The Law School at Windsor 1967-1987: A Teenager Comes of Age

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I. The University and the City of Windsor

The University of Windsor was established by Act of the Legislature of Ontario on July 1, 1963, one hundred and six years following an enactment by the Province of Canada to establish its predecessor, Assumption College. The new University was a federation of this Catholic College and other Christian denominational institutions, together with Essex College, a non-denominational college.

The City of Windsor includes the site of the first settlement in what is now Ontario. L'assomption, inhabited by the French, had been established by the government of Nouvelle France to take advantage of ease of transportation along the Detroit River. Even early on the Church had developed a modest educational establishment. The marks of the early days have been all but obliterated by the process of industrialization. Today Windsor mirrors its motor city neighbour in Detroit as the centre of automobile production. Its 200,000 inhabitants and their 100,000 neighbours in lush, vegetable-producing Essex County, have supported the University and provided many of its students all these years.

On July 1, 1964, Dr. Francis Leddy, a distinguished classisist at the University of Saskatchewan, assumed the Presidency of the University. In Saskatchewan Dr. Leddy had acquired a keen appreciation of what a good law school could do for a university and he came to play a major role in the decision, first, to establish a law school in Windsor and secondly, to attract Dr. Mark R. MacGuigan as founding dean of the new Faculty. The decision to establish another law school in the province of Ontario in the 1960's was facilitated by two facts: 1. the university system was being inundated with baby boomers; and the existing law schools in Ontario were being flooded with applications. The government of the...
day not only encouraged the expansion of the university system but also paid 95 percent of the capital costs.

II. The Students

Ours was never planned to be a large law school. The initial proposals suggested a small school of under 200 students or one of intermediate size with about 400-450 students. Dean MacGuigan persuaded the university to opt for the latter. He argued that a school of about 450 students would be small enough to facilitate desired interaction between faculty and students, and large enough to support a range of elective courses and faculty research.

The first class of 69 students was admitted in the fall of 1968. By the time the new law building was completed intake was projected at 150 each year. However, the continuing impact of the factors which led to the establishment of the school in the first place persuaded its administrators to abandon this plan.

By 1975 the total number of students had reached 520. This created extreme difficulties: the physical facilities had not been designed to accommodate such numbers and so upper-year electives competed with compulsory courses for the use of lecture theatres. Class sizes were too large for effective instruction. Nor was there sufficient accommodation in the library, common areas or lecture rooms. In these circumstances, Ron Ianni, who became Dean in 1975, persuaded the university to authorize a phased reduction in numbers, and by 1982 a reduction of 30% had been achieved, bringing total enrolment down to around 400, where it stands today.

Coincidentally with Dean Ianni's initiative, the Ontario legal profession voiced its concerns over the effects of the country's most recent recession. Some members of the Bar, satisfied that a correlation existed between university funding and admission to law school, launched an attack on the enrollment policy of the Ontario law schools. Their efforts were not abated despite the fact the government's financing formula was not based upon any direct correlation. They also ignored the fact that the allocation of resources within the university was not based on enrollment within particular faculties or departments. Eventually Windsor's reducing the size of its law school — long before the recession had become visible — undermined the basis of the profession's position.

With the passion that accompanies thinking on this subject, and given the ingenuity of argumentation for which we lawyers are known, the profession adopted a new position: representations were made to Dr.

Bette Stephenson, Ontario Minister of Education, suggesting the introduction of a 30% cut in all law school admissions. Windsor was offered as an illustration of how this could be done painlessly. The Bovey Commission, appointed by the Minister to review all post-secondary education, reached the conclusion that law school admissions and graduations were not at the foot of any economic problem within the legal profession. These findings were bolstered by the Law Society of Upper Canada’s own similar findings. The Commission recommended a continuation of the policy of non-interference with admissions policies of the universities and their law faculties. Its report, and the resurgence of the economy, appear to have laid to rest the agitation over the empirically unsupported claims about “numbers”.

