

# Faculty of Law

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## 90 Members of the Faculty

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### 90.1 Staff

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#### Administration

GL Birmingham, Career Services Officer  
DM Conlon, Faculty Administrator  
TJ Christian, QC, Dean  
LN Klar, Associate Dean  
RJ Wood, Director of Graduate Studies and Research  
SC Zwicker, Development Officer

#### Honorary Professors

PL Freeman, BA, LLB, MLLS  
LC Green, LLB, LLD (Hon)  
The Honorable R Martland, BA, LLB, BCL, LLD  
The Honorable EI Picard, BEd, LLB, LLM, LLD  
The Honorable WA Stevenson, BA, LLB

#### Professors Emeriti

WF Bowker, QC, BA, LLB, LLM, LLD  
WH Hurlburt, QC, BA, LLB  
SP Khetarpal, BSc, BL, LLM, PhD  
TW Mapp, BA, JD  
WJK Mis, BA, LLB, LLM

#### Professors

TJ Christian, QC, BA (Hon), LLM  
DC Davies, QC, LLB, LLM  
CRB Dunlop, BA, LLB, LLM, MA  
BP Elman, BSc, LLB, LLM  
GL Gall, BA, LLB  
FD Jones, QC, BA, LLB, LLM  
LN Klar, BA, BCL, LLM  
FA Laux, BA LLB, LLM  
JM Law, BA, LLB, LLM  
MM Litman, LLB  
PJ Lown, QC, LLB (Hon), LLM  
The Honorable AA McLellan, PC, MP, BA, LLB, LLM  
DR Percy, MA, LLM  
LJ Pollock, QC, BA, LLB  
JC Robb, BA, LLB  
GB Robertson, LLB, LLM  
BH Ziff, BA, LLB, MLitt

#### Associate Professors

AE Acorn, BA, LLB, BCL  
RW Bauman, BA, LLB, MEd, LLM, DPhil  
CE Bell, BA, LLB (Dist), LLM  
FC DeCoste, BA, MSW, LLB (Dist), LLM  
RG Hopp, BEd, LLB  
EL Hughes, BSc, LLB, LLM  
LC Reif, LLB, LLM  
JM Ross, BA, LLB, LLM  
RJ Wood, LLB, LLM

#### Assistant Professors

S O'Byrne, BA, MA, LLB, LLM  
W Renke, BA (Hon), MA, LLB, LLM

#### Visiting Professors

D Gibson, Belzberg Fellow, BA, LLB, LLM  
MK Kuwahara, LLB, LLM, LLD  
K Sawada, LLB, LLM  
A Zariski, LLB, LLM

#### Institute and Project Directors

D Callan, Office Manager, International Ombudsman Institute  
T Kumpf, Director, Indigenous Law Program  
PJ Lown, QC, Director, Alberta Law Reform Institute  
WJK Mis, Director, Legal Training and Curriculum Development Project in Ukraine  
B Poohkay, Technology Project, Computer Assisted Instruction  
D Schneiderman, Director, Centre for Constitutional Studies  
A Wynn, Technology Project, Computer Specialist

#### Sessional Lecturers

SA Beaver  
BA Beresh  
BA Billingsley  
B Burrows  
BR Burrows  
TA Caulfield  
SP Chotalia  
KA Clarke  
GP Dowling  
JJ Gill  
JH Goss  
RA Graesser  
R Hupfer  
DP Jones

G Kaylor  
R Khullar  
M Lefebvre  
AH Lefever  
EF Macklin  
L MacPherson  
S Manwaring  
MA Marshall  
CS McAfee  
JM McBean  
RD McDonald  
WJK Mis  
DR Noel  
LS Parish  
AS Pellatt  
D Pentelechuk  
ML Pollock  
NJ Pollock  
W Quoika-Stanka  
KM Rackel  
SM Renouf  
J Riddle  
PJ Royal  
WS Schlosser  
WP Sharek  
PA Smith  
HJ Sniderman  
LK Stevens  
M Storozuk  
BL Stothert-Kennedy  
RA Stroppe  
DA Sulyma  
KD Swartzenberger  
FK Taylor  
J Watson  
S Wilkins  
ET Yoo  
B Zalmanowitz

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### 90.2 Additional Members of Faculty Council

