

Queen's

LAW REPORTS

2019



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U.S. protectionist policies, Brexit, U.S./China disputes, and a deliberately weakened WTO – these are all forces causing turbulence in the world of international trade law. Nine legal experts weigh in on how Canada should navigate the new landscape of global disintegration.

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FSC

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Dear alumni and friends of Queen's Law,

Twenty-eight years ago, I arrived at Queen's Law as a young faculty member. I had not attended the school as a student, but I was fortunate to be great friends with David Stratas, Law'84 (now Justice Stratas of the Federal Court of Appeal). We met while clerking together at the Supreme Court of Canada. Dave, who is a wildly devoted fan of the school, had given me a sense of the connection that Queen's Law students feel toward their school. I was intrigued and wanted to learn more about this special place.

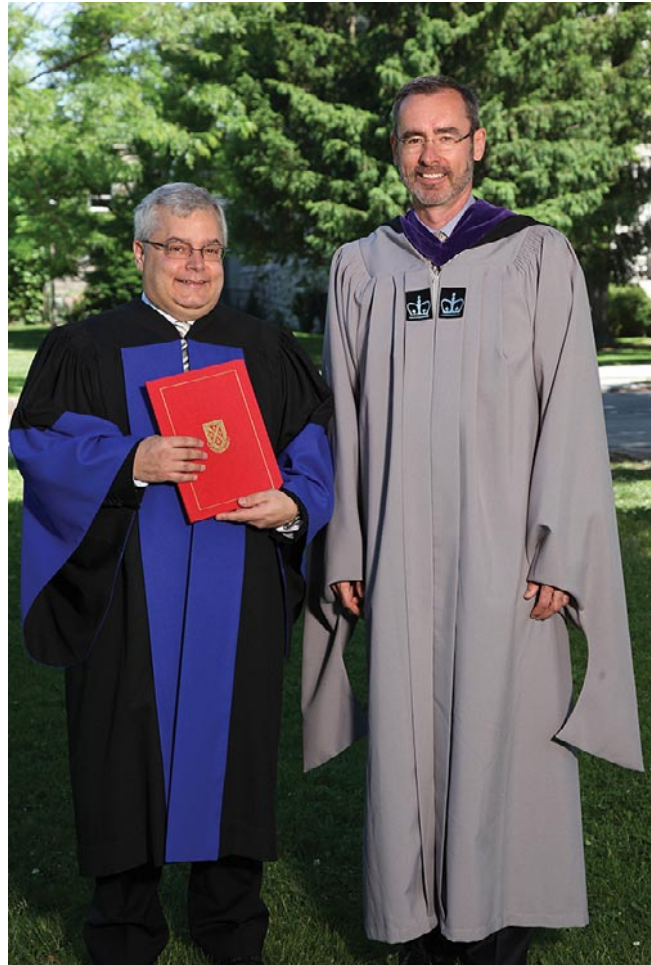
I quickly came to know the remarkable sense of community and intellectual engagement that have long been the signature values of Queen's Law. I also came to share Dave's attachment to the school and its students. In 2005, when I was appointed Dean, I was bursting with ideas about expanding learning opportunities for our students, from international to experiential. We needed to build our faculty numbers and further deepen the school's rich legacy of legal scholarship. We needed to build on our existing strengths in public and constitutional law, family law, labour and employment law, and criminal law, and develop new strengths in business law, international law and legal theory.

Now as I wrap up my 14-year term as Dean, I am most grateful to colleagues, students and alumni for their generous support over the years. Working together, we have advanced the law school on all fronts.

We now offer a range of international programs unrivalled by any law school in Canada, from the International Law Program at the Bader International Study Centre in the U.K. to over 20 student exchanges around the world. We have seen a major expansion of experiential learning opportunities, adding three new clinics in family law, elder law, and business law to our longstanding Queen's Legal Aid clinic and the prison law clinic. All five clinics are now co-located in a beautifully renovated and easily accessible space in downtown Kingston, where we serve hundreds of low-income clients every year.

Dean Flanagan's message continues on pg. 2

DEAN'S MESSAGE (continued)



BERNARD CLARK

Justice David Stratas, Law'84, honorary degree recipient at Spring Convocation 2012, with Dean Bill Flanagan. Now long-time friends, the two met while clerking at the Supreme Court of Canada.

our students. Annual donor support has also been key, increasing over five-fold in the past 14 years.

Our student body, always a great strength of Queen's Law, has never been more talented or more diverse. We draw students from across Canada. Over 35 per cent of our students identify as a member of a racialized group, 19 per cent were born outside of Canada, 14 per cent are the first in their family to attend university and 15 per cent speak a language other than English or French as their mother tongue. Responding to the calls to action in the Truth and Reconciliation Report, we now have over 20 Indigenous students studying at Queen's Law, an all-time record. Signalling the law school's commitment to the incorporation of Indigenous legal knowledge in all that we do, in 2018 the law school unveiled a moving art installation by Indigenous artist Hannah Claus in the faculty's atrium.

In my last few weeks as Dean, I have had the opportunity to travel across the country meeting many of our alumni and supporters. Justice Stratas was kind enough to make a few generous remarks at our Ottawa alumni event in May, and it brought me back to that time so many years ago when Dave and I were both embarking on our professional lives. Although no one will ever rival Dave's attachment to Queen's Law, I like to think that I have given him a run for his money. And it's been a great run indeed.

Dean Bill Flanagan

On research and teaching, we established a now thriving PhD program in 2008 and in 2010 founded the Centre for Law in the Contemporary Workplace, Canada's leading research centre in labour and employment law. We expanded the business law program, including the establishment of the Allgood Professorship in Business Law in 2016 and the Sigurdson Professorship in Corporate Law and Finance in 2017. Now with over one quarter of the faculty conducting research in the area of legal and political thought, the Colloquium in Legal and Political Philosophy, launched in 2015, has placed Queen's Law among the world's leading law schools in the area of legal theory.

Thinking creatively about new program offerings, we decided to enter the field of online undergraduate education, a first for any Canadian law school. In 2017, we launched an online undergraduate Certificate in Law Program, with over 2,000 students taking one of our undergraduate courses in 2018-19.