The students that made up Windsor’s first class were selected on the basis of their undergraduate records, letters of recommendation and occasionally, an interview. Two years later, the school suggested that applicants take the LSAT. In 1971 the LSAT became mandatory. In the late 1970’s the Faculty developed an innovative and progressive admissions policy. Every applicant was required to complete a relatively elaborate dossier, which included LSAT results, undergraduate transcripts, an academic and a non-academic reference, a statement on the applicant’s community and social involvement, non-academic achievements, and a statement of aspirations on long-term career development. This reflected the Faculty’s growing commitment to widening access to both a legal education and the legal profession. No longer would those fortunate enough to afford lengthy pre-law education be the only suitable candidates. Additionally, examination and aptitude test results are now informed by the applicants’ actual experience and achievements in both volunteer or vocational work settings. The policy also recognizes that aspiring legal professionals’ personal commitments and career objectives are non-neutral factors in assessing their suitability for admission to law school.

Each applicant’s file is now circulated to no fewer than three members of the Admissions Committee: some files are read by the entire Committee. With the number of applications running in excess of 10 times the number of places available, the system imposes a heavy burden on committee members, particularly during the peak review period in the summer. Student members of the Admissions Committee contribute significantly, perhaps motivated by the fact that they may have been beneficiaries of this admissions policy. Service on the committee is one way of living up to the public-spirited self descriptions they presented in their own applications. The willing participation of faculty is even more

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telling: there is a strong feeling that the benefits of the system justify the expenditure of time. Students with varied backgrounds and life experiences teach one another — and the faculty as well. Windsor believes this policy has been successful. We are now in the progress of studying the results of the policy through a follow-up inquiry of graduates.

While the admissions policy has done a great deal for the quality of education at Windsor, it has not yet significantly increased access to the legal profession by under-represented groups. In relative terms, however, we suspect that Windsor's policy makes some contribution to reversing the inequities reflected by the standard admissions policy. Groups that are poorly represented in the profession tend not to predominate the pool of applicants to the law school.

Windsor's admissions policy may in part be responsible for the growing number of females admitted to the law school. There were only a handful of women in the first entering class in 1968. In 1985 there were two more female students than there were male students in the first year. Current enrollment across the three years is 53% male 47% female representing a more even distribution than any other Ontario law school.

We are proud of our students, their achievements and their contributions. In many ways they are the lifeblood of the school — without them we would surely not exist. Windsor's students have been quick to accept responsibility with their faculty for the governance of the institution and to ensure that its community endeavours reach far and wide to meet public need for service and education.

III. The Faculty

Mark MacGuigan recruited Roger Jacobs as librarian in 1967. Four more tenure-track faculty were added in 1968 only one of whom, Ray Brown, remains today. By 1975-76 there were about 30 full-time members of faculty. This rapid growth left an imprint on all aspects of the work of the school.

Expansion alone would have made integration and continuity difficult, but the problem was exacerbated by rapid changes in personnel. In the very first year the school was open, two original members of faculty departed. Mark MacGuigan was elected to Parliament and Tom Zuber was appointed to the Bench. Over the years about 80 people have had full-time positions, but only one of those who left — John McAuliffe, now a Professor Emeritus — retired. Windsor has contributed its former faculty to private and public service as well as to other universities. Those leavings have taken their toll on the school, and as will be seen, also provided it a freshness and vitality which other schools would wonder at.
In spite of the comings and goings of full-time staff, a group identity has emerged. There is a Windsor spirit and a Windsor way. They are characterized by open-mindedness, the pursuit of new and deeper learning, and a concern for the well-being of the community. From earliest days, the law school at Windsor has been dedicated to a view which places law in the service of societal and human interests: it is not an end in itself. Decisions on appointment thus are made in order to recruit socially concerned scholars and teachers whose own aims meet with those of a school whose direction was first formulated by Mark MacGuigan.

Yet the law is a practical, not a theoretical, science. Thus the law school, although it may use the resources and insights of sociology, economics, social psychology, and history, does not intend to turn the law student into a sociologist, economist, social psychologist, or historian, or to contribute to the knowledge of those disciplines as such. The focal point of legal study always remains law, which, as the social science that orders human conduct, is therefore the most practical in its orientation. Law, then, must always remain the master in its own house, even while relying heavily on other sciences. Granted its practical bent, legal education is best which reaches for the broadest and deepest understanding of the law — not only at the philosophical level but also at the level of legal principles and concepts. The conquest of some considerable detail is of course essential — law cannot be grasped without knowledge of laws — but the aim should be detail for understanding's sake rather than for its own sake.

