



December 1, 2023

Office of the Vice-Provost, Academic Programs
University of Toronto

Dear Professor McCahan,

I am writing to provide the interim report for the 2018-19 external review of the Faculty of Law and its programs, and the administrative response to the review, which were presented to the Committee on Academic Policy and Programs on October 30, 2019. Specifically, this letter will provide a brief status report on the implementation of plans outlined in then Dean Iacobucci's administrative response dated October 7, 2019.

From the outset, I will note that while great strides have been made in the areas identified by the reviewers, the timeline may not have matched that set out in the administrative response. Less than six months after that response, the Covid pandemic ensued and necessitated a diversion of our attention to, among other priorities, the pivot to online learning. Notwithstanding the pandemic-related challenges, there has indeed been strong progress, which I am pleased to outline below.

Innovation in JD Teaching and Learning

We ask faculty to highlight teaching innovation in their annual activity report that is submitted for the PTR process. While some colleagues are more "innovative" than others, it is clear that the majority of faculty are constantly updating and/or re-thinking their course materials. Additionally, in recent years, there has been an increasing emphasis towards experiential education opportunities within the classroom (to be distinguished from the experiential educational opportunities that exist through our clinics, externships/practicums, mooting competitions and volunteer placements). The Associate Dean, Research is currently conducting an audit of these *in class* experiential opportunities, with a view to sharing what is being done and encouraging good ideas to spread within our community.

With all respect to the reviewers, the Faculty remains of the view that 100% final exams are appropriate for the evaluation landscape of the JD program. Students have repeatedly indicated that they have concerns about multiple interim assessments (the logical alternative to 100% finals), primarily because this mode of evaluation generates a greater workload and, in turn, higher stress levels. That said, there are a good number of upper year courses that use a version of this approach to evaluation. Furthermore, a number of professors offer feedback on interim assignments that are ungraded (credit/no credit), which students find helpful in assessing their understanding of course content prior to the final exam. While we do not have plans to entirely eliminate 100% exams, we remain open to continually receiving feedback on this topic from our students (and professors). Relatedly, as of late, the Faculty is having conversations about course evaluations more generally in light of advances in Generative AI/ChatGPT. It is unclear where these conversations may land, but the increasing prevalence of Generative AI/ChatGPT seems to militate towards *reduced* emphasis on take-home papers.

Truth and Reconciliation Commission Calls to Action

We have continued to encourage the ‘infusion’ of Indigenous content throughout the JD curriculum. Indeed, many instructors have adjusted their course content, which was facilitated by the work of a Research Assistant who was made available to all faculty specifically for this purpose.

Notwithstanding this general pattern, pursuant to the recommendation of the 2021-22 Curriculum Committee (with input from members of the administration, students, and the Indigenous Law Students Association), we implemented a new set of courses for the first-year program on Indigenous Peoples and the Law. These courses, which were first offered for the 2022-23 year, include a one-credit ungraded course taken in the fall semester, and a three-credit graded courses taken in the winter semester.

The implementation of this mandatory requirement coincided with the hiring of Professor John Borrows, Canada’s foremost scholar of Indigenous and Aboriginal Law, who (re)joined our Faculty effective July 1, 2022 as the inaugural holder of the Loveland Chair in Indigenous Law. We were delighted to welcome him back and look forward to continuing to advance the Faculty’s efforts towards reconciliation under his leadership. Professor Borrows currently teaches all sections of Indigenous Peoples and the Law (winter). The inaugural offering was very well received by students, with Professor Borrows having received exceptional teaching evaluations.

Our annual Intersession Week, which launched in January 2020 to deliver courses by distinguished visitors in an intensive, week-long format, consistently includes a course taught by an Indigenous scholar. For example, in January 2024, Professor Claire Charters (University of Auckland) will be teaching “Indigenous Peoples and Comparative Constitutional and International Law.”

We are also pleased to report that we have introduced a number of Indigenous co-curricular offerings, including the Teaching on the Bundle series and Reconciliation Reading Circles, run by Constance Simmonds, who has been the Faculty of Law Elder-in-Residence since the 2021-22 academic year.

In 2021, we planted a Medicine Garden, which is home to sacred Indigenous plants including sweetgrass, sage and tobacco. The area – once a largely unused patch of grass outside the Faculty’s Hoskin Avenue entrance – is now a beautiful place for gathering and quiet reflection that features handmade wooden planters, benches, a ceremonial circle, as well as a mural of the Seven Grandfather Teachings. The Indigenous artist, Solomon King, Principal Mason and Founder of Stone Artisan Studios, is the talent behind the space. Additionally, we are in the process of commissioning a major Indigenous art installation that will artistically engage with Indigeneity and law.

