



## Congratulations to four trailblazers!

*Celebrating our 2020 alumni award winners (see page 56)*



### **Planning for the future**

Faculty begins charting its next five years and welcomes input (see page 38)

### **Bursary for Black students launched**

Student-initiated award commemorates first Black graduate (see page 42)



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#### ON THE COVER

*Congratulations to the winners of this year's alumni awards: Betty DelBianco, Law'84, Asher Honickman, Law'10, Loretta Ross, Law'89, and Pamela Cross, Law'93. (Photo of hand-blown glass awards by Greg Black)*

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Justice  
Superior Court of Justice

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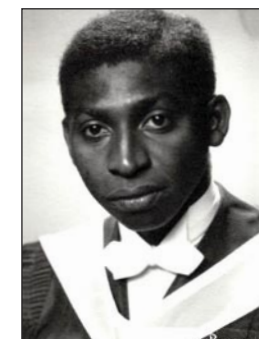
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The Black Law Students' Association - Queen's Chapter and Queen's Pre-Law Society reached out to their networks to initiate a bursary fund for Black JD students that commemorates

Cecil Allan Fraser, QC, Law'61, the first Black Queen's Law student and graduate.



# Queen's faculty part of \$2.5M project to design childcare policies for diverse Canadian families

Access to affordable childcare is one of the biggest obstacles to income equality in Canada. The COVID crisis has magnified just how crucial the need for childcare resources are as some parents must work remotely, while others are spending long shifts in demanding jobs like those in health care and essential services. The impact of these issues on society is all too familiar to Queen's Law professors Kathleen Lahey and Bitu Amani and Queen's History professor Lisa Pasolli. Now, they're doing something about it as part of a major international, interdisciplinary research team.

They're participating in the project, "What is the Best Policy Mix for Diverse Canadian Families with Young Children? Re-imagining Family Policies," which has been awarded a \$2.5 million Partnership Grant from the Social Sciences and Humanities Research Council of Canada.

***"Government budgets are even less able to address the complex and more intensified forms of women's unpaid care work during the COVID-19 pandemic. This project will identify multiple new trends and the role Canada is playing versus other countries these days."***

— PROFESSOR KATHLEEN LAHEY

"Government budgets are too small to fund adequate childcare let alone universal childcare in 'normal' times," says Lahey. "These budgets are even less able to address the complex and more intensified forms of women's unpaid care work during the COVID-19 pandemic. This project will identify multiple new trends and the role Canada is playing versus other countries these days."

The seven-year research project is led by Brock University professor Andrea Doucet, Canada Research Chair in Gender, Work and Care, and will study how three core issues – childcare services, parental leave policies, and employment policies – have an impact on

diverse Canadian families. These include Indigenous, racialized, newcomer, single-parent, LGBTQ2S, low-income, rural, and student families, and those with children who have disabilities.

Lahey and Pasolli are contributing to projects in the childcare cluster and Lahey is also co-leading a project on taxation, law, and family policy that crosses all three core issues.

"Women are now facing basically double and triple care burdens due to the specific ways the pandemic is affecting work locations and conditions," explains Lahey. "Using new unpaid data figures that are starting to emerge, we will apply microsimulation analytic code to all of the new insights into women's increasing work time regarding COVID in order to statistically compare with traditional unpaid work practices/situations/hours in non-COVID years."

"That will also explain why Alberta women, who face the largest income gaps in the country due to high demand for highly-paid fossil fuel industries, will be losing even more paid work hours during the COVID crisis than they did before, thus losing even more ground regarding gender equality unless the government does something dramatic about their high childcare costs," she continues.

Professor Amani, who with Lahey, is among the original co-founders of Feminist Legal Studies Queen's (FLSQ), will be involving students, faculty, and members of the Kingston community in FLSQ research and conferences during the project. "Feminist Legal Studies Queen's is delighted to take this lead in working with this foundational, collaborative, and interdisciplinary partnership study to advance gender equality in Canadian law and policy," says Amani. "This work promises to bring about transformative changes that recognize women's productive capacities and support all Canadian families with members needing care."

Professor Pasolli, who will be examining the long history of debates about using tax measures to deliver child care benefits in Canada, points out that this project is even more relevant during the pandemic: "COVID-19 reveals that care work



Professors Kathleen Lahey and Bitu Amani (on behalf of FLSQ) of Queen's Law and Professor Lisa Pasolli of Queen's History are part of an international, interdisciplinary research team that aims to "bring about transformative changes that recognize women's productive capacities and to support diverse Canadian families with members needing care."

needs to be re-imagined in both pandemic and post-pandemic conditions. Safe care and safe work conditions are now forcing parents to make painful and sometimes dangerous choices."

For each of the three core issues – childcare services, parental leave policies, and employment policies – researchers will explore four key questions:

How are current Canadian childcare, parental leave, and employment policies structured, financed and delivered, and what can we learn from national and international research?

What impacts do Canadian policies have on how diverse families live, work and care for their children and what can we learn from their lived experiences?

What approaches and data are needed to measure the effectiveness and inclusiveness of these family policies?

What is the best policy mix for Canada's diverse families with young children?

The project will produce childcare policies designed by researchers for diverse families. The research team is composed of 29 co-investigators, 24 collaborators, and 34 partners from Canadian universities, non-profit organizations, international organizations, government departments, unions, and a private sector company. More than 70 undergraduate and graduate students and several postdoctoral fellows will be trained.

"This partnership project advances a key theme in Queen's Strategic Research Plan: Securing Successful and Just Societies through Scholarship, Governance, and Policy," says Queen's University's Vice-Principal (Research) Kimberly Woodhouse. "We are very pleased to support the work of Professors Lahey, Pasolli and Amani in this important area of research."

"I am delighted that our faculty members are deeply involved in this large-scale interdisciplinary project with the ultimate goal of bringing about a society that is more just," says Queen's Law Dean Mark Walters. "The timing couldn't be better."

— LISA GRAHAM



# RESEARCH PROFILE: Making taxes work for all

**Professor Kathleen Lahey** has an issue with taxes. In fact, she sees the issue growing in countries like Canada.

“A major part of my work investigates how tax laws and government budgets work virtually invisibly to ‘keep women in their places’ in every region of the globe, despite the vast number of binding statutory, regulatory, constitutional and international legal prohibitions on gender discrimination,” she says.

Her interest in taxes began early. Lahey’s mother worked as the bookkeeper in the family business and, one day, Lahey asked her mother how much she was paid for this work. She was informed her mom did not draw a salary. By earning no income in the family business and leaving all income it earned to her father, he got a lower tax rate (under U.S. income-splitting policies) than if her mother had been paid a modest salary. This struck Lahey as unfair that her mom did not have any money of her own even though her job was crucially important to the business.

Lahey continued to notice these challenges with tax systems in countries like Canada and the U.S. as her education continued. She developed an interest in how tax laws and cultural changes interact, and even covered tax issues as part of a math and language college course she taught before going to law school.

“By the time I finished law school, I realized that I wanted a job where I could use tax and fiscal laws to make the world a better place for everyone,” she says.

Shortly after finding that career in law teaching, her first big chance to do that came when the 1982 *Charter of Rights* and the *Constitution Act* were coming into effect.

***“I don’t take on a particular assignment unless it has potential to reach policy-makers who will listen and change things or it creates opportunities for advocacy and training that could have discernable impact.”***

— PROFESSOR KATHLEEN LAHEY

“During the moratorium on section 15 equality rights, I got a chance to document all the forms of tax discrimination in the Legal Education and Action Fund (LEAF) project aimed at getting discrimination in all areas of law changed as soon as possible after section 15 came into effect,” she says.

That work opened a huge research agenda for Lahey. “It involved detailed historical and economic data, cross-country comparisons, enumeration of all the relevant cases and participating in the debate over the meaning of substantive versus mere formal equality in a context that had until then treated tax laws as beyond the reach of gender equality laws virtually everywhere,” she notes.

The next big challenge came in the early 2000s, when Canada had been ranked number one in the world for gender equality for five solid years.

“By that time, the 1995 United Nations’ Beijing Platform for Action had been enthusiastically embraced by Canada, and its call for substantive equality – equality of outcomes – in all spheres of life, including in tax and related laws,” Lahey recounts. “This landmark UN document was dubbed ‘the most progressive blueprint ever for advancing women’s rights’ and was expected to usher in sweeping improvements for women around the world, including in Canada, where many forms of inequalities still persisted.”

Unfortunately, the impact of the Beijing Platform ran up against another global trend.

“As women achieved the highest level of equality, Canada and many other nations began to respond to calls for tax cuts by the wealth-holding sector of the economy,” explains Lahey. “This began an era of falling revenues, and many governments like Canada’s proceeded to cut revenues quite radically, and then use that – and the fear of budget deficits – to justify cutting funding to public services including those which had been trying to benefit women economically.”

Canada dropped from number one in the world for women’s equality to last among the richest countries as the cuts created greater pressures for women. The consequences?

“Growing numbers of special tax benefits and tax cuts for businesses and the wealthy left women out, while funding for government programs essential to after-tax economic security for all – like care resources, effective pay equity laws, effective prohibitions on group-based discrimination, and funding for Status of Women offices and research programs – was cut despite the fact that these types of laws and programs had helped increase equalities in Canada just a few years earlier,” Lahey says. “These factors combine even today to divert substantial amounts of money away from women and into the hands of male taxpayers or back into government coffers,” Lahey explains.

For instance, while the government spent \$2 billion on childcare subsidies in 2018, it spent \$28 billion on tax benefits rewarding unpaid work for women, according to Lahey.

“While these unpaid services provided short-term help and tax cuts for spouses and cohabitants of women performing unpaid work, the tax benefits typically go to the supporting partner or other qualifying family member, not to the women who do the unpaid work,” Lahey notes. “Thus, this setup simultaneously constrains the time women can spend in paid work, and, in turn, means that with lower lifetime earnings, their pension and social security incomes will be smaller, and they may even lose some of those small benefits if divorce or separation ensues.”

“Strong pay equity laws, full public funding for care resources and enforcement of nondiscrimination laws can temper the effects of these imbalances and lack of effective government policies,” Lahey adds. “Many countries, rich and poor alike, have better approaches than Canada when it comes to these complex issues.”

Lahey’s unique insights into tax and gender have helped her obtain significant research funding –over \$1.3 million from SSHRC alone with one-third of that awarded in 2018-19 (not including her participation in the newly awarded \$2.5M project to design childcare policies for diverse Canadian families; see page 2) – as well as opportunities to present, advise and advocate all over the world for gender equality, equality for all in all types of taxes, and in tax-budget systems as a whole.



GREG BLACK

*Professor Kathleen Lahey received SSHRC grants totalling \$434,000 in 2018-19 for her research that “investigates how tax laws and government budgets work virtually invisibly to ‘keep women in their places’ in every region of the globe, despite the vast number of binding statutory, regulatory, constitutional and international legal prohibitions on gender discrimination.”*

Beginning in the 1990s, Lahey began taking her expertise internationally, beginning with China, to examine the factors that make life more difficult for women in developing countries. Working with her Queen’s Law colleague, Professor Bitá Amani, Lahey is currently studying Ghana, where gender income inequalities are growing faster than new gender equality programs.

“The plot line is similar to Canada, but the inequality is intensified in low- and medium-income countries,” she says. “These countries are attractive to overseas investors and have weaker labour regulations and less political power, which result in women getting taken advantage of in the workplace. At the same time, businesses and investors reap larger profits offshore as the direct result of these and many similar policies. Unfortunately, it is also more difficult to get accurate data in countries like Ghana, ►



hence this project will work closely with local networks and experts.”

Helping Lahey to acquire and analyze relevant data, governance and legal contexts in this and other projects are six research associates, including students from Queen’s Law and other disciplines. These researchers help prepare submissions for international organizations, open-minded government officials and others.

Among those projects is a team working on a review looking back at 25 years of the Beijing Platform for Action. Emily O’Keefe, Emma Hamer and Nas Mumin, all Law’21, are closely examining what countries have submitted regarding their gender equality and tax/budget initiatives.

“Countries paint themselves in as glowing terms as possible to show they are improving their efforts,” Lahey says. “With a highly skilled research team looking at the reports, we have been able to identify some of the inconsistencies and, in particular, a trend toward focusing on small short-term ‘project-like’ initiatives while ignoring the requirement of reporting on ‘whole of government’ advances in gender equality and tax laws.”

Also, as part of her work relating to UN treaty bodies and programs, Lahey and other researchers are examining how countries engaging with extraterritorial tax havens results in the exploitation of female labour in a growing number of situations.

“Countries looking to erase their tax liability hurt people all the way up and down the chain except for the owners of the company,” Lahey says.

Lahey has been working on the topic of equality of after-tax/budget outcomes for all in the context of environmental issues at the same time.

As she explains, “Both the Sustainable Development Goals and the Paris Agreement on Climate – each of which has its own compliance mechanisms – and the Addis Ababa Action Agreement on financing for development, are all now linked directly to the Convention on the Elimination of All Forms of Discrimination Against Women and to its comprehensive implementation document, the Beijing Platform. As a result, there is now a global network of treaties that can be used to monitor progress in attaining multidimensional substantive equality guarantees for women, for all, between countries, and within countries, in relation to all Indigenous peoples and other diverse groups, and with all life on earth.

These are new tax law norms for many traditional tax lawyers.”

Admitting that while it is difficult to find researchers and others interested in this kind of work, Lahey notes that numbers are growing, and the advocacy is increasing. In recent years, she has joined up with several national and international organizations such as Canadians for Tax Fairness, the Tax Justice Network and others that look at resolving global inequalities and improving sustainability.

“I don’t take on a particular assignment unless it has potential to reach policy-makers who will listen and change things or it creates opportunities for advocacy and training that could have discernable impact,” she says.

And the real scope of the impact that is needed is huge, she concludes. “Especially with new knowledges becoming more accessible to non-Indigenous researchers and policy bodies through the increased attention to issues of colonization, decolonization, the inherent rights of Indigenous and diverse groups, and their centrality in helping imagine new ways of sharing land, resources, human contributions and goals, the focus is now on how what started with a simple question of why gender inequalities in tax law are so hard to change has merged into, yet powerfully shapes, the most fundamental questions we now face.”

Agreeing that these are big research questions, she poses them in all seriousness: “How do we as people, whether as researchers, learners, or teachers, or in governments and in private life, ensure that all laws, policies and practices – including revenue and benefit laws – are built around social, economic and governance norms that can sustainably produce real equality and equal sharing in sync with the needs and capacities for change for all forms of life?”

Professor Kathleen Lahey, whose exceptional work on gender, the Indigenous, LGBTQTI2SF, poverty, development, and environmental sustainabilities in tax, budgetary, and human rights laws has influenced her teaching and legal policy work in all regions of the world, as well as in Canadian courts, was named Distinguished University Professor in May. It is Queen’s University’s highest research-related honour. The designation of Patricia Monture Distinguished University Professor – the title plus Lahey’s chosen honorific – has been bestowed on her.

— PHIL GAUDREAU

## New Queen’s-hosted commercial arbitration journal bridges gap between practice and academia

Arbitration is an increasingly popular means for resolving business disputes, especially across borders. It’s also being practised and studied by more Canadians than ever. To keep them on top of the latest developments, such as the Supreme Court of Canada’s much-anticipated decision in *Uber Technologies v Heller*, Queen’s Law partnered with Juris Publishing and a group of senior Canadian academics and practitioners to produce a new journal.

Associate Dean Joshua Karton is Managing Editor of the *Canadian Journal of Commercial Arbitration* (CJCA), which launched with a webinar on June 25. “Our goal is for this journal to become not only a useful source of information for arbitration practitioners and scholars in Canada – and those elsewhere with an interest in Canadian arbitration – but also a focal point of our vibrant and growing professional community,” he says. “Each issue of CJCA will contain both ‘news they can use’ in their next counsel engagement or arbitral appointment and broader thematic or theoretical discussions that explore international arbitration law and practice in thought-provoking ways.”

Making that happen, along with Karton, are Executive Editors Gerald Ghikas QC, Professor Janet Walker (Osgoode) and the Honourable Barry Leon, and Professor Anthony Daimsis (Ottawa) as Case Comments and Developments Editor. Supporting their work is a team of student editors from Queen’s Law.

“It’s a great opportunity for our students to gain experience (and develop connections) in a rapidly growing field that is newly prominent in Canada,” says Karton. “Student editors also provide the hands-on-deck necessary to put out a first-class journal and receive course credit for their work.”

Launching CJCA amid a global pandemic is, to the editorial team, “an expression of confidence: that arbitration practitioners are eager to engage in this new forum to exchange views, and that they will adopt CJCA as a platform to share ideas that will



Canadian Journal of  
Commercial Arbitration

*The new Canadian Journal of Commercial Arbitration, published semi-annually by Queen’s Law and Juris Publishing, will feature articles, case comments, book reviews, and essays on international and domestic arbitration.*

enhance the efficiency and effectiveness of arbitral justice, in Canada and around the world.”

CJCA boasts an Editorial Advisory Board composed of many of the “who’s who” among Canadians involved in arbitration in Canada and worldwide. They include such leading arbitrators as the Honorable L. Yves Fortier, Henri Alvarez, and Louise Barrington, as well as the Right Honourable Beverly McLachlin, retired Chief Justice of Canada and now active as an arbitrator.

CJCA will use innovative means to introduce its content to arbitration practitioners and scholars around the world and to initiate conversations about the main topics of each issue. Its website includes a blog (accessible for free), and the journal will also organize events such as webinars and live and virtual conferences.

The first issue, dedicated to the theme of “Canada within the world of international arbitration,” is available for free download on the [CJCA website](#).

Content from that issue was highlighted in a free webinar, “Major Milestones in Canadian Arbitration Law,” that celebrated the launch of CJCA on June 25. Karton moderated the discussion and his faculty colleague, Professor Alyssa King was a speaker. On July 3, the CJCA hosted the webinar “Uber v Heller: First Impressions,” featuring key figures in commercial arbitration, Professor Kevin Banks speaking on the employment law implications, and former Supreme Court of Canada Justice Tom Cromwell as a commentator. Recordings of the these online events are available on the [CJCA news blog](#).



# Canada research leader delves deeper into foundations of law and government

Professor Grégoire Webber wants to enrich people's understanding of governments' responsibilities to citizens and of citizens' duties to each other and to the law. To do this, he explores how practical questions like "How should I act?" or "What is right for me to do?" situate law within the wider study of human affairs. This is part of his work as the Canada Research Chair in Public Law and Philosophy of Law, an appointment that was renewed by the Social Sciences and Humanities Research Council in September.

According to Webber, inquiry into the study of human affairs is directed by a strategic question: why? "Why did persons act the way they did?" he asks. "Synonymously: What were their reasons for so acting? I argue that 'why?' is strategic because it is a question that one cannot proceed without if one is to study human affairs."

An example from Aristotle that Webber likes to share in class goes like this: Someone is walking to the cupboard. "Why?" we ask the person, who answers, "To get some herbs." "But why?" we ask. "To mix a potion," the person responds. "But why?", we query further. "To lose weight," the person replies. "But why?", we keep probing. "To be healthy again," the person answers.

The example, Webber says, illustrates the thought that human action is ordered to a purpose, a point, an end, a goal; and illustrates how each immediate purpose, point, end, goal can be related to a more basic purpose, point, end, goal.

"In acting, we can choose to pursue worthwhile ends or not and we can choose to pursue them reasonably or not," he explains. "The reasonable pursuit of worthwhile ends is identified by the 'should' and the 'right' in the questions 'How should I act?' and 'What is the right thing for me to do?'"

By focusing his research around these two practical questions, Webber aims to improve peoples' understanding of other questions citizens and governments confront every day, like when tax returns are filed, when conflicts are resolved between freedom of expression and the right to privacy, or when

determining how far the official opposition can go in opposing a government majority. These questions include: Do we have a moral obligation to obey the law? Can we justify the infringement of human rights in certain situations? How do the traditions of behaviour we inherited from the British Parliament guide and limit the actions of our prime ministers and parliamentarians?

One theme of Webber's research since graduate school has been on rights and how to conceive of them. A dominant understanding in the law, he explains, is that rights can be defined according to a set of interests (such as the interest in expressing oneself) and that competing interests (such the interest of others not be defamed) do not affect the definition of the right. Instead, competing interests may infringe the right, and this infringement may sometimes be justified.

"I have argued that this is the wrong way to think about rights," he says. "Where competing interests are justified in infringing the right, the better way to think about rights is to say that the right is specified so that it does not run up against the competing interests. It is wrong to think that, in acting according to my rights, I act without justification, as I would if my right would allow me to do what it would be wrong for me to do."

Recalling the priority of his two practical questions, he gives an example, "When our law says that legal prohibitions against hate speech, child pornography, false advertising, and the like are all justified infringements of freedom of expression, I say that freedom of expression never goes so far as to empower one to engage in hate speech, child pornography, false advertising, and the like."

Over the next five years as a Canada Research Chair, Webber will be further interrogating the foundations of law and government. This research includes two manuscript projects.

His first project is on human goods and their relationship to law. To describe this idea, he refers back to his Aristotle example that illustrates how immediate purposes, points, ends, and goals can be

related to more basic purposes, points, ends, and goals. "If the chain of more immediate to more basic purposes, points, ends, and goals is to terminate – in Aristotle's example, it terminates at 'health' – then it will terminate in a purpose, point, end, and goal that is truly basic – a basic good," he explains. "A justification for law's role, I argue, is to facilitate our participation in the basic goods."

For a second manuscript project, Webber aims to bring together much of his writing on the political constitution. A main theme of this aspect of his research is to explore how political activity and relationships – such as the interactions between the Prime Minister and Leader of the Opposition, between cabinet and caucus, between Commons and Senate – are constitutional. "I do not mean that these relationships are constitutional in the sense that they are consistent with the written constitution. Rather, I mean that they are part of the constitution, that the constitution is more than what is written or what comes before the courts," he explains.

During his first five years as Canada Research Chair, Webber has made several contributions to our understanding of the foundations of law and government. One academic highlight was the publication of *Legislated Rights* (Cambridge University Press 2018, pb 2019), a collaborative research project with five other authors that has benefited from generous academic engagement. That book and his solely authored *The Negotiable Constitution* (Cambridge University Press 2009) were cited in *Frank v Canada*, an important Supreme Court of Canada decision on the limitation of rights. "The Court interrogated the meaning of what it



Professor Grégoire Webber, recently renewed as the Canada Research Chair in Public Law and Philosophy of Law, is continuing his work to enrich our understanding of the responsibilities of government, our responsibilities to each other, and our obligation to the law.

is to limit a right, with some members maintaining the Court's longstanding view that to limit a right is to infringe it, and other members (correctly!) reasoning that to limit a right is to specify it," he says.

Among his other contributions since 2015 is the publication of the jointly edited *Constitutional Dialogue: Rights, Democracy, Institutions* (Cambridge University Press 2019) and articles on a conservative disposition and constitutional change, on the loyal opposition, on the priority of "asking why" when studying human affairs, and on proportionality and balancing in human rights law.

"I wish to express thanks to my colleagues in the Queen's Faculty of Law, the Department of Philosophy (where I am cross-appointed), and the Department of Political Studies for creating such a rich intellectual community," Webber says. "I have grown as a scholar through countless conversations with them all."



# Advancing law amid a global pandemic

While designing a number of fall-term courses for remote delivery has been a top priority for faculty members, not even COVID-19 could stop them from also working on exciting research projects this summer. These projects range from Canada's new self-defence law and the rule of law to climate change and economic globalization – and several of them address legal challenges arising from the coronavirus.

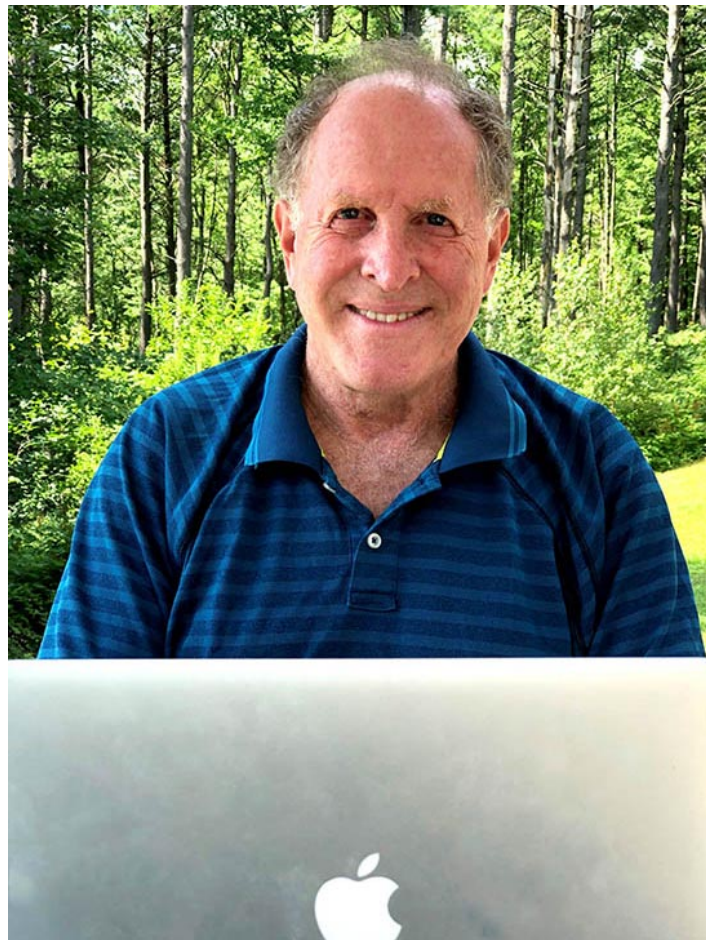
Here is just a sample of their latest work.

**Dean Mark Walters** put the final touches on his book, *A.V. Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind*, which will be published in October by Cambridge University Press. He also completed a chapter examining the “Oka Crisis” of 1990 from a legal perspective. This chapter will appear in the *Canadian State Trials* series published by the Osgoode Society for Canadian Legal History.

**Professor Martha Bailey** taught Contract Law at Laval University and wrote a paper, “Developments in Family Law,” for the *Supreme Court Law Review*.

**Professor Nick Bala** gave webinar presentations to lawyers, judges, and mental health professionals in Ontario, across Canada, and internationally on: the COVID-19 shutdown and urgent family orders; children resisting contact and parental alienation; and the use of the Ontario Parenting Plan Guide. He also worked on two published, co-authored casebook projects: a new edition of the *Contracts* casebook (LexisNexis), being published this month; and the next edition of the *Family Law* casebook (Thomson), with Professor Mary-Jo Maur and fellow Queen's Law grad (now a Western Law professor) Claire Houston, which will be published next summer. In addition, he made progress on projects and articles on high-conflict separations, including domestic violence issues; the role of children in family cases; and access to family justice, including the contentious family law paralegal issue.

**Professor Kevin Banks** wrote an article on the purposes of labour chapters in free trade agreements; planned and organized upcoming workshops and panel series on the Supreme Court's decisions in *Vavilov v. Canada* and *Uber v. Heller* (jointly with Professors Josh Karton and Alyssa King), and on reopening workplaces during the COVID-19



Professor Nick Bala works on a family law project using his laptop in his summer office.

pandemic. He also participated in an online panel on the *Uber* decision hosted by the *Canadian Journal of Commercial Arbitration*, initiated a literature review on the impacts of economic and technological change on working conditions, and prepared a presentation to the Queen's International Institute on Social Policy on gaps in workplace law.

**Professor Benjamin Ewing** has been working on an article entitled “Affirmative Action in Criminal Justice.” In it, he argues that disadvantaged offenders who have lacked a fair opportunity to avoid criminal wrongdoing should receive mitigated sentences as a form of compensatory “affirmative action.” Another work, which is in an earlier stage of development, will consider whether the state may lack the moral standing to blame offenders who have faced criminogenic injustice at the state's hands.



Professor Les Green works on a legal theory project from his garden in Oxfordshire, U.K.

**Professor Les Green** wrapped up a year's sabbatical from Queen's and Oxford, spent mainly in Toronto. He wrote a book, *The Germ of Justice*, to appear in 2021, and co-edited another, *Oxford Studies in the Philosophy*, vol IV, with Brian Leiter. His article, “Feminism and the Analytic Jurisprudential Mind” (which began as a Queen's “work in progress”), was published in the *Modern Law Review*, and another, “Positivism, Realism, and the Sources of Law,” in *The Cambridge Companion to Legal Positivism*. His blog, *Semper Viridis*, was a site of lively discussions about COVID, free speech, and more.

**Debra M Haak**, PhD'19, joined Queen's as a Post-Doctoral Fellow in July. Her research project, “Not All Women: Individual and Group Rights Under the Canadian Charter,” considers the decisions in the first two constitutional challenges to Canada's new criminal prostitution laws to critically examine how the courts contend with conflicting claims about how to protect women's rights. Most recently, she completed an article on the limits of empirical evidence about prostitution, sex work, and sex trafficking in Canada and is finishing up an article

that considers the use of reasonable hypotheticals in Section 7 *Charter* cases. Her research is funded by the Queen's Research Opportunities Fund and is supervised by Professors Lisa Kelly and Bev Baines.

**Associate Dean Josh Karton**, Managing Editor of the *Canadian Journal of Commercial Arbitration (CJCA)* that officially launched in June, edited every article in the inaugural issue. He also organized and moderated the two successful webinars that the CJCA hosted. In another ambitious editing project, he began serving as General Editor of *Kluwer Arbitration Practice Plus*, a new online compendium of practical guidance on every aspect of international arbitration practice. In addition, he continues to oversee graduate studies and research for Queen's Law.

**Professor Alyssa King** worked on several articles and on revamping her classes for online delivery. She has enjoyed virtual meet-ups with civil procedure colleagues from the U.S. and Canada and has been on several panels discussing developments in arbitration law. Stay tuned for a series of workshops on *Uber v Heller*, jointly sponsored by the Center for Law in the Contemporary Workplace and the *Canadian Journal of Commercial Arbitration*.

**Professor Erik Knutsen** published a new version of his American insurance law casebook, *Principles of Insurance Law* (5th edition), with co-author Jeff Stempel. He is also working on the next edition of co-authored civil procedure casebook *The Civil Litigation Process* (9th edition), as well as updates to his insurance law treatise *Stempel & Knutsen on Insurance Coverage*.

**Professor Nicolas Lamp** and his co-author, Professor Anthea Roberts of Australian National University, finished the manuscript of their book *Winners and Losers: Narratives about Economic Globalization*, which is scheduled to be published in 2021.

**Professor Mary-Jo Maur** has been working on two projects from her home office located in “the wilds of Odessa, Ontario,” after getting up early each day to ride her beloved horses. In addition to co-authoring a new edition of the *Family Law* casebook with Professor Bala and with Western Law professor Claire Houston (noted on page 10), she has been writing a paper on tort claims in family law ►





Professor Mary-Jo Maur with her “COVID hair” works on a family law project from her home office in Odessa, Ontario.

cases that is proving to be “really interesting and challenging.”

