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NOVEMBER 2019



Record year for research grants

Faculty awarded over
\$1 million to study
an amazing array
of legal issues
(see page 26)

Grads impress FCA justices

Chief Justice notes
intelligence and collegiality of
clerks from Queen's (see page 22)

Homecoming 2019

'Incredible' reunion regenerates friendships
and school pride (see page 60)



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ON THE COVER

*Setting research grant records
for our school, our professors
will use the funds won in
national competitions to
study an amazing variety
of legal issues.*

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How did Queen's Law faculty spend their summer?

School may have been out for summer, but that's when the research productivity of Queen's Law professors really heated up. For their work in an amazing variety of legal issues, they were busy presenting at conferences across Canada and around the world; writing articles and books; and much more.

Here are just some of the exciting research activities that Queen's Law faculty members and head librarian worked on during May to August.



Professor Sharry Aiken co-organized the workshop, "De-Carceral Futures: Bridging Prison and Migrant Justice," that included a panel on "The Framework of Abolition," led by discussant Lisa Guenther (Queen's Philosophy)

Professor Sharry Aiken co-organized the workshop, "**De-Carceral Futures: Bridging Prison and Migrant Justice**," that saw over 100 scholars, practitioners and activists come to campus on May 9-10 to discuss how countries like Canada can better protect the rights of those who are detained as they enter our country. *Policy Options'* podcast recorded an episode from the conference floor. Aiken is now guest editing a special issue of *Citizenship Studies*, a bimonthly peer-reviewed interdisciplinary academic journal. She also co-authored "**A world without immigration detention is possible**," published in *The Conversation*. In addition, she organized the launch of the *Global Justice Journal*, the academic journal of which she is co-editor-in-chief and that is now being published by Queen's Law.

Professor Martha Bailey's play *Life Support* was presented at the Kingston Storefront Fringe. Set in the chambers of a judge (played by Justice

Brian Abrams, Law'96) the play dealt with the question raised by *McKitty v Hayani* (now before the Court of Appeal for Ontario) – whether the accepted medical criteria for determining brain death can be challenged on constitutional grounds. In another project, Bailey has been examining the historical, religious, legal and emotional/neuroscientific aspects of sibling incest and prohibitions against marrying relatives. In recent years, cases such as *Stübing v Germany* in the European Court of Human Rights have challenged the laws relating to sibling incest and marriage. Because of adoption laws, changing family forms, and new reproductive technologies, many of those who are legally siblings are not related by blood or have not grown up together. Bailey asks: Should the rules be different for those who do not have a typical sibling relationship?

Professor Beverley Baines released the preliminary results of her two-year project "No Rights are Absolute: the legacies of three Chief Justices," for which she received a research grant last year from the Social Sciences and Humanities Research Council. The data set includes 1,083 Supreme Court of Canada (SCC) decisions issued between 1984-2018 that include any reference to the *Canadian Charter of Rights and Freedoms* and/or the *Constitution Act*, s. 35. The objective of the data set is to provide a pragmatic basis to analyze the shaping of the proportionality doctrine and justificatory analysis in SCC jurisprudence by the Dickson, Lamar and McLachlin courts. JD students Sezen Izen and Sarah MacDonald — who worked with Baines and her collaborator, Dr. Jenna Sapiano of Monash University in Australia — prepared all the data sets posted [on-line](#).



Participating in Convocation to watch their students and doctor of laws honoree (Fiona Sampson, Law'93,) receive degrees was one of many summer highlights for Queen's Law faculty. Our highly productive researchers spent the past four months producing and presenting their work in an amazing variety of legal issues.

Professor Nick Bala worked on four projects: The Hague Convention on International Child Abduction, post-separation shared parenting and the reform of the *Divorce Act*, parental alienation, and improving access to family justice and use of expert witness in parenting disputes. He also starting work on a new edition of the Contracts casebook he co-edits, and gave presentations in Vancouver, Toronto, Ottawa, Montreal, and London, England.

Professor Kevin Banks co-authored a paper with Professors Rick Chaykowski (Queen's Industrial Relations and Queen's Law) and George Slotsve (Northern Illinois University Economics) on the causes of delay in labour arbitration. Banks continued research for a paper on the bases of legal responsibility for unpaid wages in supply chains and other networked enterprises, and began research on a paper (with **Professor Sabine Tsuruda**) on the treatment of the right to strike at common law in Canada. In addition, he made plans for a multi-year collaborative research project examining whether the legal/institutional foundation of Canadian

workplace law needs to change in response to economic integration and changing technology.

Professor Art Cockfield worked on three main summer research projects, two involving the taxation of global digital commerce: he co-authored book that Kluwer will publish in September and wrote an article he will submit for publication. He also worked on a book tentatively titled *Secrets of the Inferno: How Tax Havens Fuel Inequality* that the House of Anansi Press plans to publish in 2020.

Professor Benjamin Ewing has been writing an article on "fair moral opportunity" and its relationship to criminal responsibility. In the piece, he argues that criminal culpability is not something that everyone will necessarily have had a fair opportunity to avoid. The way to secure for everyone a fair opportunity to avoid criminal culpability is not to change our conception of criminal culpability, but to eradicate the social and economic conditions that put people at unfair risk of committing culpable crimes.

Professor Les Green began his sabbatical with a flurry of activity. He published "Escapable Law" in *The Jerusalem Review of Legal Studies* and had

another paper, “Gender and the Analytical Jurisprudential Mind,” accepted by the *Modern Law Review*. He also wrote a chapter on “Positivism, Realism, and Sources of Law” for a Cambridge University Press volume and revised a paper on the philosophy of David Hume for an Oxford University Press book honouring David Miller. In between (and before the decanal transition), he entertained outgoing Dean Bill Flanagan and incoming Dean Mark Walters at his 17th-century manor house in darkest Oxfordshire.

Professor Ardi Imseis worked on several research projects and policy issues. Once again, he was invited to brief the United Kingdom Foreign and Commonwealth Office on the matter of recognition of states in international law. He also assisted counsel on a case pending before the International Court of Justice (*Palestine v. United States of America*). His paper, “On Membership of the United Nations and the State of Palestine,” was accepted for publication in the *Syracuse Journal of International Law and Commerce* (Fall 2019). This paper emanated from his PhD work at Cambridge, which he is now converting into a book. He’s also writing an article critically analyzing the international legal principle of self-determination as applied in settler colonial societies, with a focus on the United Nations Declaration on the Rights of Indigenous Peoples. Additionally, he was invited to serve on the Advisory Board of the *Third World Approaches to International Law Review*, a new international law journal dedicated to showcasing the diverse range of scholarship associated with the [TWAIL](#) network of critical international legal scholars.

Associate Dean (Graduate Studies and Research) Joshua Karton spent the summer juggling several unrelated projects. He worked on three short papers: one on improving arbitrator diversity in investor-state arbitration, one on Canadian law and practice related to multi-tier dispute resolution clauses (by which parties agree to mediate or negotiate before proceeding to arbitration or litigation), and one on the role of comparative law methods in international arbitration practice. He made progress on a guidebook for Canadian judges on international arbitration law,

assisted by JD students Michelle de Haas, Lee Garrett, and Daniel Moholia. And he began writing up the findings from interviews with Egyptian international arbitration practitioners that he and a collaborator conducted last Fall in Cairo and Alexandria – the pilot study for a larger Europe-wide project on arbitration practice. Karton traveled to teach at the Castle and in the inaugural session of the Africa Arbitration Academy in London, England (organized by Queen’s PhD student Abayomi Okubote), and to present the paper on arbitrator diversity at a pan-Asian international arbitration conference in Taipei. He also edited others’ writing for three publications: the *Canadian Journal of Commercial Arbitration*, which he co-founded last year and which is about to produce its first issue; the *American Journal of Comparative Law*, of which he recently became co-Book Review Editor; and *Kluwer Arbitration Practical Content*, a new online service for international arbitration practitioners, of which he is General Editor.

Professor Lisa Kerr completed three publications: an article with Professor Benjamin Berger (Osgoode) on the structure of section 12 of the *Charter*, which protects against cruel and unusual punishment; an article that collects and analyzes new caselaw and legislation on solitary confinement (forthcoming, *Criminal Reports*); and a chapter for an edited collection, *Sentencing Law & Policy in Canada*, which analyzes how sentencing reform movements in the U.S. and Canada have impacted female imprisonment. She also consulted with an intervener on the upcoming *Sharma* case to be heard in the Ontario Court of Appeal, and on intervention work with the Queen’s Prison Law Clinic.

Associate Dean (Academic) Erik Knutsen was inducted as a Fellow of the [American College of Coverage Counsel](#), the pre-eminent group of lawyers who do insurance law work, at the ACCC’s annual conference in Chicago. That makes him one of the organization’s three Canadian inductees and its only Canadian academic. He was also inducted as a member of the [American Law Institute](#), the U.S. national law reform organization that drafts restatements of law and model codes, at its annual conference in Washington, DC. Additionally, he



Associate Dean (Academic) Erik Knutsen (far left) is one 18 Fellows inducted into the American College of Coverage Counsel.

worked on two publications with co-author Jeff Stempel: the fifth edition of their American insurance law casebook, *Principles of Insurance Law*: and a supplement to their American insurance law treatise, *Stempel & Knutsen on Insurance Coverage*, about uninsured motorist issues. Their article, “Protecting Auto Accident Victims from the Insurer Identity Crisis,” is forthcoming in the *Connecticut Insurance Law Journal*.

Professor Mary-Jo Maur continues to work on ethical lawyering, particularly in the family law context, as well as considering the issue of malicious gatekeeping in high-conflict family law cases.

Professor Cherie Metcalf went to the Program on



Professor Cherie Metcalf travelled to Stockholm, where she presented her research at the Society for Institutional and Organizational Economics Conference.

Empirical Legal Studies (PELS) Replication conference at Claremont McKenna College in California to present “Is a Fine Still a Price?” This project, which she is working on with Emily Satterthwaite, Shahar Dillbary and Brock Stoddard, is an attempt to replicate a well-known study that seemed to show that fines can increase rule breaking by acting like a price that “crowds out” social restraints on behaviour. Metcalf also presented this work at the Society for Institutional and Organizational Economics (SIOE) Conference in Stockholm. In addition, she attended the American Law and Economics (ALEA) conference at NYU with co-author Shahar Dillbary for another project (also with Brock Stoddard): “Incentivized Torts: An Experimental Analysis.”

Professor Bruce Pardy gave presentations on free speech, university governance, equality rights and “Fifteen things that can’t be said about Aboriginal law and policy in Canada” to audiences in Toronto, London, Vancouver, Ottawa and Yellowknife. He also worked on projects investigating judicial activism and the decline of the rule of law, and was busy with the Law Society of Ontario’s Benchers campaign and efforts to repeal its Statement of Principles requirement.

Professor Patricia Peppin presented a paper on “Conscientious Objection to Medical Assistance in Dying: Rights & Dignity” at the Law and Society Association Conference in Washington, DC. Later in Rome, she delivered papers to the International Academy of Law and Mental Health Congress about “The Impact on Women’s Health of Underrepresentation in Clinical Trials” and on “Advance Directives for Medical Assistance in Dying; Conflicting Perspectives.”

Professor Michael Pratt had an article accepted for publication in the *Oxford Journal of Legal Studies*. “What would the Defendant Have Done But for the Wrong?” is the title of the paper in which he defines and resolve a challenging problem in the law of damages for civil wrongs. He also continued his research on another article on damages law, and delivered an intensive course in the law of remedies for civil law students at the University of Sherbrooke.

Professor Darryl Robinson completed work on a major edited collection, the *Oxford Handbook on* ►

International Criminal Law, with four co-editors. He published two book chapters on criminal law theory in extreme cases. He also began a series of human-interest interviews with war crimes investigators about their experiences. He spoke to judges and staff of many Canadian administrative tribunals at a Montreal conference about administrative justice in a world of change. In addition, he completed a doctoral thesis at Leiden University, “for funsies.”

Professor Jean Thomas co-organized the Law and Philosophy Workshop in Surrey, U.K. and presented her “A Social Account of Law’s Normativity” paper at “The Normativity of Law: Meta-ethical and Metaphysical Foundations’ workshop at Queen Mary University in London. She’ll be contributing a chapter on a related topic to a book in honour of the legal philosopher John Gardner. She wrote a review essay for a symposium in the journal *Jurisprudence* on Eugene Voyiakis’ new book, *Private Law and the Value of Choice*. With Sophia Moreau (Toronto) and Zoe Sinel (Western), she began work on her long-term joint project, “Tort Law in its Social Context,” which seeks to solicit and bring together collaboration from scholars and practitioners who have interest and experience in the way torts impacts socially marginalized groups and individuals. The project’s ultimate aim is a new Canadian casebook. Additionally, she worked on finalizing two papers: “Is Coercion a Problem for Legality on a Social Account of Law?” considering whether too much coerciveness within a legal system may inhibit law’s ability to function as a social norm; and “Rights in Three Dimensions,” arguing for a theory of rights that



Professor Ashwini Vasanthakumar (second right) spent almost two months working on the *Boundary Problem in Democratic Theory Project* in Stockholm at the Institute for Futures Studies with her fellow member scholars, including these other four from North America.

specifically takes account of their normative character.

Professor Ashwini Vasanthakumar spent nearly two months in Stockholm at the Institute for Futures Studies, where she is a member of the Boundary Problem in Democratic Theory project. During her stay, she participated in a series of seminars and workshops with other international scholars involved with the Institute. After that, she participated in a one-day **Queens-Oxford workshop** that brought together scholars from the politics, philosophy and law faculties of both institutions. She co-organized the workshop with Queen’s colleague Professor Grégoire Webber and with Professors David Miller and Richard Ekins of Oxford. Vasanthakumar has been finalizing her book on exile politics, and completing other writing commitments: a survey article on the duties of victims, a chapter on privatization for the *Cambridge Handbook on Privatization*, and a review essay on Candice Delmas’ *A Duty to Resist*.

Professor Grégoire Webber, in addition to the Queen’s-Oxford workshop noted above, participated in a workshop in Israel on his book, *Legislated Rights* (Cambridge); commentary will be published in the *Jerusalem Review of Legal Studies*. The Institute for Research on Public Policy’s magazine, *Policy Options*, published his article on the notwithstanding clause: “**Invoking the notwithstanding clause, as Quebec has done with Bill 21, does not shield a law from being reviewed by a court for violating rights.**” Webber also worked on his next book, which is in general



Professor Grégoire Webber (2nd left) in Israel, with some of the commentators at a workshop in Israel on his book, *Legislated Rights* (Cambridge); commentary will be published in the *Jerusalem Review of Legal Studies*.

jurisprudence and aims to develop an account of law by exploring its ethical and political foundations.

Professor Jacob Weinrib began a book project entitled *Proportionality: The Nightmare and the Noble Dream* (Cambridge). He also submitted two articles for publication: “The Principles of Constitutional Reform” (which will appear in a special issue of *Kantian Review* on Kant and law) and “Rights in Search of Protection.” Weinrib presented a further paper, “Maitland’s Challenge” at the Oxford University workshop, “New Directions in Administrative Legal Theory.” His final writing project of the summer, “Human Dignity as the Unifying Idea of Public Law: A Reply,” will appear in *Jurisprudence* in a symposium on his book *Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law* (Cambridge).

Professor Robert Yalden completed a paper on issues affecting the regulation of defence strategies deployed in mergers and acquisitions transactions. The paper reviews recent regulatory initiatives, legislative changes and decisions from courts and securities commissions; it examines the frequently conflicting policy perspectives that have shaped these developments; and it then offers suggestions on how policy-makers might best ensure a more consistent approach in the future. Other projects he initiated this summer include examining Canadian securities commissions’ rule-making power; considering differences in the way directors’ fiduciary duties have evolved in Canada and other countries that Canada looks to for guidance; and putting together a course on comparative corporate governance that he began teaching at Queen’s Law this autumn.



Head Law Librarian Amy Kaufman is working on a project using this 19th-century local judicial ledger.

