University our Faculty could be in Toronto."[26]

The law school has a wonderfully charismatic leader who cares very passionately about the school, its well-being, and its standing within the legal community. And this is not just luck. It's a combination of having the vision and doing the work to get it done and for the right motives–to move the school forward as opposed to being self-serving…It's all been an amazing achievement on Bruce's part.[27]

Gabriel Tsampalieros ('73)

On September 27, 2002, a dinner was held at the law school in honour of Supreme Court Justice Claire L'Heureux-Dubé. An audience of several hundred judges, lawyers, professors, students, and activists gathered to celebrate her impact upon Canadian Law. The dinner was the occasion for the unveiling of the Claire L'Heureux-Dubé Fund for Social Justice established by the University of Ottawa to support a variety of social justice projects. The $22,000 raised at the dinner brought the larger fund-raising project over its projected goal of $150,000. In total, $170,000 has been raised by law professors, lawyers, judges and feminist supporters across Canada to facilitate innovative and creative projects to secure equality.[28]

L'Heureux-Dubé Dinner

In May 2003, Dean Feldthusen made first-ever visits to Los Angeles and to New York City in October 2003. His trip to California coincided with an "All-Canadian Dinner" co-hosted by President Gilles Patry and Alex Trebek (BA '61)–host of the popular television show, *Jeopardy!* The trip to New York in the fall was made possible with the assistance of Paul J. Murphy ('80), who co-hosted the New York City luncheon for Common Law graduates with Dean Feldthusen. The lunch provided the graduates with an update of their alma mater and plans for its future.

HOMECOMING 2003

Dean Feldthusen's idea of reinstituting a Common Law Homecoming celebration came to fruition in the fall of 2003. Alumnae met for high tea at the Fairmont Château Laurier on September 20, 2003, and the tea was followed that evening with a gala dinner at the National Gallery, where more than 225 graduates including 23 Common Law alumni judges were in attendance. During the evening festivities, Doug Keller-Hobson ('79) along with his wife, Kathleen ('79), who had just donated $25,000 to establish a scholarship fund, announced that he was launching a scholarship fundraising drive amongst his classmates for their 25th reunion at Homecoming in 2004. David Mitchell, Vice-President of University Relations, also announced that Jay Hennick ('81) would be renewing his support for the law school with a new gift of over $250,000.

The next morning, the Wall of Honour and the Judges' Wall were unveiled. Between these two initiatives, over 140 judicial photographs were unveiled at the law school along with 74 Common Law alumni, 53 Civil Law graduates, and 17 honorary doctorates. The unveiling capped a truly successful inaugural Homecoming--marked by a full house--which became the benchmark for this annual event.

Top: Unveiling the Wall of Honour with Common Law alumni, September 21, 2003.
Bottom: The Honourable Jean-Marc Labrosse ('60) unveils the Judges' Wall, September 21, 2003.

JANUARY TERM ESTABLISHED

Dean Feldthusen also worked with faculty to make changes to the structure of the academic year. In the fall of 2001, Dean Feldthusen proposed "January Term"–a three-week intensive term–to faculty members. Based on the model established at Harvard University three decades prior, this three-week term offered unique opportunities for all of those involved. Professors and other visitors who would not otherwise be able to teach a traditional semester would be able to share their areas of expertise. Students would select only one course, providing them with a rigorous and engaging experience requiring broader reading, more intense work, and greater individual initiative. The January Term was established in 2004, and since then, the Faculty has hosted professors from law schools in Australia, France, Belgium, Iceland, England, Puerto Rico, Kenya, Poland, and the United States.

First-year students take an intensive course in dispute resolution, drawing on the experience of professionals from the community who volunteer their time and expertise. The students learn the practical skills of interviewing, negotiation, mediation, and arbitration through interactive teaching and role-playing. Upper year students select one course from a broad range of options that varies each year, offered by outstanding Ontario lawyers, judges, journalists, and visiting professors as well as University of Ottawa full-time professors.

