



Queen's Law Clinics



January 2019

Experienced clinic lawyer takes the helm at Queen's Legal Aid

Blair Crew brings a wealth of experience in clinical education to his new role as Director of Queen's Legal Aid (QLA). From 2005-2018, he was Review Counsel at the University of Ottawa Community Legal Clinic (Faculty of Common Law), where he was responsible for all aspects of supervising student caseworkers in cases brought before various courts and review boards. As a sessional professor at Ottawa's Faculty of Common Law for the past 15 years, he taught Sexual Assault Law, Criminal Law and Procedure, and the Law of Evidence. Since 2016, he has served as a panelist on the Government of Ontario's pilot program that provides independent legal advice for survivors of sexual assault. He holds an LL.M. from Cornell University (2005), an LL.B. (Magna Cum Laude) from the University of Ottawa (1998) and an Honours BA from the University of Toronto.

Before assuming the directorship of QLA on January 7, Blair Crew spoke to *Queen's Law Reports* about his motivation for delivering pro bono legal services, his previous experience as a clinic supervisor, and his plans for leading the largest of the school's five clinics.

What interests you most about providing legal services to low-income people?

Economics provides one of the most significant barriers to access to justice in Canada's legal system. Courts of every level, including members of the Supreme Court of Canada, have recognized that the cost of legal services in Canada has now gone beyond what is affordable even for people who have a moderate level of income. People of low income often face discrimination and an inability to access legal services based on factors such as race, gender identity, or disability, including mental health challenges or addictions.

I feel that is a real privilege to be able to use a legal education to address these barriers to access to justice. When billable hours are not a concern, the



MAGGIE DOHERTY

Blair Crew, the new Director of Queen's Legal Aid, is ready to build on the clinic's "long-standing tradition of excellence in providing both legal services to the community and hands-on experiential learning opportunities for law students."

students and I are free to explore every avenue, and to put in as much work on a case as is required to achieve a fair legal result, without being bound by the limitations imposed by what a client can afford.

How have you previously supervised clinical program students?

For 13½ years, I was Review Counsel at the University of Ottawa Community Legal Aid Clinic, uOttawa's equivalent of QLA. While I was primarily responsible for the clinic's Criminal Division, I also have extensive experience before the Landlord and Tenant Board and Criminal Injuries Compensation Board.

My approach to supervision begins with the notion that I should be directly accessible to the students. Most of my weekly schedule is reserved for direct consultation with students. I strongly believe in letting students take the lead in developing both a legal strategy to resolve a client's legal problem, and a plan for effective communication with the clients about that strategy.

It has been my personal practice to attend at courts or tribunals when a student has an actual hearing or trial: clients almost universally require direct and immediate legal advice from a lawyer in the last minutes before a trial or hearing begins. That said, I have learned that I can "sit on my hands" as an observer when I am present a trial, as a student who is well prepared can think their way through almost any situation that arises. By being present, I am able to provide meaningful feedback on what many students describe as one of the most thrilling experiences of their time at law school.

What attracted you to Queen's Legal Aid?

I am excited about the depth of opportunities for file work that QLA presents to students. Between group leaders, litigation students participating for course credit, and volunteers, QLA provides opportunities for as many as 96 students a year to gain practical, hands-on legal experience. Easily the most attractive aspect for me of working at QLA is the opportunity to act as a mentor for these students.

I am also attracted to the model of having five co-

located clinics operating under the umbrella of the Queen's Law Clinics, and the opportunities for collaboration that this presents. In addition to the added convenience for clients who may require services from more than one of the Queen's Law Clinics, I am looking forward to the having access to the insight that the staff and students of the other clinics will provide.

By joining the staff of QLA, I am joining a team of experienced staff with a demonstrated record of being strong role models to students. Part of my role includes mentoring students *beyond* their time at Queen's Faculty of Law. It has been fulfilling for me to watch my former students become partners, associates and sole practitioners, particularly in the area of criminal law, at many of Toronto's and Ottawa's leading firms. I enjoy being able to use these connections to assist students seeking out articling and early career opportunities.

What are your plans for the clinic as the QLA Director?

QLA has a long-standing tradition of excellence in providing both legal services to the community and hands-on experiential learning opportunities for law students. My first plan is to take some time to learn what it is about QLA that has contributed to this effectiveness and reputation. I also recognize that both methods of delivery of legal services and philosophies of experiential education are always evolving, and that any law practice needs to innovate to stay current.

Beyond that, I am new to Kingston. I look forward to being able to renew and strengthen connections between QLA and other agencies that are involved in the justice system and/or the provision of services to low-income people, including other clinics funded by Legal Aid Ontario and social services agencies. I find that having people at such like-minded agencies in my cell-phone contacts list always increases the range of options I can present to clients seeking practical solutions to legal issues.