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#### President and Vice-Chancellor

R Fraser, PhD

#### Director, Alberta Law Reform Institute

PJ Lown, LLB (Hons) (Glasgow), LLM (Saskatchewan)

#### Representative of Law Society

#### Registrar of the University

BJ Silzer, BSc, BEd, MEd (Alberta)

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## 91 History of the Law School

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### Origin of the Faculty of Law

The Faculty of Law has a distinguished history which dates back to its origin in 1921. The Faculty's tradition of excellence in teaching was established due to the influence of its first full-time law teacher and Rhodes Scholar, John A Weir. During its first twenty years of growth, the Faculty expanded with the addition of two noted individuals: Malcolm MacIntyre (a student of Roscoe Pound of the Harvard Law School); and George H Steer (a leading Edmonton practitioner).

After World War II applications for admission rapidly increased the size of the student body and the number of Faculty members. The Faculty's commitment to maintaining an excellent student-teacher ratio resulted in admissions being limited to 175 students per year. The high calibre of students admitted over the past sixty years resulted in graduates reaching top acclaim as members of the Bar and Judiciary. The Faculty produced ten Rhodes Scholars, most of Alberta's judges, several Justices of the Supreme Court of Canada, and many persons prominent in public life.

The following Deans and Acting Deans have been instrumental in the growth and prominence of the Law school: John A Weir (1926–1942); Malcolm McIntyre (1942–1945); George H Steer (1944–1947); Wilbur F Bowker (1948–1968); Gerard LaForest (1969); Gerald Fridman (1969–1975); Frank D Jones QC (1976–1986); Anne A McLellan (1991–1992); and Timothy J Christian (1986–1991; 1992–present).

### Facilities and Location

The Law Centre's first class facilities have evolved from rather modest quarters in the University of Alberta Arts Building to a fully self-contained Law Centre which offers comfortable classrooms, a well-appointed Moot

Court room, student lounges and services, and the John A Weir Memorial Law Library which, as of 1994, houses a collection of more than 300,000 volumes.

The city of Edmonton offers numerous cultural, sport, and recreation activities for law students. In addition to a vibrant business and legal community, Alberta's Legislature and other government offices provide opportunities for student and professional growth. Edmonton has a diverse population of approximately 800,000 and is located only four hours from Western Canada's Rocky Mountains and world class ski resorts.

#### Curriculum Development

Dr Wilbur F Bowker has served the Faculty and student body as an outstanding lecturer, dedicated Dean, and proponent of progressive law reform. Law students receive the benefit of instructional expertise from distinguished members of the Judiciary, noted members of the Bar, visiting professors, and professors active in research or practice.

The Faculty stresses the learning of substantive law by "case study" methodology and small, group seminars. The appreciation of law as a scholarly discipline is emphasized throughout the curriculum. Learning objectives are designed to broaden and develop the student's analytical, legal writing, advocacy, and negotiating skills.

The 1980s were a period of growth in the depth and scope of a curriculum which reflects the prevailing objective of providing the student a broad legal education. Oil and Gas law, Health law, Intellectual Business transactions, Environmental law, Native law, and Women and the Law are but a few of the expanded course offerings during this decade. An Indigenous Law program is in operation and designed to encourage and support the successful study of law by Aboriginal people.

The Faculty encourages the use of computers in legal education and instruction. A highly sophisticated microcomputer lab was established in 1988. Computer instruction is now a mandatory component of the first year LLB program.

#### Student Achievements

University of Alberta law students have successfully competed in international and national Moots and client-counselling competitions.

Notable achievements of the Law School's student body include the publication of legal writing in the *Alberta Law Review* (established in 1955). Students also gain practical experience in client counselling, legal research, and Provincial Court submissions through voluntary service with Student Legal Services. Student life and input to the administration of the Law School is encouraged by providing students with opportunities to serve on a variety of student associations and Faculty Committees.

#### Affiliations

The quality of legal education is further enriched by the establishment of and close association with the Alberta Law Reform Institute (1968), the International Ombudsman Institute (1978) representing approximately 75 countries, the Health Law Institute (1977), and the Centre for Constitutional Studies (1987). These affiliations continue to attract scholars from a variety of disciplines and broaden the students' and Faculty's national and international perspective.