Building on this success, in April of this year we launched an online Graduate Diploma in Legal Services Management, a program aimed at providing training in key business skills for lawyers, from financial literacy to innovation and entrepreneurship. To my knowledge, no law school in the common law world offers a program of this nature. In another first, in May we announced the development of a new online program to train immigration consultants. The Graduate Diploma in Immigration and Citizenship Law, which will launch in January 2021, is projected to attract more than 500 students a year.

Now Canada's leader in online legal education, Queen's Law is poised to extend its reach across Canada and around the world. And new programs bring new resources. We have been able to expand our faculty numbers by 25 percent to 37 faculty members, 60 percent of them hired in the last 14 years. All the faculty's classrooms and study spaces have been completely renovated, transforming the school and providing a first-class learning environment for

Advancing Reconciliation: Answering TRC Calls to Action

Over the past year, Queen's Law has introduced significant elements to its ongoing multifaceted response to the Calls to Action from Canada's Truth and Reconciliation Commission.

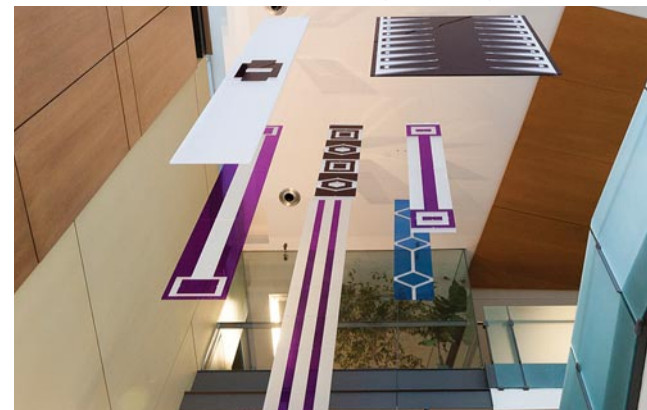
BY JUSTIN MURPHY AND PHIL GAUDREAU

Indigenous 'words that are lasting' artwork installed

September 2018 brought to completion a multi-year project to install in Law's Gowling WLG Atrium an artwork honouring Canada's Indigenous legal traditions and current principles of reconciliation.

Artist Hannah Claus of the Tyendinaga Mohawks of the Bay of Quinte submitted the winning proposal, "words that are lasting." Suspended from the ceiling are recreations of seven wampum belts used to record nation-to-nation agreements in eastern Canada and the northeastern U.S.

The entire Queen's Law community is thrilled with this beautiful addition to the school's atrium," Dean Bill Flanagan said at the dedication ceremony. "It recognizes that Queen's University is situated on the traditional territory of the Anishinaabe and Haudenosaunee peoples and is an important tribute to Indigenous legal systems."



GREG BLACK

Called "words that are lasting," recreations of seven traditional-style wampum belts now hang from the ceiling of the law school atrium, viewable from the street outside, from the lobby and from all levels of the main staircase.



PHIL GAUDREAU

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

Pushing boundaries on Indigenous self-governance: Akwesasne shares research

For the second year, 25 law students, staff and faculty took part in "Understanding Through Learning," a full-day roundtable discussion with community members of Akwesasne Mohawk Territory. Ann Deer, Indigenous Recruitment and Support Coordinator at Queen's Law, organized the Nov. 2, 2018, visit to Akwesasne, a reserve that straddles modern-day New York, Ontario and Québec. At the Akwesasne Court, the group was exposed to historical conflict resolution techniques and restorative justice concepts.

"Akwesasne is Canada's only Indigenous community with its own court system," explains Deer. "This makes for a unique chance to learn, first-hand, from the Mohawk leaders who developed the on-reserve court and its laws."

Participants learned about the role of First Nations traditions in shaping North American laws and borders, the impact that multiple levels of government can have on the reserve's daily life, and what inspiration Canadian legal professionals may draw from Indigenous customs to improve the country's current system.

The process of Akwesasne creating its own laws is leading to some experiential learning opportunities for Queen's Law students. During a Jan. 21-22 visit to Queen's, two Akwesasne Justice Department officials met with faculty and students to discuss legal research projects, an international trade law practicum, and a Pro Bono Students Canada initiative. They spoke about their shaping of a court system unique to their community's philosophy, reflected on their objectives in developing alternative sentencing, and described potentially wide-ranging implications for self-determination in an Indigenous context.

Capacity crowd at conference on economic reconciliation and Indigenous entrepreneurship

"Reconciliation on Bay Street," a 2018 documentary film, provided the theme for a Feb. 2 conference organized by the Law Faculty, Queen's Indigenous Law Students' Alliance, and the Corporate Law Club. It drew a full house of attendees for wide-ranging discussions with lawyers, business leaders and professors on economic reconciliation and entrepreneurship. Mark S. Dockstator, First Nations University of Canada President, delivered the keynote address on inspiring future leaders, both personally and professionally, to contribute toward reconciliation.

Another highlight was the documentary showcasing the resilience of Canada's First Nations communities and their growing success in legal and corporate decision-making. The Q&A afterwards featured filmmaker Andrée Cazabon and two key "performers" – Chief Duke Peltier, Wikwemkoong Unceded Territory, and David Sharpe, Law'95, Bridging Finance CEO, Dean's Council Vice-Chair, and Queen's Trustee.

Launching two graduate diploma programs – both Canadian firsts

Developing business skills for lawyers using alumni feedback

A new Queen's Law program teaches students and early-career practitioners the *business* of law. As of this spring, it's available online internationally.

"Our Graduate Diploma in Legal Services Management is unique in Canada," says Dean Bill Flanagan. "No other program offers the fundamentals of business for the practice of law. It fits the busy schedules of law students, articling professionals, and practising lawyers by being available 100 per cent online, and it's taught by leading faculty and practitioners."

Regardless of where a new law grad's career takes him or her – from private practice to in-house work, public service or not-for-profits – the business of law matters. The intersection of business skills, law and management isn't currently taught at most Canadian law schools. With this new graduate diploma, Queen's directly addresses a crucial skills gap in the legal workforce.

"Our alumni have been sharing this one insight with me for years," says Flanagan: "Lawyers are graduating from law schools with a great knowledge of the law, but with a deficit in what they need to know to hit the ground running in practice. They have routinely identified financial literacy, business acumen, team management and project planning as skills now essential to the profession."

