

THE UNIVERSITY OF BRITISH COLUMBIA



Vice President Academic and Provost

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MEMORANDUM

May 1, 2006

To: Senate
c/o Lisa Collins, Manager of Secretariat Services

From: Lorne A. Whitehead
Vice President Academic and Provost

A handwritten signature in blue ink, appearing to be 'L. Whitehead'.

Re: Proposal to establish a National Centre for Business Law in the Faculty of Law

Recommendation:

I recommend that Senate approve the establishment of the National Centre for Business Law, within the Faculty of Law, effective September 1, 2006.

Rationale:

The rationale and information summary for the Centre are contained in the attached proposal. The proposal has been approved by Dean Mary Anne Bobinski and the Faculty Council.

/cp

attachment: Proposal for a National Centre for Business Law, April 24, 2006

UNIVERSITY OF BRITISH COLUMBIA
FACULTY OF LAW

Proposal for a National Centre for Business Law

April 24, 2006

Overall Mission

To establish and continue to develop a world-class national centre for business law scholarship and teaching within the Faculty of Law at the University of British Columbia (UBC) and create a community that promotes cutting-edge, comparative, interdisciplinary and empirical research in business law.

SUMMARY OF WHAT THE CENTRE HOPES TO ACHIEVE

<p style="text-align: center;">TEACHING AND LEARNING</p> <p>Develop world-class educational programs that provide students, graduate students and professionals with a broad set of skills and increased engagement with contemporary business law issues.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Establish a "Concentration in Business Law" for LL.B. students • Enhance business law program in UBC Law at undergraduate and graduate levels • Raise funds for fellowships for graduate students at LL.M. and PhD level • Deliver half-day workshops for practicing profession • Offer executive intensive course for the profession 	<p style="text-align: center;">SCHOLARSHIP</p> <p>Supporting cutting-edge, balanced, comparative, interdisciplinary and empirical research in business law.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Enhance support for research and scholarship in the business law area • Business law professors from other institutions to be affiliated with the Centre, with particular focus on attracting scholars engaged in interdisciplinary research • Raise funding for two Chairs in Business Law • Support two interdisciplinary business law research projects per year • Launch and sustain <i>UBC National Review of Business Law</i>, a peer-reviewed scholarly journal
<p style="text-align: center;">COMMUNITY</p> <p>Become a focal meeting place for the world's business law community, including scholars, judges, financiers, business executives and leaders, legal practitioners, in-house counsel, government policy-makers and students.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Newsletters informing business law community of ongoing research at the Centre • Lunch-time sessions for the profession • Two policy forums on "hot" issues per year • Host two conferences or symposia annually to enhance intellectual exchange among those with an interest in business law 	<p style="text-align: center;">GOVERNANCE</p> <p>Set up and maintain the National Centre for Business Law as a self-funded organization within UBC Faculty of Law.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • Establish Dean's Advisory Committee consisting of members who are leaders in business, business law and accounting. • Self-funded business model, with revenues generated from educational offerings, affiliated members and donors. • Set milestones for success • Administrative staff to support the Centre • Review business plan and measurable outcomes annually • Provide an annual report to affiliates of the Centre and host an annual meeting to discuss current scholarship and future initiatives • External review of Centre every three years

Objectives of the National Centre for Business Law:

- Provide a robust and interdisciplinary research environment for scholarship in business law and finance policy, focused on both domestic and international comparative law

- Offer outstanding educational programs in business law for LL.B., graduate and professional students, enhancing the quality of students' learning experience by increasing engagement with contemporary business law issues
- Enhance the intellectual exchange and facilitate ongoing communication among scholars, judges, practitioners, in-house counsel, governments, policy-makers and community members with an interest in business law.

Background and Rationale

In January 2005 the Faculty of Law began consultation regarding the establishment of a National Centre for Business Law and reform of the Faculty's business law curriculum. Members of the Faculty visited law firms over the spring and summer of 2005, to discuss issues that firms saw as a priority in the business law area. Meetings were held with 30 firms in Vancouver, Calgary and Toronto. Throughout 2005 consultation continued with adjunct professors, students and faculty, as well as the Dean and Associate Dean of the Sauder School of Business. There has been considerable enthusiasm for this project, culminating in formal approval for the Centre's establishment at a Faculty Council meeting on March 30th, 2006.