#### The Future

The Faculty of Law is justifiably proud of its history and aims to continue the excellent quality of instruction provided to its law students, practitioners, and the general public. The Faculty welcomes the challenge of the 1990s and views the future as an opportunity to enhance the ability of legal scholars and practitioners to better serve the administration of justice.

## 92 General Information

- (1) **The LLB Program:** The Faculty of Law at the University of Alberta offers a program of required and optional law courses designed to
  - a. provide students with a general legal education in the fundamental principles of law, the components of the Alberta and Canadian legal systems, and the history and philosophy of law;
  - b. qualify students to article and engage in the practise of law in Alberta or other common law jurisdictions in Canada; and
  - c. train students in the legal aspects of business and government administration.

The program requires full-time attendance for three academic years and leads to the degree of Bachelor of Laws (LLB).

- (2) Prospective law students are invited to consult the Admissions Office of the Faculty for admission advice. Inquiries on a selection of options or any other academic problems should be directed to the Associate Dean of Law. See §15.8 for further details concerning admission requirements.
- (3) A University degree in law is a basic prerequisite for admission to article and practise throughout Canada. The Alberta LLB degree will normally be accepted in other Canadian common law jurisdictions to satisfy this prerequisite. Graduates of the Faculty intending to practise law outside Alberta must meet any additional requirements of the jurisdiction in which they intend to practise.

A resident law graduate seeking admission to the Alberta Bar must article with a practising member of the Bar for one year. The *Legal Profession Act* requires that a degree and an LLB, or two years of studies which would lead to a degree issued by an Alberta University and an LLB degree, be obtained prior to the graduate being admitted as a student-at-law serving articles with a member of the Alberta Bar. The graduate must also take the Bar Admission Course provided by the Legal Education of Alberta and pass Bar Admission Examinations.

Previous convictions of serious offences may affect a graduate's admission to the Law Society of Alberta. Students who have doubts about their ability to meet the test of good character and reputation may apply to the Education Committee of the Law Society of Alberta for a ruling.

- (4) **Combined Programs:** In conjunction with the Faculty of Business, the Faculty of Law offers the degree of Master of Business Administration-Bachelor of Laws Combined Degree (MBA-LLB). For further information see §184.27.
- (5) **Graduate Programs:** The Faculty of Law offers a Master of Laws Degree (LLM) and a Postgraduate Diploma in Law. For further information see §184.27.

## 93 Facilities and Affiliations

### 93.1 The Law Centre

The Faculty is housed in the Law Centre on the University of Alberta campus. The building contains the John A Weir Memorial Law Library, Faculty offices, and classrooms. It also provides accommodation for the Alberta Law Reform Institute, a body organized by the University of Alberta in conjunction with the Law Society of Alberta and the Attorney General of the Province of Alberta. The International Ombudsman Institute with an international membership of approximately 75 countries, the Health Law Institute, the Centre for Constitutional Studies, the Indigenous Law Program, and the John V Decore Centre for Alternative Dispute Resolution are affiliated with the Faculty of Law and housed in the Law Centre. Student organizations such as the Alberta Law Review, the Law Students' Association, and the *Cannons of Construction* (a student newspaper) have offices in the Law Centre. The Law Centre provides facilities and resources for undergraduates, graduates, practitioners, judges, legislators, and law reform groups.

### 93.2 The John A Weir Memorial Law Library

The Weir Library has a collection of approximately 300,000 volumes which includes the law reports and statutes for Canada, the United Kingdom, the United States and many Commonwealth countries. It receives nearly 4,000 serial publications and buys treatises from throughout the world, providing the students with wide coverage of current legal thought as well as historical sources. The Library's print collection is supplemented by information in electronic form: the online catalogue, CD-ROMs, and external databases.

The study and research needs of the students and Faculty are met by a full range of library services which include access to the local collection, interlibrary loan for material not available on site, and reference service, library orientation and tours. Instruction in computer-assisted and traditional legal research methods is a compulsory component of the first year of LLB studies. Training is also offered to second- and third-year students, graduate students, faculty, practitioners, and others.

The Library has ample seating for its students and houses a 22-station microcomputer facility, which students use for access to electronic information, computer-assisted instruction, and work processing.

