

**Memorial University Faculty of Law
Proposal
August 2018**

Executive Summary

In 2012, the Law Foundation of Newfoundland and Labrador and the provincial branch of the Canadian Bar Association (CBA) supported a review of the concept of a Faculty of Law at Memorial University, a position later endorsed by the Chief Justice of Newfoundland and Labrador. That endorsement led to the establishment of the 2013 feasibility committee which, after extensive consultation, unanimously recommended that Memorial University consider establishing a law school in a report delivered to Memorial president and vice-chancellor Dr. Gary Kachanoski in December 2013. A revised committee, with a mandate to develop a detailed proposal for a Faculty of Law program, is delivering this report for consideration by the Vice President's Council, Senate and the Board of Regents.

The proposal is for a distinguished post-graduate Faculty of Law program with a complement of 100 students per year and a permanent faculty complement of 18 by the third year of the program. The proposed program pays close attention to the curriculum suggested by the Federation of Law Societies of Canada and the 2013 CBA report *Equal Justice*. Students will receive the same core education available at other Canadian law schools. However Memorial Law students also have the opportunity to specialize in two areas of legal expertise: Sustainable Northern Resource Development and Social Justice, both with a special attention to Aboriginal issues. We have designed the curriculum so that it can make a substantial contribution to the university's strengths in Maritime and Cold Oceans research, on the one hand, and Arts legal and social justice studies on the other. And, while there are only two courses specifying aboriginal content, we expect that most courses, if not all, will have content pertaining to Aboriginal issues and Aboriginal peoples. With this program, Memorial Law students will also be able to undertake internships throughout the province (and beyond) and gain legal experience working as court clerks and in a proposed legal aid clinic to support Newfoundland and Labradorean communities.

Consultations have taken place with individuals at Grenfell Campus, the Labrador Institute and the Marine Institute to engage Memorial's campuses in this proposal and to support their expertise and needs. Memorial's Faculty of Law will be physically situated on the St. John's campus in a new facility to be linked with the Faculty of Business Administration and, via shared green space, with the School of Social Work. The St. John's location enables students to undertake clerkships and to avail of the rich legal expertise in the city through adjunct appointments to the Law program.

The curriculum and academic regulations proposed in the attached appendix 1 are illustrative and full consultation will take place upon this proposal being approved by the Board of Regents.

MEMORIAL UNIVERSITY FACULTY OF LAW

I. *Juris doctor* (JD) Program Requirements, Joint Degrees Course Descriptions

Program requirements for the JD are geared to providing a legal education relevant and applicable to significant matters of the 21st century, including resource and environmental issues in the North Atlantic, oceans law, human rights and social justice. The program offers experiential learning in legal and non-legal settings and hopes to capitalize on the multi-campus model of Memorial University.

1. The Law degree.

The JD at Memorial involves three years of instruction and one year of articling/internship. Students accepted into the program will be required to complete 90 credits of a common body of legal knowledge as recommended by the Federation of Law Societies of Canada. These will include:

Year 1 (all required for 30 credits):

Law 1xxx Public Law (6 credits)
Law 1xxx Contracts (6 credits)
Law 1xxx Tort Law (6 credits)
Law 1xxx Real Property Law (6 credits)
Law 1xxx Criminal Law (3 credits)
Law 1xxx Legal Research and Writing (3 credits)
Dispute Resolution module

Year 2 & 3: Each course below is 3 credits unless otherwise noted (*60 credits required in total*).

Required:

Law 2xxx Ethics and Professionalism
Law 2xxx Constitutional Law
Law 2xxx Civil Procedure
Law 2xxx Law as a Business
Law 2xxx Administrative Law
Law 2xxx Moot Preparation (2 credits), must be taken in conjunction with Law 2xxa (below)
Law 2xxx Competitive Moot Teams (4 credits)

Electives: (see also requirements for Specialization)

Law 2xxx Aboriginal Peoples and the Law
Law 2xxx Women and the Law in Canada
Law 2xxx International Law and Trade
Law 2xxx Energy Law
Law 2xxx International Laws of the Sea
Law 2xxx Immigration and Refugee Law
Law 2xxx History, Culture and the Law in Newfoundland and Labrador
Law 2xxx Technology and the Courtroom
Law 3xxx/6xxx Integrated Learning Seminar in the Theory & Practice of Social Work & the Law
Law 3xxx/6xxx Children, Mental Health and Disability
Law 3xxx/6xxx Not for Profit Organizations and Social Entrepreneurship
Law 3xxx Internet and Media Law
Law 3xxx Family Law

Law 3xxx Children's Law
Law 3xxx Disabilities and the Law
Law 3xxx Fisheries Law
Law 3xxx Admiralty Law
Law 3xxx Arctic Ocean Law
Law 3xxx Environmental Law – online, cross-listed with 4003 (Grenfell)
Law 3xxx Coastal and Oceans Management
Law 3xxx Human Rights Law
Law 3xxx Health Law
Law 3xxx Aboriginal Legal Issues in NL
Law 3xxx Taxation Law
Law 3xxx Collective Agreement Administration and Arbitration
Law 3xxx Employment and Labour Law
Law 3xxx Intellectual Property and copyright
Law 3xxx Not-for-profit Organizations and Social Entrepreneurship
Law 3xxx Construction Law
Law 3xxx Special Topics

3. Specializations.

The Faculty of Law JD offers two possible specializations, in Sustainable Northern Resource Development and in Social Justice. The course requirements follow.

a. Sustainable Northern Resource Development:

Mandatory course:

Law 2xxx The North: People, Products, Places

Plus at least 5 of the following courses:

Law 2xxx International Law and Trade
Law 2xxx Energy Law
Law 2xxx International Laws of the Sea
Law 2xxx Aboriginal Peoples and the Law
Law 2xxx History, Culture and the Law in Newfoundland and Labrador
Law 3xxx Aboriginal Legal Issues in NL
Law 3xxx Fisheries Law
Law 3xxx Admiralty Law
Law 3xxx Arctic Ocean Law
Law 3xxx Environmental Law (cross listed with 4004 (Grenfell))
Law 3xxx Coastal and Oceans Management

b. Social Justice:

Mandatory course:

Law 3xxx/6xxx Integrated Learning Seminar in the Theory and Practice of Social Work and the Law

Plus at least 5 of the following courses:

Law 2xxx Aboriginal Peoples and the Law
Law 2xxx Women and the Law in Canada
Law 2xxx Immigration Law

Law 3xxx Family Law
Law 3xxx Human Rights Law
Law 3xxx Health Law
Law 3xxx/6xxx Children, Mental Health and Disability
Law 3xxx Aboriginal Legal Issues in NL
Law 3xxx/6xxx Not for Profit Organizations and Social Entrepreneurship
Law 3xxx Collective Agreement Administration and Arbitration
Law 3xxx Employment and Labour Law

4. Internships.

Students have the opportunity to pursue up to two internships as part of their degree. Internships allow students to learn in different legal fields and work environments, and help them gain new skills and experiences firsthand (e.g., legal research, writing, assistance, ethics, etc.). Internships are self-proposed and can be completed during any semester after first year. Some suggested places where students can undertake internships are: community legal aid clinics, non-governmental organizations, the United Nations, a branch of the government (municipal, provincial, federal), law firms and aboriginal organizations. (For more information, see the Faculty's Internship Coordinator.)

6. Course Descriptions.

Law 1xxx Public Law

Public Law examines the regulation of the relationships of people to government through national and international law. The course content moves from an investigation of the Canadian governmental and constitutional system to international organizations and their effects on inter-state relations. Topics covered will include state responsibilities, statutory interpretation and jurisdictional challenges.

Law 1xxx Tort Law

Tort law provides compensation for people who have been injured by the wrongful acts of others. You will consider the functions and principles of tort law and discuss the elements of tort actions (duty, standard of care, causation, remoteness, damages). Examination of tort law will include intentional torts, negligence, strict liability, nuisance and the future of tort law.

Law 1xxx Contract Law

Contract law introduces the legal principles regarding the enforcement of promises. You will examine the legal requirements regarding the formation, content, and discharge of contracts as well as remedies for breach of contract. Topics include: offer and acceptance, consideration, intention, certainty, requirement for writing, capacity, mistake, misrepresentation, duress, undue influence, unconscionable transactions, exemption clauses, privity, illegality, frustration, damages and equitable remedies.

Law 1xxx Real Property Law

Real Property Law includes the concepts of what is real and personal property, the evolution of property law and its current state; the fundamental concept of ownership and possession; concepts of tenure and other interests (contingent, future or otherwise); private and public property; the history of land title in Newfoundland and Labrador; the real property registration system and its effect; the personal property registration system and its effect; and the concept of aboriginal title in the Canadian context.

Law 1xxx Criminal Law

Criminal Law will introduce the fundamentals of criminal law and basic criminal process in Canada. The core components of criminal offences will be examined along with defences, theories of criminal liability, and the fundamentals of sentencing, all of which will incorporate the application of the Charter of Rights

and Freedoms. There will be heavy reliance on the Criminal Code and cases in lectures and discussions.

Law 1xxx Legal Research and Writing

Legal Research and Writing will introduce students to the basics of legal research and writing, including how to conduct research using primary and secondary source legal materials in print and electronic formats, how to apply legal research to specific cases, how to create various types of legal documents and communicate with others in a writing style consistent with established legal practice, and how to cite legal materials used in written and oral legal documents.

Law 2xxx The North: People, Products, Places

This course is an introduction to the legal frameworks guiding life and work in the North. It is a mandatory course for students wishing to specialize in the area of Sustainable Northern Resource Development.

Law 2xxx Administrative Law

Administrative Law introduces students to federalism and the distribution of legislative powers under the Canadian Constitution. Students will also explore administrative decision-making, the concepts of procedural fairness and natural justice and the substantive grounds on which administrative decisions may be subject to judicial review.

Law 2xxx Ethics and Professional Responsibility

Ethics and Professional Responsibility introduces the regulation of the legal profession and the practice of law, with an emphasis on the legal and ethical duties of lawyers. It will examine how legal ethics may be distinguished from notions of morality and legality, and the core values and aspirations that inform the profession's behavioural norms and expectations, and the conflicting nature of some of the ethical directives. Topics include self-regulation, rules of practice, codes of conduct, formation of the lawyer-client relationship, lawyer-client confidentiality, competence, integrity, advocacy, conflicts of interest, professional discipline, administration of justice and access to justice.

Law 2xxx Immigration and Refugee Law

Immigration and Refugee Law is an overview of the constitutional and policy underpinnings that regulate immigration to Canada. Regulatory frameworks for refugees will also be considered. Students will be introduced to theoretical, historical and comparative perspectives on the governance of population mobility.

Law 2xxx Civil Procedure

Civil Procedure considers how litigants engage with the Court system to resolve disputes in the civil litigation context. The course will cover the entire spectrum of civil litigation processes, focusing on procedures in the Supreme Court of Newfoundland and Labrador. Topics to be addressed include commencement of proceedings, preparing pleadings, responding to originating documents, third party proceedings, undertaking discovery and obtaining relevant information, preparing for litigation, pretrial engagement with the Court, costs and offers to settle, applications, judgments, orders and civil appeals. The course will address effective client communication before and during litigation and will also consider the many professional and ethical obligations involved in civil litigation, and the significant access to justice challenges in this context.