Disability lawyers credit their firm's success to QLA student experience

The oldest and largest of the five Queen's Law clinical programs, Queen's Legal Aid (QLA) has been a vital part of the Faculty's service to the community for more than four decades. Over that time, thousands of students have got a leg up on their careers from the invaluable practical experience they gained as clinic caseworkers and volunteers. For Courtney Mulqueen, Law'00, and Rupa Karyampudi, Law'11, the founders of MK Disability Lawyers, the QLA experience continues to influence the direction of their careers and how they practice law.

Mulqueen's and Karyampudi's paths first crossed in 2012, when they were both practising at a busy plaintiffs' litigation firm in Toronto. At that time, Karyampudi had just completed her articles at a personal injury boutique and was determined to build on her QLA experience, with the goal of one day starting her own law firm. She wanted to experience advocating for plaintiffs having financial, physical and emotional barriers to justice. "I knew early on that I wanted to work in a legal practice where I was helping individuals, particularly vulnerable ones," she says. "This was in large part due to my experience at QLA, where I learned so much about the practice of law and also about interacting with clients and helping them through very difficult times in their lives."

Like Karyampudi, Mulqueen had also envisioned having her own law practice one day. Prior to working on behalf of plaintiffs, Mulqueen had spent several years as in-house counsel, defending long-term disability insurance claims before she realized how much she missed the personal and professional satisfaction that came with helping individuals in need as she had done so many years earlier at QLA. This realization led her to make the switch to representing disabled people against the insurers she had previously defended.

In terms of the transition, Mulqueen recalls, "The substantive part was easy. It was going from representing corporate clients to individual disabled clients that was the bigger challenge. That's where my QLA experience proved to be invaluable. I drew heavily on that experience in terms of my approach

to my clients and the strategies I used to accommodate and address their individual financial, physical and psychological needs throughout the litigation."

Not long after first meeting, the pair began discussing their experiences at Queen's Law and in particular, their roles as caseworkers at Queen's Legal Aid. Mulqueen and Karyampudi realized that, stemming from their common QLA roots, they shared a common vision of how they wanted to practise law. In 2016, they took the leap, realizing their common vision and founded MK Disability Lawyers (Mulqueen Karyampudi LLP), a boutique law firm dedicated to representing disabled plaintiffs in their long-term disability insurance disputes.

Speaking about their work, Mulqueen says, "Our clients are people who had been working before becoming disabled. They come to us when their long-term disability benefit claims are either denied or terminated. They suddenly find themselves without an income, but they are unable to work. It's a very difficult time for our clients and their families. They are often very ill and now have added financial stress."

Although MK LLP specializes in long-term disability insurance litigation, they frequently represent their clients in related employment, human rights, personal injury, motor vehicle accident and Canada Pension Plan (Tribunal) claims. In addition to providing comprehensive legal services to their disabled clients, MK Disability Lawyers also accommodates clients who are unable to leave their homes due to mobility or mental health issues and those who do not live in the Toronto area, yet require specialized legal representation for long-term disability benefit disputes.

It was in the course of meeting with some Kingston-area clients last winter that Mulqueen and Karyampudi visited the downtown Queen's Law Clinics that since 2015 have housed QLA, as well as clinics in business law, elder law, family law and prison law. Mulqueen recalled the time when QLA worked out of a small room on the upper level of the law school and in trailers parked in the community,



Rupa Karyampudi, Law'11, and Courtney Mulqueen, Law'00, credit their QLA experience for providing them with direction and in motivating them to form their own firm, MK Disability Lawyers.

and she was excited to see the bright and welcoming office space now dedicated to the clinic.

In addition to a tour of the new clinic space, the law partners enjoyed reminiscing with QLA's then-Director, Sue Charlesworth, Law'81 (who has since been appointed to the Nunavut Court of Justice), and Review Counsel Jana Mills, Law'92, and learning about the clinic's growth and initiatives in the community over the past several years. They discussed challenges common to their respective practices, including the hurdles faced by some of their most vulnerable and disadvantaged clients and in particular, those clients struggling with mental illness.

Addressing mutual concerns regarding access to justice issues underscored the strong and lasting influence the clinic has had on both Mulqueen's and Karyampudi's perspectives and their approach to

their law practice. They credit their QLA experience for providing them with direction and in motivating them to form MK Disability Lawyers.

Mulqueen explains, "It was my experience at QLA that made me realize how my compassion and legal training could make a real substantive difference in people's lives. At QLA, I saw firsthand what can happen when clients feel they are being heard and understood and when they are supported and informed. For me, practising law is not just about seeking justice for my clients but also about providing them with a sense of empowerment, direction and hope.

"Queen's Legal Aid showed me early on the incredible opportunity I had been given to do some good and it has influenced the way I practice law, ever since," she adds. "For that, I am truly grateful."

— QUINN BROWN

Queen's Business Law Clinic turns 10

Highly sought after by students and clients alike, the QBLC has grown this year to 24 students gaining hands-on experience working on a caseload of about 150 files. They deliver legal services to a broad client base that now includes entrepreneurs and social enterprises in addition to non-profit organizations and small business start-ups.



