

Queen's | LAW REPORTS ONLINE

NOVEMBER 2018



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at intersection of A.I. and law

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'Words that are lasting'

Indigenous artwork unveiled

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UNIVERSITY

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Professor Samuel Dahan is leading the Conflict Analytics Lab, which is uniting experts across the globe with cutting-edge technologies that tackle some of law's toughest challenges. (Photo by Garrett Elliott)

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Students help ‘convert knowledge to action’ in international trade

From Kingston, Queen's Law students have made their mark on trade law beneficiaries as far away as Tanzania and Switzerland, as well as closer to home in Ottawa and Washington, D.C.

How did they do this? They were students in the first International Trade Law Practicum taught by Professors **Nicolas Lamp** and Valerie Hughes, a fantastic boost to experiential learning offerings at Queen's Law.

“The practicum gives students an opportunity to research real trade law questions and do work for real beneficiaries and thereby significantly deepen their international trade law knowledge and expertise,” Hughes explains. Hughes most recently served as the Director of the Legal Affairs Division at the World Trade Organization and she is known to Queen's Law students as an instructor in the International Law Programs at Herstmonceux Castle.

The first cohort of students in the practicum completed projects in the winter 2018 term for beneficiaries that included the East African Community Secretariat in Tanzania, Conservation International (an NGO based in Washington, D.C.), the International Trade Centre (an international organization based in Geneva), and two trade divisions in Global Affairs Canada. Fifteen students worked in teams of three.

Queen's offers the practicum jointly with the University of Ottawa as part of **TradeLab**, a network of seven legal clinics located across the world where students learn by doing projects with the goal of making global trade agreements work for everyone, especially for governments in developing countries, small- and medium-sized enterprises and non-governmental organizations.

Queen's Law students have been recognized for

their efforts. “We now have a great set of case studies on how countries are empowering women economically,” says Arancha González, the Executive Director of the International Trade Centre, thanking the practicum students for helping her organization “convert knowledge to action.” Their project focused on enhancing female entrepreneurs’ participation in public procurement.

In July, another team of students – Tristan McLeod, Law’19, Isabella Mira, Law’19, and Blake Van Santen, Law’18 – presented their project on trade facilitation in Washington at TradeLab’s annual meeting and the Society of International Economic Law Conference.

In a video message, the trio encourage students to apply. “If you are interested in international trade or think you might be, we highly recommend the International Trade Law Practicum,” Van Santen says.

“It’s a unique course that is most akin to actually working in international trade law,” explains Lamp. “Students work on actual problems these stakeholders face.”

“Students also learn highly practical skills that one does not learn in a traditional trade law class, such as how to manage a big project under difficult time constraints, how to work as a member of a team, and how to manage a beneficiary who may be rather demanding,” adds Hughes.

Lamp finds it satisfying to see how student work evolves over the term thanks to continuous revision of the product. Compared to a traditional class, it is “a different way of working with your professors” and “the feedback is very frank,” but the comments are in the same vein as those students would receive from senior lawyers in practice. Clearly, students who complete the Trade Law Practicum will be better prepared for future employment and potential employers will no doubt be impressed by the



Professor Nicolas Lamp and former WTO-Legal Affairs Director Valerie Hughes co-teach the International Trade Law Practicum, giving students “an opportunity to research real trade law questions and do work for real beneficiaries.”

knowledge and experience they can bring to their work.

When asked about what’s next for the practicum, Lamp mentions the Faculty’s call for a Queen's National Scholar in International Economic Law, which should allow the Trade Law Practicum to accept more students and to accept beneficiary work on international investment law.

Before that, next year’s class already has more projects lined up from the Trade Law Bureau at Global Affairs Canada and the East African Community Secretariat. Professors Lamp and Hughes are also exploring whether practicum students could help local Indigenous groups address issues that they face in cross-border and interprovincial trade. The next group of students will get to work in January 2019.

— ALEXANDER MCPHERSON



Queen's Law students Isabella Mira, Blake Van Santen and Tristan McLeod present their work on the “Non-Tariff Barriers and Trade Facilitation” project for the East African Community Secretariat at the annual TradeLab meeting in Washington, D.C.

Business law professor appointed Visiting Scholar at Yale Law School

Khimji, the inaugural David Allgood Professor in Business Law at Queen's, is working on the next phase of his groundbreaking project on shareholder democracy at a U.S. Ivy League school this term. As an Associate Research Scholar in Law at Yale's Center for the Study of Corporate Law, he is conducting interviews with financial market participants in New York and Connecticut. This work is part of his long-term empirical study for which he received a five-year Social Sciences and Humanities Research Council (SSHRC) Insight Grant for over \$150,000 last year.

"What I've enjoyed most about Yale so far is the opportunity to be a part of a welcoming and talented community of accomplished scholars," says Khimji.

Established in 1999, the Center focuses on matters such as corporate law, financial market regulation, bankruptcy law, corporate reorganization and the law of regulated industries. Its main objective is to increase learning opportunities and faculty research in business law. Khimji's findings this semester could have expansive implications for all members of the general public who invest in capital markets.

"While at Yale, my research employs qualitative methods to study shareholder activism as a phenomenon," he explains. "Ultimately, legal rules set incentives. Legal rules should encourage shareholder activism to the extent that it benefits capital markets, and vice versa."

Khimji seeks insight into two main issues: the process of shareholder engagements and outcomes in engagements that are not publicly announced. He is interested in learning what attracts U.S. investors to Canadian corporations, along with the extent, types and effectiveness of shareholder engagements. To inform his findings, he will interview a multitude of stakeholders, including investment firms, targets, law firms and proxy solicitors.



Professor Mohamed Khimji is at Yale this fall working on a phase of his major research project for which his findings could have expansive implications for everyone who invests in capital markets.

Receiving funding for this research project is just one of Khimji's achievements since joining Queen's as the Allgood Professor in 2016. "My favourite part of the job is working with students and alumni to develop our program with new courses and events," he says. "Facilitating student-alumni interaction in an academic setting is beneficial, and provides our current students with the opportunity to better project what a successful career in business law could be."

To that end, he has developed and taught a new Mergers & Acquisitions course, set up Private Equity and Accounting & the Law courses, and re-introduced an offering in Corporate Finance; and with Osler's Amelia Miao, Law'11, coached a three-student Queen's team that became the first from a Canadian law school to take part in the Transactional LawMeet at Georgetown University in Washington, D.C.

Beyond academics, Khimji has enhanced the scope of events happening at Queen's Law. He invited Professor Roberta Romano of Yale Law School to provide the inaugural David Allgood Lecture in Business Law and helped arrange the "Law as a Launchpad" panel, in which alumni described how they translated their law degrees into impressive business careers.

"We have a talented group of students interested in business law with tremendous potential and distinguished alumni in the field who support the school," he declares. "Queen's has a large and illustrious public law presence. My objective is to ensure that students interested in business law have an equal opportunity to engage intellectually."

Khimji wants to see his students flourish well beyond the articling phase.

"Learn as much as possible while in school and take at least some courses in accounting and finance," he advises students seeking a future in business law. "I want students to not just be successful in securing an articling position but for their careers to progress and develop successfully in the long-term."

In the meantime, Khimji is eager to embark on this new phase of his research at Yale.

"The pizza in New Haven isn't bad, either," he adds.

— JUSTIN MURPHY

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You can still read QLR 2018, and among many other things, learn what faculty and alumni experts have to say about how Canada's Cannabis Act raises challenging new questions and offers exciting opportunities to break new ground in many different areas of law.

[Check out QLR 2018 online!](#)

Professor/librarian wins national award for outstanding academic contributions

“Language is our primary tool in law,” says **Professor Nancy McCormack**, whose passion for English literature helped propel her career in legal academia and librarianship. To many law students, professors and practitioners across Canada, she’s the author of their go-to books on legal research, Canadian legislation and statutory interpretation. But for those at *Queen’s*, this award-winning Librarian and Associate Professor is also the point person for conducting their research.

This year, the Canadian Association of Law Libraries (CALL) has selected McCormack for the Michael Silverstein Prize. The prize, established by Thomas Reuters, recognizes her outstanding academic contributions to the enhancement of understanding, analysis and appreciation of primary law – case law and statutes – and legal taxonomy.

“I was just delighted to hear about it,” says McCormack on winning her latest award (she received the Denis Marshall Memorial Award for Excellence in Law Librarianship in 2014).

“When you write, you spend a lot of time by yourself, and even though first and foremost, you write for yourself, it’s always great to know that someone else thinks your work has value.”

McCormack says this with experience, as she is Associate Editor for the *Canadian Law Library Review* (CALL). She has also co-written the third and fourth editions of *The Practical Guide to Canadian Legal Research*, in which the late Michael Silverstein, for whom the prize is named, contributed a chapter on the Canadian Abridgment.

Before studying law, McCormack had a passion for librarianship. After earning graduate degrees in English Literature at McMaster and in Library Science at Western, she worked as a librarian for a law firm. “When lawyers would ask me what I thought about various books, I couldn’t help them, so I decided to go to law school,” she recalls. “Once

I got the academic bug, I couldn’t stop. I went on to learn as much as I could.”

That she did. The nomination submitted on McCormack’s behalf includes a lengthy list of publications and refers to her writing as “succinct, yet informative and often witty” commentary on contemporary Canadian legal issues. Her authored and co-authored publications include: *How to Understand Statutes and Regulations*, 2nd ed. (Carswell, 2017), *Annotated Federal Interpretation Act* (Carswell, 2016); *Introduction to the Law and Legal System of Canada* (Carswell, 2013); *Managing Burnout in the Workplace: A Guide for Information Professionals* (Oxford: Chandos, 2013); and *Statutes and Regulations for all Canadian Jurisdictions*, 5th ed. (Carswell, 2012).

In her latest writing project, she’s the sole editor and compiler of the fifth edition of *The Dictionary of Canadian Law* (Thomson Reuters), a mammoth endeavour at approximately 1,400 pages, due to be published in 2019. “It’s like painting the Brooklyn Bridge,” says McCormack, “By the time you get to one end, it’s time to start over at the beginning. I have researched roughly 31,000 definitions and probably re-worked or re-written 90 per cent of them.”

That work has included looking at all recent legislative and judicial definitions since the fourth edition was published in 2011; adding new definitions such as “disciplinary segregation,” “sweethearting,” “walk-and-turn test” and “Cannabis retail outlet” that were not included in the previous edition; and correcting loosely translated Latin phrases and maxims.

Despite (or perhaps because of) the sheer volume of work, McCormack thinks her latest writing project is “fun,” seeing it as the perfect blend of her early passion for literature, and that for law. “I’m pleased with the results so far,” she said, “I started at the As



Nancy McCormack, Professor and Law Librarian at *Queen’s*, is an award-winning author whose writing is described as “succinct, yet informative and often witty” commentary on contemporary Canadian legal issues.

almost two years ago, and am now closing in on Z.”

This fall, McCormack is also teaching first-year Torts classes instead of her usual legal research classes for upper-year and graduate students. “So

much of law is about language and stories,” she says. “Tort law is all about that, and I’m sharing the great fact situations that appear in some of law’s most memorable cases.”

— ASCHILLE CLARKE-MENDES

Professor Robinson appears before International Court on immunities of heads of state

Professor Darryl Robinson argued before the Appeals Chamber of the International Criminal Court (ICC) in The Hague from September 10-14. The hearing concerned the highly controversial question of whether Sudanese president Omar al-Bashir has immunity from prosecution before the ICC for genocide and crimes against humanity.

An internationally respected authority on international criminal law, Robinson appeared as an *amicus curiae* – “a friend of the court” – to provide independent expert input on the issues before the Court. Robinson spoke for an international team of leading legal scholars (Robert Cryer, Margaret deGuzman, Fannie Lafontaine, Valerie Oosterveld, and Carsten Stahn). Over the week-long hearing, he was asked to make four presentations to the Chamber on various issues, in addition to answering questions from the bench. Robinson and his team also submitted a written brief, developed with research assistance from Queen's Law JD students Rachel Oster and Eric Znotins.

Omar al-Bashir is accused of genocide and crimes against humanity in war-torn Darfur, where as many as 300,000 men, women and children have been killed. Most of the killings were allegedly carried out by armed groups, such as the Janjaweed, in coordination with state forces. Despite being the subject of an international arrest warrant, al-Bashir has travelled to various countries, which have failed to arrest him. The Appeals Chamber of the ICC hearing is considering whether Jordan breached its obligation by declining to detain him when he visited Jordan in March 2017 to attend an Arab League Summit.

If any of the court's member states fails to comply with an arrest warrant, the Court can make a finding of non-compliance and refer the matter to the Assembly of States Parties – which is the ICC's governing body – or the United Nations Security Council.

“We argued that the Security Council had indeed removed President al-Bashir's immunity for these



Professor Darryl Robinson appeared before the International Criminal Court Appeals Chamber in September, providing expert input on a controversial question regarding Sudan's president.

crimes before the Court,” Robinson said. “However, there are contrasting viewpoints with plausible arguments. We suggested ways to bridge some of the differences. The best contribution would be for the Appeals Chamber to clear up the law for the future.”

Robinson has long been involved in international criminal law. As a young Canadian diplomat, he helped to draft the Statute of the ICC. He later served for three years as a legal adviser in the ICC prosecutor's office. Since joining the Queen's Law faculty in 2008, Robinson has engaged in writing, strategic litigation, and projects in various regions to promote a fair and compassionate system for prosecution of war crimes. He is a member of a Social Science and Humanities Research Council partnership that has received \$2.5 million to strengthen international justice efforts.

— KEN CUTHBERTSON

Former dean appointed to Ontario Court of Appeal



Justice Alison Harvison Young has been promoted to the Court of Appeal for Ontario, where Dean Bill Flanagan says “she will make a leading contribution.”

After 14 years as a judge in the Ontario Superior Court of Justice, former dean of Queen's Law Alison Harvison Young has accepted an appointment to serve on the Court of Appeal for Ontario.

“This is a marvelous appointment to the Court of Appeal,” says Dean Bill Flanagan. “Following her successful tenure as dean of Queen's Law (1998-2004), Alison has built a highly distinguished record as a trial judge, and she's now well placed to make a leading contribution to the OCA.”

Harvison Young says she's looking forward to the challenges in this next phase of her legal career, although she's also quick to add that she “very much enjoyed” her time as a trial judge. “When you're in the courtroom, it's not only about making legal decisions and calls, but also about managing process, and that means managing people. People make up the process, and I'm very much a people person.”

That attribute was never more apparent than during Harvison Young's six years as dean of Queen's Law. The first “outsider to take the reins in the Faculty,” she arrived at a time when faculty, students, staff and alumni were engaged in a spirited and at times emotional debate about the school's direction.

During her tenure, Harvison Young, with the support of the faculty as a whole and what she fondly remembers as her “wonderful administrative team,” forged ahead with an ambitious and highly successful process of faculty and infrastructure renewal.

“The law school has always been student- and teaching-centered. The faculty was strong, but no one had been hired to a tenure track position for quite a few years,” says Harvison Young. “We were able to recruit superb new professors who built on the student-focused orientation of the faculty, but who also brought a new focus on research to the school and fresh energy and ideas.”

In addition, a well-orchestrated fundraising effort that Harvison Young spearheaded raised money for much-needed infrastructure improvements at Macdonald Hall – including a main-entrance atrium and the installation of an elevator that made accessible all three floors of the building. Dean Bill Flanagan continued with the renovation program, and as a result the law school building is today welcoming, bright, and modern in every way.

“I have fond memories of my years at Queen's Law. They were a time of great academic renewal and collegiality,” says Harvison Young.

Since leaving academia in 2004, she has heard cases in diverse areas of the law, while maintaining her passion for teaching and mentoring.

In her off-hours nowadays, Harvison Young strives “to fend off the effects of a sedentary working life”, as she says with a laugh. She loves to hike, garden, read, walk her dog, and cycle with husband Justice Herman Wilkes-Siegel of the Superior Court. “We have three beautiful grandchildren with a fourth on the way,” Harvison Young says. “My life is full and busy these days.”

— KEN CUTHBERTSON

Associate Dean puts Queen's on the international comparative law map

The summer of 2018 was a busy one for **Professor Joshua Karton, Associate Dean of Graduate Studies and Research** at Queen's Law. In addition to working on his research, teaching at the Castle (Bader International Study Centre), and preparing for the upcoming academic year, he played three key roles in the world's largest comparative law event.

Karton spent a week in Fukuoka, Japan, at the 20th Quadrennial Congress of the International Academy of Comparative Law. The weeklong event drew over 800 presenters and attendees from more than 50 countries, working in all areas of public and private law.

The opening ceremony was attended not only by legal academics, but also featured an inaugural address by the Chief Justice of Australia, Susan Kiefel, and welcome speeches from the Governor of Kyushu Prefecture, the Japanese Ministers of Science and Justice, and Prince Akishino, second in line to the Chrysanthemum Throne and a scholar of catfish aquaculture. "This fine display of dignitaries shows that, in most of the world, comparative law is taken much more seriously than it often is here in Canada," says Karton.

In one of the most interesting aspects of the IACL Congress, reports are gathered from all over the world on a series of topics selected years in advance through a competitive application process. For each topic, a senior scholar serves as "general reporter" to synthesize the various national reports into a general comparative report that includes a discussion of best practices in the area and suggestions for legal reform.

Karton wrote the report for Canada on the topic of "Control of Price Terms in Consumer and Standard Form Contracts," and also participated in a live discussion of the topic in Fukuoka. "Control of price terms is a seemingly obscure issue but actually has great relevance for everyday people's lives," he says. "It encompasses regulation of credit card interest rates, cell phone overage fees, electricity and gas costs, and a wide range of other contracts where there is significant potential for exploitation of consumers." He found that while Canadian courts tend to be very reluctant to interfere with contracts to protect consumers when applying common law doctrines, they are quite assertive in interpreting statutes and regulations to achieve pro-consumer objectives.

Karton also participated in the first-ever Younger Scholars Forum at the IACL Congress. In that role, he presented a paper on corruption in international arbitration as part of a broader panel discussion on combatting corruption through public and private law.