Law 2xxx Constitutional Law

Constitutional Law will focus on the nature of constitutions and related processes. It will examine the basic elements of Canada's constitution, its written documents and the unwritten conventions of the constitution. Topics will include the structure of the Canadian federation, the nature of the Crown

prerogative, the distribution of legislative powers, Aboriginal rights, the rights guaranteed under Charter of Rights and Freedoms, the rule of law, the role of the courts as the guardian of the constitution and the importance of judicial independence.

Law 2xxx Law as a Business

Law as a Business covers the financial and business aspects of the practice of law, and will review the factors affecting the practice of law, such as globalization, increasing competition and rapid technological change. Topics will include the ownership, financing, marketing and management of small and large firms; business structures, financial concepts and basic accounting and financial concepts; client management, business development and the marketing of law firms; and human resource management, including managing partners, associates and staff. Professional liability, the regulation of the legal profession and the social responsibilities of firms will also be discussed.

Law 2xxx Aboriginal Peoples and the Law

Aboriginal Peoples and the Law will review the history of Aboriginal and Government relations in Canada, including land and resource rights, governance, aboriginal taxation and criminal justice issues. It will look at how the Indian Act has framed aboriginal rights and will identify issues associated with aboriginal claims litigation. Drawing on cases in Canada and beyond, students will assess Canadian law from aboriginal perspectives and learn about the challenges of self-government.

Law 2xxx Women and the Law in Canada

Women and the Law in Canada examines the development of feminist legal theory and how feminist perspectives can be, and have been, applied to Canadian law. A key theme will be the problem of essentialism in achieving equality rights and the challenge of recognizing diversities among women. Students will have the opportunity to see both the limits and potential of applying legal frameworks to issues affecting women in Canada today.

Law 2xxx International Law and Trade

International Law and Trade will examine and analyze two central topics; international trade regulations and international business transactions. The regulations portion of the course will focus on the World Trade Organization and international agreements such as NAFTA and the General Agreement on Tariffs and Trade, as well as areas of both international and domestic law that affect international transactions. The transactions portion of the course will focus on transnational commercial law including the UN Convention on Contracts for the International Sale of Goods, Bills of Lading, Letters of Credit and so on. International commercial arbitration will also be covered in the transactions portion of the course.

Law 2xxx Energy Law

Energy Law considers the legal principles which govern the development, production, transmission and consumption of energy in Canada, including: constitutional principles determining jurisdiction over offshore oil, interprovincial and international power lines and pipelines, and aboriginal claims; real property principles mediating the rights of government, land owners and resource developers; contractual principles governing joint project development; and regulatory/administrative principles governing public input, environmental assessment, health and safety guidelines, and monopoly control. Emphasis is placed on the historical evolution of these issues in Newfoundland and Labrador.

Law 2xxx International Law of the Sea

The public legal regime for oceans concerns the interpretation, implementation and application of the *United Nations Convention on the Law of the Sea, 1982* which codified some existing law and made new law in one of the most remarkable and ambitious international efforts at treaty-making the world has ever

seen. It concerns the delimitation of internal waters, the territorial sea, the exclusive economic zone, the continental shelf, deep sea mining and the high seas.

Law 2xxx History, Culture and the Law in Newfoundland and Labrador

This course will trace the unique development and application of law in Newfoundland and Labrador, placing it in the context first of the British Empire in the 17th century and moving forward to the country's conversion to a province in 1949.

Law 2xxx Technology and the Courtroom

Technology and the Courtroom examines the growing importance of technology – including e-documents, video conferencing, e-trials, etc., in the management of evidence for successful courtroom decision-making. This course will familiarize students with past, present and potential future technologies, and consider their role in meeting the needs of judges, lawyers and clients.

Moot Planning Seminar—2 Credits (this course must be taken in conjunction with the competitive moots described below, for a total of 6 credits; graded separately).

Members of the Competitive Moot Teams are required to attend a bi-weekly Moot Planning Seminar. This session allows members of the 4-credit moot teams listed below (as either researchers or competitors) to develop general oral advocacy skills. Seminar members will also assist in the planning and judging of first-year law moots and coaching of moot students.

Competitive Moot Team—4 credits (this course must be taken in conjunction with the Moot Planning Seminar described above)

At the end of each academic year, students will be given the opportunity to be selected to be a member (competitor or researcher) of a Competitive Moot during their second or third academic years. Preparation for these moots, including written and oral argument, will be supervised by practitioners in Newfoundland and Labrador in the relevant areas of the law. Team Members must also complete the Moot Planning Seminar.

Law 3xxx Family Law

Family Law offers an introduction to the legal principles governing family relationships and the challenges to law reform in the context of a changing social environment. Topics to be considered will include: dissolution of marriage, rights and responsibilities of persons who cohabit outside of marriage, domestic contracts, domestic violence, economic consequences of family breakdown, property rights, child custody, child support, spousal and partner support. Consideration will also be given to procedural aspects including mediation and the court process.

Law 3xxx/6xxx Integrated Learning Seminar in the Theory and Practice of Social Work and the Law

This seminar focuses on the intersection of law and social work in theory and practice. It will prepare students to think critically about the interrelationship between law and social work, both as disciplines and professions, and to identify and analyze theoretical and substantive areas of compatibility and tension. The challenges of interdisciplinary practice will be considered, with a particular emphasis on ethical norms and the advancement of social justice. (Open to MSW/JD students only, or with the permission of both program areas.)