In addition, a strong social tradition was established by the personalities and conditions of the early years. Walter Tarnopolsky, the second dean, and his colleagues participated in student and faculty extracurricular activities to an extent that was unusual at the time. John McLaren, Ron Ianni, and Juilio Menezes, successive deans, built on that tradition. The law school now has a legacy which emphasizes cordial and constructive relations. Although today's higher enrolment makes it more difficult for everyone to know everyone else, the commitment to good faculty-student relations remains very strong. Recruits to the faculty are considered in the light of that commitment.

Salary levels at Windsor have also posed difficulties for the Faculty. Much lower than average, and sometimes the worst amongst all its competition, Windsor struggles to keep its complement as pressures intrude. Current negotiations, it is hoped, will ameliorate this sometimes disheartening situation.

4. Faculty of Law Calendar, 1985-1986. For another version see Ronald W. Ianni, "Re-Aligning Legal Education to Public Need" in Menezes (ed.) Decade of Adjustment (Butterworth, Toronto, 1980).
During the early years the faculty was perceived by outsiders to be dominated by Americans. In its first year there were three Americans, and three Canadians; subsequent recruiting became heavily Canadian. Today only three of the 23 full-time faculty were born in the United States. Among the other countries of origin represented on faculty are Wales, Poland, Kenya, New Zealand, Sri Lanka and Uganda.

IV. The Deans

It is easy to overestimate the impact a Dean may have upon a Faculty. The office is extremely visible and there is a tendency to want to symbolize an institution in the name of its leader. Still, it is hard to imagine a law school absent consideration of the Dean of the day, at least in retrospect. At Windsor, the Dean has been an important institution. Nonetheless, the character of the school has always in truth been better reflected by the common concerns and the group personality of its faculty members. Looking back, at least, each Dean did leave his own mark and thereby helped to shape the school.

MacGuigan's commitment to public service led him to Parliament in 1968 shortly after its opening. Yet, the roots of the school are clearly imbedded in his prescient view of legal education at Windsor, not as juridical science but rather as a synthesis of social science and social theory. He firmly planted the ideal of law as service to others, especially those ill-served by a competitive world. And so it was to be.

MacGuigan's early leaving might have been a crushing blow to the sixth sibling of Ontario law schools. This was not to be. Walter Tarnopolsky, a scholar and teacher of high repute and a person whose personal view of the law was probably not too different from his predecessor's, took the lead in 1968. As a person renowned for his commitment to human rights and to the establishment of just and humane scholarship, he was suited ideally to the development of the law school in its formative years.

When promotion called Tarnopolsky to Toronto in 1972, a young Scots-educated Englishman by the name of John McLaren assumed the Dean's position. His exhuberance and enthusiasm were matched by his boldness of purpose and willingness to test new ideas. Under McLaren, the Faculty became the second school in Ontario to support clinical legal education and the first major player in public legal education. It was McLaren who hired Neil Gold to direct the clinical program at Legal Assistance of Windsor. It was also McLaren who encouraged a newcomer to the Faculty, Ron Ianni, to begin the Community Law

Program. The spirit of adventure which marked McLaren’s years as Dean permitted the school to begin to practice its legal philosophy in both curricular and community endeavours. The zest for innovation was to take McLaren to the foothills and the new law school at Calgary in 1975.

Ron Ianni, then Associate Dean, who had arrived to his first ever teaching post at Windsor in 1971 after years of post-graduate study in England, France and Italy, accepted the Deanship on July 1, 1975. His nine year tour of duty permitted the school to stabilize and to firmly establish its community orientation. Access to Justice and Canada/U.S. Issues were formulated as general designations of the faculty’s scholarly and teaching interests. With his support the Prepaid Legal Services Program of Canada was developed, prophesying, as it did, auto worker interest in a novel mechanism for the funding and delivery of legal services. Ianni stewarded an eight-year-old-school to late adolescence, leaving it to Julio Menezes to temper its temperamental personality.

In 1983 Menezes was asked to supervise the maintenance of the Faculty during Ianni’s leave. When he moved to the Presidency, Menezes superintended during the period of the search for a replacement. These were advertantly years of consolidation and holding, well managed and directed by the spirited Acting Dean.