Finally, as Chair of the Younger Comparativists Committee, a global organization of graduate students and junior academics working in every area of comparative law, he represented the youth movement in comparative law at various meetings and colloquia held during the congress. (Assistant Professor Alyssa King, a new faculty member at Queen's, is also an active member of the Younger Comparativists Committee and

serves on one its advisory groups.) At the annual meeting of the directors of the *American Society of Comparative Law*, which was held at the IACL Congress, Karton was elected to the editorial board of the *American Journal of Comparative Law*, the leading journal in the field. Starting in January 2019, he will serve as co-Book Review Editor of the *AJCL*.

It wasn't all work and no play that week in Japan. "Luckily, I had time for a little sightseeing too, exploring Fukuoka and the nearby city of Nagasaki," says Karton. "And of course, taking every opportunity to gorge myself on sushi, ramen, mochi, and other delicious local dishes."

Dialogue on Sir John A's historical legacy



Orange Shirt Day participants (photo by Chris Yao); Liberty Lecture speaker Conrad Black (photo by Iain Sherriff-Scott)

A recent lecture at Queen's Law afforded students and faculty the opportunity for an engaged discussion about the name attached to the law school building and the historical legacy of Sir John A. Macdonald.

The second Piasetzki Liberty Lecture featured guest speakers Conrad Black, the *National Post* columnist; Professor Joe Martin, who teaches business history at the University of Toronto; and, Liberty Lecture series sponsor Greg Piasetzki, Law'80.

About 60 Queen's Law students and faculty along with attendees from the wider campus community attended the October 1 event at which all three featured speakers offered positive interpretations of the overall contributions to Canada of the country's first prime minister.

At the same time the lecture was underway, the Indigenous Law Students' Alliance held a vigil outside the law school that was well attended by a number of faculty members, staff and students, as well as other members of the Kingston community. The speakers expressed a critical view of Sir John A's historical legacy with regard to Indigenous peoples, and voiced their objections to the lecture's timing, just three days after the September 28 official unveiling of "words that are lasting," the new Indigenous art installation that hangs in the law school's atrium.

The vigil also coincided with "Orange Shirt Day," honouring survivors and victims of the residential schools. Many of the participants who took part in the vigil also wore orange shirts in honour of Orange Shirt Day.

— KEN CUTHBERTSON



Associate Dean Joshua Karton (right) in conversation with Professor Naoki Kanayama of Keio University during the International Academy of Comparative Law Congress held in Fukuoka, Japan, where they participated in a panel on combatting corruption with public and private law.

‘Castle’ instructor to play pivotal role in resolving high-profile international dispute

Valerie Hughes, a proud teacher of Queen's Law students in Kingston and at Herstmonceux Castle, has been called upon once again to apply her legal expertise on the world stage. The retired Director of the Legal Affairs Division at the World Trade Organization (WTO) will soon return to Geneva as a WTO panelist, to assess the international legality of a high-profile trade dispute in the Middle East.

“It’s a real honour to be named to this panel,” says Hughes of her second WTO appointment. “I’m working with two other panelists who are both very thoughtful, capable people. One of them is Virachai Plasai, who is currently the Ambassador of Thailand to the United States. The other is Dell Higgle, a very senior diplomat with the New Zealand Ministry of Foreign Affairs & Trade. It’s a wonderful opportunity.”

Hughes’ newest panel appointment represents a testament to her international reputation in the field, given the potential implications of this WTO decision on a wide range of international law issues.

“The case covers a vast area of WTO law, including non-discrimination with respect to goods and services, freedom of transit, and protection of intellectual property rights,” she says. “I look forward to delving into those issues. It’s a really interesting case because it has very broad ramifications.”

Hughes is tasked with resolving a trade dispute between the United Arab Emirates (UAE) and Qatar. In 2017, the UAE imposed an economic blockade against Qatar, alleging that it financed terrorism and that the WTO’s national security exception allows the UAE to take these measures. Meanwhile, Qatar contends that the UAE has imposed them unfairly and in violation of WTO law. In recent months, the WTO has been asked to adjudicate other disputes where the security exception has been invoked. For example, in a case brought by Ukraine, Russia has sought to justify its restrictions on traffic in transit from Ukraine through Russia on national security grounds, as has the U.S. in connection with challenges to its steel and aluminum tariffs.

Hughes’ work on the latest case will add even more depth to the wealth of experience she can share with Queen's Law students. That’s something she has been doing for several years, starting with students in the International Business Law program at the Bader International Study Centre (BISC) in the U.K. Before her retirement in 2016, she was a key official each spring class met to learn all about the WTO. Most recently, with Professor Nicolas Lamp, she has been co-teaching International Economic Law at the Castle and the International Trade Practicum in Kingston ([see pg. 2](#)).

In Hughes’ view, the International Law Programs at the BISC set Queen's Law apart from other schools, particularly for students interested in working in international law. “The Castle program is probably the real gem and the unique feature of studying international law at Queen’s,” she says. “Students can learn about public international law generally, and about international trade, investment, and commercial law. Courses are also offered on the law of armed conflict and international crime, humanitarian law, and the protection of human rights and refugees.”

“If I were going to start my international law studies all over again, I would go to Queen’s,” she adds. “In addition to offering excellent courses, there is a very talented faculty, which includes Professor Nicolas Lamp (Academic Director of the International Law Programs). He is an excellent teacher and the students benefit greatly from his deep scholarship. Moreover, his experience working in the Appellate Body Secretariat of the WTO enables him to bring a very practical approach to teaching international trade. It’s been a real pleasure for me to work with him.”

For students curious about international law, Hughes recommends studying abroad at some point in their academic careers to gain perspective on the different legal systems and customs beyond their borders. “When you study abroad, you get exposed

Valerie Hughes, a renowned expert in international law, has been tasked by the World Trade Organization to resolve a trade dispute between the United Arab Emirates and Qatar. She also has advice for internationally bound students at Queen's Law, which is where she says she would go if she were starting international legal studies.

to new points of view and have the opportunity to learn with and from people from all over the world.”

Back home on campus, Queen's Law students can similarly engage with Hughes, Lamp and other international law experts through the [International Trade Law Practicum](#). This experiential learning opportunity is offered jointly with the University of Ottawa as part of [TradeLab](#), an international law clinic network for students interested in gaining real-world experience in international trade. Students work closely with experts on trade law projects for NGOs, governments and other institutions requiring assistance with international trade problems, be they related to understanding and complying with WTO obligations, drafting chapters of trade agreements, conducting trade litigation or other matters. In the process, students gain practical skills that prepare

them for future employment in the field. This year’s Practicum students were invited to present their findings at international conferences in Washington and Ottawa.

Regardless of her 30-plus years of experience – which includes more than 20 years providing counsel to the Government of Canada in the Justice, Foreign Affairs and International Trade, and Finance departments, and co-editing [Reflections on Canada's Past, Present and Future in International Law](#) (McGill-Queen’s) – Hughes remains enthusiastic about what the future holds as she embarks on her next WTO panel decision.

“I’m anxious to get back into the dispute settlement world,” she declares. “It’s what I’ve done for most of my career. I’m pleased to have the chance to keep my hand in the field and continue to learn.”

Queen's Law career development crests 95% placement for two years running

When students think of law school, they naturally think of its courses: learning from top minds in the classroom and online, diving deep into statutes and cases to learn the law and how it functions.

There's a second strata to a law school education, however: understanding the work of law, and preparing oneself to succeed at it. Finding meaningful work after law school is a key part of the contemporary school experience. Fortunately for

Queen's Law students, the law school has a dedicated resource to help them do just that.

Second-year law students have just completed the Toronto On-Campus Interview process, a full-day event that sees dozens of recruiters meeting with law students in Kingston to place them in summer jobs, and later articling positions, at law firms.

"This event is just one of many recruitment

opportunities available to Queen's Law students," says Julie Banting, Director of the Queen's Law Career Development Office. "There's no disputing that this is a stressful time for students! We help them manage that stress by ensuring they're well prepared – a process that begins in first year. The feedback we get from recruiters about our students, and how ready they are for these interviews, is consistently very positive."

That feedback is borne out in the school's placement statistics: Queen's Law continues to trend upward in career placement year over year. **2017 saw 95.4 per cent of graduating students finding careers by September, up from previous years and over 95 per cent for the second year in a row.**

"Being ready to find your path, and succeed in it, is essential," Banting says. "A core aspect of our programming is the understanding that there are many careers that don't involve large law firms, and a number of our students don't necessarily see Bay Street as the best fit for them. We do well at finding jobs in 'big law' for the students who think that's the right fit, but also excel at having students land in other areas from small to mid-size firms, government, in-house and public interest."

It's no small feat and is supported by the robust programming the CDO offers Queen's students to expose them to all aspects of law. October 23 saw the introduction of another year of Osler BizBasics, an overview of business fundamentals in law. October 24 brought a visit from Susan Charlesworth, Law'81, now a judge at the Nunavut Court of Justice, to talk about career options in public service and in northern Canada. On November 1, the Faculty subsidized student attendance at the Canadian Conference on International Law, a vital way for students to learn about global practices.

"That's just a couple of weeks," Banting says with a smile. "The office hosts a series of sessions designed to give students fundamental skills in career development, panels with guest speakers who provide career exploration opportunities, networking events, shadow and mentoring programs, peer mock interview sessions, to name just a few things – it is an all-year service."

One of the foundations of this service is access to one-on-one counseling: Banting, and full-time career counselor Mike Molas, see hundreds of students a year, providing advice on everything from how to craft a post-interview thank you note to how to ask yourself the big questions about what your future looks like. "The other foundation is maintaining and expanding relationships with core employer partners and alumni," Banting says. "Jenny DeBruyn, our Career Development Coordinator has been critical to this expansion, and we're gratified to see dedicated alumni 'paying it forward' by supporting current students on the path to success."

The variety of alumni that support the program help underscore and support the CDO's dedication to finding a good fit for the students that pass through its doors. "Many students come into law school with an idea of courtroom or corporate law that they've learned from the media, and are immediately exposed to an entire world of legal specialties, options and potential directions," Banting explains. "Beginning in their first year, we work with them to focus on self-assessment and career exploration to help them understand the variety of options available with a law degree."

"Law presents opportunities that fit every student," Banting says. "Helping them understand what they want, as well as preparing them to achieve it, is really at the heart of what we do."



Julie Banting, Director of the Career Development Office, discusses career planning with students. "Helping students understand what they want and how to achieve it is at the heart of what we do," she says.

GARRETT ELLIOTT

Innovative Queen's Law diploma program teaches the business of legal practice

Queen's Law, long a pacesetter among Canadian law schools, is again leading the way with the launch of a unique online program for law students and lawyers who want to develop their core business skills: the [Graduate Diploma in Legal Services Management](#).



The new Graduate Diploma in Legal Services Management offered by Queen's Law will help its graduates "distinguish themselves in a very competitive job market."

Composed of five courses, this new program is designed to provide law students – and young lawyers – with the opportunity to acquire business knowledge and skills they need to succeed in today's rapidly changing legal profession. The first course, Financial Literacy for Lawyers, was launched this fall term and as an elective available to upper-year JD students. The full suite of diploma courses will be rolled out one per academic term from now until Winter 2020. Four of the courses will be mandatory; the other will be optional.

This exciting initiative is the brainchild of Dean Bill Flanagan. "Law schools do a great job of educating students about the law and instilling in them the analytical abilities they need to succeed in their legal careers," he says. "But teaching the business end of legal practice isn't something which law schools have traditionally seen as part of their core mission."

In a bid to address that shortcoming, he recruited Shai Dubey, Law'94 – one of his former students – to help develop the content and format for a dynamic new diploma program. Flanagan is convinced that this new program will help its graduates "distinguish themselves in a very competitive job market."

Dubey was a savvy choice for the task the Dean had in mind.

Dubey has a wide and varied experience in the field of legal services management, having background in corporate law, as a faculty member with the Smith School of Business at Queen's and in a variety of senior positions in both corporate and academic settings.

"There's a clear need for law schools to go beyond just teaching the black letter of the law."

— SHAI DUBEY, LAW'94, ACADEMIC DIRECTOR
OF THE GRADUATE DIPLOMA IN LEGAL SERVICES MANAGEMENT

Dubey worked with an advisory committee to tailor curricula that would focus on the legal profession's specific needs. "There's a clear need for law schools to go beyond just teaching the black letter of the law. The Canadian Bar Association (CBA) has recognized this, and I used the CBA's Legal Futures Initiative as one of my reference points when we were designing the Legal Services Management graduate diploma program," Dubey explains.

He is quick to point out that each of the course offerings – all of which will be taught online – will include a balance of theoretical and practical knowledge. "We need to be careful about using the term 'online' because many people have an image of online as meaning that you sit in front of a computer screen and watch taped lectures. The courses we've designed all include strong and vital synchronous components – chat rooms, group calls, interactive team projects, and such. All will engage students in meaningful ways."

For now, the Financial Literacy for Lawyers course is only available to Queen's Law students; however, the plan is to open enrollment in this and other courses in the Legal Services Management diploma program to practising lawyers everywhere, starting in the spring of 2019. Says Dubey, "They'll be able to learn new skills, broaden their knowledge base, and more fully understand and serve their clients' needs. What will be especially appealing to lawyers will be that they can take our program without leaving their offices."

"The legal profession tends to be conservative and risk-averse. The problem with that is that if we don't change with the times, change will be imposed upon us."

Learn more about the new Queen's Law [Graduate Diploma in Legal Services Management](#).

— KEN CUTHBERTSON

Graduate Diploma in Legal Services Management Courses

LAW 849 / LSM 810*,† : Financial Literacy for Lawyers

Acquire core concepts of financial literacy for interactions with business clients and practice management: basic financial accounting techniques, construction and understanding of financial statements, analysis tools, valuation of assets, tax implications of different legal services delivery mechanisms, and financial accounting and management issues.

LAW 850 / LSM 830*: Shaping the Future of Legal Practice

Explore the economic, political, technological, and demographic forces that are disrupting the traditional modes of delivery of legal services, and the theory and practice of entrepreneurship and innovation in the context of a professional services firm.

LSM 820†: Fundamentals of Legal Services Business

Learn the basic core functions of the business of a legal practice: strategy, marketing, sales, operations, and business development. We use actual cases to give students an ideal mix of theory and application.

LSM 840: Working with Teams and Managing People

Lawyers need to manage not only staff, but also other lawyers, professional advisors like accountants, and clients: learn to lead, engage, and manage employees and professional performance using case studies and simulations. Explore best practices to manage change within an organization and respond to internal and external challenges.

LSM 850: Project Management for Lawyers

Project management drives reliable fee estimates, better management and improved profitability: a law firm's lifeline. Examine best practices used by firms around the world, focusing on involving clients in legal project management systems while still meeting lawyers' professional obligations. The course will, for those who are interested, lead to Professional Management Institute (PMI) certification and qualification for the first level of the Project Management Professional (PMP) designation.

*Can also be used for JD course credit at Queen's Law.
†Mandatory to complete the Diploma.

Queen's Law student body more than ever reflects the diversity of Canada

In its annual **demographic survey of the incoming class**, the Faculty of Law continues to see a richly diverse group of talented students coming to Queen's.

Thirty-seven per cent of the Class of Law'21 identifies as a member of a racialized group; including Indigenous, South Asian, Black, Latin American, Chinese and more. One in six of our new students speak a language other than English or French at home, with mother tongues that include Anishinaabe, Hindi, Somali, Urdu and more. One in five of our students was born outside of Canada; almost half, 48 per cent, had at least one primary guardian born outside the country.

"At Queen's, we believe that the legal profession must represent the public, in all its diversity," says

Jane Emrich, Interim Assistant Dean, Students, at the law school. "It is gratifying to see students of all backgrounds choosing Queen's. Staff such as Ann Deer, our Indigenous Recruitment and Support Coordinator, are essential in helping us build new relationships and encouraging a diverse range of candidates to consider Queen's as a school of choice."