Law 3xxx/6xxx Children, Mental Health and Disability

This course will address three topic areas: 1) Children's Welfare and Rights; 2) Personal and Community Mental Health and 3) Disability Rights. The intersectionality between social work and law in relationship to all three topics will be explored.

Law 3xxx/6xxx Not for Profit Organizations and Social Entrepreneurship

This course will prepare the JD/MSW student to work in a variety of legal and social work environments in the not for profit, volunteer and community sectors. Students will learn about community organizations, volunteer boards of Directors, risk management, privacy and confidentiality in the non-profit as well as social entrepreneurship.

Law 3xxx Health Law

Health Law provides an overview of the legal frameworks regulating the health care system and health care providers. Topics to be considered include: federal and provincial jurisdiction over health care, professional self-regulation, medical negligence and an introduction to public health law. Students will also explore contemporary issues in health care including: assisted dying, privacy of health information, reproduction, substitute decision making and health technologies.

Law 3xxx Internet Law

Internet law explores the law of the internet and the digital world and the responsibilities and ramifications resulting from an online presence. It includes the registration of new media, information privacy and publication bans, e-commerce, cookie policy, domain names, the role of the CRTC and service providers, regulation, social media and cloud computing, user-generated content policies, copyright issues, cyberhacking, piracy and data security. Canada's anti-spam law and the role of the major players (Facebook, Google, Twitter) will be examined in depth.

Law 3xxx Collective Agreement Administration and Arbitration

Collective Agreement Administration and Arbitration provides advanced coverage of the substantive and procedural rights of employers, unions and employees under collective agreements, and the means by which disputes over these rights are resolved through the grievance arbitration process.

Law 3xxx Fisheries Law

Fisheries Law will introduce students to various aspects of the law governing the ocean-based fisheries in Canada, with particular emphasis on the Atlantic coast and Eastern Arctic regions, and will include federal, provincial and territorial fisheries law, fisheries law of First Nations and other aboriginal groups, international fisheries law, the management and regulation of the fisheries, and environmental laws governing fisheries conservation and management.

Law 3xxx Admiralty Law.

National and private international law concerning the oceans covers collisions, salvage, wrecks, towage, pilotage, carriage of goods by sea, marine insurance, ownership, registration, mortgaging and sale of ships, masters and seamen, passenger ships, fishing vessels, offshore oil and gas exploration and production, marine safety, search and rescue and a host of other subjects.

Law 3xxx Arctic Ocean Law.

Canada was a world innovator in establishing an Arctic Ocean legal regime in the 1970s. The *United Nations Convention on the Law of the Sea, 1982* engaged many of the functions contained in that Canadian legislation, but has left other matters still in dispute including whether the routes through the Canadian North are international straits or Canadian internal waters. Climate change has caused Canada and other nations to focus more intently on the confluence of international treaty and customary law, national law, and the legal cases under both regimes that litigate these matters.

Law 3xxx Environmental Law

Environmental Law is an introduction to laws protecting the environment in Canada and elsewhere. The course examines environmental rules and activities through the study of legal precedents and contexts. Laws and policies of the federal, provincial, territorial and local levels of government (including those

pertaining to First Nations) are addressed insofar as they affect the environment. Case studies are employed. **(cross-listed with Sustainable Resource Management 4003 (Grenfell))**

Law 3xxx Coastal and Oceans Management

Coastal and Oceans Management reviews the legislation and policy frameworks for offshore resource development and considers potential impacts on coastal populations and marine life. Discussion will focus on possible legal frameworks for the sustainable development and conservation of ocean and coastal resources.

Law 3xxx Human Rights Law

Human Rights law will introduce students to the Canadian, provincial and territorial human rights codes, including the Charter of Rights and Freedoms, which operates distinctly and separately from these codes. International and transnational laws and standards, including the United Nations Universal Declaration of Human Rights, anti-discrimination laws, and the balance between rights and responsibilities will also be examined.

Law 3xxx Aboriginal Legal Issues NL

Aboriginal Legal Issues NL will examine the history and contemporary status of Aboriginal peoples in Newfoundland and Labrador. Focus will be on land claims, governance, identity and status issues for Inuit, Innu, Mi'kmaq and Metis peoples. Students in this course have the option to work with a law firm or aboriginal organization as a basis for developing a research paper on an aboriginal issue in the province.

Law 3xxx Taxation Law

Taxation law will introduce students to the concepts of income taxation through a study of several important taxation principles contained within the Income Tax Act. Concepts covered will include the overall organization and structure of the Canadian taxation system, how an income stream is determined to be office or employment, business, property or other, and several notable deductions from income. The course will also discuss capital gains and losses, tax evasion versus tax avoidance and the General Anti-Avoidance Rule.

Law 3xxx Employment and Labour Law

Employment and Labour Law introduces three interrelated regimes that regulate the employer-employee relationship: (1) common law of employment; (2) collective bargaining; and (3) direct statutory regulation of the employment relationship (i.e. equality rights, occupational health and safety and employment standards). Emphasis will be placed on the collective bargaining regime, with consideration of labour board, arbitrator and judicial decisions in the following areas: right to join a union; acquisition and termination of bargaining rights; collective agreement negotiations; collective agreement arbitration; industrial conflict; and rights of individual employees.

Law 3xxx Intellectual Property and Copyright Law

Intellectual Property and Copyright Law will examine and analyze the major areas of intellectual property including patents, trademarks, and copyright. Study of both patents and trademarks will cover the legal basics, such as the regulatory framework surrounding intellectual property law and will comprise the first half of the course. The second half of the course will focus primarily upon copyright law. Examination and application of the Copyright Act will be conducted in detail so as to provide students with an in-depth understanding of copyright law in Canada.