QBLC Director Morgan Jarvis, Law'10 (right), discusses a client matter with student caseworkers at the Queen's Law Clinics in downtown Kingston.

"Working at the clinic provides a unique opportunity to tackle substantive legal matters that typically are handled by junior associates at many law firms."

— MORGAN JARVIS, LAW'10 (ARTSCI'05, MSC'08), QBLC'S DIRECTOR SINCE 2017 AND ITS FIRST STUDENT MANAGER IN 2009-10

Those First QBLC Students ... Where are they now?

The idea of a clinical program in business law began in 2008 when four Law'09 executive members of the Corporate Law and Investment Club submitted a proposal to Dean Bill Flanagan. Shown in 2009 with then-QBLC Director Peter Kissick, Law'88, LLM'98 (2nd right), they are each reaping the rewards of their student initiative:

- Amaan Gangji, Partner, Lawson Lundell LLP, Vancouver;
- Matthew Lui, Senior Associate, Torys LLP, Calgary;
- Kathryn Houlden, SVP, General Counsel & Corporate Secretary, DealNet Capital, Toronto; and
- Andrew Spencer, Legal Counsel at Goldcorp, Vancouver.

To make a gift to the QBLC, please go to <https://givetoqueens.ca/businesslaw>.

"I enjoy the variety of files and clients at the QBLC. Small businesses are really exciting because they often represent a critical juncture in a person's life – becoming an entrepreneur and taking a financial and social risk by doing something different. Some people think business law is the antithesis of social responsibility, but I learned how a business can be both economically viable and socially oriented and that, in reality, businesses are a huge part of a community's culture."

— CLAIRE DAVIS, LAW'19, 2019-20
ARTICLING STUDENT WITH WEIRFOULDS LLP IN TORONTO



Clinic Briefs

Queen's Business Law Clinic

The fall of 2018 was another great semester for a new QBLC class. With more students came the capacity to handle more files, and the complexity just keeps increasing. By the end of the fall semester, students had tackled matters ranging from complex share structures for technology start-ups, through a patentability opinion on an exciting new automotive intention. They drafted the usual range of contracts from software to leasing, but also saw some interesting regulatory research questions, including advice on medical device classification, and the legality of business on pot.

Queen's Elder Law Clinic

After a successful fall term, QELC student caseworkers are deep into the busiest winter semester yet. Client meetings at Providence Care, local retirement residences and Kingston General Hospital added an interesting and gratifying dimension to file work, where students assisted clients in palliative or long-term care. In addition to drafting wills and powers of attorney, the QELC assisted several clients with court applications, paving the way for the release of estate assets and the timely administration of estates. The QELC is adding an extra summer student caseworker this May to assist with the transition between academic years and to help manage the increasing number of clients in Kingston, at local penitentiaries, and from the QELC's partnership with the Northumberland Community Legal Clinic in Cobourg.

Queen's Family Law Clinic

The QFLC is celebrating the success of a single mother who faced a complex child support matter. Prior to QFLC involvement, this client had hired a law firm but she ran out of funds. The clinic assisted her with an initial court application, a motion and a case conference before referring her to a new lawyer. Ongoing collaboration between this lawyer and QFLC student caseworkers and review counsel has contributed to an important court decision regarding paternity testing in an international context. See *W. v K.*, 2018 ONSC 7765.

The Queen's Law Clinics gratefully acknowledge the support of Legal Aid Ontario, the Law Foundation of Ontario, Pro Bono Students Canada, the Class of Law'81, the United Way of KFL&A, and alumni and industry sponsors.



Queen's Legal Aid

A QLA public legal education campaign designed to inform students of their responsibilities at social events has been successful. The "Skip the Ticket" campaign, designed by QLA Research and Outreach Coordinator Frank Piazza and the Faculty's Director of Marketing and Communications Matt Shepherd, provided information about Kingston's University District Safety Initiative, under which those charged for committing an alleged offence under the *Liquor License Act* or city by-laws would be required to appear in court. Students commented that they appreciated the informational posters and the number of charges dropped significantly after the campaign launch.

Queen's Prison Law Clinic

In November, the QPLC was successful at the Federal Court of Appeal. *Sharif v Canada* concerned the scope of the "assault"/"fight-with" offence in federal prison legislation (whether "fighting" could include non-aggressive conduct), and the level of scrutiny to be applied by a reviewing court when prison disciplinary convictions are reviewed for reasonableness. The well-reasoned decision by Justice David Stratas, Law'84, granted the QPLC client's appeal and ordered that the disciplinary charge be dismissed. Advanced Prison Law student Ryan Mullins assisted lawyer Paul Quick, Law'09, with this important case. The QPLC also intervened at the SCC in *Chhina* and the *Trilogy*.



The Queen's Law Clinics gratefully acknowledge the support of Legal Aid Ontario, the Law Foundation of Ontario, Pro Bono Students Canada, the class of Law'81, the United Way, and alumni and industry sponsors.

While our clinics are supported by the above organizations, the Queen's Law Clinics is solely responsible for all content in this publication.

Queen's | LAW