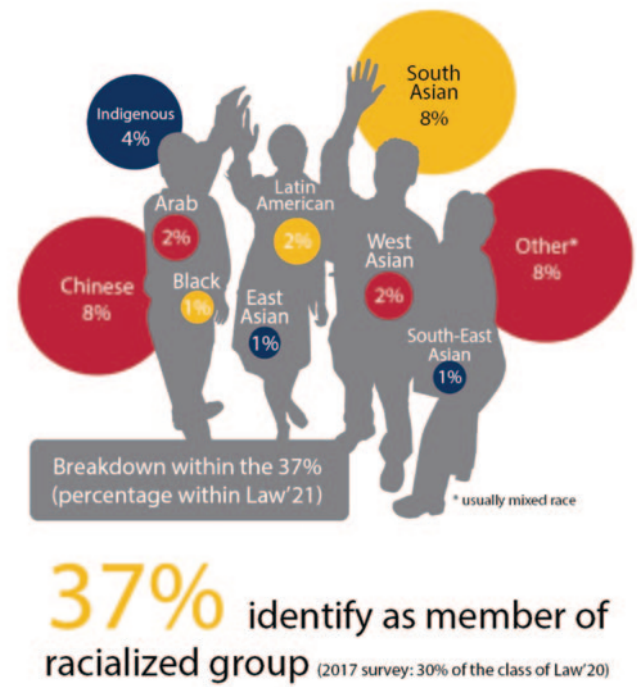
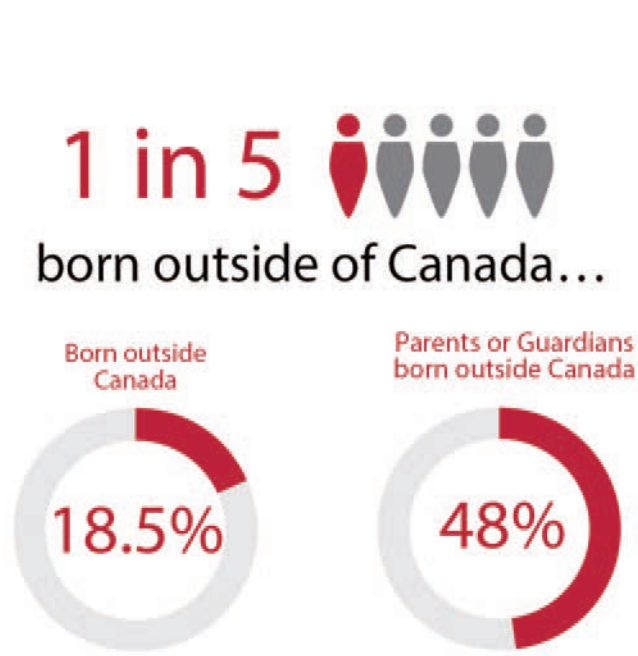
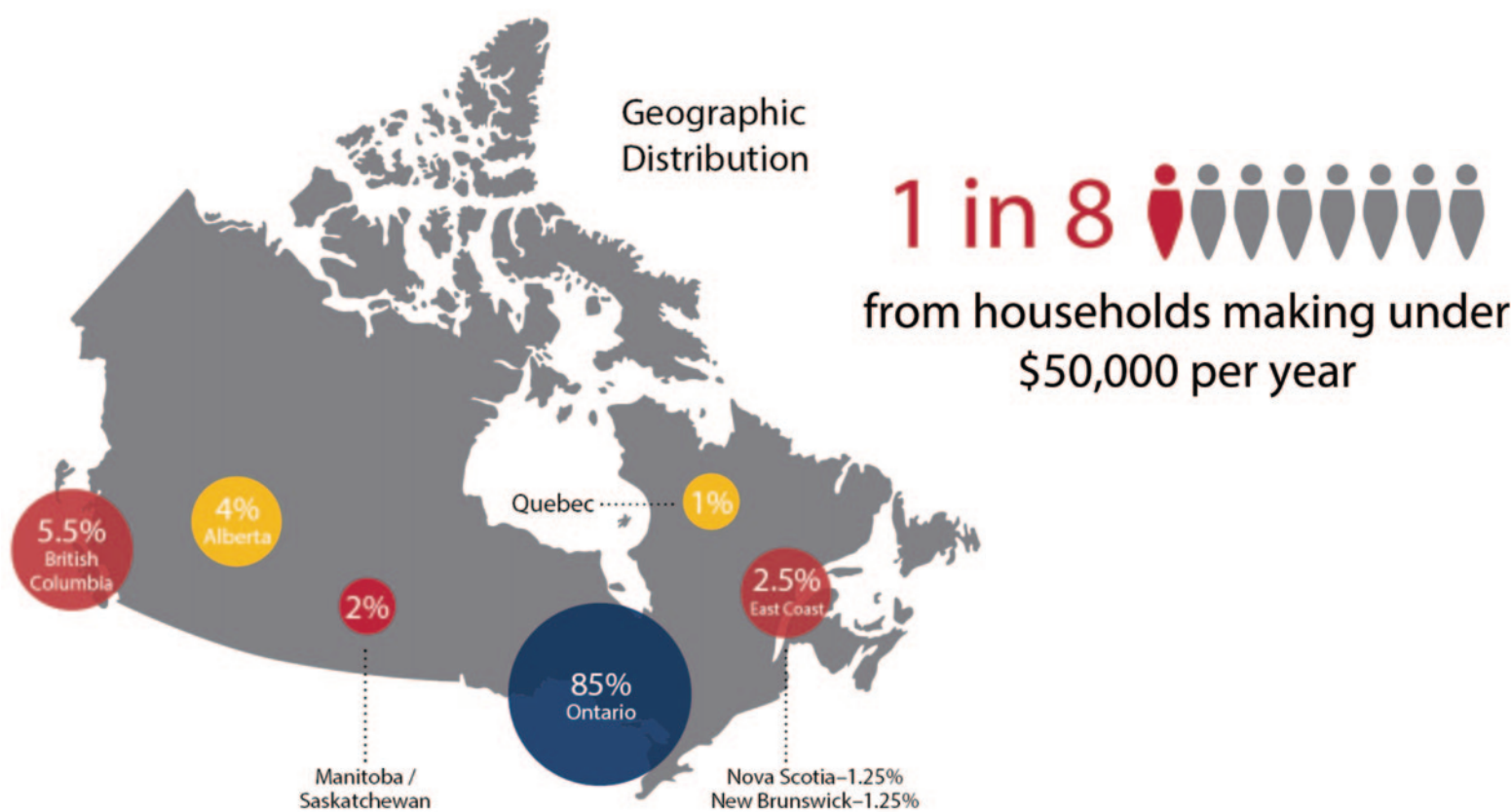
The commitment to diversity at the school extends to other populations as well. While 5 per cent of Canadians identify as having a disability, half as many again 7.5 per cent – of Queen's Law's incoming class identify as disabled. About one in six are the first in their family to attend university (and three-quarters the first in their family to attend law school), and one in every eight of these students came from a household earning less than \$50,000 per year.

"Statistics like these are why bursary support is such an essential part of our fundraising efforts," says Dean Bill Flanagan. "Ensuring the doors of Queen's Law remain open to all deserving students – regardless of their economic background – is a goal not only at the school, but one shared by our alumni. We raised more than \$600,000 for our various bursary programs last year, and continue to see amazing philanthropy from our alumni who believe that the path to a quality legal education should be open to all."

It goes without saying that admission data remain stronger than ever: not only are our incoming students more diverse than ever, but their incoming grades continue to increase. "Our GPA and LSAT

scores are among the most competitive in Canada, in both the standard and access admission categories," Emrich says. "We have strong students entering the law school, which is why we have some of Canada's best placement rates leaving it – over 95 per cent of our graduating class of Law'17 had found work by three months after graduation."

"A legal profession that reflects the public is a fundamental component of access to justice," Flanagan says. "Our success as a law school can in part be measured by how we live up to that ideal, and I am proud to say we are helping educate a generation of lawyers that will more than ever reflect the diversity of Canada today."



Unique summer camp ‘educational and fun’ – for kids *and* JD student counsellors

It's said the best educational experiences are those in which both the students and teacher learn. There's no better example of the wisdom of that truism than the Law and Leadership day camp that Queen's Law operated this summer while working in partnership with the Boys and Girls Club of Kingston & Area (BGC) and the Kingston Police Department. "The camp was a huge success, a great experience for everyone involved," said Heather Cole, Law'96, then-Assistant Dean of Students.

"Our goal was to reach young people early, demystify the law, and demonstrate its capacity to bring about positive change. We wanted to show the participants that people working in the legal system were once just like them. The camp provided a fantastic opportunity for community outreach for Queen's Law. Our hope is that we made an impact by providing encouragement to youth who otherwise might never have considered a career in law."

Cole offered special thanks for the camp's success to Executive Director Harold Parsons and Special Events and Volunteer Services Manager Kori Cembal of the BGC, and to Kingston Police Staff Sergeant Jody Armstrong and Youth Program Officer Constable Carolyn Gauthier. This foursome led the way in securing an \$83,320 Ontario government grant to fund the camp for two years. "The Law and Leadership camp is a great example of the good things community partnerships can accomplish," said Cembal.

Staff Sergeant Armstrong echoed those sentiments. "The camp was a great example of the ongoing collaboration amongst community partners working towards community safety and wellbeing," he said.

More than 200 youngsters, ages nine to 12, most

of whom were from Kingston's predominantly blue-collar North End neighbourhood attended the free camp. Five Queen's Law student counsellors supervised activities for three days each week at the new Rideau Heights Community Centre and at the law school, while students from the Kingston Police Department's Youth-In-Police-Initiative guided the campers at other times.

Some of the programming the Queen's Law student counsellors organized was educational. The campers engaged with and learned from their counsellors, as well as some lawyers and judges – many of them local alumni – who generously volunteered their expertise, time, and energies for some sessions.

"This camp was really cool. I had a lot of fun and learned a lot," said 11-year-old Jake Hèbert-Potter. The grade 7 student served as a member of the Crown's "team" in one of the Friday-morning moot court proceedings that a highlight of the schedule for each week's camp. With police Constable Gauthier and the camp counsellors among the interested spectators, the pint-sized fledgling prosecutor took his turn peppering the defendant with pointed questions. While it was great fun, it was also a wonderful learning experience for one and all.

Explained camp counsellor Eli Berg, Law'20, one of the camp counsellors, "Whenever we explained how a trial works and what the various participants do, we asked the kids what questions they wanted to ask. Often, they had totally unexpected perspectives. What they came up with sometimes caused me to stop, step back, and look at the situation in a whole new way. I learned, too. It was a great experience."

— KEN CUTHBERTSON



During the Queen's-operated Law and Leadership day camp for youth this summer, law students, judges, lawyers and police officers helped demystify the law and demonstrated its capacity to bring about positive change.

ANDREW VAN OVERBEKE

Queen's to advise law society on the future of articling in Ontario

Queen's Law will play an important role in making recommendations to the Law Society of Ontario (LSO) as it seeks input on the future of its Lawyer Licensing Program. The school's Faculty Board appointed Professor Arthur Cockfield, Law'93, to chair an ad hoc committee of faculty and students to assess the LSO review.

"The committee is there to make sure that the LSO hears a broad array of voices before it makes its decision," Cockfield says. "In this case, it's the students who have the greatest interest in various outcomes. The committee is being driven by student consensus, and how they feel these issues should be addressed."

Cockfield is uncertain as to which outcome the LSO is most likely to adopt following its consultations. This makes the feedback of Queen's Law students essential for the committee as it compiles recommendations to the LSO on changing the experiential component of its articling program. Under the LSO's current model, lawyers can become licensed by obtaining experience in one of two ways: articling or the Law Practice Program (LPP). In recent years, the number of law graduates in Ontario has outnumbered the province's available articling positions. Though the LPP was conceived in 2012 to help address this problem, it faces its own set of challenges including a lower student placement rate and an influx of unpaid positions.

On behalf of the Law Students' Society (LSS), President Lucy Sun, Law'19, has solicited the opinions of students on ways to fix the problem. Student feedback has been received on the number and distribution of available articling positions, LSO program oversight, the cost of the LPP, and placement success.

"The LSO consultations could significantly change both law school and legal practice," says Sun. "Since statistics suggest that not every law graduate will find an articling position, we must contemplate changes with these students in mind. No student should feel like she or he has to accept an unpaid articling position or be subject to discriminatory hiring practices. The LSO doesn't sufficiently monitor or consider these issues, and it's time to change that."

The Law Society is considering four options.

The first option would see the LSO retain the current model, with continuous adjustments. Another option would enhance the existing system by introducing audits, overseeing program consistency, and requiring that students be paid the statutory minimum wage. A third alternative would be examination-based, eliminating the experiential requirement altogether. The fourth option would require all students to undergo the LPP in lieu of articling.

Sun encouraged students to reflect on each of these options in terms of the different experiences they offer, and what that will mean over the long-term for lawyers in Ontario.

She recommended students ask themselves four questions. "What does it mean to be a lawyer? What is the value of practical experience, and what are the best conditions in which to gain that experience? What are the opportunities for legal innovation, and which licensing option will best foster that environment?"

"Whether the Ontario licensing process affects us directly or not, it is important to consider what it means to be a lawyer because the answer will change the legal landscape even as we're practising in it," she says.

As part of the consultation process, Queen's Law and the LSS jointly hosted an October 1 visit by LSO bencher Peter Wardle, Law'84, who gave a talk titled "Should We Get Rid of Articling?" During his talk, Wardle sought student feedback on the proposed options and answered their questions.

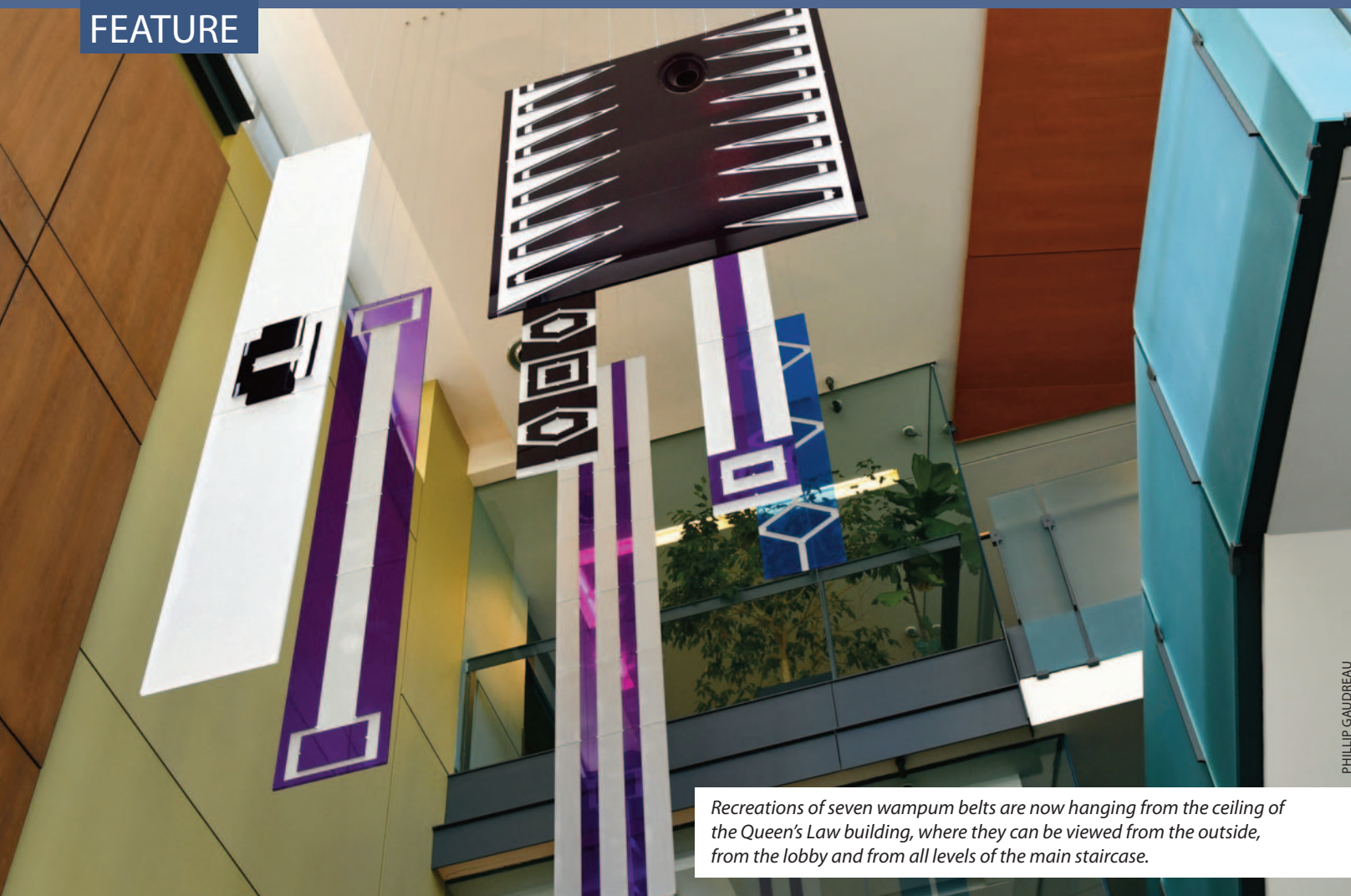
The Queen's Law committee reported the results of its consultation at the October 19 meeting of Faculty Board and is writing a report to the LSO setting out the student consensus views on the topics.

— JUSTIN MURPHY

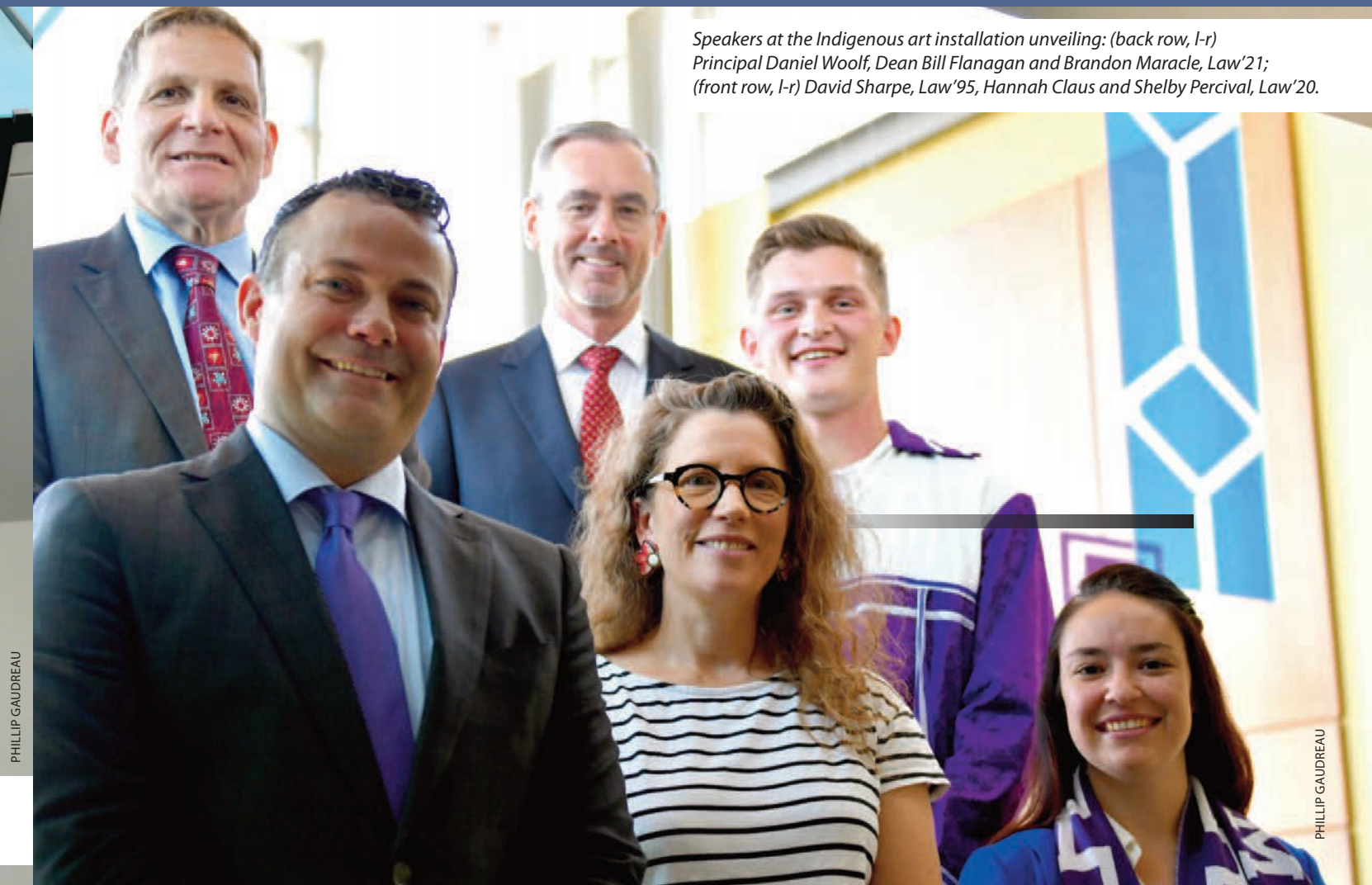
Watch the video of LSO bencher Peter Wardle's talk "Should We Get Rid of Articling?"