Disruptive technology, new models for working and collaboration, and demand for greater efficiency are changing the way legal organizations operate. In order to succeed, legal professionals need to quickly understand and address client needs. Increasingly, the lawyers who thrive are those who understand their clients' realities.

Queen's Law has taken concrete steps to address this, working with Shai Dubey, Law'94, the program's Academic Director, who is also the Executive Director of Undergraduate and Professional Programs at Queen's Law and a



With the new Graduate Diploma in Legal Services Management available online internationally, Queen's Law delivers a full range of future-proofing courses that law students and recent law school graduates can use to thrive in practice.

Distinguished Faculty Fellow of Business Law at the Smith School of Business.

"In designing this program," Dubey says, "we asked the industry, 'What do young legal professionals need to know?' Their feedback built this program. We identified the skills that firms think are critical, creating a program that ensures young lawyers and law school graduates are effective right away – ensuring their profession will survive into the future, shaping access to justice and how services are provided."

Working directly with alumni at leading law firms, listening to their needs, Queen's Law built the program's curriculum. Students take LSM 810 and LSM 820, and any two of the remaining three courses to complete their diploma:

- LSM 810: Financial Literacy for Lawyers
- LSM 820: Fundamentals of Legal Services Business
- LSM 830: Shaping the Future of Legal Practice
- LSM 840: Working with Teams & Managing People
- LSM 850: Project Management for Lawyers.

Queen's Law students enjoy a unique benefit in the program: they can take LSM 810 and LSM 830 as part of their JD program, allowing them to complete 50 per cent of the Graduate Diploma as part of their regular JD studies.

"This graduate program is a significant addition to our law school," says Flanagan. "It will be of great use to both young legal professionals and to the firms that hire them."

**Learn how lawyers of tomorrow
get noticed today. Enrol in our Graduate Diploma
in Legal Services Management.**

www.lawmanagement.ca

Training prospective immigration and citizenship consultants

A ground-breaking program at Queen's Law is poised to transform the training of individuals seeking entrance to the immigration and citizenship consulting profession.

On May 1, the Immigration Consultants of Canada Regulatory Council (ICCRC) named Queen's Law as the sole accredited English-language provider of a new graduate diploma program to train prospective immigration and citizenship consultants. Delivered primarily online and including an optional blended format (online/onsite), Queen's Law will launch its new Graduate Diploma in Immigration and Citizenship Law in January 2021.

This program will be aimed at training students to write the ICCRC's Regulated Canadian Immigration Consultant Entry-to-Practice Exam. Upon successful completion of this exam, graduates may apply to become members of the ICCRC and, subject to successfully completing the registration process and being admitted to the Council, would then be permitted to offer immigration and/or citizenship advice and/or representation for a fee.

"Immigration and refugee applicants are among the most vulnerable consumers of Canadian legal services," says Professor Sharry Aiken, Academic Director of this new program. "Their first language may not be English or French; they may not be familiar with our legal system. It's crucial that those helping them are qualified, trained, and rigorously assessed."

"We are in a unique position to develop and design this program, building on the success of our two existing online programs, the undergraduate Certificate in Law and the Graduate Diploma in Legal Services Management," says Dean Bill Flanagan. "This is a historic moment, placing Queen's Law as an international leader in online legal education. Traditionally, law schools have focused primarily on training lawyers. We have taken the lead in thinking broadly about what legal education can be, from offering a range of courses in law to undergraduate students to developing a graduate level program to train legal professionals in key business skills. Our new Graduate Diploma in Immigration and Citizenship Law is a natural extension, putting Queen's Law at the forefront of innovation at Canadian law schools."

"We're making a major contribution to the quality of services and representation in this area," Aiken says. "The federal government has expressed concerns about the quality of current services. Our program directly addresses these."

With an anticipated intake of about 500 students a year, this graduate diploma will be a 66-week program, currently planned as nine courses covering everything from the foundations of Canadian

immigration law to ethics and professional responsibility, along with best practices for managing an immigration/citizenship consulting business. Entry to this program will require an undergraduate degree (or equivalent) and a high level of English language proficiency.

"We are building a program that will help set a new and much higher regulatory standard for immigration and citizenship consultants in Canada," Flanagan points out. "With over 500 hours of instruction in the program, built by immigration and citizenship experts like Professor Aiken and supported by professional instructional designers and course developers, we aim to help transform the quality of immigration consultant services in Canada and abroad."

Later in 2021, the program will also be available in French, developed by the Université de Sherbrooke, working closely in collaboration with Queen's Law.

"Ensuring immigration and citizenship consultants are properly trained and highly skilled is the first step to ensuring that immigrants to Canada are treated equitably and humanely throughout every step of their journey here," Aiken says. "We're proud to be at the centre of a program that will increase the quality and reliability of immigration services and increase access to justice for those who often need it most."



The Graduate Diploma in Immigration and Citizenship Law, to be launched in January 2021, puts Queen's Law at the "centre of a program that will increase the quality and reliability of immigration services and increase access to justice for those who often need it most."

This program is under development, and will require the approval of Queen's Senate and the Quality Council of Ontario before it can be offered.

Prison Law Clinic’s Supreme Court appearances a ‘return to roots’

A Supreme Court of Canada decision to grant the Queen’s Prison Law Clinic (QPLC) leave to intervene in two appeals last fall represented an important step forward in the clinic’s efforts to advance prisoners’ rights.

Having already achieved exemplary success in applications for judicial review to Federal Court, the clinic ramped up its activities beyond appellate-level interventions, taking on a wider variety of cases and placing greater emphasis on human rights and constitutional issues and remedies. With those goals in mind, Paul Quick Law ’09, staff lawyer and litigation counsel, and Professor Lisa Kerr reached out to top-notch external counsel who agreed to assist the clinic pro bono in seeking leave to intervene at the SCC in *Chinna v Canada* (involving the scope of the constitutional right of access to habeas corpus) and in the hearing of the “the standard-of-review trilogy” cases (concerning the framework for substantively reviewing the courts’ administrative decisions).