**Professor Cherie Metcalf** started her research sabbatical, published a co-authored empirical article on the effectiveness of fines vs. social norms for enforcing rules in the *International Review of Law & Economics*, and had a co-authored paper accepted at the *Northwestern University Law Review* that used lab experiments to test the deterrent effect of tort law. With recent grants from the Social Sciences and Humanities Research Council and the Canadian Foundation for Legal Research, she worked with “wonderful Queen’s JD students” as RAs this summer on a new project on climate change. She will present related work this fall in a “Virtual Law & Economics” seminar series co-hosted by Florida, Michigan and Virginia Law.

**Professor Patricia Peppin** wrote a paper on the constitutional position of physicians’ conscientious refusals to provide effective referrals for health care in such cases as medical assistance in dying (MAID) and abortion, in relation to patients’ rights and equitable access to health care. She has also carried out research on vaccine refusals in North America, looking particularly at the rationales given for permitting such refusals of vaccines, for children and adults, in the context of the community’s interest in herd immunity.

**Professor Darryl Robinson** completed a monograph with Cambridge University Press, *Justice in Extreme Cases: Criminal Law Theory Meets International Criminal Law* (2020). The book has already been the subject of a symposium of leading North American scholars in the field. He also wrote about environmental crimes as crimes against humanity, and in May, he completed a PhD on criminal law theory and command responsibility at Leiden University in the Netherlands.



Professor Darryl Robinson, from his Kingston home, presents his PhD defence remotely for Leiden University in the Netherlands.

**Professor Don Stuart** completed the eighth edition of *Canadian Criminal Law: A Treatise*. He also continues editing two publications issued every three weeks: the Criminal Reports and the NJI Criminal Essentials eletter for 1,300 judges.

**Professor Grégoire Webber** completed a chapter on opposition for the *Cambridge Handbook of Constitutional Theory*, jointly published an authors’ reply in a book symposium devoted to his jointly authored *Legislated Rights* (CUP 2018, pb 2019) published by the *Jerusalem Review of Legal Studies*, reviewed the proofs of his 2019 Chevette-Marx Lecture to be published as *Droits et droit* by Les Éditions Thémis, published “The duty to govern and the Rule of Law in an emergency” in the open-access volume *Vulnerable: The Law, Policy, and Ethics of COVID-19* (University of Ottawa Press, 2020), drafted and submitted an article defending an interpretation of the Charter’s notwithstanding clause that does not preclude judicial review, and continued to work on his manuscript on human goods and human laws.

**Professor Jacob Weinrib** published an article in the *Oxford Journal of Legal Studies*. His forthcoming articles will appear in the *Supreme Court Law Review*, *Modern Law Review*, and *Jurisprudence*, which is hosting a symposium on his book, *Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law*.

**Professor Noah Weisbord** and his student research team conducted a study of every self-defence appeal case under Canada’s new self-defence law in order to determine how the law has been interpreted and

applied and whether it is indeed as vulnerable to capricious application as Florida’s notorious “Stand Your Ground” law. This research has been submitted for law review publication and is intended to assist the Supreme Court of Canada in deciding an important new self-defence appeal case, *R. v. Khill*. He also served as an advisor on the *Council of Advisers on the Application of the Rome Statute to Cyberwarfare*, finalizing a report that will help states understand how international criminal law applies to cyberwar.

**Professor Robert Yalden** finalized an article, forthcoming in the *Canadian Business Law Journal*, on the regulation of defence strategies in mergers and acquisitions transactions. He also completed a review of David Kershaw’s *The Foundations of Anglo-American Corporate Fiduciary Law* (2018) and is working on an article comparing amendments introduced into Quebec’s corporate law in 2010 to facilitate the use of sole shareholder corporations with simplified corporation models seen in several Latin American countries. His other projects included hosting a roundtable discussion with other Canadian corporate law academics on current issues in Canadian business law and adapting Business Associations and Structuring Business Transactions courses for online teaching.



Professor Noah Weisbord, on a canoe trip in La Verendrye Park, Quebec, prepares to avoid a portage by going through a culvert.



Professor Yalden researches his latest corporate law project from his home office.



# Former Queen's Law Dean turns online experience to Alberta's advantage

"Turning challenges into strategic transformation." These five words could have described Bill Flanagan's mandate as Dean of Queen's Law during his historic 14-year tenure in the role from 2004 to 2019.

It isn't a piece of law school history, however: it's the call to action of the "U of A for Tomorrow" [website](#), which details new University of Alberta President Bill Flanagan's plan to move the university from deep budget cuts and COVID-driven instability to a new position of consolidation and strength.

Having assumed the role of President on July 2, Flanagan credits his time at Queen's Law as having prepared him for a new challenge. "The University of Alberta has had a \$110 million cut to its budget this year, with another \$106 million in cuts coming in the next two years," he said upon assuming his new role. "With uncertainty around international enrolment arising from COVID, there are also concerns about the impact this may have on tuition revenue this fall. We need fundamental systemic reform and profound change that will not only address the university's current funding crisis but put it in a stable position to build and enhance on how the university delivers its mission and vision."

His approach, which prioritizes structural thinking and using digital technology to boost teaching and learning, carries forward his work at Queen's Law.

"Queen's Law prepared me by teaching me how to make the most of digital technology and social media – I'm going to be the first president at U of A with a Twitter account!" he said. "One of the signatures of my time as Dean was the transformation of the law school in several ways. We invested in digital within the law school, adding new classroom tools and capacity for teaching and learning, including moving our first-year Introduction to Legal Skills course into a blended model of online and classroom education.

"We moved beyond the JD program to other areas: using the online Certificate in Law to make legal learning accessible to undergraduate students and lifelong learners nationally, building the online Graduate Diploma in Legal Services Management to train legal professionals with key business skills, and establishing the online Graduate Diploma in Immigration and Citizenship Law, which will provide training to immigration consultants."

Flanagan will be drawing on other Queen's Law experiences as well, as he moves to stabilize and revitalize one of Canada's leading universities. "The challenges are similar, even if the scale is different – I moved from a fairly small law school to a university with almost 40,000 students, 15,000 employees and a \$2 billion budget," he says. "But regardless of size, it's a similar model of collegial governance where you have to be mindful and respectful of stakeholders while making changes. At Queen's Law, I was deeply interested in finding new opportunities in the digital and online space, and all of these opportunities are equally available to the University of Alberta. Connections to students, alumni, faculty and staff, and sensitivity to the unique issues in the university environment, are all essential to success in the role. While the scale is different, Queen's was where I acquired these skills, and gave me a great platform on which to build."

As an Alberta native, this appointment was also a homecoming – and at a university with strong historic ties to Queen's. "The outgoing President, David Turpin, is a Queen's alumnus and was both the Dean of Arts and Science and later Queen's Vice-President (Academic)," Flanagan said. "Another past president, Rod Fraser, was an economics professor at Queen's. So in many ways, this is a way of continuing these strong connections between Queen's and U of A, and I'm looking forward to taking what I have developed at Queen's Law and putting it to use to the benefit of one of Canada's truly great universities."



Bill Flanagan, former Dean of Queen's Law, has begun his term as President and Vice-Chancellor of the University of Alberta. Standing beside the Sweetgrass Bear sculpture on the U of A campus, he is proudly wearing a gift from the Queen's Law Dean's Council. The gift, a Manitobah Blanket by Pendleton Canada, reflects the commitment of Queen's Law and the U of A to truth and reconciliation and indigenization.



# Professor Imseis and his UN colleagues release report on the ‘worst humanitarian crisis in the world’

“This situation should shock the conscience of humanity.” These are the words used by Professor Ardi Imseis to describe findings in a new report about the war in Yemen. On September 9, he and his colleagues who serve on the UN Group of Eminent International and Regional Experts on Yemen, issued an advance copy of their report, [“Yemen: A Pandemic of Impunity in a Tortured Land.”](#)

One of the Arab world’s poorest countries, Yemen has been embroiled in a multi-party civil war since 2014. The Group reports that it has a reasonable basis to believe that all parties to the conflict have violated and continue to violate international human

rights law, international humanitarian law and other areas of international law.

Covering the 12-month period from July 2019 to June 2020, the Group of Experts found that “all parties continue to show no regard for international law or the lives, dignity, and rights of people in Yemen.”

According to the report, the Yemen “war continues with no end in sight for the suffering millions caught in its grip. Whether through ongoing airstrikes, the crippling blockade, indiscriminate artillery attacks, impeding humanitarian relief supplies and access to food and healthcare, harm from landmines, arbitrary detention, torture and enforced disappearances,

widespread displacement, assaults on civil society and minorities, recruitment and use of children, gender-based violence, and endemic impunity, Yemen remains a tortured land.”

“Having meticulously documented the horrible toll this war has taken, it is now impossible for anyone to say, ‘we did not know,’” says Imseis. “The Group reiterates the urgency for the parties to reach a comprehensive ceasefire and achieve a sustainable, just and inclusive peace. Parties must immediately take steps to cease the ongoing violations and prevent new ones, as well as undertake to hold perpetrators accountable and ensure the realisation of victims’ rights to reparations.”

Among the key findings of the Group of Experts is that “third states have helped to perpetuate the conflict by continuing to supply the parties with weapons.” These third states are the United Kingdom, France, Iran, the United States, and Canada. “This year we added Canada because there has been an uptick in arms sales by Canada in 2019,” says Imseis. “We therefore reiterate our call for states to stop transferring arms to the parties to the conflict.”

With respect to accountability, after repeatedly calling for relevant authorities to promptly investigate alleged violations and to prosecute those responsible in line with international obligations, the Group of Experts is not aware of any trials that have been completed related to violations that it has documented and it stressed the need to provide effective remedies for victims.

In another key recommendation, the Group of Experts call on the international community to take further initiatives to help bridge the acute accountability gap. In particular, they call on the Security Council to integrate the human rights dimensions of the conflict in Yemen more fully into

its agenda and to ensure there is no impunity for the most serious crimes by referring the situation in Yemen to the International Criminal Court and expanding the list of persons subject to Security Council sanctions.

To ensure the human rights situation in Yemen remains on the Human Rights Council’s agenda, the Group of Experts call on the Council to renew their Group’s mandate and to ensure they have the resources to effectively deliver their its mandate, which includes collecting, preserving and analysing information related to violations and crimes.

Read more about the Group of Experts’ report:

[“Canada is fuelling war in Yemen with arms sales, UN report says,”](#) published in the Globe and Mail.

[“Fresh war crimes fears highlighted in new Yemen report,”](#) published in the UN News.

[“Possible War Crimes in Yemen Fueled by Arms Flows From West, Iran: U.N.,”](#) published in the New York Times.

[“Yemen ‘pandemic of impunity’ must end: UN war crimes experts,”](#) published in France 24.

[“Yémen: tous les acteurs à nouveau responsables de crimes de guerre,”](#) published in RTN.

[“UN: Houthi rebels in Yemen recruited teenage girls,”](#) published in Al-Jazeera.

The UN Group of Eminent International and Regional Experts on Yemen presented the final report officially to the UN Human Rights Council on September 29.

Read the [UN Human Rights Council’s press release](#) and the [Group of Experts’ official report](#) released on September 29.

Watch a video of the interactive session on [UN Web TV](#).



Professor Ardi Imseis and his colleagues who serve on the UN Group of Eminent International and Regional Experts on Yemen, have issued an advance copy of their latest report, [“Yemen: A Pandemic of Impunity in a Tortured Land.”](#) The Group reiterates the urgency for the parties to reach a comprehensive ceasefire and achieve a sustainable, just and inclusive peace, and reiterates its call for the U.K., France, Iran, the U.S., and Canada to stop transferring arms to the parties to the conflict.



## Queen's panel series explores safe and equitable re-opening of workplaces

As more and more indoor businesses and public institutions have opened their doors following the COVID-19 shutdown, what strategies are needed to ensure the reopening is safe and sustainable? Should immune workers enjoy access to work opportunities not available to others, or be relieved of screening, distancing or other requirements? How far can employers go in requiring employees to disclose information about infection risks, and to adhere to public health guidelines? These are just three of many questions an interdisciplinary team of experts are discussing in an online panel series this fall.

"The pandemic has presented numerous challenges for workplace law and policy," says Professor Kevin Banks, Director of Queen's [Centre for Law in the Contemporary Workplace](#) (CLCW). "We're delving into the nature of such challenges facing employers, workers, unions, and government policy-makers, as well as into appropriate responses."

To do this, the CLCW and Queen's Employment Relations Program are co-hosting the panel series "COVID-19, Workplace Law, and Workplace Policy."

The first session, "Reopening Safely – Preventing Novel Coronavirus Transmission at Work," took place via Zoom on September 25.

"Research is beginning to indicate that COVID-19 may be transmissible through aerosol water droplets that are emitted simply by speaking, and that can remain suspended in the air long enough to circulate," says Banks. "It also appears that there is currently no cost-effective way to screen workers for infection before they enter the workplace."

These findings prompt employers, workers, and policy-makers to ask a variety of questions: Who is likely to be most at risk? Will two-meter distancing and the use of barriers and masks be enough? How should responsibilities and costs associated with reopening be divided between employers, workers, and governments?

A panel of researchers and practitioners in law, public health, industrial relations, philosophy, and other fields considered a range of topics that included how the risks of aerosol transmission in an indoor workplace can be mitigated; what information about infection risk employers should provide to workers; what legal and institutional supports does a healthy worker culture need in order to prevent COVID-19 transmission; and where and how regulators and policy-makers should focus initiatives to ensure prevention of the spread of the novel coronavirus at work.

The next panels in this series are titled:

"Reopening Equitably;"

"Getting the Balance between Safety and Privacy Right during the Pandemic;" and

"Towards a Principled and Evidence-Based Approach to Protection of Essential Workers."

For more information on these upcoming panels, with dates to be determined, please visit the [CLCW website](#).

As with the first panel, a "pay as you can" registration portal will be set up in support of the Centre for Law in the Contemporary Workplace. Any donation is appreciated but not necessary to attend. All funds collected will be applied directly to CLCW research and programs.

Practitioners who attend any of the panel series will be eligible for Continuing Legal Education credit.

*In the panel series "COVID-19, Workplace Law, and Workplace Policy," experts are exploring such topics as preventing the novel coronavirus transmission at work, reopening equitably, balancing safety and privacy rights, and moving towards a principled and evidence-based approach to protecting essential workers.*

## What difference will Vavilov make?

### Views from workplace law and beyond

Friday, October 16, 1-4 pm EDT

The Supreme Court of Canada's decision in *Canada (Minister of Citizenship and Immigration) v. Vavilov* is the most important ruling on judicial review of administrative tribunal decisions in a generation. It stands to affect all aspects of the practice of labour and employment law, and of many other fields as well.

This workshop will bring together leading administrative lawyers, both academics and practitioners, and from within and outside of the field of labour and employment law, to put this landmark decision into perspective.

Speakers will consider both legal context and concrete implications, focusing on the standard of review, the role of expertise in determining the amount of deference that courts will afford administrative tribunals, and the extent to which tribunals must now provide reasons for decisions.

Attendees can expect to come away with deeper insight into the implications of *Vavilov* for their field of practice or research. The workshop will be eligible for Continuing Legal Education credit.

#### Panel 1: Reasonableness review post-Vavilov: an encomium for correctness, or deference as usual?

Professor Emeritus David Mullan, LL.M.'73, Queen's Law  
Steven Barrett, Goldblatt Partners  
Mark Contini, Law'78, Mathews Dinsdale  
Moderator: John Evans, Goldblatt Partners

#### Panel 2: Expertise and the standard of review

Professor Finn Makela, University of Sherbrooke, Faculty of Law  
Professor Sharry Aiken, Queen's Faculty of Law  
Lindsay Lawrence, Ontario Labour Relations Board  
Moderator: Professor Jacob Weinrib, Queen's Faculty of Law

#### Panel 3: Review and reasons

Professor Paul Daly, University of Ottawa  
Anne Marie Heenan, Law'13, Rae, Christen, Jeffries  
Linda Rothstein, Paliare Roland  
Jeffrey Sack, Jeffrey Sack Law  
Moderator: Carol MacKillop, Law'94, MacKillop Law

Register Now!

Registration is free.

Donations to the [Centre for Law in the Contemporary Workplace](#) are appreciated.



# Graduate Diploma in Immigration and Citizenship Law marks a new era for Queen's Law

The journey to reinvent the training and education of Canada's immigration consultants has been a two-year path at Queen's Law. It culminated on June 11 with the launch of the [Graduate Diploma in Immigration and Citizenship Law](#). As of August 1, this two-term, nine-course online program was the only English language pathway for Canadians who want to become Regulated Immigration Consultants.

Above and beyond a rethinking of how Canadian immigration consultants are educated and trained, it's been a labour of love for Academic Director Sharry Aiken. And, in some respects, the culmination of her professional journey.

"Before my appointment to Queen's Law, I had worked in community development in Asia and Latin America, and in northern Ontario. I learned through that experience that community partnerships are key to success," she says.

Today, Professor Aiken is one of Canada's most respected experts in immigration and refugee law. For the past two years, however, the development of the Graduate Diploma in Immigration and Citizenship Law has been one of her key focuses.

"The national regulator had contacted us through a Queen's Law graduate for our input on their education program," she explains. "The regulator itself was in transition at the time, and under the leadership of its new CEO we opted to submit a bid in a competitive process to become the English-language provider of a completely revamped diploma program for immigration consultants."

That bid – buoyed by the Faculty's success in the creation and launch of its national online Certificate in Law program – was successful. The Immigration Consultants of Canada Regulatory Council – the national regulatory body behind Canadian immigration consulting – announced the law school's successful bid on May 1, 2019. Since that date, Aiken has been building the program with both internal and external experts involved in its construction.

"Stakeholder engagement is pivotal to success – you need the support of the people whose lives your work affects to be effective," she says – speaking to a core philosophy behind the program's design and development. "Even before the ink dried on our successful bid for this project, I set about building a credible national advisory committee. It is representative of the regions of Canada, the kinds of work that consultants do, and gave practitioners and the legal community a direct channel in the development of the program – particularly important given concerns the bar has about the sector."

The committee, she points, out, is not just window dressing, but a hard-working and vital part of the program's development. "Members are very involved with regular meetings, direct input on program policy, and providing support in relation to the broad strokes of curriculum development.

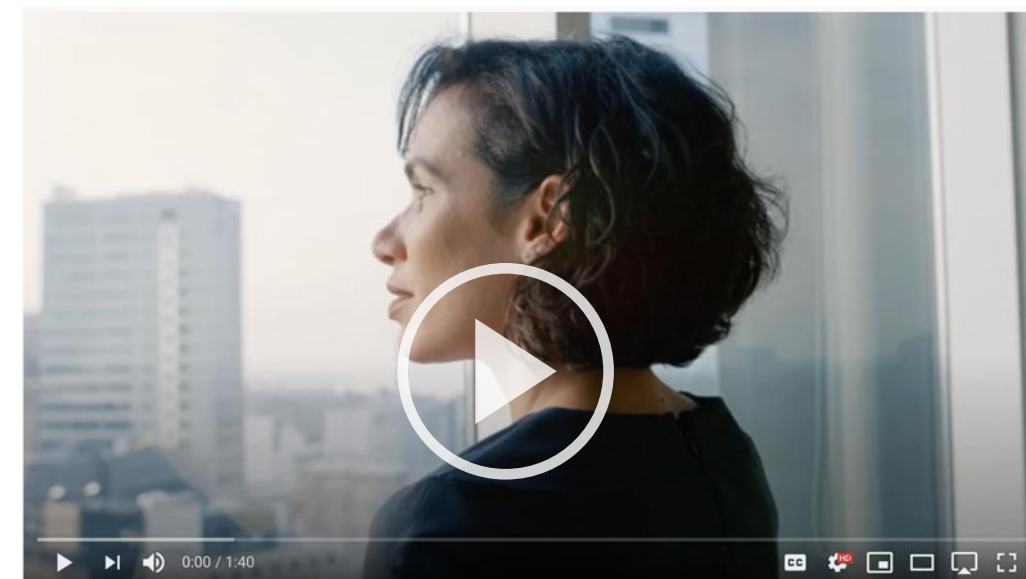
"As a past student, a sole practitioner, and an immigrant, I enjoyed sharing my perspectives and knowledge in the development of the program," says Ivory Xi, a Regulated Canadian Immigration Consultant living in Victoria, B.C., and part of the National Advisory Committee. "Professor Aiken's approach organized us into a national team, contributing to this program by bringing our diverse skills and experience into play."

Building a program to meet the diverse needs of immigration consultants required input not only from coast to coast, but from around the world. "As part of the process for submitting our bid to become the English-language provider of this program, we conducted an environmental scan of programs in Canada and similar jurisdictions such as Australia, New Zealand and Great Britain," Aiken says. "Some of these jurisdictions were well ahead of the curve with a more sophisticated approach to competency-based education. The existing diploma programs in those jurisdictions, as well as my own experience as an immigration and refugee lawyer, helped us identify gaps in Canada's prior approach to training consultants."

The result is a program that puts equal emphasis on practical skills and academic knowledge. "That equal focus is what distinguishes us from prior programs," Aiken says. "Skills have to be equal components with content knowledge, and both have to be integrated, practised and assessed in the program, woven into every course and evaluated."

So how does this weaving happen? Creating an online program that combines pedagogical excellence with input from advisors and program developers poses its own challenges. Fortunately for the law school, these are challenges it was poised to face. "Over the course of the past few years, Queen's Law has invested in building a teaching and learning team composed of education experts, course developers, and multimedia designers," says Laura Kinderman, Assistant Dean, Education Innovation and Online Programs at the law school. "We're working to provide high-quality educational experiences for our students, blending traditional teaching with the latest pedagogical tools for online education."

The Graduate Diploma in Immigration & Citizenship Law is the third Queen's Faculty of Law program to launch online in the last four years, continuing a pattern of growth in education that began under former Dean Bill Flanagan and continues under the Faculty's current Dean, Mark Walters. "Our online programs bring to bear the expertise of national and international legal academics," Dean Walters says. "In addition to one



of the country's leading JD and graduate programs, we now have an array of online programs that provide legal education to people of all walks of life. Access to justice is a key value at Queen's Law, and our online programs make it easier for all Canadians to access and understand the law."

Access to justice is a vital part of what Professor Aiken sees as the benefits of the program – and only a part of its many benefits. "We're going to be building a cohort of competent, compassionate professionals poised to make a difference in the lives of their clients and our broader community. This program will be a flagship for Queen's Law, in supporting the values that inform all our work at the law school," she says. "I'm very excited to see the project at the cusp of its launch."

"It's been a challenging and rewarding process, but the greatest rewards will be hearing from our future students about their positive learning experiences, and I'm looking forward to that."



# Collaboration of law and psychology needed to address parent-child contact problems

When parents split in a high-conflict separation, children often end up resisting contact with one parent. As the number of these cases has grown, so has controversy about “alienation” and concern about how the family courts around the world should deal with them. Professor Nick Bala, Law’77, and his longtime collaborator, Dr. Barbara Jo Fidler, a clinical developmental psychologist from Toronto, have made a key contribution to promoting dialogue and understanding, and have been recognized for it.

Bringing together views of researchers and practitioners with conflicting perspectives, Bala and Fidler guest-edited “Parent Child Contact Problems: Concepts, Controversies, & Conundrums,” the April 2020 Special Issue of the interdisciplinary *Family Court Review*. Realizing the need for both legal and psychological contexts to be considered in such cases, in the fall of 2018, Bala and Fidler began approaching leading authorities to contribute to the Special Issue. They ended up with 17 articles by leading experts, some by multi-disciplinary teams, from several countries and professional backgrounds.

“Some of the contributors really emphasize ‘alienation’ is due to the influence of the favoured parent, often but not always the mother, in promoting rejection of the other parent,” says Bala.



Professor Nick Bala and his collaborator Barbara Jo Fidler, are recipients of an international family justice organization’s top award for their work on promoting dialogue on the highly controversial topic of parental alienation.

“Others argue that ‘alienation’ is not even a reliable concept, and that children’s resistance to contact is usually the result of abuse or at least poor parenting, and minimize the influence of favoured parents.”

He notes that it was a challenge to get all of the contributors to agree to contribute to a single journal. To promote dialogue, Bala and Fidler asked those with conflicting views to read one another’s work and write a series of responses that appear in the Special Issue. Bala observes that “these cases have profound effects on children and parents, and those who work with them are deeply committed, sometimes to differing perspectives.” The contributors all had strong views, and there was a need for careful editing, including toning down rhetoric and seeking clarifications and clarity.

“Our goal is to increase knowledge and promote discussion about how to better understand and respond to these most challenging cases,” says Bala, “as well as to identify areas where there is uncertainty, controversy and the need for further dialogue and research.”

In recognition of their “incredible editorial work,” Dr. Matthew Sullivan, President of the Association of Family and Conciliation Courts (AFCC), selected them for this year’s AFCC President’s Award. “Nick Bala and Barbara Fidler are the model of an interdisciplinary partnership that was essential to this monumental task,” says Sullivan. “They brought the respect of their respective professional groups, the recognized expertise from their legal and mental health disciplines, the mutual trust and admiration they have for each other and the editorial skills to elevate the quality of the scholarly debate of such a polarizing issue for families and the courts.”

Bala and Fidler accepted their award via the Zoom meeting platform on May 28 at a meeting of the AFCC, a 5,000-member international organization of family justice professionals and researchers.

# Experts examine Supreme Court’s game-changing judicial review rules

What do Bell Canada, the National Football League and Canadian-born children of Russian spies have in common? They form a trilogy of administrative law appeals, Bell-NFL-Vavilov, in which the Supreme Court of Canada (SCC) formulated a new framework to apply whenever the substance of an administrative decision is challenged in court. On March 9, before COVID closed campus, a panel of Queen’s Law experts dissected the trilogy in an event called “Vavilov at First Sight.”

Before 120 students and faculty in a Queen’s Law classroom and hundreds more via Facebook Live, Professor Emeritus David Mullan, LL.M.’73, provided a magisterial overview that contextualized the trilogy in the long arc of Canadian administrative law. He began by introducing the cases that have attracted much media attention.

“Vavilov featured the world of international espionage,” he said. “It involved the Canadian Registrar of Citizenship’s revocation of citizenship of a Canadian-born son whose parents, at the time of his birth, were spies from Russia operating in Canada.”

Bell Canada, he continued, was “a matter of great controversy among football lovers across the nation for as many as 40 years. Should the Canadian Radio-Television and Telecommunications Commission allow Canadian media...showing football’s Super Bowl to actually delete the wonderful American

commercials that we all look forward to and substitute for them bland Canadian advertisements? Horror and disbelief are how the world of football greeted this rule.” The CRTC reacted by stopping the practice and the legitimacy of it doing so that was an issue.

Dean Mark Walters, Law’89, explained the relevance of the distinction between statutory appeals and judicial review.

Professor Colin Grey explored the ramifications of the SCC’s approach to expertise.

Queen’s Prison Law Clinic staff lawyer Paul Quick, Law’09, focussed on the dangers of deference within the prison law context and suggested that the trilogy may provide greater protection to vulnerable persons subject to administrative discretion.

Professor Sharry Aiken questioned the courts’ divergent approach to deference in the procedural and substantive domains of administrative law.

Finally, Professor Jacob Weinrib offered a framework that explains the central disagreement between the majority and dissenting judgments in the trilogy and why that dispute matters.

Watch the video of the panel that took place before the COVID campus closure and find out exactly what Queen’s Law experts have to say about the SCC rulings that have changed administrative law in Canada.



Watch a panel of Queen’s Law experts – Professor Emeritus David Mullan, Dean Mark Walters, professors Jacob Weinrib and Colin Grey, Queen’s Prison Law Clinic staff lawyer Paul Quick and Professor Sharry Aiken – explore different aspects of the SCC’s judgment in Bell/NFL/Vavilov on March 9.



# International Women's Day conference explores Indigenous law and gender issues

The Wet'suwet'en pipeline dispute, reflections on Missing and Murdered Indigenous Women and Girls (MMIWG), and the stereotypes faced by Indigenous peoples, particularly women, were all topics of discussion at the Feminist Legal Studies Queen's Conference 2020.

The annual two-day conference, which takes place around International Women's Day, brought together approximately 60 legal and multi-disciplinary scholars and activists on March 6 and 7.

The conference began with a keynote address by Professor Val Napoleon, Law Foundation Professor of Aboriginal Justice and Governance. Napoleon – who teaches Indigenous Lands, Rights and Governance at the University of Victoria, where she established and manages the Indigenous Law Research Clinic and combined Indigenous JD/JD program – came to campus as a Queen's University 2019-2020 Principal's Development Fund Visiting Scholar.

Napoleon's unique presentation, titled "Indigenous Women Talking: The Work of Indigenous Feminisms in the World," was divided into five stories that look at contemporary Indigenous law and gender issues and reflections based on her predictions of what will come in the next few decades.

Her discussions on the Wet'suwet'en dispute delved into how Indigenous laws are formed, and how colonialism has impaired the existing Indigenous legal structures from resolving the conflict.

"Indigenous legal orders require civility toward one another, including those we disagree with, and when they break down, we have war," Napoleon said. "There's a need to work on rebuilding

relationships between Wet'suwet'en groups and a need for hard conversations without imposing stereotypes and judgement."

The reflection on the current conflict was counterbalanced by another story of Napoleon's – this one an imagined conversation between two Indigenous law professors many decades in the future. She used the story to note the simplicity that is sometimes attributed to Indigenous people.

"What I hate is the assumption we can only be one thing at a time," Napoleon said, giving voice to one of her characters. "It is frustrating and it is exactly what leads to us being conflated to the simple, lacking any depth or complexity...[People] assume that I [as an older Indigenous woman] am always agreeable, that I will support whatever they are doing, that I am only interested in the spiritual, and that I don't think critically or independently."

Another pair of Napoleon's stories focused on the importance of Indigenous feminisms to the law and the concept of legal personhood, and increasing the representation of women in the law and academia, in light of the increased attention around MMIWG; and on Indigenous male privilege and its consequences for Indigenous women.

To close her presentation, Napoleon provided a brief overview of her work supporting Indigenous communities in building, or rebuilding, their legal systems. Napoleon engages many Indigenous communities on legal projects around questions of water, land, human rights, governance and child welfare, to name a few topics.

"When we work with communities on questions of law that they have chosen, we have to consider the sources of law," she says. "They don't have law libraries...but we can look at what gives law

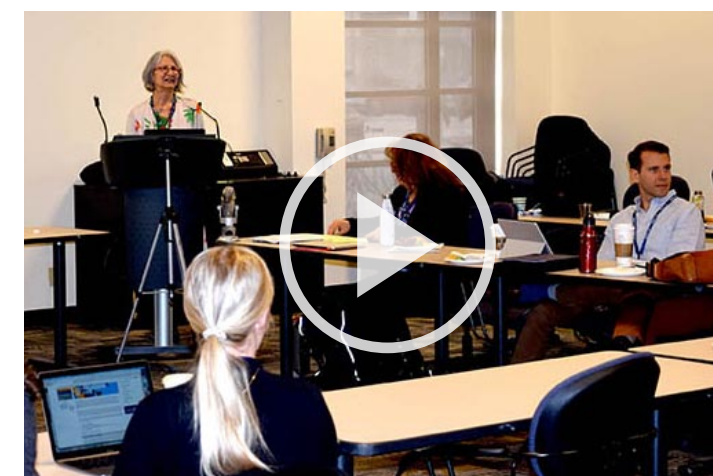


Before delivering the keynote speech at this year's Feminist Law Studies at Queen's conference on March 6, Professor Val Napoleon of the University of Victoria participated in a coffee chat with students and faculty about the work of Indigenous feminisms in the world.

authority in different situations. It can be slow, iterative and hard work involving as many as 60 oral histories per legal problem."