Law Society of Ontario bencher Peter Wardle, Law'84, spoke with Queen's Law students on October 1 about the important question, "Should We Get Rid of Articling?"



Recreations of seven wampum belts are now hanging from the ceiling of the Queen's Law building, where they can be viewed from the outside, from the lobby and from all levels of the main staircase.



Speakers at the Indigenous art installation unveiling: (back row, l-r) Principal Daniel Woolf, Dean Bill Flanagan and Brandon Maracle, Law'21; (front row, l-r) David Sharpe, Law'95, Hannah Claus and Shelby Percival, Law'20.

'Words that are lasting': Queen's Law unveils Indigenous artwork

On September 28, Queen's Law unveiled a permanent art installation in its lobby, paying tribute to Indigenous Peoples.

Every time students, faculty, staff, and visitors enter the Faculty of Law building, they will be met with a reminder of the original inhabitants of the land on which Queen's sits.

This spring, the Faculty launched a competition to commission a piece of Indigenous art to reside in the Gowling WLG Atrium. The goal of this installation was to portray the relationship between Indigenous Peoples in Canada and the law.

"I know that the entire Queen's Law community is thrilled with this beautiful addition to the school's

atrium, a moving recognition that Queen's University is situated on the traditional territory of the Anishinaabe and Haudenosaunee peoples, as well as an important tribute to Indigenous legal systems," said Dean Bill Flanagan.

Artist Hannah Claus' proposal, "words that are lasting," was announced as the winner in May, and she spent the summer preparing the art piece, which includes recreations of seven wampum belts suspended from the lobby ceiling.

"I had to make sure that I had the permissions to recreate these historic Wampum belts, so there was some time spent getting in touch with different groups," she says. "The belts are modeled after

different agreements within the Haudenosaunee Confederacy and between the Haudenosaunee and the Anishinaabe – the two main Indigenous groups who inhabit this area."

Claus is a visual artist of English and Kanien'kehá:ka / Mohawk ancestries and a member of the Tyendinaga Mohawks of the Bay of Quinte. She teaches contemporary Indigenous art as a sessional lecturer at Kiuna, a First Nations post-secondary institution, in Odanak, Québec.

She is hopeful the art will both give Indigenous students, faculty, staff and visitors something that relates to them when they enter the building, and encourage non-Indigenous people to learn more

about the populations and cultures who live where they have chosen to study.

"The belts create an Indigenous presence as soon as you come into the space," she says, noting that wampum belts are a tradition of Indigenous groups inhabiting the eastern part of the continent. "As they were being installed, a professor from an Indigenous Law course walked by and was very excited – he says he intends to bring his class down to the lobby at the start of term going forward."

The installation of this public art piece is an important element of the Faculty of Law's multifaceted response to the Calls to Action of Canada's Truth and Reconciliation Commission.

— PHILLIP GAUDREAU

First Queen's PhD in labour law grad a great fit for U.K. academia

When Manoj Dias-Abey chose to pursue his doctoral studies in labour law at Queen's back in 2012, it was for two big opportunities: to join the **Centre for Law in the Contemporary Workplace** (CLCW) and work with professors Kevin Banks and Bernie Adell – “excellent and internationally renowned scholars in the field.”

Before long, Dias-Abey had proven his rationale was accurate. “Being based at a research centre brings with it all sorts of advantages – being surrounded by a critical mass of scholars interested in similar issues, the opportunity to participate in collaborative research activities, and the resources to organize projects such as symposia and conferences.”

Dias-Abey's doctoral experience at Queen's taught him the skills and habits of mind to be a scholar. In writing his dissertation, *Sandcastles of Hope: Civil Society Organizations and the Working Conditions of Migrant Farmworkers in North America*, he learned how to manage a large research project and produce writing that could make a contribution to the literature. He did just that as a postdoctoral fellow with the CLCW following convocation in June 2016, when he became the first doctoral graduate in labour law from Queen's. His publications include “Justice on our fields: Can ‘alt-labor’ organizations improve migrant farm workers’ conditions” in the *Harvard Civil Rights-Civil Liberties Law Review* and “The promise of utilizing civil society to achieve citizenship for migrant farm workers in Canada” in the peer-reviewed *Mondi Migranti*.

Queen's also gave Dias-Abey some invaluable teaching experiences. He was a teaching assistant to Dean Bill Flanagan on two separate occasions for the Business Associations course. During his postdoctoral fellowship, he taught International Labour Law to a JD cohort, and designed and taught an online Workplace Law course as a part of the **Certificate in Law program** for undergraduate students.

“My experience teaching International Labour Law was a particular highlight because I had the privilege of teaching a small and engaged group of students who were keen to learn and think critically about work and its regulation from an international perspective,” he says. “I feel both the research and teaching experience I obtained while at Queen's were instrumental in me getting my first academic position.”



Manoj Dias-Abey, PhD'16, who says, “Both the research and teaching experience I obtained at Queen's were instrumental in me getting my first academic position,” has joined the University of Bristol School of Law.

On July 1, he moved to the U.K. to start his new appointment as Lecturer at the University of Bristol Law School. It's a perfect fit for him as the school just launched the Centre for Law at Work, which brings together over 20 scholars interested in issues relating to work and the law.

“The research culture in the U.K. is vibrant and dynamic and I am looking forward to being a part of it,” says Dias-Abey. “I want to continue with my research on new labour organizations in the agricultural sector and expand my analysis to incorporate the U.K. and Europe.

“I have recently opened up a new, related line of inquiry on the law and political economy of labour migration and I also want to pursue that further in the next little while,” he continues. “This will be a very salient issue in the post-Brexit context.” According to Dias-Abey, it is likely that migration from the European continent will be reduced if the U.K. leaves the European Union. “The U.K. will then have to develop new channels to obtain workers to satisfy both real and contrived labour shortages – likely through an increase in permanent migration from elsewhere and the development of temporary migrant worker programs.”

— ASCHILLE CLARKE-MENDES

Check out our new website!

<https://law.queensu.ca/>

Prison Law Clinic's Supreme Court appearance a 'return to roots'

A decision by the Supreme Court of Canada (SCC) to grant the Queen's Prison Law Clinic (QPLC) leave to intervene in two appeals this fall is being hailed as an important step forward for the clinic in its efforts to advance prisoner rights.

In many ways, it's "a return to the QPLC's roots," says Paul Quick, Law'09, a staff lawyer at the clinic who serves as its litigation counsel. "The clinic has been representing prisoners and advancing prisoners' rights in the courts and before tribunals for over 40 years, and that gives us an important perspective and particular expertise in these issues."

The clinic has sharpened its focus on applications for judicial review to Federal Court since Quick joined the QPLC staff in 2016. He says doing so was a "natural starting point" for building the QPLC's litigation capacity and expertise.

Having thus far achieved exemplary success in these efforts, the clinic is ramping up its activities, taking on a wider variety of prisoners' rights issues and placing greater emphasis on human rights and constitutional issues and remedies, as well as appellate-level interventions. It was with those goals in mind that Quick and faculty advisor Lisa Kerr reached out to top-notch external counsel who agreed to assist the clinic pro bono in seeking leave to intervene at the SCC in *Chinna v Canada* and in the hearing of three related cases, known as "the standard-of-review trilogy."

Both matters deal with fundamental questions that promise to have long-term effects on Canadian law. The former – to be heard on November 14 – involves the scope of the constitutional right of

access to habeas corpus, while standard-of-review trilogy – to be heard over three days in early December – concerns the framework for the substantive review of administrative decisions by the courts.

Pro-bono counsel will represent the QPLC at the SCC hearings. "Nader Hasan (Stockwoods LLP) will be lead counsel representing the QPLC with Quick in the *Chinna* matter, while Brendan Van Niejenhuis (also of Stockwoods LLP) will represent the QPLC in the standard-of-review trilogy. Quick notes that the clinic is "very grateful for their excellent work in both cases."

The QPLC is instructing counsel on the arguments to be made, and students have conducted extensive research to support the development of those instructions and the proposed legal arguments.

"This exciting SCC litigation is being assisted by the QPLC's Advanced Prison Law pilot course," says QPLC Director Kathryn Ferreira, Law'01. "In LAW 419, four upper-year students with a required clinical background gain intensive experience assisting with court litigation matters and in helping to develop the legal strategy and evidentiary records for potential test cases."

The Advanced Prison Law pilot course is unique in Canada. "It's the QPLC's hope that it will become a regular offering," says Paul Quick.

The inaugural class includes just four students. David Reznikov, Law'19, who's one of them, lauds the small class size. "It's wonderful to have the opportunity to work closely with a staff lawyer who serves as a mentor while you're gaining hands-on

"The clinic has been representing prisoners and advancing prisoners' rights in the courts and before tribunals for over 40 years, and that gives us an important perspective and particular expertise in these issues."

— PAUL QUICK, LAW'09



Paul Quick, Law'09 (inset), a staff lawyer and litigation counsel with the Queen's Prison Law Clinic, is mentoring advanced QPLC students who are assisting with Supreme Court of Canada litigation.

legal experience, appearing before panels and tribunals, and interacting with inmate clients, many of whom wouldn't otherwise receive legal counsel," says Reznikov.

"I chose Queen's Law because of its strong clinical

programs, and I haven't been disappointed. There's no question that being involved with the QPLC has been the highlight of my Queen's Law experience. And these two SCC appeals are excellent examples of the meaningful impact the clinic is having."

— KEN CUTHBERTSON

Innovation with a Queen's Law twist

Since its foundation in 2012, the Dunin-Deshpande Queen's Innovation Centre (DDQIC) has gained a deserved reputation as one of Southeastern Ontario's drivers of innovation and entrepreneurship. Queen's Law students, staff and alumni are playing a key role supporting this hub of creative and economic growth from – of course – a legal perspective. Students in the Queen's Business Law Clinic participate in the DDQIC by providing legal advice to the startups in the DDQIC.

"This is a great opportunity for our students, and of course for DDQIC entrepreneurs," says Morgan Jarvis, Law'10, Director of the Queen's Business Law Clinic. The Business Law Clinic is receiving clients for its

program from the DDQIC, with its entrepreneurs working directly with law students, under counsel supervision, on everything from drafting contracts to securing trademarks.

Coming from a background specializing in intellectual property law, and now running Queen's pro bono clinic for business clients, Jarvis is enthused about the relationship between the two entities. "Our students get to dig into the real legal issues affecting startups and entrepreneurs, getting hands on experience working directly with entrepreneurs who need a sound legal footing to build their businesses on."

Additionally, the DDQIC is receiving support from Queen's Law alumnus Aaron Bains and Toronto-based business law firm Aird & Berlis LLP.

"We're happy to support the creativity and drive that the DDQIC fosters in students," says Bains, Capital Markets Lawyer at Aird & Berlis. Bains, a Law'14 graduate of Queen's and former student with the Business Law Clinic, was the instigator of the connection between the DDQIC and Aird & Berlis. Their relationship began with the 2018 edition of the Queen's Innovation Centre Summer Initiative, and will continue through various Centre programs, including QYourVenture, the Foundry and the Regional Pitch Competition series. In addition to providing legal counsel to DDQIC startups, Bains and his colleagues, Fiona Brown and Meghan Cowan, taught a three-part workshop/lecture series this summer on Business Structures and Shareholders' Agreements, Employment Law Affecting Startups and Business Financing and Term Sheets.

"Our one-on-one work with DDQIC participants over the summer was tremendously rewarding," Bains says. "It's been a privilege to connect these keen entrepreneurial minds with our legal resources. We pride ourselves in providing strategic and sensible advice to help these fledgling companies get the support they need. I'm excited to see our relationship continue and grow through the wide range of DDQIC programs that Aird & Berlis is involved in."

"We've found Aaron to be a great help so far," says Teodor Lange of EmulGreen, a DDQIC participant startup specializing in environmentally sound emulsifiers. "He's been connecting us to the right resources at his firm, and we feel that Aird & Berlis is

showing a commitment to long-lasting relationships rather than charging us fees startups couldn't afford at early stages of development. We're looking forward to continuing our work together in September."

Greg Bavington, Executive Director of DDQIC, is pleased to see these complementary legal supports for entrepreneurs working with the Centre. "Having these kinds of resources is vital to enable and support the innovation activities of students, professors, entrepreneurs, regional and Canadian companies," he says. "We're fortunate to work with the next generation of creative and innovative entrepreneurs, but they may not be bringing legal experience to the table – and this kind of support, from both Aird & Berlis and the Queen's Business Law Clinic, helps us reduce risk and remove barriers for these entrepreneurs."

The relationship between the Business Law Clinic and Aird & Berlis will extend past the DDQIC connection. "We're looking forward to welcoming Aird & Berlis to the classroom this school year," Jarvis says. "They've been invited to provide insight from the experts on key business law topics that our students need to grasp, both for their clinic work and their coming careers as corporate lawyers."

"Through our partnership, Aird & Berlis and I are very excited to have the opportunity to invest in Queen's students," Bains says. "Supporting the DDQIC, and working with the Queen's Business Law Clinic to provide insight and training to tomorrow's legal experts, is a modest investment of time that will pay dividends to the University, the region, and the future of law and innovation in Ontario."



Working directly with young innovators through a partnership with the Dunin-Deshpande Queen's Innovation Centre and Aird & Berlis, Queen's Business Law Clinic students develop legal expertise.

QLA helps educate students on city's new 'kegger bylaw'

The jury is still out as on the merits and legalities of the City of Kingston's new "Nuisance Party Bylaw approved in July," but one thing is clear: the measure may well heighten student demand for the services offered by Queen's Legal Aid (QLA).

"When students returned to campus in September, most of them didn't seem to know much about the bylaw or its implications," says Frank Piazza, Law'19, QLA's outreach coordinator.

Ignorance of the law is no defence, so the clinics launched an informational campaign on the responsibilities and pitfalls of hosting huge parties and of attending such gatherings when they get out of hand. "There's a student interest in knowing the boundaries of the law so they can take steps to choose wisely and stay out of trouble that can impact on their health, reputation, pocketbook, and community resources," says QLA Review Counsel Jana Mills, Law'92.

In a bid to help students avoid legal troubles or to deal with the repercussions of being ticketed, QLA distributed posters and pamphlets on campus and **posted information online**.

The City of Kingston created the Nuisance Party Bylaw – "the kegger bylaw," as it has been dubbed – with the tacit cooperation of the university, which has launched its own "Safety Initiative Pilot Program" in the student-filled neighbourhoods surrounding campus.

According to a statement found on the City's website, the new bylaw will provide police and bylaw enforcement officers with authority to address "the negative impacts on neighbourhoods of behaviours associated with large social gatherings" – in particular, unauthorized street parties that erupt each year on St. Patrick's Day, during Orientation activities, and on Homecoming weekend.

"By exercising the authority provided under a nuisance party bylaw, an Order can be issued by Police for large social gatherings to cease, and for the dispersal of people not residing at a residence where the social gathering is occurring."

To ensure personal accountability, those who are charged with violating the Nuisance Party Bylaw will receive a summons to personally appear before a



Justice of the Peace in Kingston, regardless of where they live. There is no option to settle the charge by mail, online, or by phone. Fines for those who are found to have breached the bylaw can be substantial – as much as \$10,000 for a first offence and \$25,000 for any subsequent offence.

Speaking on behalf of QLA, Mills says she is concerned that sections of the new bylaw are vague and she is curious to see the impact that having all who are ticketed personally appear before a Justice of the Peace when court dockets are already crowded and resources are stretched thin. "Additionally, students are the main target of this bylaw. We have some concerns about the specific targeting of a population," she notes.

— KEN CUTHBERTSON

Clinic Briefs

Queen's Business Law Clinic

The QBLC is off to another great start with a record 24 keen students. The theme so far has been start-ups, with students tackling complex issues like share compensation structures for founders and their employees. With the year hardly started, clinic students Nataly Dil and Heather Bonnell have already launched a new Venture Law club, masterminding its affiliation with the QBLC for first-year volunteer opportunities. All this while Brandon Loehle is spearheading our move into sports and entertainment law, with help from volunteer review counsel at McMillan LLP.

Queen's Elder Law Clinic

The QELC opened for business in September with twice as many student caseworkers as last year. As part of its strong ongoing commitment to the aging prison population, all new student caseworkers have an opportunity to bring QELC services to a local federal or provincial institution. The QELC also continues to serve many clients in Kingston's hospitals and institutions. For the first time, three veteran student caseworkers (Michelle Kang, John Siferd, and Taylor Hudson) are employed as mentors, assisting their junior counterparts with the transition into client file work. The Mentor program is made possible by the generosity of Law'81.