Head Law Librarian Amy Kaufman has continued working on expanding her skills into book history, print culture and law. She completed the Thomas Fisher Rare Book Summer Seminar on the Medieval Book at the University of Toronto and took two courses at the London Rare Books School: the Woman Reader and Introduction to Bibliography. The *Canadian Law Library Review* published her article “**Building a Monument in the Mind: Comparing Early Modern Contemporary Legal Reading Through Sir John Dodderidge’s *The English Lawyer* and Glanville Williams’ *Learning the Law*.**” A second article, “Now That We Are Voting Citizens’: A Canadian Suffragist’s ‘Excellent Book’ Turns 100,” is forthcoming in the *Canadian Journal of Women and the Law*.

And, of course, in addition to all their summer research projects, all faculty were busy preparing for new and returning students.

— LISA GRAHAM

SUMMER BY THE NUMBERS

- 5 international workshops.
- 17 books authored, edited or contributed to.
- 1 play authored and staged.
- 18 presentations given.
- 1 doctoral thesis completed.
- 13 articles written or in progress.

Grégoire Webber inducted into Royal Society of Canada

Professor Grégoire Webber's high level of achievement in academia and in government have not gone unnoticed.

Already in his career, Webber has taught at universities in Canada and the U.K., been widely published, supported multiple branches of government as an advisor, and even co-founded his own not-for-profit to improve the quality of Supreme Court advocacy. He is currently the Canada Research Chair in Public Law and Philosophy of Law at Queen's, a position that reflects his interdisciplinary view of legal scholarship and teaching.

On September 10, the Royal Society of Canada announced Webber's membership in its College of New Scholars, Artists and Scientists.

"I am excited by this happy development and hope to make important contributions to the Royal Society through my membership," he says.

The Royal Society of Canada (RSC) exists to promote Canadian research and scholarly accomplishment in both of Canada's official languages, to mentor young scholars and artists, to recognize academic and artistic excellence, and to advise governments, non-governmental organizations and Canadians on matters of public interest.

It was this latter criterion that particularly spoke to Webber who, in his letter to the College, offered to share his expertise in advising governments and promoting research to non-academic audiences with his now fellow RSC members.

"During my years working for the government I learned about the different paces at which academia and the policy world operate," he says. "Policy-makers need to respond to issues quickly, and their advisors must introduce the essential elements efficiently and present them in a way such that an intelligent person with little time can come to an informed decision."

"Professor Webber has contributed to addressing some of the most pressing questions that dominate our social and political lives today."

— DEAN MARK WALTERS, LAW'89

Webber's previous experience with the Trudeau Foundation provides a sort of blueprint for what he hopes to achieve. He aims to help the RSC develop a mentoring-type relationship to guide new academics in sharing their work with the broader community.

Dean Mark Walters, Law'89, praised Webber's ability to balance profound scholarly insight while remaining a skilled practitioner.

"On behalf of the Faculty of Law, congratulations to Professor Webber on this remarkable achievement," says Dean Walters. "He has made a truly significant mark in the fields of constitutional law and constitutional theory on both the national and international levels, and he has thus contributed to addressing some of the most pressing questions that dominate our social and political lives today. I can't imagine a more qualified nominee for membership in the College of New Scholars, Artists and Scientists."

Webber's nominator, Professor Dwight Newman of the University of Saskatchewan, concurs that it is the diversity of Webber's abilities that make him a unique and highly valuable addition to the College.

"Grégoire Webber is a highly distinguished scholar who has combined the highest quality of scholarship with public service in various roles in government and other contexts," he says. "He is a very deserving inductee into the College of New Scholars."

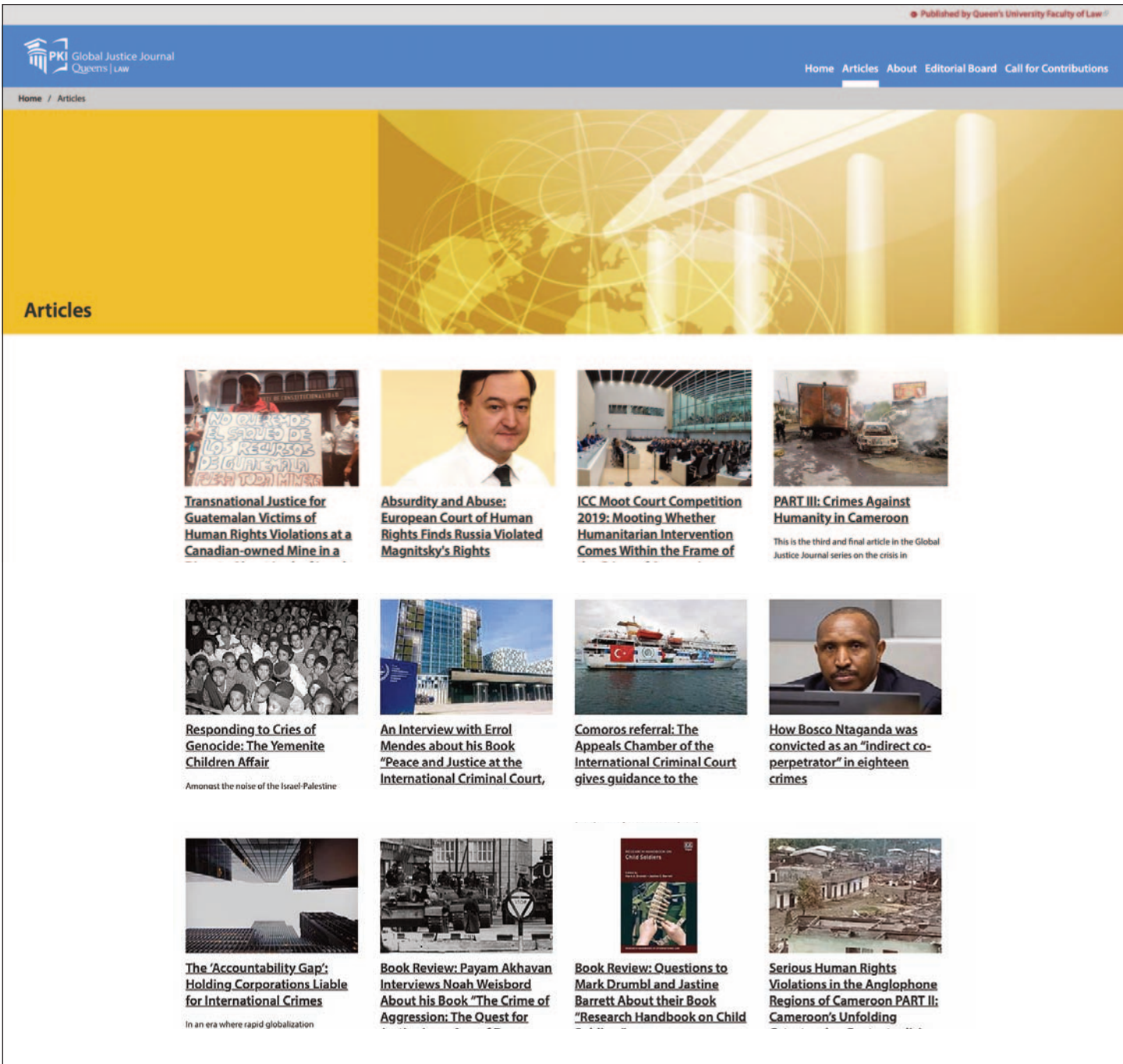
Webber, one of **four Queen's University researchers** elected to the Royal Society of Canada this year, will be inducted at a Royal Society of Canada event on November 22 in Ottawa.

— PHIL GAUDREAU



Professor Grégoire Webber has become a member of the College of New Scholars, Artists and Scientists of the Royal Society of Canada. The RSC promotes Canadian research and scholarly accomplishment, mentors young scholars, recognizes academic excellence, and advises governments, non-governmental organizations and Canadians on matters of public interest.

Global Justice has a new focus at Queen's Law



Queen's Law is now the publisher of the PKI Global Justice Journal and Professor Sharry Aiken is its co-editor-in-chief. Check out the new website, globaljustice.queenslaw.ca, featuring the Journal's complete catalogue of articles dating back to 2017.

Legal scholarship at Queen's Law took another step forward this fall as the Faculty became the publisher of the Philippe Kirsch Institute's (PKI's) *Global Justice Journal*.

"I am delighted to have the support of Queen's Law in bringing this *Journal* to Queen's," says Professor Sharry Aiken, who is the co-editor-in-chief of the PKI *Global Justice Journal*. "My hope is that the PKI *Global Justice Journal* will be a leading venue for commentary and insights by researchers and practitioners engaged in the field of international justice – here at Queen's and beyond. The *Journal* aligns well with the work of the SSHRC-funded [Canadian Partnership for International Justice](#), of which Professor Darryl Robinson and I are co-researchers."

The *Journal* was established to support the work of the Canadian Centre for International Justice (CCIJ), which aimed at providing help to victims of serious human rights violations. Aiken was co-chair of the CCIJ board when the Centre was seeking a new home for the *Journal* and she jumped at the opportunity to bring it to Queen's Law.

A hybrid academic journal and blog, the *Journal* is designed to educate academics, students and practitioners on developments in international human rights law, humanitarian law, international criminal law, transnational and transitional justice. The *Journal* provides in-depth analyses, reviews of novel scholarly pieces and interviews with experts. It responds to current issues such as outbreaks of international violence and decisions of the International Criminal Court.

Articles published by the PKI *Global Justice Journal* include an [interview with Professor Noah Weisbord](#) about his most recent book about the crime of

aggression, two [recent updates](#) on the human rights crisis in Cameroon, and critical look at the concept of [genocide](#).

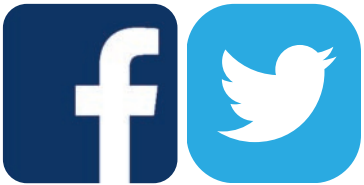
Aiken notes that the *Journal* is ideally suited as a home for commentaries prepared by students – both JD and graduate – who have researched a topic and want to share their findings with a broader audience.

[Contributions](#), which may be made in English or French, are reviewed by an editorial board comprising 11 legal professionals and scholars from across Canada, including Professor Aiken, Professor Robinson, Queen's Law Adjunct Professor Pearl Eliadis, and Aiken's co-editor-in-chief, James Hendry.

"The *Journal* was established to support CCIJ's primary purpose of assisting people seeking justice for serious human rights violations," says Hendry. "With the newfound support from Queen's, we look forward to continuing to raise awareness on these issues, publishing regularly, continuing to build connections with other publications, and increasing the number of people discussing and debating the important issues we write about."

The *Journal's* new website, globaljustice.queenslaw.ca, features the *Journal's* complete catalogue of articles dating back to 2017.

— PHIL GAUDREAU



Check out the latest from the PKI *Global Justice Journal* on its [Facebook page](#) and follow the *Journal* on [Twitter](#).

Australian visitor unravels the gig economy

Uber may get you where you need to go fast, but the app is also challenging labour laws. That's because it's part of the growing gig economy.

Ron McCallum, AO, LL.M.'74, LL.D.'16, delved into this hot topic and more during his time at Queen's Law as the William R. Lederman Visitor from September 22 to October 1.

"I chose the gig (or 'sharing') economy because it has brought about profound changes in Canada and in Australia in the way much work is being performed," says McCallum, an internationally renowned labour law scholar, professor emeritus and former Dean of the University of Sydney Law School. "This work, including apps like Uber and Internet platforms usually means that workers are casual as distinct from permanent. These disruptions to the performance of work are a challenge to labour law."

How should our laws respond? Should they provide minimum benefits for gig economy workers, even if they are contractors and not employees? These are two of the questions he explored in his upper-year seminar "Challenges of the Gig Economy," as well as in his presentation hosted by the Centre for Law in the Contemporary Workplace.

During his visit, McCallum also delivered the Lederman Lecture titled, "Deconstructing 'Disabling' Legal Barriers: My Life, Disability, Queen's Law and the Australian Royal Commission into Persons with Disabilities."

"I wanted to comment on what Queen's Law was like to a foreign graduate student almost half a century ago," says McCallum, who wrote about this

experience in his recently published memoir *Born at the Right Time*. "This training enabled me to embark upon an academic career."

McCallum's work on disability topics and his former service as Chair of the UN Committee on the Rights of Persons with Disabilities resulted in his July 2018 appointment as a special advisor to Australia's Royal Commission into violence, abuse, neglect and exploitation of people with disability. "I am working on a number of legal and related issues, which I spoke about," he says. "These issues include the doctrine of unfitness to plead, the giving of evidence in sexual assault cases by persons with cognitive disabilities, our current guardianship laws, and the right to housing."

McCallum remains close with his alma mater. "As I have been a law school teacher for about 47 years, the thing I liked most about my visit was spending time with my students," he says. "As a blind person especially, I like those special fall smells of the trees with their falling leaves. These smells are one of my best memories of when I was a student at Queen's from 1972 to 1974. It was good to reconnect with academic friends and families."

The William R. Lederman Visitorship was established with a generous donation from the Honourable Hugh Landerkin, QC, LL.M.'67, in September 2017. Through the visitorship, which commemorates the school's first Dean, distinguished individuals of national or international renown in law are brought to Queen's for short-term visits, engaging in the intellectual life of the Faculty. The benefactor passed away on September 23.

— LISA GRAHAM



During his residence as this year's Lederman Visitor, Ron McCallum, AO, LL.M.'74, LL.D.'16, speaks about how the gig economy is challenging labour laws in an event organized by the Centre for Law in the Contemporary Workplace.

LISA GRAHAM

Bringing together the Queen's and Indigenous communities

A gift from David Sharpe, Law'95, is bringing a highly respected Indigenous scholar to Queen's to lead a new program to promote reconciliation and Indigenous cultures on campus.

Sharpe, a member of the Mohawks of the Bay of Quinte, made a \$250,000 donation to fund the Indigenous Knowledge Initiative, a three-year program that will integrate Aboriginal knowledge and wisdom into the academic environment and develop connections between Indigenous and non-Indigenous scholars.

The donation helps support the efforts of [Queen's Truth and Reconciliation Task Force](#), which outlines 25 recommendations for sustained institutional change to create a more welcoming environment for Indigenous students, staff and faculty.

"Queen's is doing much more for the Indigenous community than when I was a student (in the 1990s), but there is still more to be done," says Sharpe.

The gift enables Queen's to bring Indigenous scholar Professor Mark Dockstator to campus this fall to lead the Indigenous Knowledge Initiative. Dockstator is a member of the Oneida Nation of the Thames, and was the first person from a First Nation to graduate with a doctorate in law. He recently completed a five-year term as president of First Nations University of Canada in Regina, Sask., that saw the school reach record levels



Law'95 alumnus and donor David Sharpe with Indigenous Recruitment and Support Coordinator Ann Deer, former Dean Bill Flanagan, and new Dean Mark Walters at the Celebrate Queen's Law in Toronto alumni reception, where the Chief Don Maracle Reconciliation/Indigenous Knowledge Fund gift was announced.

of student enrolment. Sharpe would like to see that success at Queen's.

"I want more Indigenous students to come to Queen's and be able to embrace their culture," says Sharpe. "Mark Dockstator is the perfect person to bring the Queen's and Indigenous communities closer together. He is very familiar with both the academic and Indigenous worlds."

Exactly how the Indigenous Knowledge Initiative will bring the two communities closer together will be decided by Dockstator through a year-long consultation process with elders, Indigenous faculty and students, and administrative leaders. The following two years will see the recommended programs launched and refined.

Sharpe believes access to post-secondary education is key to helping Aboriginal students and communities. His Queen's Law degree, along with an MBA from Richard Ivey School of Business and a Master of Laws from Osgoode, led to a successful career on Bay Street in the financial services industry. He is currently the CEO of Bridging Finance Inc., one of the few alternative financing companies in Canada that fund First Nations and Inuit infrastructure projects.

"I have an opportunity to make a difference, and the only way I know how to do that is through education and economic development," says Sharpe.

The Indigenous Knowledge Initiative is supported by the Chief R. Donald Maracle Reconciliation/Indigenous Knowledge Fund, which Sharpe established in honour of Don Maracle, the long-time chief of the Mohawks of the Bay of Quinte.