Law 3xxx Construction Law

Construction Law is a comprehensive introduction to construction and infrastructure law, including procurement methods, stakeholder relationships (owner, designer, construction manager, contractor,

subcontractor, supplier and public authority), standard project models, agreements and forms (purchase orders, unit-price, stipulated-price, cost-plus, design build, construction management and public-private partnerships), implied terms, changes and extras, delay, occupational health and safety, municipal and environmental regulation, bonding and insurance, tort and statutory duties, deficiency and warranty, part performance, penalties and liquidated damages, mechanics' and builders' liens, and dispute resolution.

Law 3xxx Special Topics will occasionally be announced by the Faculty.

II. Admissions

Memorial University offers a three-year JD (Juris Doctor) degree. The JD program introduces students to the Canadian legal system, provides a solid grounding in legal methods and processes, prepares students for a career in law and beyond, and analyses the role of law in society. Our program is unique in legal education, offering two specializations, one in Sustainable Northern Resource Development and the other in Social Justice.

One hundred students will be accepted into the program each year. In the first year of the program students take a fixed set of courses. In the second and third year there are some required courses but also room for students to select from an array of courses to suit their interests.

Joint degrees with a Masters in Business Administration (JD/MBA) and a Masters in Social Work (JD/MSW) can be developed (see appendix 1 for a sample curriculum).

While priority is given to bona fide residents of the province of Newfoundland and Labrador, we welcome applicants from every province and territory in Canada. In addition, up to three seats per year are available for applicants of aboriginal ancestry who have met the admission requirements. Applicants must send a letter of request at the time of application and provide documentation of aboriginal ancestry.

A JD degree from Memorial will be recognized for Bar admission in all provinces and territories in Canada.

The Faculty of Law Admissions Committee takes a holistic approach with respect to admissions, which means that we look at all of the factors below together. We identify applicants with strong academic abilities and varied achievements. In particular, the following criteria are considered:

- Post-secondary academic achievements
- Law School Admission Test (LSAT) scores
- Written and oral communication
- Varied life experiences and achievement

To be eligible for admission, applicants must normally have completed a university degree. The Grade Point Average (GPA) for all years of undergraduate study is considered. While there is no minimum GPA required for admission, we welcome applications from students who have demonstrated through the length and quality of their degree that they have the ability to successfully complete the JD program.

Application Documents

The following documents are required:

1. Memorial University Faculty of Law application form

This form is available online at www.mun.ca/law

2. Transcripts

Official transcripts from all post-secondary institutions attended, excluding Memorial University, must be sent to the Admissions Office at Memorial by the November 1 deadline.

3. LSAT score

All applicants are required to write the LSAT and must do so no later than February of the year of application to the program. The Admissions Committee will consider the highest LSAT score if the test is repeated and will accept results for the 5 years preceding the start of the Fall semester. For test dates and registration please visit www.lsac.org

4. Personal Statement

All applicants must write a two-page statement outlining their academic and non-academic background and achievements, their interest in law school, and their future plans.

5. Letters of Reference

Applicants must supply two letters of reference, one of which must be an academic reference. Letters of reference are confidential and must be sent to the Admissions Committee directly from the referee. Referees should be able to make statements concerning your character, personal qualities, academic capabilities and/or performance in an employment or volunteer capacity.

Application deadline date: November 1

Application Cost: \$100.00

NL/Aboriginal admission:

Applicants will first be assessed as regular students. Those not admitted through the first assessment will be eligible for a second review process. The latter is designed to facilitate access to legal education to the people of Newfoundland and Labrador.

Exchange:

Students in another non-Canadian university law school may apply for a one-semester or one-year exchange.

Financial Considerations

The Faculty of Law is projected to have an annual operating cost of approximately \$9 million, which supports management positions, permanent faculty of complement of 18 (plus contractual faculty), administrative/professional staff, Library Staff as well as operating expenditures related to running the Faculty and dedicated Law Library. (See appendices 2 and 3).

It is anticipated that funding for the Faculty will be provided through a differential tuition rate that is competitive with those at other Law programs across the country. Without grant support from the Government, the annual fee would be approximately \$30,000.

Appendix 2: Potential Future Joint Degrees

Joint programs (for instance with the School of Social Work and the Faculty of Business Administration (JD/MSW and JD/MBA, respectively)) could also be developed in the future, permitting students to broaden their legal expertise and encouraging greater cross-Faculty collaboration and partnership within the University. It is believed that the program is scalable, carrying the potential to expand into Masters and Doctoral programs in the future.

If such programs were developed in the future, students interested in combined degree programs would have to apply to and be admitted separately by both the Faculty of Law and the corresponding school or faculty within the University, meeting all admission requirements for each.

In the examples above, the Faculty of Law's joint degrees would enable students to obtain two degrees in four years, rather than the five years it would take to pursue the two degrees independently. Students would have to be accepted in both relevant programs in the joint degree. Students would also have to satisfy requirements for both degrees to receive the joint degree.

a. Joint Law degree with Social Work (JD/MSW)

Memorial offers a Master of Social Work (MSW) degree with a focus on social justice and creative approaches to critical thinking for leadership in diverse social work practice.

The JD/MSW program would allow students who are committed to social justice issues and wish to pursue the intersection of law and social work to obtain both degrees a full year sooner than would be possible had they chosen to pursue the degrees independently. In addition, the curriculum could be designed to integrate the knowledge of social work and the legal profession.

b. Joint Law Degree with Business (JD/MBA)

Memorial offers a Master of Business Administration (MBA) degree which is a course-based program. Historically, the disciplines of business and law have been closely related in both the public and private sectors. The JD/MBA Program could be offered on a full-time basis and this joint degree would provide a solid foundation in management and an understanding of business fundamentals.