UBC Law, with its strong links to China, Japan, and other nations of the Pan-Pacific region, is strategically positioned to advance international business law research, critical at a time of increasingly cross-border activity. The Law School has been engaged in an aggressive search for the best and brightest minds in business law and has recently attracted a number of scholars in this field to our faculty. We have successfully secured a Canada Research Chair in Intellectual Property and Distinguished University Scholars in both international trade and corporate law. Our recent recruitment of scholars has created emerging scholarship strength in business torts, securities regulation, sustainability, law and economics, international business transactions, international commercial arbitration, corporate tax, natural resources law, commercial insolvency law, and international trade. UBC Law is now poised to provide a strong centre for intellectual engagement and interdisciplinary research in business law.

Today's students need to have the best skills possible at a time when the practice of business law requires not only legal skills, but financial accounting and negotiation skills, and appreciation of legal systems implicated in cross-border activity. It is no longer sufficient to have solely core business courses; legal education must respond to new demands for skills sets that allow business lawyers the confidence and ability to properly advise and advocate on behalf of their clients. The National Centre for Business Law will anticipate new areas of legal development, sensitize students to these changes and equip them to respond to and serve the needs of their clients.

The Centre will promote both a domestic and international business law focus. While traditional legal education has focused largely on the domestic context, and often on doctrinal considerations, business law issues have transcended these boundaries. Business law as it is practiced in Canada is decidedly international and legal policy makers respond to business realities that go beyond Canadian borders. The Centre will take these international challenges seriously. Faculty members will integrate comparative and international perspectives in their business law courses, and scholars and practitioners from other jurisdictions will participate in the Centre's activities. The Centre will also develop links between important areas of legal practice and policy making that have historically remained isolated within discrete courses, and provide the needed commitment to creating an interdisciplinary approach to legal scholarship and law teaching at all levels.

Our goal is to have the National Centre for Business Law up and running by September 2006. Having laid the initial foundations for the establishment of the Centre, it timely to highlight this important work to members of Senate.

Benefits of Establishing the Centre

Business law is in rapid transition. The Centre will enhance UBC Law's robust research agenda by encouraging interdisciplinary collaboration between law and other closely connected areas of scholarship, reflecting challenges both domestically and internationally.

The Centre will also advance empirical research, a greatly underdeveloped field within the business law context. UBC legal scholars are currently engaged in empirical research in corporate tax and commercial insolvency law; however, scholars associated with the Centre have a deep interest in advancing empirical research across a range of business law areas in order to contribute more deeply to public policy debates on issues of competitiveness and investor protection.

The combination of emerging research strength, intellectual engagement with today's greatest challenges in business law and an institutional commitment to advancing public policy debate on markets and regulatory responses means that a National Centre for Business Law is the logical next step in encouraging such scholarship and the public policy decisions that it will help to generate.

Five Strategic Priorities:

1. Expand UBC Law's role as a national leader in business law scholarship.
2. Develop academically sound, relevant courses in a number of key areas.
3. Enhance the intellectual exchange and ongoing communication among scholars, judges, practitioners, in-house counsel, policy-makers and community members with an interest in business law.
4. Develop a sustainable business model for the Centre that includes a number of different revenue sources for programs and staff.
5. Increase the number of scholars associated with the National Centre for Business Law.

Governance and Funding

The oversight committee, called the Dean's Advisory Committee on the National Centre for Business Law has been established to provide strategic direction and advice to the Centre – see Appendix I for the Terms of Reference and Appendix II for members. An inaugural meeting was held on March 10th 2006.

The body corporate of the Centre will be the full time faculty associated with the Centre; graduate students in business law; academic associates from business, finance and law schools domestically and internationally; and sustaining affiliates of the Centre. Milestones for delivery will be established for the first three years in order to measure success.

The UBC Law Standing Committee on Business Law will be responsible for the academic direction of the Centre, and program developments in respect of LL.B. and graduate programs will be undertaken through the Faculty's standard procedures, committees and faculty council. In partnership with Faculty members, graduate students, affiliated scholars, firms and the faculty's research, curriculum and graduate committees, and Faculty Council, the Centre will collaborate on scholarship, teaching and policy initiatives. Oversight of the Centre will be by a faculty member selected by the Dean, and will be an uncompensated position. Start-up funding for a graduate student to serve as part-time administrative coordinator of the initiative during the first two years has been generously contributed by David McLean through the McLean Endowment. The Centre will utilize a variety of cost recovery mechanisms, including individual and firm sustaining affiliate memberships, cost-recovery from continuing education programs and funding through research applications. No additional resources will be required from the University.