The 2020 FLSQ Conference agenda also included several other presenters speaking on Indigenous rights, as well as sustainability, gender equality and inclusion, elaborating on and imagining how to actualize the United Nations' theme for 2020 International Women's Day: "An equal world is an enabled world."

— PHIL GAUDREAU



Watch FLSQ keynote speaker Professor Val Napoleon present "Indigenous Women Talking: The Work of Indigenous Feminisms in the World." She divides her talk into five stories that look at contemporary Indigenous law and gender issues and reflections based on her predictions of what will come in the next few decades.



# King keeps Canadians up to date on COVID's impact on courts

As provincial courthouses began closing doors to all but emergency cases and moving matters online, it became increasingly difficult for anyone needing, providing or studying court services to keep up. **Professor Alyssa King** came up with a solution to track and archive the different COVID-related changes to court and alternative dispute resolution (ADR) procedures in each jurisdiction.

"I want to help people trying to respond to the procedural emergency that follows from the public health emergency," she says "and I hope that our team can contribute to the global effort to document this extraordinary period for justice systems around the world."

King's idea came about in mid-March when she was teaching her Civil Procedure class. "Courts at various levels in many provinces were continuing to run at least partially on paper documents, but they started expanding their ability to work with electronic documents and hold hearings remotely, so they could continue operating," she says. "Some provinces also suspended the statute of limitations."

"I started posting things to my course website as the original changes were coming out," she adds. "I quickly realized that the information was useful to people beyond students in my course. I mentioned the idea on 'civ pro' Twitter (#civpro) and a bunch of other people seemed interested."

To reach a broader audience and do it quickly, she called her colleague, Professor Samuel Dahan, Director of the Conflict Analytics Lab (CAL). "Samuel has done work on online dispute resolution mechanisms that may be useful to institutions that need to move online and handle volume with staff working at less than 100 per cent," she says. Dahan and the CAL were already busy with MyOpenCourt, a platform to help people connect to pro bono help with employment disputes. Still, "Samuel was immediately in, and willing to put a portion of the Conflict Analytics website at my disposal."



ANDREW VAN OVERBEKE

*Professor Alyssa King came up with a way for Canada to contribute to global efforts in documenting COVID-19's effect on justice systems around the world. She launched a "COVID and the Courts" web page to track and archive the different COVID-related changes to court and alternative dispute resolution procedures in each Canadian province and territory.*

That portion is the "**COVID and the Courts**" **webpage**, aptly positioned within the CAL's site.

The Conflict Analytics Lab has been looking at ways to use big data to predict dispute outcomes and to use online tools to guide litigants. "There's a fit between the lab's use of online methods to help people access justice, and the needs of courts and ADR providers that are trying to keep functioning during a pandemic," King explains. "Many problems related to access exist across different types of public and private institutions and they can learn a lot from each other."

Having said that, King finds the needs of courts and ADR providers are distinct in some respects. "Courts are supported by and representative of the

state," she says. "Their mandate is not just to resolve disputes, although they do a lot of that, but to create outcomes that comport with the law or with shared understandings of justice. Because Parliament needs the ability to identify and react to problems in how the current law works and because courts build up a body of precedent, judicial actions need to be open to public scrutiny in a way that is not true of all ADR providers. That adds another piece to the access puzzle. It's hard enough to assemble the judge, lawyers and parties, but courts also need to find ways to let the public in."

Once her web presence was secured, King assembled her team. "I asked my Civil Procedure students if anyone was interested in working on the project," she recalls. "Paul Burry (Law'21) immediately said yes. I then remembered that Carlos Faustino (Law'21), a student in my Contracts class the year before, had told me he was interested in work related to human rights. The ability of our courts to function will have significant impact on the rights of Canadians. Carlos was in."

King has a few audiences in mind for the "COVID and the Courts" web page. "I'd like it to be useful to people working in and around courts, including court staff and lawyers who want to compare what is happening in other jurisdictions, and to journalists," she says. "I also hope to document what is going on in Canada for other researchers as we try to make sense of procedural evolution that may come out of this period."

"I'd love to host posts from other proceduralists and to help direct Canadians to good work done on other jurisdictions, like the work that is being done documenting developments in the U.K. and the U.S.," she adds.

To keep up with the latest developments of the impact of COVID on the courts and to learn more about it, check out Professor King on Twitter (@AlyssaESKing) or the "**COVID and the Courts**" page on the Conflict Analytics site. "We'd love to hear from you!" exclaims King.

— LISA GRAHAM

For more stories on how the Queen's Law community has risen to the coronavirus challenge, read "**Coping with COVID**" in *Queen's Law Reports 2020*.





# E-learning sparks legal imagination

For Professor Mary-Jo Maur, engaging students to learn about law using technology is second nature. Since the undergraduate Introduction to Canadian Law went online in the summer of 2015, she's been adapting various tools for JD students to absorb and apply legal concepts.

Over the 2019-20 academic year, she assigned various types of e-learning projects in three classes giving students the opportunity to present their work creatively.

"My students were excited about presenting their work in different ways," says Maur. "I was most impressed by their ability to synthesize what we had learned in class in a creative format," she says. "Their work is passionate, exciting and hopeful."

So, what were those ways?

Family law students prepared and assembled course work in e-portfolios, aka private websites. "E-portfolios are a cross between a reflective journal and a scrapbook – but all online," she explains. "Students were expected to write short reflective pieces on the material we covered, but also include 'artifacts' (links to websites, videos, journals and any other material they find that is relevant to the course). They were expected to comment briefly on each artifact."

A good e-portfolio also includes visual elements. "The visual elements are meant to explain what students want to say in a way other than words," she adds. "In Family Law, students often include personal details about their own families, and how they view their families after taking the course."

That's not the only use Maur sees for this tech tool. "I am working on helping students create their e-portfolios to assist in their job searches," she says. "There is no reason they couldn't include a link to an e-portfolio as part of their resumes. The portfolios

demonstrate their engagement and creativity in an easily absorbed and creative way."

Students in Maur's Alternative Dispute Resolution (ADR) class completed what she calls an "unessay" assignment. "An 'unessay' is a creative piece, in which students focus on one topic, and present it in a creative electronic form," she explains. "It can be a video, a podcast, an e-journal, a scrapbook – anything they want!"

This past winter term's Legal Ethics students demonstrated their knowledge through the production of e-posters. While Maur's original plan was to display printed posters at a mini-conference with guest speakers in late March, she switched the submission method to electronic in response to the COVID crisis. "I was particularly struck by submissions that not only presented first-rate content but are also visually engaging," she says.

Before becoming Director of the introductory LAW 201 course in the undergraduate Certificate Law Program in 2015, Maur used to teach JD classes in what she calls "a very traditional way, with two-hour lectures and 100 per cent final exams." But she dove right in to discover effective e-learning strategies.

Over the years, Maur has used many e-learning tools, including recorded Camtasia lectures, online tutorials; online *Jeopardy* games as an exam preparation tool, Echo360 and Lecture Capture. That's because she began noticing a few interesting things about student engagement during online lectures.

First, she learned that she needed to have a tight PowerPoint prepared, with her main points clearly delineated. "No one has the attention span to sit through a meandering online lecture," she notes.

Second, she found that students who don't



For an e-learning project in Professor Mary-Jo Maur's Legal Ethics course, students demonstrated their knowledge by producing e-posters like this one about access to justice in Ontario. "I was particularly struck by submissions that not only presented first-rate content but are also visually engaging," she says.

normally put their hands up in class are happy to participate using the chat function in platforms like Zoom or Skype. "I find this so encouraging," she says. "I can support them for participating, and they seem to perceive the risk of texting in an answer to be lower than the risk of putting up their hands and giving an oral answer in class.

"I also find I am able to learn their names faster if I see their names and faces together online," she adds. "The ability to record lectures and comments is also critical. Students have overwhelmingly told me that they appreciate being able to review recorded lectures later."

With LAW 201 students telling Maur they loved developing questions to test course material and then answering those posed of classmates in their online *Jeopardy* teams, she began employing it in her first-year Torts classes as an end-of-term review tool. "Even though it was just for review, everyone showed up, and there was much hooting and hollering!" she

exclaims. "The online *Jeopardy* game program is an excellent review tool for basic concepts."

Acknowledging that instructors couldn't use e-learning in every course or as the sole assessment method, she notes that when it is suitable to assign a project for students to offer their thinking in a different format, they seem to enjoy it.

"While good writing is essential to good lawyering, creativity is important, too," says Maur. "The best lawyers are able to draw on metaphors from other disciplines. It makes them more persuasive as advocates for their clients and allows them to move the law forward in unexpected ways."

Maur is also very proud of the work her students produce. "They come from diverse backgrounds, and it is so exciting to see them synthesizing their previous academic work and their interests with their legal education," she says. "To me, that's how we build great lawyers!"

— LISA GRAHAM



# Career prep tips from three recent law grads

What happens when you put law students in a room with young lawyers specializing in international criminal and human rights law, social justice and litigation? Students get lots of useful ideas on how to navigate legal studies while preparing for a variety of careers in the profession.

Sharing their advice on February 24 at the Five Years Out panel discussion and coffee chats with students were three Law'14 grads:

Melissa McKay, a staff lawyer with Blake, Cassels & Graydon LLP in Toronto, who will rejoin the Office of the International Co-Prosecutor at the Extraordinary Chambers in the Courts of Cambodia (ECCC) in April;

Sheru Abdulhusein, an investigator with the College of Nurses of Ontario in Toronto who also organizes with the Law Union of Ontario, a collective of progressive legal workers and law students committed to advancing social justice; and

Ted Brook, a litigator with Norton Rose Fulbright in Toronto, focussing on class actions, environmental litigation, commercial litigation and regulatory disputes.

"Don't be afraid to take a different path than what you initially planned and figure out a coping strategy for setbacks," said McKay, whose work centres on

the integration of feminist legal theory and international law to better address sexual and gender-based violence in conflict and transitioning societies. In addition to Blakes and the ECCC, this globe-trotting grad has also worked with the International Criminal Tribunal for the former Yugoslavia in The Hague and on issues of constitutional law and gender equality in Nepal, Rwanda and the Philippines.

"You aren't going to get an offer, or even an interview, for every job you apply to, especially early on in your career," she continued. "That is totally normal and okay. Keep your overarching goals in mind, be flexible and look for opportunities that allow you to build relevant skills, even if it may not seem like the most direct route to your dream job. Most importantly, seek out work that you genuinely enjoy!"

Abdulahusein is committed to using feminist and community-centred advocacy to combat all forms of oppression and is passionate about addressing mental health issues within the profession. "As you're navigating all the ups and downs, and twists and turns of law school, try to keep things in perspective," she emphasized. "Remember that you have a life outside of law school. Take as much time and effort as you can to maintain it."

In her first five years since articling, Abdulhusein has worked in government, clinic, and regulatory settings, as a freelance litigator, and at a non-governmental organization in Nairobi, Kenya. She has gained experience in family, administrative, refugee, human rights, constitutional, privacy and sexual violence law.

Brook, who started his career clerking with the Ontario Superior Court of Justice in Toronto, talked about how his interest in legal theory evolved into a passion for litigation and advocacy during his



KELSEY JENNINGS

Law'14 grads Sheru Abdulhusein, Melissa McKay and Ted Brook share advice with students on February 24 about how to navigate legal studies while preparing for careers in a variety of areas such as international criminal and human rights law, social justice and litigation.

clerkship at the largest trial court in Canada. "The mentorship and advice that I received from my judges during that time has been pivotal to my career path," he said. "And they still give me advice today."

He also spoke about making the career transition from a boutique law firm to a global law firm. "Both have pros and cons," he went on to explain. "Working at a small law firm was great for mentorship and training. It taught me the hard skills of litigation. And practising at a global law firm has broadened my exposure to clients, industries and strategies for dispute resolution. I honestly never thought that I would be prosecuting environmental claims or helping public companies navigate complex class actions when I graduated from Queen's Law."

As Abdulhusein put it, "At the end of the day, everything that happens in law school is either an opportunity or a lesson or both."

— LISA GRAHAM



LISA GRAHAM

During their February return to Queen's, Law'14 grads Ted Brook, Melissa McKay and Sheru Abdulhusein caught up with one of their favourite teachers, Professor Darryl Robinson.



# Equality rights students get in-depth look at hot-button issues

LGBT+ rights, race and sex discrimination, and medical assistance in dying are big social justice issues law students want to explore. They're also the specialized research topics of three LLM alumni and a PhD grad who returned to the Equality Rights and the Charter class this term to discuss their work with current students. The guest lecturers were invited by Professor Bev Baines, Law'73, a feminist constitutional expert who taught all four and supervised three of them in their graduate work.

"The visitors not only added diversity of subject matter to this year's seminar by explaining what interested them when they took the Equality Rights course but also by illustrating how to write an essay for the course," says Baines. "They also role-modelled a range of different options for legal work: practice, litigation, doing human rights advocacy, serving in administrative capacities, working as a notaire in Quebec, and teaching law."

**James McCarthy, LLM'17**, a lawyer with Ryder-Burbidge Hurley Foster in Kingston, presented "The Right to Be 'Out'?" on January 13. His paper examines whether equality rights relating to sexual orientation include that right.



Professor Bev Baines, Law'73, with James McCarthy, LLM'17, after his presentation on "The Right to Be 'Out'?" on January 13.

"This question was inspired by a human rights decision from Quebec, which found that firing an employee for coming out as gay to a client did not constitute discrimination," he says. "I make the argument that, while courts had little opportunity to pronounce on this issue directly, the right to be out is necessary to giving full effect to equality rights for the LGBT+ community. This question has implications for questions about the content of equality rights in the *Canadian Charter of Rights and Freedoms*."

The paper is one McCarthy originally wrote for the course three years ago and has continued to update. He completed his LLM with a specialization in political and legal thought, focusing on comparative constitutional law. Following his graduation, he clerked for the Honourable J.C. Marc Richard, Chief Justice of New Brunswick, assisting with research on cases before the provinces highest court.

**Stephanie Simpson, LLM'19**, Queen's University's Associate Vice-Principal (Human Rights, Equity and Inclusion), visited the class of her former master's supervisor on February 3. She presented on her LLM thesis, "Giving Shape to Silences: Exploring the Impact of Section 15(1) and Human Rights Jurisprudence on Achieving Racial Justice, 2009-2018."

"More than 30 years since the coming into force of Section 15(1) of the *Charter*, and a decade since the overhaul of the human rights tribunal system in Ontario, there remains little to be found in *Charter* or Ontario human rights jurisprudence addressing the broad range of harms experienced by racial equality seekers in Canada," she says.

"I employed critical race theory, as well as theories of 'democratic racism,' to examine key Section 15(1) and Ontario human rights race discrimination decisions. My paper argues that ongoing adjudicative 'silences' regarding race are perpetuated by preferences for narratives of direct racism and by legal tests that fail to discern the contours of contemporary, and often structural, racial realities."



Professor Bev Baines invited four graduate alumni to speak to her Equality Rights class this term on their specialized research topics: James McCarthy, LLM'17, on LGBT+ rights; Stephanie Simpson, LLM'19, on race discrimination; Frank Catalano, LLM'18, on medical assistance in dying; and Kerri Froc, PhD'16, on sex discrimination.



Professor Baines with Stephanie Simpson, LLM'19, who presented "Giving Shape to Silences: Exploring the Impact of Section 15(1) and Human Rights Jurisprudence on Achieving Racial Justice, 2009-2018" on February 3.

As it turned out, the paper Simpson wrote for Baines' class was the first draft of what would become her LLM mini-thesis after additional, extensive work.

**Frank Catalano, LLM'18**, a practising notary in Quebec, presented "Competing Rights in the Context of Medical Assistance in Dying (MAiD)"

on February 24. He focused on competing rights interpreted as the contest between Section 15 equality rights and Section 1 proportionality arguments under the *Canadian Charter*.

"I discussed the facts, the parties' arguments and legal issues that the trial judge analyzed in the *Truchon & Gladu* case from Quebec," he says. "The focus of the case was medical assistance in dying in Canada and Quebec, specifically, whether the notions of 'reasonable foreseeability' in the *Criminal Code* of Canada and *end-of-life* in the Quebec legislation were constitutional. Justice Christine Baudouin declared that they were not."

He concentrated on the Court's Section 15 and Section 1 (justification) parts of the judgment and made critical comments on the arguments made by the Attorneys General of Canada and Quebec with respect to the various issues as well as the evidence presented.

Catalano's presentation stems from "A Time and Manner to Die: A Study of Physician-Assisted Dying in Canada," the LLM thesis he wrote under Baines' supervision in 2018, before the *Truchon & Gladu* ruling. His thesis is available through Stauffer Library.

**Kerri A Froc, PhD'16**, an Assistant Professor at the University of New Brunswick Faculty of Law, spoke ►



## Did you receive *Queen's Law Reports 2020* in your mailbox?

If not, then email your mailing address to [lawalum@queensu.ca](mailto:lawalum@queensu.ca) and the 2021 issue of our print alumni magazine will be delivered to your door next spring.



You can still read *QLR 2020*, and among many other things, learn what faculty and alumni immigration law experts have to say about why and which international laws and policies must change in the near future to provide a long-term win for Canada's economy and cultural diversity.

**Check out *QLR 2020* online!**

(continued from pg. 33)



Frank Catalano, LLM'18, with Professor Bev Baines before presenting "Competing Rights in the Context of Medical Assistance in Dying (MAiD)" to her class on February 24.

to the class via Zoom on March 2. She presented on her doctoral thesis, "The Untapped Power of Section 28 of the Canadian Charter of Rights and Freedoms."

"Section 28 has the power to block the operation of the Section 33 "notwithstanding clause" when it is invoked in legislation that discriminates on the basis of sex or otherwise results in unequal rights being afforded to men and women (such as legislation that disproportionately limits women's religious freedoms compared to men's)," she says. "This is the issue in the *Hak* case challenging Quebec's Bill 21 that is likely to be heard before the Supreme Court of Canada.

Baines was Froc's PhD dissertation supervisor.

"The range of these graduates' activities complemented the work of one other visitor, Senator McPhedran, who role-modelled effective political work and advocacy," says Baines. On January 20, McPhedran spoke about Bill S-3, which addresses the status of Indigenous women and children, and the *Descheneaux* case.

"I think the current students benefited from the challenges all the visitors presented and that was obvious in the insightful questions the students posed to the visitors," says Baines. "Many of this term's seminar participants are integrating features of the visitors' presentations into their own presentations and papers for the course."

— LISA GRAHAM

# On the Bookshelf

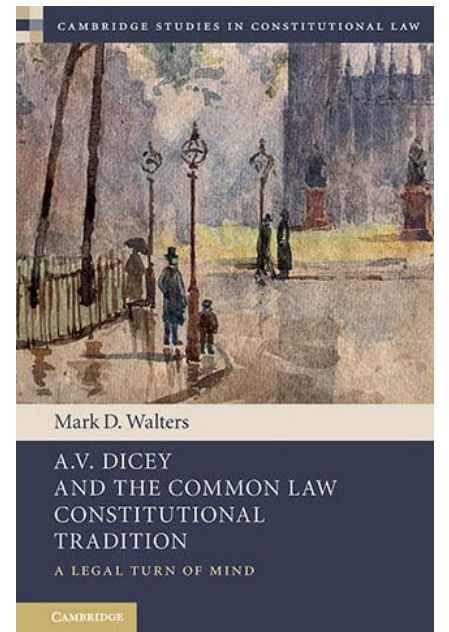
## Dean Walters publishes unique discourse on Dicey

Dean Mark Walters' new book, *A.V. Dicey and the Common Law Constitutional Tradition: A Legal Turn of Mind*, which will be published in October by Cambridge University Press, is now available for pre-order.

### From the publisher:

In the common law world, Albert Venn Dicey (1835–1922) is known as the high priest of orthodox constitutional theory, as an ideological and nationalistic positivist. In his analytical coldness, his celebration of sovereign power, and his incessant drive to organize and codify legal rules separate from moral values or political realities, Dicey is an uncanny figure. This

book challenges this received view of Dicey. Through a re-examination of his life and his 1885 book *Law of the Constitution*, the high priest Dicey is defrocked and a more human Dicey steps forward to offer alternative ways of reading his canonical text, who struggled to appreciate law as a form of reasoned discourse that integrates values of legality and authority through methods of ordinary legal interpretation. The result is a unique common law constitutional discourse through which assertions of sovereign power are conditioned by moral aspirations associated with the rule of law.



## Former Dean wins Saskatchewan Book Award

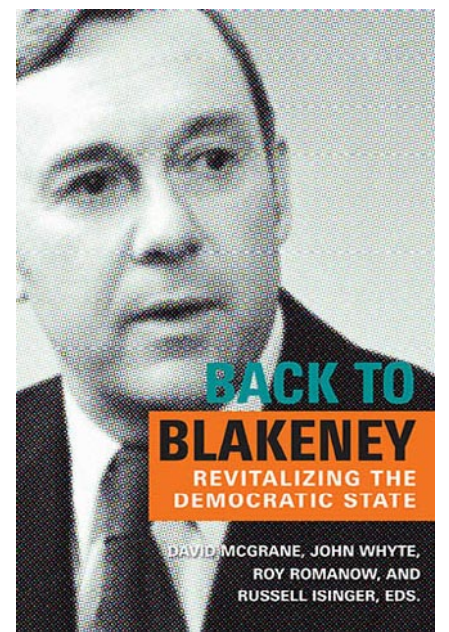
Professor Emeritus John Whyte, Law'68, Dean of Law 1987-1992, and his two co-editors of *Back to Blakeney: Revitalizing the Democratic State* (University of Regina Press) received the 2020 Jennifer Welsh Scholarly Writing Award. He co-organized a conference from which the essays of the book were drawn and wrote "Allan Blakeney and Keeping Democracy's Promise," the book's only the only essay that argued Blakeney pursued a wrong policy. Appearing in the book's second part on "Blakeney's Constitutional Legacy," Whyte takes an opposing position against Dwight Newman on the wisdom and legitimacy of the notwithstanding clause.

### From the publisher:

Allan Blakeney believed in

government as a force for good. As premier of Saskatchewan, he promoted social justice through government intervention in the economy and the welfare state. He created legal and constitutional structures that guaranteed strong human rights, and he safeguarded the integrity of the voting system to support a robust democracy. Blakeney encouraged excellence in public administration to deliver the best possible services and used taxes to help secure equality of opportunity.

In *Back to Blakeney*, a diverse set of scholars reflects on Blakeney's achievements, as well as his constitutional legacy—namely, the notwithstanding clause—and explores the challenges facing democracy today.





# Conflict Analytics Lab opens its AI legal aid system to small businesses

The global pandemic has hit Canadian small and medium enterprises (SMEs) hard. According to Stats Canada, SMEs have reported declines in revenue of up to 60 per cent, with nearly half of those businesses that did lay off employees laying off more than 80 per cent of their workforce.

“As provincial shutdowns continue, SMEs are heavily affected by work stoppages and supply chain disruptions,” explains Professor Samuel Dahan, Director of the [Conflict Analytic Lab](#) at Queen’s University. “These circumstances have forced businesses, particularly SMEs, to restructure their operations in order mitigate the economic impact of COVID-19.”

To assist these small and medium businesses with their employment questions, the Conflict Analytics Lab has updated its MyOpenCourt platform.

MyOpenCourt, which has [helped over 10,000 workers answer employment-related questions since its May 13 launch](#), can now help employers understand their rights and obligations under Canadian employment law. Employers may access the [updated version of MyOpenCourt](#) by selecting the “I am an employer” option when using our tools.

The two tools available for employers are:  
The “**Employee or Contractor**” tool can determine the likelihood that a work arrangement is an employment relationship or that of a contractor through a fast, anonymous questionnaire. Misclassifying an entire class of employees or independent contractors can expose employers to severe liabilities, in particular, unpaid wages, overtime pay, and tax liabilities such as unpaid income tax and pension contributions. Employers are encouraged to explore this tool to ensure that their current and future workers are properly classified as to avoid potential penalties and liabilities.

The “**Termination Compensation Calculator**” tool can determine an employee’s entitlements with



*With small and medium businesses experiencing substantial revenue declines and having to lay off employees, the Conflict Analytics Lab directed by Professor Samuel Dahan has updated its online legal aid system to help these businesses with their employment questions.*

respect to severance, minimum notice, and reasonable notice. Although employees may be legally laid off in response to economic shutdowns, employers navigating through the layoff process must ensure that they do not constructively dismiss their employees – thus entitling them to reasonable notice even when the layoff was initially legal. Employers should use this tool to assess their potential liabilities prior to making any decisions with respect to layoffs or terminations.

The Conflict Analytics Lab is a research-based consortium concerned with the application of data science and machine learning to dispute resolution. The MyOpenCourt tools have been developed by students and researchers at Queen’s Law, the Smith School of Business, Queen’s Faculty of Engineering and Applied Science, and partners like McGill University and institutions based in the US and Europe.

Unfortunately, as of yet the tool cannot fully be used to generate case outcomes for Quebec-based employers.

— DAVID LIANG





# Queen's Law begins charting its next five years and welcomes input

The Queen's Law Strategic Planning Committee, formed in January, entered the next phase of its work on September 1 with the release of a discussion paper and the launch of a consultation process.

The context for this planning process has changed dramatically in the last number of months. "As we plan the next chapter in the story of Queen's Law, we face challenges and opportunities that seem wholly unprecedented and at times overwhelming," says Dean Mark Walters.

In the introduction to the discussion paper, Dean Walters provides as examples the disruption caused by the global COVID-19 pandemic, but also the ways in which the public discourse on race and racism is evolving in fundamental ways. "As disorienting as the challenges facing society are today," he says, "this may be a good moment to pause and to reflect upon what role a university law school should play in a time of change – to ask how we will improve upon our contributions to legal education and legal research, and how in the process we may better perform our responsibilities in shaping the next generation of leaders in our society."

He's inviting all members of the Queen's Law community to participate in a consultation process for the school's Strategic Plan 2021-25. This plan, he says, will provide direction for all community members, past, present, and future. "Our strategic plan will communicate our vision to those who aspire to join our Faculty as students, researchers, teachers, and staff; to alumni who wish to maintain their relationship with Queen's Law; to the wider university; to the legal profession; and to Indigenous, national, and international communities."

The consultation process begins with the release of a discussion paper drafted by a Strategic Planning Committee that includes faculty, students, administrators and alumni.

"At a most abstract level, the committee welcomes feedback on whether there should be one defining question for our Faculty's next five years, similar to

2014's question of increased JD enrolment that charted Queen's Law's trajectory over the previous five years," says committee co-chair Professor Ashwini Vasanthakumar. "There may be no such singular defining question at this time. We face an uncertain financial horizon, confront important questions about the role of legal education in a modern law school, and are renewing our commitments to reconciliation and equity, diversity, and inclusion."

Vasanthakumar's committee co-chair, Professor Grégoire Webber, adds, "For consultation on this strategic plan, we set out three possible key pillars: the role of a Queen's legal education; enhancing research excellence; and funding our mission."

The first of three phases of the consultation process takes place from September 1 to October 13. "At this time, we are looking for wide-ranging input on some general directions that will inform a first draft of the Strategic Plan," says Webber. "We hope to meet with as many of you as possible."

Given the challenges of meetings amid the pandemic, the committee is exploring various remote options to consult with stakeholder groups. These options will be announced shortly. Community members may also participate in the first phase by completing an [online survey](#) by October 13.

After preparing and sharing a first draft of the strategic plan, the committee will host a second round of consultations in phase two with a view to bringing a revised draft to Faculty Board for approval in the winter 2021 term.

Throughout the consultation process, the Strategic Planning Committee welcomes feedback, comments, and any resources deemed helpful. Committee members may be reached by [email](#) at any time.

Complementing the strategic planning process will be the work of other committees that are also representative of the Queen's Law community. Dean Walters established these other committees to



Queen's Law invites its community members to voice their opinions on charting the course of their school's future over the next five years.

conduct targeted analyses of issues relating to the Faculty's [building name](#), to anti-racism, and to truth and reconciliation. The consultation process for the building name closed on September 18 and after considering all views presented, the advisory committee – comprised of students, faculty, staff, and alumni – have developed recommendations for the Queen's University Board of Trustees to consider

when making its ultimate decision. The Anti-Racism Working Group's consultation process has begun (see next page). A consultation process for issues relating to truth and reconciliation will be announced shortly.

To read the Strategic Planning Discussion Paper and to learn more about the process and committee membership, please visit our [Strategic Framework 2021-2025 website](#).



# Queen's Law anti-racism working group gets down to work

Launched on September 14, the Queen's Law Anti-Racism Working Group has hit the ground running.

On September 18, Faculty Board voted overwhelmingly in favour of the Group's proposal to establish a new access category of admission for Black students. The aim of the proposal is to increase Black representation at Queen's Law and in the legal profession.

"This is the first of a series of interrelated initiatives and recommendations that our Anti-Racism Working Group intends to propose," says Professor Noah Weisbord, who along with Professors Lisa Kelly and Sabine Tsuruda, is co-chairing the 11-member panel that is made up of students, faculty, and alumni.

"We're committed to achieving tangible changes that go beyond mere declarations," says Kelly. "In addition to reviewing relevant policy and planning documents, we plan to reach out to members of the Queen's Law community, as well as to others with relevant expertise and experience, for their input as we gather the information that will inform the recommendations that we will offer in our report."

Dean Mark Walters has stressed his belief that examining the culture and policies of Queen's Law is essential to combat racism and build a more inclusive community at the law school and beyond. Both are themes that resonate with members of the Group and others at the law school.

"I think it's imperative that institutions such as this one fully recognize their inherent contributions to systemic racism and to actively implement initiatives to combat this," says student member Dakota Bundy, Law'22.

Nasrudin Mumin, Law'21, agrees. "As a student, I saw my involvement with the Group as an opportunity to give back to the school, and also to 'pay it forward' by helping to do something that will increase enrolment of Black students at Queen's Law and increase Black representation in the legal profession," he says.

That latter goal is one that is front-of-mind for faculty members of the Group. Says Tsuruda, "As a law school, we have a special responsibility in

performing our educational and research missions to expose, challenge, and seek to remedy the realities of racism that continue to infect legal and political institutions in Canada, especially those tasked with the administration of justice."

Weisbord underscores that message, noting that the Group "has been formed in response to the growing awareness that governmental and non-governmental institutions of higher education have failed to address adequately or effectively the realities of racism in Canada, especially anti-Black racism."