Appendix 3: Staffing Plan

The staffing of the Law School (including the Law School Library) is as follows:

Faculty of Law Management Team (3):

- Dean
- Associate Dean (Teaching Remission + Stipend)
- Senior Administrative Officer

Faculty Members (Excluding Dean and Associate Dean):

- Tenure-Track/Tenured Faculty (16)
- Teaching Term Appointments (2)
- Per Course Appointments (~8)

Faculty of Law Professional Staff (6)

- Dean's Assistant
- Faculty Secretary
- Development Officer (50%)
- Communications Officer (50%)
- Placement/Articling Coordinator
- Recruiting and Marketing Coordinator

Faculty of Law Library Staff (4)

- Librarian
- Library Assistant
- Library Assistant
- Library Assistant

Total Staff: 31

Appendix 4: Potential Annual Cost

The annual cost of operating the School, including building financing costs is below:

Budget Category	Annual Cost
Salaries	
Total Instructional Salaries	\$2,900,000
Total Administration Salaries	\$700,000
Total Library Salaries	\$300,000
Total Salaries	\$3,900,000
Operating	
School Operating	\$300,000
Library Operating	\$30,000
Library Acquisitions	\$1,900,000
Student Support	\$300,000
Facilities Operating Costs	\$600,000
Financing Cost	\$1,400,000
New Hires	\$40,000
Total Operating	\$4,570,000
Total Direct Expenditures	\$8,470,000
Central Overhead	\$500,000
Total Expenditures	\$8,970,000

Memorial University's Law School Feasibility Committee

**Public Consultation for Residents of Happy Valley-Goose Bay
at
Room 106 College of the North Atlantic
on
July 17, 2013**

Introduction.

I am a provincial court judge and have been working in Labrador as a judge since August 1, 2006. I have also, prior to my time as a judge, worked for clients in Labrador from approximately 1988 until 2006. I, therefore, have about 25 years' experience as a lawyer and a judge concerning Labrador.

My more general experience as a lawyer goes back to my admission to the Law Society for Newfoundland and Labrador from April 13, 1978 to the present, and therefore represents over 35 years in the legal and judicial community.

I am making this presentation, however, only for myself based on my training and experience as a lawyer and a judge, and not as a spokesperson for the Provincial Court of Newfoundland and Labrador.

My other interests that have some relationship with this subject are:

- (1) I hold a master's degree in history (Memorial University) including a thesis on "The Growth and Development of Trades and Manufacture in St. John's between 1870 and 1914;"
- (2) I hold a master's degree in marine law and policy (University of Wales Institute of Science and Technology – now University of Wales) including a thesis on "The Offshore Oil Regime of the Shetland Islands;"
- (3) I was also a member of a consultation group some years ago when Memorial University was considering the establishment of a legal studies unit focused on legal research relevant to the development of natural resources including fisheries, offshore oil and gas, hydro-electrical projects, forestry and mining;

- (4) I am the co-chair of the Daisy Committee, the legal history committee for the Law Society of Newfoundland and Labrador; and
- (5) I am the chair of the legal ethics seminar for the bar admission course for the Law Society of Newfoundland and Labrador.

Points in Favour of a Law School for Memorial University.

Memorial University is the largest university in Atlantic Canada. It has a suite of professional schools including: a medical school, a nursing school, an engineering school, and a business school. The only major professional school missing is a law school.

It is time for the legal profession and the judiciary to cease to be, from a foundational education point of view, principally a satellite of the law schools in Nova Scotia and New Brunswick.

When there is a Memorial University law school, we would hope that some Newfoundlanders and Labradorians would continue to study at the Nova Scotia and New Brunswick law schools and at other Canadian law schools. We would also expect that students from Nova Scotia, New Brunswick and other provinces would study at Memorial University's law school. Education is a communal and co-operative affair, and reaches its optimal efficiencies and efficacy when there is a lively exchange of cultures, languages, and ideas.

Memorial University explored some years ago, not only the establishment of a law school on at least two prior occasions, but also the creation of a legal studies unit aimed at legal research relevant to the development of natural resources including fisheries, offshore oil and gas, hydro-electrical projects, forestry and mining. This area is an obvious focus, perhaps among others, for the research capacity of a law school.

We are also blessed with a significant aboriginal population. The Inuit, Innu, Mi'kmaq, Inuit Métis, and Mi'kmaq Métis form a vibrant, vocal and distinctive part of Newfoundland and Labrador. Aboriginal law and building capacity in both the aboriginal and non-aboriginal communities in this area of law and governance is another worthy area for concentration of research, education and engagement.

Memorial University has, incrementally, positioned itself so that the transformation from a large university where law is a feature in many courses and programs to a fully-fledged law school should proceed smoothly. The Law and Society Program offers students the opportunity to have law as their major or minor area of concentration for a Bachelor of Arts degree. It is also possible to have Police Studies as a major for the same degree. These incremental changes represent initiatives that will make the transition to a faculty of law relatively seamless.

If authorities believe that a further incremental step is necessary before the establishment of a law school, then they may wish to consider again the idea of a legal research unit with a group of approximately 5 faculty members devoted to a limited number of areas such as legal issues concerning resource development, and aboriginal and settler interaction.

Memorial University has the benefit of a series of campuses across the province, the most significant being the Grenfell campus. We, in Labrador, of course have the benefit of the Labrador Institute which is still in the early stages of development. The administrative economies of scale are as complete as anyone could hope. The potential for linkages with other campuses is extraordinary for a Memorial University law school to reach every corner of the province either on its own or through the university's community engagement initiative.

The costs of a law school are minor compared with the cost that Memorial has already initiated and borne with the establishment of a medical school.