The QPLC instructed counsel on arguments to make, and students conducted extensive research to support the development of those instructions and the proposed legal arguments. “This exciting SCC litigation was assisted by



Kathy Ferreira, Law’01, Queen’s Prison Law Clinic Director, talks strategy with student caseworkers.

four upper-year students in our Advanced Prison Law pilot course,” says QPLC Director Kathryn Ferreira, Law’01. “They gained intensive experience assisting with court litigation matters and in helping to develop the legal strategy and evidentiary records for potential test cases.”

— KEN CUTHBERTSON

Experienced clinic lawyer takes QLA helm

Blair Crew started his new job as Director of Queen’s Legal Aid on Jan. 7, coming to Queen’s from the University of Ottawa Faculty of Common Law. There, he was Review Counsel at the Community Legal Clinic and taught Sexual Assault Law, Criminal Law and Procedure, and the Law of Evidence for 15 years. Since 2016, he has been a panelist on the Ontario Government’s pilot program that provides independent legal advice for sexual assault survivors. He holds an LLM (Cornell, 2005) and an LLB (Magna Cum Laude, Ottawa, 1998).



Blair Crew

IP, technology, and human rights expert joins Business Law Clinic

Tomi Adebisi, since bringing her diverse experience to the Queen’s Business Law Clinic in January, supervises students as a staff lawyer. She began her legal career in 2010 practising with one of her native Nigeria’s leading business law firms. After completing her LLM in corporate/commercial law at McGill (2015), she stayed in Canada – first as an intake worker and then a student-at-law with Pro Bono Law Saskatchewan. Most recently she served as Human Rights Investigator with the Saskatchewan Human Rights Commission.



Tomi Adebisi



Shai Dubey, Law’94



Morgan Jarvis, Law’10

Alumni duo drive enterprising undergrad and professional programs

Over the past two years, the undergraduate Certificate in Law program has grown to seven online courses with over 2,000 students enrolled internationally. The Graduate Diploma in Legal Services Management program launched with two courses for JD students in January and registration opened to legal professionals this spring. Two grads have taken on leadership roles to further establish Queen’s Law’s innovative leadership. Shai Dubey, Law’94, appointed Executive Director of Undergraduate and Professional Programs, manages the growth of both initiatives and seeks new opportunities for the school to use its academic legal talent and technical skills in online program delivery (see pg. 4). Morgan Jarvis, Law’10 (Artsci’05, MSc’08), was named founding Academic Director of the Certificate in Law, having developed and taught the program’s Intellectual Property course. He remains Director of the Queen’s Business Law Clinic on a part-time basis.

Research grants for developing insights

The Social Sciences and Humanities Research Council (SSHRC) has awarded “Insight Development Grants” to two faculty members.



Professor Lisa Kelly

Professor Lisa Kelly, a criminal law expert, received a two-year \$55,000 grant to study the controversial issue of whether police should patrol school hallways and yards. For her research project, “Police Powers in Canada’s Schools,” she will produce the country’s first extensive study on the topic from a legal perspective. Her in-depth analysis will include constitutional issues raised by police searches, investigations, detentions and arrests.



Professor Beverley Baines, Law’73

Professor Beverley Baines, Law’73, is principal investigator for a two-year study awarded a \$41,000 grant. For her project, “No Rights Are Absolute: the legacies of three Chief Justices,” she and collaborator Dr. Jenna Sapiano of Monash University in Australia will examine decisions by former SCC Chief Justices Brian Dickson, Antonio Lamer and Beverley McLachlin.



Professor Jacob Weinrib and lecturer Hugh Adsett, Law’93, winners of the LSS’s 2018-19 Corbett teaching awards.

Education technology innovator is new Assistant Dean of Students

Laura Kinderman, PhD’15, a leader in educational development and research at Queen’s over the past decade, joined the Law Faculty on Jan. 1 as Assistant Dean of Students. Prior to this appointment, she was Associate Director of the Faculty of Health Sciences’ undergraduate program, leading the planning, development and delivery of several initiatives, including the new online Bachelor of Health Sciences program. For her outstanding leadership in innovative uses of technology in teaching and learning, she received the School of Medicine’s 2017 H.F. Pross Educational Technology Award. In addition to her doctoral degree in English Language and Literature, she has an MA (Dalhousie, 2006) and an Honours BA (Victoria, 2004), and is pursuing her Executive MBA from the Smith School of Business.



Laura Kinderman, PhD’15

Record year for Supreme Court clerkships

Four Queen’s Law community members will be heading to Canada’s highest court in 2020-21.

- Paul Warchuk, Law’15, who began as a law clerk to Justice David Stratas, Law’84, at the Federal Court of Appeal, earned an LLM (Harvard, 2017) and, now a PhD candidate (Cambridge), will be clerk to SCC Justice Suzanne Côté.
- Elliot Herzig, Law’17, is starting a Federal Court of Appeal clerkship in August before he clerks for SCC Justice Clément Gascon’s successor.
- Paul Socka, Law’18, who articulated with the Crown Law Office - Criminal and is spending 2019-20 clerking at the Ontario Court of Appeal, will clerk at the SCC for Justice Andromache Karakatsanis.
- Megan Pfiffer, Law’19, an articling student with Paliare Roland Rosenberg Rothstein LLP, will clerk for SCC Justice Rosalie Abella.



Paul Warchuk, Law’15



Elliot Herzig, Law’17



Paul Socka, Law’18



Megan Pfiffer, Law’19

LSS awards recognize excellent teachers

This year’s Stanley M. Corbett Awards for Excellence in Teaching were presented on April 1. Professor Jacob Weinrib, a full-time faculty member since 2015, received the award for lectures his student nominators called “energetic, engaging, funny, compelling, and perfectly crafted to deliver the ideal amount of information.” Hugh Adsett, Law’93, long-time International Law Programs teacher at the Castle’s BISC, earned the award for his first year as a sessional instructor on-campus. His nominators said, “He sets a lively environment to encourage student debate, and designs creative exercises and simulation programs to allow students to participate and engage with the class in a fun way.”

◀ Professor Jacob Weinrib and lecturer Hugh Adsett, Law’93, winners of the LSS’s 2018-19 Corbett teaching awards.