The Group is working alongside other committees to implement its goals of anti-racism and inclusivity. For example, the Group will share its final report and recommendations with the school's Strategic Planning Committee by the end of the winter term. "But we intend to move forward with some recommendations even before releasing the final report," says Weisbord.

That body, co-chaired by Professors Ashwini Vasanthakumar and Grégoire Webber, has been tasked with the all-encompassing and critical job of [charting the law school's direction for the next five years, 2021-2025](#). As Webber explains, "For consultation on this strategic plan, we set out three possible key pillars: the role of a Queen's legal education, enhancing research excellence and funding our missions."

It was with those priorities in mind that the Strategic Planning Committee struck three vital advisory sub-committees. While their activities inevitably may have some overlap, they are complementary.

In addition to the Anti-Racism Working Group, those other two panels also are hard at work. One, which is considering the questions surrounding the [possible renaming of the law school building](#), has already moved into the second phase of its inquiry. The other committee is examining issues surrounding Indigenous communities and Indigeneity in legal

education. The consultation process for that committee will be announced shortly.

A main focus of the Anti-Racism Working Group is anti-Black racism, particularly as it affects and has been a concern at Queen's Law.

In recent years, as many as 39 per cent of first-year students have self-identified as being members of a racialized group. The school's first Black graduate Cecil Fraser, BA'58, was a member of the Class of Law'61, and while scores of other Black students have graduated from Queen's Law over the years since, the percentage of Black students historically has remained disappointingly low.

"I think we're not doing as well as other schools, and we'd like to know why," says Dean Walters. "We also want to know what we're doing right or wrong and how we can do things better."

Walters also points out that while Black students often face racism-related barriers at law schools generically speaking, it may be that there are Queen's-specific issues that have been and that continue to be problematic. "Location could be one problem," he says. "Drawing students from other, larger urban areas to Kingston might be a challenge. Or it could be the image of Queen's that people have. That's a larger issue."

Whatever the reasons for the relative dearth of Black students at Queen's Law, Walters is intent on changing the situation and, indeed, on snuffing out all forms of racism at the school.

"Queen's Law is doubly implicated in this process. Like any academic institution, we have to examine the school's culture, practices, and policies to combat racism within and build a more inclusive and welcoming community."

For more information on the Queen's Law Anti-Racism Working Group, including its terms of reference and membership, please visit the [Group's web page](#).



The Queen's Law Anti-Racism Working Group is considering racism generally, giving particular attention to the relationship between legal education at Queen's University and anti-Black racism, and attending to the ways in which racism intersects with other forms of discrimination, exploitation, and exclusion.



# Student-initiated bursary for Black law students at Queen's commemorates first Black graduate

"I had an idea in 2019 to create a bursary targeted at improving representation of Black law students at Queen's," says Nigel Masenda, Law'20. As President of the Black Law Students' Association – Queen's Chapter, he laid the groundwork. After partnering with the Queen's Pre-Law Society (QPLS) and reaching out to both clubs' networks, their efforts are paying off. Fundraising is off to a great start with several donors committing to support the new **Cecil Allan Fraser Bursary** for Black JD students.

"Given the social climate," says Masenda, "it is befitting to name the bursary after Cecil Allan Fraser – the first Black Queen's Law student and graduate."

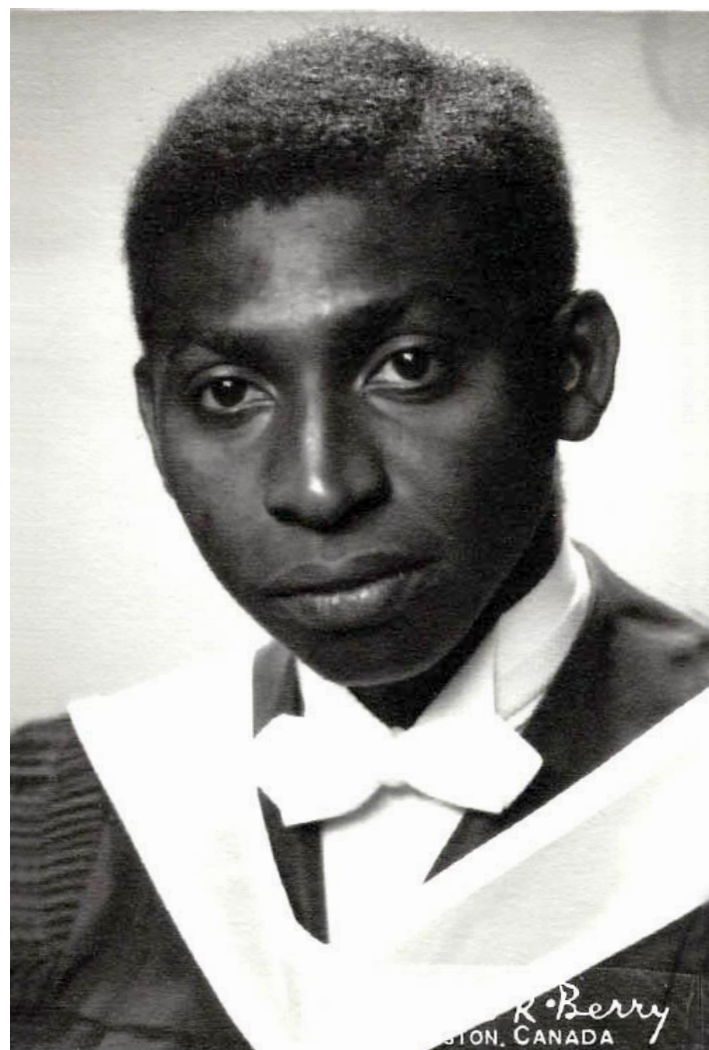
In May, QPLS Co-President Daniel Wolfe (Artsci'21) reached out to offer his club's assistance to BLSA-Queen's. "I felt strongly compelled to consider my position as an ally to the Black Lives Matter movement and what I could do to enact meaningful change," he says. "I, along with the QPLS team, felt that student organizations can be far more effective in this movement if they go beyond a corporate statement. It was then that I had a conversation with Nigel about the bursary project and felt that together we could see the bursary to its completion."

How did the two student groups go about raising funds? "With speed and efficiency," says Masenda. "There was, and still is, a shared understanding that there is a finite window to take action. After devising a donor proposal package, we leveraged our networks and targeted organizations and institutions that we knew would support the initiative and they subsequently reached out to their connections."

"Our proposal was met with a great deal of interest," says Wolfe. "Very quickly the idea for the bursary project became a resounding reality."

As Masenda aptly puts it, "It was an organic snowball."

One of the interested organizations was the Canadian Council of Business Leaders Against Anti-Black Systemic Racism, which launched the BlackNorth Initiative to increase the representation



*The Black Law Students' Association - Queen's Chapter and Queen's Pre-Law Society reached out to their networks to initiate a bursary fund for Black JD students that is named after Cecil Allan Fraser, QC, Law'61, the first Black Queen's Law student and graduate.*

of Blacks in boardrooms and executive suites across Canada.

"The BlackNorth Initiative is committed to the removal of anti-Black systemic barriers negatively affecting the lives of Black Canadians," says Wes Hall, founder and Chair of the Canadian Council of Business Leaders Against Anti-Black Systemic

Racism. "We are proud to support a meaningful initiative to ensure barriers are continuously removed for Black students, creating equal opportunity."

Dean Mark Walters shares that sentiment and Queen's Law is contributing \$100,000 to the Cecil Allan Fraser Bursary. "The initiative of Nigel Masenda and Daniel Wolfe and the financial commitments made by our donors are truly wonderful and will make a real difference for Black students," he says. "Their dedication generally to justice for Black communities is really inspiring. We are so thrilled to be able to work with all of them to ensure that we follow through and ensure our law school is truly one that reflects the diversity of Canadian society."

The bursary's honoree, Cecil Fraser, QC, Law'61 (Arts'58), is remembered fondly by classmate Nelson A. (Sandy) McKay, QC, Law'61 (Arts'59). "Cecil was simply one of our 'class brothers,'" says McKay, referring to their graduating class of 17 students. "We had great fun together, because Cecil had the wonderfully good-humoured way of making us laugh," he continues. "Cecil's class years were very warm. He'd sit quietly and take in the lectures. He would, very quietly, respond to the professors' questions, and most often he would offer insights to the discussions that almost none of us ever considered!"

Throughout his law school years, Fraser and his wife, Rose (welcomed fondly by the class as an "aunt") worked to ensure he would graduate. After excelling in his studies and receiving his law degree, Fraser went directly into the federal civil service working as a Senior Solicitor in Ottawa. There, he led a successful legal career and was universally respected for his talents. In 1992, he was awarded the Commemorative Medal for the 125th Anniversary of the Confederation of Canada in recognition of his significant contributions to his fellow citizens, to his community, and to Canada. Though he died in 1994, his becoming a lawyer had long influenced the lives of his and Rose's four children: Hugh Fraser (Artsci'74), Donovan Fraser (Artsci'76, MEd'90), Andrea Fraser-Johnstone, and Christopher Fraser.

Eldest son Hugh went on to become a Justice of the Ontario Court. "Dad remained close to many of his classmates throughout his professional life," he says. "In his understated way, my father was grateful for the opportunity that Queen's gave him and very much wanted his children to benefit from his experience. Law school is a life-changing experience for everyone who graduates – and for the lives of many others."

To explain, Hugh Fraser recalls an incident while speaking at public schools in the Toronto area 30 years ago. "I was told by minority students that they didn't even think it possible for a Black person to become a lawyer until they met me. I responded that I had never entertained any such doubt. Given the fact that my father was a successful lawyer, I assumed that it was a path open to me as well, if I wished to pursue it."

Providing some help to open that path to more Black students is indeed a goal that Nigel Masenda and Daniel Wolfe set for the Cecil Allan Fraser Bursary. "This is a small step in the right direction," says Wolfe. "I'm ecstatic that the bursary will offer financial support to Black law students where financial disadvantage is disproportionately a barrier to continued education."

However, both of the bursary's initiators state that such funding is "far from sufficient" to resolve systemic issues. "It has been beautiful getting to learn about Cecil's experience and I am encouraged by those who have stepped up to the challenge," says Masenda. "This bursary is a necessary foundational block that may assist in ameliorating the lack of Black representation in the legal profession, however, a significant amount of work remains to be done."

To make a gift to the Cecil Allan Fraser Bursary, please visit [www.givetoqueens.ca/fraser](http://www.givetoqueens.ca/fraser).

— LISA GRAHAM



# Clinic summer students find opportunities despite COVID's challenges

BY LISA GRAHAM

Settling into a new job can be challenging at any time, but doing it within the restrictions of a global pandemic requires extra confidence and a ton of patience. That especially rings true for students whose job is to serve some of the community's most vulnerable members. With the doors of the downtown Queen's Law Clinics (QLC) closed since March, the summer's 21 student caseworkers – scattered off-campus in Kingston, the GTA and Vancouver – faced an unprecedented challenge: learning their jobs, connecting with clients, and delivering services *remotely*.

By mid-summer, Karla McGrath, LLM'13, QLC's Executive Director, was able to boast that "our students have risen to the occasion and are providing

exceptional legal services to clients under demanding conditions in this 'new normal.'" Students, lawyers, faculty and staff in all five clinics, she said, had quickly learned and were making the most of current campus-wide technologies – Zoom, Microsoft Teams, and more – to deliver the top-notch client services for which the clinics have become known.

Though the clinics all shared in the general admiration, each earned it while facing its own particular challenges and discovering the opportunities in them. When the fall term arrived, McGrath was able to share with the new student teams the following stories of their predecessors' illuminating achievements.



GREG BLACK

## Queen's Legal Aid takes on two COVID consequences

With one-quarter of its new cases being coronavirus-related, Queen's Legal Aid (QLA) has seen a dramatic increase in two areas: landlord/tenant disputes and employment law matters.

How should a landlord who is attempting to sell a building accommodate an immune-compromised tenant? How can tenants ensure maintenance standards are being met when City of Kingston property standards officers are unable to complete inspections? What can tenants do if they show up at their newly rented apartment only to find that the previous tenant has not vacated, when the landlord is unable to evict the previous tenants? These are just some of the unprecedented situations – beyond the more usual scenario of tenants losing their employment and being unable to pay rent – for which QLA student caseworkers have needed to find creative legal solutions.

QLA caseworkers have also been advising fellow Queen's students attending classes remotely, on possible ways to terminate a tenancy early. "This problem forces us to speculate on how a court might treat this issue, should compromise between a landlord and tenant prove impossible to achieve," says QLA Outreach Co-ordinator Eli White, Law'21, who was excited to become a summer caseworker after completing QLA's Clinical Litigation Practice course last academic year. "Since our client intake process has switched to being conducted over the phone, it is harder to gauge the scale of the clients' legal problem and the emotional impact it is having upon them," he observes. "I have learned to pay much closer attention to their tone and how to listen more actively."

For employment law cases, while most employees have understood temporary lay-offs due to their workplaces being closed, returning to work is presenting conflicts. Problems like whether an employer is required to recognize seniority in recalling staff members and whether an employee who is reluctant to return to work must do so even though the employer does not yet have sufficient safety protocols in place are among the questions caseworkers have needed to address.



QLA Outreach Co-ordinator Eli White, Law'21, listens attentively to a new client on his phone at home, gauging the scale of the client's legal problem and the emotional impact it is having.

Blair Crew, QLA Director, sees the extent to which QLA students have risen to the challenges associated with working remotely. "From completing work at home, to adapting to conducting electronic hearings, where students can see neither the adjudicator nor their own client, I have been so impressed with the skills displayed."

The students have noted the opportunity that comes with working from a remote environment. "As much as I miss the social aspect of working with colleagues in the office, I have been surprised at the extent to which I have been able to learn how to solve legal problems on my own, without more experienced caseworkers or review counsel being as easy to consult," says Winona Fitch, Law'22, who first joined QLA in May. ►



# Elder Law Clinic gives clients peace of mind at critical time

With an additional student in the summer workforce of the Queen's Elder Law Clinic (QELC), caseworkers Claire Gibson, Britney Schyf, and Holly Schmid, all Law'22, could be especially attentive to clients whose legal needs are more pressing.

Soon after declaring a state of emergency, the Ontario government issued a new regulation permitting the signing of wills and powers of attorney via audio-visual communication, with the will-maker and two witnesses being in three different locations. While this "counterpart" signing process is time-consuming, and best practices are that the documents be re-executed after the emergency has passed, it has allowed the QELC to meet the needs of many clients who were experiencing serious health issues or who were feeling especially vulnerable during the pandemic in what could be a long period of isolation.

"Because the interim process is remote, our clinic was also able to offer legal services to clients hospitalized some distance from Kingston," says QELC Director Blair Hicks. "We have been drawing up documents on short notice and providing greater dignity, peace of mind, and control for those clients in their final days."

Gibson points out another benefit from their quick adaption of the new laws governing remote document execution: "We were able to tailor our drafting to suit current circumstances."

"We often work with clients who are vulnerable or ill and we have learned how to be flexible to changing situations," says Schmid. "The summer experience has allowed us the opportunity to assess

our clients' needs and capacity with more attention."

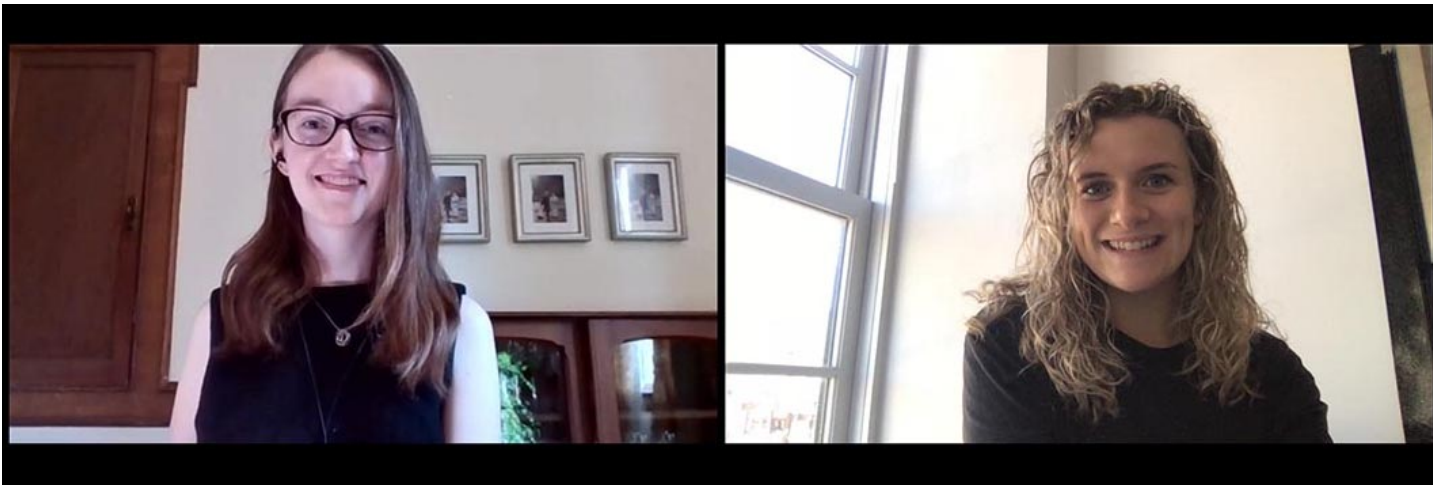
All preliminary introductions between students and clients are done by phone, followed by remote video meetings. Working diligently, QELC students have become experts with the various audio-visual electronic platforms and have successfully instructed many new and existing clients who had no previous experience using platforms like Skype, Facetime, and aTouchAway in addition to Zoom. Despite that client training time leading to some inevitable file delays, Gibson says, "Our clinic remained driven in serving our clients to the best of our abilities."

Helping them do that are the additional drafting resources that the QELC received last academic year through the ongoing support to the Queen's Law Clinics from the Class of '81 Clinical Programs Fund.

Partnerships with the community legal clinics and the local federal institutions remain strong, with students continuing to serve existing clients and finding creative ways to assist and educate new clients by mail. The summer caseworkers were also active in fine-tuning clinic procedures, resources, and manuals in anticipation of the fall arrival of 16 new QELC student caseworkers.

"We've had more time to start perfecting skills in legal writing, drafting, and effective alternative communication," says Schmid. "I think these skills will be favourable to us as we apply for summer and articling positions."

Gibson agrees, adding, "This summer has helped me develop my ability to work independently, manage projects, and take initiative."



QELC students Holly Schmid and Claire Gibson, both Law'22, meet via Zoom, the platform they have been using with clients this summer.

# Prison Law Clinic creates new client connection protocols

Queen's Prison Law Clinic (QPLC) students have traditionally made frequent trips to area prisons to speak directly to clients and to participate in Disciplinary Court, but both activities were suspended in an attempt to curb the spread of COVID-19.

"Since students began spending much of their week on the phone with current and prospective clients," says QPLC Director Kathy Ferreira, Law'01, "part of our clinic's fast adaptation to remote practice was to develop a new phone protocol, however a prisoner's phone-time is limited and privacy can be a concern."

For student caseworker Isaac Brownlee, Law'21, dealing with these issues involved honing some skills. "Being unable to meet my clients or interact with the Correctional Service face-to-face made it harder to understand exactly what inmates go through on a daily basis," he says. "On the flip side, I've had the opportunity to greatly improve my written advocacy skills."

Brownlee and other QPLC caseworkers learn that preparation mitigates some challenges. For instance, they gently steer the conversation, identify in advance key topics to explore, and make a plan for future calls on the client's schedule. Correspondence continues to help ensure the parameters of the solicitor-client relationship are clearly defined.

While client matters were focusing on release issues and institutional concerns, the QPLC also began preparing for a partial re-opening of Disciplinary Court. After September 29, students slowly began to enter prisons again to assist clients with serious institutional charges and other concerns. QPLC students were ready to polish their tribunal advocacy skills when that happened.

"Learning from the QPLC lawyers has been very valuable," says Brownlee. "While we waited for Disciplinary Courts to reopen, I had the chance to build on my oral advocacy through teleconferenced Parole Board of Canada Hearings. We also set up mock Disciplinary Court practices, with my supervisor giving me feedback to improve my skills."

QPLC students and staff continue working extensively with the clinic's practice management software to manage and store client file information and to docket time. Doing these things made



QPLC student caseworker Isaac Brownlee, Law'21, pops into the Queen's Law Clinics office in downtown Kingston, where he is able to check on a client file while practising safe physical distancing protocols.

working remotely feasible; they all stayed on the same page and moved client matters forward. Like their counterparts in the other four clinics, QPLC students still participate in regular Zoom meetings with their supervisor and connect with one another on Microsoft Teams.

"It wasn't the summer we wanted, but we made the most of it," says Ferreira. "Full steam ahead!"

QPLC students are indeed making the most of the situation. "Despite COVID," says Brownlee, "I know that my clinic time this summer will assist me as I go forward in my legal career." ▶



# Family Law Clinic wraps up cases using new skills

Some familiar faces returned to the Queen's Family Law Clinic (QFLC) this summer, which helped to ease the transition to remote learning and service delivery.

Lena Macnicholas and Alisha Thakkar, both Law'21, completed the QFLC course in 2019-20, so they were trained in the clinic's work and well versed in its usual processes. While the clinic faced an additional challenge with the previously planned departure of Review Counsel Linda Smith, Law'92 – a "treasured" QFLC member for three years who was sent off to new adventures with a surprise party on Zoom – former QFLC articling student Jane Mundy, Law'18, came back to take on the supervising lawyer role.

"The pandemic has made it more difficult to do the work and it takes more time, but we continue adjusting and so do our community justice partners," says Karla McGrath, QFLC Director. "New versions of the new normal emerge. It's a brave new world."

QFLC caseworkers find the biggest adjustment in working with clients is ensuring they have access to technology and understand how to use it. "Even if clients have internet access, a lot of them have never used technology such as Zoom," says Thakkar. "I attended two court appearances with clients through Zoom, so I had to conduct Zoom practice sessions before each client's court date to ensure they could get onto the platform quickly."

MacNicholas has had similar experiences. "Fortunately, Zoom has many helpful user guides and we walk clients through testing it out before meetings and hearings," she adds.

One important step, a "Wrap-Up" meeting, normally takes about an hour but is now a series of processes spread out over weeks. There are multiple Zoom meetings, documents are emailed or mailed to the client for signature rather than being handed

across a table, and the execution of affidavits started being done remotely.

Thakkar participated in two online "Wrap up" meetings over the phone or through Zoom with clients, in which they review all documents prepared by the QFLC. To make the most of these meetings, the documents are sent to the clients in advance – and that uncovered a benefit to clients. "The clients like being sent the documents ahead of time as they have more time to look through them," she explains. "They say they don't feel the same pressure to look through the [paperwork] quickly as when they would see the documents for the first time in a meeting room, where a student watches the client go through the documents."

The only slight disadvantage Thakkar sees in reviewing documents on Zoom is the fact that they cannot be commissioned on the spot. "The documents would have to be put into DocuSign (an electronic signature platform) and then a second meeting would have to be booked for the documents to be commissioned," she explains. "Overall, once clients figure out how to use the Zoom technology, these meetings are successful."



QFLC student caseworkers Alisha Thakkar (top left) and Lena Macnicholas (top right), meet via Microsoft Teams with Administrative Assistant Derek Cannon (bottom left), Director Karla McGrath (bottom right) and Review Counsel Jane Mundy (inset).

# Business Law Clinic opens virtual door to problem-solve

The biggest pandemic changes facing the Queen's Business Law Clinic (QBLC) this summer were operational, both in terms of supervising student caseworkers and delivering services to clients.

All students and staff transitioned quickly to learning new technologies and ways to deal with administrative matters, and moving all client communications to phone, emails and Zoom. But then one challenge emerged: how to maintain the open-door policy for students to ask their legal and administrative questions.

"We resolved this issue by using the Teams group chat functions as our go-to place for asking interactive questions," says QBLC Director Tomilola Adebisi. "These chat functions allowed us to replicate the open-door policy system as best as possible: questions were asked and answered, and thoroughly discussed on the platform instead of face to face."

They also scheduled weekly team meetings to check on each other, to discuss and resolve any challenges that arose in the week, as well as to uplift team spirit. "What I appreciate most about working at the QBLC is how our team has found alternative ways to stay connected socially and foster teamwork remotely," says Sheila Gu, Law'21.

"Through the use of software, I am able to experience what it's like doing corporate, commercial, and

intellectual property work in a small firm setting," says Jye Duong, Law'21. "Although working remotely makes it difficult to replicate the human interaction compared to working in the clinic office – as I did as a QLA caseworker – online communication, particularly video calls, made the transition easier."

Felix Suen, Law'21, agrees, saying, "Making the adjustment to remote work has definitely changed the learning curve to the practice of law, but as much as I miss the [physical] connectedness that an office provides, the QBLC did an admirable job of adapting to the times."

For QBLC clients, moving to remote operations has been fairly easy to accomplish. Client meetings are conducted via Zoom and phone calls, and all correspondence is now via e-mail.

While most clients are technology-savvy enough to navigate the new technological platforms the QBLC now uses for its operations, that hasn't been the case for all.

"I quickly learned that there is a gap in technological literacy in some of our clients, and sometimes in myself," says Sheila Gu, Law'21. "This gap has made me more diligent and creative when it comes to client communication, whether it means sending Outlook calendar invites, demonstrating Zoom functions to clients or leaving voice messages a day before client meetings."

Jye Duong makes a keen observation from this summer's experience for the future: "Working remotely has provided me with a valuable glimpse of how technologies will continue to push the legal profession forward to adopt more flexible work arrangements."

*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.*



Meeting to discuss case files are Queen's Business Law Clinic team members: QBLC Director Tomilola Adebisi (left) and summer student caseworkers Felix Suen (top right), Jye Duong (bottom right), and Sheila Gu (inset).



# Coronavirus in prisons: How and why to release inmates in a pandemic

*Prisons around the world have started to reduce their population in response to the coronavirus pandemic*

**Professor Lisa Kerr talked about the role played by the Queen's Prison Law Clinic early in the pandemic in her article published by [The Conversation](#) on April 21, 2020.**

The coronavirus pandemic has laid bare several unsettling truths about Canada's prison system. Our institutions of state punishment are filled with medically vulnerable people, affected by lifelong difficulties accessing care along with unhealthy prison conditions.

While life expectancy for most Canadians is 79 for males and 83 for females, **two-thirds of the people who die of natural deaths while in federal custody** are under the age of 65.

Another truth rarely acknowledged is that the collective interests of staff and inmates are often intertwined. Highly infectious disease makes no distinctions as it spreads through a congregate living facility.

The COVID-19 crisis has **mobilized jurisdictions across the world** to release entire categories of inmates to protect everyone living and working inside. **As UCLA law professor Sharon Dolovich has put it**, even jurisdictions in the United States with longstanding imprisonment addiction have seen "conscientious officials rediscovering decarceral powers they had forgotten they had." Still, outbreaks at places like **Rikers Island in New York** and **Chicago's Cook County jail** are devastating in scope.

## **Reduction in jail population**

Ontario moved quickly to reduce its jail population: from March 16 to April 9, **numbers fell from 8,344 to 6,025**. About 70 per cent of Ontario inmates were awaiting trial, so large reductions

could be achieved simply by processing bail applications. Prosecutors, defence lawyers and judges have largely co-operated in establishing procedures and making decisions in response to the pandemic.

**On April 8, the Ontario Court of Appeal granted bail in an application brought by a defendant convicted of multiple charges in a sophisticated fraud scheme who was awaiting an appeal.** The court cited public health authorities to make the point that social distancing "is not only a question of protecting a given individual but also the community at large." An outbreak may turn into wider community spread as prison staff return home. The wider the spread, "the greater the pressure will be for scarce medical resources." The court noted that the applicant was 64 years old with underlying health issues, and concluded that his detention was not necessary in the public interest.

It is always the case that the interests of incarcerated people are closely tied to those of us living free in

the community. The pandemic has altered much about normal life, including the ability to deny those ties.

Still, the federal prison system in Canada has been slow to act. On March 31, Public Safety Minister Bill Blair said **he directed the Parole Board and the Correctional Service to consider measures to facilitate early releases**. By mid-April, little had happened – even though 170 federal inmates had tested positive, along with several staff.

The **Queen's Prison Law Clinic** quickly pivoted its work to press for a more robust federal response. One of only two dedicated prison clinics in Canada, the small staff at this legal aid office in Kingston, Ont., delivers hands-on education to Queen's University law students while providing front-line legal services to federal prisoners in eastern Ontario.

## **Families of inmates are worried**

By late March, the clinic was receiving desperate calls from inmates and their families, all worried about the pre-existing conditions that suggested ►



*Working from his Kingston-area home, Paul Quick, Law'09, staff lawyer with the Queen's Prison Law Clinic, was instrumental in setting a pandemic precedent for at-risk inmates.*



contracting this illness would be a death sentence. [The case of Derrick Snow](#), a 53-year-old man with a long but non-violent criminal record, moved quickly to the top of the pile.

Snow's record revolved around drug use, and he has cancer, diabetes and chronic obstructive pulmonary disease. He also had a fast-approaching statutory release date of July 2020 for his most recent theft-related offence. Snow's sister was willing to help him self-isolate in her basement apartment.

Through early April, Paul Quick, a lawyer at the Queen's Prison Law Clinic, engaged in near-daily correspondence with Bath Institution, working to identify viable legal avenues to facilitate a potentially life-saving adjustment to Snow's July release date.

The few official responses focused on technical issues that failed to take into account the radically altered pandemic landscape. The warden declined to make a decision by the requested date of April 10.

Lawyers who work in legal aid settings don't rush to court on a whim. Resources are scarce and the risk of losing – and setting a bad precedent with lasting impact on others – must be carefully weighed. These lawyers also rarely work alone. Prison lawyers across the country offered ideas and resources, and the clinic partnered with [outside counsel Paul Champ](#), a leading human rights lawyer with a longstanding commitment to civil liberties.

#### Prisoner released on eve of hearing

An emergency hearing was scheduled for April 17. Champ sought a mandatory injunction ordering the warden to grant Snow an unescorted temporary absence on medical grounds. Though he had only days to act – and was working from home like the rest of us – Champ filed a record that exceeded 400 pages. It included detailed expert medical evidence, pandemic policy responses in other jurisdictions and extensive correspondence showing Quick's attempts to convince the institution to act without a lawsuit.

The strongest cases often don't get to hearing. Filing persuasive written materials often convinces the other side of the struggles they will face in front of a judge. Sure enough, the night before the hearing was scheduled to be held, the warden of Bath Institution granted Snow a medical release.

The warden's decision acknowledges that, in normal circumstances, medical unescorted temporary absences are used to authorize moving a prisoner to a medical treatment facility. With prisoners who have serious medical conditions, unescorted temporary absences can now be granted when they have an "increased ability to self-isolate as per the public state of emergency related to the coronavirus pandemic."

#### Maximizing impact

The Queen's clinic is now working to capitalize on this precedent. Quick has shared materials with counsel across Canada. The clinic is reaching out to assist other vulnerable prisoners.

