

External Review of the Faculty of Law
June 20-22, 2022

External Review Committee:

Dr. Robert Leckey – McGill University
Dr. Gemma Smyth – University of Windsor
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Executive Summary

Thank you for the opportunity to conduct an external review of the Faculty of Law (“Faculty”) at the University of Victoria (“University”). The review team (“Committee”) was impressed by the Faculty’s commitment to this process. We hope our comments help in strengthening an impressive institution with high-quality programs.

As we heard repeatedly, the Faculty is a “small faculty doing big things”. Indeed, some faculty members are interested in the Faculty’s benchmarking itself at a global rather than national level. We heard positive reflections about the student body, which is perceived to be bright and engaged. Faculty and staff members express genuine desire to engage with one another. Many seem to love working at the Faculty, even calling it “the best place in the world to work”. At the outset, we want to particularly recognize and applaud the ground-breaking work in launching the joint JD/JID program. The first of its kind in the world, this program promises to contribute significantly to the development of new settler–Indigenous relations in Canada and beyond.

Development and plans of the Academic Unit

There seems to be an appetite for collective conversation, healing and visioning for the future. A culture of ongoing planning and visioning seems possible and productive; the Faculty might then consider regular meetings to report on and perhaps amend its strategic plan.

We heard that extremely meaningful work is underway in the JD/JID. This degree program was strongly supported. We heard repeatedly that colleagues and students wanted more integration between the double-degree program and the JD. These plans seem to be in line with the University’s visioning around Indigenization and decolonization.

There appears to be appetite to explore the relationship between Indigenous legal orders and international law, taking both as a turning away from the positive law of a settler nation-state. International law has been a strength at the Faculty and there may be opportunities for renewal and collaboration in this area.

Regarding the JD program, we heard of appetite for increasing international, trans-systemic, or trans-societal courses, perhaps co-taught.

We were impressed by the breadth of research and teaching in the Indigenous Legal Research Unit (ILRU). We heard that ILRU produces significant research and that its staff contribute meaningfully to efforts to Indigenize the JD program. We encourage the Faculty to highlight ILRU’s work (with

appropriate consent of communities). ILRU may be playing a greater pedagogical function than is widely understood.

Quality of and demand for the Academic Program (s)

The JD program is well established. It includes a long-standing and robust strand of experiential or clinical legal education, cherished by many members of the community.

The graduate programs (thesis LLM and PhD) are perceived as being of high quality, embodying a distinctive interdisciplinary, collaborative ethos.

Quality of the student experience and the learning environment

The University values a diverse student body and some actions would strengthen this commitment.

Given that the JD/JID is unique across Canada (and globally), and that the program is relatively new with less than full enrollment, the Faculty should further support effective recruitment of students to this program.

Quality of student outcomes

Overall, the Faculty is in line with other Canadian law schools in terms of employment outcomes. While those speaking with us did not raise time to completion as a problem, the Committee was struck by the durations reported, which seem significantly longer than for similar programs elsewhere. The programs' interdisciplinary nature may account for some of this length.

Quality of research, scholarly activity and scholarship on teaching

The Faculty has made significant investments in research: creating a Research Support position (first part-time, then full-time), establishing course releases for pre-tenure faculty, organizing "Author Meets Reader" sessions, and producing a research newsletter.

A recommendation about benchmarking research from the previous external review had not been implemented and might be worth acting on. There was also appetite for more nominations for external research awards.

Resources and infrastructure

The Faculty is well positioned financially.

The Faculty has much to be proud of and great potential to continue to be a leader in legal education and research. It was a privilege to learn more about it and we look forward to watching it move forward from this important juncture.

Recommendations

1. As the JD/JID program establishes its footing, develop a plan and strategy for the relationship between it and the JD program.

2. Expand professorial capacity for offering key pieces of the flagship programs.
3. Explore potential for ILRU to contribute to capacity building and secure appropriate resources.
4. Review recommendations from 2019 for renewal of the JD curriculum.
5. Address experience of teaching overwork.
6. Review administrative work, in the light of the perception it is heavy and the avowed commitment to robust collegial self-governance.
7. Develop an EDI strategy, possibly in consultation and/or collaboration with University plans, and address race-, gender- and anti-Indigenous discrimination and harassment in the classroom.
8. Strengthen the Faculty's internal and external communications.
9. Coordinate and clarify efforts to recruit and support a diverse student body for all programs, and to ensure a discrimination-free environment.
10. Review the graduate programs.
11. Clarify the Faculty's aspirations for research, the place of external funding, and the role of "unconventional" research activity such as reports, practice, law reform, and advocacy.
12. Review operations of Student Services.