The very first January Term in 2004 also offered a host of other previously unknown opportunities. That year, the entire student body of the Akitsiraq Law School came to visit the University of Ottawa for January Term. The visit, partly sponsored by Nelligan O'Brien Payne LLP and the Department of Justice, allowed each of the thirteen visiting students to enroll in the course of their choice. In addition to their coursework, the students attended a reception hosted by the Honourable Paul Okalik ('97), Premier of Nunavut, a tour of the Supreme Court with a personal welcome by Justice Louise Arbour, a meeting with Irwin Cotler, then Minster of Justice, and tea with Her Excellency, the Right Honourable Adrienne Clarkson, the Governor General. The students particularly appreciated the chance to discuss law with a wide variety of students other than their Akitsiraq classmates during their trip.[29]

Visit from Akitsiraq Law School, January Term 2004.

Also beginning in 2004,[30] Professor Ian Kerr established and has continued a unique January Term seminar entitled, "Building Better Humans"–also known as "Techno-Rico"–in which both Canadian and Puerto Rican students investigate the challenges that arise as artificial intelligence, nanotechnology, robotics, and neuroscience are used to enhance and possibly even redesign the human condition. In the first week of the course, students from the University of Puerto Rico attend seminars at the University of Ottawa, and experience a week of Ottawa winter. In the following two weeks, coursework is held in Puerto Rico where uOttawa students gain a respite from the harsh weather. The course, according to Professor Kerr, "brings together two very different student bodies from two very distinct jurisdictions; together, they spend three intensive weeks engaging in daily legal and ethical inquiries about the stuff that makes us all very much the same–that is, what it is to be human."[31]

Techno-Rico 2007

Like most uOttawa students, I was lucky to have a number of great professors in my three years at Fauteux…Professors McRae, Sheehy, and VanDuzer stood out, in particular, for having engaged and challenged me on an almost daily basis. Fittingly then, my experience at the Final Round of the 2001 Canadian Corporate/Securities Law Moot, in which I was coached by Professor VanDuzer, remains my best memory from law school. Ultimately though, when I think back to law school, I think of the enormous change the law school began to undergo in my time there in every aspect of school life, from better technology, more exchange programs, the creation of January Term, and changes to the physical makeup of Fauteux. Most of these changes were initiated by Dean Feldthusen and it is hard then to think back to my three years of law school without remembering the Dean's infectious energy and vision, which continue to shape the Section today.[32]

Oneal Banerjee ('02)

UPGRADES TO FAUTEUX HALL

Dean Feldthusen credits former dean, Sanda Rodgers, for initiating a project that demonstrated how important it was to improve the main law building, Fauteux Hall. Beginning as an initiative of Dean Rodgers, the Brian Dickson Reading Room was unveiled along with the newly renamed Brian Dickson Law Library on October 19, 2000. Mrs. Barbara Dickson and the Dickson family chose to establish this outstanding and inspiring legacy to honour the memory of former Chief Justice Brian Dickson.

The Reading Room is a quiet and contemplative location with several large work tables, computer connections and computers, where students and scholars may work and study. Within the room, a number of the former Chief Justice's personal possessions are now displayed, reflecting the life and career of the man who shaped much of the jurisprudence that now defines Canadian constitutional law.

During Dean Feldthusen's tenure, Fauteux Hall continued to receive many upgrades. In 2000 and 2001, colour was added to the foyer along with plaques that honour donors to the Hennick Fund and the Brian Dickson Reading Room. A state-of-the-art video conference room was constructed on the main floor. Today that room allows Common Law professors to team-teach with professors and students from elsewhere in Canada, the United States, Australia, and New Zealand. The Moot Court Room was completely refurbished, and all the latest sound and video technology was installed. Bulletin boards were moved from outside of the secretariat to the student lounge, which allowed the display of publications, trophies, and awards. The fourth floor leading to the library was upgraded and four classrooms were converted into multi-media rooms.