LLM Program

The request by our LLM students for more LLM-only content is one that has been longstanding – and one to which we remain attuned. The ongoing challenge is that of resource allocation. It is not feasible for the Faculty to run LLM-only courses that will be attended by less than 10-15 students, and it remains the case that it is only the *coursework* students who are seeking additional LLM-only content (and have room in their timetable for additional courses; our thesis-intensive students are primarily occupied with developing their scholarship outside of the classroom). It is worth noting that a good number of the Faculty’s upper-year seminars were developed primarily for LLM students in the Legal Theory concentration; however, for viability, these seminars welcome JD enrollment as well.

As part of the Academic Planning process, we are contemplating ways to strengthen the four LLM concentrations and are considering the possibility of permitting our LLM students to engage in graduate-only courses offered through other divisions.

Regarding the reviewers' suggestion to increase the number of international students in the LLM program, we continue to explore partnerships with high-caliber international institutions as one means of accomplishing this. At the time of the external review, we reported a combined degree (LLB/LLM) program with the National University of Singapore. We have since established a similar program with the Universidad Torcuato Di Tella in Argentina, a leading Latin American law school, and are exploring a similar arrangement with Hebrew University of Jerusalem. We are also hoping that, in strengthening the LLM concentrations, the program may intrinsically attract high-quality international students.

GPLLM Program

We have continued to review the scheduling of the GPLLM program, including consulting with students each year. While not ideal for all, the 'Friday to Sunday every-other-week' schedule remains the best option for the majority of students. Recognizing, however, that some students (including especially those with young families) are limited in their ability to devote weekend hours to their studies, we recently introduced an extended full-time (EFT) option. The EFT allows for completion of the GPLLM degree over two years, rather than one. The course requirements are divided equally between two years, but within each year, there is considerable flexibility in the assignment of the requisite credits. For example, EFT students can stack most credits in one term; or alternatively, can set their schedules so that they have no Saturday classes. There are currently 17 students enrolled in the EFT program, and we are anticipating modest growth in the coming years.

On the matter of resources, more of our tenured/tenure-stream faculty are teaching in the GPLLM program than was the case at the time of the external review. It continues to be the case that all GPLLM teaching is on overload. (The alternative – including GPLLM teaching as part of annual workload assignments – would mean that we would need more adjuncts to service the JD program.) There has been more interest from our faculty in engaging with the program as more faculty report positive experiences. Adjunct professors continue to play an important role in the delivery of the GPLLM program, and there are constant changes to the adjunct roster as course offerings evolve.

As the graduate program has grown, we have hired additional staff to support the needs of the program. There is now a Graduate Career Advisor, who services both the LLM and GPLLM programs; and a Recruitment & Admissions Coordinator, who supports the GPLLM's Assistant Director, Recruitment and Admissions. External marketing (i.e., paid advertising) is handled by an external agency, has been working well.

Gender Equity

Following the University's across-the-board increase to the salaries of female professors, the Faculty determined that no further across-the-board increases were warranted. However, we have addressed specific situations by way of anomaly increases, and will continue to do so, where warranted.

We have indeed continued to emphasize female nominees for award nominations spearheaded by the Dean's Office. Nominations that come from the Dean's Office are determined on the recommendation of the Faculty's

Award Committee, which is very alive to the matter of gender equity. Recent winners include Professor Sophia Moreau for the Ludwik and Estelle Jus Memorial Human Rights Prize and Professor Brenda Cossman for the JJ Berry Smith Doctoral Supervision Award. I was honoured with the WXN Top 100. (There are other nominations for which our nominees were female, but these have either not yet been determined, or unfortunately were not successful.) We will, in 2024, be putting forth female nominees for a number of awards, including the University Professorship and Law Society of Ontario Medal.

Likewise, the Faculty's Chairholders Committee is mindful of the need for gender balance amongst our chairholders and has strived in recent years to nominate females for chairs, wherever there is a subject matter fit. Since the submission of the administrative report, we appointed four new female chairholders.¹ (This does not include females who term as chairholder was renewed.)

Regarding the matter of gender bias in teaching evaluations, we can confirm that female professors at our Faculty continue to outperform their male colleagues in PTR teaching scores. As such, we have not implemented changes to the substance of our course evaluations.

Diversity

I am very pleased to report that, since the submission of the administrative report, we have hired a tenured Indigenous faculty member, Professor John Borrows (as mentioned above); and a tenure-stream Black faculty member, Professor Abdi Aidid. While these hires are positive steps in the right direction, we continue to be focused on improving the diversity of our faculty complement. The Faculty's Appointments Committee is currently sitting and is actively searching for racialized and/or female scholars. This year, Committee members made concerted efforts to proactively reach out to racialized/female scholars to encourage their applications – a process that began weeks before our job postings were live.