Queen's Family Law Clinic

QLFC Director Karla McGrath, LLM'13 and articling student Rachel Law, Law'18 presented at the ACCLE/CALT national conference in May 2018 on QFLC students assisting self-representing litigants who face complex family court matters. They were invited to also present a Legal Aid Ontario "Lunch & Learn" and their presentation (<https://tinyurl.com/y7vu3578>) is now a teaching tool for the clinic and for family justice professionals across the province. At about 19:45 there is a grateful shout-out to Queen's Law alumni for their generous support, which enhances

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.



efforts of the Queen's Law Clinics to increase access to justice.

Queen's Legal Aid

QLA began a campaign to raise awareness of offences under the *Liquor Licence Act* and the consequences of breaching the new municipal Nuisance Bylaw. At the same time, QLA is there to assist students facing charges. QLA is also working with PBSC on public legal education for display on the Queen's Law Clinics' new LED screen, kindly funded by Law'81. QLA has increased its involvement with Queen's School of Nursing students, developing another educational piece aimed at "normalizing" discussions about mental health to facilitate conversation surrounding mental health needs and related resources.

Queen's Prison Law Clinic

A few of the QPLC's more significant recent accomplishments include the Supreme Court of Canada granting the clinic leave to intervene in the upcoming standard-of-review trilogy, and in the *Chhina* case, regarding the right of access to *habeas corpus*. This exciting SCC litigation is being assisted by QPLC's Advanced Prison Law pilot course. In this course, four upper-year students with a required QPLC background gain intensive experience assisting with court litigation matters and helping to develop the legal strategy and evidentiary records for potential test cases.

Conflict Analytics: Breaking new ground at the intersection of AI and law

"It's hard to describe how fast this is growing."

Samuel Dahan, Assistant Professor at Queen's Law and head of its nascent Conflict Analytics Lab, is in his office, looking at his laptop, smartphone close by and periodically buzzing with incoming mail.

Conflict Analytics is taking off.

It's a notion that began with Dahan before he joined the Queen's faculty, and that has grown rapidly since then. "The idea of extracting data from negotiation settlements and cases, converting it to knowledge that is understandable and can be acted on, and using that to help people not only in legal

practice is one I've been intrigued by since my time as a PhD student at Cambridge, and then while I was at the Court of Justice of the European Union," he says. "It's not just a question of creating information of use to lawyers, but also providing guidance for parties and organizations involved in a dispute, such as consumer or employment negotiation."

Dahan took this idea to Queen's when he joined the faculty in 2017, having already found collaborators, including Jonathan Touboul of the College de France; Aymeric De Moncuit of the Court of Justice of the European Union; Maxime Cohen of

NYU Stern; Colin Rule, founder of eBay's online dispute resolution platform; and David Restrepo Amariles of HEC Paris. While the idea behind the project has remained consistent, the list of collaborators has continued to grow. The Conflict Analytics Lab, the first of its kind, now has the largest consortium of experts on data analytics and dispute resolution.

Through a partnership with the Smith Scotiabank Centre for Customer Analytics and the Centre for Law in the Contemporary Workplace, a team of more than 25 law students and data scientists is working feverishly on data entry and coding in order to develop an open source AI-tribunal for small claims in Ontario. This digital dispute-resolution platform would be aimed at providing predictive legal services and negotiation support for self-represented plaintiffs.

Professor Kevin Banks, Director of the Centre for Law in the Contemporary Workplace, has played an important role in the project. "Professor Dahan is taking the Centre's work in bold new directions," says Banks. "He joined the faculty as a Centre affiliate, and the work he's doing with the Lab will support our mandate to advance the thinking around workplace law, particularly rights adjudication, at a national and an international level."

But what does it all mean?

"This is a project that quickly moves from academic work to something with real-world applications," Dahan notes. "Key to this is our work on applied research – using the machine-learning system we're building to create a dispute resolution service for people who cannot afford to be represented. There are several applications of the technology, for instance, dispute resolution, consumer complaints, contract negotiations and trademark analysis."

"To take an example," Dahan continues, "look at

"This is a project that quickly moves from academic work to something with real-world applications.

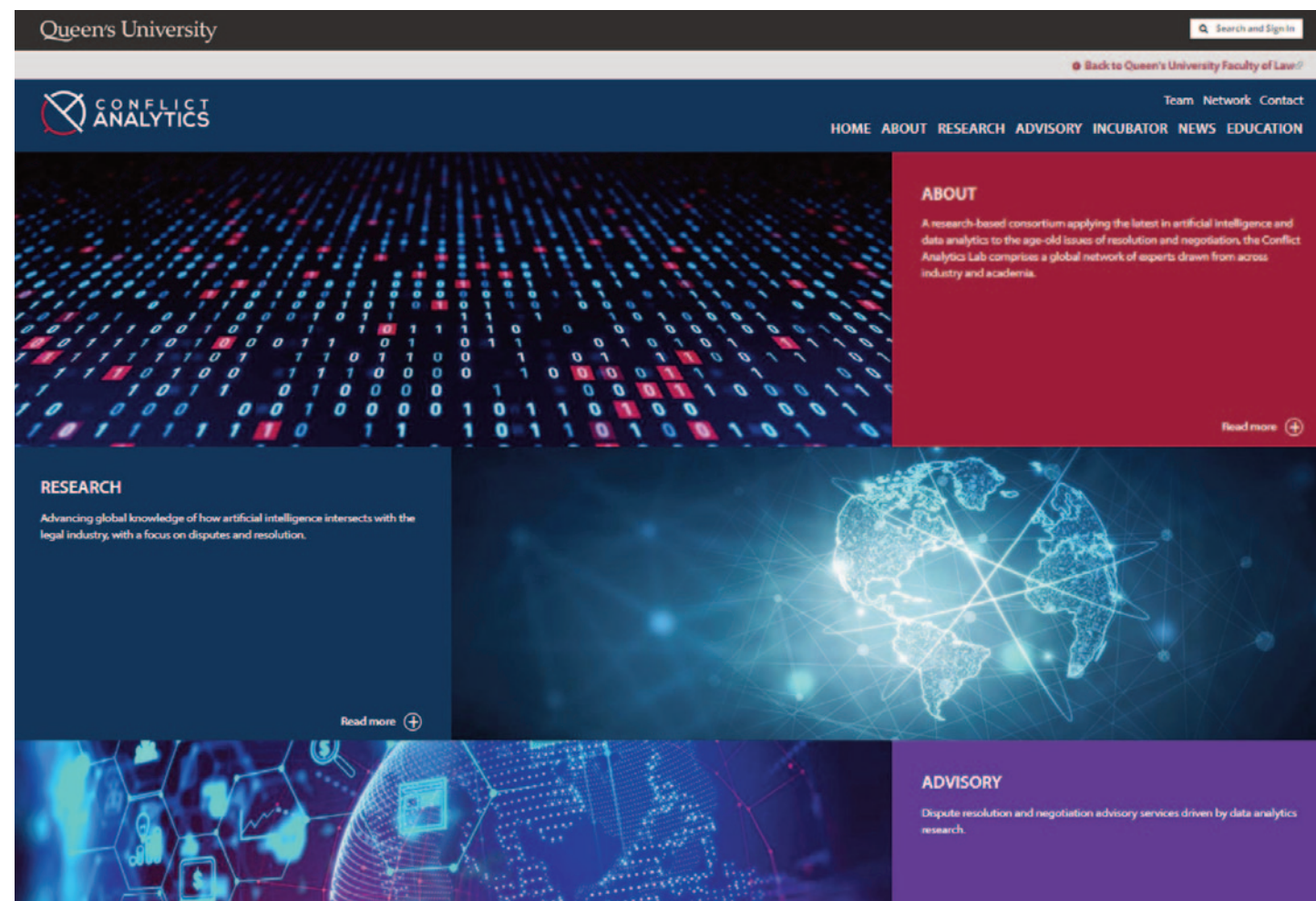
Key to this is our work on applied research – using the machine-learning system we're building to create a dispute resolution service for people who cannot afford to be represented."

— PROFESSOR SAMUEL DAHAN, DIRECTOR OF THE CONFLICT ANALYTICS LAB

consumer disputes. Companies spend excessive amounts of money to solve customer disputes, and struggle to build consistent dispute-resolution processes. We are collaborating with several industries, including the hospitality and banking sectors, to develop a cutting-edge neural network system. We're going to use it to analyze this vast volume of information so that we can start to provide guidance for customer services on what happens in some cases, as well as identifying best practices for resolving disputes."

"What if," he goes on, "there was a tool for customers that let them see what the history of similar disputes was? Or for businesses to see what the most likely result of a resolution would be? How would that change how the business responds to a customer who has a problem? And how much time and energy would it save, on a mass scale, if we could streamline these processes?"

These are big questions – and perhaps big solutions – that apply to all of the applications that the Conflict Analytics Lab is working on. "That's the philosophy that also drives the idea of a tool for an open AI resolution tribunal, as well as a system to let us see whether Canadian, French and European case law are consistent," Dahan points out.



A research-based consortium applying the latest in artificial intelligence and data analytics to the age-old issues of resolution and negotiation, the Conflict Analytics Lab comprises a global network of experts drawn from across industry and academia.

On a smaller scale, the Lab is currently using cutting-edge text analytics to help one of the largest train builders in the world to improve their contract drafting and negotiation strategies. “This is a smaller project, but one that will really serve as a proof of result for the project,” Dahan notes. “We are taking past negotiations over contracts in this specific industry, building a database, and then moving on to analytics that will help administrators enter into contracts with a solid idea of what has resulted in success in the past.”

Beyond these direct applications, the Conflict Analytics Lab is also serving as an incubator, creating a home for legal technology entrepreneurs to foster and grow their own projects. “We’re excited to be creating an ecosystem for future projects,” Dahan says. “Mariella Montplaisir, an adjunct professor at the University of Ottawa, is working with us on her Solvr project, an online dispute-resolution system, and we are looking forward to more partnerships like this in the future.”

All of this, of course, involves substantial research – and will generate some foundational work on data analysis and dispute resolution in the academic sphere. Dahan says, “As an academic, I’m excited at

the potential here to produce substantial work that will extend the benefits of the project far beyond our collaborators and to an international audience of scholars dealing with both the issues surrounding labour law, and also how data and analysis can fuel a better understanding of our field.”

That, in turn, will fuel the final mandate of the Lab: education. “This brings us full circle,” Dahan says. “We’re creating practical tools for the legal and other industries, but are we informing them? This work can create powerful ways for people to understand and use data, but the education component of this is vital and cannot be overlooked. Beyond the tools, there are opportunities here to educate the next generation of lawyers, negotiators and mediators. At the end of the day, meaningful work is about change, and change is something that has to happen at the user level.”

The project is also creating opportunities for students: Maddy Sequeira, Law’21, and Shane Liquornik, Law’20, are two of Dahan’s first hires as research assistants for the project. “It’s exciting as students to have the opportunity to play a role in shaping the way in which technology and law can interact and advance the field of dispute resolution,” they say. “As next-generation lawyers, the lab has exposed us to the benefits of embracing innovations in the legal field.”

Bill Flanagan, Dean of Queen’s Law, is delighted with the Lab and its remarkable progress since Dahan’s arrival at Queen’s. “Samuel has taken a leadership role in creating a space where we are leveraging both technology and creative thinking in developing highly innovative and low-cost ways to deliver legal services,” he says. “The Lab is putting Queen’s Law on the forefront of thinking and research on the application of AI to dispute resolution, developments that hold major potential to address some of the chronic access-to-justice challenges in Canada and around the world.”

What’s next for the Lab? With multiple speaking engagements queued up, and interest growing among both academics and legal practitioners,



Professor Samuel Dahan is the Director of the Conflict Analytics Lab, which will offer “opportunities to educate the next generation of lawyers, negotiators and mediators.”

Professor Dahan has a full plate. “The response to this project has been gratifying,” he says, “and I’m excited to see where we can go from here.

“We’re especially gratified to see the interest Queen’s Law alumni have shown in the Lab,” he concludes. “While the project list is growing, there’s

room for more, and if our alumni have problems that they feel this unique combination of legal data and analysis can help solve, I’d be more than happy to discuss it with them.”

Learn more about the Conflict Analytics Lab.



Three distinguished alumni join board of strategic advisors for Queen's Law

A Bay Street litigator, a charitable foundation architect and a global dealmaker are the newest members of the Queen's Law Dean's Council. They're ready to give advice on the school's strategic directions, as well as help with its efforts in fundraising, alumni network expansion, and student recruitment and placement.

"I am excited to help in some small way to ensure that the Queen's Law experience that was so meaningful to me and my classmates will exist for future generations," says Peter Brady, Law'96, who along with Kristin J. Morch, Law'85 (Artsci'80), and Richard Tory, Law'89, joined the outstanding group of alumni council members from Canada and abroad.

Brady, a partner with McCarthy Tétrault LLP's Litigation and Mining Groups in Toronto, also co-heads the firm's National Environmental, Regulatory & Aboriginal Group. His areas of specialization are environmental law, occupational health and safety law, and mining law. He rejoined the partnership in 2014 after a seven-year stint as Deputy General Counsel at the global mining company Vale, for which his global legal mandate involved environmental, health and safety, litigation and anti-corruption compliance issues. For that work, he received the Canadian General Counsel Award (CGCA) for Litigation Management.

"As busy as life is, we must give back and support those in our community and beyond," says Brady. "My academic, social and personal experience at Queen's and in particular the Faculty of Law was foundational for me and remains a memory that anchors me with pride, gratitude and smiles. I have wanted to create a formal and lasting connection with Queen's Law again as my career and life moves

along. I am excited to provide support to the Dean and the law school in meeting the challenges of our evolving profession."

Kristin Morch is General Counsel to the Continental Saxon Group, a diversified real estate, venture capital, and oil and gas company. Previously, she was a partner with Aird & Berlis and General Counsel to Ernst & Young in the liquidation of Standard Trust Company.

With her husband, Al Pace, she co-founded The Pace Family Foundation in 2008. It contributes to improving healthcare in Ontario and has supported the Toronto Rehabilitation Hospital Foundation, the Hospital for Sick Children, St. Michael's Hospital and the North Bay General Hospital, along with many other community causes and local charities. The Foundation also supports healthcare and water projects throughout Rwanda, and in the Democratic of Congo, Uganda, Niger, Kenya and Malawi.

"I have always been proud of earning my two degrees from Queen's," says Morch. "I believe that the quality of the faculty, their passion and accessibility to students created a unique educational opportunity, which stood me in very good stead for my career." In contributing to the Dean's Council, she says she is especially interested in the "new initiatives underway to strengthen the intersection of law and business, as well as supporting Indigenous students through the Douglas Cardinal Bursary."

Richard Tory, Law'89, is a Managing Director at Morgan Stanley based in Toronto. His career began at Torsys LLP, where he became partner, but in 1998 he accepted a junior position at a U.K. investment bank in London, England, to start a career in banking.



Peter Brady, Law'96, Kristin J. Morch, Law'85, and Richard Tory, Law'89, are the newest members of the Dean's Council, who want to use their talents and experience to support Queen's Law and future generations of its students.

In 2010, he moved from London to Hong Kong, where he continued to develop a reputation as a successful global dealmaker. He moved back to Canada in 2017 to run Morgan Stanley's Canadian investment banking business.

"The world is very different today than when I graduated in 1989," says Tory. "Under Dean Bill

Flanagan's leadership, Queen's Law has adapted remarkably well to the changes in the legal profession and is striving to find new ways to position its graduates for success in this highly competitive and evolving world. I hope that my experiences in Europe and Asia, outside the law, bring a helpful perspective to these new initiatives."

— LISA GRAHAM

The Influencers: Three Queen's Law alumni among *Canadian Lawyer's* Top 25

After over 10,000 votes and a pool of 177 nominees, Queen's Law alumni feature prominently in *Canadian Lawyer* magazine's list of Canada's top 25 legal influencers.

As the magazine says, a Top 25 designation is "a level of respect, the ability to influence public opinion and to help shape the laws of this country and others; contribution to the strength and quality of legal services; involvement and impact within the justice community; and social and political influence and involvement."

Here's what *Canadian Lawyer* has to say about the influential Queen's Law alumni.



Esi Codjoe, Law'03

Vice Chairwoman, Human Rights Tribunal of Ontario (*Government/Non-Profits/Associations*)

Esi Codjoe has adjudicated many human rights matters and has written important decisions, including: *TST-59122-15 (Re)*, in which a landlord was found to have harassed an elderly tenant; *O'Brien v. Toronto Transit Commission*, which involved access to health records; *Szego v. Ontario Lottery and Gaming Corporation*, in which a man's claim of having being fired for being heterosexual and thus contrary to human rights law was dismissed; and *TSL-70014-16 (Re)*, where a disruptive tenant was evicted. She has an impressive track record coupled with extensive involvement within the legal community, including the promotion of racialized and black lawyers. Codjoe has also been quietly mentoring women of colour, and she has forged relationships with an impressive network of women who work in-house and in government agencies. Codjoe has been one of the voices and organizing forces of the Canadian Association of Black Lawyers. She is instrumental in shaping and organizing CABL events and professional development sessions and bridges the gap within the black legal community. Codjoe is also a tireless and dedicated mentor and thoroughly involved in the Ontario Bar Association.

VOTERS SAID: "Esi Codjoe is an outstanding lawyer, mentor and tribunal member that is having a significant and positive impact on human rights in Canada."



ANDREW VAN OVERBEKE

Thomas Cromwell, Law'76, LLD'10 (Mus'73)

Senior counsel, Borden Ladner Gervais LLP (*Changemaker*)

A former Supreme Court justice, Thomas Cromwell has served as chairman of the chief justice of Canada's Action Committee on Access to Justice in Civil and Family Matters, from which he will be departing this year. He is frequently heard at conferences and on podcasts across Canada and he recently joined Arbitration Place. In January, he was inducted into the Order of Canada. Cromwell sat on the Supreme Court of Canada from 2008 to 2016 and on the Nova Scotia Court of Appeal from 1997 to 2008. Prior to his appointment to the bench, Cromwell was executive legal officer to chief justice Antonio Lamer from 1992 to 1995. He has practised law in Toronto and Kingston, Ont., and he has taught at the Faculty of Law at Dalhousie University. While at Dalhousie, he was a labour arbitrator and vice chairman of the Nova Scotia Labour Relations Board. Cromwell is the recipient of four honorary doctorates in law and is an honorary fellow of Exeter College, Oxford and the American College of Trial Lawyers.