Top: The Brian Dickson Reading Room
Middle: Video-conference room, Fauteux Hall.
Bottom: Class of '73 Reunion, September 30, 2006. L to R: Patrick Kavanagh, Dean Feldthusen, Mary Beth Soulière, Lorraine Kavanagh, Yolande and Gabe Tsampalieros.

In September 2005, the Tsampalieros Atrium–the newly renovated student lounge on the third floor–was officially opened. Gabe Tsampalieros ('73) funded the renovations, naming the lounge in honour of his father's entrepreneurial spirit. Mr. Tsampalieros was also instrumental in funding the construction of the John Kavanagh Faculty Lounge for both Common Law and Civil Law professors. The Kavanagh Lounge was unveiled at the Class of '73 reunion on September 30, 2006 and serves as a lasting legacy to former professor John Kavanagh. Guests at the reunion included Mrs. Lorraine Kavanagh, her two children, Patrick Kavanagh and Mary Beth Soulière, as well as Mrs. Dorene Feeney D'Iorio.

Gabe Tsampalieros ('73), September 2005

L to R: Lisa Cunningham ('03), Perry Dellelce ('90), Kevin Fritz, and Darryl Holyday.

On March 8, 2007, a reception in recognition of a generous donation from Perry Dellelce ('90) and his law firm, Wildeboer Dellelce LLP, was held at the Faculty. As a result of this funding, the Career and Professional Development Centre was renamed the "Wildeboer Dellelce LLP Career and Professional Development Centre."

The moot court was officially named the Gowlings Moot Court on Tuesday, September 4, 2007. Faculty, students, alumni, and friends gathered to recognize and celebrate Gowling Lafleur Henderson LLP's generosity and its long-standing relationship with the University of Ottawa and the Faculty of Law.

Dean Feldthusen was also able to negotiate a new home for the Community Legal Clinic in a spacious old building within sight of Fauteux Hall, and to arrange for space for CIPPIC and the Environmental Law Clinic in adjacent buildings. It has, nevertheless, become apparent that the space in Fauteux Hall has become stretched beyond its capacity.

The next major initiative at the law school will be to build a new addition to Fauteux Hall. The first phase of this construction is scheduled to begin in 2009. Dean Feldthusen reports that donors have already come forward to support the construction of a "round room," a large classroom designed similar to the main meeting room at the United Nations. Donors have also come forward to create a Motions Court Room, an actual functioning court room where students will be able to observe from a discrete viewing area real matters being argued by lawyers before a judge.

BUILDING THE TECH TEAM

Professor Michael Geist

Professor Ian Kerr

Professor Michael Geist joined the Faculty of Law in 1998 under the deanship of Sanda Rodgers. When he began, there was a huge amount of high tech interest in Ottawa with Nortel, JDS, Corel, and others booming. When Dean Feldthusen arrived, the technology boom was ongoing and there was a great deal of interest in high tech initiatives, including support from the federal government. Dean Feldthusen recognized this opportunity, and he was able to convince the University administration to permit the law school to hire new professors in this emerging area. Professors Ian Kerr, Elizabeth Judge, and Vincent Gautrais were hired in 2000. Along with Professor Geist, these four individuals formed the cornerstone of the law school's technology team.

Dean Feldthusen also worked hard to reach out to the wider community. A tech steering committee was developed that included some government leaders as well as others expert in technology issues "to craft a program that made sense from their perspective…and this was particularly helpful because we developed a good sense of what this could be, and how we could attract the broader community–law firms and others."[33] In the early days of the program, the tech team interfaced frequently with the community in Toronto, Montreal as well as Ottawa and a connection began to develop. The program was a "first" of its kind in common law.

In 2001, the Ontario Research Network for E-Commerce (ORNEC) was established as a collaborative project between the Ontario Research and Development Challenge Fund (ORDCF) and uOttawa in partnership with McMaster University, Carleton University, Queen's University, and leading private and public sector partners.[34] Its ongoing mandate is to establish multidisciplinary research

in all aspects of eCommerce involving law, business as well as information technology. The network had a $40 million global budget, with $13.5 million of that figure shared between the four universities.[35] uOttawa became the lead law school in this four-university consortium where "law was viewed as crucial pillar."[36] Professor Geist served as ORNEC's interim director until the position was filled on a permanent basis.