But this should not be a story of individual lawyers pushing individual cases. The federal government must establish an expert task force to identify prisoners for release. It should follow the World Health Organization and the United Nations Office of the High Commissioner for Human Rights, which [issued a joint document on March 27](#) calling on public authorities to prioritize the release of prisoners with underlying health conditions, low-risk profiles or those with imminent release dates.

Inmates should also have a safe place to go where they will be able to self-isolate. For many, these conditions will be sadly difficult to meet – all the more reason for systematic and quick action in the cases where release makes sense, to ease the burden on all who must remain inside a prison during a pandemic.

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# Queen's Legal Aid promotes tenants' rights to students

A quarter of the 600 or so new case files that Queen's Legal Aid (QLA) opens in a typical year involve student clients, and a majority of them involve landlord-tenant-related disputes. "A lot of students across the university simply aren't aware of their rights or obligations when they become tenants," says QLA director Blair Crew.

And because QLA strives to take a pro-active approach to problem solving – stressing the idea that "an ounce of prevention is worth a pound of cure," as Crew explains – before the COVID closures, the clinic launched an ambitious campaign aiming to educate and empower students on their tenant rights and responsibilities.

"We employed a variety of platforms tailored to the different segments of the student population," said Crew. "We know that first- and second-year students are a different audience than upper-year students. They have different needs that we hope to meet."

With that in mind, QLA research outreach coordinator William Hebert-Vendramini, Law'21, posted a series of three "attention-grabbing" informational posters in residence cafeterias and made available "All the Facts" postcards outlining the basic "dos and don'ts" of tenancy. The information presented was of primary interest to first-and-second year students who would be renting off-campus apartments or houses in the fall.

"Many undergrad students are first-time renters with very limited knowledge of what their rights actually are as tenants," says Hebert-Vendramini. He recalls that he was in that same situation in his own undergraduate years. "It was only years later when I came to Queen's Law and started to work at QLA that I discovered how much my landlord was taking advantage of me and his other tenants."

Other informational posters, which Hebert-Vendramini strategically placed around campus, aimed at upper-year students and highlight the liabilities all students incur when they come to the

end of a lease or when for other reasons they want to move. These are perennial concerns for students.

"The plan is for QLA to keep our tenants' rights informational program going for the next two or three years to see how effective it is," says Crew. "It's important for us both to show that QLA is always there for students and to be proactive in dealing with issues before they become problems."

All information for student tenants is posted on the [Queen's Legal Aid website](#).

— KEN CUTHBERTSON, LAW'83



*Queen's Legal Aid has prepared a series of informational posters as part of its ambitious campaign to educate and empower students on their tenant rights and responsibilities.*



# Prison Law Clinic leader the cornerstone for high-quality experiential training and client service

Called the “heart and soul” of the Queen’s Prison Law Clinic, director Kathy Ferreira, Law’01, has dedicated her entire legal career to defending the rights and interests of prisoners in federal institutions with passion and tenacity. For the past 17 years, she has also devoted herself to honing high-quality legal skills in students who serve a vulnerable and politically marginalized population through Canada’s only student legal aid clinic in correctional law. This year, she caught the attention of the Association for Canadian Clinical Legal Education, which presented her its inaugural Ferguson Award.

“Under Kathy’s strong leadership and her commitment to prisoner rights and the student experience, the QPLC has become one of the most sought-after legal aid clinics in Canada for prospective and current law students,” says staff lawyer Nancy Brar, Law’16. “She has been responsible for shaping the clinic into a large-scale, expansive operation in which law students assist prisoner clients under lawyer supervision in a variety of areas that also include administrative law and human rights law.”

Staff lawyer Paul Quick, Law’09, agrees and adds, “Kathy consistently draws the best out of her staff and students, and she is absolutely tireless in her efforts to ensure that the Clinic runs smoothly at every level while expanding its mandate and making the Clinic ever more effective in its pursuit of fairness and human dignity for our prisoner clients.”

In addition to the QPLC’s longstanding core service components of representing federal prisoners before administrative tribunals, Parole Board hearings and institutional disciplinary courts, Ferreira has recently overseen an increased emphasis on advocacy for prisoners with respect to conditions of confinement and health care through institutional grievance procedures, written advocacy to penal authorities, and complaints to the Canadian Human Rights Commission.

She has also expanded the clinic’s mandate to include Federal Court judicial review applications and constitutional litigation on behalf of prisoners in the Federal and Superior Courts, as well as targeted interventions at the Supreme Court of Canada (including, *Canada (Minister of Citizenship and Immigration) v. Vavilov*, and *Canada (Public Safety and Emergency Preparedness) v. Chhina*). By facilitating a second clinical course, Advanced Prison Law, she has provided further clinical educational opportunities for students to use the expertise they have developed on the frontlines of prison law, while developing public-law litigation skills and strategies.

“Even more recently,” says Quick, “Kathy has led the Queen’s Prison Law Clinic into the newest and arguably most challenging episode of its history to date, as the COVID-19 pandemic put our clinic’s client base (prisoners in poorly ventilated congregate living facilities with inadequate healthcare) at grave risk while simultaneously undermining the normal clinic procedures for client communication and supervision (in-person visits with clients are no longer permitted, and student supervision must now be conducted remotely).”

“During this most challenging time, Kathy has nimbly adjusted the procedures of the QPLC and urgently pivoted its efforts to assist those clients who are most vulnerable during the pandemic,” he explains. “This has included expanding the geographical service area of the clinic in order to assist medically vulnerable women at Grand Valley Institution (located in Kitchener, Ont.) seeking urgent release or protection during the COVID-19 outbreak at that prison, and concerted efforts to develop strategies and templates to advocate for the early release of medically vulnerable prisoners at all institutions and to share these tools with prison law counsel across Canada.

“As all of these new challenges – including the most basic challenges of remote work – have made

demands on the time and well-being of her staff and students, Kathy has tirelessly and relentlessly taken more and more of the QPLC’s core responsibilities on her own shoulders to enable its nimble response to the health crisis in our federal prisons, while ensuring that all staff and students have the support they need to be whole during this most challenging time.” Quick continues. “Her work ethic and dedication to clients, students and staff are unwavering.”

Brar can attest to that based on her own personal experience that started when she was a student. “Kathy’s guidance in shaping my understanding of legal ethics and quality client service is unparalleled,” Brar says. “Because of her I learned the importance of being a professional and principled lawyer. I have seen her impact each and every student she interacts with in the same way and I have learned firsthand that Kathy has an incredible ability to not only teach, but to inspire. She has an unfailing kindness towards prisoner clients, is a staunch supporter of prisoner rights as human rights, and is a strong, effective teacher.

Ferreira credits her colleagues for the recognition she is receiving as the Ferguson Award winner. “I am very honoured to receive this award, most especially because the people I work so closely with every day



As a staff lawyer and then director, Kathy Ferreira, Law’01 (2nd right), has been shaping and more recently expanding the Queen’s Prison Law Clinic’s service mandate for inmates and experiential learning opportunities for students for the past 17 years.

and whose opinions mean the most to me nominated me,” she says. “I am privileged to work with QLC Executive Director, Karla McGrath, and QPLC staff lawyers Paul Quick and Nancy Brar and am so grateful for the inspiration they give me.

“I also appreciate the attention on the work of the QPLC, which has continued to evolve and gain force as we maintain our frontline tribunal advocacy while also focusing on systemic litigation, human rights violations and outreach,” Ferreira continues. “This work would not be so diverse and rich without all of us working in concert, at capacity and with the dedicated assistance of our students, support staff (Mary Ann Dietrich and Nicole Clark) and Rick Sauvé, our Indigenous Justice Co-ordinator.”

Paul Quick puts it best when summing up Ferreira’s motivation: “It is clear that the Queen’s Prison Law Clinic is not a merely a job, or even career for Kathy, but a lifetime calling.”

— LISA GRAHAM



# Congratulations to four alumni trailblazers!

BY ZABRINA TESTA AND LISA GRAHAM

A “powerful” woman executive, a young litigator already a public voice, an Indigenous Treaty expert, and a warrior for victims of domestic violence have something in common. They are the 2020 winners of the four coveted Queen’s Law alumni awards.

“This year’s recipients are trailblazers,” says David Sharpe, Law’95, Chair of the Dean’s Council and its awards committee. “They have distinguished themselves as leaders, making valuable contributions within the private and public sectors in their communities, their provinces and across Canada.”



**Betty DelBianco, Law’84**  
H.R.S. Ryan Law Alumni Award of Distinction  
*for overall distinction in the legal profession*



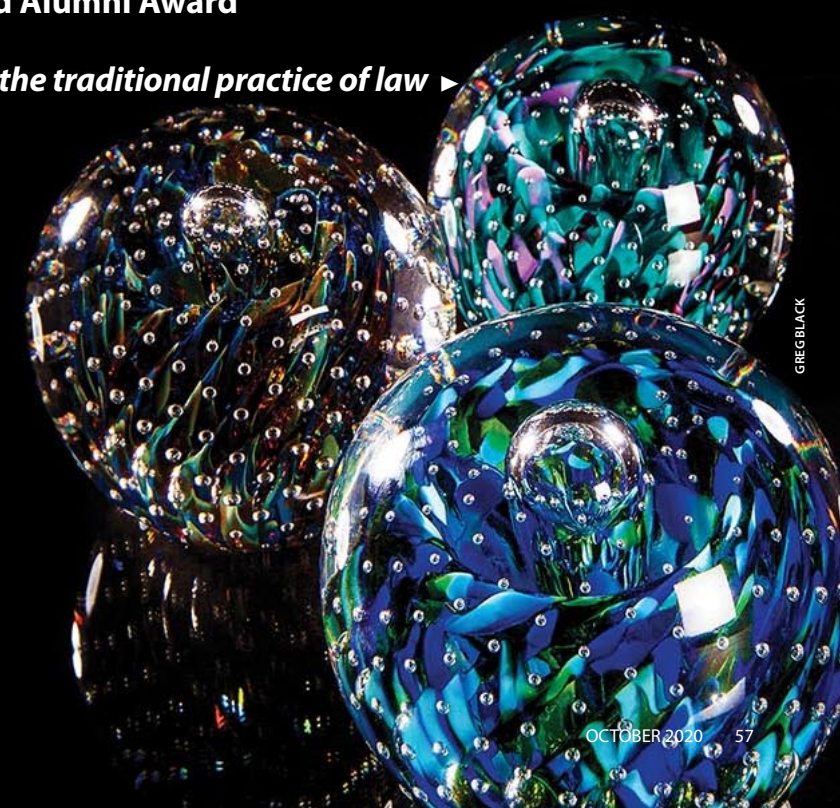
**Asher Honickman, Law’10**  
Dan Soberman Outstanding Young Alumni Award  
*for early-career success*



**Loretta Ross, Law’89**  
Justice Thomas Cromwell Distinguished Public Service Award  
*for sustained and outstanding public service*



**Pamela Cross, Law’93**  
J.A. (Alec) Corry Distinguished Alumni Award  
*for excelling in a career outside the traditional practice of law* ▶





# Law'84 corporate executive, Ryan Award winner, shares keys to success

Betty DelBianco, Law'84, who has been successfully combining law with business for 35 years, is this year's deserving recipient of the H.R.S. Ryan Alumni Award of Distinction. The award, for which she was nominated and selected by fellow graduates, recognizes her significant contributions to the legal profession and to Queen's Law.

She joined multinational electronics manufacturing and supply chain solutions company Celestica Inc. as General Counsel in 1998 following several years in the law department of Bell Canada. As her portfolio expanded over the years to include oversight of human resources, corporate communications, and sustainability, she was promoted to Chief Legal and Administrative Officer.

To succeed in the business world, DelBianco believes it is important to build relationships at all levels of an organization. "I have found it true on many occasions over the years that you can learn something from anyone – no matter their age, level, particular job, or background," she explains. "If you listen to people with an open mind and a willingness to change your mind, you will make better decisions."

In addition, "It is so much easier and faster to get things done when you know the people you are dealing with, or the best person to call if you need information, or a decision, or whatever," she says. "And having good relationships at work just makes it more fun."

With Celestica operating in some 20 countries, DelBianco has done a great deal of international travel for her work. "The challenges of managing legal and business issues in multiple jurisdictions with very different cultures has been one of the more interesting aspects of my role. I have had the good fortune to have had some amazing experiences and to get to know many fantastic people across the globe," she says.

Those travels, along with lending her expertise to guide other organizations, have also broadened her network – another key to success that she promotes.



*Betty DelBianco, Law'84, winner of the 2020 H.R.S. Ryan Law Alumni Award of Distinction, shares advice for career success in combining law and business.*

As a corporate director of Economical Insurance and Chair of its Human Resources and Compensation Committee, DelBianco's background in law and business has proven very useful. "Economical is a mutual insurance company that is in the process of demutualizing and going public," she explains. "I joined Celestica just before its IPO

(initial public offering), so I have been through that process. My experience with the many aspects of the governance of a public company and with such areas as executive compensation has served me well in my role at Economical."

She is a long-time member and past president of the Association of Canadian General Counsel (ACGC), an invitation-only association of 50 general counsels from Canada's leading companies. Over the years, she has learned a tremendous amount from peers who are dealing with similar types of legal and business issues and formed a valuable network of colleagues to whom she can turn for advice.

DelBianco has always been a strong supporter of Queen's Law. As a dedicated and active Dean's Council member for a decade (2009-2019), she demonstrated tremendous fundraising leadership while helping to shape the school's future with her strategic guidance. During her time at Queen's, she made many lifelong friendships. "We have stayed close over the years and continue to socialize and travel together," she says. It was my passion for Queen's Law that led to my serving on the Dean's advisory council for 10 years, a role that I very much valued and enjoyed. It was a privilege to see up close the evolution of the school over that period."

When asked how her time at Queen's Law prepared her for this type of work, she responds, "Many of the skills I learned in law school have been valuable not only in my legal role but on the business side as well. For example, the ability to identify the key issues in a complex set of facts, to consider a problem from several perspectives, to support a position with a well-reasoned argument."

Since her law school days, she has earned national recognition, including receiving a Canadian General Counsel Award for Litigation Management in 2016 and being named to Canada's Most Powerful Women: Top 100 Hall of Fame by the Women's Executive Network.

A life-long learner, she completed an Executive MBA at the Ivey School of Business when she was

***"If you listen to people with an open mind and a willingness to change your mind, you will make better decisions."***

working with Bell Canada. "I had a toddler at the time and had another baby while I was doing the program, so I really learned a lot about time management!" she exclaims. Within the last decade, she also completed a leadership program at Harvard Business School and Directors' Education Programs at Rotman and at Stanford Law School.

Once she retires at the end of this year, DelBianco plans to focus on her board work and to continue being actively involved with the Queen's Law community. "My niece just graduated from Queen's Law and her experience was similar to mine," she says. "I am very happy that the sense of community and support that I experienced over 35 years ago continues to this day."

What's the main piece of advice she gives to young people who are starting out in their careers? "Get out of your comfort zone," she says. "That is not something that comes naturally to me and on occasion, I have had to be forced out of my comfort zone – for example, by being asked to take on responsibility for an area of the business I was not familiar with. And every single time I have made the leap – voluntarily or with some prodding – good things have happened."

She has also noticed a gender difference when it comes to trying something less familiar. "Women in particular are bad at not putting their hands up if they don't think they have 100 percent of the qualifications or experiences for a particular task," she explains. "Men tend to jump right in if they have any of the qualifications."

DelBianco encourages, "If you have an opportunity that scares you, take it." ►



# Accomplished young litigator wins 2020 Dan Soberman Award

Since graduating from Queen's Law in 2010, Asher Honickman has built a broad litigation practice and become a partner with Matthews Abogado LLP in Toronto. Early in his career, he was given the opportunity to manage his own files and take cases to trial. There, his passion for litigation grew quickly and the stage was set for him to eventually appear before the highest court in Canada.

"I cherish my time Queen's Law for the superb intellectual environment it provided," he says. "After graduating, it was not long before I was reviving my law school experience in a sense by writing articles and engaging in the academic community. Beyond that, the high level of education I received at Queen's and the intensity of the law school experience there prepared me for the professional challenges ahead."

***"I never imagined that keeping engaged in the subject areas I enjoyed so much in law school would actually lead to remunerative work."***

Over the past decade, Honickman co-founded two organizations – Advocates for the Rule of Law (ARL) and the Runnymede Society – in order to foster a better understanding of the importance of the rule of law in Canada.

As CEO of ARL, he is heavily involved in its day-to-day operations. ARL has intervened in several Supreme Court of Canada cases as a friend of the court, to guide the justices on rule of law matters. He's also still involved in the larger decision-making process at the Runnymede Society, which works to

promote greater diversity of perspectives and rigour of debate on issues that impact the rule of law and individual liberty. More recently, both organizations have turned their attention to continuing legal education and networking. Earlier this year, both successfully hosted their first CLE panels accredited by the Law Society of Ontario.

Honickman is drawn to many areas of law and his practice reflects that. Having resisted the trend of super-specialization, he has built a diverse practice that includes contract law, defamation, insurance, personal injury, long term disability, employment, regulatory and constitutional law. He has authored several scholarly papers and articles with a focus on constitutional and public law. While his writing initially provided him with an intellectual and creative outlet, he has since been published in the *Alberta Law Review*, the *Advocates' Quarterly* and *The Advocates' Journal*. He's also written op-eds published in the *National Post*, *Toronto Star* and the *Huffington Post Canada* and has been featured as a legal expert on local radio stations.

"The unexpected but welcome consequence is how my writing opened me up to a whole new community of people, including scholars, academics, judges, and engaged and passionate private citizens," he explains. "This, in turn, led to several constitutional law files coming my way. These have proven to be among my most memorable files in the last 10 years. I never imagined that keeping engaged in the subject areas I enjoyed so much in law school would actually lead to remunerative work, but the world works in mysterious ways."

Honickman returned to campus last fall to deliver a lecture in Professor Bruce Pardy's first-year Constitutional Law class. "It was a surreal experience," he says. "As with most things, much had changed but much had stayed the same. I was so glad to be back."



Asher Honickman, Law'10, who has already become a partner with a Toronto law firm, co-founded two organizations advocating the rule of law in Canada and appeared before the Supreme Court, is this year's winner of the Dan Soberman Outstanding Young Alumni Award.

As for receiving this year's Dan Soberman Outstanding Young Alumni Award from his alma mater, he says, "I am truly honoured. I hold Queen's in very high regard – probably even more so now than when I graduated because the perspective of years has allowed me to see the difference in the education I received and the many great minds that have emerged from that institution, from lawyers to professors and to judges. To receive an award from Queen's is something very special."

Honickman's life has changed dramatically over the last decade. He is now married and has two young children. "It has been a rollercoaster decade, but I would not trade it for anything," he says. While he has less time to write these days, with the support of his very understanding wife, Hanaa, he still manages to find some time, most recently co-authoring two op-eds in the *National Post* with Professor Leonid Sirota of Auckland University of Technology. "I still like writing on a wide array of topics," says Honickman, "and am particularly drawn to division of powers doctrine." ►



# Treaties can transform First Nation and non-First Nation relationships

For Loretta Ross, Law'89, Commissioner for the Treaty Relations Commission of Manitoba, it's a priority to challenge people's understanding of Treaties and how they can be a means of reconciliation. She oversees a team that helps facilitate change in the relations between First Nations people and governments and non-First Nation people and governments. Ross, a member of her home province's Hollow Water First Nation, previously practised law for 28 years, counselling numerous First Nations people, governments and organizations, notably the



Loretta Ross, Law'89, Manitoba's Commissioner for the Treaty Relations Commission of Manitoba, is the 2020 Cromwell Award winner for helping facilitate change in the relations between First Nations people and governments and non-First Nation people and governments.

Assembly of Manitoba Chiefs and Assembly of First Nations on child and family matters, residential school survivor claims, specific land claims, Treaty land entitlement, trusts, and hydro development.

Commissioner Ross, recipient of this year's Justice Thomas Cromwell Distinguished Public Service Award for sustained and outstanding public service, shares her insights as Treaty Commissioner, her career path, and her Queen's Law experiences.

## **What is the main focus of your work as Commissioner of the Treaty Relations Commission of Manitoba, and why?**

I believe that much of the difficulties in the First Nation / non-First Nation relationship lie in the lack of knowledge and understanding of the historical relationship. In Manitoba in particular, the Treaties were the basis of this relationship and unfortunately, the First Nation perspective of the Treaties has never been taught or shared and therefore understood. A significant part of the work that we do is to bring this education to everyone. We have to keep in mind that the knowledge transfer even amongst First Nation people has been interrupted through events like the residential schools, the Sixties Scoop and the *Indian Act*. I truly believe that knowledge is power and once we all have this knowledge, the power to make the required changes will follow. The First Nation worldview must be understood and given the space to exist alongside the Canadian worldview.

At the Commission, we also conduct research that will help in gaining a better understanding of the Treaties and the Treaties can be a framework for moving forward. The Treaties are not documents intended to stay in the past but are living agreements that affect us today and in the future. We need to take the time to understand this. Our current educational institutions are moving towards this and we work with them in curriculum support and development as well. I am blessed to work with a Council of Elders who teach me and the TRCM staff so much about the Treaties and the Treaty Relationship.

During my term as Commissioner, we have developed a post-secondary course on the Treaties

and the Treaty Relationship that is accredited and delivered by the Elders. What was initially going to be a one-year course has developed into a four-year course. This course is significant as it teaches us that pedagogy is important in the way that we understand each other as well.

## **What was your career path after graduation?**

After I left Queen's, I articulated in Toronto at Lang, Michener Lawrence and Shaw. I thought that I would experience the "big city" legal world to see if it was for me. About half-way through my articles, I had realized that my heart was in Manitoba and I would return home. I had to redo my articles as the process was different in Manitoba than Ontario, but I had managed to arrange a slightly different articling experience. The Law Society agreed to allow me to complete nine months of my articling requirement with the Manitoba Justice Inquiry that was being led by then-Judge Murray Sinclair and Justice Alvin Hamilton. I completed three months of my articles in a law firm, but it was my experience with the Inquiry that opened my mind to the Canadian legal system and its application to First Nation people. I had always felt that the Canadian legal system was foreign to me in some way and through my experience began to understand that the principles on which the Canadian legal system was based were quite different than what I had grown up with. From that point on, my career was focussed on trying to make changes that not just "accommodated" First Nation principles and worldviews but made space for it. This has been a life-long journey and whether my work was in Child and Family Services, land claims, self-government negotiations or residential school claims, this major difference remained.

After receiving my call to the bar, I practised law for a couple of years with the firm Keyser, Harris and was lucky enough to make some lifelong friends and mentors. After a couple of years with Keyser, Harris, I became in-house counsel for the Assembly of Manitoba Chiefs, where I worked for approximately 10 years. I was on the legal team as the Assembly negotiated a self-government agreement with the federal Crown. After 10 years I went back to private practice.

***"I truly believe that knowledge is power and once we all have this knowledge, the power to make the required changes will follow."***

I left the firm after a few years and opened up my own practice, which eventually led me to work for my own community of Hollow Water First Nation on governance issues.

It seems that my journey has led me to the current work that I do at the Treaty Relations Commission of Manitoba.

## **How did your time at Queen's Law inspire or prepare you to initiate this type of work?**

Going through law school has shown me that there is much work to do. I have to say that my academic learning of the law at Queen's in the 1980s did not assist me other than to help me understand the Canadian legal system and perhaps how Canadian and Indigenous law can co-exist. However, there is much work that needs to be done. What I did learn through my time at Queen's is that the traditional institutions can change, albeit with much push and effort. While I was at Queen's, the feminist movement was perhaps at its height in the law school and I witnessed how institutions could change.

## **Is there anything else you'd like to share with us?**

My recent return to Queen's last November made me proud that an institution as prestigious as Queen's can and has embraced change that is more open and inclusive. While I have no doubt that there is more than can be done, I was pleased with the changes.

We have to overcome the fear that we are giving something up or losing something when we look to make space for First Nation people. We forget that First Nation people are the original inhabitants and all we are doing is ensuring that the land and space is to be shared so that everyone can have a healthy and good life. Minopimatiziwin... to live a good life. ►



# Women's equality advocate and legal expert on domestic violence wins Corry Award

Four years into her law practice representing abused women, Pamela Cross, Law'93, made a career-altering decision in 1999 that would give her a forum to advocate for survivors of gender-based violence on a broader scale.

"I saw how the court system did not respond well to family violence," says Cross, who acted for women in family court, in child protection proceedings and in criminal court. "I was also very involved with the shelter and the sexual assault centre. I realized I wanted to work for systemic change through education, training and law reform advocacy, which was consistent with my longstanding political activism."

That is what she has been doing – and excelling at – for two decades. For this work, she has been recognized by the province, the nation and by her Queen's Law peers. Pamela Cross is this year's recipient of the J.A. (Alec) Corry Distinguished Alumni Award for excelling in a career outside the traditional practice of law.

In a position she has held for the past five years, Cross is the Legal Director of Luke's Place, an Oshawa-based non-profit organization. "Our work assists women fleeing abuse who have family law issues," she says. "Primarily, I lead our systemic projects on research, law and policy reform, training and education and resource development."

Among other things, she and her team published *Family Court and Beyond* (2019), a family court survival workbook for women fleeing abuse; and conducted research for the Department of Justice Canada on the use of screening tools for family law lawyers.

She is the lead trainer for Ontario's 100 Family Court support workers and other frontline workers. Over the past five years, she has provided domestic violence awareness training to about 2,500 Legal Aid

***"I went to law school when I was in my mid-30s, with a clear vision that I wanted to use law to make social change."***

Ontario staff, community clinics and lawyers across the province. She co-chaired the Violence Against Women Roundtable, which provided guidance to the provincial government.

Cross has also been involved in the development of many firsts for Luke's Place, including its two clinics. One is the Pro Bono Summary Advice Clinic that serves for women in the Durham Region who cannot afford a lawyer. The COVID-19 crisis has led to the expansion of the second Luke's Place clinic: its Virtual Legal Clinic, which now serves women fleeing abuse in all regions of the province.

"With the need for physical distancing and the courts suspending regular operations, many of the women we assist – who were either just starting or in the midst of a family court case – were at high risk," she explains. "We use a private and secure platform to connect women who need legal advice with lawyers who offer their time pro bono."

"As well, we have made ourselves a kind of clearinghouse for legal information related to COVID-19: we summarize and post family court decisions as they are made, have created resources to assist frontline workers, have developed three webinars to support frontline workers, and more."

Beyond her work with Luke's Place, Cross heads "Not Okay," a Status of Women Canada project with Toronto's Barbra Schliker Clinic. She also works with a number of women's equality organizations across Canada, including the National Association of Women and the Law and the Canadian Council of Muslim Women (CCMW). Among her publications for CCMW are "Muslim and Canadian Family Laws: A Comparative Primer" and "Violence Against Women: Health and Justice for Canadian Women."

Most recently, with funding from the federal Department of Justice, she led a team that researched the use of family violence screening tools for family law practitioners. The final report, ***"What You Don't Know Can Hurt You: The importance of family violence screening tools for family law practitioners,"***

includes a draft screening tool and the recommendation that a universal screening tool be adopted for all family law practitioners.

A long-time activist, Cross has worked on such issues as prison reform, environmental change, women's reproductive rights, women's equality rights, Indigenous rights, anti-militarism, and more. "That activism has included the use of civil disobedience," she says. "Earlier this year, my friend and fellow activist, Aric McBay, and I released a ***legal handbook for people engaging in direct action politics.***"

Among her many honours, Cross has received both the Law Society of Ontario's Laura Legge Award and the Law Foundation of Ontario's Guthrie Award in 2019 as well as the Ontario Ministry of the Attorney General's Victim Services Award of Distinction in 2015. A well-known and respected legal expert on domestic violence, she is regularly called upon to speak on national radio and television and at provincial and national conferences.

Back in September 1990 when Cross began her studies at Queen's Law, she already knew how she would make the best use of her legal education. "I went to law school when I was in my mid-30s, with a clear vision that I wanted to use law to make social change," she says. "My time in law school gave me the tools and confidence to, first, start my own practice and, second, move on to working at the systemic level."

Since her graduation and law practice, she went on to leadership positions with Toronto's Metropolitan Action Committee on Violence Against Women, the Ontario Women's Justice Network and the National Association of Women and the Law.

Cross now lives in eastern Ontario with her partner and has four grandchildren. While her day job is working with survivors of gender-based violence who engage with the family and criminal law systems, she stays involved as a trainer and educator with her other passion project, direct action politics.



*Pamela Cross, Law'93, has spent two decades working for systemic change to help survivors of gender-based violence, and is involved with a virtual legal clinic that has recently expanded amid the COVID-19 crisis to serve women fleeing abuse in all regions of Ontario. For excelling in a career outside the traditional practice of law, she is the 2020 recipient of the J.A. (Alec) Corry Distinguished Alumni Award.*

**Nominate a deserving grad for one of the 2021 awards. Check out how at [law.queensu.ca/alumni/awards](https://law.queensu.ca/alumni/awards)**





# Meet Dean Walters' newest strategic advisors

An Ontario judge, a national Indigenous law leader and a BC corporate solicitor joined the Queen's Law Dean's Council earlier this year. They're ready to give advice on the school's strategic directions, as well as help with its efforts in fundraising, alumni network expansion, and student recruitment and placement.

"At Queen's Law, I received a terrific legal education and met people who have become lifelong friends," says Justice Darla Wilson, Law'84 (Artsci'81), of the Superior Court of Justice in Toronto. "Over the years, I've realized how very lucky I was to have attended this strong academic school."

***"I am looking forward to working with Dean Mark Walters (Law'89) and the whole Dean's Council to help continue to ensure that Queen's is a welcoming and diverse space for students to begin their legal careers."***

From last September till the COVID shutdown in March, she had spent two days a week on campus during a year-long study leave from the court to work on a project. "Being back at Queen's Law was wonderful and I saw how the law school had grown since I was a student. So impressive!" exclaims Wilson, who has been a member of the Moot Advisory Council for the past six years. "I was

honoured to be asked to join the Dean's Council and I welcome this opportunity to give back to the law school that has done so much for me."

Appointed to the Superior Court in 2007, she has led two teams of civil judges in Toronto and now sits on the Board of Directors of the Ontario Superior Court Judges' Association. Prior to her bench appointment, she was a partner with Lawson McGrenere LLP, where she practised civil litigation exclusively.

Jaimie Lickers, Law'07, is a partner in Gowling WLG's Hamilton office and national leader of the firm's Indigenous Law Group. An experienced litigator, she advances First Nations' wealth, economic development, autonomy and rights, and has appeared before the Supreme Court of Canada on landmark cases. Among several honours, she was named one of Canada's "Top 25 Most Influential Lawyers" by Canadian Lawyer in 2019 and received a 2017 Lexpert Zenith Award celebrating the advancement of women who have demonstrated excellence and thought leadership in the legal profession. Prior to practising law, she worked for the Chiefs of Ontario and the Aboriginal Institutes' Consortium.

"During both my undergraduate and my legal studies, Queen's always felt like home to me," says Lickers. "As a student, I benefited from many alumni who so generously volunteered their time and experience, thereby making Queen's a great place for students to learn and grow. Now that I have some experience of my own, I want to give back to our wonderful Queen's Law community. I am looking forward to working with Dean Mark Walters (Law'89) and the whole Dean's Council to help continue to ensure that Queen's is a welcoming and diverse space for students to begin their legal careers."