The university is making its campus more welcoming to the Indigenous community by implementing the Queen's Truth and Reconciliation Task Force recommendations. A 2018 progress report highlights many actions taken, including doubling the size of the Four Directions Indigenous Student Centre to meet the demands of a growing Indigenous community and installing a [permanent Indigenous art display in the Queen's Law atrium](#) (where a profound quote also now appears thanks Law'18, see next page) to honour both Canada's Indigenous legal traditions and the principals of reconciliation.

— MIKE ONESI

Welcome to Queen's Law – and the important role you will play in reconciliation

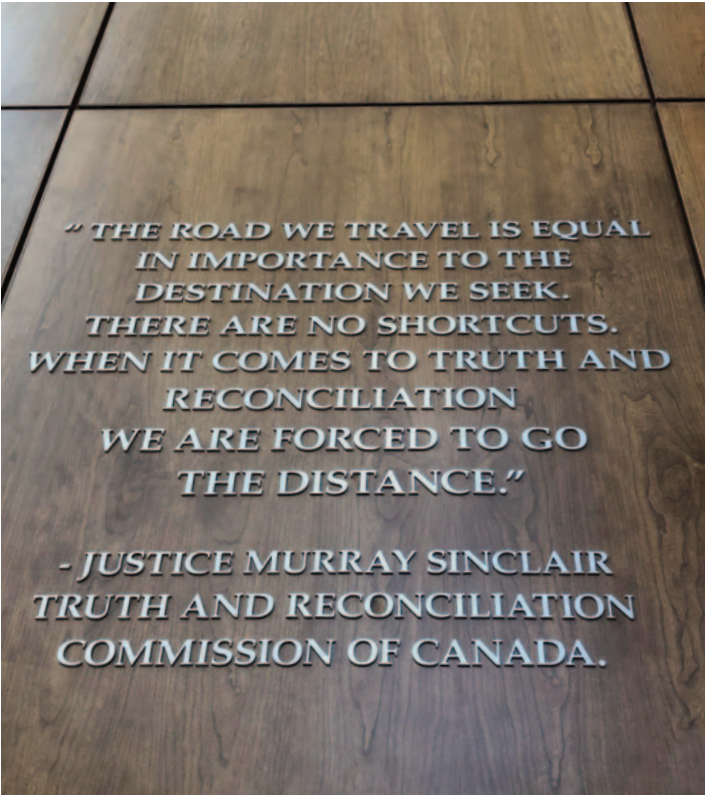
"The road we travel is equal in importance to the destination we seek. There are no shortcuts. When it comes to truth and reconciliation, we are forced to go the distance." These are the words of Senator Murray Sinclair, expressed during his 2009-2015 tenure as Chief Commissioner of the Truth and Reconciliation Commission of Canada. These words are also one of the first things people will see when they enter the Queen's Law building, thanks to Law'18.

For their graduating class gift to the school, Law'18 classmates funded the design, production and installation of the quote in silver lettering on the east wall of the building's front entrance.

"Exhibiting the words of (then-)Justice Murray Sinclair in the atrium will provide a daily reminder to law students that the journey of reconciliation is far from over, and that they have an important role to play in maintaining its momentum," says Katrina Crocker, Law'18 Class President. "Additionally, the plaque – located inside a building branded with the name of Canada's first prime minister – will help to achieve a greater balance in that relationship."

Crocker and the other seven Law'18 Council members had put out an open call for classmates to submit ideas for a gift that would allow their graduating class to leave behind something meaningful to the Queen's Law community. "After reviewing a handful of proposals, the eight student council members selected the Sinclair quote submission in the interest of advancing reconciliation with Indigenous populations and generating a deeper awareness of the harms for which we are brought to reconcile," says Crocker.

"This short but powerful quote will speak to everyone who reads it," she says, "and it honours Murray Sinclair's work with the truth and reconciliation process." Sinclair, who served the justice system in Manitoba for over 25 years, was the first Indigenous judge appointed in that province



The Queen's Law atrium now features a short but powerful quote by Senator Murray Sinclair, Chief Commissioner of the Truth and Reconciliation Commission of Canada, thanks to a class gift by Law'18. These words, displayed below an Indigenous artwork of seven wampum belt recreations suspended from the ceiling, will "provide a daily reminder to law students that the journey of reconciliation is far from over, and that they have an important role to play in maintaining its momentum."

and the second in Canada. He was appointed to the Senate in 2016.

Law'18 raised a total of \$6,900, mainly through social events over their three years in law school. They anticipate they'll be contributing leftover funds from their class gift campaign to another important cause, the Law ThankQ Fund Bursary.

[Watch how the Sinclair quote was installed in the Queen's Law atrium!](#)

— LISA GRAHAM

Mohawk teens learn law at Queen's

Fifty high school students from Akwesasne Mohawk Territory got a taste of university life during a July visit to Queen's. A day of educational activities saw them exercise their inquiring minds – in law and other subjects – in fun ways.

"The students came eager to learn more about the law, law students and lawyers," says Scott Stewart, Law'21, a facilitator who interacted with the youngsters throughout the day. "First, we played a trivia game we call Legal Jeopardy. The students, split into three teams, competed against each another for prizes.

"All of the students were engaged and already knew quite a bit about the law!" he exclaims.

Then Stewart and his co-facilitators took the Akwesasne teenagers on a tour of the school. "They became more curious about getting into law school and the life of a law student," he says. "These interested high school students may be eight years

away from starting law school but they were already inquiring about the profession. Overall, it was a great day because of the degree of engagements the students had towards the law."

During the visit sponsored by the Akwesasne Area Management Board, Queen's Law and the Smith School of Business, the youngsters also toured Queen's campus and participated in an information fair, workshops and activities with the Four Directions Indigenous Student Centre and four university departments in addition to the Law Faculty.

Ann Deer, Indigenous Recruitment and Support Coordinator for the law and business schools at Queen's, once again organized the annual Akwesasne high school visit, now in its second year. She has a direct connection with the teens. "As a community member of Akwesasne working at Queen's, I am a role model and a link for our youth to a top university," she says. "The working



Akwesasne youth ask Queen's Law students and staff about getting into law school, life as a law student and career opportunities for legal professionals.



Akwesasne teenagers on the front porch of the Four Directions Indigenous Student Centre on Queen's campus with one of their own, Ann Deer (far right), Indigenous Recruitment and Support Coordinator for Queen's Law and Smith School of Business.

relationship I have with people in Akwesasne, who are also committed to educational success for our youth, took a natural next step in bringing Akwesasne youth to campus.

"Parents are comfortable knowing they can connect with me through social media, phone or email to say, 'Hey, Ann, my daughter/son is coming to Queen's for a visit. Can you look out for them?' Or 'We are visiting Queen's campus. Do you have any suggestions for what we should be asking, who we should meet, what to see, where to eat, where to park?'"

This year, Deer received many messages from proud parents from Akwesasne and other communities. People she knows from connections with friends and family are always asking her to keep an eye out for their daughter, son, niece or nephew. "Often," she says, "I feel more like a proud 'Auntie' as I am sure many of our Indigenous staff across campus feel when we see our Indigenous students thriving and becoming future leaders here."

— LISA GRAHAM

Federal Court comes to Queen's Law

Making the most of an exclusive opportunity, Queen's Law students watched Canada's national court in action *and* mingled with its judges. They did all this – and more – on campus. On September 24 and 25, several Federal Court judges and prothonotaries came to Queen's for two main events.

Professor Sharry Aiken opened her Immigration Law class to all interested students, enabling them to witness a real judicial review. Justice Alan S. Diner presided over the hearing of *Cox v. Minister of Citizenship and Immigration*. The applicant was Mr. Cox, a U.S. citizen who was subject to an exclusion order for working in Canada without authorization. He was seeking an order setting aside the exclusion decision and an order directing the matter back for redetermination before a different Minister's Delegate. Students reviewed the statement of facts agreed upon by both parties prior to the hearing. Following the review was a question and answer session.

"The Federal Court judicial review session helped contextualize what students (like me) are learning in Immigration Law classes in a real-world setting," says Benjamin Ho, an exchange student from Singapore. "During the session, I gleaned fresh perspectives on the complexities of immigration law, as well as oral advocacy, and felt it was most interesting to have a novel experience of a visiting court breathe life into the course!"

On the second day of the visit, Chief Justice Paul Crampton and Justice Patrick Gleeson presented "Introduction to the Federal Court." At that session, students learned about the Federal Court's unique jurisdiction, strategic priorities and law clerk program.

Irene Cybulsky, Law'20, found the broad scope of Federal Court's mandate attractive. In addition to being the court for judicial reviews, it is also the primary court to address disputes relating to matters under federal jurisdiction. "The Federal Court's jurisdiction extends over numerous interesting fields – immigration, intellectual property, telecommunications, national security, marine law and others," she says. "While law clerks gain familiarity with these diverse



areas, the working relationship for a clerk is one-to-one with a judge to ensure mentorship, with flexibility that will permit the law clerk to focus on areas of interest.

"The experience of clerking at the Federal Court will not only be rewarding, but prestigious," she adds. "This will improve the way one practises law, even if they do not pursue litigation. It may also open doors for work opportunities."

A reception with the visiting justices followed in the student lounge. Cybulsky says, "I enjoyed the opportunity to meet with individual judges and learn about their backgrounds and practice. This was unique and insightful."

— LISA GRAHAM

Supporting students on their journey to job fulfillment

Over the summer, the Career Development Office was bustling with activity to prepare for this school year. Staff and student team members planned events and programs, updated their highly successful, individualized three-year career management plan, and more. Joining the team – that includes Julie Banting, Director of Career Development; Mike Molas, Career Counsellor; and student members – was Sara Ali as the Career Development Coordinator.

As part of the CDO, Ali supports different aspects of the recruitment processes. "I provide accurate and up-to-date employer information, seek job advertisements to post on our online Career Services Manager (CSM) resource, and liaise with employers to ensure the best recruitment experience for our students," she says. "It is important to try to find positions in all areas of law to support the different interests and career paths of our students."

In what she calls "one exciting summer," one big highlight for her was coordinating Connect for Success, the popular recruitment event that took place on July 29 in Toronto. There, students entering second year networked with young lawyers

representing their law firms and government offices. "It was lovely to finally meet the students I had been emailing and to connect with employers, as well," she says. "Many of the employers were Queen's Law alumni and it was great to see their excitement in seeing each other again and passing on their support to our current 2L students."

"The academic year is turning out to be a rollercoaster of fun!" she exclaims. "I supported our On Campus Interview event in September at the Holiday Inn, where we welcomed over 50 employers to interview students who applied for 2L summer positions in Toronto. I am also coordinating the Ottawa Firm Tour in November for students from Queen's, Windsor and Western law schools to visit Ottawa firms they may be interested in for their 2L summer job."

Ali, who is completing a Master of Education degree focused on student development and student services with the Ontario Institute for Studies in Education at the University of Toronto, has worked for several years in student-focused roles at Queen's with the Student Experience Office and with Student Athlete Services. "Sara brings a tremendous amount of empathy and understanding to the role," says Banting. "She also brings to the table a strong event management skill set, which is essential for our team when working on the many complicated events we run for employers and students every year. It is exciting to see her apply her customer service expertise to assist with maintaining and expanding our employer relations. Sara's positive outlook, enthusiasm and sense of humour blends well with our team and service-oriented approach."

What's Ali's favourite part of the job so far? "Working with the CDO team," she replies without hesitation. "Julie, Mike and our summer student, Mary Alfredsson (Law'21) welcomed me with open arms and I feel very supported in this role. I am very lucky to be working with such supportive, knowledgeable people!"

As for the fall, Ali says, "The most exciting part is getting to know all the students and how I can support them throughout their journey at Queen's Law."



Sara Ali, the newest Career Development Team member, helps "find positions in all areas of law to support the different interests and career paths of our students."

How do law students connect with employers for summer job success?

During the hottest days of the year, second-year law students heated up their job search for next summer. Those wanting to spend next May to August working at a Toronto firm or government office had many questions running through their heads. How should I research employers before applying? What types of questions do employers typically ask? How can I make a good impression?

For Queen's Law students, these questions and more were answered by recent grads at Connect for Success, an annual event hosted by the Career Development Office (CDO).

"Connect for Success was an excellent way for me to learn about the on-campus interview (OCI) process, catch up with my friends from school, and build connections in the legal community," says Paul Jacoby, Law'21, who was among the 84 students who met with 42 employers at this year's event held at The Advocates' Society Education Centre in Toronto on July 29.

"This event continues to grow, and this year we welcomed a record number of student and employer participants," says Julie Banting, CDO Director. "We design Connect for Success to support our incoming second-year students with their preparation for the Toronto Summer Recruitment process."

Kicking off the activities was a panel of young alumni: Ethan Gordon, Adam Birnbaum and Rhianna Woodward, all Law'18; and Erica Morassutti and Vivian Hua, both Law'19. They discussed the interview

process, call day, in-firm interviews, offer day and best practices. That was followed by a networking reception (sponsored by The Advocates' Society), during which students could meet and speak with employer representatives individually.

"The panel of articling students' advice about what to expect during the on-campus and in-firm interviews was very valuable," says Jacoby. "I used this event as an opportunity to learn more about different areas of law and firms I am interested in before deciding to apply. In an industry driven through networking, Connect for Success was good practice getting to know lawyers for the first time in a professional setting.

"It was great to see so many successful Queen's alumni giving back to their community," he adds.

That's exactly what motivated Ethan Gordon of Bennett Jones LLP to share his experience for the second consecutive year. "The reason I participated in this panel was because when I was an incoming 2L facing the job recruit process, I received so much help from the Career Development Office on literally every facet of the recruit, from cover letters to interviews to ultimately dealing with not landing a position. After I landed a job for articling, I felt it was very important to pay all that help forward by speaking to students getting ready to take on the same thing. I look forward to continuing to do so, as a big part of the career development program is relying on alumni like myself to be support for these students and help what the Career Development Office does."

— LISA GRAHAM



At the career development Connect for Success event, Queen's Law'21 students network with employers to get a leg up on the entire 2020 summer job recruitment process, from preparing applications to conducting themselves in interviews.

Paying it forward with a mock interview

For students looking to get their careers – and second week of school – off to the right start, the Career Development Office (CDO) had just the thing.

This fall, the CDO's Peer Mock Interview Monday pilot program became a standing part of its annual curriculum.

"We hosted full-day Peer Mock Days with dozens of upper-year volunteers conducting over 80 interviews with their peers," says Mike Molas, Career Counsellor. "Last year, we recognized the need for additional mock interview opportunities near the major recruitment periods in the fall and winter semesters."

Both Molas and CDO Director Julie Banting worked directly with students and conducted mock interviews. However, accommodating such a large group of eager students during these busier periods meant calling in some help. "Third-year law students who received a Peer Mock Interview in previous years were very excited to come back and do the interviewing – they wanted to pay it forward," Molas says.

The student volunteers enjoyed the opportunity to support their peers and see what life is like on the

other side of the hiring table. The students being interviewed got to practise and develop their interviewing skillset. "This experience highlights the strong peer-to-peer network that is a hallmark of Queen's Law," adds Molas.

Before they could conduct interviews, volunteers were trained on different types of interview questions, frameworks to effectively answer these questions, insights on how to provide personalized, constructive feedback, and the importance of maintaining confidentiality.

"Our students are very passionate about what they do, and they want to be ready for their job search," says Molas. "They want to navigate that search efficiently, effectively and professionally. And as we help them in their search, we want to make sure the students feel this is a supportive and safe environment."

The CDO's mock interview program is just one of their offerings. Additional services include cover letter and resume reviews, self-assessment and career exploration and counselling students throughout their job search process.

— PHIL GAUDREAU



The Career Development Office has expanded its mock interview Mondays pilot that sees third-year students help their first- and second-year peers prepare for job interviews in "an experience that highlights the strong peer-to-peer network that is a hallmark of Queen's Law."

Queen's Law grads impress national appeal court justices

"The work of our national court is greatly assisted by law clerks who come from all across the nation." With those words, Chief Justice Marc Noël of the Federal Court of Appeal introduced a special message to Queen's Law students before their professors and FCA justices. "Historically, Queen's has punched above its weight in the hiring process. It especially did so this past year. Out of 15 law clerks, one-third have come from Queen's. That's an all-time record.