In June of 1985 Neil Gold returned to Windsor after 10 years in British Columbia. He had left Windsor in 1975 to help develop the program at Victoria’s new law faculty. By 1985 he had served as the initiator of British Columbia’s experiment in professional training. He was ready for a new challenge. The challenge is on now!

V. The Library

The Paul Martin Library, comprising almost two-thirds of the law building, was designed to house a collection of approximately 200,000 volumes, a figure substantially larger than the average for Canadian common law schools in the 1960’s. Today, with the collection nearing 180,000 mark, the figure seems low. Space is at a premium, forcing the acquisition of microforms and the storage of bound volumes. When the economic times improve, a building program will not be far off.

More urgent than the actual number of volumes on the shelves is the problem of funding. Provincial contributions to capital expenditures in the late 1960's extended to the development of the Paul Martin Law Library, but those grants ended in 1971. Since then the picture has been gloomy; library budgets have been reduced, European and American books have risen in price, inflation has increased. University contributions to the Law Library have stabilized despite inflation. Legal scholarship, based as it is substantially on books, not laboratories or
external studies, inevitably suffers under such circumstances. The pleas for help have been heeded only in part. In all the circumstances, the library's continuing growth capacity and its vital contribution to the publishing efforts of faculty is remarkable. Credit for this achievement must be shared with the Ontario Law Foundation and with the librarians. Law Foundation funds have been particularly important for a law faculty in a university as small as the University of Windsor. When Roger Jacobs left Windsor to head the library of the United States Supreme Court in 1973 he was succeeded by Gail Starr. Gail followed John McLaren west to start up the law collection in Calgary in 1975 and Paul Murphy became law librarian at Windsor.

VI. The Building

One of the first priorities for the new Faculty was a building. After an extensive review of newly constructed law schools in Canada and the United States a design was settled upon and, in the fall of 1968, the construction contract valued at close to $3 million was finalized. The cornerstone was laid by the Honourable Roland Michener in the spring of 1969 and the building was formally opened on September 25, 1970. At a special convocation to commemorate this event, honorary degrees were conferred on James C. McRuer, Bora Laskin, and Francis R. Scott.

The design for the new law building drew heavily on the recently constructed Osgoode Hall Law School of York University. The library is at its core with faculty offices ringing it and classrooms closely adjoining. The focus upon the library reflects a hundred year tradition of juridical science. Modern day legal education with a wide variety of learning and teaching structures requires premises more adapted to the needs of the times and to predictable innovations. Today, this once commodious building strains to perform its basic tasks. As legal education develops in a variety of new forms — computer-aided learning and research, clinical programs, cluster courses, skills teaching, empirical studies — facilities to meet the needs must be developed. Too long legal education has been seen in one dimension only — sitting reading and listening. Thankfully change has come. Buildings too must accommodate these other developments. The law building is ready for modification and additions once funds can be allocated to the project.

VII. Collegial Evolution

In considering the highlights of the school's relatively brief history it is appropriate to focus on the curriculum and on the development of extra curricular projects and their relationship. As an important paper from the Faculty's Academic Planning Committee indicates, there has been a
strong interconnectedness between the program inside and outside the classroom. This aspect of the University of Windsor deserves special attention. The factors that shaped changes in courses and the development of special projects best describe the development of the institution. In 1982 the Faculty was to have the opportunity to show its accomplishments.

It was a crowded year. The Law Faculty was responding to a performance audit by the Senate Academic Planning Committee; the Consultative Group on Research and Education in Law, known as the Arthur's Committee, was studying the state of legal education and legal research across the country. At the same time some members of the Windsor Bar, suffering from the effects of the recession in Canada, suggested that the Faculty close down!

The University Senate received the report of its Academic Planning Committee in the spring of 1984 and, in face of the Committee's contentious recommendations concerning the closure of some academic units and programs, the Law Faculty fared extremely well. The Faculty's capacity for "prudent self-governance" was noted, along with the development of its curriculum, its community service programs, and its contribution to scholarship. The Committee recommended greater breadth and depth of the offerings related to "Access to Justice" and "Canada/U.S. Issues"; it also nudged the University to increase the resources allocated to the law school.

The Province's Bovey Commission, looking at all post-secondary education in Ontario, in a single paragraph, dismissed any suggestion for a change followed by a parenthetical reference to the enrollment reduction that Windsor had implemented in 1975. This was a relief to many at Windsor who had wondered whether Bovey's group shared the Bar's concern over numbers of graduates.