Justice Darla Wilson, Law'84, Jaimie Lickers, Law'07, and Allan McGavin, Law'12, are the latest alumni to join the Dean's Council. As members, they want to use their talents and experience to support Queen's Law and "keep it going strong for future generations of students."

Allan McGavin, Law'12 (Com'08), a corporate lawyer with Farris LLP in Vancouver, advises owners, directors and executives of both public and private companies across a variety of industries. His primary areas of legal practice are corporate governance, mergers and acquisitions, corporate finance and securities compliance. McGavin, a former student manager of the Queen's Business Law Clinic and a former President of the Queen's University Alumni Association's Vancouver Branch, now serves as a member of the school's BC Alumni Council and as

Director of the Global Alumni Association's Branch. In his home city, he also speaks regularly at technology accelerator programs on the legal aspects of building and scaling emerging growth companies.

"My time at Queen's Law was formative, thanks to passionate professors and collegial classmates," says McGavin. "It's exciting to see how the school has developed since my time there, and I want to keep that going strong for future generations of students."

— LISA GRAHAM



# Three alumni among Canadian Lawyer's Top 25 Most Influential

One of the country's most influential intermediate appellate court judges, a young lawyer focusing on issues tackling minorities, and a partner representing disabled Canadian veterans in a successful class action have received a new accolade. After more than 19,000 votes from legal community members were cast for 174 nominees, *Canadian Lawyer* magazine selected its 2020 list of the **Top 25 Most Influential** in the justice system and legal profession in Canada.

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

## David Stratas, Law'84, LLD'12

Justice, Federal Court of Appeal, Ottawa  
Instructor, *Queen's Law*, Kingston

Category: Government/Non-Profits/Associations

David Stratas is regarded as one of the most influential judges sitting on an intermediate appellate court in Canada. His impact on administrative law through his judicial decisions, publications and conferences cannot be doubted. Back in 2017, he wrote an article titled "The Canadian Law of Judicial Review: A Plea for Doctrinal Coherence and Consistency," wherein he questioned the decision in *Dunsmuir v. New Brunswick*, 2008 SCC 9 and called attention to the benefits of employing doctrinal clarity, unity and simplicity in judicial review. In 2019, he published two additional online articles, which were "A Decade of *Dunsmuir*: Please No More" and "Looking Past *Dunsmuir*: Beginning Afresh." The latter was particularly impactful, even influencing the discussion of the Supreme Court of Canada in *Canada (Minister of Citizenship and Immigration) v. Vavilov*, 2019 SCC 65. The *Vavilov* judgment went on to cite 12 decisions authored by Stratas. He also teaches administrative law, and his annual legal writing course at the *Queen's University Faculty of Law* is considered the most popular course there.



## Aaron Bains, Law'14

Associate, Aird & Berlis LLP, Toronto  
Category: Young Influencers

Aaron Bains, as president of the South Asian Bar Association-Toronto, spends a good amount of time promoting diversity, equity and inclusion initiatives. Bains focuses on issues impacting minorities, such as judicial diversity and discriminatory legislation and workplace practices. He regularly meets with stakeholders in the provincial and federal government and in the judiciary to discuss crucial issues affecting the justice system. With his support, the SABA has increased its presence across Canada, establishing additional chapters in Calgary and Edmonton. He assisted in forming a partnership with the *Queen's University Innovation Centre*, where he regularly gives lectures. He also plays an important role in the program advisory committee for Ryerson University's Faculty of Law. He is a member of the capital markets and venture finance groups of Aird & Berlis, where he works to fully understand his clients' needs so that he can help them properly structure their transactions.

## Malcolm Ruby, Law'84

Partner, Gowling WLG (Canada) LLP, Toronto  
Category: Business

Malcolm Ruby's practice areas include class actions, product liability and trans-border disputes. In *Toth v. Canada*, 2019 FC 125, Ruby headed Gowling WLG's team that acted on behalf of a class of disabled Canadian veterans. He assisted in reaching a final settlement agreement that awarded members of the class compensation for harm caused by discriminatory policies and practices. This nationally certified class proceeding was notable because the firm liaised with the Canada Revenue Agency to prevent income tax deductions from the settlement or the imposition of reporting requirements. He also served as lead counsel in Canada (*Attorney General v. Galderma Canada Inc.*, 2019 FCA 196, which was named by Managing Intellectual Property America as its "Impact Case of the Year." Ruby has represented prominent clients such as the U.S. government, the U.S. Securities and Exchange Commission and the Ontario Securities Commission, but he has also gone out of his way to act on behalf of vulnerable groups.



# A life transformed, Black awareness heightened

If there's a word to describe the three years Michael Coleman, Law'17, spent as a student at Queen's Law, it's "transformative."

Not only did he earn his JD degree and emerge from the experience a changed person, he also left an important legacy when he co-founded a Queen's chapter of the Black Law Students' Association (BLSA) of Canada.

Today, Michael is thriving in his role as an associate with Toronto-based Fogler, Rubinoff LLP, where he works in the firm's commercial real estate and banking groups. But he still marvels at how much his life has changed since his first day of law school in September 2014.

Michael was 22 then. While earning an Honours BA from York University, he'd hoped to have a future in law. "I was inspired by my grade 12 law teacher who shared positive stories about being a lawyer, and I was always encouraged by my immediate family and (now) fiancée, Schenelle Dias," he says.

"I developed a strong sense that I wanted a legal career. That was something no one else in my family had ever accomplished."

Michael was the third of four children born to Jamaican-born immigrant parents. After coming to Canada in the early 1980s, Michael's father, Fedrick, toiled as a transportation dispatcher, his mother, Evadne as a personal support worker. The Colemans worked hard to build better lives for themselves and for their children; education was integral to that goal.

Michael chose Queen's Law for two reasons. One was the legacy of Robert Sutherland (c1830-1878), the brilliant Jamaican-born man who was the first Black graduate of Queen's, the first Black lawyer in British North America, and one of the university's most important early benefactors. "I found his story particularly inspiring," says Coleman.

A second reason he chose Queen's Law was the collegial approach to learning at the school.

"The students support each other, and the professors are passionate about the subjects they teach. They challenge you intellectually while encouraging you to think, question, and consider all sides of an issue. That's something that has stayed with me, and that I try to do in my practice."

Michael learned critical legal skills and more at Queen's Law while finding his way. He began first-year intent on a career in criminal or administrative law; however, a tax course taught by Professor Art Cockfield, Law'93, fired his imagination and nudged him in a different direction. "That's one of the great things about Queen's Law," says Coleman. "Students are exposed to and have opportunities to experience different areas of the law."

At the same time his career goals were changing, he made some big changes personally, becoming "a lot more mindful" of what he was eating and beginning a running-based exercise regimen that helped him drop from 260lbs to a relatively svelte 170lbs. Being 5'10, that was life altering for him.

As if all that wasn't challenging enough, Coleman somehow made time and found the energy to continue "giving back to the community." This is something his role models have always done, and he has followed their example. In his graduating year at Queen's Law, Coleman was named to the Agnes Benidickson Tricolour Society for his volunteer efforts with Queen's Legal Aid, for serving as a math and English tutor for inmates at Collins Bay Institution, and for co-founding BLSA-Queen's.

The latter is an organization that Coleman discovered in October of first year, that he's still proudly involved with and that he's delighted to see active at Queen's Law. "The BLSA provides me with on-going opportunities to mentor Black law students and to network with other Black Queen's Law alumni," he says, noting two in particular: Justice Donald McLeod, Law'95, of the Ontario Court of Justice, the first Black Queen's Law grad to be called to the bench, and Frank Walwyn, Law'93, of WeirFoulds LLP, who's one of the first Black partners at a Bay Street law firm.

"I've benefited from the friendships that I made at Queen's Law and from the rich alumni network that's out there," says Coleman. "I'll always feel a strong connection to the school."

— KEN CUTHBERTSON, LAW'83



Michael Coleman, Law'17, co-founder of the Black Law Students' Association of Canada - Queen's Chapter, left an important legacy when he graduated. Now enjoying a thriving law practice, he's still actively involved with the chapter, mentoring Black law students and networking with other Black alumni.



Michael Coleman, Law'17 (middle), shown with proud family members and friends at Convocation, received the university's Tricolour Award for his volunteer efforts with Queen's Legal Aid, for serving as a math and English tutor for inmates at Collins Bay Institution, and for co-founding the Black Law Students' Association of Canada - Queen's Chapter.

Read more about Michael Coleman and other BLSA-Queen's leaders in the feature story, "A grand idea whose time had come," in Queen's Law Reports 2020.





# Former clinic student heads provincial law foundation

Lisa Cirillo, Law'96, got her feet wet in access to justice issues as she helped some of the most vulnerable community members during her law school days with the Queen's Law Clinics. Devoting her career to social justice, she has worked with such organizations as the Ontario Human Rights Commission, ARCH Disability Law Centre and the University of Toronto's Downtown Legal Services (DLS), where she was a staff lawyer for five years and has been Executive Director since 2010. On September 8, she began a new chapter in her career becoming CEO of the Law Foundation of Ontario (LFO). There, she oversees the granting of funds to improve access to justice across the province.

Before taking the helm at the LFO, Lisa Cirillo spoke with us about what opportunities and challenges her new role brings, how she developed her interest in social justice, how her Queen's Law experience set her up for a fulfilling career, and what advice she has for students.

## What attracted you to the CEO position with the LFO?

I'm really excited about the Foundation role because I have either worked for or with pretty much every agency the LFO funds (including the DLS clinic). It's an opportunity to continue to work with legal service providers and community agencies that I believe in and think do fantastic work, but in a different way. Now, I'll be working to support these agencies. I've spent my whole career primarily working on frontline legal services, looking at the access to justice issues at a very micro level. With the Law Foundation, I'll be looking at these problems from a macro level and from a funder perspective, asking where can we be strategic in our investment in order to fill in the deep gaps that exist in terms of the justice system. It's a unique opportunity to make a different kind of impact on access to justice.

## How does COVID-19 make this a critical time to be joining the LFO?

New challenges and new urgent legal needs are emerging from the pandemic. We can already see that the impact is being felt disproportionately along economic lines and other traditional social fault lines. People with low incomes are experiencing the pandemic in a more severe way than people who have the ability and the kind of job that allows them to work from home. There are deep connections between poverty and other grounds of vulnerability, like race, disability, and immigration status. COVID is exacerbating and amplifying these pre-existing inequalities, and this is true internationally. We can anticipate that the demand for legal services is going to increase dramatically and be that way for a while. Even as the province moves through different stages of recovery, we can imagine that there will be long-term impacts on low-income communities in terms of health issues and their future. I think that will be a challenge for the Foundation to work with their network of community agencies to identify those new legal needs and then to be able to pivot and get programs in place quickly enough that can start to respond to them. It's a challenge, but there's also a huge opportunity to make an impact.

## What else are you looking forward to in your new role?

The world of grant-giving and foundations is new to me, and I'm really excited about the challenge. I've spent my legal career perpetually seeking funding for programs and organizations, so I have an intimate knowledge of how it feels to both be successful and not successful, and I'll bring that to the CEO role. It's important in our career to keep challenging ourselves and try to keep growing. I look forward to entering this new world and learning from those who have been in it for a while.

## What are the first things you will do as CEO?

When you're starting in a new place, the most important thing is to take the time to orient yourself and learn from the people who are there. I plan to spend most of my first months just meeting people and listening. Community is very important to me and it's going to be trickier to build community in a virtual environment than meeting with people in person. Fortunately, I've had some experience with building community in a virtual environment this summer with our student program and I feel confident I will be able to establish relationships despite these challenges.

I think the Foundation is in fantastic shape and that that will make it much easier to step into my new job. I'm really grateful to the board and to Tanya Lee, the outgoing CEO. I'm continuing to get a much more intimate picture of the Foundation and all of its different pieces from Tanya and she kindly provided me with a reading list about grant-giving and foundation work. My key strategy when doing something outside my comfort zone is to over-prepare.

## Where and how did you first become interested in social justice?

My undergraduate criminology classes got me thinking about the inequities in the legal system and I started asking questions. Is the legal system the justice system? Is it capable of delivering justice? Are these different things? In classes on young offenders and incarcerated women, we were presented with

material that highlighted the disproportionate impact of the legal system on certain communities, so it really sparked an interest. At the time, I was also volunteering with the John Howard Society and with an open custody facility for youth, and I really enjoyed that work. I decided that I wanted to be a ►



*Lisa Cirillo, Law'96, who has worked with legal clinics and social justice organizations since her first year of law school, is the new CEO of the Law Foundation of Ontario. Now, she'll have a different impact on access to justice as she oversees the granting of funds to support legal education, legal research, legal aid, and law libraries across the province.*



# Two grads celebrated for professionalism and civility

criminal defence lawyer. I chose law school at a time when the only lawyer I had ever even had a conversation with was a criminology professor who was a practising lawyer. When I got my offers for law school, I called him and asked, “Where do you think I should go?” He said, “If you want to do criminal law, you should go to Queen’s and take the Correctional Law Project (now the Queen’s Prison Law Clinic),” so that’s what I did.

At Queen’s, what solidified my interest in doing in social justice/public-interest law was the chance to do both the Correctional Law Project and Queen’s Legal Aid. Through my experiences in these programs, I realized that although we need committed, dedicated criminal defence lawyers, that wasn’t the right fit for me. It was great to have the opportunity to learn this about myself while still a student. Now I always tell my clinic students that you may have an intellectual idea of what a particular practice might be like, and that might be fed by all of the TV and media around certain kinds of practices, but clinical opportunities are great ways to try them out and see if they fit.

It was a really great opportunity for me to rethink, “Is this what I want to do?” In fact, I went down a different path entirely. It was clinic experience that really solidified that I wanted to do this kind of work.

Queen’s Legal Aid showed me the value of community-based work and working at a clinic where we could provide lots of different kinds of legal assistance. Law is an ever-present force in the lives of low-income people and they’re forced to interact with the law on a very routine basis in many different aspects of their lives. The clinic model of services is a direct response to that. It’s common for clinic clients to be dealing with multiple legal issues and all the social service needs that come from being

low-income. Law clinics can assist them with their criminal law charge at the same time as we can help them with their family law case, their employment law case, and/or their housing case. I really like that idea of a holistic approach to delivering services to clients and my first peek into this model was with Queen’s Legal Aid.

## What advice do you give law students and junior lawyers about improving access to justice?

I always tell law students they should do clinics when they’re in school. It’s such an important complement to the more traditional classroom-based learning. In clinics, they will have the opportunity to learn professional skills, written and oral advocacy skills, how to talk to a client, and procedural law. We teach substantive law. They’re also being placed in situations outside their comfort zone, and that’s where real learning and real professional and personal growth happen.

Law is an amazingly diverse field. Stay true to your heart and what brought you to law school. To me, the most important thing is to meet a community of like-minded people who work together. Law is one of those professions that can consume you if you’re not careful. Every lawyer I know struggles with balancing work and having a life outside of work. Even if we find that balance, we spend a lot of time at work, so you want work that is meaningful to you, that you believe in, and that you look forward to doing.

Don’t lose heart if you aren’t sure yet what practice or career path is right for you. Have faith that you will find it – or it will find you. My partner, Thomas Timmins (Law’94), is a leading expert in renewable energy law. He didn’t go to law school with that practice in mind but grew into that work as a natural extension of his early years as a cycling advocate. Stay open to possibilities.

“Professionalism and civility are really about your values,” says Esi Codjoe, Law’03. “If you view all people, regardless of their level of education, socio-economic background, race, and alike as deserving of respect, then being civil and professional is easy.”

She and Greg Richards, Law’79, are this year’s Joel Kuchar Award winners by Ontario Bar Association. Nominated by their peers, they were selected for demonstrating an exemplary commitment to the highest ideals of professionalism and civility in the practice of law.

**Esi Codjoe**, an experienced adjudicator and mediator, practises with workplace law firm Turnpenney Milne LLP and is a former Vice Chair of the Human Rights Tribunal Ontario. She is a trainer and coach of such areas as equity, diversity and inclusion, and has taught university courses in employment law and labour relations. *Canadian Lawyer Magazine* named her one of its Top 25 lawyers (2018), and Lexpert named her a Change Agent in Law (2019). Her volunteer activities include serving on the boards of the OBA, the Canadian Association of Black Lawyers, and CultureLink. For her alma mater, she is a mentor to members of the Black Law Students’ Association-Queen’s.

Nominator Patricia DeGuire, an adjudicator, arbitrator and mediator, says, “Throughout Esi’s career, she has demonstrated courtesy and compassion, unimpeachable integrity, solid home-grown virtues and values, intelligence, loyalty, impeccable manners, truthfulness and dedicated teaching.” Applying these “soft skills enhances her professionalism and enables her to attain stellarly achievements.”

Known for her strong sense of fairness, “Esi’s professionalism is evinced not only in the content of her decisions when she served as an adjudicator at the Human Rights Tribunal of Ontario but also the tone, voice, and diction,” adds DeGuire.

**Greg Richards, Law’79**, is counsel and former managing partner and chair of WeirFoulds LLP. For almost 40 years, he has successfully litigated a wide variety of cases, some of which have been precedent-setting. He has appeared before the Supreme Court of Canada numerous times, is a Fellow of the American College of Trial Lawyers, a past director of The Advocates’ Society (TAS), and a past chair of the OBA’s



*Esi Codjoe, Law’03, and Greg Richards, Law’79, who both continue to have ties with Queen’s Law, have been recognized for their exemplary commitment to the highest ideals of professionalism and civility in the practice of law.*

Constitutional Law Section. TAS has recognized him for professionalism and civility (2019) and for pro bono volunteerism (2011). With Queen’s, he is a past chair of the Dean’s Council, received the 2014 H.R.S. Ryan Law Alumni Award of Distinction and was an award-winning teacher of trial advocacy.

Frank Walwyn, Law’93, a partner with WeirFoulds, says, “Greg is one of the best lawyers, but he is also one of the finest persons I know. The mettle of the man is really observed in contentious litigation or negotiations. Greg’s ability to be firm and resolute in pressing a client’s case, while at all times being civil and composed, is without parallel.”

What Walwyn finds “most commendable” is Richards’ “patience with young lawyers through the steps and process of problem-solving while training and mentoring them.”

One of those mentees is Richards’ nominator, Kayla Theeuwens, who has worked with him in the commercial litigation group for five years. “Greg has a solid track record of being a superb advocate and is committed to using his expertise to teach, listen to and counsel younger lawyers.”

Richards’ advice to law students and young lawyers is “Keep an open mind, try to be a good listener, and say ‘yes’ to opportunities to get involved. Remember all the help that you received along the way and give back as best you can.”

— LISA GRAHAM



# Women in law leaders mentor their successors

“When I started law school, it became clear to me that women lawyers and law students face unique, gendered barriers to leadership positions in corporate law,” says Beth Burnstein, Law’20. “As an aspiring lawyer, it was important to me to challenge these sorts of issues.”

Burnstein and fellow alumna Cheryl Foy, Law’93 (Artsci’88), are both winners of 2020 awards presented by the Women’s Law Association of Ontario (WLAO).

For demonstrating great leadership and drive in law school, Burnstein received the Torkin Manes LLP/WLAO Trailblazer Award. Chief among her school activities was her work as co-president of Queen’s Women and Law (QWL). “I believe that strong women-to-women mentorship is essential to promoting women in business, so I planned events with that specific goal in mind,” she says.

That included helping to plan and host the 2017 visit of then-Chief Justice Beverley McLachlin and later spearheading the first Women in Corporate Law Career Panel. “My goal was to address issues relevant to women practising law and open a dialogue about specific challenges women face as lawyers,” Burnstein explains. “Moreover, we discussed strategies these lawyers had adopted to help them excel in corporate law.”

Helping to make the law school an environment where women students could excel academically was also important to Burnstein. During her co-presidency, QWL hosted discussions between students and professors that explored barriers to education and challenges that women students face. “We brainstormed strategies to overcome such challenges and then determined ways to implement them,” she says. “I believe these events help promote women’s participation and comfortability in the law school, and in turn make our community stronger.”

Burnstein’s passion for promoting women in business and leadership began after completing her undergraduate degree. She spent six months in rural Kenya assisting a lawyer in a legal aid research trial that assessed the impact of free legal aid on subsistence farmers’ economic output. “I took a particular interest in how legal aid might impact women in the community, and I helped develop seminars for women’s groups on will-drafting, tenants’ rights, and contract law,” she explains. “I applied to law school with an interest in how the law might be used to counter gender disparity both internationally and here at home.”

Now a newly minted Queen’s Law grad who will be articling with Cassels Brock & Blackwell LLP in Toronto this September, Burnstein reflects on her law school experience. “Queen’s Law is tremendously supportive of student initiative,” she says. “As a member of student clubs, I felt encouraged to plan events and programs that I believed would benefit students and foster a stronger Queen’s Law community.”

Cheryl Foy, Secretary and General Counsel with Ontario Tech University, is this year’s winner of the WLAO General Counsel Chapter Award for her leadership role and commitment to the success of women in law.

“While I am truly grateful for the award, my true reward has come from the work itself,” says Foy. Some of that work is with Women General Counsel Canada (WGCC), an organization she co-founded in 2013. Since then as a member and as president, she has been supporting women GCs to be, and inspiring younger women to become, great legal leaders.

“The women who I have worked with to build WGCC continue to inspire me with their energy, their ability to get things done, and their commitment to positive change,” she says. “I value deeply the relationships that I have developed with WGCC members – that’s what it’s all about.”



*Beth Burnstein, Law’20, a “trailblazer,” and Cheryl Foy, Law’93, a general counsel and a national women’s organization founder, have been recognized for their outstanding leadership by the Women’s Law Association of Ontario.*

One of the reasons Foy stayed involved with the organization was to help build the Women General Counsel Canada Network into a national group to support the women who are in GC roles and to ensure strong women leaders are being developed to succeed them. “I am an opponent of arbitrary barriers and work hard to remove them to allow people who should succeed to succeed,” she explains. “This is the essence of inclusion – the removal of barriers. I try to do this in my role as a GC and I participate in WGCC to do the same thing on a larger scale.”

Foy’s work doesn’t stop with women. “I am actively thinking now about what more I can do to fight all forms of racism,” she says.

To women law students and young lawyers, Foy shares this advice: “Stick it out. The first five years are very difficult. The work is hard and the profession competitive. In addition, women confront lookism, racism, sexism, and misogyny on a regular basis. However, there’s also tremendous support within the profession and I continue to believe our profession is both honourable and necessary. As we see the world around us changing in a negative way, lawyers are uniquely positioned to advocate for the rule of law and for just, inclusive societies. This work can be done in all kinds of legal roles.

“Oh, and think about becoming an in-house lawyer,” she adds. “It’s an amazing role with a broad scope to influence organizations to progress in very positive ways!”

— LISA GRAHAM



# Saluting Queen's most accomplished alumni

Three law grads – an employment law pioneer, a dedicated Indigenous leader and a mentorship builder – are among this year's Queen's University Alumni Association (QUAA) award recipients.

Along with seven other people and one organization, they were recognized for outstanding service to Queen's and their communities.

"These alumni and recipients make me proud to call myself a graduate," said QUAA President Jeremy Mosher (Artsci'08). "They are leaders and volunteers who have made a big difference in their fields of work, and in their communities and the world."

Lawyer **Hugh Christie, Law'81** (Artsci'78), received the **Alumni Achievement Award**, the highest honour the QUAA gives to graduates.

Christie, who has been recognized by several organizations as one of the top lawyers in Canada, is a pioneer in the field of employment law. One of his important contributions was helping establish the **Centre for Law in the Contemporary Workplace at Queen's**, which has made Queen's the leading school for employment law in Canada. He continues to serve as a co-chair, a position he has held since the Centre launched in 2010.

Over the past four decades, he has served his alma mater in many leadership roles, including as **Alma**

**Mater Society** President, as **Rector**, and as a member of the **Board of Trustees**.

**Blaine Favel, Law'90**, received the **QUAA Alumni Humanitarian Award** for his tireless efforts to help the Indigenous communities across Canada. Whether launching an Aboriginal-focused business partnership or serving as the Grand Chief of the Federation of Saskatchewan Indian Nations or as Chancellor of the University of Saskatchewan, he is always focused on supporting Indigenous communities and people. When he was Grand Chief, he helped launch the Saskatchewan Indian Gaming Authority, which has distributed more than \$750 million to First Nations communities.

**Allan McGavin, Law'12** (Com'08), received the **Marsha Lampman Award** for his outstanding dedication and service to a QUAA branch. He has volunteered on the executive committee of the Vancouver Alumni Branch since 2013, serving four years as the Branch President. Under his leadership, the Vancouver Branch launched a mentorship program in 2017, connecting recent grads with Queen's alumni who are established in their field. He has also pushed an initiative to help new grads transition into life in Vancouver with ease. Despite a busy career in corporate law, he is committed to volunteering and continues to be involved in community initiatives.



Hugh Christie, Law'81, is a pioneer in employment law in Canada. Blaine Favel, Law'90, is a former Grand Chief dedicated to improving the lives of Indigenous peoples across Canada. Allan McGavin, Law'12, is a corporate lawyer who led his Vancouver Branch in launching mentorship initiatives. They are all recipients of 2020 Queen's University Alumni Association (QUAA) awards.

# Law'98 grad elected to University Council

Bittu George, Law'98 (Artsci'95), is one of 10 alumni elected by fellow Queen's grads to advance equity, diversity, and inclusion at the upper levels of the university. Succeeding in what may be the largest pool of candidates ever, he joined the University Council on September 1. As part of this governance body, George will be advising the senior administration and serving as an ambassador for the school.

"I believe it is important to give back to my alma mater, which has given me so much in terms of education, personal growth, and life experiences," George says. "I want to make sure that the benefits I received as a student continue to be available for present and future students at Queen's."

Since his graduation, this native Kingstonian has been part of campus life through the Queen's University Alumni Association's Kingston Branch, placing him in the ideal setting to interact with students. "I'm aware of challenges that students are currently facing, especially in terms of accessibility and inclusion," he explains. "During my tenure as Co-Chair of the Senate Orientation Activities Review Board (SOARB), I have been working hard to improve accessibility and inclusion in Orientation activities and implementing the recommendations from the Queen's Truth and Reconciliation Commission (TRC) Report and the Principal's Implementation Committee on Racism, Diversity, and Inclusion (PICRDI). We have started to see some improvements, but much more work needs to be done in this area at Queen's."

A former municipal politician who remains actively involved in various local community groups and initiatives, George also wants to continue his work in improving the university and its relations with the Kingston community. "Having been a City Councillor and the Deputy Mayor during past Homecomings, I have seen the positive and negative sides of this relationship," he says.



Bittu George, Law'98, wants to make sure that the benefits he received as a student continue to be available for present and future students and he is going to keep working to advance equity, diversity, and inclusion.

"I would like to help continue the improvement in this relationship between Queen's and Kingston I have witnessed in recent years."

Another asset George brings to the council is his vast experience on governing boards of such organizations as hospital foundations and community non-profits. "I look forward to lending my experience in this area to University Council, helping to make improvements in this body, and indirectly, to the university itself."

— LISA GRAHAM



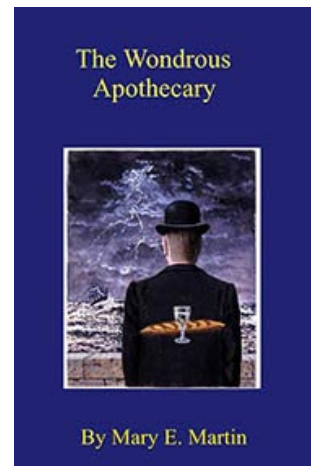
## ALUMNI NOTES



### Law'94 grad's OCJ appointment celebrated by classmates

Mark Moorcroft, Law'94 (second right), was sworn in as a judge of the Ontario Court of Justice on November 4, 2019. Joining him after the ceremony in Lindsay are classmates Jay Rider, Katherine McEachern, Anya Weiler, Stephen Goodwin, Christine Mohr, Ron Preyra, Mary-Ann Cocchetto, and David McFadden.

## Law'71



**Mary Martin, Law'71**, published her seventh novel last fall, *The Wondrous Apothecary*, which followed her second trilogy. Her first trilogy, **The Osgoode Trilogy**, composed of *Conduct in Question*, *Final Paradox*, and *A Trial of One*, was inspired by her 30 years of law practice in Toronto. "Meet Harry Jenkins, a most unlikely hero and the protagonist in all three novels. He's a middle-aged lawyer, who feels with dead certainty that life is passing him by. Trapped under his senior partner's thumb and stuck in a dead marriage, he is desperate for change – almost any change. One morning, Richard Crawford, Harry's elegant and refined senior partner, enters

Harry's office, mouthing lustful fantasies of his client, Marjorie Deighton. His last words are 'You have not lived until you have experienced the thrill!' Then he drops dead at Harry's feet of an apparent stroke. Now Harry is free to make his own mistakes.

Mary next shifted to the world of art in **The Trilogy of Remembrance**, composed of *The Drawing Lesson*, *The Fate of Pryde*, and *Night Crossing*. "My new protagonist is Alexander Wainwright, Britain's finest landscape and visionary artist. He is in constant search of his muse. Join Alexander's

exploration of timeless questions beginning with, 'Is our universe a meaningless dance of molecules or a multi-layered wealth of intelligence and wisdom?' Follow him from London to Venice, Paris, Toronto, New York, and St. Petersburg. At the end, you may ask what your own questions and answers might be. Forever searching and questioning, Alexander discovers his art, life, love and humanity in these novels."

Wainwright continues as the protagonist in ***The Wondrous Apothecary***. "Read it if you are prepared for chaos in the courts of London, arson in the art gallery, theft of a painting worth £5,000,000, medical experimentation based on pseudo-science and tested at a mental hospital on the bleak and windswept shores of the Isle of Wight. Look ever seaward. What is real and what is not? A bond of friendship will determine their fate. And nothing will ever be the same again."

## Law'78

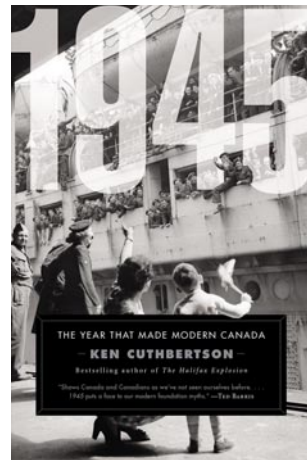
Shelley Hallett, Law'78, fondly remembers her classmate:

**John J. Bucknam, Law'78** (BA'75, (U of T-Erindale); died Nov. 9, 2019, in Toronto from cancer. John was a respected general practitioner specializing in real estate, family law and wills and estates. John was devoted to his clients and considered them the best part of his law practice. He enjoyed meeting their professional needs throughout the spectrum of family life: buying a house, drafting a business contract or writing a will. John's clients became friends who loved him for his competent and cheerful navigation through their legal problems and for



his reassuring sense of humour. John's professional motto was, "Be firm, frank and friendly." Upon being called to the Ontario bar in 1980, John became the Executive Director of the Public Accountants' Council of Ontario, where he worked for 10 years. He then joined the law practice of Greening and Associates, which he later acquired, operating law offices in Ajax and Toronto until his death. John was a great traveller and enjoyed trips with friends to France, Spain, Mexico, India, South Africa, and South America, including Argentina, Brazil and Peru. John was a pioneer in Toronto's gay professional community at a time of great progress in Canada's Gay

## 1983

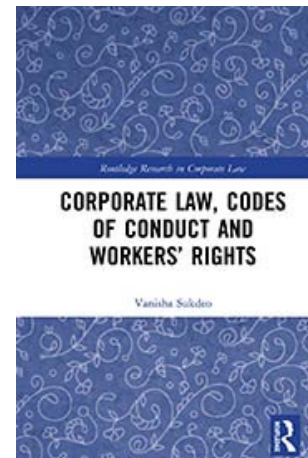


and authors Gabrielle Roy and Hugh MacLennan, among many others.