"Congratulations," he continued. "Numbers are one thing; quality is more important. We are impressed with the intelligence and collegiality of the Queen's students we see."

Chief Justice Noël delivered opening remarks at a reception held in the University Club on October 24, giving students an exclusive opportunity to speak with FCA justices, including Justice David Stratas, Law'84.

"Meeting with the Federal Court of Appeal justices was informative and inspiring," said Carly Williams, Law'21. "I especially appreciated hearing about their varied career backgrounds and what they enjoyed most about their work. It is a great reminder for us students to enjoy the learning process throughout our education and career – and to embrace the unforeseen opportunities that come our way."

Law Students' Society President Colette Koopman, Com'19/Law'20, agrees. "Meeting the justices of the Federal Court of Appeal was a great pleasure. Being able to talk to some of the leading jurists in Canada and learn more about them personally was fascinating. They were all friendly and excited to talk to students. They genuinely cared about what was happening at law schools today."

Students are not the only Queen's Law community members who have caught the attention of the FCA. "We rely on the scholarship of Queen's Law professors

in our daily work," said Chief Justice Noël. "During our visit to Kingston, we are meeting for continuing legal education. Four members of the Queen's Law faculty, past and present, are lecturing to us." He was referring to Professor Art Cockfield, Law'93, Professor Emeritus David Mullan, LL.M.'73, Professor Grégoire Webber, and Dean Mark Walters, Law'89.

After the Chief Justice spoke about the role and work of the Federal Court of Canada, he introduced Dean Walters. "We know you are a scholar of national renown given your past occupancy of the prestigious F.R. Scott Chair in Public and Constitutional Law at McGill University," he said. "I've heard that when people abroad are looking for someone from Canada for high-level academic conferences on the history and theory of Westminster constitutions, you are at the very top of their list. This is an impressive achievement." At the court's request, Walters spoke about the future of legal education.

Carly Williams appreciated this opportunity to experience what she called "one of the best parts of being a law student: diving into a new realm of knowledge and learning from experts in the field. Having the chance to speak with Federal Court of Appeal justices and Dean Walters is no exception – it is gratifying to share what I love about Queen's Law and studying the law in general, and to see their enthusiasm reflect my own."

— LISA GRAHAM



Chief Justice Marc Noël of the Federal Court of Appeal and Dean Mark Walters, Law'89, spoke with Carly Williams, Law'21, and many other students at a campus reception. "We are impressed with the intelligence and collegiality of the Queen's students we see," said Chief Justice Noël, referring to those who go on to clerk at the Court. "Do think of applying to clerk this January. It's a great job."

LISA GRAHAM



Clinic Briefs

Queen's Business Law Clinic

This summer, the QBLC's three summer students worked tirelessly advising various clients, including Queen's students participating in the summer entrepreneurship program organized by the new Queen's Innovation Centre. There was a change in leadership with the departure of Morgan Jarvis, Law'10, and the appointment of Tomilola Adebisi as the Clinic Director. In September, the QBLC welcomed 24 students who will be providing excellent services to clients seeking incorporation, charitable status, intellectual property protection and employment law advice over the fall and winter terms.

Queen's Elder Law Clinic

For the second year running, the Queen's Elder Law Clinic is offering an experiential learning opportunity to 16 students, double the number in 2017-18. Thanks to the ongoing generosity of the Class of '81 Clinical Programs Fund, the QELC's new cadre of student caseworkers settled into their roles under the mentorship of veteran caseworkers Brianna Pioli, Madison Stemmler, and Sarah Tella, all Law'20. In addition to their busy caseload work, the new student caseworkers have scheduled outreach and public legal education initiatives in every corner of the city, and as far as Tyendinaga.

Queen's Family Law Clinic

The QFLC is in its fifth year and QFLC alumni are now working across Ontario and beyond. At the recent AFCC-O Annual Conference, Director Karla McGrath, LLM'13, caught up with Michaela Newman, Law'16, who is at Hughes + Bale Family Law in Hamilton. Of her time at the QFLC Michaela said: "The hands-on experience proved invaluable upon my entrance into the legal profession. The QFLC offers exposure to real-life cases and taught me court procedure and legal drafting skills. I highly recommend the QFLC to students considering a career in family law!"

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.



GREG BLACK

Queen's Legal Aid

With generous support from the Law'81 Class Gift Committee, Queen's Legal Aid has begun to offer enhanced services to clients seeking suspension of past criminal records. In 2010, the Government of Canada introduced significant changes to the rules relating to pardons, including renaming pardons "record suspensions," doubling the waiting period for eligibility, and increasing the fee from \$50 to \$631. Effective October 1, QLA offers clients legal advice and limited financial assistance to help alleviate the significant consequences of having a criminal record, often many years after an individual has paid his or her debt to society.

Queen's Prison Law Clinic

The QPLC recently had its 20th successful application for judicial review in the Federal Courts (with costs), since starting to pursue such applications in the fall of 2016. One recent important decision (allowed on consent) concerned the failure of the CSC Commissioner to consider the manner in which a total ban on Internet access engages the right to freedom of expression of prisoners under s. 2(b) of the Charter in the context of access to post-secondary distance education (as paper-correspondence courses once taken by prisoners are no longer available).

Giving Back to the Future

Kingston's largest firm pays clinical education forward by investing in experienced young lawyers.

This story is one of many about what Queen's Law has accomplished over the past year thanks to the support of alumni and friends.

Watch your mailbox in November for *Supporting Excellence 2019*, bundled with the upcoming issue of *Queen's Alumni Review*.



Queen's Law Clinics turn 5

January 2020 marks the 5th anniversary of all 5 clinics co-locating in downtown Kingston.

Check your inbox for a special anniversary feature in the February issue of *Queen's Law Reports Online*.



Record year for research grants

Queen's Law professors have excelled in national research competitions this year, receiving a grand total of \$1,019,311. This amount is more than double the school's previous record.

"The results are phenomenal!" says Dean Mark Walters, Law'89. "This success is fabulous for the grant recipients, of course, but it is also terribly important for the Faculty as a whole. Our scholarly community benefits in so many direct and indirect ways from the success of its members in attracting research dollars. In particular, a substantial portion of every grant is earmarked for research assistantships, creating numerous new opportunities for our students to get involved in cutting-edge legal research."

Associate Dean (Graduate Studies and Research) Joshua Karton, who reviewed many of the grant proposals in draft form, had a good feeling that this would be a good year but was still floored by how strong the results were. "This was not only Queen's Law's strongest-ever showing in grant competitions but was also by far the largest number of external grants earned by any Canadian law school this year," he says.

The funding, from the Social Sciences and Humanities Research Council of Canada (SSHRC), will support a wide range of issues from gender equality in the tax system and fighting cross-border financial crimes to the role of race in criminal sentencing and using AI to resolve disputes.

Setting Queen's Law research grant records in 2018-19, our professors are using over \$1 million in funds won in national competitions to study an amazing variety of legal issues.

The grant-winning faculty and their projects are as follows:

SSHRC New Frontiers in Research Grant

(for "high-risk-high-reward" innovative interdisciplinary research from early career researchers)

Samuel Dahan: \$244,562 for "AI-Tribunal for Small Claims: Building an Intelligent Dispute Resolution System"

SSHRC Insight Grants

(for research excellence, enabling scholars to address complex issues pertaining to individuals and societies, and to further collective understanding)

Kathleen Lahey: \$211,504 for "From 'Tax Cuts for Growth' to 'Gender Equality for Growth' in Canada: Comparative Perspectives on the Crucial Role of 'Taxing for Gender Equality' in Fiscal Governance"

Art Cockfield: \$152,859, with co-applicant Christian Leuprecht of Royal Military College of Canada, for "Invisible Underworld: Inhibiting Global Financial Crime"

Jean Thomas (co-applicant): \$130,227 for "Tort Law in Its Social Context"

SSHRC Insight Development Grants

(for research in its initial stages, targeting emerging researchers, as well as researchers who would like to explore new research questions or experiment with new methods, theoretical approaches and/or ideas)

Jacob Weinrib: \$55,612.00 for "Just Administration: A Unified Theory"

Lisa Kerr: \$45,553.00 for "Sentencing Racialized Defendants: Collective Experience and the Promise of a Fit Sanction"

Ashwini Vasanthakumar: \$33,649.00 for "Transitional Justice as Transnational Justice: partnering with diasporas to secure justice from afar"



In 2018-2019, Queen's Law researchers won competitive grants to study an amazing variety of issues

SSHRC Partnership Development Grant

(for individuals to design and test new partnership approaches for research and/or related activities)

Kathleen Lahey with collaborators, including Bita Amani: \$197,750 for "Taxing for Gender and Economic Equality in Ghana: Mobilizing Fiscal Policy Impact Analysis and Recommendations for Reform"

SSHRC Partnership Engage Grant

(short-term and timely support for partnered research activities that will inform decision-making)

Kathleen Lahey: \$25,000 for "Economic Gender Equality, Childcare, and Pay Equity in Canada: Making the Case for Public Policies that can Matter"

SSHRC Connection Grant

(for events and outreach activities to exchange knowledge and to engage on research issues of value to those participating)

Sharry Aiken: \$22,822 for the "De-Carceral Futures: Bridging Prison and Migrant Justice" workshop held May 9-10 in Kingston

In addition to the SSHRC grants, seven faculty members have received a total of \$31,350 from Queen's University's internal grant competitions. The successful grant applicants are Associate Dean (Graduate Studies and Research) Josh Karton, and Professors Bita Amani, Kathleen Lahey, Nicolas Lamp, Cherie Metcalf, Sabine Tsuruda and Noah Weisbord.

"All of these grants bring the number of Queen's Law faculty members holding an active grant up to over half of our faculty complement, also a record," says Karton. "I am so proud of my colleagues. The grant success we have enjoyed this year is a testament to the quality of their ideas and to the hard work they put in to develop those ideas."

Queen's Law is now inviting applications for a tenured/tenure-track position as a Queen's National Scholar in International Economic Law, at the rank of Assistant or Associate Professor, to begin July 1, 2020. See the full posting on the [Queen's Law website](#).

BY LISA GRAHAM

Putting the AI in legal aid: dispute resolution program receives research grant

When trying to determine how to sentence a guilty party, a judge will often look at precedent to determine an appropriate judgement. This can take time, as the judge and his or her staff pore over records and try to make a fair assessment.

But what if the technology existed to analyze hundreds, if not thousands, of similar cases quickly and build a fair judgement much faster?

Even better, what if this technology was affordable enough to be accessible in cases where hiring a lawyer was prohibitively expensive? What if you could use it when an eBay transaction goes wrong, or if you could use it even if you lived remotely and didn't have access to a lawyer?

Enter the Intelligent Dispute Resolution System, a product of the Queen's Law and Smith School of Business **Conflict Analytics Lab**. This AI-powered tool, already under development, would be capable of offering legal predictions to self-represented litigants along with negotiation support.

The "AI-Tribunal for Small Claims: Building an Intelligent Dispute Resolution System" project recently received \$244,562 in funding from the Social Sciences and Humanities Research Council (SSHRC) to develop the first components of the pilot research: severance



calculation predictive models, and an intelligent system for algorithmic employment negotiation.

"This is the core project of the Conflict Analytics Lab because it is touching upon many areas of our work: legal predictions, negotiation support, democratization of technology, and improving access to justice," says **Professor Samuel Dahan**, Director of the Conflict Analytics Lab.

Dahan has partnered with Professor Yuri Levin, the Stephen J.R. Smith Chair of Analytics and Executive Director of Analytics and AI with Smith School of Business; Professor Xiaodan Zhu of Queen's Electrical and Computer Engineering; and Professor Maxime Cohen of McGill's Desautels Faculty of Management. Also assisting with the project are up to 15 students earning such degrees as Master of Laws, Master of Business Administration and Master of Management in Artificial Intelligence.

There are three components to the dispute resolution program – a legal component, a computer science component, and a data science component. The user inputs the relevant data into the system, and it returns a relevant suggestion. The system also learns as it works, meaning its suggestions will only improve with time and use.

The employment notice ("severance") predictor, which the team has been working on the longest, is intended to help employees in situations where they have been terminated. By typing in their variables including industry, region, age of employee and length of employment, the system can suggest an appropriate severance amount. This means the terminated employee can use this system – without hiring an employment lawyer – to understand if they are being compensated fairly if they are let go by their employer.

While the system is beginning with employment law, Dahan sees the potential for application in small claims, family law, insurance, trademark disputes,



Professor Samuel Dahan is building the future of dispute resolution through an innovative, intelligent AI platform. The Social Sciences and Humanities Research Council awarded his Conflict Analytics Lab \$244,562 for this stage of the project.

and beyond. The only stipulations are that it must be a monetary award, and the award amount must be under \$50,000.

"We are hoping to launch our first pilot project this fall – the employment notice predictor – and through a practicum course we are continuing to develop our data sets and explore new legal questions that could benefit from the application of AI," says Dahan. "Over the next two years, we will be working with the Ontario Attorney General and the British Columbia Small Claims Tribunal to integrate this technology into their system. The idea will be to integrate the various tools, including the legal

predictions, the dispute resolution, and the negotiation tool, into existing judicial procedures."

In the future, Dahan hopes not only that people will use this tool but he hopes to hear from users who receive positive settlements and from companies who successfully integrate the platform into their online dispute resolution processes.

As Dahan puts it, "If they say, 'you've helped us to sort out half of our customer service cases by making offers to unhappy customers, and our employees are much less overwhelmed than they used to be,' I would call that a success."

— PHIL GAUDREAU WITH FILES FROM LISA GRAHAM

Our obligations at sentencing

Professor Lisa Kerr receives a SSHRC grant to study fit sentencing for racialized defendants

A judge must weigh many considerations when handing down a sentence.

Deterrence is one – will the sentence prevent future crimes by this individual, or similar crimes by other individuals?

Restitution for the victim might be another – can the sentence help to restore what the victim has lost?

Then there are personal circumstances such as criminal history, mental health, age and attitude.

In 1997, another factor was added, as Parliament tried to address the overrepresentation of Indigenous people in our prisons and jails. Section 718.2(e) of the Criminal Code tells sentencing judges to use restraint in imprisonment for all offenders, with “special attention to the circumstances of Aboriginal offenders.”

Then, in the 1999 *R v. Gladue* decision, the Supreme Court directed trial judges to take judicial notice – meaning that the lawyers are not required to file evidence in each case – of the systemic and historic factors that may have played a role in bringing a particular Indigenous offender before the courts.

Judges must also consider the types of sentencing procedures and sanctions which may be appropriate given the Indigenous offender’s heritage. “Gladue reports” are filed at sentencing and should contain case-specific evidence about the degree to which the individual is connected to the broader collective experiences and commitments of Indigenous people in Canada.

In more recent years, particularly in regions with sharply growing rates of Black incarceration, the focus has turned to how other racialized defendants also experience structural disadvantage and how these background factors can lead to involvement with the criminal justice system.

In recent cases involving Black defendants in Toronto and Halifax, some judges and lawyers have cited Gladue as a model for the relevance of social context evidence at sentencing. Defence counsel have filed Cultural Impact Assessments, similar to Gladue Reports, to aid the court in arriving at a proportionate sentence – one that is tied to the actual moral culpability of some Black defendants.

“In Canadian law, both generally and at sentencing, there is an understanding that ‘uniformity hides inequity.’ You cannot pretend that all defendants who committed a particular offense have the same degree of culpability,” says **Professor Lisa Kerr**, who is also Director of the Criminal Law Group. “There’s a need to create a fit sentence which considers the actual personal and collective experiences that have contributed to the accused’s circumstances. We recognize this reality in the sentencing of all offenders, and it comes up with particular force in the sentencing of many Indigenous and Black defendants.”

Kerr has long been interested in how Canadian sentencing law grapples with the question of moral blameworthiness, and her new Social Sciences and Humanities Research Council-funded project will allow her to critically examine how the Gladue jurisprudence is helping to frame the legal principles and evidentiary approaches for sentencing other racialized defendants.