Mark Walters,
BA'86 (Western), LLB'89 (Queen's),
DPhil'95 (Oxford)

CAREER HIGHLIGHTS:

F.R. Scott Chair in Public and Constitutional Law, McGill University (2016-19)

H.L.A. Hart Fellowship, Oxford University (2013)

Herbert Smith Fellowship, Cambridge University (2013 and 2005)

Queen's University Award for Excellence in Graduate Supervision (2012)

Sir Neil MacCormick Fellowship, University of Edinburgh (2010)

Associate Dean (Graduate Studies and Research), inaugural appointee, Queen's Law (2008-10), overseeing launch of PhD in Law Program (2008)

Canadian Association of Law Teachers' Award for Academic Excellence (2006)

Jules and Gabrielle Léger Fellowship, Social Sciences and Humanities Research Council (2002-03)

Queen's National Scholar, Queen's University appointment (1999)

Fellow, tutor and lecturer, Oxford University (1996-99)

Associate Lawyer, Lerner and Associates, Toronto (1996)

Law Clerk, Court of Appeal for Ontario (1989-1990)

GREG BLACK

Meet our new Dean

Mark Walters, Law'89 alumnus and former faculty member, returns to lead Queen's Law's next phase of remarkable development

Mark Walters is recognized as one of Canada's leading scholars in public and constitutional law, legal history and legal theory. His work on the rights of Indigenous peoples, focused on treaty relations between the Crown and Canada's First Nations, has been cited by the Supreme Court of Canada, as well as by courts in Australia and New Zealand.

For the past three years, he's held the distinguished F.R. Scott Chair in Public and Constitutional Law at McGill's Faculty of Law. For the 17 years before that, he was a faculty member at Queen's Law, where he led the 2008 launch of the school's doctoral program and co-chaired the committee that developed its 2014-19 strategic plan. Previously, he taught at Oxford University after practising law in Toronto in the area of Aboriginal title and treaty rights. Over his academic career, he has held a number of research and visiting fellowships and received national awards.

What's also interesting about his close connection with Queen's Law is the fact that he

literally wrote the scholarly paper chronicling the school's first five decades in celebration of its 50th anniversary in 2007. As of July 1, when he begins his five-year appointment as Dean of Law, he will figuratively write the next chapter in the storied history of Queen's Law.

Before taking the helm at his alma mater, Mark Walters shares with *Queen's Law Reports* his thoughts and his plans for the school and its community members. ►

"Legal education and practice are poised for enormous change. Dr. Walters has a depth and breadth of experience in research, teaching and academic leadership that will enable Queen's Law to continue its momentum as one of Canada's leading law schools."

— TOM HARRIS, QUEEN'S INTERIM PROVOST AND VICE-PRINCIPAL (ACADEMIC), FROM THE DECANAL ANNOUNCEMENT

QLR: How do you feel about being appointed the next Dean of Queen’s Law?

MW: I’m thrilled to return to Queen’s to lead the law school in the next phase of its remarkable development. It will be a privilege to work with faculty, staff and students who are committed to excellence and innovation in legal education and research and passionate about law’s promise in building a more just society.

QLR: What attracted you to the position?

MW: Queen’s Law is in an enviable position. I’ve always been impressed by the people who make the school a true community. What also impresses me is that this community has set an ambitious path forward: to be a leader in innovative legal education and scholarship with a global reach. The law school has solid foundations and proud traditions, and it has expanded its faculty complement significantly and launched important new initiatives. Leading the school at this important moment is an exciting opportunity.

QLR: What are you doing to prepare for your new role?

MW: I begin July 1, but my work started on March 28, when my appointment was announced. I’m in close touch with Dean Flanagan, and we are planning a smooth transition. I’ve been meeting with as many people in the Queen’s Law community as possible over the past few months. I attended the Queen’s Law alumni event in Toronto on May 23 and the international law conference and celebration of Bill’s deanship at “the Castle,” the Bader International Study Centre in England, on May 30-31. I’m looking forward to meeting members of the advisory board of the Queen’s Centre for Law in the Contemporary Workplace in mid-June. So, my re-introduction to the Queen’s Law community has begun.



Fall Convocation 2012: Principal Daniel Woolf (right) presents Mark Walters, Law’s first Associate Dean of Graduate Studies and Research, with Queen’s highest award for Excellence in Graduate Student Supervision, with Chancellor David Dodge leading the applause.

QLR: As Dean, what will you do first?

MW: The first thing I’ll do is meet the new faculty members. Since I left three years ago, Queen’s Law has engaged in a remarkable expansion, and almost one-third of the faculty are new. I’m astounded by the quality of legal scholars who have joined Queen’s Law, both before and after my departure. I’ll enjoy getting to know the new faculty and learning about their research, and I can’t wait to reconnect with my wonderful former colleagues.

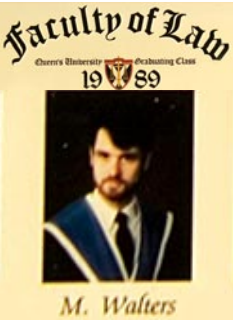
QLR: What are your top priorities?

MW: My priorities, I’m sure, are the priorities of all members of the Queen’s Law community. When I picture Queen’s Law, I see a legal-academic community with a passionate commitment to serving society through innovative legal education and groundbreaking research. It’s a school that advances critical understanding about law and the value of legality among the leaders of tomorrow – in the private and public sectors and at the local, national, and international levels. It’s a school that embraces the ideals of inclusion and diversity and, in particular, the goal of reconciliation with Indigenous peoples. These are lofty sentiments, I know.

At a practical level, my priority is to work with faculty, students, staff, alumni and friends of Queen’s Law to develop a strategic plan for the next five years that gives these abstract aspirations concrete shape. One important part of this plan will be to address the hard reality that the school must have more financial resources to pursue its dreams. The priority, then, is to develop a plan for success through broad consultation – and then to implement it.

QLR: You’re returning 30 years after your graduation. What has impressed you most about changes in the school over that time? What do you find has stayed the same?