The Report of Law and Learning is harder to come to grips with. The faculty was in favour of the study having been undertaken in the first place, but, as with colleagues in other Canadian schools, it soon found itself described, praised, damned, and bemused. In fact, the Faculty prepared both a brief to the Committee and response to its Report. Like others, the faculty believed its accomplishments were on track and less well recognized than was appropriate. On the other hand, Windsor lauded the direction, feeling supported in its own efforts to vary and deepen legal scholarship's connection to theory, practice and empiricism.

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6. Dr. Paul Cassano, V.P. (Academic), Chair.
VIII. *Eclecticism and Diversity*

By 1975 the faculty had come to recognize that its curriculum was essentially eclectic and indistinguishable from those in other common law schools. The curriculum reform proposals of that year, while focusing principally on first year, appeared to satisfy those who wished to increase skills training, especially as regards statutory interpretation. However, the proposals failed to attract the support of those who wanted a different balance between "private" and "public" law in the first-year program. In the result a first-year course on the Administrative Process was added and Tort Law moved to second year, both changes to take effect in 1977.

Other changes included the introduction to the upper year curriculum of differential weighting for courses and the removal of all restrictions on choice in second and third years, apart from Torts, Civil Procedure and a "perspective course". The requirement of a perspective course was meant to ensure that each student was offered at least one opportunity to examine general, theoretical issues from a systemic and usually multidisciplinary vantage point. In addition, each student was henceforth required to complete a major research paper prior to graduation. The debates on these matters were intense and the results not very different from those at other schools. Curricular change comes hard, though it is still clearly indicated.

Good relations with the Business school have lead to a natural development — a joint M.B.A./LL.B. degree. Windsor's program aims to integrate and coordinate law and commerce learning through coursework and a major paper which examines the relationship between business and law. The degree granted, an integrated M.B.A./LL.B., uniquely recognizes the blend which is sought.

Windsor also has taken advantage of the opportunity which its proximity to Detroit permits. Students enrolled at Windsor, Wayne State University and the University of Detroit enjoy the option of pursuing courses at the other schools without special fee. As a result, three curricula are open to Windsor students with all three schools within a five mile radius. Unique is Windsor's joint LL.B./J.D. program with the University of Detroit. In three years, including two sessions of summer studies, Windsor students acquire the credentials for admission in both Canada and the United States. All three schools are now implementing a joint program in intellectual and industrial property, which will make the consortium the most highly specialized offeror of courses in this field anywhere.

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As yet no graduate program has emerged. A committee of Faculty is now considering the prospects for this development.

The Faculty has always recognized that academic credit can and shall be achieved through myriad forms of student activity and achievement. In conjunction with the Department of Justice of Canada, the judges of the Northwest Territories Supreme Court and the Law Foundation of Ontario, the school offers the Northwest Territories Clerkship Program. Each year two students spend a semester each serving as law clerk to the judges. They are supervised in Yellowknife by the judges and from Windsor by a faculty member, under whose direction they must complete a major research project. This unique clinical offering has been offered on a restricted two week basis for students in the Clinical Law Program who serve as clerks to District Provincial and High Court Judges. Directed research in consultation with a Faculty member offers a third avenue for individually directed study.

Recently, team teaching and exchanges with the philosophy department have borne fruit. There is a keen desire to move into more interdisciplinary teaching once clear connections and working arrangements can be made.

In retrospect, however, it can be seen that the internal academic planning process has left something to be desired. In the early days it was customary for the chair of the Academic Planning Committee to send out a memo in the fall inviting suggestions for new courses. Some of the suggestions reflected the school’s stated objectives and the mood of the times; for example, Douglas Sanders introduced the first course in Native Law in 1970 and in that same year Lakshman Marasinghe launched his course in the Law of Developing Nations. But the reasons for proposing and indeed adopting a new course were not always convincing. Courses were sometimes suggested simply because the Canadian Bar Association had developed a section in the area or because the proposal resembled something that they were doing at Harvard. The Report on Law and Learning was a needed reminder that the Law School calendar was meant to be something more than a warehouse of fond hopes and false promises. This has led many to call for fundamental, even radical curriculum review and reform. The prospects are still uncertain. Curricular change on a large scale is dauntingly difficult and unsettling: change requires flexibility and action, neither of which is always easy to muster.