**Ken Cuthbertson, Law'83** (Artsci'79), bestselling author of **The Halifax Explosion**, has published a new book, **1945: The Year That Made Modern Canada**. From the publisher: [This] highly readable narrative that commemorates the seventy-fifth anniversary of the end of WWII and chronicles the events and personalities of a critical year that reshaped Canada. The author profiles an eclectic group of Canadians, including eccentric prime minister Mackenzie King, iconic hockey superstar Rocket Richard, business tycoon E. P. Taylor, Soviet defector Igor Gouzenko, the bandits of the Polka Dot Gang, crusading MP Agnes Macphail,

The book also covers topics like the Halifax riots, war brides, the birth of Canada's beloved social safety net, and the remarkable events that sparked the Cold War. *1945* is the unforgettable story of our nation at the moment of its modern birth.

## Law'06

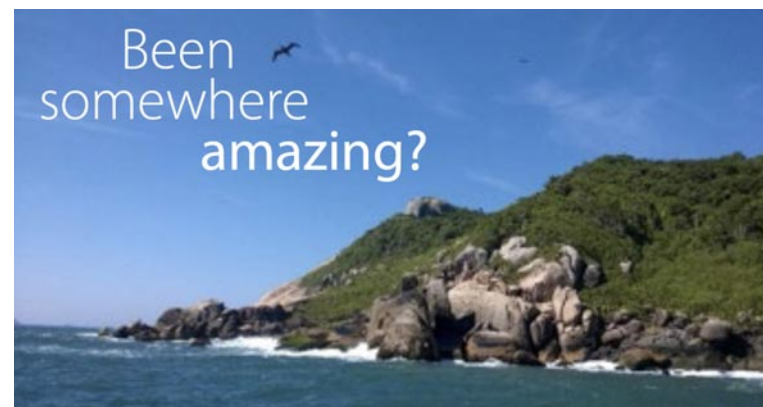


**Vanisha Sukdeo, Law'06**, has published her third book with LexisNexis, **Business Ethics and Legal Ethics: The Connections and Disconnections Between the Two Disciplines**. Ethics has different meanings in different settings. This new publication examines the intersection between business ethics and legal ethics, and explores how they are interpreted and applied.

## Law'19



Shibley Righton LLP has welcomed back **Matilda Lici, Law'19**, as an Associate upon completion of her articles. Admitted to the bar of Ontario in 2020, Matilda's practice includes civil and commercial litigation, business law and professional and municipal liability.



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](mailto:grahaml@queensu.ca) or 613-533-6000 ext. 74259



# Law'20 classmates possess “the qualities to make society a better place”

Resilience. Creativity. Empathy. Compassion. Dedication. Grace. A healthy sense of humour. These are the “impressive” qualities ascribed to the Class of Law'20 by Dean Mark Walters in a video greeting to the newest Queen's Law alumni on June 3. “These are precisely the kinds of qualities that are going to stand you in good stead as you go out into the world,” he says.

Referring to the world as “full of promise and potential” but with things society has “taken for granted for generations,” he continued, “I feel reassured in knowing that you are the next generation of leaders and you’re going to bring those qualities to your work....These are the things that are going to allow you to make a real contribution to

society, to help build bridges between people who are opposed, and to find solutions to problems that seem intractable.”

Joining the Dean in expressing their congratulations and reflections by video or written messages from home, were many faculty and staff members, some with help from their young or furry family members.

“You have much to be proud of,” said Helen Connop, Manager of Education and Equity Services. “You have reached the summit of the mountain and shown tremendous resilience and fortitude.”

Professor Gail Henderson, who started law school in the wake of 9/11, imagined the whole world seemed “very uncertain” to the newest graduates

who completed their studies during a global pandemic. “I know that the knowledge, skills and confidence that you brought to law school and that you acquired and developed at Queen's Law will get you through this difficult time,” she said. “I hope it also will guide you in bringing about positive change to make our post-COVID society a better and more equal place.”

“We know that you can beat this moment,” said Professor Alyssa King. “We’re excited to see you become the people that you – and we – need you to be.”

“You prevailed...and have become closer as a community,” said Professor Noah Weisbord. “I’m confident that you’re going to face the challenges ahead with skill, wisdom, compassion and bravery.”

This spring’s graduates include 202 JD students, the latest PhD student, 94 undergraduate Certificate in Law students and the first-ever recipients of the Graduate Diploma in Legal Services Management.

In addition to celebrating the conferral of degrees, certificates and diplomas, a number of JD students are recognized with awards. Law Medals have been awarded to graduates with the highest cumulative averages: Alysha Flipse, Rachel Oster, and Colette Koopman. The Dean’s Key, for best embodying community values, collegiality, professionalism,



service and academic excellence, also went to Colette Koopman. The Dean’s Scholar Awards have been given to the graduates with the highest third-year averages: Alysha Flipse (Gold Scholar), Jocelyn Rempel (Silver Scholar), and Saroosh Wattoo (Bronze Scholar). There are also recipients of a wide variety of scholarships and awards made possible by generous gifts from individuals and firms, as well as course prizes.

For a full-list of JD award recipients, visit our [JD awards page](#).

“I want to wish you well when you strike out in the next phase of your adventures in law and of life,” said Dean Walters, who like many colleagues, also encouraged new graduates to keep in touch. “Come back to see us. What makes Queen’s special is the sense of unity and community.”

Check out the video and written greetings from Dean Walters, faculty and staff members, and the outgoing Law Students’ Society executive!





# Record-breaking year for clerkships

Working with some of the greatest legal minds across the country is a crowning achievement for new grads. Fifteen of Queen's Law's finest will be doing just that in 2021-22; three have been selected to clerk at the Supreme Court of Canada (SCC), four at federal and provincial courts of appeal, and seven at federal and provincial courts. Excited for the opportunity, some of these clerkship recipients share their thoughts on their upcoming positions, and how Queen's Law prepared them for success.

"I am thrilled at the idea of working alongside the incredible legal minds – justices, other clerks and court staff – who make up the Supreme Court," says Siobhan Morris, Law'19, who will work directly with Chief Justice Richard Wagner. "I imagine I will learn a great deal from everyone, and I can't wait to make my own contributions to the service that the Court provides to the Canadian public."

Don Couturier, Law'20, who will also be at the SCC says, "I'm most excited to work with and learn from Justice Nicholas Kasirer as he decides legal issues of national importance." Noting how Kasirer brings an academic perspective to the SCC that resonates with his own interests and goals, Couturier adds, "This experience will fulfill a longstanding goal of mine: to participate in some small way to Canadian legal development and learn as much as I can while doing so." Like Morris, he looks forward to "meeting and working alongside many brilliant clerks from around the country."

Also sharing that sentiment is Jocelyn Rempel, Law'20, who will be working closely with SCC Justice Michael Moldaver. "Over the years, I've taken a keen interest in Justice Moldaver's work because his name kept appearing as the author of criminal law judgments – and I'm a big criminal law nerd," she says. "Clerking for him was my dream outcome. After my interview, I'm even more excited to work with him because he is just so approachable and kind."

Thinking and talking about the law with other clerks is top of mind for Rempel. "Having the

opportunity to be surrounded with people who love thinking about the how the law is – and how the law should be – is a really exciting opportunity."

Irene Cybulsky, Law'20, will be spending 2021-22 clerking for Justice David Near at the Federal Court of Appeal, which deals with interesting specialized areas overseen by the federal government and a significant volume of judicial review of federal administrative decisions. "While I'm still not certain what kind of law I would like to practice, I lean towards litigation and much of that today is in administrative law," she says. "The clerkship will help me see the thought process behind decisions and administrative review." Also, witnessing first-hand the discussions and disagreements among judges, she says will drive home what she has learned at school: "a good lawyer will see both sides of the argument; that way you can serve your side best."

Rachel Oster, Law'20, will clerk at the Ontario Court of Appeal, which hears both civil and criminal appeals from decisions of the province's two trial courts. "I am most looking forward to engaging with the complex legal issues before the Court while learning from some of the most distinguished jurists in the country, including Justice David Paciocco, whom I had the pleasure of interviewing with," she says. "The judges at the Court of Appeal for Ontario are all incisive legal thinkers and I feel very fortunate to have the opportunity to work closely with them at the outset of my career."

The future clerks credit Queen's Law community members for helping them obtain the coveted roles.

"By far, the defining feature of my education at Queen's has been the generosity and support offered to me by the world-class faculty here," says Couturier. "In addition to always encouraging me to pursue my goals, my professors challenged me to develop independent thinking while testing my own assumptions with difficult and new ideas. I hope to bring this quality of rigour and open-mindedness that my professors impressed upon me to my work at the Supreme Court."



Selected to clerk with justices of Canadian courts in 2021-22 are:  
(top row) Don Couturier, Law'20, Siobhan Morris, Law'19, Jocelyn Rempel, Law'20, Irene Cybulsky, Law'20, Michelle de Haas, Law'21;  
(middle row) Kathy Jiang, Law'21, Rachel Oster, Law'20, Rory Shaw, Law'20, Isabel Yoo, Law'21, and Kelly Zhang, Law'21;  
(bottom row) Brad Alford, Law'21, Dennis Do, Law'20; Felix Lavoie, Law'20, Aicha Raeburn-Cherradi, Law'21, Carly Williams, Law'21.

"I received invaluable academic and career guidance from my professors over the years, particularly Don Stuart and Lisa Kerr," says Rempel. "The Career Development Office (CDO) also really helped me to hone my application materials and prepare for the interviews. I would not be where I am without the general supportiveness of the QL community, students included!"

"Without the counsel and encouragement of my professors – especially Professors Lisa Kelly, Darryl Robinson and Don Stuart – I would not have this opportunity," says Oster. "Really, the greatest joy has been sharing this moment with them."

"My professors, my classmates and others in the Queen's Law community relentlessly built me up, encouraged me to grow, and championed me throughout my time at Queen's and beyond," says Morris. "I am so grateful for that."

Cybulsky extends her heartfelt gratitude to the CDO staff for advice and assistance in preparing for the interview. "It's all these little things that add up and make a difference in the end," she says. "It gives you just that much more confidence about being yourself, which was very much what the interview was about."

Experiential learning opportunities also played a key role in preparing students for clerkships.

"I cannot recommend highly enough the value of practical experience as a complement to law school classes," says Rempel. "The clerkship for credit I was able to do in the fall at the Ontario Court of Justice was the most eye-opening opportunity to see every day criminal law at-a-glance."

Rempel also counts mootng, working on the Queen's Law Journal, and tutoring first-year students as being "integral facets" of her law school



education. “I know I will be drawing on the skills and perspective I gained from these experiences throughout my law career.”

Oster, in addition to tutoring, competitive mootting and contributing to the *Queen’s Law Journal*, “worked on the frontlines of legal scholarship as a Research Assistant,” she says. “Through each of these experiences, I have developed the substantive and interpersonal skills necessary to serve the Court well.”

Morris, who is spending 2019-20 clerking at the FCA, competed both the Wilson and Laskin moots in law school. “The skills and lessons I learned from my moot coaches and teammates have proven infinitely useful in my clerkship with the Federal Court of Appeal, and I look forward to testing these skills against the legal problems I will encounter at the Supreme Court.”

For students interested in clerking next year, Queen’s Law peers are an excellent resource. “Reach out to someone in the Queen’s Law network – myself included,” encourages Rempel. “I received so much help from past clerks and fellow applicants throughout applications and interviews. My biggest piece of advice to prepare for applications is to take advantage of experiential learning opportunities such as journals or clinics and to connect with other students who will soon become your colleagues. I really do believe that these opportunities round out the law school experience.”

— LISA GRAHAM

Queen’s Law students receiving clerkships for 2021-22

Student	Court
Siobhan Morris, Law’19	Supreme Court of Canada Chief Justice Richard Wagner
Don Couturier, Law’20	Supreme Court of Canada Justice Nicholas Kasirer
Jocelyn Rempel, Law’20	Supreme Court of Canada Justice Michael Moldaver
Irene Cybulsky, Law’20	Federal Court of Appeal Justice David Near
Aicha Raeburn-Cherradi, Law’21	Federal Court of Appeal Justice Donald Rennie
Rachel Oster, Law’20	Ontario Court of Appeal
Michelle de Haas, Law’21	B.C. Court of Appeal
Rory Shaw, Law’20	B.C. Supreme Court
Kelly Zhang, Law’21	Federal Court Justice Christine Pallotta
Carly Williams, Law’21	Court of Queen’s Bench of Alberta
Brad Alford, Law’21	Superior Court (Ontario)
Kathy Jiang, Law’21	Superior Court (Ontario)
Isabel Yoo, Law’21	Superior Court (Ontario)
Dennis Do, Law’20	Tax Court of Canada
Felix Lavoie, Law’20	Tax Court of Canada

LSS honours outstanding teacher and student organizers online

It’s a tradition for Queen’s Law students to wind down the academic year by celebrating an excellent instructor and the performances of their highly dedicated peers. This year was different in one way: recipients of the 2020 Law Students’ Society (LSS) Awards delivered their acceptance speeches by video. Listen to what these award recipients have to say!



- Gavel Award:** Lauren Winkler

**Spirit Award:** Taran Hoogsteen

**Denis Marshall Contribution Awards:** Heather Bonnell, Nigel Masenda, Brianna Pioli, Lauren Winkler, and Penny Zhang

**M.A. Murray Award:** Samuel Campbell and Kate Martini
- Millennium Award:** Alexa Banister-Thompson

**Spark Award:** Nadya Gill

**Camaraderie Award:** Queen’s Law Squash Society

**Professional Excellence Award:** South Asian Law Students’ Association and Queen’s Asian Law Students’ Association

**Stanley M. Corbett Award for Teaching Excellence:** Professor Mohamed Khimji



# Students contribute to the public interest around the world – from their homes

While students couldn't travel across Canada or to the Middle East, they could still lend their talents to public interest organizations. This summer, 20 student interns gained valuable skills doing important legal work remotely thanks to financial support from four sources: two law firms, alumni donations, and online seminar proceeds.

Through a long-established award program with Torys LLP, the firm's \$25,000 funding this year supported 10 first-year interns. "Queen's Law students have, time and again, proven that they are resilient, resourceful, strategic and thoughtful," says Georgia Brown, Head of Legal Recruitment and Diversity and Inclusion at Torys. "That's why we were confident that the internships, while remote, would still be highly impactful to the organizations."

Summer 2020 Torys interns worked with such public-interest organizations as the Centre for Law and Democracy, the Red Cross, the UN High Commissioner for Refugees, ARCH Disability Law Centre, and the Barbra Schlifer Clinic. "We are thrilled to have the opportunity to support students

***"It is our pleasure to support outstanding emerging lawyers in deploying their skills and knowledge at organizations that benefit our broader communities."***

— GEORGIA BROWN, HEAD OF LEGAL RECRUITMENT AND DIVERSITY AND INCLUSION, TORYS LLP

at a diverse range of important organizations," says Brown. "It is our pleasure to support outstanding emerging lawyers in deploying their skills and knowledge at organizations that benefit our broader communities."

Lenczner Slaght Royce Smith Griffin LLP and the firm's counsel Peter Griffin, Law'77, gave three second-year students the opportunity to hone written and/or oral advocacy skills through an internship fund totalling \$10,000. These interns

worked with an Ontario Superior Court of Justice, the Centre for Equality Rights in Accommodation, and the Barbra Schlifer Clinic for survivors of domestic violence.

"We have supported this program for two years," says Griffin. "It is to our minds an integral experience for our students. Supporting them takes on special importance in times like these where the future for our aspiring new members of the profession can appear less certain."

For the Debwewin Summer Law Program, the Ministry of the Attorney General's Indigenous Justice Division and Queen's Law awarded funding to three students who provided community education and legal assistance support to Indigenous communities and community organizations in Ontario. These students were placed with Grand Council Treaty #3, the Mohawk Council of Akwesasne, and the National Association of Friendship Centres. They started their internships in May with a two-day training session via Zoom co-facilitated by an Elder.

The same law school fund, composed of donations from alumni and friends, also enabled two students gain experience interning remotely with the United Nations Relief and Works Agency (UNRWA) in Jerusalem. Working for UNRWA's Department of Legal Affairs, the students contributed to international law research projects aimed at providing services to assist and protect over five million registered Palestine refugees.

At least two Queen's Law students participated in the 100 Interns Project, initiated by University of Alberta Professor Peter Sankoff who raised more than \$120,000 through online seminars, direct employment donations and financial contributions. That project aimed to provide employment opportunities in criminal, constitutional or animal

***"Our Lenczner Slaght Advocacy Internship Program is to our minds an integral experience for students."***

***Supporting them takes on special importance in times like these where the future for our aspiring new members of the profession can appear less certain."***

— PETER GRIFFIN, LAW'77, COUNSEL, LENCZNER SLAGHT ROYCE SMITH GRIFFIN LLP

rights law for law students across Canada whose articles or employment have been impacted by to COVID-19.

"This was an amazing effort to give 100 law students across Canada a criminal law internship in these hard times," says Professor Don Stuart, a donor. "Several Queen's grads contributed a great deal." This included the Class of Law'19, which contributed a total of \$1,300.

Some of the Queen's Law students interning remotely this summer could also receive academic credit. To complete Law 696 Experiential Learning, students must be working full-time in an unpaid position with a public-interest organization under the supervision of a lawyer.

Georgia Brown of Torys is already planning ahead. "We look forward to continuing to support Queen's Law students into the future."

Four summer 2020 interns share their experiences on the pages that follow. ►



Students are broadening their knowledge and developing their skills this summer by interning online with a broad range of organizations in several areas of law.



# Law'22 student engages with international legal system to help Palestine refugees

Immediately after Alyssa Johnson, Law'22, learned about extra-territorial jurisdiction and the laws of occupation at the [e-Castle](#) this spring, she began to apply these concepts. For her, completing the [Public International Law program](#) from her home in Vernon, B.C., was a springboard to a remote summer internship with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

"Israel is the occupying power, but also extends domestic legislation to Jewish people in occupied Palestinian territory," she explains. "These legal regimes have significant consequences for Palestinians as they provide different rights in comparison to constitutional rights. These rights have been very important to understand in most of the projects I've done for UNRWA as they provide the context for public, scholarly, and UN Security Council debates about the Israel-Palestine issue."

UNRWA focuses on providing assistance to Palestine refugees until a just solution can be achieved. Two major focuses have been annexation and how UNRWA can improve the delivery of its services. "Many of my projects have focused on various scholars', experts', and UN representatives' analyses of annexation," says Johnson. "I have also researched associated UN organizations so that UNRWA is better equipped to liaise and deliver targeted services in the future."

Johnson spent July and August sharpening her legal research and writing skills as she assisted two teams within the agency's Department of Legal Affairs. For the international team, she conducted research and wrote a number of briefing documents on the work of associated UN organizations and on lecture series following annexation, and drafted policy documents. For the general law team, she drafted several types of contracts and completed a

submission on behalf of UNRWA to the dispute tribunal for an employment case, likening the work to "creating a factum in domestic law."

"I was excited to intern with UNRWA not only to gain practical legal experience, but for the variety of projects and legal systems I would be exposed to," she says. "UNRWA engages with the domestic laws of the host states and the international system, and the UN also has its own internal employment regime."

Throughout her internship, Johnson typically had at least four projects ongoing at once. "The biggest things that I have learned are how to manage my time to meet the deadlines and to prioritize projects that are most important and most difficult," she says. "Practising law in any jurisdiction will come with a lot of work, and I appreciate developing these skills and getting accustomed to the workload now."

It was during her Public International Law studies in May and June – traditionally offered at the Bader International Study Centre in the U.K., but delivered online via the e-Castle this spring due to COVID-19 – that Johnson had the opportunity to learn more about working with UNRWA. She completed International Protection of Human Rights and Refugees, a course co-taught by Professor Ardi Imseis, who is also the Associate Academic Director of the International Law Programs. Previously, he served in senior legal and policy capacities with the UN in the Middle East (UNRWA and the UN High Commissioner for Refugees). "I reached out to Professor Imseis several times over the summer and has been a great resource for me," she says.

In addition, at an online Careers in International Law panel, Johnson met Patrick Cronin, Coordinator of Human Resources Policy and Internal Justice with the World Health Organization in Geneva. He spent



*From Canada's west coast, Alyssa Johnson, Law'22, spent the summer helping Palestine refugees through her internship with the Jerusalem-based United Nations Relief and Works Agency.*

10 years working with UNRWA in a variety of legal and human resources positions.

Following her summer experience, Johnson highly recommends internships to her fellow students. "Internships are a great way to practice the skills learned in class, explore your interests, and gain connections in that area of law," she says. "I especially appreciated the support of the DLA team

and the opportunity to engage with the international legal system."

Alyssa Johnson was one of five Law'22 students who participated in a summer internship following spring-term studies in the [International Law Programs](#). Incoming first-year students can learn more about these programs at an online information session to be held in October.



# Law'21 intern helps keep federal government accountable for reconciliation commitment

"As lawyers-in-training, we have a duty to contribute to reconciliation. That includes learning about Indigenous cultures, perspectives, and realities," says Shira Crawley, Law'21. "It's important for me to gain experience working with Indigenous people so that I can learn how to better support Indigenous communities and become an informed advocate." With those goals in mind, she spent the summer interning with the National Association of Friendship Centres (NAFC).

The NAFC represents and supports over 100 Friendship Centres and Provincial/Territorial Associations from coast-to-coast-to-coast in achieving their diverse missions and visions within their urban Indigenous communities. From May till August, Crawley made two important types of contributions. "I provided information to give the NAFC the resources and knowledge to hold the Government of Canada accountable to its commitment to reconciliation with Indigenous people both on and off-reserve," she says. "I also provided resources for Friendship Centres' members to better inform them of the Canadian legal system, and to ultimately be their own advocates."

When hearing her remote placement through the Debwewin Summer Law Program was with the NAFC, Crawley was delighted. "I knew I was going to gain experience working with national reports, such as the Truth and Reconciliation Commission report and the Murdered and Missing Indigenous Women and Girls report, as well as international documents like the United Nations Declaration on the Rights of Indigenous People," she says. "I was excited to broaden my knowledge of Ontario's statutes, and engage with other provincial and territorial legislation, as well as with federal legislation."

That's what she did over the summer, working on several assignments, including her main project to complete a literature review of 30-plus reports and their recommendations regarding Indigenous justice.

The purpose of the review was to explore themes among the recommendations that had been emphasized and repeated multiple times in order to highlight those recommendations believed to have a greater and positive impact on the lives of Indigenous people within the Canadian justice system. "By bringing attention to the recurring recommendations advocated for repeatedly, action can be made focusing and prioritizing the recommendations that I discuss in my final memo," she explains.

Crawley gained experience from two other work activities, as well. She drafted contract agreements, created public legal education resources for Indigenous people, and attended virtual summits and conferences. "I learnt a lot about Indigenous culture, heritage, perspectives, and the current realities facing Indigenous people," she says. "I also got to hear from and speak with renowned Indigenous scholars, experts, and activists, like Jade Tootosie, Marion Buller, Senator Yvonne Boyer, and Cindy Blackstock, to name a few."

Through her internship, Crawley further developed her research skills. "I learnt how to work effectively and efficiently, reviewing dozens of documents, each at least 100 – sometimes thousands – pages long," she says. "I also learnt how to ensure that all of my research notes are comprehensive, so that the work I did could be used even after my internship ended."

She also developed her writing skills to be more effective and direct. To write contracts, she researched precedents and determined what information must be included and what information is irrelevant. Another aspect was to write content to "present information in both technical and in more layman's terms, so that the information can be understood and impactful when read by the general public."

Also important to Crawley was the opportunity to learn how to be an effective advocate.

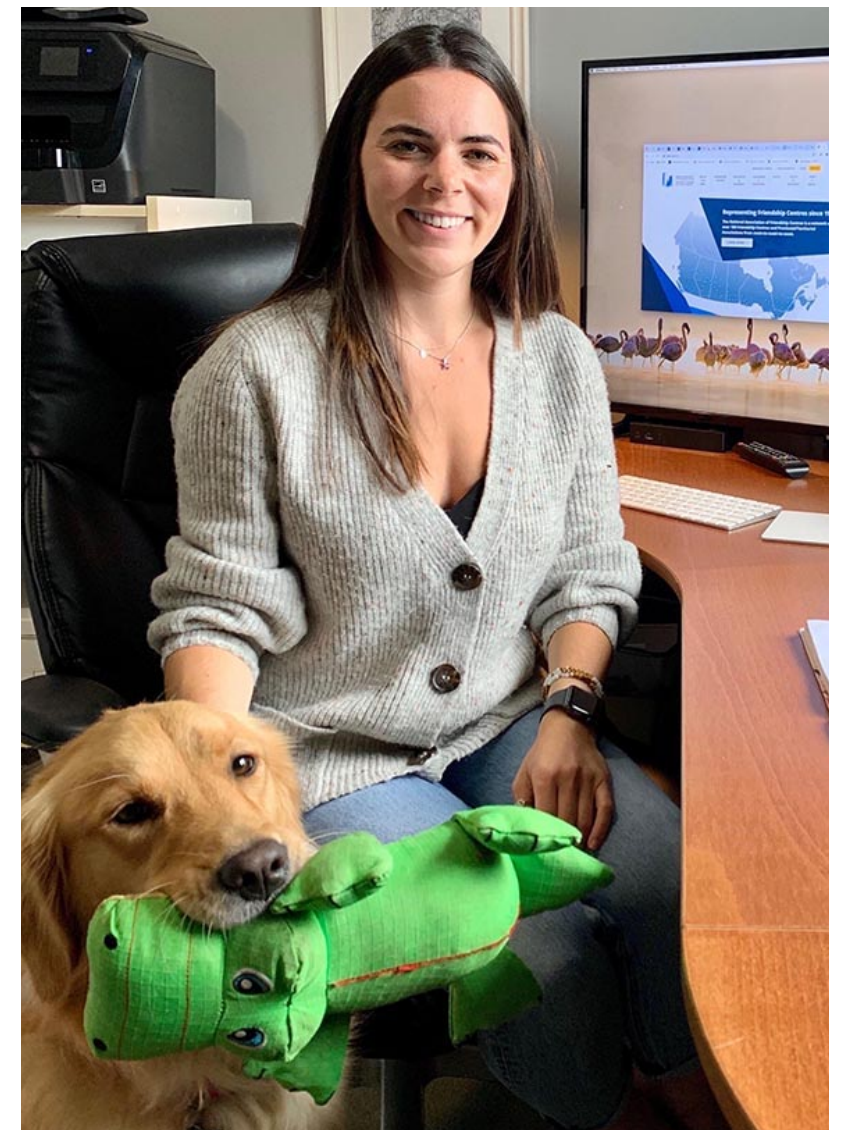
In her words, that means "listening to and understanding my client in order to provide meaningful support, as well as being informed, calm, and confident in order to successfully persuade opponents.

"This opportunity has taught me to be humble and to always listen," she continues. "It has also increased my knowledge and respect for Indigenous people. I am extremely grateful because I would have never been able to learn as much as I have in a classroom."

It's her first-year classes that piqued her interest in Aboriginal Law. "I enjoyed reading the Aboriginal law cases in Property, Constitutional, and Criminal classes, however, I felt there was a gap in the information being taught," she explains. "I was always left with questions regarding the Indigenous perspective towards the cases and decisions that were made."

Combine her inquiring mind with her long-time passion for public service and it's easy to see why Crawley was drawn to a Debwewin Summer Law Program internship. Through the program, Queen's Law and the Ontario Ministry of the Attorney General's Indigenous Justice Division provided her and two classmates with financial support so they could provide community education and legal assistance support to Indigenous communities and community organizations in the province.

Crawley now encourages fellow students to pursue internships next summer. "Internships are an amazing opportunity to explore areas of law that you are interested in while also gaining meaningful experience," she says. "They also give you the opportunity to provide support to organizations that provide real services and help for under-funded, over-looked, marginalized groups. You'd be amazed at the



Shira Crawley, Law'21, shown in her Ottawa home with officemate Stella, interns remotely with the Ottawa-based National Association of Friendship Centres to prioritize recommendations having a greater and positive impact on the lives of Indigenous people within the Canadian justice system.

altruistic, supportive, and successful people who work within, for, and in association with these organizations. You develop friendships and connections that will help you wherever you may go."

Because internships are often completed with public bodies, not-for-profits, charities or non-governmental organizations, she says "the experience can and usually is extremely fulfilling. It gives you perspectives you would not have had otherwise, that can be brought into every class, every interview, and every discussion – whether with friends, family, peers, colleagues, or even clients."



# Law'22 student helps defend the rights and freedoms of Canadians

"After taking Constitutional Law, I found myself wanting to learn more about the behind-the-scenes work for the *Charter* challenges we read about in class." These are the words of Mahgol Taghivand, Law'22, who pursued her interest all the way to the Canadian Civil Liberties Association (CCLA), where she interned remotely this summer. "The CCLA's work focuses on the protection of *Charter rights*, so it was a perfect fit!" she exclaims.

As she e-rotated through the non-profit organization's privacy and equality sections from May till August, she was able to contribute to its main goal: to stand up to power and defend the rights and freedoms of Canadians. "The research I've done has been used to support challenges the CCLA has launched, including its work on Quebec's Bill 21 (which enacted a ban on religious symbols) and Toronto's COVID-19 homeless shelter response," she explains. "My research has also helped answer the questions of Canadians regarding the protection of their privacy rights when it comes to emergency powers during the COVID-19 pandemic."

With work that was primarily research-based, Taghivand was able to further develop her research skills, especially in memo-writing. She researched topics related to privacy legislation, discrimination in the workplace, and solitary confinement. "The most important thing I've learned from my research work is how to decide on an effective search strategy that works for my memo timeline, which can vary from one day to a week or more," she says.

"I've also been able to hone my legal critical thinking skills through the weekly discussions at the CCLA regarding human rights topics, such as the use of facial recognition technology by police forces, emergency powers during the COVID-19 pandemic, and the usage of interlocutory injunctions."