Becoming the lead law school in this consortium proved to be extremely valuable, allowing the Faculty to make the additional hirings of Professor Jennifer Chandler and Professor Daniel Gervais. ORNEC also helped fuel the graduate program through funding of fellowships from Gowlings Lafleur Henderson LLP, and was also attractive to other firms including Osler Hoskin & Harcourt LLP and Torys LLP.

Professor Daniel Gervais

The highlight of my time here was when I headed up the Information Technology Student Society (now the Law & Technology Student Society) and we worked with colleagues at Windsor to create an online community to provide information about copyright and file sharing in Canada. We launched our website only weeks before actions were filed against 29 Canadian internet users. The site itself was a huge success.[37]

Andy Kaplan-Myrth ('05), Manager, Law and Technology Program

In order for the tech group to further develop, it "had to have as one of its anchors, a nationally–and ultimately, internationally–known graduate program."[38] Professor Ian Kerr was put in charge of building this graduate program that began in the 2001-2002 academic year with a class of 8 students.[39] By integrating both graduate and undergraduate teaching and learning, a robust law and tech program could develop, and with this in mind, resources including both personnel and specialized seminars were dedicated to the program. Two specialized courses were developed to serve as foundational courses for the graduate program–*Technoprudence: Legal Theory in the Information Age*, and *Technopolicy: Interplay Between Technologies & Existing Legal Rules*. Professors DeBeer and Scassa later joined the group.

To date, 78 LL.M. students have gone through the law and tech program since its beginnings. Every year, the program "counts on transfers from other places–students transfer to uOttawa to do tech law."[40] The Law and Technology Graduate program has now become the leading program of its kind in Canada.

As a student, I've always respected the leadership here because I felt they were innovative and dedicated to making change. They had the right values. The leadership is progressive, practical and willing to listen for feedback from students. They are open to the ideas of students and not just other administration or faculty. I always felt that the administration was interested in what I thought, and that was very empowering. You feel as if you're part of the school, not just a number–you're part of the team.[42]

Megan Reid ('07)

CIPPIC

In the fall of 2003, the Canadian Internet Policy and Public Interest Clinic (CIPPIC) was established at the University of Ottawa's Faculty of Law. As the first legal clinic of its kind in Canada, CIPPIC strives to fill voids in public policy debates on technology law issues, aims to ensure balance in policy and law-making processes, and also provides legal assistance to under-represented organizations and individual on matters involving the intersection of law and technology.

CIPPIC formed as a result of a start-up grant from an Amazon.com Cy Pres fund, received by Professor Michael Geist. This grant was then matched by the Ontario Research Network for Electronic Commerce (ORNEC), a four-university consortium that is Canada's leading e-commerce research initiative. Since then, CIPPIC has received additional funding for specific projects from ORNEC, the Office of the Privacy Commissioner of Canada, Triangle Community Foundation, Robert Glushko, the Law Foundation of Ontario, and the Social Sciences and Humanities Research Council. The University of Ottawa also provides further support for the clinic.

Upper year and graduate law students assist clinic lawyers in researching issues and drafting reports and submissions to government, commenting on proposed legislative reforms, providing legal advice to individuals and organizations, and developing online resources for the public on legal issues arising from new technologies. CIPPIC also runs a full-time summer fellowship program during twelve weeks each summer.[41]

CONCENTRATIONS IN LAW

In September 2005, the Common Law Section decided to rationalize its existing strengths into program concentrations known as "options." In addition to the relatively new Law and Technology group, two other areas of traditional strength–International Law and Social Justice–as well as an emerging area of importance, Environmental Law, were identified. Based on a combination of compulsory and optional courses, many of which are offered in both English and French, the programs allow students an in-depth look at issues affecting the law on these fronts.