To date the review process, with full realization of the difficulties involved, has directed us to programs on “Access to Justice”9 and

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“Canada/U.S. Issues”. The first theme epitomizes our concerns for procedural and substantive justice for all and maintains our first-stated commitment to law as a facilitator of social good. The second recognizes the intimate relationships we have with our neighbours and our desire to see that relationship flourish for both.

IX. The Unconventional Scientific Scholar

Curricular reform aside, the faculty had misgivings about the tone of the Report on Law and Learning. The Report seemed to suggest that in the opinion of the Consultative Group the crucial question to be asked was: What do legal academics do to be worthy of the university? In our view the appropriate questions were and are: What does the university owe? What does the law owe? As Craig Paterson, a former Windsor faculty member, put it to the 1983 C.A.L.T. meeting, “research and scholarship to what end?”

At Windsor the practice has been to start with the identification of a social need that can be met within resources of the Faculty. Collaboration with other disciplines and with scholars outside the country develops naturally out of the experience of trying to meet the need. Two examples may be instructive.

In 1975 a committee was struck to study the possibility of establishing a law journal. The committee recommended against doing so. In 1979 a new committee proposed that a journal be published, this time devoted to Access to Justice. After extensive preparation, including a faculty retreat, the faculty decided to proceed: the journal was to be refereed, multi-disciplinary, and international; no elimination of any service programs or of conventional activities previously engaged in was to be undertaken in order to get the Windsor Yearbook of Access to Justice launched. This initiative filled a real need and, in our view, was fully justified. In short, the development of the Yearbook was both additive and a natural outgrowth of earlier activities.

The first program in legal assistance to the disadvantaged at Windsor was started by the Student Legal Aid Society in 1970 as a non-credit

10. To quote from the collective response:

We would like to make the simple point that in embracing the overall thrust of the Report on Law and Learning, we do not wish to be seen to be distancing ourselves from the past or the present in Canadian legal education. Nor do we intend to either discover, or fulfill, our mandate by mimicry.

Theory and Praxis: We are left with a very strong impression that the [Consultative] Group has assumed a necessary clear and vast distinction between research on the one hand and action or promotion of action on the other. We could respectfully like to disassociate ourselves from that view. One would lapse into engaging in intellectual effort solely for prestige.
volunteer clinic. It continues to operate in that fashion today, under the name Community Legal Aid. In 1973 two initiatives — one by Ron Ianni, to deliver legal information through the media, the second by students, to visit schools and to speak on legal topics — came together as the Committee Law Program. When that organization launched its student-edited Canadian Community Law Journal in 1977 it made no pretense of publishing a traditional academic journal: the publication was intended for the law community. In 1974, the faculty supported the establishment of Legal Assistance of Windsor over the objections of many in the local bar. While the need was clear to those at the University those in the town needed some convincing. Today Legal Assistance of Windsor, staffed by lawyers, social workers and law and social work students, is well established, providing inter-disciplinary service to meet the social and legal needs of the Windsor community. About 25 students each year earn academic credit by participating in the Legal Assistance program. Its academic component is strong and vital providing new perspectives on law and learning.

An ironic incident in the identification of social needs occurred at the time of the development of the work of the Prepaid Legal Services Program. Professors Larry Wilson and Christopher Wydrzynski examined prepaid plans as mechanisms for assisting those eligible for legal aid.\textsuperscript{11} Their article led to a program in which colleagues, students and associates outside the faculty participated in the research on implementation of such plans. In 1979 the Program held a national conference.\textsuperscript{12} Attendance at the conference was excellent both in numbers and in terms of the mix of delegates: unionists, bureaucrats, academics, labour lawyers and Law Society representatives. The keynote speaker was Julien Major, Vice-President of the Canadian Labour Congress. He delivered an address in which he damned the lawyers and rejected legal service plans. However, by the fall of 1985 prepaid legal services centres opened in the major automobile manufacturing centres in Ontario; they were swamped with clients.

If labour was somewhat equivocal about such a plan, the local legal profession had no doubts. Despite notice of the likely emergence of a prepaid plan in Windsor neither the local nor certified bar was in a position to respond proactively. At the time of writing, litigation was pending to determine the legality of the Canadian Auto Workers' plan.