VOTERS SAID: "Tom Cromwell excels at everything he does. Having had an outstanding career as an academic and jurist, he is now leading efforts meaningfully to reform access to justice in Canada. Access to justice is something that a lot of lawyers like to talk about, but Tom is trying assiduously to make it happen."



Frank Walwyn, Law'93

Partner, WeirFoulds LLP (*Corporate Commercial*)

A versatile commercial litigator, Frank Walwyn is renowned for his practice by his colleagues. Walwyn is WeirFoulds' first black partner and was the first black lawyer in the firm's 168-year history. In addition to being renowned as one of Canada's top commercial litigators, he spends time advocating for an increase in the number of minorities in law, regularly counsels high school, undergraduate and law students on their career paths and sits on the Judicial Appointments Advisory Committee of the Ontario Court of Justice, a role he has held since 2009. He also volunteers his time as a board member of Community Legal Education Ontario and as a member of the Dean's Advisory Council at Queen's University Law School.

VOTERS SAID: "A true and conscientious advocate who devotes an enormous amount of time to assist disenfranchised persons and racialized lawyers."

"Apart from his impressive professional credentials, he works tirelessly in the community — he is truly an inspiration and a fantastic mentor to countless students and young lawyers of colour."

"He's a star in the litigation field."

Congratulations to all winners!

Five mid-career alumni celebrated for excellence in practice and social responsibility

Queen's Law grads are once again recognized for outstanding achievements by *Lexpert* in its business magazine for lawyers. This year's Lexpert Zenith Awards were presented to mid-career practitioners for excellence in their legal careers and in their contributions to the profession, community or society.

Here's what *Lexpert* has to say about the award-winning Queen's Law alumni.



Barbara Johnston, QC, Law'93,

Dentons Canada LLP
(Employment Law)

Barbara Johnston, QC, heads Dentons' Calgary Labour and Employment group. Johnston has been counsel in major cases in labour, employment, human rights, and health and safety matters. She

served as a board member and, ultimately, President of the Canadian Association of Counsel to Employers. She was inducted as a Fellow into the U.S. College of Labor & Employment Lawyers in 2016, one of the first Canadian women to receive this recognition. Johnston is Vice-Chair of the Alberta Alumni Council for Queen's Faculty of Law and is a member of the Advisory Committee for the Queen's Centre for Law in the Contemporary Workplace.



George Begic, Law'92,
Deloitte LLP
(Corporate Commercial Law)

As Assistant General Counsel at Deloitte, George Begic helps guide management on complex acquisitions, divestitures and initiatives. He has led the legal negotiations of no fewer than 14 strategic transactions over the past

two years and is a trusted advisor to Deloitte's leadership team. Begic has led initiatives on Impact Day for World University Service of Canada, which sponsors refugee students to attend university in Canada, and participates in the Legal Leaders for Diversity mentorship program.



Paul Litner, Law'88,
Osler Hoskin & Harcourt LLP
(Pensions & Employee Benefits)

Paul Litner is Chair of his firm's Pensions & Benefits Department. His practice relates exclusively to pensions, benefits and compensation plans, and he deals extensively with

pension and benefits issues arising in mergers, acquisitions and reorganizations. He has assisted several clients in implementing pension plan mergers, conversions and other innovative plan

consolidation strategies. Litner has been engaged with the Association of Canadian Pension Management over the past decade, and he was an active member of its National Policy Committee and served a two-year term as Chair. In 2013, the ACPM honoured Litner with the Association of Canadian Pension Management Award for Exceptional Volunteerism. He has authored numerous articles for retirement industry publications.



Daniel Michaluk, Law'97 (Com'94),

Hicks Morley Hamilton
Stewart Storie LLP
(Computer and IT Law)

Dan Michaluk advises management on a range of issues related to information security and data management, anti-spam (CASL), privacy and freedom of information. He

acts frequently as a "breach coach," helping guide organizations to respond to data security incidents. Michaluk has helped Canadian post-secondary institutions manage complex human risks by obtaining and processing threat-related information, and his work on violence prevention at post-secondary institutions is now focused on the problem of sexual violence. Michaluk appeared before the Supreme Court of Canada in the landmark workplace privacy case *R. v. Cole*, and his blog, *All About Information*, has won two Canadian Law Blog Awards.



Jeffrey Oliver, Law'01,
Cassels Brock & Blackwell LLP
(Insolvency & Financial Restructuring)

Jeffrey Oliver is a Partner in Cassels Brock's Restructuring & Insolvency Group who has extensive experience in detecting and prosecuting fraud actions, both within insolvency

proceedings and in standard commercial litigation. Oliver recently played a leading role in the landmark appeal decision in *Redwater*, successfully defending the initial decision. He has volunteered for the Canadian Association of Insolvency and Restructuring Professionals to draft exam questions and also served on the INSOL Ian Fletcher Moot committee. Oliver has served as the president of the Board of Directors of ArtStarts In Schools.

Congratulations to all winners!

Law'18 Cree grad recognized for advancing reconciliation at Queen's

For many years before pursuing a legal education, Jason Mercredi worked with several organizations dedicated to advancing Aboriginal rights. It was his involvement with Treaty 1-11 that familiarized him with treaty histories and law, and influenced him to study law in the first place. "I wanted to be in a position where I could make 'yeses' happen for Indigenous people, and that's why I chose to go to law school," he says.

During his three years at Queen's, the Mushkegowuk Cree from Winnipeg has honoured his heritage within the law school and the university, making "enormous and transformative contributions." At this year's Convocation, he was awarded the Dean's Key for best embodying the school's community values, collegiality, professionalism and service.

As a Queen's student, Mercredi volunteered with the university's Truth and Reconciliation Commission (TRC) Task Force, worked collaboratively with Queen's housing department to inspire a First Nation housing policy, implement more awareness and access to first-term and emergency bursaries, and he also gave guest presentations on Indigenous history. His work with the TRC Task Force culminated in a presentation of its final report and recommendations to the university community on March 21; a historical milestone commemorated with an event that day at the Agnes Etherington Art Centre.

"Jason has been a key leader in helping to shape the faculty's and the university's response to the TRC's calls for action," says Dean Bill Flanagan. "Ever articulate, persistent and thoughtful, it has been a privilege to work closely with Jason over the past three years, and I look forward to his continued engagement with the law school as he launches what will no doubt be a remarkable legal career."

"Jason worked extremely hard to help advance the

goal of reconciliation by making positive changes at Queen's," adds Professor Cherie Metcalf, who worked with Mercredi during her term as Associate Dean (Academic). "It was not easy work for Jason to constantly speak to Indigenous issues at the Faculty and on campus. Jason dedicated a lot of his energy as a Queen's Law student to work that was important to making the Faculty a better place – not just for Indigenous students, but for all of us."

Indeed, Mercredi's time at Queen's Law was replete with accomplishments.

In the fall of 2015, he advocated for, and was elected to, the first seat on the Law Students' Society (LSS) for an Aboriginal Student Representative – a position created to give a voice to First Nations, Métis and Inuit perspectives within the law school. He also was a voice on the LSS to endorse the Canadian Council of Law Deans' response to the TRC calls to action, leading to the later creation of a Truth and Reconciliation Committee within the LSS.

Moreover, he was instrumental in the drive to allocate an LSS surplus fund to the establishment of the Queen's LSS Aboriginal Entrance Award, now an endowed fund in perpetuity to support Indigenous students coming to Queen's Law.

In his first year, Mercredi and fellow Indigenous student Ashley Pitcher, Law'17, created and continuously championed the Indigenous Law Students' Alliance at Queen's Law, now a strong student organization that will continue to be a force in the school. In 2016, he was elected as the law students' representative on the Queen's Senate.

Mercredi organized and presented a number of Indigenous culture-based and issue-related workshops, including a panel on Legal Efforts of Reconciliation in March, and he played a strong role in the organization and execution of the Kawaskimhon Moot hosted at Queen's Law two years ago. In addition, he has been



Jason Mercredi, Law'18 (far right), displays his Dean's Key while posing with Dean Bill Flanagan and honorary degree recipient Douglas Cardinal outside Grant Hall following the Queen's Law Spring 2018 Convocation ceremony.

active in endorsing and encouraging the work of staff recruiting and supporting Indigenous students at Queen's.

"More difficult to quantify is Jason Mercredi's service to the school as a positive presence," wrote

one of his nominators for the Dean's Key award. "Jason was never afraid to raise difficult questions or challenge issues, but always ultimately focused on finding solutions and paths forward. Queen's Law is a better place for his having been here."

— ASCHILLE CLARKE-MENDES

Award-winning lawyer explores structure of Canada's *Constitution* in PhD studies at Queen's

Highlighting his 35 years of practice, [Warren Newman](#) has represented the Attorney General of Canada before the Supreme Court of Canada in several significant constitutional law cases. Named Advocatus Emeritus by the Quebec Bar for his career contributions to the legal profession, he has also received an Award of Distinction from the Minister of Justice for his commitment to Canada's linguistic and legal duality. Most recently, he has published an article in the *Oxford Handbook of the Canadian Constitution* (Oxford University Press, 2017) and given expert testimony to the European Parliament's Constitutional Affairs Committee this summer.

He's now in his final year of doctoral studies at Queen's Law, where he has taught the Comparative Constitutional Law course over the past 14 years. In his dissertation, he is taking an in-depth look at the amendment procedures of Canada's Constitution, proposing that these procedures have dual purposes that reflect other tensions in the Constitution.

In an interview with *Queen's Law Reports*, Warren Newman talks about his research, teaching and Supreme Court experiences.

What interested you in your area of law?

The field of constitutional law has been an interest of mine since I first began university studies in history and political science, and then, as I progressed through law school, that interest bloomed into a passion and then a vocation. My primary interest and expertise lie in the relationship between the written and unwritten provisions of the Constitution of Canada. Those principles include constitutionalism and the rule of law, federalism and democracy, parliamentary sovereignty and responsible government, the separation of executive, legislative and judicial powers, and substantive equality and the protection of minorities.



PhD candidate Warren Newman is Senior General Counsel in Canada's Department of Justice – Constitutional, Administrative and International Law Section, and teaches Comparative Constitutional Law at Queen's. He has appeared before the Supreme Court of Canada in landmark cases and now for his doctoral dissertation he is taking an in-depth look at the Constitution's amendment procedures.

Tell us about your research.

My research for my doctoral dissertation examines the basic institutional structure of the Constitution of Canada through the lens of the Constitution's written amending procedures. The thesis proposes that the amending procedures serve a dual purpose, which are always in a form of tension. The first purpose is to permit the amendment of the Constitution by following the relevant procedure. The second, is generally to prevent the amendment of the Constitution except in cases of substantial consensus, and thus to protect certain key institutions, provisions or principles. These dual purposes reflect other tensions in the Constitution; for example, between

constitutional provisions and constitutional principles – between the written and the unwritten. The dual purposes of the amending procedures were especially at play when the previous federal government brought forward several legislative measures such as fixed-date elections legislation, the Succession to the Throne Act, 2013, amendments to the Supreme Court Act, and several Senate reform bills. In striking down amendments to the Supreme Court Act and most of the Senate reform measures, the Supreme Court relied upon a structural understanding of the Constitution's framework, or "internal architecture," including the amending procedures, to limit the extent to which Parliament could reform its upper house.

How have your experiences before the Supreme Court had an impact on your research?

As a constitutional lawyer with the federal Department of Justice, I have been fortunate to appear as co-counsel before trial and appellate courts, as well as before the Supreme Court of Canada, notably in the *Manitoba Language Rights Reference*, the *Quebec Secession Reference* and the *Senate Reform Reference*. Those latter reference cases led to landmark opinions by the Supreme Court on key issues such as the rule of law, the protection of minorities, the place of Quebec within Canada, and the reform of central institutions. Providing legal advice and working on legal arguments presented to the Court gave me deeper insight into the challenges and opportunities relating to legal and political constitutionalism in Canada. I had already begun to write academically about the nature and scope of constitutional amendments, and several of my law journal articles were cited by the Supreme Court. This also encouraged me to explore the underlying theoretical issues further.

What do you enjoy most about teaching Comparative Constitutional Law at Queen's?

I have been teaching Comparative Constitutional Law at Queen's since 2004, first, as a sessional lecturer, and

more recently, as a teaching fellow. Comparative Constitutional Law is a vast domain. What I most enjoy about teaching is the challenge of presenting complex concepts in a principled and accessible way without losing rigour or precision. I take great pleasure in learning from my students as they become interested in the readings and begin to present the fruits of their own research as they develop and draft their term papers.

Why did you choose Queen's Law for you PhD studies?

I chose Queen's Law for my doctoral studies because of its strong tradition in constitutional law; Queen's has included such leaders as Deans W.R. Lederman, Daniel Soberman and John Whyte, and innovative scholars such as Professors Bev Baines, Don Stuart, Tsvi Kahana, Cherie Metcalf and my supervisor, Mark Walters, as well as recent, promising scholars such as Grégoire Webber and Jacob Weinrib. As well, I have enjoyed the collegial and congenial atmosphere, both amongst the professors and the administrative support staff: Nick Bala, Martha Bailey, Arthur Cockfield, Nancy Somers, Melissa Howlett, Dianne Flint and many others were always there to say hello. Finally, I was impressed with the leadership of the Dean, Bill Flanagan, and am impressed as well with the Associate Deans, including, most currently, Joshua Karton and Erik Knutsen.

Where are you from? What do you enjoy doing outside of the courtroom and the classroom?

I am originally from Montreal, Quebec, although I have made the Ottawa/Gatineau area my home for the past 36 years. And I very much enjoy Kingston. Outside of the courtroom, classroom, and office, I enjoy reading (mainly history), watching films (mainly classics), listening to music (mainly jazz and classical), participating in family dinners and social events, and physical exercise (to counter some of the sedentary effects of the other categories).

Watch Warren Newman talk about his research on [Facebook](#).

Queen's Black law students extend outreach through new partnerships

The Black Law Students' Association - Queen's Chapter (BLSA-Queen's) has teamed up with two key campus groups to better support Black students at Queen's Law.

BLSA-Queen's, as part of a nationwide non-profit effort to build academic and professional opportunities for Black law students, has joined with the Queen's Black Academic Society (QBAS), an undergraduate student group focused on advancing Black academics with attention to racial issues, education and equity.

The association has also partnered with the new **Queen's Black Alumni Chapter** (QBAC), a branch of the Queen's University Alumni Association, that connects Black alumni, students, and faculty members of Queen's in the spirit of inclusivity and innovation.

BLSA-Queen's President, Nigel Masenda, Law'20, cites the aim for more diversity in the Queen's Law student body as a primary motivator for creating these new partnerships.

"Since coming to Queen's, I've always loved the community," admits Masenda. "Queen's Law is a great atmosphere with an excellent faculty and many great resources for students. There is diversity at Queen's, regardless of whether you can see or hear the many Queen's students who hail from historically marginalized groups."

In its annual **demographic survey** of the incoming class, the Faculty of Law continues to see a richly diverse group of talented students coming to Queen's, with 37 per cent of the Class of Law'21 identifying as a member of a racialized group. "We want to promote a welcoming, inclusive message to all," says Masenda.

By aligning with QBAS and QBAC, BLSA-Queen's seeks to strengthen its community outreach and bolster its alumni relations efforts, respectively.

"Our whole premise is getting the BLSA name out there," says Masenda. "Pooling our resources with QBAS assists us in promoting our message, hosting larger events and offering more opportunities to our members. Working with QBAC helps us connect current Black law students with alumni, who can impart professional wisdom and provide experiential learning opportunities so that students may put their best foot forward."

While the BLSA-Queen's alumni network may be small, Masenda touts its close-knit nature as beneficial in supporting Black students in their transition to professional practice. He says that these alumni are uniquely cognizant of the daily struggles and experiences that Black students face.

"What we lack in numbers at Queen's, we gain in collegiality through the personal and professional connections we're able to make," emphasizes Masenda, adding that in law schools in larger cities, "You wouldn't get those opportunities."

Masenda seeks to keep the BLSA-Queen's mentoring program application process as informal and accessible as possible. The group boasts a diverse range of members from many different ethnic backgrounds. Students can get involved in a multitude of ways, including but not limited to **email**, **Facebook**, or anonymously by contacting **Helen Connop, Manager of Education & Equity Services at Queen's Law**.

"Regardless of whether you identify as marginalized or with a minority group, we will welcome you with open arms," vows Masenda. "No one will ever know about your background and experiences unless you talk about them. We want to get to know each other as human beings and to

foster greater harmony in our community. We see our alliances with QBAS and QBAC as promising first steps toward that goal."

At a recent joint event organized by BLSA-Queen's and QBAS, 20 students attended a "Pre-Law Information Session" devoted to the law school application process from a Black undergraduate perspective. Among the subjects discussed were LSAT study strategies, entrepreneurship, working on Bay Street, and post-graduate opportunities in law. The seminar, however, focused on helping Black students navigate the professional world without sacrificing what makes them unique.

"Don't differ from what makes you great," declared Masenda, speaking at the event. "Be proud of who you are, and be confident in your experiences. Don't shy away from your minority status or change the name on your application. You, as a Black applicant, can distinguish yourself. By focusing on your unique interests and strengths, you can be the best professional version of yourself. Be comfortable with being different."

For its part, QBAC launched its inaugural event on October 20 in Kingston during Homecoming weekend. That's when the organization unveiled its flagship QBAC Mentorship Program and gave alumni the opportunity to network. It also featured a panel discussion with four impressive guest speakers: **Hazel Claxton**, Com'83, retired Morneau Shepell EVP and chief human resources officer; **Beau Sackey**, MBA'12, managing partner of Biltstone Consulting; **Curtis Carmichael**, PHE'16, founder of Ride for Promise; and **Jeanelle Dundas**, ArtSci'13, a lawyer with Blake, Cassels & Graydon LLP.