The Common Law Section has always been one of Canada's leading international law institutions. Since the law school is located in the nation's capital, it is both the geographic and the intellectual center of Canadian international law. This position allows the school to attract leading academics in the field from around the world for its International Law concentration. The option, comprised of 30 credits, is supplemented by moot competitions, research projects, and internships in international law. Few law schools in the world can match the breadth and depth of international law course offerings at uOttawa.

Social Justice, the redress of issues facing individuals or groups who are disadvantaged or underrepresented in society, is a long-recognized strength of the uOttawa's law school. Professor Joanne St. Lewis was asked to be the first Faculty co-ordinator in July, 2004. She remembers that they developed the structure of the Social Justice program over the following year, and offered the first courses in September, 2005.[43] Courses in the concentration include those related to Aboriginal peoples, Constitutional equity, and human rights, plus many more.

Professor Joanne St. Lewis

The Common Law Section also offers many courses in Environmental Law. Although not yet a formal option,[44] the section offers a wide array of courses ranging from foundational environmental law courses to Aboriginal law and biotechnology, as well as the chance to work in the Environmental Law Clinic. The Clinic, operated in partnership with Ecojustice (formerly the Sierra Legal Defence Fund), offers students the chance to work on real environmental law cases, under the supervision of specialists in environmental law.

TRANSFORMATION

Given Dean Feldthusen's commitment to ensuring the law school reached its full potential, it was only natural that he would change the structure of the administration to reflect that commitment. The resources devoted to the Student Services Office were dramatically increased, and several entirely new initiatives were adopted, each of which have now been copied in other faculties around the university.

He created the position of Manager of Development early in his mandate–the first such position at uOttawa. Michelle Desroches, a University of Ottawa alumna (B. Sc. '98), began as the Faculty's first Manager of Development in the spring of 2001. She had previously worked at

Former Dean, Donald McRae, was nominated to the International Law Commission on November 16, 2006.

Secretariat of IUCN Academy of Environmental Law

Students interested in environmental law also have access to the Secretariat of the IUCN Academy of Environmental Law, which is located on the fifth floor of Fauteux Hall. The IUCN–The World Conservation Union, is an international organization devoted to helping societies worldwide to "conserve the integrity and diversity of nature, and to ensure that any use of natural resources is equitable and ecologically sustainable."[45] The Secretariat, launched on October 23, 2006, is under the co-direction of Professors Jamie Benidickson and Ben Boer. The academy engages in research into how the law can be used to intervene in environmental problems world-wide.

Michelle Desroches, Manager, Faculty Development

uOttawa's Alumni and Relations Office after graduating, and had worked closely with the Faculty of Law in the Brian Dickson Reading Room project. When Michelle began her role as Manager of Development, there was no job description and she felt a great deal of trust from Dean Feldthusen as she was "free to figure it all out and get to know the school and graduates."[46] By her second year in the position, Michelle felt that her role was more defined, and by 2003, "we hit our stride."[47]

When asked what was her best moment during her five years in the job, Michelle answered, without hesitation, that it was definitely Homecoming 2003 when she felt that all of the Faculty's hard work and planning had come together to produce a remarkably successful event. Michelle left her role as Manager of Development in September 2006 in order to pursue a law degree at the Faculty. Christina Benedict joined the Common Law Section in January 2007.

When uOttawa announced its Campaign for Canada's university, Common Law was given an $8 million goal. The Section exceeded that goal within two years and the goal was raised to $12 million. Approximately $14 million was raised during Dean Feldthusen's term.

The great thing about Dean Feldthusen is that if you go to him about anything—any idea—he will, without question, listen. And if you make a good case, he would say, 'Do it' and you knew that you had his support.[48]

Michelle Desroches

Campaign Cabinet

Dean Feldthusen also created the new position of Assistant Dean. It is almost impossible to conceive of how the faculty functioned before the arrival of its first and only Assistant Dean, Stéphane Emard-Chabot. The Assistant Dean chairs both the English and French admissions committees, and supervises all areas of direct concern to students including discipline, examinations, and counseling. The Assistant Dean also teaches courses in English and French.