“My project will try to learn from the criminal lawyers who are grappling with these issues in their everyday work,” she says. “And my aim is to produce a study that will be useful to them – chronicling the advocacy strategies, developments in the law, and the broader philosophical and moral questions that arise in dealing with issues of race in Canada’s criminal justice system. I also want to bring together the experts involved in these cases and give them a chance to talk about their work in a non-adversarial setting.”



GREG BLACK

Professor Lisa Kerr’s SSHRC-funded project, “Sentencing Racialized Defendants: Collective Experience and the Promise of a Fit Sanction,” will allow her to critically examine how the Gladue jurisprudence for Indigenous offenders is helping to frame the legal principles and evidentiary approaches for sentencing other racialized defendants.

Using the \$45,553 she was awarded for “Sentencing Racialized Defendants: Collective Experience and the Promise of a Fit Sanction,” Kerr will be hiring research assistants, attending court hearings and conferences to present work, and holding events featuring lawyers, judges and community groups who have done the work on key cases addressing whether and how to ‘extend’ Gladue to Black defendants.

“The prospect of ‘extending’ Gladue calls for a

clarifying return to its animating aims, to its variously celebrated and contested history, and to the effects it has had on the criminal justice system and the wider society,” she adds. “It’s about making sure the criminal justice system thinks about the broader social context when sentencing. Our system is already formally committed to proportionate, individualized sentencing for everyone. The question is how to make that actually happen in specific cases.”

— PHIL GAUDREAU

Lasting peace from the outside in

Professor Ashwini Vasanthakumar studies the rights and roles of exile communities in a SSHRC-funded research project

Thomas Merton once said, “Peace demands the most heroic labor and the most difficult sacrifice. It demands greater heroism than war.”

Many countries which have survived civil wars might relate to Merton’s quote. The battles, death, and destruction are terrible, and yet picking up the pieces after the fighting is done can be a similarly overwhelming challenge.

One of the unanswered questions during these internal conflicts is what to do about those who have fled or been exiled to foreign countries and settled there, also known as diasporas. These communities play different roles in their countries of origin: they might enhance economic growth, support resistance efforts, or try to resolve conflicts. When conflict ends and it is time to pursue transitional justice, it is

difficult to determine what role these diasporas should play in those processes, and what rights and responsibilities they have in their home country.

This is the focus of [Professor Ashwini Vasanthakumar’s](#) Social Sciences and Humanities Research Council of Canada (SSHRC) funded project, “Transitional Justice as Transnational Justice: partnering with diasporas to secure justice from afar.”

“Through this project, I will look at what rights and responsibilities exiles have to the country they have left behind, as well as the responsibilities of their host country in facilitating justice for these individuals,” she says. “Transitional justice is challenging because it looks at how we right wrongs, rebuild society, and foster trust – it is both forward and backward looking.”

This is a tricky topic because oftentimes the exile community functions as an official opposition to the government back home. For instance, Chilean exiles in the 1970s sustained solidarity movements opposing the Pinochet regime. Others, like Iran’s Ayatollah Khamenei, were able to exploit their presence outside of the country to build support and claim power. These dynamics can create an adversarial and fraught relationship upon which to try and build lasting peace.

In her research, Vasanthakumar is focusing on the Sri Lankan Tamil diaspora in Toronto, Canada. The Sri Lankan civil war, which ended in 2009, was Asia’s longest running civil war and it created a large Tamil diaspora. She first became interested in the war through work she completed in her undergraduate degree and fieldwork with Tamil communities. “The

Sri Lankan civil war illustrates a lot of the complexities in these cases, and this is what makes it interesting to study; it is also an ongoing situation, so there is greater scope for research to inform policy or public debates.”

Some general principles that Vasanthakumar seeks to confirm through her research is whether, for instance, there are general expectations that exile communities should have in these situations. Do they have a right to be “heard” by the government, should they have a say in how justice is administered following civil wars, and does the Canadian government have a role in facilitating this on behalf of exile communities it hosts? “Suppose the conclusion is that diasporas have rights to be involved in transitional justice,” she says. “The Canadian government has international obligations to promote peace abroad – could this be a way to fulfill those obligations?”

To inform her theory, Vasanthakumar will be conducting qualitative research among members of the Tamil diaspora in Toronto. Along for the trip will be two research assistants, supported by her \$33,649 SSHRC grant, who will have the opportunity to build their interview skills with clients in need of justice. She also aims to present at several workshops and conferences at the conclusion of the project.

“While I am using the Tamil diaspora as a case study, with future research funding I hope to investigate other case studies and refine the theory,” she says.

Vasanthakumar is also writing a book on diaspora politics entitled, *The Ethics of Exile: a political theory of diaspora*, which is under contract with Oxford University Press and is based on her PhD dissertation.

— PHIL GAUDREAU



ANDREW VAN OVERBEKE

Professor Ashwini Vasanthakumar’s SSHRC-funded research project, “Transitional Justice as Transnational Justice: partnering with diasporas to secure justice from afar,” will look at “what rights and responsibilities exiles have to the country they have left behind, as well as the responsibilities of their host country in facilitating justice for these individuals.”

Ending administrative law ‘nightmares’ – creating a theory for just administration

Administrative law leads a double life. By day, it leads a dreamy existence providing public education, protecting persons from discrimination, and creating free and fair elections. By night, it haunts any law student or practitioner trying to understand it.

“Administrative law hasn’t developed in a coherent way,” explains **Professor Jacob Weinrib**. “It is plagued by incoherence, excessive attention to detail, and an ever-shifting array of doctrines that leave persons uncertain of their rights and public officials uncertain of their obligations. Administrative law is a nightmare because we lack a theory capable of guiding its principled development. That’s what I want to create.”

It was the bewildering state of Canadian administrative law that led Weinrib to state, upon joining Queen’s Law, that he had no intention of ever teaching it. Yet, a short while later, he found himself teaching administrative law and wondering whether something could be done about its “sorry state.”

Through a new \$55,612 Social Sciences and Humanities Research Council Insight Development Grant, Weinrib aims to develop a unified theory of administrative law. His guiding idea is that the purpose of the administrative state is to realize a class of human rights that cannot be fulfilled apart from government action.

He explains that, “for too long, our theories of human rights have focused on the right to be free from government and overlooked the freedoms that public administration makes possible. We need to understand how human rights both determine the kinds of tasks that administrative agencies must perform and impose legal constraints on the mode of their performance. Administrative law is an idea about human rights to state action.”

With the funding for “Just Administration: A Unified Theory,” Weinrib will work with student research assistants to explore the connection between human rights to state action and the structure of modern administrative law. Ultimately,



GREG BLACK

Professor Jacob Weinrib has received a SSHRC research grant for his project, “Just Administration: A Unified Theory.” He plans to create an innovative new paradigm that has resources for guiding administrative law’s principled development.

he hopes his articles and conference presentations will result in greater coherence in the way administrative law is taught and developed both in Canada and around the world.

“The leading theories take the existence of the administrative state for granted and then ask, all things considered, how the law that governs it

should be structured,” he says. “But there is a more powerful way to think about it: the same principles that justify the administrative state indicate how the law that governs it should operate. The key to escaping the nightmare of administrative law lies in understanding why we dream.”


— PHIL GAUDREAU

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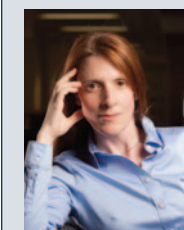
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Professor Kathleen Lahey



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Professor Art Cockfield, Law’93



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Professor Jean Thomas

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Law'90 alum recognized for taking Indigenous trade global

Wayne Garnons-Williams receives CCAB 2019 Award for Excellence in Aboriginal Relations

When news media, scholars, or advocates talk about the impacts of colonization on Indigenous Peoples, the focus usually turns to Indigenous culture, language or families.

But another very important aspect of Indigenous life in the Americas was also disrupted by European settlers: trade. Prior to the arrival of colonists, Indigenous tribes exchanged goods and culture, and even built up a trade language, over vast territories.

Today, Indigenous trade continues to be hindered by laws and policies of governments. Yet as the focus on reconciliation increases, more attention is being paid to economic reconciliation and the potential for trade to create prosperity for Indigenous Peoples.

One of the foremost advocates for Indigenous international trade in Canada is Wayne Garnons-Williams, Law'90, who is Plains Cree from Treaty 6, Moosomin First Nation.

"No consideration for Indigenous economic rights was thought of when these systems were put into place, and there has been an uphill battle to fight to get countries to recognize and realize these rights," he says. "Canada-U.S. cross-border Indigenous trade is a primary example of a challenge; another challenge is the application of Indigenous traditional knowledge in relation to the modern world intellectual property regime."

It was during Garnons-Williams' years articling and working for the federal government that he first became interested in international Indigenous trade through the influence of his principal. In the early 1990s, this topic was still unexplored and neglected. "The opportunity to develop this area of law stayed with me throughout my career, and when I was reached the 20-year mark in my public service career I decided that it was time to realize that vision," he says.

After he left the federal government, Garnons-Williams created his own firm – Garwill Law Professional Corporation – and founded a non-government organization called the International Intertribal Trade and Investment Organization (IITIO). IITIO was created to develop these legal concerns in the form of meaningful and tangible

economic opportunities. He calls founding IITIO a career highlight.

"Through this organization and our combined talents from academia, private sector, NGOs and government, we have been able to achieve our common vision of getting nation states to officially recognize the Indigenous inherent economic right of inter-tribal trade," he says. "We recently realized one of our major goals, which was the negotiation of a separate Indigenous trade chapter between various nation-states embedded in international trade agreements like USCMA (formerly NAFTA), Mercosur and Pacific Alliance."

Garnons-Williams' efforts as chair of the IITIO, in addition to several other community and volunteer roles, recently led the Canadian Council of Aboriginal Business (CCAB) to name him the recipient of the 2019 Award for Excellence in Aboriginal Relations.

"Wayne continually challenges the status quo and his determination to effect change and improve the lives of Indigenous peoples and their communities has had substantial impact across the globe," says JP Gladu, CCAB's president and CEO. "It is an honour to award this visionary, whose legal expertise on Indigenous rights will continue to change the perceptions of others and make significant contribution to Indigenous communities and Canadian society."

The award nomination was supported by several of Garnons-Williams' IITIO collaborators, who identified him as, "the catalyst that sparked a global movement to empower Indigenous Peoples' economic prosperity through the exercise of their inherent Indigenous economic trade rights."

"This award is recognition for a victory for all the change-makers, thought leaders, and innovators who worked together to develop Indigenous international trade for the common purpose of improving the well-being of all Indigenous people," Garnons-Williams says.

The CCAB 2019 Award for Excellence in Aboriginal Relations was presented to Wayne Garnons-Williams at CCAB's gala on Sept. 26 in Vancouver.

— PHIL GAUDREAU



Wayne Garnons-Williams, Law'90, "the catalyst that sparked a global movement to empower Indigenous Peoples' economic prosperity through the exercise of their inherent Indigenous economic trade rights," has received the 2019 Award for Excellence in Aboriginal Relations from the Canadian Council of Aboriginal Business.

Law'85 alumna appointed to Canada's national court

Janet Fuhrer, Law'85, was having a typical busy morning on June 27 as a partner and intellectual property lawyer with the firm Ridout & Maybee LLP (in its Ottawa office). But about mid-day she received a phone call that would change her life. The Honourable David Lametti, Minister of Justice and Attorney General of Canada, gave her the news that she had been appointed to the Federal Court, effectively immediately.

Two things had piqued Fuhrer's interest in serving as a judge of the Federal Court, which specializes in areas such as intellectual property, maritime law, federal-provincial disputes, and civil cases related to terrorism. "First, I had some familiarity with the Court as a result of my intellectual property law practice, which periodically resulted in appearances before the Court on behalf of clients," she says. "Second, I had been interacting with members of the judiciary at events such as the Canadian Bar Association (CBA) National IP Section – IP Day and Judges' Dinner, and in my previous role as the President of the CBA."

In addition to the CBA, Fuhrer is also a past president of the Intellectual Property Institute of Canada and was one of the first Canadians invited to become a fellow of the American Intellectual Property Law Association. She has served in various leadership roles with all three organizations, and also with the Ontario Bar Association and the International Trademark Association. The Law Society of Ontario had certified her as a specialist in trademarks and copyright. At Queen's, she taught Trademarks and Unfair Competition Law for a term and served on the Dean's Council.

Chief Justice Paul Crampton has written, "The Federal Court is committed to addressing two pressing challenges. The first is improving access to justice. The second is modernizing the Court to keep pace with technological change."

Fuhrer's experience ties in with addressing these challenges. "The Court has several internal committees devoted to dealing with issues like these and others," she says. "I anticipate drawing on my many years of committee involvement and leadership with various organizations, including the Queen's Law Dean's Council, to assist with these important objectives of the Court."

Fuhrer was also appointed a judge ex officio of the Federal Court of Appeal (FCA), which reviews the



Justice Janet Fuhrer, Law'85, on the steps of the Great Hall in the Supreme Court of Canada in Ottawa following her Federal Court Presentation Ceremony on August 16. "There are many possible paths of to a career in the judiciary, whether from private practice, in-house, public service, teaching or some combination," she advises students.

decisions of the Federal Court and Tax Court, and is the highest court in the country for about 95 per cent of all cases. In that role, she may be called upon to hear matters before that Court if there are not enough FCA judges available to form a panel of three. While that is unlikely to occur, if it does, she says, "I am confident that it would be very interesting and would ensure that any unanticipated gaps in the administration of justice are filled as needed."

What advice would Justice Fuhrer give Queen's Law students and graduates aspiring to a career in the judiciary? "There are many possible paths of to a career in the judiciary, whether from private practice, in-house, public service, teaching or some combination," she says. "When judges visit Queen's Law, take advantage of any question and answer period to ask about their particular path."

"Consider what court(s) might be of interest and research the criteria for submitting an application; much like applying to law school, there indeed is an application process for prospective judicial appointments in Canada," she continues. "Also, consider clerking with one or more courts to obtain insight into what a career in the judiciary might involve."

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Three grads from three decades earn national recognition

A pioneering woman lawyer, a young administrative law scholar and a certified specialist in immigration law have something new in common. These Queen's Law alumni are all winners of 2019 Canadian Bar Association (CBA) awards.

Daphne Dumont, CM, QC, Law'79, is this year's recipient of the Cecilia I. Johnstone Award for achieving professional excellence and inspiring others to do the same. A partner with MacNutt and Dumont in her native Charlottetown, she is known as one of the pioneering women lawyers in Prince Edward Island. For the CBA, she was the PEI branch's first female president and became the organization's national president, serving from 2000 until 2001. As a member of the CBA Gender Equality Task Force, which released its "Touchstones for Change: Equality, Diversity and Accountability" report in 1993, she examined discrimination against women and minorities in the legal profession. Last October, she helped commemorate the 25th anniversary of "Touchstones Report," by speaking at an event co-organized by the CBA's Women Lawyers Forum and the Ontario Bar Association.

One of Dumont's nominators wrote to the CBA: "Daphne Dumont has devoted her entire legal career, which now stands at over 40 years, promoting equality, promoting and supporting the advancement of women in law and in society, promoting access to justice and often doing so without appropriate financial recompense."

[Read the CBA's interview with Daphne Dumont](#), who received her award on October 19 during the CBA's Leadership Conference for Professional Women.

Giancarlo Mignardi, Law'19, earned the Paul Smith Memorial Award for submitting the best scholarly paper on a Canadian administrative law topic. Mignardi, an articling student with Fasken Martineau DuMoulin LLP in Toronto, beat other Canadian JD and articling students and young lawyers in the essay competition. His winning paper, "Select Issues with Curial Deference on the Basis of Administrative Expertise: A Behavioural Approach To Canadian Administrative Law's 'Prodigal Child,'" is what he calls a "blended Law and Economics—Administrative Law piece." Writing the paper for Professor Cherie Metcalf's seminar, he was also inspired by many topics he learned in Professor Jacob Weinrib's course.