MW: One of my proudest moments was obtaining my law degree in the spring of 1989. The previous three years were a time of intellectual awakening for me. My professors may have disagreed about many things, but in the principled exchange of ideas in the law school,



I could see the type of legal inquiry that makes possible a society committed to the rule of law. Their passionate commitment to law and legal education was infectious. My professors were engaged in the debates that mattered; they appeared before parliamentary committees and the Supreme Court of Canada, they wrote articles and books that lawyers and judges relied upon, and they brought new light to difficult problems. They did all of this in a community of scholars and students who knew and respected each other and worked together. Were there disagreements? Yes. Sometimes deep ones. But such debates are the life of an intellectual



2011: Professor Mark Walters, who oversaw the launch of Law’s doctoral program in 2008, congratulates its first graduate, Peter Atupare, LLM’08, PhD’11.

community. Queen’s was not a commuter school. In the beautiful city of Kingston, a sense of community developed that made legal education wonderful. In my conversations with alumni who have established careers in a wide variety of settings, both in practice and outside it, I find that my admiration of the law school is shared. I’m always impressed by our graduates’ loyalty to their school, their

appreciation of the value of the education they received here, and the infinite number of ways in which they use it for the benefit of the legal system and society, in Canada and around the world. Since I graduated, the school has undergone remarkable changes. It has developed clinical and experiential learning opportunities, international opportunities, including the unique “Castle” program in England; assistance for students ranging from career development to equity counselling to more scholarships and bursaries; a curriculum that allows students to design programs tailored to their own interests and aspirations; a renewed commitment to teaching and learning about law and Indigenous peoples; a doctoral degree that is central to our commitment to research and graduate legal education; a Centre for Law in the Contemporary Workplace that has revitalized our traditional strength in labour and employment law – and the list could go on. Yet Queen’s Law has remained remarkably true to the principles of its founders and its traditional strengths.



2000: Students enjoying a lecture by Queen’s National Scholar Mark Walters. He went on to earn the Canadian Association of Law Teachers’ Award for Excellence in 2006.

It remains a community of scholars and students who strive for and encourage excellence in an inclusive, cooperative and collegial atmosphere. I’m proud to have been chosen as its Dean and pleased to be returning at this exciting time.



April 6, 2019: Incoming Queen’s Law Dean Mark Walters returns to his alma mater to participate in this Q&A in the familiar faculty lounge.

Parting words from the law school's longest-serving Dean

GREG BLACK

Bill Flanagan steps down after a record-breaking 14-year tenure, 2005-2019

Visionary. Transformative. Innovative. Inspirational. These are just a few of the leadership qualities most commonly ascribed to Dean Bill Flanagan by members of the *Queen's Law* community.

Before his third and final decanal term comes to a close on June 30, he shares with *Queen's Law Reports* his thoughts on the many people he has engaged with, milestone events that occurred, significant initiatives taken, and on his plans for the next stage of his distinguished career.

QLR: As your tenure as Dean comes to an end, what would you like to say to or about alumni, students, faculty and staff?

BF: I've always been impressed with the connection our alumni feel to their alma mater and how deeply they care about the experience of our current students. It is clear to me that their time here was transformational in their lives; they remember the school fondly, whether it's 10, 20 or 50 years since they graduated. We're fortunate to have a devoted alumni base and one that remains so generous in its support of the school. I'm very grateful to our graduates for their support over my past 14 years, and I have no doubt they'll continue to support the school and my successor as Dean.

Students are at the core of what we do at *Queen's Law*,

and we've always been fortunate to have great student leadership. It's been a privilege to work with such young, ambitious, energetic and talented students who care deeply about the school. We're not a commuter school. Because our students all live close by, the school is the focal point of their experience while at *Queen's*. Our students remain remarkably engaged, not only in their academic work, but also in the life of the faculty and university.

We're also fortunate to have a terrifically talented faculty and staff – the lifeblood of the law school. It's been a great pleasure to work so closely with them. Our faculty members are renowned scholars and teachers, all very dedicated to the school. Our staff, who do a lot of the unsung work, are really the backbone of the school. *Queen's Law* has always been extraordinarily fortunate to have staff members who are so dedicated to the well-being of our students, and I think our students are most grateful for this support.

One of the other great privileges of being Dean is having had a role in recruiting a remarkably talented group of young professors, expanding our faculty complement by 25 per cent since 2017. This great infusion of new talent has brought a rich and diverse range of scholarly interests to the school. I'm proud to say that the quality of our incoming faculty has never been higher in the 62 years since the school was founded.

"I'd like to be remembered as a Dean who was able to preserve our strong traditions and at the same time explore exciting new frontiers for the school."

QLR: Of all your significant accomplishments as Dean, what makes you most proud?

BF: I'm most proud of how innovative we've been in thinking beyond the traditional confines of what a law school can do. I call this "Beyond the JD" – that is, thinking beyond the JD program. The JD will always be core to what we do and will remain the pillar of the law school. But the opportunities for growth are outside the traditional JD program, and on this front *Queen's Law* has been a clear national and international leader.

This innovation began in 2013 with the idea of teaching one course, Introduction to Canadian Law, to *Queen's* undergraduate students. We promoted the course as of interest not only to undergraduate students interested in going to law school, but also a wider range of students on the basis that a certain degree of legal literacy is valuable, no matter what a student's career path might be. The course was an instant success and we discovered a huge appetite among undergraduate students to study law.

We then decided to expand to four courses and in 2016 launched our Undergraduate Certificate in Law program – all online and available to students across Canada. That first course six years ago has now grown to seven courses in 2019 with over 2,000 students registered in one of our undergraduate courses this year.

Our second "Beyond the JD" initiative is our Graduate Diploma in Legal Services Management, opened for enrolment just this April. Again, this is a cutting-edge program aimed at providing training in key business skills for today's lawyers. It takes the core skills of an MBA program, including topics like financial literacy and business strategy, condenses them and focuses on the delivery of legal services. This unique skill set is aimed at enabling our graduates to thrive in a rapidly changing legal profession. Like the undergraduate certificate, it's all online.

The challenges and opportunities posed by a rapidly changing environment for the delivery of legal services is a theme common not only across Canada, but throughout the common law world. I think this program has the potential to attract law students and young lawyers not only across Canada, but in other jurisdictions as well. There's no law school that I know of in the common law world that has a program of this nature.

Building on the Graduate Diploma in Legal Services Management, I am thrilled that the law school has recently signed an agreement with the Immigration Consultants of Canada Regulatory Council (ICCRC) to develop an online graduate-level training program for immigration consultants. As the sole authorized English-language provider, *Queen's Law* will launch its new Graduate Diploma in Immigration and Citizenship Law in January 2021. This program will greatly enhance the quality of immigration consultant services available in Canada. We are projecting that over 500 students a year will enrol in

this program, placing *Queen's Law* again on the forefront of online legal education and thinking broadly and creatively about what a law school can do.