— JUSTIN MURPHY



Black undergraduate students learned all about prepping to apply to law school and more from members of the Black Law Students' Association – Queen's Chapter at a pre-law information session co-organized with the Queen's Black Academic Society on October 10.

Law'20 student helps bring justice to her native Mohawk community

When Lauren Winkler, Law'20, went home to the Tyendinaga Mohawk Territory this summer, she had a renewed sense of purpose. As one of three *Queen's* Law interns participating in the provincial Debwewin Program, she provided legal education and assistance to her First Nation community.

Winkler's placement with the Tyendinaga Justice Circle (TJC), an organization that offers programs and services to assist Indigenous people in conflict with the law, was supported by the Ontario Ministry of the Attorney General's Indigenous Justice Division.

At the end of her 14-week placement, Winkler spoke with *Queen's Law Reports* about the work she did in the program that responds to retired Supreme Court of Canada Justice Frank Iacobucci's First Nation Representation on Ontario Juries Report.

What attracted you to this internship opportunity?

I heard about the Debwewin internship opportunity from some Indigenous friends in upper years at *Queen's* Law and through the advertisement of the position. To be honest, I really struggled in my first year of law school because I felt that I was learning a lot about a system that actively works against Indigenous peoples and felt very helpless. When I saw the Debwewin internship opened up, I jumped at the opportunity to apply because I felt a strong need to be back in the community, whether it was my own or another Indigenous community.

I had spent so much of my undergrad working with the Indigenous community here to make life at *Queen's* better for Indigenous students but because first year was so busy, I didn't feel as strong of a connection to the wider Indigenous community at *Queen's*. With this internship I have been able to not only be in my own community, but I've also been able to work with a team that makes the justice system more accessible to Indigenous peoples and offers restorative alternatives for them.

What work did you do as an intern, and how did it contribute to your organization's goals?

As an intern I had a lot of flexibility, which I'm not used to. It was quite an adjustment to be able to decide where I wanted to be working from, who I wanted to shadow, and what projects I wanted to work on. Throughout the summer I shadowed people in the different staff positions at the Tyendinaga Justice Circle – going to court in Belleville and Napanee, taking clients to their appointments so they can complete their diversion, going to group homes, meeting with different committees and reading Gladue reports.

Two major parts of the Justice Circle program are diversion and Gladue Reports. Diversion programs are alternative sentencing programs that give an offender the opportunity to rehabilitate and give back to their community. For TJC clients, diversion programs can be cultural or more general. For instance, sometimes it is recommended that clients take part in a talking circle where the offender, victim, their families and communities will come together and try to make amends. Other cultural programming could be meeting with an elder, participating in a sweat, or participating in Indigenous-specific programs for domestic violence or drug abuse. Not all requirements for TJC clients' diversions are cultural but the courts like to give people the option.

Gladue Reports are pre-sentencing and bail hearing reports that came out of the 1999 case *R v Gladue*. Under S. 718.2(e) of the *Criminal Code*, a Canadian court can request a Gladue Report when considering the sentencing of an Aboriginal offender. These reports can include information such as events in the offender's life that may have led him or her to this point, information about his or her home community, family history with residential schools, interviews with family members about the offender's character, and the offender's history with the child welfare system, etc. Every organization or



Lauren Winkler, Law'20, outside the Quinte Courthouse in Belleville, where she helped members of her Mohawk community access justice as part of her Debwewin Program internship this summer.

firm that writes Gladue Reports will write them differently – from its format to its content.

Throughout the summer I was able to do research for the Gladue writers to use in their reports. Topics included effects of residential schools, over-incarceration, domestic violence, children in care, Fetal Alcohol Syndrome Disorder, etc. I was able to create a system that better organized the research that they had been collecting so that their information is easy to find and they can spend more time writing. The Gladue writers at the Justice Circle had a lot of cases on their list for the summer so I was happy to help save them some time.

Two other projects that I worked on this summer had to do with the over-representation of Indigenous youth in group homes. One project was the development of a manual for group home staff on how to better support the Indigenous youth in their care. This manual has mostly been informed by a few Indigenous youth who have experience in group homes and spoke to our team about these experiences. The manual gives some historical context, current issues and statistics, and a list of issues and potential solutions identified by the youth.

The second project related to group homes is a legal information booklet for youth in these homes. This booklet identifies their legal rights under the *Charter* and specifically discusses their rights when interacting with the police. The youth we spoke with explained that police are often called when there are

issues at the home and also raised the issue that they have no idea what their rights are when this happens. I have completed a detailed booklet that they can keep in their rooms as well as a smaller resource that they can keep on them at all times.

What did you find most rewarding about this work?

I have learned so much this summer and I think one thing that bothers me the most (other than the general mistreatment of Indigenous people) is how inaccessible the legal system is to the public. Sitting in court, I see how many people sit wide-eyed as a group of strangers at the front of the room discuss their future in legal language that is hard to understand. It was really rewarding for me to be able to sit with clients and explain the process to them. I also found it equally rewarding to hear from them; I think it is really easy for people to feel that their voice is being lost when they are going through the system and the staff at the Tyendinaga Justice Circle are able to give people their voice back. As a completely voluntary program, it's up to the Justice Circle clients to decide how they will heal best and the TJC will support them in doing that. It felt amazing when clients said that they felt safe and most comfortable when TJC staff are there with them. When I remember how distrusting Indigenous people are (and rightly so) of the criminal "justice" system, I think about how incredible it is that there is an organization like the Tyendinaga Justice Circle to remind them that they are human and that they matter.

First-year student helps lead global project for European financial institution

Thomas Daechsel, Law'20, spent the summer deeply invested in the laws of global finance. As an intern with the Royal Bank of Canada's Investor & Treasury Services group in Luxembourg, he gained lots of practical experience working alongside the international organization's legal team led by fellow grad Michael Schweiger, Law'04.

They both spoke with *Queen's Law Reports* about the mutually beneficial internship experience.

Tom, what attracted you to this internship opportunity?

Daechsel: I was really interested in getting a unique experience in the summer after my first year with *Queen's Law*. My preferences were focused on an in-house legal role in the financial services or banking industry. Despite my narrow specifications, our career development office was fantastic in helping me begin my search and initial outreach. Coincidentally, the RBC role in Luxembourg

presented itself shortly after. The internship was precisely what I was looking for and had the added benefit of being in a unique location. Ultimately, making the decision was easy, and the opportunity was too good to pass up.

Tom, what work were you doing as an intern, and how did it contribute to the organization's goals?

Daechsel: RBC Investor & Treasury Services is a top-10 global custodian bank that provides services to institutional investors. It represents RBC's most significant operations within Europe. Michael, a proud *Queen's Law* graduate, manages a team of 15 lawyers across multiple jurisdictions and is responsible for all legal issues within Continental Europe and the Channel Islands. His efforts in making sure I was integrated into the team certainly showed that the support you receive from the *Queen's Law* community has no real geographical limits.

As an intern, I was able to work closely with the legal group and gain exposure to a wide variety of projects. Ultimately, my time in Luxembourg over the summer proved to be timely. New data protection regulations in Europe meant I was able to jump right in and contribute to RBC's strategic decisions around compliance and implementation of the necessary data controls. At the same time, I helped prepare a conference on corporate governance regulation for global financial institutions. My luck continued when the bank was involved in a few syndicate loan and cross-border transactions, which I had the opportunity to help review and draft. Finally, I was trusted to help lead a global project to standardize client contracts across Canada, the U.K., Ireland, and Luxembourg. This required coordinating with executives throughout the RBC group to define the bank's commercial positions. The team was great about including me on key files and showed me a high level of trust to contribute to the work. It was a great way to learn to adapt quickly and I was able to help

provide clear and efficient guidance to both clients and the bank itself, which is critical in the financial service industry.

Tom, what did you find most rewarding about this work?

Daechsel: With the in-house capacity, the Luxembourg legal team was serving not only the bank's clients but the bank itself. In a way, it flips the client-oriented approach on its head when your biggest client is the company you are working for. The information and advice you provide directly impacts your own business, and seeing how the legal team operated within that reality and how this facilitated pragmatic decision-making was a valuable experience. In both instances, the focus remains on client satisfaction. The benefit of this focus is having the opportunity to be creative in your solutions to incorporate client needs without sacrificing legal accuracy. I learned quickly that in the transactional world you are working with, not against, the client to find a solution that works for both parties. Finding these solutions was, without a doubt, rewarding.

Michael, how would describe Tom's contributions as an intern to RBC Investor Services Bank?

Schweiger: Tom was extremely motivated and really hit the ground running. As a result, he was able to have a variety of experiences with all of the lawyers in my team as well as our key business partners. Critical components for a successful internship include strong analytical thinking, attention to detail, and reliability. Tom demonstrated all of those skills and together with his enthusiasm he was able to help lead a global project, brief our senior executives, and work with our client-facing staff. The support he brought to us was tremendous and it is always helpful to have a fresh perspective within the team.



Intern Tom Daechsel, Law'20 (right), with his supervisor, Michael Schweiger, Law'04, at RBC Investor & Treasury Services in Esch-sur-Alzette, Luxembourg. That's where Tom not only learned about business regulations and transactions, but also "how the support students receive from the Queen's Law community has no real geographical limits."

Law'20 student gets hands-on public-interest environmental litigation experience

Rory Shaw, Law'20, may only have one year of law school under his belt, but he's now learned first-hand what it's like to take on public interest environmental litigation work. This summer he interned with the Pacific Centre for Environmental Law and Litigation (CELL), a new non-profit society based in Victoria, B.C.

One of six first-year students to receive support through a Torys Public Interest Summer Internship Award, Shaw spoke to *Queen's Law Reports* about his exceptional experiential learning opportunity.

What attracted you to the internship opportunity with CELL?

The Pacific Centre for Environmental Law and Litigation is unique within the Canadian legal world. Despite being a fairly small shop, CELL seems to have a hand in nearly every major environmental law case in B.C. This allows students not only to work extremely close with dedicated and experienced lawyers, but also to know that their work has real effects throughout the province, and even the country. I have always placed great value in public service, so working with CELL was the perfect opportunity for me to make meaningful contributions to important causes while gaining valuable hands-on experience in litigation.

What did you do as an intern, and how did your work contribute to CELL's goals?

As an intern, I was involved in every single step of the litigation process. I had the opportunity to write legal memoranda, draft affidavits, and even prepare the first draft of an application submitted to the Supreme Court of British Columbia. CELL places a strong emphasis on providing detailed feedback to its interns, so I would regularly meet with my supervising lawyers to discuss my work and collaborate to make my arguments as strong as possible. One of the best parts of this process was to see arguments I had written make their way into submissions brought before the court. It is a pretty incredible opportunity to have legal arguments I wrote included into court filings less than a year into my legal career, and to know that my work is making a difference.

What did you find most rewarding about this work?

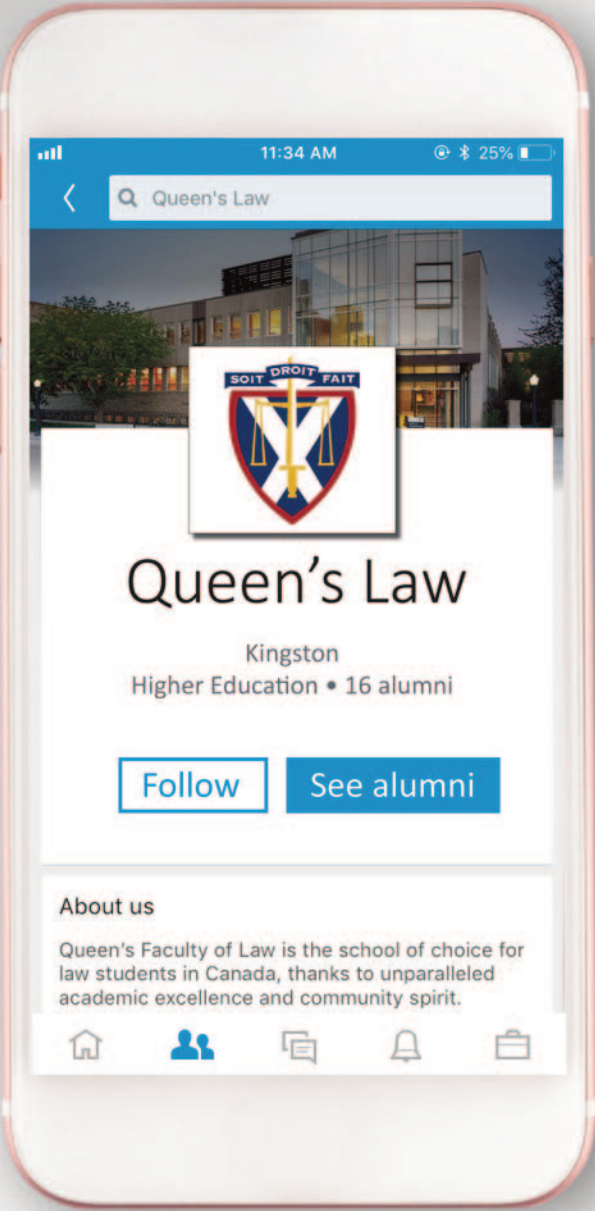
The most rewarding part of this experience has been to meet the people who support the work done by interns. Our major project for the summer related to



Rory Shaw, Law'20, spent the summer in Victoria, B.C., where he experienced how lawyers can "make a difference in people's lives" during his internship with the Pacific Centre for Environmental Law and Litigation.

an injunction brought by our clients, the West Moberly First Nation, against the Site C dam in Northern B.C. West Moberly is a party to Treaty 8, which guarantees hunting, fishing, and cultural rights to a group of First Nations in the Peace River Valley. Our clients are seeking an interim injunction on the Site C dam project on the basis that if the project is completed they allege their treaty rights will be extinguished completely. We submitted an application to have the B.C. Supreme Court hearing webcast and archived so that West Moberly, and all Canadians, may have access to the proceedings. On the day of the hearing, we had the opportunity to not only meet Chief Willson of West Moberly, but also see a rally outside the courthouse in support of our clients' injunction. This experience brought home the fact that what we do really does matter and that you can make a difference in people's lives as a lawyer.

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HOMECOMING 2018



Lifelong bonds and school pride reinvigorated at Homecoming 2018

“We had a great time at Homecoming!” exclaims Elaine Wu, Law’03 (Artsci’98, MIR’00), one of about 200 Queen’s Law alumni who returned to Kingston to celebrate a milestone reunion this year. “It’s always wonderful to reconnect with classmates and reminisce about our time together at Queen’s Law. I was also very impressed with all the improvements to the law school!”

Wu’s fellow Law alumni came from across Canada and from as far away as China and South Korea to gather on campus and in central Kingston. Both areas were bustling with activity – and Queen’s colours – on the beautiful fall weekend of October 19-22.

“Walking around the law school and downtown and was a literal trip down memory lane,” says Elle Morris, Law’08. “It was so nice to see old haunts mixed in with new places, and spending time with old friends laughing about good times from the past.” For returning grads from this year’s earliest reunion class, Law’63, those friendships started 58 years ago.

Homecoming 2018 saw Law’68 classmates join the distinguished Queen’s University Tricolour Guard. To mark the occasion of their 50th anniversary reunion, Dean Bill Flanagan presented medals to the 11 members in attendance, including former Dean Denis Magnusson and James Simmons, QC. “I very much enjoyed the 2018 Homecoming and mixing with colleagues of 50 years before,” says Simmons.

Four Law’93 grads – Jin Choi, Sheila Colman, Emily Steed and Frank Walwyn – participated in a panel titled “Leverage Your Queen’s JD.” On their 25th anniversary, they shared with students their paths to top positions in different types of careers. This panel, moderated by classmate Professor Art Cockfield, will be featured in an upcoming story.

Over the weekend, Law alumni took part in several activities. Homecoming kicked off with a get together at the Grad Club on the Friday evening. The next day, grads checked out the downtown Queen’s Law Clinics, cheered on their Gaels football team at Richardson Stadium, and toured the home building of Queen’s Law.

Student tour guides showed alumni all the extensive upgrades that provide a first-rate facility for today’s law studies. “It was difficult to re-orientate myself with respect to the law school as it once was,” says Simmons. “The extensive improvements are grand.”

Those improvements could be seen everywhere, as Wu remarked, “from the upgraded classrooms and student lounge to the new Learning Commons that was formerly the basement of the law library.”

Dean Bill Flanagan presented his “State of the Faculty” address, giving grads an update on Faculty programs, teaching innovations and other successes. These include a 95 per cent placement rate for JD students, a 30 per cent expansion in faculty numbers over the past five years, and a new online Graduate Diploma in Legal Services Management.

“I found the Dean’s address very informative and spoke with him afterwards,” says Simmons. “I confirmed my complete support of the introduction of courses that specifically educate students in the business of law in addition to the practice of law. It is encouraging that this has become an important part of the available learning through the law school. It is probably equally important that it is available at large. [The school’s plan is to open enrollment in the Legal Services Management diploma program to practising lawyers everywhere starting in the spring of 2019.] “I intend to follow it up. It is likely that I will commend it to others with whom I practice in Northern Ontario.”



Alumni reconnect and rejoice at Homecoming 2018.

Late on the Saturday afternoon, alumni reconnected with fellow grads from all years, as well as with faculty and staff in the school’s William R. Lederman Law Library. Afterward, alumni continued

celebrating with their classmates at private dinners in Kingston’s finest venues.