"I chose this topic because, over the course of the last two years, I have become increasingly fascinated by behavioural psychology and economics: what it is able to reveal about the cognitive biases we all possess, and how to become better aware of them and their impact in a variety of societal situations," he says. "These topics, moreover, greatly impact legal and policy decision-making, once again, in a variety of situations, but especially in the administrative law sphere, where we currently possess a standard of review that rests on the central notion that courts



Winners of 2019 Canadian Bar Association awards are: Daphne Dumont, CM, QC, Law'79, a pioneering woman lawyer; Giancarlo Mignardi, Law'19, a young administrative law scholar; and Michael Battista Law'90, a certified specialist in immigration law.

are to grant deference to administrative decision-makers because they are experts within their fields. Exploring these topics, to say the very least, helped me to better assess the strengths and weaknesses of relying upon such a notion."

Michael Battista Law'90, garnered the CBA Immigration Law Section's Volunteer Recognition Award for his significant contributions to the section. Battista, who is a Certified Specialist in Immigration and Refugee Law by the Law Society of Ontario, is as a partner and co-founder of the Battista Smith Migration Law Group in Toronto.

His volunteer work with CBA Immigration Law Section began in 2015 when he was asked to assume the new role of Litigation Coordinator. "I advised the section on matters involving litigation on immigration matters before immigration tribunals and the Federal Court," he says. "Also in this capacity, I launched and continue to chair a Federal Court access to justice committee called the Subcommittee for Assistance to Unrepresented Litigants. This fall we hope to launch the Federal Court's first active program to support litigants without counsel."

— LISA GRAHAM

Two grads among *Canadian Lawyer's* 25 'Most Influential'

An Indigenous rights champion and a leading cannabis law practitioner have now earned another accolade for their accomplishments as leaders and catalysts. After more than 6,000 votes from legal community members were cast for 149 nominees, *Canadian Lawyer* magazine selected its 2019 list of the Top 25 Most Influential in the justice system and legal profession in Canada. Both these grads were named in the changemakers category of five honorees.

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

Jaimie Lickers, Law'07

Partner and National Leader of Gowling WLG's Indigenous Law Group

As national leader of Gowling WLG's Indigenous Law Group, Jaimie Lickers was the first Indigenous woman admitted to the partnership and is the first



Jaimie Lickers, Law'07, a national leader of Gowling WLG's Indigenous Law Group, advances First Nations' wealth, economic development, autonomy and rights, and has appeared before the Supreme Court of Canada on landmark cases.

Indigenous professional to hold a management position. She advances First Nations' wealth, economic development and autonomy through her work structuring and drafting trusts for more than 25 First Nations, collectively holding assets of \$1 billion. She advances First Nations' rights through appearances at the SCC on landmark cases: *Daniels v. Canada* as co-counsel for the Assembly of First Nations on the question of whether Métis and non-status Indians are "Indians" under the Constitution, *Clyde River and Chippewas of the Thames v. Enbridge* as co-counsel for the Chiefs of Ontario on the question of the adequacy of consultation in relation to a pipeline development. Lickers fought for the rights of non-status Indians who applied for membership in Canada's newest First Nation, the Qalipu Mi'kmaq Band, through judicial review applications challenging the enrollment process and in *Foster and Howse v. The Queen*, which challenged 6,000 decisions to deny membership based on technical irregularities.

Trina Fraser, Law'97 (Com'94)

Partner and Head of CannaLaw group, Brazeau Seller LLP

More than five years ago, Trina Fraser formed and now leads BSL's CannaLaw group. Since then, her advocacy has had a significant impact upon the development and implementation of cannabis legalization in Canada. Fraser represents licensed cannabis cultivators, processors, medical sellers, adult-use retailers and ancillary cannabis industry service providers. She currently sits on the board of directors of Canadians for Fair Access to Medical Marijuana, which advocates for improved patient access to medical cannabis, as well as Ottawa-based children's charity The Snowsuit Fund. In the fall of 2017, Fraser was invited to provide testimony to the Standing Committee on Health on Bill C45. In her testimony, she argued that in order to achieve the legislative objective of displacing the illicit market, Canada's legal cannabis framework would have to permit participation by non-violent individuals who previously participated in the illicit market.

Both honorees have recently received other recognition and been featured prominently in their alma mater's alumni magazine, *Queen's Law Reports*.

Jaimie Lickers has been named a leading practitioner in Indigenous law by *Lexpert* (2018), received a *Lexpert* Zenith Award in 2017 and has been listed in *Benchmark Litigation's* "Under 40 Hot List" (2017, 2018 and 2019). Read her alumni profile, "[21st-Century gantowisa a repeat winner at SCC](#)," in *Queen's Law Reports* 2018.



Trina Fraser is ranked a "Band 1" lawyer in cannabis law by *Chambers Canada* (2019) and was named Attorney of the Year at the 2019 O'Cannabiz Industry Awards Gala. For the past two years, she has shared her expert opinion on the practice area in *Queen's Law Reports*.



Trina Fraser, Law'97, leads Brazeau Seller LLP's CannaLaw group and her advocacy has had a significant impact upon the development and implementation of cannabis legalization in Canada.



Read "[Cannabis: Checking in, checking it out](#)" (2019) and "[Legalizing and Regulating Marijuana](#)" (2018).

Canada's top-voted litigation manager shares career advice

Yasmin Visram, Law'95, has come a long way using skills she honed at Queen's Law as a Clinical Correctional Law caseworker and as VP (Academic) of the Law Students' Society.

She's now the Senior Managing Counsel with Industrial Alliance Insurance & Financial Services Inc. ("iA Financial Group"), which ranks among Canada's largest and most prominent insurance companies. This year, she received the Canadian General Counsel Award for Litigation Management, nominated by her peers and selected by senior members of the Canadian Bar.

"As in-house counsel, you have the opportunity to help the business leaders put their vision into play," says Visram. "This means being attune to business risks – not just legal risks – and it requires you to help the company realize its objectives. You become invested in the company's long-term vision and because you are part of a bigger team that is tasked with making it happen, it can be quite rewarding."

As Litigation Management Award winner, she excelled in effectively quarterbacking overall legal strategy, as well as with her hands-on management of a legal team and in making legal strategy decisions that underpin her company's brand.

Visram, who has worked with iA Financial Group for 20 years, manages a small team of lawyers in the organization's Toronto office as part of a bigger national legal department (iA's head office is in Quebec City), iA has operations throughout Canada and the United States directly and through its affiliates. In addition to managing strategic litigation across the country, she provides general advice in a broad cross-section of such areas as insurance, corporate services, employment, crisis management and regulatory matters.

"Over the course of my career I have had the opportunity to manage many complex, high-risk and strategically significant litigation files for the company, so I see this award as being a reflection of that work spanning two decades," she says.

More recently, however, she managed a highly complex application in Saskatchewan that received global media attention. To do that, she coordinated internal client groups, selected and managed external counsel (a team at Torys LLP led by Patricia Jackson, Blair Keefe and David Outerbridge), coordinated with two other insurers involved in similar litigation, and worked with industry groups. "My work on this file involved not only litigation management, but also



Yasmin Visram, Law'95, winner of the 2019 Canadian General Counsel Award for Litigation Management, shares how to become an exceptional lawyer and a potential business leader.

associated crisis management, coordination of media communications, and liaising with a host of affected stakeholders," she says. "We were successful in having the application dismissed in its entirety." The matter is now under appeal.

Another aspect of Visram's work that she enjoys is working with "great people" at iA both on the client side and the legal side. "Many of them are strong, talented women who have served as role models, mentors and peer-supporters," she says. "I am quite grateful for that at iA."

Before she joined iA as in-house counsel, Visram articulated and practised on Bay Street. "When I left Queen's, I felt I had the right mix of academic and applied knowledge to be successful both in private practice and in-house," she says. Predictive of the industry she would one day be part of, she won the course prize for Insurance Law, as well as for Clinical Correctional Law.

"Queen's Law offers practical clinics, opportunities to develop advocacy skills through moots, extra-curricular activities like student council, and pro bono opportunities," she continues. "It had, and still does have, an outstanding reputation in business law, which helped when I began to look for jobs."

What advice does Yasmin Visram give students and new lawyers? "Successful in-house lawyers help find business solutions not just legal ones. So, be ready to be engaged beyond the law. In doing so you will not just distinguish yourself as an exceptional lawyer, you will mark yourself as a potential leader."

— LISA GRAHAM

JD/MBA graduate helps Sidewalk Labs break new legal ground – and define our urban future

From her first day at Queen's Law, **Valerie Eisen**, MBA'14/Law'15 (Artsci'11), had her mind set on what she would practice after her studies.

"My undergraduate degree was in chemistry and I was interested in science and technology, so it made sense to practice intellectual property law," she says.

Despite this somewhat rigid focus, Eisen remained open to other opportunities – and when those opportunities came knocking, she found herself perfectly situated to work with one of Alphabet's subsidiary companies, Sidewalk Labs, on a cutting-edge development project.

As Eisen completed the combined JD/MBA program at Queen's, she was offered a summer position at Fasken. That summer position has since turned into full-time work in the firm's business law group.

"Through Fasken's rotational program, my practice grew into a corporate law focus with specialties in mergers and acquisitions, intellectual property law and high-tech," she explains. "This meant I had the right combination of specialties for Sidewalk Labs, one of Fasken's clients, and their Toronto-based development project. The project was already a personal interest but I never imagined I would get to work on it full-time."

Eisen calls Sidewalk Toronto a unique development and an important effort to determine how we can build better cities in the future. Sidewalk Labs' stated goals are to improve urban quality of life through enhanced infrastructure including physical and technological solutions, tackling issues such as housing affordability, sustainability, mobility, and social infrastructure.

Working on such an innovative project, it should come as no surprise that no two days in Eisen's job are the same. She spends much of her time in meetings helping to answer legal questions and considering how those questions should be codified in the master project agreement with Waterfront Toronto.

"In working with so many different members of the Sidewalk Labs team, like urban planners and engineers, I am learning about many disciplines outside of law," she says. "I am also learning more about working with government stakeholders. I am really thankful to Fasken for the opportunity to work on such an exciting project for my hometown and the globe."



Valerie Eisen, MBA'14/Law'15, has parlayed her combined degree into a full-time job working with Toronto's innovative Sidewalk Labs to help improve urban quality of life.

She credits her time in the combined JD/MBA program with helping to prepare her for these situations, as it provided her with an interdisciplinary skill set that has helped her examine problems from multiple perspectives.

"Knowing I was likely to enter into the corporate world, I felt a better understanding of business functions and organizational-style problem solving would be beneficial to both serving my clients and helping the organizations with which I was involved in their progression," she says.

As she reflects on her time at Queen's Law, Eisen fondly remembers her contracts law classes that she says were foundational to her understanding of commercial contracting.

"Professor Michael Pratt's style was to teach and encourage logical, well-reasoned arguments that required deep, critical thinking," she says. "He challenged the status quo of common arguments, which pushed me to do the same. The skills I learned in those classes have been a key element driving me to succeed in my practice to date."

Her advice to new law students is to try many different areas of practice. This helps ensure you are making the right choice by finding your passion in law, and might help you find once-in-a-lifetime opportunities – as it did in Eisen's case.

— PHIL GAUDREAU

Law'94 women share top five tips for career success

TIP #1: Keep an open mind.



"The written and oral skills you learn in law school are so important in any kind of career you end up in."

— JULIE WATKINSON

Keep an open mind. That's the number one piece of advice all four Law'94 panelists gave students at the "Leverage your Queen's JD" career panel on September 21.

Celebrating their 25th anniversary reunion during Homecoming Weekend, these classmates discussed their paths to top positions in different types of careers:

Jacqueline Armstrong Gates, Partner, Gowling WLG, Kitchener, Ontario;

Katherine Tew Darras, General Counsel, ISDA, New York, New York;

Daina Selvig, President, Selvig Legal Consultants LLC, Boston, Massachusetts; Former Deputy General Counsel, Sunovion Pharmaceuticals, Marlborough Massachusetts; and

Julie Watkinson, Senior General Counsel, Department of Justice - Canada Border Services Agency, Ottawa, Ontario

Before law school, during their studies and in the early stages of their careers, each of these women thought they knew what they would like to do, but instead found something that suited them better.

Watkinson originally thought she wanted to be a criminal defence lawyer, but discovered while at Queen's Law that it wouldn't be a good fit for her.

After articling on Bay Street, she did some contract work with a law firm in Ottawa that was acting on behalf of the Attorney General of Canada and found it very interesting. She applied to the Department of Justice Canada in 2000 and now heads the Canada Border Services Agency Legal Services Unit. "My personality type and interests were more suited to public service," she said. Her advice: "Embrace what truly interests you."

Even though she isn't a litigator, she emphasized the importance of advocacy. "These written and oral skills you learn in law school are so important in any kind of career you end up in."

Selvig, a Harvard LLM grad, never took an IP course yet she worked in-house with pharmaceutical companies for the past 14 years until June when she opened her own consulting firm for the pharmacology and biotechnology industries. "In law school, I didn't really understand how flexible that education foundation could be and how you could translate it to something else," she said. "The degree you're getting is a powerful one. Lawyers have taken on so many different roles. Some of them don't even practice. Be broad and think about opportunities."

Tew Darras applied to Queen's for labour law, but during her Bay Street articling rotation, decided it wasn't for her. A few years after moving to New York and working at a small boutique firm doing secured lending work in 1997, she was reintroduced to a Bay Street in-house lawyer who was taking a job at ISDA, an international trade association representing the financial services industry. She landed the Assistant General Counsel job and loves her in-house work, which calls on her labour law training and often involves negotiating with over 100 people in group projects. "Figure out how a vocal person in a group thinks; find out what works with individuals," she advised. "It's more about your EQ and how you interact with people that will determine your ultimate success."



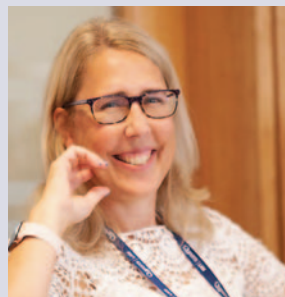
Law'94 panelists Julie Watkinson, Daina Selvig, Jacqueline Armstrong Gates and Katherine Tew Darras give students the inside scoop on the different ways to leverage their Queen's JD degrees and find career fulfillment.

Armstrong Gates thought downtown Toronto was where she would practise law, but instead an amazing opportunity plus family living in the Kitchener-Waterloo area led her to Kitchener. She called the Gowling WLG office there to inquire about a position and has been practising commercial litigation and product liability there since 1999. "It's okay to not know where you're going and to end up

in a different spot," she said. "Sometimes what you never considered as an option is exactly what you want and end up loving."

"Have a Plan B or C and be flexible about where you're going to end up working," she added. "With your law degree you can do anything you want; it's an incredible foundation to move forward."

TIP #2: Learn from your mistakes.



“Push yourself outside your comfort zone. The worst thing you can do is you fall on your face, but then you get up.”

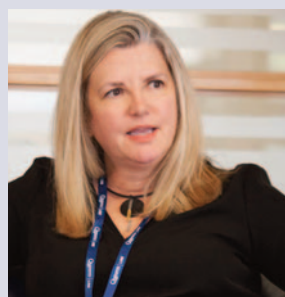
— JACQUELINE ARMSTRONG GATES

Tip number two is it’s okay to fail; you will learn from your mistakes. “Say yes to opportunities,” said Armstrong Gates. “Try something new. You might be surprised what you end up with.” Push yourself outside your comfort zone, she stressed. “The worst thing you can do is you fall on your face, but then you get up.”

“Utilize your network,” encouraged Tew Darras for the third tip. That includes reaching out to alumni – “we are happy to be in touch with students.”

“You build lifelong friendships here so embrace

TIP #3: Utilize your network.



“Reach out to alumni. We are happy to be in touch with students.”

— KATHERINE TEW DARRAS

that,” added Armstrong Gates. “Queen’s is great collaboratively. Keep up the collegiality and help each other out.”

“Appreciate the connections you make in law school and when enter workforce,” said Selvig. “These are important in how your career and life work out. Your peers can help you.”

Relationship building, which also includes a lawyer’s clients, leads to tip number four: be professional all the time. When you send an email, write it carefully as it might end up in court. “Don’t burn bridges,” added Tew Darras.

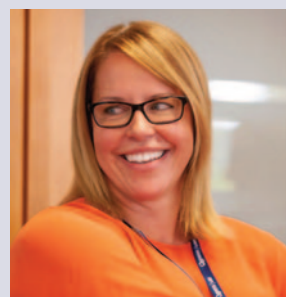
The fifth and final tip for career success stems from an opportunity that wasn’t available when the panelists were law students: it’s important to learn the business of law.