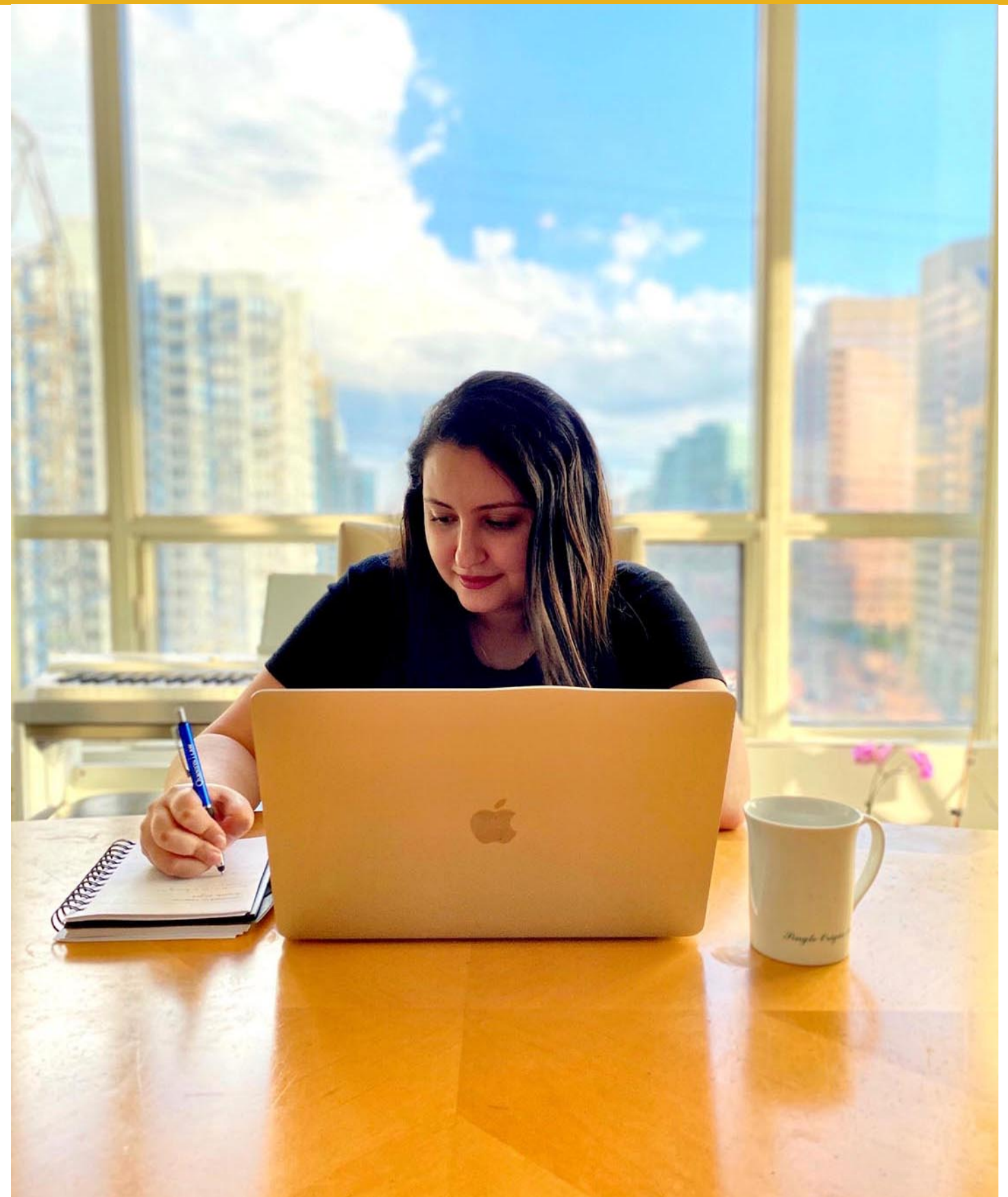
In addition, she helped with the CCLA's education presentations and with drafting legal letters and challenges.

From her internship experience, Taghivand has two key take-aways. "I've learned how long the legal process can take from the discussion of an issue all the way to the launch of a legal challenge in court," she says. "I've also learned that our civil liberties are often being eroded in ways that may seem small, but that ultimately have a big impact. For example, consenting to take a COVID-19 test should not mean that the police have access to the personal health records of those who tested positive as this violates an individual's constitutional rights to privacy and equality.

"These lessons will help me in law school and my career," she continues. "They've taught me to trust the legal process and to recognize that even small changes to the law can make a big difference."

Taghivand is one of 10 students whose summer internship was made possible with a Torys Public Interest Summer Internship Award. "Thank you, Torys LLP, for supporting my internship," she says. "Your generosity has allowed me to explore my interests in human rights law. Without your support I would not have been able to volunteer with the CCLA. I'm grateful for the opportunity."

What's Taghivand's advice to the incoming class of Law'23? "Do an internship if you can!" she exclaims. "My time at the CCLA was a valuable experience that gave me insight into how non-profit law organizations function and provided me with the opportunity to think about human rights issues in a close-knit environment. The skills and connections I have been able to develop made it a great way to spend my summer!"



Working remotely from her Toronto home, Mahgol Taghivand, Law'22, spent the summer interning with the Canadian Civil Liberties Association, conducting research on such issues as protecting the privacy rights of Canadians in light of emergency powers during the COVID-19 pandemic.



# Law'21 intern advocates for people's rights to adequate housing

Colette Self, Law'21, spent the summer helping advance some fundamental rights to the well-being of individuals and communities. She interned with the Centre for Equality Rights in Accommodation (CERA), one of Canada's longest-running not-for-profit charities that aims to ensure everyone has a safe, adequate, and affordable place to call home.

"I was interested in interning with CERA for the opportunity to gain hands-on experience in human rights advocacy – and that's exactly what I got," says Self. "It was very exciting to be a part of a team finding meaningful solutions to important legal problems."

CERA works to advance the right to adequate housing through providing direct services to clients facing

eviction or human rights issues in housing, educating individuals and communities on housing rights, and advancing progressive housing policy. For the past four months, Self contributed to CERA's mission.

"I conducted legal research on the right to adequate housing, including its implementation in domestic and international policy," she explains. "I also tracked and reported on upcoming adjustments to legislation and government programs at the municipal, provincial, and federal levels. This work increased CERA's capacity to intervene and advocate its position to the government."

It's the plan of Spain's capital that stood out to Self from her research. "Barcelona is doing a lot of great work to realize the right to adequate housing through its 2016-2025 Right to Housing Plan," she says. "The plan aims to address and prevent housing emergencies, increase the availability of affordable housing units, and redevelop existing housing over a 10-year period. Importantly, the plan sets out specific targets, timelines, and action items to ensure its goals are met."

Through her work with CERA, Self honed her legal research and writing skills. "I further developed my ability to analyze legal problems, enhanced my knowledge of public policy issues, and learned how to be an effective advocate," she says. "My experience with CERA exposed me to a variety of effective advocacy styles that I will carry forward in my career as I develop my own advocacy skills."

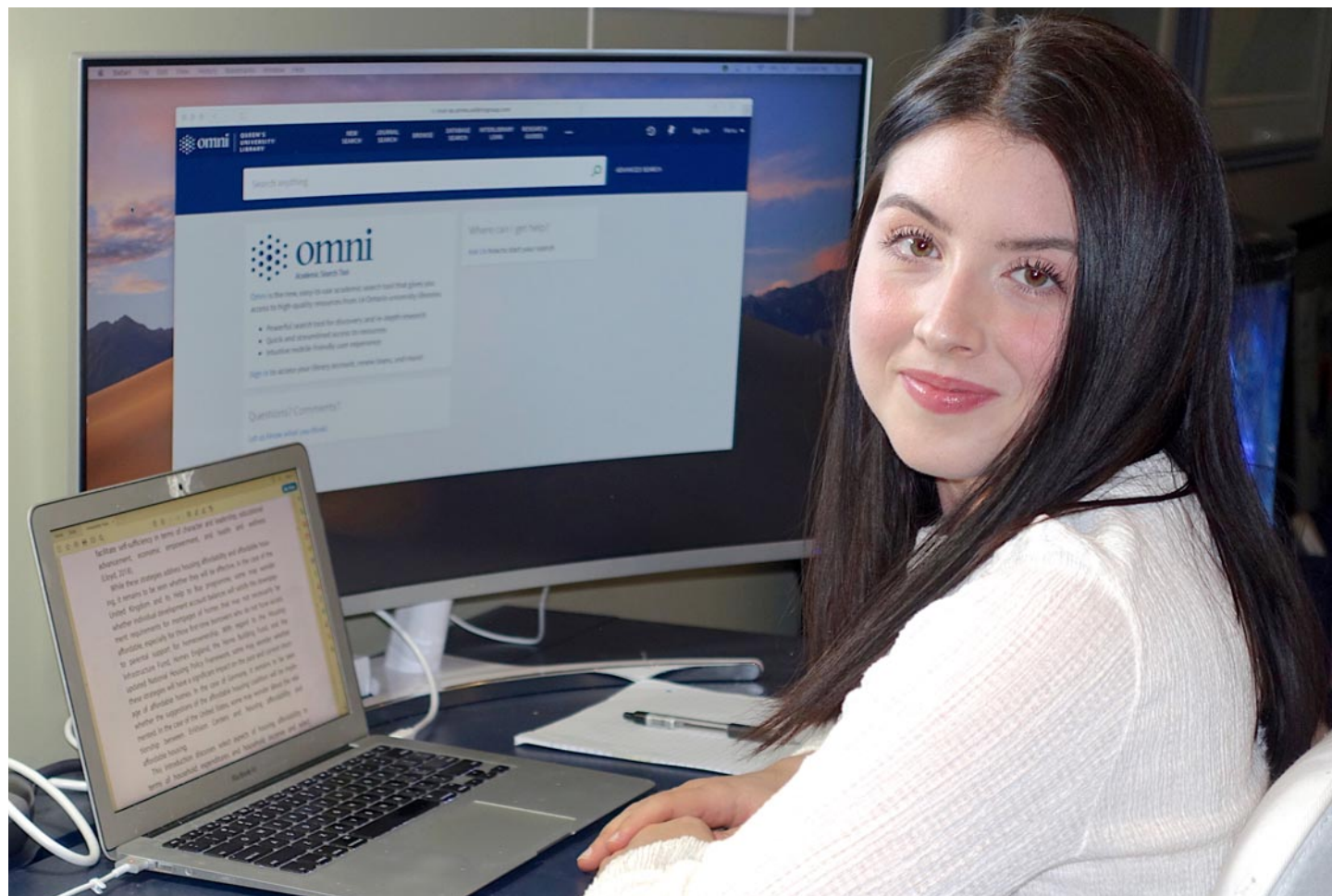
Self illustrates how she also gained an understanding of the ways in which political, social, and legal issues influence public policy. "I have learned the importance of understanding the needs and concerns of the party across the table when advocating your position and working to find a solution to the issue at hand," she explains. "While a more aggressive advocacy style can

***"Internships give you an opportunity to sharpen your legal skills, gain hands-on experience, connect with individuals and organizations within the legal field, and contribute meaningful work to the community."***

be effective, this is not always the case. I believe this insight will be an invaluable foundation for researching and analyzing legal problems during my time in law school and throughout my career."

Would she recommend an internship to her fellow students? Absolutely. "Internships give you an opportunity to sharpen your legal skills, gain hands-on experience, connect with individuals and organizations within the legal field, and contribute meaningful work to the community," she says. "They are also a great way to discover areas of law that you may not encounter in a classroom."

Self's internship, and those for two other upper-year students this summer, were made possible with funding through Lenczner Slaght Advocacy Internships. "I am very thankful to Lenczner Slaght and to the firm's counsel, Peter Griffin (Law'77), for supporting my internship," says Self. "Their contribution allowed me to assist CERA in advocating for progressive housing policy during a critical time for issues of homelessness and housing rights. I am also grateful to them for the ability to participate in an internship that has shaped my perspectives and abilities as a future lawyer."



From her home office in Oakville, Ontario, Colette Self, Law'21, helped advance the progressive housing policy of the Toronto-based Centre for Equality Rights in Accommodation with support from a Lenczner Slaght Advocacy Internship.



# National conference inspires Black Queen's Law students

Black representation in the Canadian legal community is growing. Queen's Law students and alumni saw proof positive as the Black Law Students' Association (BLSA) of Canada held its 29th annual conference on February 13-16 in Quebec City.

"It was a great experience to see tangible representation from throughout the country," said Nigel Masenda, Law'20, then-President of the Queen's Law chapter of BLSA, one of about 200 attendees at the event.

The weekend featured workshops, panel discussions, a career fair, and networking opportunities for students and for those who are already in the profession.

What Masenda found especially gratifying were the opportunities to network with Queen's Law alumni and law students as they do in the Queen's chapter of BLSA and with those from other schools across Canada. Masenda also appreciated the number of law firms that sent recruiters to the conference. "Students got to speak directly with representatives from recruitment teams, many of which were not Black," he said. "Coming to Quebec

City must have been quite the journey for the Toronto firms. Their attendance at the conference showed that they care about reaching out to a variety of students and that they appreciate the underrepresentation of Black people in the legal profession and the need to improve it. These are beautiful things."

Masenda, a native of Denton, Texas, emigrated to Canada when he was 17. Originally, he planned to attend law school in Toronto; then he discovered Queen's Law. He felt himself drawn, among other factors, by the school's first-rate academic program and by the fact "the alumni network is, bar none, the best in the nation," as he said.

Once here, Masenda involved himself in BLSA-Queen's in the winter term of his first year after being invited to do so by the 2017-18 president, Stella Gore, Law'18, (who's now with the New York office of Osler, Hoskin & Harcourt LLP).

Like Masenda, Abiola Akinyemi, Law'22, came away from the Quebec City conference feeling empowered. "There is an African proverb that says, 'Each one, teach one.' Coming together as a collective at BLSA imparted knowledge that I wouldn't otherwise have received," she said. "I left the conference reignited with the passion and confidence to take on the challenges of the legal field."

Both Akinyemi and Masenda have high praise for BLSA and will continue their involvements going forward.

"I hope one day I can provide someone with the knowledge and information that I've received," says Akinyemi. "I've taken it as my duty to give to those what was given to me in order to promote excellence within the community."

Masenda, who began articling in August at Stikeman Elliott LLP's Toronto office, expressed his intention to continue "giving back" when becoming a Queen's Law alumnus. "My goal is to do more and more for BLSA and the community each year," he said.



Nigel Masenda, Law'20, discusses career options with lawyers from law firms based in Toronto and in other Ontario and Quebec cities at the annual BLSA conference.

'Underrepresentation in the legal profession didn't occur in a vacuum and ameliorating it can't be fulfilled in three years.'

BLSA-Queen's had a busy academic year staging and taking part in a variety of special events. On January 29, the group collaborated with BLSA chapters from other law schools, the Muslim Law Students' Association, and Miller Thompson LLP to host at the firm's Toronto offices a panel discussion titled "Diversity in Practice." And on February 2, BLSA-Queen's helped kick-off Black History Month by taking part in a special evening that also included members of the Queen's Black Academic Society, African & Caribbean Students' Association, and members of the Kingston community.

Read how Nigel Masenda was instrumental in establishing a bursary for Black students at Queen's Law (see page 40).

— KEN CUTHBERTSON



Students and alumni from the Queen's and other university chapters of the Black Law Students' Association of Canada networked with each other at the annual conference on February 13-15 in Quebec City. BLSA-Queen's President Nigel Masenda, Law'20, says "the conference is as much about academic and professional development as it is as about inclusion," and that students meet and make what will "lifelong friends" with BLSA members from across the country.

Read more about how BLSA-Queen's has empowered students in the feature story, "A grand idea whose time had come," in Queen's Law Reports 2020.





# Learning and practising deal-making online

Some aspiring business lawyers from Queen's Law spent two months this summer getting a jump start on mergers and acquisitions. They participated in the LawMeets M&A Boot Camp, a new online experiential learning opportunity. Helping them master their negotiation skills to prepare them for competitions were senior practitioners.

"This was a wonderful initiative from LawMeets, especially given the impact COVID-19 has had on summer opportunities for law students" says Professor Mohamed Khimji, Director of the Business Law Program at Queen's. "Thanks to the generosity of the Class of 1980, 17 of our students benefited from a high-value and practical learning experience in an important practice area."

Two of those students were Stanis Xavier and Yoonhyun Cho, both Law'22. "As an incoming 2L student, I was really looking to gain some familiarity within the business law domain," says Xavier. "I felt that this particular boot camp was capable of developing a variety of client-oriented skills that would serve me well in any professional setting."

For his M&A teammate, Cho, the Boot Camp offered "a great place" to start his journey as an aspiring transactional lawyer. "While every lawyer

needs a deep level of expertise in the law, I believe that transactional lawyers must understand both the business and legal sides of a transaction to function effectively," he says. "The online M&A Boot Camp was designed precisely for this."

Like 124 other teams of two students from across Canada and the U.S., Xavier and Cho drafted, marked-up, and negotiated an acquisition agreement. In simulations, they interacted with clients, senior lawyers, and opposing teams via video conference, email, and telephone.

"Being a part of the online M&A Boot Camp was a great opportunity to see first-hand what transactional work entails," says Xavier. "I really enjoyed being able to connect with students, professors, and legal practitioners who all brought different, yet important perspectives on various legal matters."

Students learned many valuable lessons, and one stood out for Cho. "I learned to take a step back to really understand your client's position," he says. "In addition to being an active listener, this requires asking thorough and insightful questions to discover leverage points and flexibility. Walking into a negotiation with these fundamentals covered is the first and most significant step for success."

Among the senior lawyers passing on their deal-making "know-how" were three alumni: Richard Willoughby, Law'85, a partner with Torys LLP; Amelia Miao, Law'11, an associate with Osler, Hoskin & Harcourt LLP; and Michael Whitcombe, Law'85, and David Dunlop, Law'87, both partners with McMillan LLP.

Dunlop supervised Xavier and Cho. "I thought the Boot Camp would be a good opportunity to share some of my M&A experience with our students," says Dunlop. "They put a lot of thought and work into this program – my part was just a little extra assistance for them."

What does he have to say about his two mentees? "They're great students and wonderful listeners who are genuinely interested in acquiring and applying some practical tools and experience to supplement the Queen's Law curriculum."

Indeed, they are. "Overall," says Xavier, "I find that simulating the steps of a typical transaction is a great alternative to lecture-based learning as it challenges us to think on our feet while acting in our client's best interest."

— LISA GRAHAM



Moments before an online negotiation at the LawMeets M&A Boot Camp, teammates Yoonhyun Cho and Stanis Xavier, both Law'22, e-connect to finalize their strategy.

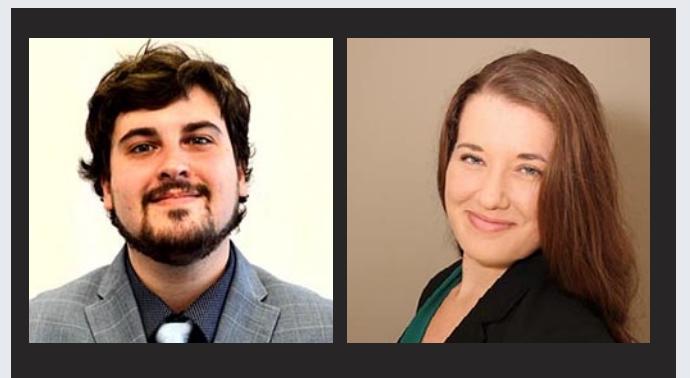
## Top 10 finalists

**Congratulations to Queen's Law teammates**

**Justin Saunders and Mikela Page for their  
performance at the  
LawMeets 2020 M&A Boot Camp!**

**They beat out schools like  
Cornell and Havard and  
landed themselves a spot in the  
final round of the competition.**

**Out of 124 teams consisting of 248 students,  
this Law'22 duo ranked  
in the top 10 performing teams,  
taking them straight to the finals.**



Justin Saunders and Mikela Page, both Law'22, the team that represented Queen's Law in the final round of the LawMeets M&A Boot Camp.



# Canada’s only guide for legal writing now easier to use

How should law students, journal editors, academics and practitioners in Canada distinguish among Justice, justice, Judge and judge in their writing? When should they use a hyphen instead of two types of dashes? These questions and more are laid out in a robust, user-friendly format in the second edition of the *Canadian Guide to Legal Style* published by the *Queen's Law Journal* (QLJ).

The QLJ, a leading refereed scholarly publication produced by a student editorial board under the direction of a faculty advisor, made history in 2014 when it published the country’s first and only style guide for legal writing. In the new edition, some overall changes have been made to how the guide presents rules and examples.

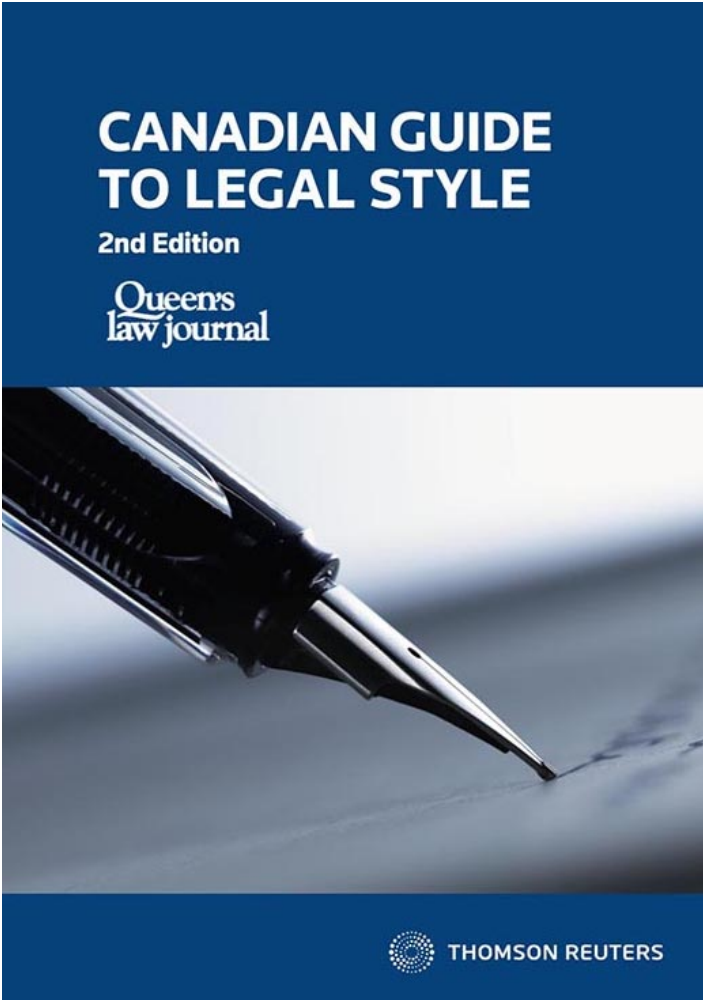
“We tried to present general rules first, followed by examples and exceptions,” says Alex McPherson, Law’20, one of the guide’s two managing editors. “We reframed advice in the positive where possible.”

His co-managing editor, Sarah MacDonald, Law’20, adds, “We built on the first edition’s foundation to better reflect how the QLJ actually uses the guide. For example, we clarified the elements and presentation of different types of informational footnotes. We made these changes in response to successive boards’ comments on the first edition and to address what we felt were the most critical gaps.”

Since the first edition was published, each year’s Style Guide Committee members – QLJ editors-in-chief, Style Guide editors, other interested board members and volunteers – have researched and drafted new rules and suggested new avenues to explore.

“We went through the first edition rule-by-rule to incorporate changes suggested by previous committees over a period of several months,” says McPherson. “We learned there is always room for disagreement over the best way to write and, like many other areas in law school, solid research is key.”

It was the 2018-19 committee that consolidated and reviewed all the hard work put in by its predecessors. “We were grateful for the tireless assistance and encouragement of Nancy McCormack,” says MacDonald, referring to the professor and law librarian who died last July.



The Queen's Law Journal, a leading refereed scholarly publication produced by a student editorial board under the direction of faculty advisor Professor Grégoire Webber, has published a more robust and reader-friendly edition of its style guide for law students, journal editors, academics and practitioners in Canada.

“Without her, this guide would never have made it to a first edition, let alone a second.”

As for the proper way to denote a member of the judiciary and how to distinguish between usage of hyphens and dashes, here’s what MacDonald and McPherson have to say: “We provide both a robust and easily understandable section to determine how to refer to justices and judges properly, and clear rules and examples of how to use punctuation to your advantage when writing.”

To find out the guidelines for using these references and more in your legal writing, you can order a copy of the *Canadian Guide to Legal Style* (2nd edition) on the [Thomson Reuters website](#).

— LISA GRAHAM

# Students kick up their heels to raise \$23K for charity

Stepping into their dancing and modelling shoes, over 100 students put on the law school’s most anticipated event of the year on March 12. The 12th annual Cabaret for a Cure attracted more than 400 guests to downtown Kingston’s Grand Theatre, pulling in \$23,000 for the Canadian Cancer Society.

“The energy in the room was electric!” exclaimed Emily Windrim, Law’20, Co-President of the Queen’s Law Cancer Society (QLCS). “Everyone was having a great time and their supportive screams did not stop from the start of the show until the very last performance was over.”

Students busted a move in such acts as the school’s own Boys II Men performing “Single LADies,” Bollywood’s “Lawlywood,” the choreographers’ “Viva Laws Vegas,” and the Bay Street Boys.

“Some Queen’s Law students have dance experience and are incredibly talented, and others have absolutely no experience,” said Windrim. “Both are always amazing to watch, and I think that’s a huge part of what makes this night so special for the law school.”

Students also strutted their stuff modelling the latest fashion apparel for both men and women, as well as formal wear and athletic attire.

“It was also fun to have the whole crowd sing along to ‘Queen’s Law, Queen’s Law,’ the school’s version of Frank Sinatra’s hit ‘New York, New York,’” said QLCS Co-President Harrison Giovannetti, Law’20. “And it was great to see so many faculty members engaged, either by coming out to the actual show or else donating their time to the auction.”

Proceeds from that auction, where 21 items were donated from faculty and students, added up to \$9,000, almost 40% of the total funds raised. The top money-maker was dinner with current Dean Mark Walters, Law’89, and former Dean Bill Flanagan, bringing in a whopping \$1,200.

Another highlight was the “phenomenal” speaker, Laurie Brown who talked about how cancer affected her life.

“Cancer has touched almost everyone in some way, so this is a cause that really hits close to home for most people,” said Giovannetti.

“Cabaret lets students get outside their comfort zones onstage, has everyone laughing and cheering, all while supporting such an important, unifying cause,” said Windrim. “That is why it is one of QL’s most loved traditions. I’m already looking forward to next year’s show!”

For more photos, check out [our gallery](#)!

— LISA GRAHAM



In what would be the last in-person event for Queen’s Law, third-year students dance up a storm at Cabaret for a Cure on the stage of downtown Kingston’s Grand Theatre on March 12. This year’s edition of the biggest student charity fundraiser saw \$23,000 go to the Canadian Cancer Society.

GARRETT ELLIOTT



# From TA'ed to TA: student moves from Certificate to law school... and back

When Lori Philpott, Law'22 (Artsci'19), began considering law school as a future, exploring the topic was as easy as choosing an elective.

"I started by taking [Introduction to Canadian Law](#) as an elective during my undergrad in French studies at Queen's in 2017," Philpott explains. "Then I took [Aboriginal Law](#), [Corporate Law](#), and [Intellectual Property Law](#), and completed the Certificate program in 2019."

Now, three years after that first course, she has completed first year as a Queen's Law student – and enjoying her first Teaching Assistant (TA) job with the school. This May, Philpott began working with students in LAW 202/702, the program's Aboriginal Law course.

Ultimately, she says, the value of the Certificate wasn't only in the information the courses contained. "Learning directly from Queen's Law professors and students gave me a better idea of what law school would actually be like," she explains. "Everyone speaks about how different it is to go from undergraduate classes to law school, but these courses gave me an understanding of what this transition would be like in terms of how classes are taught and what professors expect."

The breadth of the Certificate courses also gave her a sense of the scope of issues in law – and a more thorough foundation in her legal studies. "As a law student now, I really enjoy the fact that I have some foundational knowledge in these areas that I can apply to what I am learning in law school," she says. "In my first-year Constitutional Law course, I felt I had a better understanding of the relations between Indigenous peoples and the Crown after taking Aboriginal Law. After taking Intellectual Property Law as part of the Certificate, I can identify IP issues that I see in my daily life and in the media, in a way I couldn't before."

Ultimately, Philpott says, the Certificate didn't only give her an interest in law, but in Queen's as her

law school of choice. "I think that the professors and the curriculum are very representative of Queen's Law," she says. "The program gave me a good idea of what the classes and expectations would be like, and I enjoyed how the Certificate professors were so open to discussion both in the classroom and in office hours over email. This helped to foster the community-feeling that Queen's is well known for."

"As a Queen's University alumna, I was really looking for that same kind of community aspect in my legal studies that I experienced in my undergrad," she adds. "The Certificate program made it clear that community was valued at Queen's Law as much as it was in my undergrad."

Philpott shares her enthusiasm for TA'ing LAW 202/720. "I really enjoy seeing how my students interact with the course content, their research, and the media," she says. "When I took the Certificate courses, I found that my TAs were great mentors and had so much knowledge and experience to share. I found this type of mentorship to be invaluable and I am thrilled that I am able to provide the same experiences to the students enrolled in LAW 202."

The Certificate was developed as an online program, but that doesn't stop students from constantly interacting and applying their legal knowledge. "We recently had a negotiation activity take place over Zoom, and I loved seeing how the students were able to apply what they had learned in the course to a group negotiation activity," she says. Elaborating on the importance of such activities, she adds, "I appreciate that the Certificate courses go beyond just legal theory and concepts, and that they allow students to build practical legal skills and to apply them throughout."

Philpott will continue mentoring students in LAW 202/702 until the semester comes to a close in August and she embarks on her second year as a JD student at Queen's Law.

— MATT SHEPHERD AND LUCY SCHAFER



*When Lori Philpott, Law'22, was completing the undergraduate Certificate in Law Program, she gained a sense of what law school would be like. With a year of JD studies under her belt, she became a mentor to this summer's Certificate undergrads.*





# Calling all Queen's Alumni!

**Join us for a new, interactive online experience as we welcome students and alumni from around the world back to Queen's for Homecoming 2020.**

On Saturday, October 17, we will gather virtually to celebrate the moments that unite us.

We will celebrate the Tricolour Guard, relive great Gaels sports moments, say hello to surprise guests, enjoy live entertainment, connect 1:1 with classmates, and more!

## Saturday, October 17

### **1:00–4:15 pm EST: Queen's University Main Events**

Among several events for all Queen's alumni, join us in congratulating Queen's University Alumni Association award winners Hugh Christie, Law'81, Blaine Favel, Law'90, and Allan McGavin, Law'12.

### **5:30–6:30pm: Queen's Law Event**

Dean Mark Walters, Law'89, faculty, and students will highlight some of the recent and most important changes and activities at Queen's Law, various faculty members will present and discuss their latest research and projects, and then we will host an interactive Q&A session.

**Register now for our first-ever virtual Homecoming!**

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