### 93.3 The Alberta Law Reform Institute

In 1968, the Attorney General of Alberta, the Governors of the University of Alberta and the Law Society of Alberta established the Institute of Law Research and Reform for a period of five years. This was done by agreement, and continues by successive quinquennial renewals.

On April 27, 1989 the Institute changed its name to Alberta Law Reform Institute. It is governed by a Board of Directors. Funding comes from three sources: the Alberta Law Foundation, the Department of the Attorney General, and the University of Alberta.

The objectives of the Institute are to conduct and direct research into law and the administration of justice; to consider matters of law reform with a view to proposing recommendations to the appropriate authority; to promote law research and reform; and to work in cooperation with others.

### 93.4 The International Ombudsman Institute

The International Ombudsman Institute (IOI) was established in 1978 at the University of Alberta, after years of planning and discussion. Promoting the concept of ombudsmanship and encouraging its development throughout the world is the IOI's main objective. IOI membership includes representatives from Africa, Asia, Europe, North America, Australasia, and Pacific and Caribbean-Latin America.

The activities of the Institute include annual publication of the *Ombudsman Journal*, publication of an occasional paper series, the International Ombudsman Institute newsletter, the *Profile of Ombudsman, Survey, and Directory*. The IOI also organizes conferences and seminars, conducts research into ombudsman issues and maintains a library and resource centre.

### 93.5 The Health Law Institute

The Health Law Institute was established in 1977 by Professor (now Madam Justice) Ellen Picard. Significant developments in legislation, case law, and health law literature since the late 1970s have resulted in a growing need on the part of health care professionals, legislators, lawyers, and the public for education and research on health law issues. The Institute's mandate is to serve these dual objectives through an interdisciplinary approach. Research activities will be complemented by an educational program consisting of lectures, seminars, and publications to address medical-legal issues. Students interested in contributing to the activities of the Institute should contact the Executive Director.

### 93.6 The Centre for Constitutional Studies

The Centre for Constitutional Studies was established the fall of 1987 as a result of the collaborative efforts of the Departments of History and Political Science and the Faculty of Law at the University of Alberta. Financial support for the Centre is provided by the Alberta Law Foundation. The Centre was founded to encourage and facilitate the interdisciplinary study of constitutional matters. The Centre's research activities are complemented by an education programme consisting of public lectures, conferences, and publications. The Centre also serves as a clearing house for information and materials relevant to constitutional studies.

Thanks to the generous support of Mr Samuel Belzberg and family, the Faculty of Law has been able to create the Belzberg Chair in Constitutional Studies. The first holder of the Chair was Dale Gibson, then of the Faculty of Law, University of Manitoba. As of September 1991, Peter Meekison of the Department of Political Science, University of Alberta became the second holder of the Belzberg Chair.

### 93.7 The Indigenous Law Program

The Indigenous Law program involves the recruitment of Aboriginal law students through a separate admissions process which takes into account the distinct cultural, linguistic and historical differences between Aboriginal and non-Aboriginal applicants. The program also provides an academic support program for Aboriginal students in the form of structured academic tutorials and informal academic assistance on an as needed basis. Curriculum enhancement of Aboriginal legal issues is a fundamental objective of the program. In addition, the program is active in providing cross-cultural and Aboriginal awareness training to Faculty, staff and students to foster a mutual understanding between Aboriginal and non-Aboriginal society.

### 93.8 The Alberta Law Review

The *Alberta Law Review* is a scholarly legal journal published four times annually by second- and third-year law students in consultation with Faculty members. The *Law Review* has been in continuous existence since 1955. Its circulation is now around 3,000 copies per issue. Subscribers include all the practising lawyers in Alberta, as well as judges, students, academics, libraries, and other interested people around the world.

### 93.9 The Law Students' Association

The Law Students' Association (LSA), is a student run organization that provides a number of benefits to its members. Membership entitles one to participate in the social, academic, professional and cultural events organized and sponsored by the LSA and to enjoy the use of inexpensive photocopiers, lockers and other service equipment.

### 93.10 Student Legal Services

Student Legal Services (SLS) has been in operation since 1971. Over 200 students volunteer each year to work on the various projects. SLS is a nonprofit charitable organization of law students which provides free legal assistance in Criminal and Civil Court to people who do not qualify for Legal Aid and are not able to afford a lawyer.