“In law school, we had an idealistic vision of what being a lawyer is,” said Watkinson, but once starting their careers, “lawyers also have to figure out how the business side of practice works.”

“A huge part of the day is the running of the business – docketing, managing a budget and people,” added Selvig.

What they wish they could have learned in law school is now available to Queen’s Law students

TIP #4: Be professional all the time.



“The connections you make in law school and in the workforce are important in how your career and life work out.”

— DAINA SELVIG

TIP #5: Learn the business of law in school



Queen’s Law students can through the Graduate Diploma in Legal Services Management.

through the **Graduate Diploma in Legal Services Management**. Current students can take LSM 810 Financial Literacy for Lawyers and LSM 820 Fundamentals of Legal Services Business for credit towards their JD degree.

Students, faculty, staff and fellow grads attended the panel, followed by a Q & A session and an opportunity to meet the Law’94 women. “One of the most valuable aspects of this panel was the opportunity to hear a candid view of what a ‘path’ can look like after leaving law school,” said Sarah MacKay Marton, Law’21, an executive member of Queen’s Women and Law, which co-organized the event with the Faculty. “Each panelist described moving from experience to experience, sharing the same sentiment: had you asked them where they would be 25 years ago, they wouldn’t be able to predict where they are now. They each offered anecdotes of successes and failures; and how each made them the lawyer and woman they are today.

“My biggest takeaway from this panel was that both success and being a woman in law can look very different from person to person” MacKay Marton adds. “To succeed, it is important to stay true to oneself and to say yes to whatever opportunity comes your way.”

— LISA GRAHAM

Did you receive Queen’s Law Reports 2019 in your mailbox?

If not, then email your mailing address to lawalum@queensu.ca and the 2020 issue of our print alumni magazine will be delivered to your door next spring.



You can still read *QLR 2019*, and among many other things, learn what faculty and alumni experts have to say about how Canada should navigate the new landscape of international disintegration.

Check out *QLR 2019* online!

Reaping rewards from Canada's budding industry

It's been one year since recreational cannabis was legalized in Canada, but the black market is still in bloom. An alumni panel of experts weighed in on this dilemma and other issues at the Toronto event, "Cannabis in Canada: a year in review," on October 17.

"How can we create a better market so that legal cannabis flourishes?" Professor Art Cockfield, Law'93, tax law scholar and consultant, posed that question to his co-panelists:

Matt Maurer, Law'06, Partner & Co-Chair, Cannabis Law Group, Torkin Manes LLP;

Ruth Chun, Law'06, Founder and Advisor, Chun Law Professional Corporation;

Jason Sonshine, Law'09, Vice-President, Strategy, Auxly Cannabis Group; and

Gareth Stackhouse, Law'11, Associate, Condo Law Group, Fogler, Rubinoff LLP.

Maurer, host of the panel sponsored by his firm, responded, "To combat the illicit market, we have to have stores. But, as a provincial example, the Alcohol and Gaming Commission of Ontario has now disqualified almost as many licenses as they granted since the start of the year." While some producers that were granted licenses remain in compliance by not changing ownership for one year, they are at risk of being disqualified for such reasons as wording in their applications not being repeated verbatim in contract documents that followed.

Agreeing that the Ontario government should allow more retail stores to open, Chun cited an example, "In B.C, the number of stores is abysmal and the black market is mature." Another alternative she suggested was changing the tax policy on medical cannabis. "It's the only prescription medicine that is taxed and that's an access to medicine issue in terms of cost affordability," she said. "If you need cannabis as medicine and you can't afford it, you're going to go to the black market."

Cockfield restated his middle-ground solution: "Continue to impose the HST, but get rid of the excise tax. Adding it was a political gambit. It allows the black market to flourish because it drives up cost."

Stackhouse added, "The product mix has to come

around." He dealt with a case in which a consumer who could afford higher-cost products from a retail store instead continued to purchase cannabis oil from an illicit dispensary located in a condo. The consumer's rationale: "I like this oil but can't get it at a licensed store."

Using cannabis café stores ("drug dealers") as an example, Sonshine said, "As an industry, we need to apply pressure to actually enforce laws."

An audience member asked where the panelists saw the Canadian industry in 10-15 years as other countries legalize recreational marijuana.

"They always say is a cannabis year is like a dog year," replied Chun, noting that five years is as far as one could reasonably project. "Price compression is already a reality and looking at the theoretical capacity of licensed producers, we're at a massive over-supply," she said. "The Canadian export-import rules are very strict and protectionist and I think other cannabis-producing countries will be protectionist, as well."

"We're already seeing a bloodbath in capital markets now," she added. "I think there will be a shrinkage of licensed cannabis production companies," comparing the legalization of recreational pot to the end of alcohol prohibition that began with a market of 100 distillers and now consists of only a handful of big liquor companies. "Eventually we will see some recognizable brands," she continued. "Right now, there aren't any. The products will eventually mature into consumer-packaged goods (CPG)."

Sonshine agreed. "I think the CPG route is inevitable when pot becomes a commodity – like flour or coffee – you have to be good enough to be able to differentiate your product and make it better than your competition because everyone is going to be able to make it."

According to the law, Maurer pointed out, Canada "can only import or export cannabis for medical or scientific purposes. The government should give policy guidance saying it is not the intention to allow mass imports or exports." Noting the rush of licensed producers over the past five years to build facilities



Reviewing the first year of "Cannabis in Canada" and projecting the industry's next five years before alumni and Facebook Live audiences are experts Professor Art Cockfield, Law'93; Gareth Stackhouse, Law'11; Jason Sonshine, Law'09; Ruth Chun, Law'06; and event host Matt Maurer, Law'06.

costing a minimum of \$5 million and creating thousands of jobs, he doesn't see there being a political will to import cannabis. "I think the industry will go through a bit of a rocky time," he adds. "There are just too many companies with licenses."

Chun would like Canada to be more innovative. "We've got this amazing advantage as the first G7 country to legalize medical and recreational cannabis for adults," she said. "I would be happier taxing medical pot if a portion of the tax dollars goes to independent research and development in the industry. In terms of Canada losing its first-mover advantage, that's an easy point of slippage."

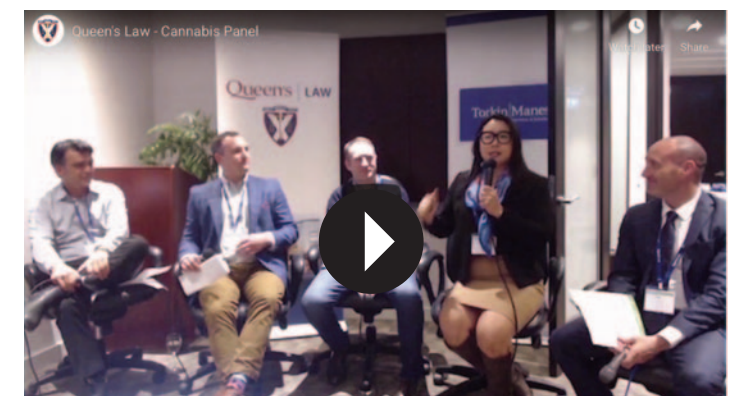
The problem," said Cockfield, "is because of Health Canada regulations, producers have been focusing on growing their companies through M&As. It's a rational business strategy, but has nothing to do with proper branding." He brought up the example of Sam Bronfman who started Seagrams and built an extraordinary global brand over decades of manufacturing high-quality alcohol. "We're seeing the biggest cannabis companies engaged in financial engineering and yet the brand –

the quality of the cannabis – is terrible. That's a wasted first-mover advantage.

"If there is a real global marketplace with U.S. firms competing," Cockfield concluded, "they will absolutely crush our licensed producers."

To learn more about what our experts said – from a myriad of issues facing condominium owners and deficiencies in regulations to licensing differences on reserves – watch the panel discussion on YouTube.

— LISA GRAHAM



PhD candidate founds initiative to help young African arbitration practitioners

The use of arbitration in Africa is on the rise. The Chartered Institute of Arbitrators, an arbitration training provider, claims an increasing number of parties across the continent have embraced arbitration, “as a preferred method of dispute resolution outside courts.”

Yet there are still some challenging misconceptions about the skills and abilities of arbitrators hailing from African countries. This has led to their underrepresentation in arbitration opportunities abroad.

Abayomi Okubote, a Law PhD candidate at Queen's, wants to change that. After attending a series of arbitration community events in 2018, he recognized the need for a platform to expose young practitioners in Africa to the current trends and developments in international commercial and investment arbitration.

“The **Africa Arbitration Academy** was conceived to fix the disconnect between young arbitration practitioners in Africa and the international arbitration community,” he says. “Through lectures, networking receptions, workshops and mock arbitration hearings, participants expanded their perspectives on international arbitration and were enriched with better professional skills and knowledge.”

In June, the inaugural Academy was held in London, England, and united 25 young practitioners from 13 African countries with mentors and experts from around the world, offering significant learning and networking opportunities to these rising stars. The event proved to be a strong launch point for the Academy, which is currently enjoying strong support from the arbitration community, law firms and academics the world over.

In recognition of both his ambition and the success of this new initiative, Okubote was recently recognized with the Queen's School of Graduate Studies' Award in Leadership, Innovation and Community Engagement. This award was created to recognize exceptional graduate students who are making a meaningful difference in the world while also demonstrating the highest standards of academic excellence.

Okubote feels having the university recognize his work has been a great achievement, though he is quick to give credit to the steering committee members who helped make the Academy a success. In addition to the broader international community, he has enjoyed the support of Professor Alyssa King and Queen's Law staff member Dianne Flint. He has special praise for his PhD supervisor, Associate Dean (Graduate Studies and Research) Joshua Karton.

“Professor Karton graciously introduced me to some thought leaders within the arbitration field who all came to speak at the Academy,” says Okubote. “Professor Karton also took a class at the Academy program in June. Sincerely, I could not have wished for more from a supervisor.”

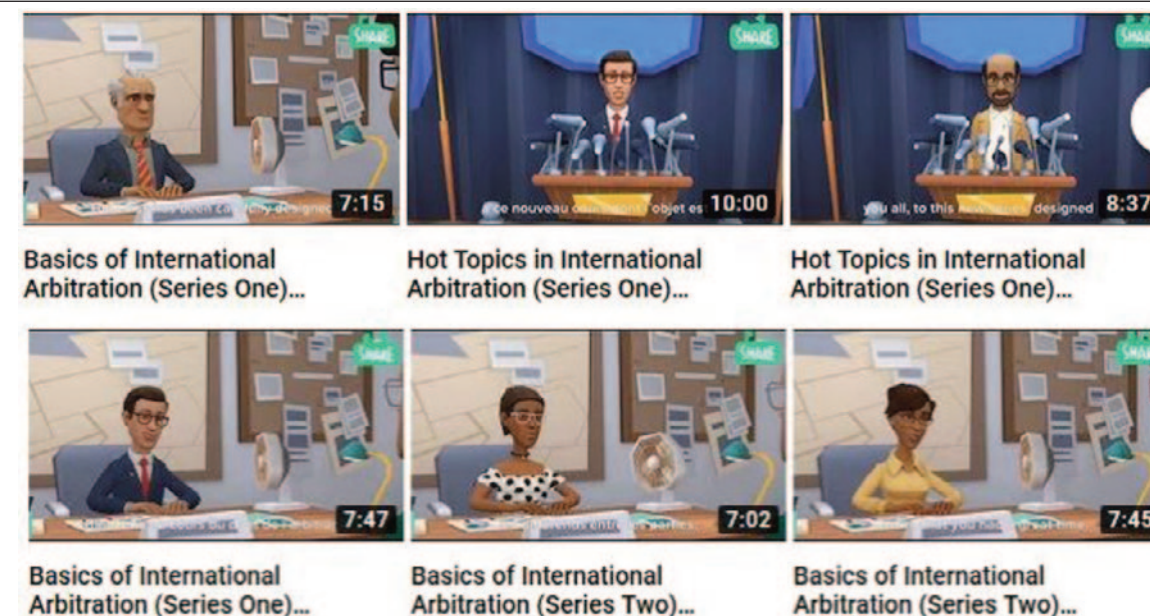
The Africa Arbitration Academy will host annual events going forward and the Academy is currently in the process of registering as a recognized course provider in Africa.

In the meantime, Okubote continues to work on his PhD thesis, which focuses on third-party funding in international arbitration. In keeping up with community engagement, he has been producing a series of animated videos to teach the basics of international arbitration in English, French, and Arabic.

— PHIL GAUDREAU



Queen's Law doctoral candidate Abayomi Okubote (shown with his PhD supervisor, Associate Dean Josh Karton), is changing the face of arbitration in Africa through a new program to train young practitioners in the field.



Benefit or barrier?

African doctoral researcher receives three fellowships to probe job equity for workers with disabilities

Reasonable accommodation refers to the obligation of employers to ensure any qualified hire can participate in the workplace without experiencing undue hardship. This principle is recognized around the world, and is codified in the UN Convention on the Rights of Persons With Disabilities.

But in some developing countries, the existing legal frameworks are not helping persons with a disability in the way the law intended, according to Queen's Law PhD candidate and Mastercard Foundation Scholars Program participant Birhan Suadik.

"Employers do not want to make a huge investment to accommodate," he says. "The main objective of the law was to provide protection for persons with a disability, but these policies actually inhibit their access to employment."

Suadik's research focuses on the factors affecting employability and workplace accommodation of persons with a disability, or disabilities, across Africa and, specifically, in his home country of Ethiopia.

The issue first came to his attention during a taping of "Mizan Justice and Legal Awareness," a radio program which aims to make the general public aware of their legal rights and responsibilities. For a few weeks, Suadik's program focused on the legal rights and responsibilities enshrined under employment and labor law in Ethiopia. Listeners who called in told Suadik and his fellow lawyers that persons with a disability were often disadvantaged in their work opportunities and were disproportionately suffering from poverty due to unemployment.

Suadik's aim is to examine the normative and legal frameworks around reasonable accommodation and the obligations of both employers and the state with a goal of eventually influencing government policy and law reform.

"The international standard is that the employer has the primary obligation to provide reasonable accommodation, and this has led to challenges when employers do not want to invest," Suadik says. "So, my research will look at how the state could become more responsible for the accommodation of persons with a disability – whether it supports the cost of accommodation directly, or provides different supporting mechanisms to help persons with disabilities find suitable employment and maintain their job once they have it."



LISA GRAHAM

PhD student Birhan Suadik, a professor at the University of Gondar in Ethiopia, is aiming to influence his home government's policy and law reform with his research, supported by the Mastercard Foundation Scholars Program and three Queen's Centre for Law in the Contemporary Workplace research fellowships.

Recently, Suadik received three Queen's **Centre for Law in the Contemporary Workplace** research fellowships – The Baker McKenzie LLP Fellowship Award, The Adell Carter Fellowship, and The Goldblatt Partners LLP Award – to help support his research.

"I was very grateful to receive this funding, and I take it as an indication that my research topic is relevant both in academia and in the real world," he says. "I look forward to connecting with the wider network and community engaged by the Centre, and using the fellowship money to make the necessary investment in my research."

After graduation, Suadik's plan is to return to the University of Gondar in Ethiopia, where he is a professor, and resume his teaching and research while applying the skills and knowledge he has gained at Queen's Law. The University of Gondar is a partner alongside Queen's in the Mastercard Foundation Scholars Program.

— PHIL GAUDREAU

Learning, unlearning, and relearning

In this piece for the **Together We Are** blog, Lauren Winkler, a Kanien'keha:ka student at Queen's, talks about her journey relearning to love herself in the different roles of her life: daughter, sister, niece, grandchild, and friend.