\textsuperscript{12} \textit{Proceedings of the National Conference on Legal Services 1979}, Prepaid Legal Services Program of Canada (Windsor, 1980).
\textsuperscript{13} The Commonwealth Institute for Legal Education and training is a project sponsored by
In the past couple of years, weekly faculty seminars have been established for the sharing of research in progress and the fostering of exchange of views. Colleagues have begun to turn more to one another for comments. Concurrently, the school has developed the Theoria Seminar program. The following description prepared by Bill Conklin, its creator, probably best describes Theoria's intentions.

This series of seminars began from a dissatisfaction with contemporary legal theory, on the one hand, and a recognition of the importance of legal theory, on the other. We felt dissatisfied with contemporary legal theory because of its concentration upon juridical concepts (such as possession, legal rights, duties, etc.), judicial decision-making, and other issues which take theory into an apparent "ought" world divorced from social practice. At the same time, we believed it was important for a Law Faculty to be in tune with the need for theory in order to better appreciate the character of social practice, the role of legal forms in the practice of law, the role of a law school and particularly the resource material of law teachers in a reified separation of legal from social reality, and other factors. We aimed to induce a dialogue which would transcend or by-pass the "rules/policy", "objectivity/subjectivity" horizon on legal knowledge.

We understood the concept of theoria to be a Greek one which might overcome the above problems. In particular, we understood it to concentrate upon the following:

1. It aimed to connect social and cultural practice on the one hand with theory on the other, and vice versa;
2. It understood morality in terms of virtuous conduce rather than in terms of rules and principles;
3. It seemed to avoid the positivism of contemporary legal theory by concentrating upon a never-ending discourse which continually undermined the givenness of posited legal/moral norms.

We now understand that our projected image of the Greek concept of theoria may not have been "correct". That is, we have realized that the concept of theoria itself is up for debate. In any case, the latter challenge takes us away from the positivism which we found encircling contemporary legal theory and contemporary legal education. At a minimum, we hope that the enterprise will induce us to break out of the posited boundary lines which legal education has hitherto assumed.

Three special lecture series and a new endowed chair also deserve mention. The George M. Duck Lecture was established by an anonymous donor to recognize an active Windsor citizen. Its theme, which follows, blends well with our view of law.

Every society, no matter how primitive, must adopt rules governing the conduct of its members one with another. The more civilized and sophisticated the society, the more complex and sophisticated are these rules. When these rules receive the general sanction of the society, and are generally enforced by the government, they become legal norms. This
ordering of society has been viewed as the traditional function of the law. As the needs of society change the law must respond. Recognizing that society has accepted increasing responsibility for the welfare of its members, the law has been viewed not only as an institution of social ordering but equally as an instrument for meeting and anticipating the demands of social change. Regardless of which role is emphasized, and even during a period of essential tranquility, the law must evolve and adapt. In a time when the only constant is change, the law is rapidly undergoing fundamental re-assessment, adaptation and transformation.


The Annual Access to Justice Lecture provides an opportunity to showcase the Yearbook and present a major contribution in its field. The lecturers include: Joseph Vining, Martin Friedland, Roland Penner, Geoffrey Palmer, Gregory Baum and most recently William Twining.

A third series commemorating the career of Windsor's most highly regarded criminal lawyer, Bernard Cohn, was inaugurated in 1987 by Edward Greenspan.

The Paul Martin Chair in International Affairs and Law was established by community and government subscription to honour Windsor's long serving parliamentarian, Minister of the Crown and High Commissioner to the Court of St. James. The chair is a cooperative one in which both Political Science and Law share. Sir Shridath Ramphal, Secretary General of the Commonwealth, held the post in 1985, leading a triumphant inaugural. Edward McWhinney, Q.C. followed in 1986 with great success.

When Dean MacGuigan formulated his statement on the philosophy of the law school he included a very explicit statement on the primacy of law. Today Dean MacGuigan's statement is practiced through collaboration with other disciplines as an accepted and essential method of achieving results. Recent collaborations with with Political Science, Philosophy and English omen well for the policies of academic study and community service at Windsor.