In a 2000 University of Ottawa Gazette article, Dean Feldthusen stated, "Law schools are in the public relations business now… We can't afford not to be telling people what we are doing."[49] The law school initiated a website during Dean McRae's term, and under Dean Feldthusen's initiative, the Common Law website was revamped in January 2006.

Borden Ladner Gervais Fundraising Event Establishing the Senator Roméo Dallaire Scholarship in International Humanitarian Law, May 30, 2005. L to R: Marc Jolicoeur ('78), Senator Roméo Dallaire, Dean Bruce Feldthusen, and Bruce Carr-Harris ('75).

I am very proud of our law school. It has flourished under the leadership of wonderful, caring Deans, especially our most recent Dean, Bruce Feldthusen. I am sure the institution will continue to grow from "strength to strength."[50]

Penny Collenette ('91)

The communications team is the interface between the Common Law Section and the wider world. They are tasked with conveying information in this age of web-connectivity. The team plans, develops, and evaluates creative communications strategies and material, both print- and web-based, in key areas of information. Micheline Laflamme was hired in September 2005 with a combined function between Common Law and Civil Law. Amanda Leslie joined the Faculty of Law in September 2006 and works primarily for Common Law. Together they form a dynamic communications team, responsible for web news, the alumni *Bulletin*, and the monthly Common Law e-newsletter, *Vox*.

Our school has a great student body and great alumni. There has always seemed to be a lot of camaraderie and longstanding friendships that develop in law school. There have always been outrageous students, trailblazers, who have gone to do really innovative and "avant-garde" things. I hope I can follow in the tradition of the many movers and shakers who have come out of this school.[51]

Megan Reid ('07)

During Dean Feldthusen's term, the law faculty also hired a full-time Research Facilitator, Sonya Nigam, to assist faculty members with research grant submissions, and to help with prize nominations. Shortly thereafter, the position of Vice-Dean of Research was created to emphasize the importance of the research culture within the law school. The many major grants and prizes received by Common Law faculty members over the past few years emphasize how these initiatives were prudent investments.

CHANGE

Bruce Feldthusen assumed the responsibilities of Vice-President, University Relations on September 1, 2007. Professor Daniel Gervais became Acting Dean for the period of September 1 until June 30, 2008. Dean Gervais is also University Research Chair in Intellectual Property as well as Osler Professor of Intellectual Property and Technology Law, and he was previously Acting Dean of the Common Law Section from February 1, 2006 until July 31, 2006 while Dean Feldthusen was on sabbatical.

We are thrilled that Mr. Feldthusen has accepted this new challenge…Dean Feldthusen's leadership skills have proven invaluable during a time of great change for the Faculty of Law. Since joining the University of Ottawa in January 2000, Bruce has demonstrated his commitment to raising the profile of the University through the development of strategic partnerships and increased support for teaching and scholarships. I have no doubt that he will bring the same level of enthusiasm to his new responsibilities as interim vice-president, University Relations.[52]

Gilles Patry, University President and Vice-Chancellor

Photo caption: Gabe Tsampalieros received the University of Ottawa's Honorary Doctorate at Spring Convocation 2007. L to R: Gilles Patry, President and Vice Chancellor; Marc Jolicoeur ('78), Board of Governors Chair; Nathalie DesRosiers, Dean of Civil Law; Gabe Tsampalieros ('73); Bruce Feldthusen, Dean of Common Law; and Huguette Labelle, Chancellor of the University of Ottawa.

Since its inception 50 years ago, almost 7000 students have graduated from the Common Law Section. Today, it stands as Canada's largest common law school. It has shed its reputation as a "clinician's school," and now equips students with a cutting-edge legal education that few other law schools in the world can match. With this rich tapestry of history behind it, the Common Law Section continues to build on its unique locational endowment, creating new possibilities and unparalleled opportunities for future generations of Canadians.

Dean Bruce Feldthusen

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