"Education is what got us here, education is what will get us out." – Senator Murray Sinclair

When I think of university, or post-secondary education, or life for that matter, one word comes to mind: opportunity. Coming to Queen's I was excited about the opportunity to live on my own, to make new friends, to find myself (because at the time I thought that was something that would just happen... I only wish), and to learn. Sure enough, I have thrived living in my independence, made lifelong friends, and gained a better sense of who I am. What I did not anticipate were the challenges to my own way of thinking that would come from my professors and peers, the different perspectives and life experiences that would be shared with me, and how strengthening my values would shift how I learned and perceived the world. Before university, I always saw learning as linear, but I now understand it to be a lifelong process in which I will learn, unlearn, and relearn. I believe that the more you learn, the better equipped you are to practice empathy, engage in meaningful discussion, and be a catalyst for change.

It was during my undergraduate degree that I first heard the term "unlearning" and it was not until this past summer that I truly understood the concept of "relearning."

Usually when I tell my story, it heavily focuses on my identity as an Indigenous student. Today, however, I want to embrace my vulnerability and share a different narrative. I want to tell you about how I am relearning to love myself. To love myself as a daughter, sister, niece, grandchild, and friend. To love myself as a woman, as a Mohawk woman, a student, as a law student. To love myself as an advocate for Indigenous peoples, as a student to my culture, as a member of the Onkwehono:we community. To do this, I have had to unlearn toxic pressures and expectations that I put on myself, unlearn my view of vulnerability as being negative, and unlearn stigmas attached to mental health and mental illness. In the past year, I have learned that



When Lauren Winkler, Law'20, thinks of university, or post-secondary education, or life for that matter, one word comes to her mind: opportunity.

eating disorders are not solely a result of body image, I have learned that healing is not linear, and I have learned that sharing my own story helps others to validate their own. Struggling with depression, anxiety, and disordered eating, I have had to relearn patience with myself, relearn to validate my thoughts and feelings, and relearn loving myself for who I am.

You will have noticed that at the beginning of this post I included a quote by Senator Murray Sinclair. Where his quote is referring to the residential school system and the power that education has in the process of reconciliation, I think that his message on education can be applied to any situation. I truly believe that we all have so much to learn from one another and that we would all be in a better place if we genuinely listened to and engaged with one another. If we unlearned narratives that we have been taught about one another. If we relearn how to connect with one another to work towards a larger purpose. To me, that is the power of learning, unlearning, and relearning – they are processes that I will be humbly engaging in my whole life and the thought excites me.

As Together We Are marks its fifth year, the blog will focus on unlearning and relearning. The contributors will talk about the learnt attitudes, behaviours, and feelings that must be changed in order to foster a truly inclusive campus.

Summer intern taught asylum seekers how to self-advocate

Gabrielle Rekai, Law'21, spent the summer in Tijuana, Mexico, putting her first year of law studies to good use. There, she interned for Al Otro Lado, an NGO that provides free legal services to migrants seeking asylum in the United States. Working with the organization's border-rights workshop, she led information sessions on American immigration law and current policies regarding asylum.

"The 'border crisis' is usually associated with Central American migrants, who do make up a large part of the population," she says. "What is often overlooked is that Tijuana is a port of entry for migrants fleeing from all over the world. Because I can communicate in both English and French, I worked primarily with African clients, particularly the vast number of English-speaking Cameroonians fleeing that country.

"I became their point person, and I often fielded questions about Canadian immigration and refugee law," she adds. "I also performed individual intakes in which

clients disclosed the harrowing details of the events that led them to seek asylum in the U.S."

Using the framework of American immigration law, she consulted with clients on which category of asylum seeker they may qualify for, what the relevant aspects of their story were regarding their claim, and how to begin the process of collecting evidence.

This workshop – a free legal clinic for migrants to learn their legal rights, how the law applies to their individual cases, and what to expect throughout the process – serves to train asylum seekers to be their own advocates. "Most of the clients I worked with will not have access to legal representation; many will fight their cases from within detention centres," explains Rekai. "Furthermore, there exists current U.S. politics and policies that intentionally serve as barriers to the law, making this process more challenging.

"These 'deterrence policies' take many forms," she continues. "Notably, cruelty is used to make immigration less

desirable but policies creating confusion, disillusionment and delays are also intentionally implemented to this end."

Under the current policy of "metering" at the border, when migrants arrive at the at the U.S. port-of-entry they are not able to make an asylum claim as stipulated by American immigration law. Rather, they are forced to take a number and their name is put on a list. "The discrepancy between numbers given each day and numbers called has created a bottleneck of thousands of migrants," says Rekai. "It is impossible to know how long the wait will be since a seemingly arbitrary amount of numbers are called each day, but at the time I was there it was an estimated three to six months.

"During this period," she adds, "migrants are stranded in Tijuana, unable to work and have limited housing options. There is rampant homelessness, violence and corruption. The living conditions and limited access to healthcare lead to illness and disease. Then there are the more creeping epidemics: a population with layers of deep and recent trauma facing boredom, disillusionment, anxiety and hopelessness."

While clients were often disappointed to learn that Al Otro Lado could not represent them and had no impact on current immigration policies, Rekai came to an understanding: "Learning the legal framework that is in place to protect refugees and receiving assistance in navigating it contributed to a peace-of-mind and empowerment. That is at the heart of achieving just outcomes in this legal landscape."

Primarily, Rekai chose to work with Al Otro Lado because of her interest in human rights and access to justice. "I believe it is crucial to my legal education to put myself physically in spaces and in conversations with people who are directly affected," she says. "To this end, working with Al Otro Lado was invaluable. I was privileged to hear the personal stories of over 30 people who have been through horrors beyond my imagination. I also had the opportunity to work with lawyers and fellow law students immersed in this kind of social justice work."

Becoming very familiar with the concept of "movement lawyering" through her internship, Rekai learned how legal



Migrants in Tijuana, Mexico, waiting at the port of entry into San Diego, U.S., can receive free legal advice at the Al Otro Lado border-rights workshop.



Gabrielle Rekai, Law'21 (middle) with fellow interns and an Al Otro Lado staff member in Tijuana, where they helped migrants learn their legal rights, how the law applies to their individual cases, and what to expect throughout the process of seeking asylum in the U.S.

professionals can contribute to social justice movements by educating and empowering individuals. "Going forward I intend to pursue avenues to provide advocacy training and try and broaden pathways for individuals to access justice," she says. "Approaching this kind of work through the lens of immigration was a poignant and valuable entry point, particularly at this moment in history, but there are numerous areas of the law in which to do this kind of work. I look forward to continuing to explore that."

Gabrielle Rekai's internship was made possible through the Torys Public Interest Summer Internship Awards program. "I feel extremely lucky to have received the support that I did for this project from Queen's," she says. "I hope that in the future more 1L students are able to take advantage of the funding available to pursue work like this."

Venture into the exciting world of business law

How can students learn about new and exciting legal developments taking place in the real world beyond discussions in class? They can get involved with the student-run Queen's Venture Law Society (QVLS).

"Our goal is to encourage students to think outside the box about business law and get excited about their future careers," says Heather Bonnell, Law'20, QVLS co-founder and co-President. "We want to provide as many mediums to do that as possible."

QVLS facilitates connections for students within the startup, venture capital and innovation space. Through activities, students are exposed to everything the field has to offer – from a big-firm perspective to a community-centred style of social entrepreneurship.

The ambitious club is entering its second year, after receiving the 2019 Law Students Society's Camaraderie Award for its initiative, contribution, participation and organization of events and activities to further the Queen's Law community spirit.

There is lots in store this year for inquiring business law minds.

"We're expanding the scope of our lunch-and-learn events now known as our 'Innovation Series,' which will include such topics as emerging industries, alternative legal careers and new legal technology," says Marc Vani, Law'21.

Complementing the "Innovation Series" are QVLS online presence and digital "Industry Focus" series of events designed to curate and create relevant and thought-provoking content for students to engage with. "For example, we've been focusing on the cannabis industry," says Emma Wall, Law'21. "We've posted on our [Facebook page](#) about Ontario's plans to possibly change its cannabis distribution system, CannTrust, and we will be conducting interviews with industry insiders to share with our club members.

"We're aiming to break down the issues for students who might not know a lot about these

industries or areas of law and inspire them to come to our events, ask questions, and explore different legal career paths," she adds. "So far, we are seeing great engagement, both online and offline."

There is a special perk for students to get involved with QVLS through its partnership with Blakes Nitro, a program powered by Blake, Cassels & Graydon LLP that is specifically designed to meet the legal needs of emerging technology companies. "We recognize Blakes Nitro is a leader in the startup space and are thrilled to have them certify our event series," says Bonnell. "The certification is awarded to students who attend a majority of our events. We found it provides an excellent incentive as students will be able to show that they've been an active participant in our club."

First-year law students interested in business law and entrepreneurship can help local business by volunteering with another of QVLS's partners: the Queen's Business Law Clinic (QBLC). Last year's volunteers each researched and answered a question that a new business owner might want to consider before starting up. The QVLS executive team used this research to create a legal primer PDF and posters. "We hope by providing background legal information, prospective QBLC clients can maximize the legal resources the clinic has to offer," says Jenna Calderone, Law'20. "The primer PDF will be posted on the QBLC website and we will be putting up posters with our new group of volunteers later this fall."

The Dunin-Deshpande Queen's Innovation Centre (DDQIC), yet another partner, sponsored the club's first-year events series and provided opportunities for QVLS executive members to attend international conferences on innovation. "It was incredible," says Bonnell. "We've partnered again with the DDQIC this year and are hoping to generate more opportunities for Queen's Law students to interact with the DDQIC team and the student entrepreneurs they work with. We hope that mixing future lawyers and entrepreneurs will create interesting collaborations."



Accepting the 2019 Law Students' Society Camaraderie Award are Queen's Venture Law Society executive members Emma Wall, Heather Bonnell, Nataly Dil and Marc Vani. Their goal is "to encourage students to think outside the box about business law and get excited about their future careers."

Team QVLS, the club executive that makes it all happen, also includes Sydney Prince, Law'21, Geoffrey Davis, Law'21, Mary Alfredsson, Law'21, Jake Wildman-Sisk, Law'22, Sara Baxter, Law'22, Brook Hiddink, Law'22, and co-founder Nataly Dil, Law'20.

Queen's Law students can get involved with the QVLS by working on the executive team, joining its first-year volunteer group, attending event series to get certification and keeping up to date with club Facebook posts.

Other Queen's Law community members can also get involved to spark some thought-provoking ideas about innovation among students.

"Alumni working in emerging industries, startups, or any other exciting and innovative areas of the law – we want to hear from you!" Team QVLS calls out. "If you're interested in collaborating on an event, interview, or another initiative, [send us an email](#)."

— LISA GRAHAM

'Incredible' homecoming regenerates school pride and life-long friendships

"It was magical being back at Queen's again." That's how Rich Lonstrup, Law'99, describes Homecoming 2019. Like 200 other grads, he returned to his alma mater on the weekend of September 20-22, basking in the summer sun – and in each other's company.

"In true Queen's spirit, different generations of Queen's Law alumni celebrated together as if we had known each other for years," says Aaron Bains, Law'14, an associate with Aird & Berlis LLP in Toronto. "Being back on campus certainly brought with it the nostalgia of law school and the spirit of connecting with old and new friends on campus."

For Law'89 returnees, their 30th anniversary reunion had a particularly special meaning. "Many of us made an extra effort to come back to Homecoming this year to support our classmate Mark Walters' appointment as Dean," says Tracy Kay, Law'89, a partner with Minden Gross LLP in Toronto.

Steven Zakem, Law'89, former LSS President, agrees that's a main reason for his class's strong turnout. "When it was announced that Mark Walters was to be the next Dean of Queen's Law, my classmates and I emailed each other expressing pride and excitement that one of us had achieved such a consequential leadership role at a great institution of higher learning," says Zakem, managing partner of Aird & Berlis LLP in Toronto.

"I can honestly say that no one was surprised Mark was selected as Dean. Even during law school, over 30 years ago, Mark exhibited many qualities that will make him a great Dean: intelligence, thoughtfulness, empathy, a self-deprecating sense of humor and a quiet confidence and determination, to name a few," Zakem adds. "We know that Mark will lead Queen's Law wisely and well and look forward to supporting him in any way we can."

Walters proved them right in hosting Homecoming 2019.

The festivities 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, and toured the home building of Queen's Law.

"As a clinic alumnus, I was very impressed by the look of the Bagot Street offices and by the clinic's students and staff," says Rich Lonstrup, now a Crown attorney with the Manitoba Prosecution Service. "The new (well, newer since 1999) look of the law school is amazing."

"The changes to the school itself are wonderful," agrees Jacqueline Armstrong Gates, Law'94, a partner with Gowling WLG in Kitchener. "I really enjoyed the front entrance, which showcased the wampum belts that pay tribute to Indigenous peoples. I loved the change in the library and the private rooms in the Learning Commons. I loved the open feel to the student lounge. Even the basement classrooms we used to call the 'dungeons' are brighter."

Armstrong Gates moderated and participated in a panel titled "Leverage Your Queen's JD" with three of her Law'94 classmates grads – Daina Selvig, Katherine Tew Darras and Julie Watkinson. On their 25th anniversary, they shared with students and fellow alumni their paths to top positions in different types of careers. See pp. 46-49.

For another highlight, Tracy Kay, says, "It was very special to be a 'student' again in Lecture Hall 001 – this time to hear Dean Mark Walters speak on 'The State of the Faculty' and the future of the law school." Walters gave grads an update on the school's expanding programs, faculty complement, research prominence and more.



Showing their Queen's Law spirit, generations of alumni returned to celebrate Homecoming Weekend, September 20-22.

"The Dean's message was extremely informative," says Armstrong Gates. "It confirmed for me that Queen's Law continues to be a great place to study."

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. The following day, several of them teed off with students in the school's charity golf

tournament at the nearby Loyalist Golf & Country Club.

"All-in-all, the weekend was incredible," says Armstrong Gates. "I continue to be proud of being a Queen's Law grad."

Check out more photos and download them from our [Homecoming 2019 photo gallery](#). Also, see photos of [Law'69's Reunion](#) from September 13 to 15, when 25 classmates received their 50th anniversary medals.

BY LISA GRAHAM

Law '64



GREG BLACK

Law '69



GARRETT ELLIOTT

Law '74



GARRETT ELLIOTT

Law '79



GARRETT ELLIOTT

Law '84



GREG BLACK



GARRETT ELLIOTT

Law '89



GARRETT ELLIOTT

Law '99



GARRETT ELLIOTT

Law '04, '09 and '14



GREG BLACK

Law '94

Upcoming Events

Vancouver Fall Alumni Reception

Tuesday, November 5

5:30–7:30pm
Fasken Martineau DuMoulin LLP
550 Burrard St., Suite 2900

Edmonton Holiday Alumni Reception

Wednesday, December 4

5:00–6:30pm
Dentons
2500 Stantec Tower, 10220 – 103 Avenue NW

Calgary Holiday Alumni Reception

Thursday, December 5

5:00–7:00pm
TriWest Capital Partners
4600, 400 – 3 Avenue SW

Kingston Holiday Alumni Reception

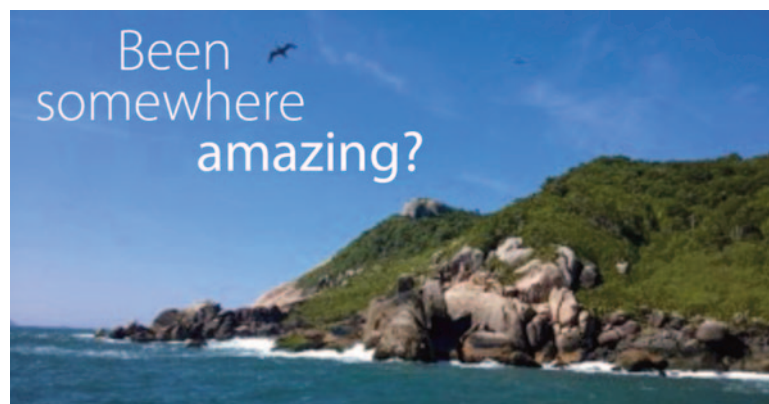
Wednesday, December 11

5:30–7:30pm
Queen's Law Clinics
303 Bagot Street, Suite 500



Meet our new Dean, Mark Walters, Law'89, and catch up with colleagues, fellow alumni and friends for an evening of camaraderie and celebration at these events!

Please RSVP asap to Samantha Chow at samantha.c@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