A law school would provide valuable linkages with other faculties and departments, notably humanities and social sciences. The synergies with forensic science are also obvious.

The intellectual discipline, stimulation, and imagination that a law school brings to the legal community in any province possessing one are clear. A Memorial University law school will create a boost in the quality of legal thought in the province. Such a statement takes nothing away from the present legal profession and judiciary, but only states the axiomatic truth.

Newfoundland and Labrador has produced a significant number of outstanding leaders and thinkers in the legal profession and judiciary. A very incomplete list would include: Chief Justice Noel Goodridge, Justice Elizabeth Cameron, Chief Justice J. Derek Green, Justice Robert Wells, Linda Rose, Q.C., Chief Justice

Clyde Wells, James Chalker, Q.C., James Greene, Q.C., Justice Elizabeth Heneghan, Ian Kelly, Q.C., Judge Lynne Spracklin and David Day, Q.C. They have all had a tremendous impact on legal and judicial affairs in Newfoundland and Labrador, in Canada and internationally. It is important that Newfoundland and Labrador provide to the country and the world the benefit of its legal and judicial training, experience and expertise. We have enriched this legal and judicial environment in the past, and have a responsibility to continue to do so in the future. It is one of the gifts we brought to Canada with Confederation, and as a part of Canada we have a responsibility to share that gift with the world.

The Province of Newfoundland and Labrador desperately needs more lawyers. You only have to look to rural Newfoundland and Labrador to see the appalling absence of lawyers. In all of Labrador, for example, we have only two law firms in Happy Valley-Goose Bay, none with a resident lawyer. To their credit, however, they do rotate lawyers through the town on a weekly or biweekly basis. Labrador City has a single law firm with a single resident lawyer operating it.

The Legal Aid Commission is regularly short of lawyers even with the limited number the commission hires. It goes without saying they are understaffed and overworked. The Crown attorneys' office is also understaffed and overworked.

Another critical feature demonstrating the need for a law school is that the turnover of lawyers in the legal aid commission, the Crown attorneys' office and the office of the manager of child, youth and family services is unsettling. The typical lawyer taking a position in Labrador stays no more than 2 years. The lack of continuity in lawyer coverage is dramatic and disheartening.

If anyone in the province suggests that there is no need of a law school in the province and that we have too many lawyers already, then how do they explain the poor coverage in rural Newfoundland and Labrador? We have become incredibly complacent about this fundamental failure. The Law Society of Newfoundland and Labrador has failed to address the matter. The Canadian Bar Association has failed to act. Individual law firms, large and small, have taken little or no action. Individual lawyers, with very few exceptions, have avoided the issue altogether.

One startling example is the complete failure of private lawyers to provide legal services on the coast of Labrador in communities such as Nain, Natuashish, Hopedale, Makkovik, Postville, Rigolet, Port Hope Simpson and L'Anse-au-

Clair. It is, for all practical purposes, non-existent. The legal services to coastal Labrador are the sole purview of the legal aid commission. If someone does not qualify for legal aid, then they are on their own. We hear over and over again when an accused fails to qualify for legal aid that they cannot afford a lawyer because the lawyer requires a retainer of at least \$5,000, and often \$10,000 or more.

One of the best strategies to overcome this dramatic shortage of lawyers in rural areas and particularly in Labrador is to educate and qualify persons who are born and raised in rural Newfoundland and Labrador. Not all of them will return to their homes, but a significant number will, and we will be the better for it. The province has had some success with programs training Labradorians as nurses and social workers, and Memorial University has just launched a program to train Labrador teachers. This may well be a model that a Memorial University law school might engage.

During my lifetime I can recall business organizations, politicians and the establishment of the medical profession opposing the establishment of a medical school because the province could not afford one and there was no need for more doctors. Time, dedication and performance have demonstrated that conclusion was wrong.

I was recently re-reading a speech Chief Justice J. Derek Green delivered to the Newfoundland Branch of the Canadian Bar Association on January 29, 2004 under the title “Judicial Independence and the Financial Support of the Court.” He reminds all of us of the position of the justice system in the constitutional framework of the province and the country. The justice system, in my view, necessarily includes the education of law students and the essential role that legal research and community engagement plays in a living and vibrant judicial system. Chief Justice Green summarized the courts’ central constitutional position as follows:

It is an inescapable fact that the provision of courts for the adjudication and settlement of disputes between citizens and the state and between federal and provincial divisions of the state is an essential core element of government. Government in our province and country, indeed in every modern state, consists of three separate but complimentary functions – the legislative, the executive and the judicial. The legislature makes the laws. The executive implements them. And the judiciary adjudicates disputes in the interpretation and application of those laws. The courts are not a sub-unit of the Department of Justice. A

democratic state as we know it requires all three functions. The courts have no privileged place among these three branches of government, but nor should they be discriminated against or overlooked in funding decisions.

The Chief Justice made his comments in the context of a period when the government faced, in his words, “a very difficult financial situation” in 2004. We appear to be in a similar situation in 2013. At the same time he noted that the Supreme Court budget made up 8/100ths of 1% of the total provincial government budget and only 2.6% of the total provincial justice department budget. The justice department budget is, in turn, a very small portion of the total provincial government budget. The creation of a law school would, however, fall into the education department budget which is one of the largest percentages of expenditures. The law school, furthermore, would form a part of the Memorial University budget. While that budget is significant, it represents only a small fraction of the total education budget.

We have recently seen the expansion of the number of law schools in Canada notably in Ontario and British Columbia at second tier universities to meet an obvious demand. If it is so easy for these smaller universities to create law schools, why do we not see similar initiatives at the largest university in Atlantic Canada?

Conclusion.