[*Download photos from our Facebook gallery.*](#)

Law'68 classmates receive their medals as they join the Queen's University Tricolour Guard in celebration of their 50th anniversary reunion





GARRETT ELLIOTT



GREG BLACK



GARRETT ELLIOTT



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GARRETT ELLIOTT

Law'98



GREG BLACK

Law'08



Law'03



Law'13







PHOTOS BY GREG BLACK

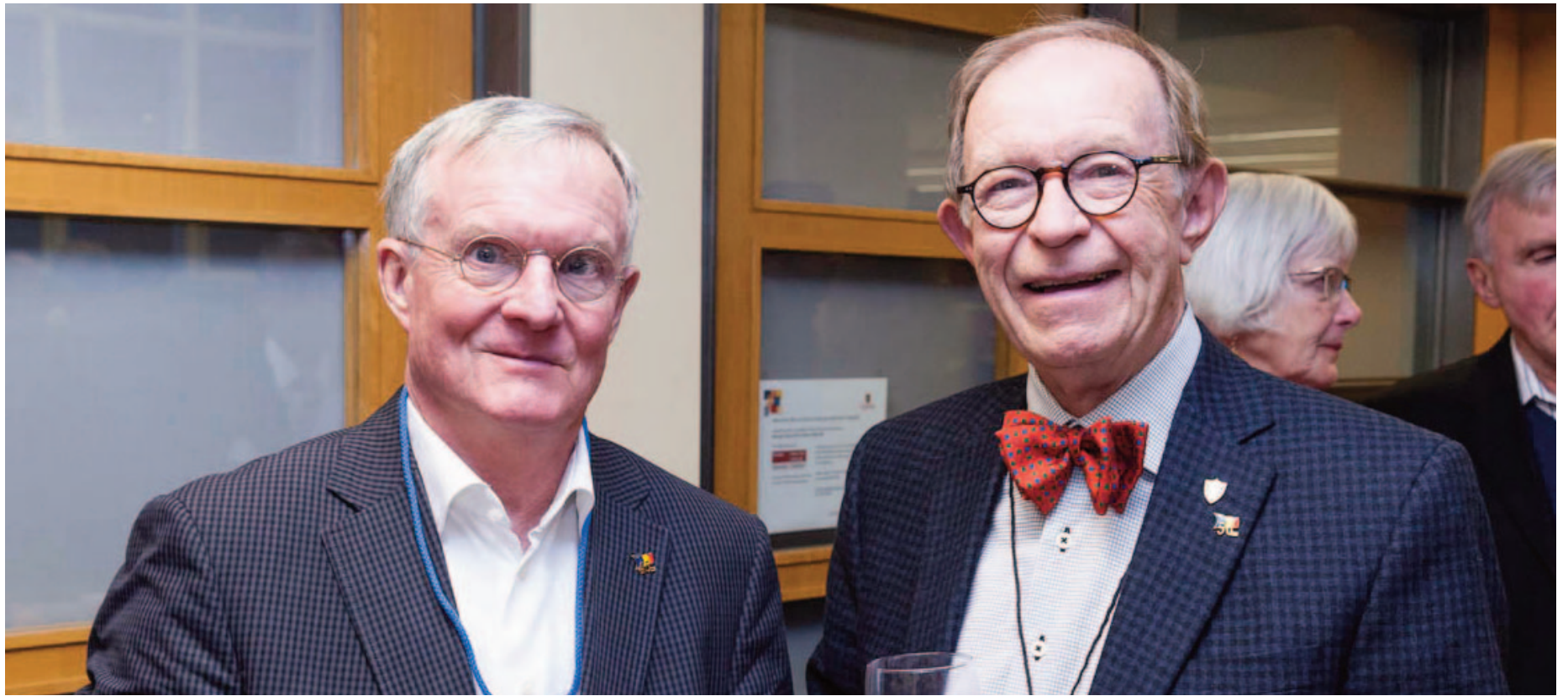






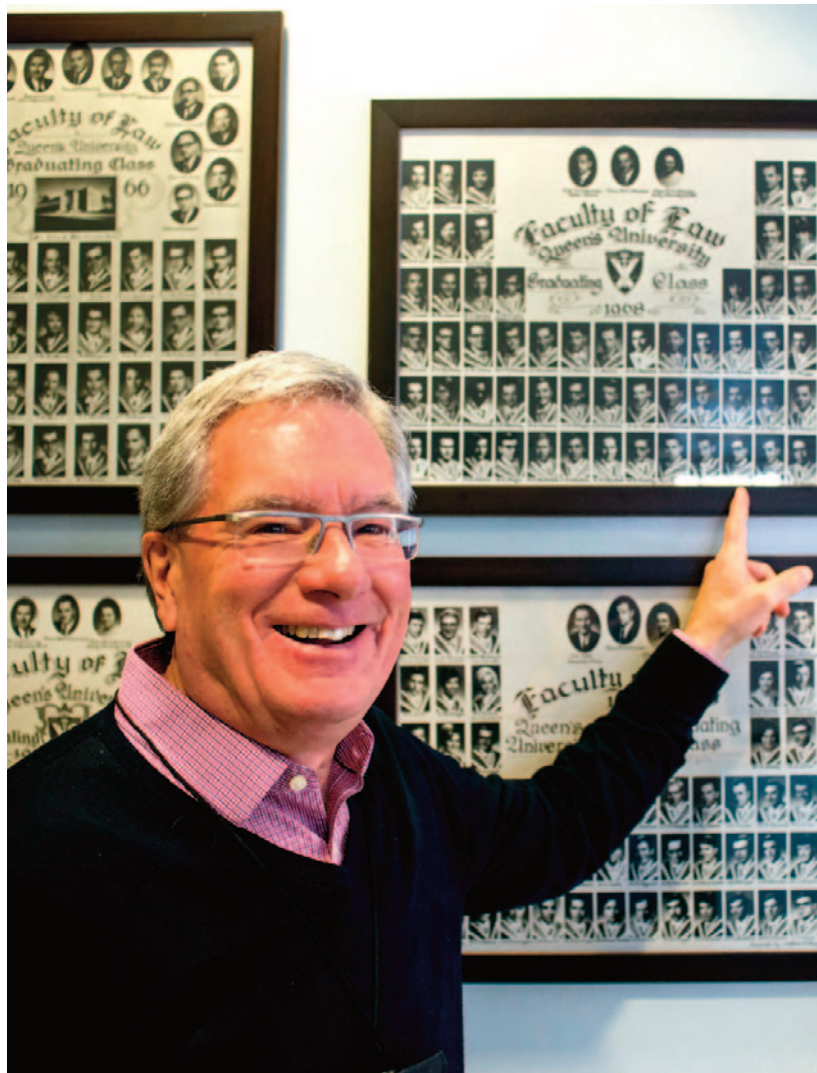












PHOTOS BY GARRETT ELLIOTT





Then & Now: 'Incredible coincidence' at Queen's Law Homecoming

1972



Paul Litner and Jin Choi in Grade 2: Paul is 2nd row, 4th from left... and Jin is 2nd row, right, beside the teacher.

BY JIN CHOI, LAW'93

At the cocktail party, this fellow – with Law'88 on his nametag – comes up to me and asks, "Excuse me, but do you mind if I ask you a strange question?"

"Sure, go ahead," I replied.

"How old are you?" he asked.

Surprised, I told him and he said he was the same age.

Then he asked, "By chance did you attend Sheridan Park Elementary School in Mississauga in Grade 2? My best friend then was Jin Choi and I often wondered what happened to him."

Wow! I recall going to that school, but I couldn't remember when, as I had a tumultuous childhood going to five different schools in five years.

2018



Paul Litner, Law'88, is a partner with Osler, Hoskin & Harcourt LLP in Toronto.

I went home and checked my class photos and sure enough, I did attend that school in Grade 2.

What an incredible coincidence!

That fellow who approached me was Paul Litner, Law'88.

Moreover, Paul also attended Victoria College



Jin Choi, Law'93, is Managing Director & Head of Asia with Genii Capital in Seoul, South Korea.

(UofT) for undergrad as did I, so that makes three schools we have in common. Plus, he was good buddies with Frank Walwyn, my Law'93 classmate, while in undergrad.

What a small world ...

Legendary Queen's Law collegiality on display at Ottawa alumni event



Everything was picture perfect on September 6 at the latest cocktail reception for Ottawa-area alumni. Gathering in the new home of the Ottawa Art Gallery that had opened to rave reviews five months earlier, grads of all ages enjoyed good company, saw impressive art collections and applauded two alumni award winners.

The beautiful venue was especially fitting for Tom Houston, Law'78 (Com'75), recipient of the H.R.S. Ryan Law Alumni Award of Distinction. Recognized as one of Canada's leading corporate lawyers, in 1985 he co-founded the Ottawa office of Dentons Canada LLP, which sponsored the event. In addition to his overall distinction in the legal profession, for six years Houston provided Dean Bill Flanagan with "very generous counsel on directions for the school" as a Dean's Council member, and in the nation's capital he has served on a number of community

boards, including the OAG's. The gallery's Executive Director, Alexandra Badzak, told the crowd, "An important institution like this isn't built without great champions like Tom Houston, who was instrumental in making this space possible."

In accepting his award, Houston paid tribute to his alma mater, which he credits for being instrumental to his career. "Queen's Law continues to offer a very welcoming environment and a strong faculty, creating an excellent learning environment," he said.

Though he only knew Professor Stuart Ryan by reputation, Houston said he "very much appreciated" receiving the award commemorating the co-founding faculty member.

The next speaker was not only a former student and later a law partner of the "enormously gifted and excessively generous" Ryan, but also made one of his

first appearances at the Supreme Court of Canada with his mentor. The Honourable Thomas Cromwell, Law'76, LLD'10 (Mus'73), retired SCC Justice, was on hand to make an award presentation to an alumnus he in turn guided.

Owen Rees, Law'02, received the Justice Thomas Cromwell Distinguished Public Service Award for sustained outstanding public service. Rees, now counsel with Conway Baxter Wilson LLP, served from 2012 to 2015 as Executive Legal Officer to then-Chief Justice of Canada Beverley McLachlin. In 2016, then-Governor General David Johnston, Law'66, LLD'91, awarded Rees and Professor Grégoire Webber with Meritorious Service Medals for their work in launching the Supreme Court Advocacy Institute.

"Owen is an immensely gifted lawyer, an

immensely warm and generous person and makes his accomplishments look so easy," said Cromwell. "His entire law practice in large measure has been devoted to public law and the public good."

For Rees, it was "particularly meaningful" to receive an award honoring Cromwell. "I was fortunate to have Tom – a jurist of unsurpassed gifts, a man of wisdom, and a generous soul – as my mentor."

Rees also thanked Queen's Law faculty for their support. "I was blessed with an array of talented professors, many of whom have since become friends," he said. "Not only are they leaders in their legal fields, the faculty are also supreme mentors. They have a gift for promoting a passion for law and a sense that law serves a higher purpose and public ideals." ►

Ryan Alumni Award winner Tom Houston, Law'78, not your 'typical lawyer'

Tom Houston, Law'78, (Com'75), will tell you that he's a "rare beast" among lawyers – and couldn't be happier about it. Houston explained the reasons at the September 6 reception in Ottawa, where he received the Queen's Law 2018 H.R.S. Ryan Law Alumni Award of Distinction (which recognizes overall distinction in the legal profession).

What qualifies a distinguished lawyer as a rarity among his peers? Houston he has been with the same law firm – Dentons Canada LLP and its predecessor, initially in Toronto and then in Ottawa – and has been happily married to the same woman for 40 years. "I'm either very stable or else I'm not very adventurous. Or maybe I'm both," Houston said with a laugh. "Regardless, it's all worked out very well for me."

Professionally, Houston is one of Canada's leading lawyers in the fields of corporate and securities law. His reputation, like the quality of his counsel, is stellar.

"I do a lot of work with start-ups in Ottawa's high-tech sector. It's both rewarding and frustrating," he said. "The good part is that I get to work with so many bright, talented young people who are passionate about what they do. The bad part is that they don't always value legal advice. Some of them have short attention spans. I do, too. Maybe that's why I get along so well with them."

The self-effacing humour is typical of a man who is as well-grounded professionally as he is personally. First and foremost, Houston is a devoted family man.

He and his wife Jan raised three daughters, and they now have six grandchildren whom they dote upon. In the summer months, the Houstons love spending family time swimming, boating, and hiking at their cottage on Big Rideau Lake, 70 km southwest of Ottawa.

Houston is only slightly less engaged in the Ottawa community. His late father, an engineer-turned-soldier, instilled in his son an indefatigable community ethic and a willingness to "give back." As a result, Houston has served on the boards of the Children's Hospital of Eastern Ontario, United Way Ottawa, and the Ottawa Art Gallery. In addition, he has been a loyal alumnus of Queen's Law, sitting as a member of the Dean's Council (2011-17), supporting the law school with his donations, and volunteering his time as a mentor to students and young alumni.

"Queen's Law has always been a place with a welcoming learning environment and superb faculty. I received a wonderful legal education at the school. In particular, I have fond memories of classes taught by Noel Lyon, Mark Weisberg, Alan Gold, Don Carter, and David Bonham," Houston said.

"Unfortunately, I never took a course from Professor Ryan, but I certainly knew of him by reputation. He was an excellent lawyer and teacher and, I'm told, a very kind and decent man. I'm deeply honoured to receive the award from Queen's Law that commemorates his memory."

— KEN CUTHBERTSON



Ryan Award winner Tom Houston, Law'78, (Com'75), with wife Jan Houston (ArtSci'75) and Dean Bill Flanagan at the Ottawa reception, credits his father for instilling a drive to give back.

LINDSEY GIBEAU

2018 Cromwell Award winner Owen Rees, Law'02, 'has public service in his DNA'

Surprise. Delight. Honoured. Owen Rees, Law'02, experienced all of those feelings in the moments after learning Queen's Law had named him the 2018 recipient of the Justice Thomas Cromwell Distinguished Public Service Award for sustained outstanding public service.

"I have enormous respect for Thomas Cromwell (Law'76, LLD'10). When I served as Executive Legal Officer to Chief Justice Beverley McLachlin (LLD'11) from 2012 to 2015, Justice Cromwell was on the court, and I had the privilege of working with him. Not only was he a mentor, I'm proud to say he also became a friend," says Rees. "That's what make this Queen's Law honour so special for me."

An exclamation point on that honour came when Rees, who is now in a civil and regulatory litigation practice with the Ottawa law firm Conway Baxter Wilson LLP, received his award from the hands of Cromwell himself. That happened at a September 6 reception at the Ottawa Art Gallery. In his introductory remarks, the retired Supreme Court of Canada Justice observed that Rees, like others who are highly talented and skilled at whatever they do, "makes it look easy . . . never gets ruffled." And, added Cromwell, "Clearly, he's also a person who has public service in his DNA."

Indeed, Rees' involvements in and dedication to public service are myriad. For example, in 2012, the Canadian Public Health Association honoured him with its National Public Health Hero Award for making a positive difference for the public's health at

the national level for his advocacy before the Supreme Court in the Insite safe injection site appeal. Then, too, he also has served on Legal Aid Ontario's Group Applications and Test Cases Committee (2010-12), and when he and colleague Grégoire Webber – Canada Research Chair in Public Law and Philosophy of Law at Queen's Law – founded the Supreme Court Advocacy Institute in 2007, Rees acted as the agency's co-executive director (2007-11). As a result, in 2015 then-Governor General David Johnston, Law'66, LLD'91, awarded Rees and Webber the Meritorious Service Medal for their efforts to improving access to justice in Canada.

While he's grateful for such recognition, Rees rejects any notion he's doing anything unusual or special. "Lawyers are privileged. I feel that each of us has a responsibility to give back in whatever way we can," he says.

"When I think about my own career, the word that comes to mind is 'fortunate.' I owe a great deal of thanks to my parents, my colleagues, friends, my teachers at Queen's Law and to my wife, Jocelyn (Meds'02)."

Rees insists it's his wife, who's a family physician, and the couple's five-year-old daughter and three-year-old son who keep him grounded and on an even keel. "Away from the office, I love to spend time reading, hiking, gardening, and cooking," says Rees. "I have a great family life. I really *do* feel fortunate both professionally and personally."

— KEN CUTHBERTSON



The Honourable Thomas Cromwell, Law'76, LLD'10, presents the Justice Thomas Cromwell Distinguished Public Service Award to Owen Rees, Law'02.



PHOTOS BY LINDSEY GIBEAU





PHOTOS BY LINDSEY GIBEAU





Upcoming Events

Queen's Law Alumni Reception in Edmonton

Tuesday, November 27

5:30–7:30 pm

Dentons Canada LLP
2900 Manulife Place
10180-101 St.

Connect with your fellow Queen's Law alumni and with Dean Bill Flanagan as he concludes his deanship and makes his final visit as Dean to Alberta's capital.

RSVP to Alyssa de Hoop
at 613-533-6000 ext. 77471
or a.dehoop@queensu.ca



Queen's Law Alumni Holiday Reception in Kingston

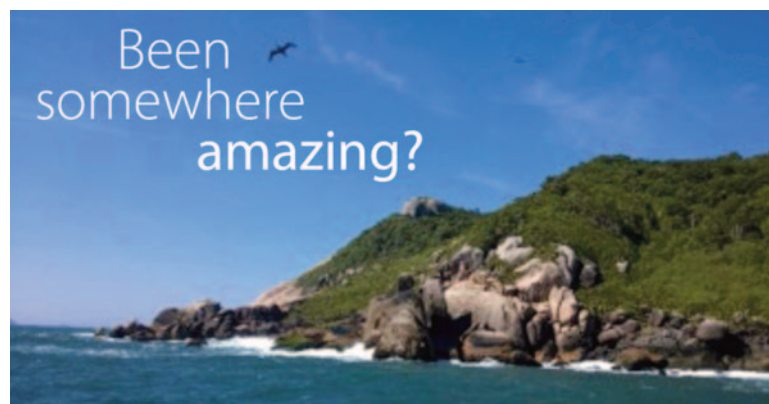
Thursday, December 13

5:30–7:30 pm

University Club
168 Stuart St.

Join Dean Bill Flanagan and your fellow alumni to ring in the holiday season.

RSVP to Alyssa de Hoop
at 613-533-6000 ext. 77471
or a.dehoop@queensu.ca



Queen's Law Communications Manager Lisa Graham is eager for any and all alumni news and notes for this magazine, our website, and more!

Contact Lisa at grahaml@queensu.ca or 613-533-6000 ext. 74259

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Thanks to you, Homecoming 2018 was a huge success!



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