X. Conclusion

The Windsor Faculty has emerged with confidence from a period during which it has studied itself and been studied by others. The goals of the
'60's — a responsive legal system — have been refined and relabelled as "Access to Justice". The program in Canadian-American issues, though less well defined, has also become a priority. The social setting remains cooperative and attractive. Unfortunately, however, the Faculty at Windsor, as elsewhere in Canada, has become painfully aware of the ever-present problem of funding. Collegiality and pride of accomplishment cannot forever carry the day, if scarcity is to become a way of life. We share, however, with others the responsibility to expand the resources available to us. This we are pursuing with vigour today. New, exciting and responsive programs of research are in development, renewing the Windsor tradition of innovation and foresightedness.

Legal education's first hundred years as a university endeavour in North America has just been tolled. In Ontario not yet fifty years have elapsed since the first University-based institution was developed. Most are, like Windsor, still implanting a tradition. The first hundred years have been relatively less productive than one would hope for the next fifty. We have come to think that the time has arrived to abandon the narrow study of law as only rules in favour of theory, empiricism and practice. We are on the threshold of new discoveries and syntheses, a threshold that may not be crossed if we remain wedded to tired conceptions tied to the logical positivist tradition which Langdell embedded in the name of his new science. The sad tendency to be mere compilers and rationalizers has left us with a scholarship and practice unsuited to social need. That the legal profession has failed to live up to its highest aspirations of public service needs little elucidation here. That the law schools have sometimes abetted this tradition despite other protestations also seems clear. The future of legal education and learning is indeed bright so long as we are ready and willing to consider change at a very deep level. That is Windsor's commitment.

Legal education, research and scholarship can no longer be conducted on the cheap. Large classes filled with listeners unable to participate, test or question are not likely to develop the most inquiring and challenging minds. If the process of learning does not permit the exercise of the skills being taught, they are unlikely to be well learned. Activities such as the Canadian Law Teaching Clinic have begun to provide law teachers with the knowledge and skills necessary to provide deeper, more meaningful learning. Experimentation in teaching also needs promotion and a positive environment in which risk is not only tolerated but approved. We need to pursue adult education theory and practice with open, undefensive minds.

The assumptions upon which the curriculum is based need reassessment. Why must one person teach a whole course over three
hours scheduled at the same time Mondays, Wednesdays and Fridays? Teams of lawyers and others from cognate disciplines can be organized to deliver a coherent, multi-dimensional program of instruction. Why must courses run the length of a seminar and be divided arbitrarily into multiples of 15 hours? Some courses might last an hour, other span three years. Our assumptions and experience cannot provide development unless we recognize their contents and meaning.

There is also patent need for ordered, structured, well-sequenced learning. Clear curricular goals must be set: we need to describe the capabilities, qualities and knowledge required of the law school graduate. How can we help to produce a result we are unable to describe? This has led to the appreciation that we must seek to develop the intellectual, interpersonal and writing skills necessary for practice and scholarship. Cognitive skill development taught haphazardly until now will be studied at Windsor by an interdisciplinary team of lawyers and philosophers. Similarly, through The Commonwealth Institute of Legal Education and Training just founded at Windsor, we will study the theory and practice of lawyering to aid education and training in such areas as interviewing, negotiation, writing and advocacy. The curriculum of the future will likely stage learning of intellectual and operational skills to enhance theoretical and contextual understanding of the law in action. And Windsor, through its contributions to research and development in this field, will attempt to contribute to others seeking the enhancement of such learning.

The curriculum of the future must reflect the many aspects of law study in a coherent, cohesive, systematic way. Theory, the more general and all-encompassing the better, must be acquired and tested at the point of implementation, in practice. To meet needs a legal education will need to be ever broader and deeper, more thoroughly theoretical, conceptual, social and political. We are beginning to develop a new conception of law and hence of our discipline. The exploratory movement in which we are participating has much to recommend it. Nonetheless, change in law study comes slowly. It is an irony of university life that we exist to promote change — learning — and at the same time fear it. This mixed message must be apparent to our students who too often balk at reform. If Windsor follows its own tradition, there will be change in both curriculum and scholarly endeavour. As the teenager comes of age in 1987 it will be grown up with the capacity to achieve its goals and the will to pursue its ideals.

The Commonwealth Legal Education Association, headquartered in London at The Commonwealth Secretariat.