The creation of a Memorial University law school is, in my personal view, the next logical step in the university’s development. It is an essential faculty to a full-service first tier university in Canada.

THE COALITION OF PERSONS WITH DISABILITIES-NL

460 Torbay Rd., St John's, NL A1A5J3 709-722-7011

September 9, 2013
LAW School Feasibility Committee
C/o Dean of Arts Office
5th Floor
Arts & Administration Building
St. John's, NL
A1C 5S7

Dear Dr Philips,

The Coalition of Persons with Disabilities-NL (COD-NL) is a not-for-profit, provincial, disability-advocacy organization. The organization is unique in this province as it promotes disability rights to policy makers and educates the public about issues impacting persons with all types of disabilities, such as physical, mental health, sensory and learning disabilities. COD-NL does not provide direct individual service but rather looks at disability using a systemic lens.

Locating a law school within the province would substantially advance disability issues. At COD-NL we know there exists significant social policy and legislation designed to protect the human rights of individuals and marginalized groups. One problem we see is that despite the law and policy it is not always clear how to interpret the law or to ensure points impacting disability are enforced. Jurisdictional analysis of these laws would be very valuable.

Literature also informs COD-NL that disadvantaged groups such as persons with disabilities as those who live predominately in poverty are less likely to take action to resolve legal issues resulting in "variety of adverse consequences that end up further entrenching their social exclusion" (p. 8, Reaching Equal Justice, Balancing the Law, The Canadian Bar Association, 2013). Frequently we hear there are lots of law protecting human rights in Canada, COD-NL agrees, but the study and critical analysis of these laws are not always possible for small organization. Our affiliates throughout Canada, who work in areas with a law school, have created excellent mutual relationships that advances this knowledge.

Liaisons between law and community have resulted in international work to advance marginalized persons. One recent example of such work is the Convention on the Rights of Persons with Disabilities (CRPD). This comprehensive convention is designed to change attitudes and approaches to persons with disabilities (<http://www.un.org/disabilities/default.asp?id=150>). While Canada signed onto ratification of this United Nations treaty, much work needs to be done to take the ideals portrayed in the CRPD and have them put into practice. Those within the law school interested in brainstorming to develop mechanisms that promote the contents of the treaty could potentially complement any work COD-NL will do in this area.

Provincially, there are numerous issues with policy that discriminates within the disability sector itself. One example of this is the NL Disabled Hunter/Angler program which permits persons with lower limb mobility disability or those who have low vision/blindness to apply for a permit to allow a third part to procure the game/fish. The obvious issue with this policy is that it does not permit persons missing one or two arm(s) the same privilege despite the fact that most would likely agree it is challenging to shoot a hunting rifle with one or no arms. While we have brought this to the attention of law makers this policy still exists and is enforced as hunters missing upper limbs have been denied

access to the permit. Knowledge of other jurisdictional practice law would inform lobby efforts promoting change.

The NL Association of Community Living (NLACL) has engaged COD-NL developing a template to change the whole concept of legal capacity and consent. This paper is presently with Minister King, the Department of Justice, and lawyers who made the community presentation were from central Canada. One local lawyer was consulted on the paper but the individual has a busy practice and further local expertise was unavailable. It is difficult to effect change if lawyers in this province are not involved in the process, but at some point change must happen. Opportunity to educate students about our perspectives in this area provides Memorial University direct access to a disability lens.

Nothing regarding social change within the disability arena moves quickly but COD-NL would certainly be interested in discussion about providing experience to students interested in exploring the realities of the human rights field. It might be advantageous to all parties if we were permitted to attend lectures by guest speakers regarding human rights or how to encourage social change through legislation. Access to this type of expertise would strengthen the understanding of those dedicated to understanding the complexity of disability, and simultaneously would enhance the development of a mutually beneficial relationship with the law school.

Persons who have lived within the confines of marginalization that is too frequently attached to disability might well wish to take advantage of studying at a local law school. Provincial access to such study is progressive and enables this type of education at Memorial, a university that does make great effort to ensure access to classrooms for all students. The Blunden Centre works to ensure a broad spectrum of accessibility of its students.

Discussion about the development of a law school within the province, could potentially be such a positive happening for women, men and children with disabilities, who historically, despite excellent legislation and policy, are often excluded from many faucets of society. Students who study human rights may see the law through a different perspective if engaged with those of us who work at an advocacy/activist level. COD-NL would support a law school and welcome any discussion as to how we could nurture a relationship that promotes concepts of disability from a human rights perspective and how this assimilates into law and practice.

Sincerely yours,

Michelle Murdoch,

President, COD-NL

September 10, 2013

Law School Feasibility Committee
C/o Dean of Arts Office
5th Floor
Arts & Administration Building
St. John's, NL
A1C 5S7

Dear Dr. Lynne Phillips;

In regards to: MUN Law School Feasibility

One of our greatest resources is our members and the Qalipu Mi'kmaq First Nation is very proud of its contribution to the development of our members in supporting Post-Secondary education. We see education as a pillar to the stability and continued growth of our Band and fully support the continued growth of the many Post-Secondary Institutions that serve our members.

Each year many of our members decide become lawyers but given regional realities; this means they have to leave their province and travel to Halifax at an incredible expense to pursue this goal. Many more of our members aspire to that goal but for financial, family or other reasons are unable to attend schools such as Dalhousie despite the support they may receive from the Band. As our province continues to grow and the economic outlook continues to remain positive; we as a province are more keenly in need of trained professionals in a number of areas including law.

Access to quality education has never been as critical at any other time in Canadian history and the time has come for Memorial University to offer a Law School in our province. We fully support the establishment of a Law School here in Newfoundland and wish our offer our assistance in any way possible.

Sincerely,



Chief Brendan Sheppard