Each year Student Legal Services assists approximately 10,000 people who need legal information and assistance. It also engages in legal research and education in areas of general community interest and concern; and background work and suggestions for legal reform. SLS is housed in Emily Murphy House, one block from the Law Centre.

### 93.11 The Cannons of Construction

The *Cannons of Construction, The Law Students' Newspaper*, is published at least four times a year by the students of the Faculty of Law. It acts as a vehicle to entertain, to inform and to discuss any matter of interest to students, faculty and members of the legal profession. In addition to the students and staff of the Faculty of Law, the *Cannons* is distributed to every law firm in Alberta, and to the libraries of all English speaking law schools in Canada.

### 93.12 Women's Law Forum

The primary purpose of the Women's Law Forum is to provide a forum for the discussion of issues related to women and the law and to promote equal participation of women in the profession of law. The membership of the Women's Law Forum includes students, practitioners and professors.

### 93.13 Student Groups

Additional student groups include the Aboriginal Law Students' Association, the Environmental Law Students' Society, and the Laissez-Faire Legal Club.

## 94 Admissions

General admission requirements to the University are set out in §§13 and 14. Specific admission information regarding the LLB program is set out in §15.8.

## 95 Programs of Study

### 95.1 The Degree of LLB

To be eligible for the LLB degree a student must have been in full-time attendance at the Faculty for three academic years, except where the student has been admitted or transferred to the part-time program.

In special circumstances a student may be granted permission by the Dean or the Dean's delegate to attend another law school for one of the three years. Students in the MBA-LLB program may obtain permission to attend another law school after completing no less than one and one half years of the law studies portion of the program.

#### (1) Required Courses for Full-time Students:

Full-time students are required to take the following courses:

Year 1 (See Note)	Year 2	Year 3
1. LAW 400	1. LAW 450	1. LAW 570
2. LAW 410	2. LAW 510	2. LAW 600
3. LAW 420	3. LAW 575	3. LAW 670
4. LAW 430	4. LAW 500 or LAW 505	
5. LAW 435		
6. LAW 440		

**Note:** Students in the first year are required to successfully complete a Moot Court exercise.

#### (2) Required Courses for Part-time Students

The required units of course weight and sequence of courses for part-time students are as follows:

- a. References to Year I, II and III studies are to the courses normally taken by full-time students in first, second and third years of the program.
- b. In the first year of Year I, part-time students must complete LAW 400, Introduction to Law; LAW 435, Constitutional Law; and one of two other Year I ★6 courses.
- c. In the second year of Year I, part-time students must complete the remaining two or three Year I ★6 courses and must register in a minimum of ★6 per term. The maximum number of credits shall be those applicable to full-time students.
- (3) **Written Work Requirement:** A written work requirement is compulsory for each student in either the second or third year of the program. The paper must constitute at least 60% of the final grade in the course and a minimum grade of 5.0 must be obtained on the paper.  
**Note:** Descriptions of both required and optional courses are found in the Course Listings §231 under Law.
- (4) **Absence:** If a student has an unexcused absence from a term examination or an unexcused failure to submit a term paper or has failed to perform any other required assignment, the grade assigned to the student for the term examination, term paper, or other required assignment shall be zero. However, in case of illness or other extreme circumstance, the student may be excused from writing the term examination or submitting the term paper or performing the required assignment. To be excused a student must present to the instructor an absence slip signed by the University Health Service, where illness is the cause, or by the Associate Dean, where the cause is other than illness. When the excuse is accepted, the percentage weight allotted to the term examination, term paper, or required assignment will be added to the percentage weight allotted to the final examination. For regulations governing absence from a final examination see §23.5.3 of the University Calendar.
- (5) **Marking:** Marking in the Faculty of Law is on a 9 point scale. The word descriptions of the nine grades are as follows:

9	Outstanding
8	Excellent
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7	Very Good
6	Good
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5	Pass
4	Conditional Pass
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3	} Fail
2	
1	