There will be an annual meeting of affiliated members, reporting on the research and activities of the Centre.

Further details are available upon request or interested colleagues should feel free to contact: Associate Dean Janis Sarra, Faculty of Law (sarra@law.ubc.ca).

Appendix I

Dean's Advisory Committee

on the UBC National Centre for Business Law

Terms of Reference

MANDATE

To provide strategic direction and advice regarding the UBC National Centre for Business Law to the Dean of Law.

OBJECTIVES

The specific objectives of the Committee are as follows:

- to offer advice in the articulation of the Centre's mission, goals and strategic initiatives;
- to be a sounding board for specific National Centre for Business Law initiatives and programs;
- to provide advice and counsel on specific policy and resource issues for the Centre; and
- to facilitate the National Centre for Business Law's linkages with its external communities.

FORMAT

The Dean's Advisory Committee will be comprised of a diverse group of visionary, prominent and active leaders who are committed to strengthening and supporting the Centre for Business Law. The Committee will be made up of approximately 15 members, including senior leaders from legal, judicial, community, corporate, entrepreneurial, and government circles. The Committee will meet twice a year, once in the spring and once in the fall. Accommodation and economy travel will be provided for guests traveling to meetings from out of town.

Meetings of the Committee will be attended by Committee members as outlined above, the Dean of Law, Faculty members associated with the Business Law Centre, the Director of Development and from time-to-time Associate Deans, Professors and other senior members of the Administration.

COMMITTEE MEMBER RESPONSIBILITIES

Each Committee member will serve for a two-year term. The term is renewable once, except in the case of extraordinary circumstances.

Committee members are expected to:

- have an interest in the Faculty of Law and its role and impact in the local, national, and international business arenas;
- serve as an ambassador and spokesperson for the UBC National Centre for Business Law to key constituencies; and
- represent the interests and concerns of their community to the Dean.

FACULTY OF LAW RESPONSIBILITIES

In support of the Dean's Advisory Committee, the Dean and the Faculty representatives will:

- be available to discuss programs and policies, goals and objectives;
- make Committee membership a rewarding and fulfilling experience;
- take the insights of legal and business members of the Committee on transactional and other developments and find creative ways to enhance teaching and research to match these developments;
- ensure that the Committee meetings are meaningful and productive; and
- provide the necessary information and support to Committee members so that they are able to carry out their responsibilities to the UBC National Centre for Business Law.

Appendix II

Members of the Dean's Advisory Committee on the UBC National Centre for Business Law

Dean Mary Anne Bobinski

Faculty of Law, University of British Columbia

The Chair of the Dean's Advisory Committee is:

The Honorable Frank Iacobucci

Counsel, Torys, Toronto

Members include:

Mr David Bain

Managing Partner, Bull, Housser & Tupper, Vancouver

Mr Geoffrey Cowper, QC

Chair of the Litigation and Dispute Resolution Department, Fasken Martineau DuMoulin LLP, Vancouver

Mr Purdy Crawford, QC

Osler, Hoskin & Harcourt LLP, Toronto

Ms Anna K. Fung, QC

Senior Counsel & Chief Privacy Officer, Terasen Inc, a subsidiary of Kinder Morgan Inc., Vancouver

Ms Audrey Ho

Vice President, Legal Services & General Counsel, TELUS Corporation, Vancouver

Mr Doug Hyndman

Chair, British Columbia Securities Commission, Vancouver

Mr William Kaplan, QC

Blake, Cassels & Graydon LLP, Vancouver

The Hon. Madam Justice Risa Levine

British Columbia Court of Appeal, Vancouver

Dr David McLean, OBC, LLD

Chair and CEO, The McLean Group of Companies, Vancouver

Mr Stuart Morrow

Partner, Davis & Company LLP, Vancouver

Mr Larry Prentice

Senior Vice President, Ernst & Young, Vancouver

Mr James Smeltzer

Managing Partner, Bennett Jones LLP, Calgary

Mr W. David Wilson

Chair, Ontario Securities Commission