I think the potential remains for *Queen's Law* to continue thinking about online education and further opportunities "Beyond the JD." Kingston is a lovely place, but it's a smaller city. If we're to have the kind of reach that we want as a law school, online provides us with endless opportunity. I think it's now fair to say we're not only Canada's clear leader in the delivery of online legal education, but we're really a leader around the world.

QLR: In addition to all that, what would you like your legacy to be?

BF: I hope that my legacy will be one that built on the traditional strengths of *Queen's Law*: a great sense of community, outstanding scholarship and teaching, and student engagement in the life of the school. While always keeping those core strengths in mind, I'd like to be remembered as a Dean who also thought large about what our law school can be, not only in terms of scholarship and teaching, but also in terms of extending the reach of legal education to include undergraduate students, core business skills for lawyers, immigration consultants, and more. I'd like to be remembered as a Dean who was able to preserve our strong traditions and at the same time explore exciting new frontiers for the school.

QLR: What's next for Bill Flanagan?

BF: Bill Flanagan's going to take a bit of a break [chuckle]. Although it's been a great privilege to serve as Dean for 14 years, it's a demanding role, and I am looking forward to a return to some of my own research interests. I'm taking a research leave and going abroad for awhile. Despite a bit of distance, I'll still have great interest in the well-being of *Queen's Law* and I look forward very much to following news of the school and, of course, the success of our new Dean.

QLR: What are your thoughts on incoming Dean Mark Walters? Any advice for him?

BF: I think Mark is a wonderful choice as my successor and I'm delighted that he's returning to *Queen's Law*. He's a graduate of this school and was a member of the faculty for 17 years, so I have known him for most of my 28 years here at *Queen's*. I have no doubt that he will thrive in the role as Dean, and to any extent I can, I'm more than happy to help. The deanship will be a bit of a steep learning curve for Mark – it certainly was for me when I started out 14 years ago – but I've told him how fortunate he is to have a terrific staff and faculty in place. I think the school is very well placed for the transition and I have no doubt it will continue to thrive under his leadership. ►



Queen's Law Milestones under Dean Flanagan's Leadership

- 2008** PhD in Law program launched
- 2009** Queen's Business Law Clinic established
- 2010** Centre for Law in the Contemporary Workplace opens – a Canadian first
Elder Law Clinic established
- 2013** Introduction to Canadian Law course (LAW-201) offered to 300+ undergraduate students
- 2014** Family Law Clinic established
First blended learning course (classroom + online) offered
- 2015** David Allgood Professorship in Business Law established – first privately funded
Robert Sutherland Fellowship opens to Caribbean graduate students
- 2016** The five Queen's Law Clinics (Legal Aid, Prison Law, Business Law, Elder Law, Family Law) are co-located in downtown Kingston
Renovated Macdonald Hall opens Learning Commons
Joint BCom/JD program launched
Undergraduate Certificate in Law program launched online to bachelor's degree students and graduates across Canada. By 2019, seven courses offered and over 2,000 students
- 2017** Stephen Sigurdson (memorial) Professorship in Corporate Law and Finance established
Online Undergraduate Certificate in Law launched – a Canadian first
- 2018** Indigenous artwork 'words that are lasting' installed in Queen's Law atrium
- 2019** Online Graduate Diploma in Legal Services Management launched – another Canadian first
60% of faculty hired in the last 14 years – current faculty complement of 37 represents a 25% increase since 2017
Graduate Diploma in Immigration and Citizenship Law announced, to be launched in January 2021

GREG BLACK

FEATURE

Breaking new ground at the intersection of AI and law

Launched last November, the Conflict Analytics Lab is the first of its kind: a research-based consortium concerned with the application of data science and machine learning to dispute resolution. This joint project of Queen's Law and Smith School of Business began as a notion of Professor Samuel Dahan before he joined Queen's Law in 2017. He foresaw "extracting data from negotiation settlements and cases, converting it to knowledge that is understandable and can be acted on, and using that to help people not only in legal practice, but also to provide guidance to parties and organizations involved in a dispute, such as consumer complaints or employment contract negotiation."

Led by Dahan, this "Lab" now has the largest consortium of experts on data analytics and dispute resolution from academia and industry. Collaborators include Queen's Centre for Law in the Contemporary Workplace, Cornell University, NYU Stern, HEC Paris, Di Tella Buenos Aires, the EU Court of Justice, and National Central Banks.

"We move quickly from academic work to real-world applications," Dahan notes. "What if," he elaborates, "there was a tool that analyzed volumes of several industries' cases to advise clients with customer service problems? And how much time and energy would it save, on a mass scale, if we could streamline these processes?"

These big questions – and perhaps big solutions – apply to all applications the Lab is working on. "Our philosophy also drives the idea of a tool for an open AI resolution tribunal, plus a system to show whether Canadian, French and European case law are consistent," Dahan says.

On a smaller scale, the Lab is using cutting-edge text analytics to help one of the largest train builders in the world improve its contract drafting and negotiation strategies. "This will really serve as a proof of results," he notes. The Lab also serves as an incubator, creating a home for legal technology entrepreneurs to foster their own projects.

Naturally, all this substantial research will generate foundational work on data analysis and dispute resolution in the academic sphere. Dahan says, "As an academic, I'm excited by the Lab's potential to extend benefits far beyond our collaborators, to an international audience of scholars dealing with issues surrounding labour law and studying how data and analysis can fuel a better understanding of our field."

That, in turn, will fuel the Lab's ultimate mandate: education. "We're creating practical tools for the legal and other industries, but are we informing them? We can create powerful ways for people to understand and use data, but



GARRETT ELLIOTT

Professor Samuel Dahan is Director of the Conflict Analytics Lab, a global consortium building a machine-learning system and using it to create a dispute resolution service for people who cannot afford to be represented, while offering opportunities to educate the next generation of lawyers, negotiators and mediators.

the education component is vital. We have opportunities to educate the next generation of lawyers, negotiators and mediators. Meaningful work is about change, and change must happen at the user level."

The Lab also offers students opportunities as research assistants, exposing them to the benefits of embracing legal innovations.