- (6) **Promotion of Full-time Students**
- a. **Units of course weight:** In each of their three years, law students are required to take a program of required and optional courses totalling not less than ★29 nor more than ★31 (see §211 for required courses, optional courses and units of course weight) and to accumulate a total of not less than ★92 over the three academic years to qualify for the degree of Bachelor of Laws. The Dean or the Dean's delegate may permit a student to register for more than the prescribed maximum units of course weight in an academic year. In extraordinary circumstances, the Dean or the Dean's delegate may permit a student not in first year to register for fewer than ★29. Students may not be promoted to the next year of their program of study without having first successfully completed the requirements for the year of the LLB program in which they are currently registered. A student will not be permitted to spend in excess of a total of four years in the Faculty, save in exceptional circumstances. Students are required to pass each course attempted with a minimum grade of 4.0 before receiving credit for the course.
- b. The Faculty operates under a minimum grade point average system which requires that a minimum grade point average of five (5.0) shall be required for promotion for all years. Any student failing to obtain a 5.0 average in an academic year shall be required to withdraw from the Faculty of Law. Any student with a 5.0 average or better shall receive credit for each course in which a passing grade was obtained and shall receive no credit in a course or courses in which a failing grade was obtained. Any compulsory course failed shall be repeated and any non-compulsory course failed may be repeated. A student who has completed three academic years of the Law Program as provided in sub-paragraph 4(a) but has failed to acquire the requisite ★92 may enter into a fourth year during which he/she must take and pass sufficient courses to acquire the said ★92. A student will not be permitted to spend in excess of a total of four years in the Faculty, save in exceptional circumstances.

(7) **Promotion of Part-time Students**

- a. In the years of part-time studies corresponding to Years II and III, students must successfully complete all required courses and must register in a minimum of ★14 per session and a minimum of ★6 per term. The maximum number of credits shall be those applicable to full-time students.
- b. The Dean or the Dean's delegate may vary the minimum and maximum credits in appropriate circumstances.
- c. Part-time students must complete the requirements of the LLB degree within a maximum of six years.
- d. Part-time students are evaluated for promotion purposes when they have completed the course requirements for Year I, Year II and Year III studies, normally on a biannual basis.
- e. To the extent possible, academic and administrative regulations and policies apply to both the part-time and full-time students.
- (8) **Reexaminations:**  
See §23.5.5.
- (9) **Appeals:** A student adversely affected by the regulations or their application shall have a right to appeal in accordance with the Faculty's Academic Appeals Procedure (Appeal Policies and Procedures are available in the Associate Dean's Office) with a further right of appeal to the Academic Appeals Committee of General Faculties Council. (See §23.8 of this Calendar.) However, the remedies granted on such further appeal shall not be inconsistent with the Faculty's regulations published herein.
- (10) **Viva voce (oral) examination:** All students seeking the degree of LLB may be required by the Faculty to pass a viva voce examination at the end of their last year. Such an examination would be of general character covering the work of the three years of the Law program.

## 95.2 Moot Courts

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The Faculty of Law at the University of Alberta runs an extensive Moot Court program. The Moot Court program is designed to give students experience in the preparation of a case for argument before a court.

Students in first-year law, as part of the small group program, are required to argue a moot case in the second term and to achieve a satisfactory standing in the preparation and presentation of the case.

In second and third year, students may voluntarily participate in the competition moot program which begins in the fall with a preliminary round and concludes in the spring.

The highlight of the moot program is the Honorable Clinton J Ford Moot Court Competition. This is available only to third-year students. Four students are selected from the preliminary round and compete for the Honorable Clinton J Ford Shield, a gift of the late Chief Justice and the highest award for mooting in the Faculty of Law at the University of Alberta. Second year students are eligible to participate in the Alberta Challenge Cup: an annual competition between the University of Alberta law school and the University of Calgary law school. Second- and third-year students are eligible to compete in the Coughlan Cup Trial Moot Competition leading to the Western Canada Trial Moot; the American Bar Association Client Counselling Competition; the Jessup International Moot Court Competition; the Gale Cup; and the Laskin Moot Court Competition.

## 95.3 Graduate Programs

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The Faculty of Law offers graduate programs leading to a masters degree and a postgraduate diploma in laws. The Faculty also offers a program of joint study with the Faculty of Business leading to a combined MBA-LLB degree. See §184.

## 96 Courses

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In each year, students will enrol in optional courses in the numbers and terms indicated. In admitting students to optional courses, consideration will be given to their preferences but allocations will be made in such a way as to avoid large classes.

Faculty of Law courses are listed in §211, Course Listings, under the subject heading Law (LAW).