With a view to further encouraging future Indigenous applications, this year we launched the Faculty's Junior Indigenous Scholars Program. The program is meant to "groom" aspiring Indigenous legal scholars, who spend an academic year immersed in our community and conducting research under the mentorship of Professor Borrows.

We continue to strive to include Black/Indigenous professors as part of our annual Distinguished Visitors Program, and have succeeded in doing so in each year since the submission of the administrative report. Recent visitors have included Professors Richard Albert, Adelle Blackett, Joshua Nichols, Tracy Robinson, and Paul Williams.

On the student front, recruitment of Indigenous students is an ongoing priority, and we are pleased to continue to attract a steady stream of Indigenous students. There is no maximum quota for Indigenous offers. Unlike our general admissions approach, which asks who the best students will be on a comparative basis, our approach to Indigenous recruiting simply asks whether a given student is likely to succeed in our program. The Faculty's Manager, Indigenous Initiatives follows-up personally with each Indigenous student who receives an offer. For the current academic year, we made offers to 13 students, eight of which were accepted.

¹ Brenda Cossman as the Goodman-Schipper Chair; Karen Knop as the Cecil A. Wright Chair (Karen sadly passed away in September 2021 and the Chair has not yet been filled); Mariana Prado as the William C. Graham Chair in Law & Development; and, Adriana Robertson as the Honorable Justice Frank Iacobucci Chair in Capital Regulation Markets (Adriana left the University in July 2022 and the Chair has not yet been filled).

With the objective of increasing the representation of Indigenous students, in 2020 we launched the Indigenous Mentorship Program for Future Indigenous Lawyers. The program is intended to build meaningful relationships between Indigenous individuals interested in law school and current (or recent) Indigenous law students. During the 2022-23 year, three undergraduate students were matched with mentors; one of these students is now enrolled in our JD program.

We continue to work on bolstering our recruitment of Black students and to this end, in 2019, we launched the Black Future Lawyers (BFL) program – a collaboration between the Faculty of Law, our Black alumni, the Black Law Students Association, and Black members of the legal profession. BFL offers outreach and engagement opportunities to support Black undergraduate students who hope to attend law school, including a mentoring and job shadowing program, a lunch series with our Black alumni, and an annual BFL conference. The program recently underwent a significant expansion as we secured \$1.75 million in operational funding from leading law firms. BFL is lead by the Manager, Black Future Lawyers Program – a newly-created role at Law.

Starting in the 2020 application cycle, Black students who applied to the Faculty were able to select the Black Student Application Process (BSAP), which requires students to complete an additional essay. Application files are reviewed by members of the Black community. For 2023-24, we received 129 applications through BSAP; we made offers to ten students, with nine acceptances.

Another important staff hire has been Ada Maxwell-Alleyne, who joined us in Summer 2022 as the Faculty's first Assistant Dean, Equity, Diversity and Inclusion. In her role, Assistant Dean Maxwell-Alleyne chairs the Faculty's EDI Committee and has developed the Faculty's EDI Strategic Plan, which supports the goal of integrating EDI as a fundamental component of legal education and practice.

Financial Position

We continue to manage the Faculty's budget and priorities in a prudent manner. This approach was particularly important given the extensive disruption to the normal operations resulting from the pandemic, which further compounded some of the challenges we faced on account of the Provincial Government's Domestic Tuition Framework. The recent Interest Arbitration Award has created significant – and unanticipated – financial pressure for our Faculty, and we are adjusting accordingly to maintain a positive budgetary outlook. On account of two recent faculty losses (untimely deaths), our faculty complement is incomplete; it is largely for this unfortunate reason that we are positioned to weather the storm largely unscathed. We will continue to judiciously manage unforeseen expenditures, while prioritizing the delivery of an excellent student, faculty, and staff experience.

Our Advancement Office is focused on raising funds to support endowed chairs, which in turn serves to offset our salary expenses. Since the external review, I am pleased that we have added three new named chairs: Howard Beck, Q.C. Chair; Loveland Chair in Indigenous Law; and, Rosalie Abella Chair in Justice and Equality (not yet filled).

Consultation & Monitoring of Implementation

This report was drafted in consultation with the Faculty's Associate and Assistant Deans, who provided input on matters that relate to their respective programs. The monitoring of the review recommendations has largely been fulfilled by way of reports from the Associate/Assistant Deans, with whom I meet on an ongoing basis, as well as data provided annually via the PTR process.

We are in the midst of our Academic Planning process. As we work towards the development of Law's 2023-2028 Academic Plan, we remain mindful of the recommendations of the external reviewers. We look forward to continuing to build on them, with a view to further strengthening the Faculty of Law.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brunnée', with a long horizontal flourish extending to the right.

Jutta Brunnée *FRSC*
Dean, University Professor and James Marshall Tory Dean's Chair
Associate Member, *Institut de droit international*