Dean Bill Flanagan is delighted. "Samuel has taken a leadership role in creating a space where we are leveraging both technology and creative thinking in developing highly innovative and low-cost ways to deliver legal services," he says. "This puts Queen's Law on the forefront of thinking and research on the application of AI to dispute resolution, developments that hold major potential to address some of the chronic access to justice challenges in Canada and globally."

What's next? With multiple speaking engagements queued up, and interest growing among both academics and legal practitioners, Dahan's plate is full. "Response already has been gratifying," he says. "While the project list is growing, there's still room for more, so if our alumni have problems that this unique combination of legal data and analysis can help solve, I'd be happy to discuss it with them."

Our globe-trotting professors report on their latest year of career highlights



LAW CONVOCATION, SPRING 2018 – Faculty and guests who participated in laureating the Class of '18: Professor Miklas, Justice David Stratas (Law'84, LLD'12), Professors Bailey, Karton, Cockfield and Knutsen, sessional instructor Hugo Choquette (Law'05, LLM'10, PhD'17), Dean Bill Flanagan, Professor Weinrib, LLD honoree Douglas Cardinal, Professors Banks, Metcalf, Stuart and Baines, Queen's Law Clinics Executive Director Karla McGrath (LLM'13), and Professors Freedman, Weisbord and Khimji.

Sharry Aiken continued her research and advocacy supporting a constitutional challenge of the Canada-U.S. Safe Third Country agreement. She also organized the SSHRC-funded workshop "De-Carceral Futures: Bridging Prison and Immigration Justice" and is finalizing the third edition of her co-edited casebook on immigration law.

Bitá Amani, Co-Director of Feminist Legal Studies Queen's (FLSQ), co-organized the conference "Gender, Intersectionalities, and Sustainable Development: Food Security, Economic Equality, and Women's Empowerment." She also authored pieces on food law and policy governance and intellectual property rights-mapping with a moral compass.

Martha Bailey published research on intimate partner abuse and high conflict custody disputes. Her play "Life Support," on issues relating to brain death raised in *McKitty v Hayani*, will be presented at Theatre Kingston's Storefront Fringe Festival in July 2019.

Beverley Baines was awarded a two-year SSHRC Insight Development Grant (\$40,837) for her research on "No Rights Are Absolute:

the legacies of three Chief Justices," and a two-year SSHRC SIG Explore Grant (\$6,999) for her research on "Equality: the most remedial right."

Nick Bala continues to work on The Hague Convention on Child Abduction, parental alienation, high-conflict separation and the role of child protection agencies, access to family justice, and reforms to the *Divorce Act* and use of parenting plans. He will present on these topics at several summer conferences, including in Toronto, Vancouver and London. Though 67, he's looking forward to again teaching Contracts, Family Law and the Family Placement courses next year.

Kevin Banks, Director of Queen's Centre for Law in the Contemporary Workplace and Editor-in-Chief of the *Canadian Labour and Employment Law Journal*, co-edited *Labour and Employment Law: Cases, Materials and Commentary* (9th edition), co-authored its introductory chapter, and co-authored a paper (with Richard Chaykowski, Queen's Industrial Relations) on causes of delay in Ontario's labour arbitration.

Art Cockfield published several articles on tax law topics and one on algorithm regulation and digital identity. He was also appointed to the Canada Revenue Agency's Offshore Compliance Advisory Committee and co-organized an international law conference at the University of the West Indies in Barbados and the annual Deloitte/University of Waterloo Tax Policy Symposium.

Samuel Dahan launched the Conflict Analytics Lab, a global consortium interested in the application of artificial intelligence to dispute resolution. The Lab is building AI-powered negotiation systems for several industry partners and holds major potential to address some chronic access-to-justice challenges. He spoke on the topic at a TEDx salon event at Queen's called "Me, Myself, A.I."

Benjamin Ewing published an essay on "Socializing Punishment" in *The Point*. He also brought near to final form two forthcoming publications: an article on the moral foundations of recidivist sentencing enhancements and a book chapter on the normative structure of mitigation.

David Freedman updated his contributions to two textbooks on wills and trusts law respectively, and is currently doing research on the intersection of both these areas with bankruptcy law, which he will be adding as a teaching subject next academic year.

Leslie Green wrote "Escapable Law" for the *Jerusalem Review of Legal Studies* (forthcoming) and "Hume on Authority and Opinion" in *Essays in Honour of David Miller* (Oxford 2019), and co-edited both *Oxford Studies in the Philosophy of Law* vol 3 (2018) and the book series *Oxford Legal Philosophy*. He is a Trustee of Balliol College and Management Board Chair of the Bonavero Institute of Human Rights.

Lynne Hanson teaches Mental Health Law, Torts, Advanced Torts, and Health Law. She is serving on the Board of Directors of the Ontario Coalition of University Faculty Associations and is past president of the Queen's University Faculty Association.

Gail Henderson continues as principal investigator of a \$67,114 SSHRC Insight Development Grant examining potential conflicts of interest in financial literacy education materials produced by financial services companies. Her article "Group RESPs: The Intersection of Government Support for Education Savings and Securities Regulation" was published in the *University of Toronto Law Journal*.

Ardi Imseis had his expert evidence cited by the U.S. District Court in *Adham Hassoun v Jeff Sessions, Attorney-General of the United States, et al*; presented "Self-Determination and the Settler Colony" at U of T's Faculty of Law; and advised the UN Commission of Inquiry on Protests in the Occupied Palestinian Territory.

Joshua Karton, Associate Dean (Graduate Studies and Research), published on international arbitration and contract law, gave presentations on four continents, visited at the Universidad San Fernando de Quito (Ecuador), joined the editorial board of the *American Journal of Comparative Law*, and co-founded the *Canadian Journal of Commercial Arbitration* as its inaugural Managing Editor.

Lisa Kelly received a \$55,000 SSHRC grant to produce the country's first extensive study on "Police Powers in Canada's

Schools" from a legal perspective. She also convened a panel of leading criminal law scholars to celebrate Professor Stuart's still-growing legacy and guest-edited their papers for a special spring issue of the *Queen's Law Journal*.

Lisa Kerr was published in the *University of Toronto Law Journal* and the *Globe & Mail's* editorial section, discussed criminal justice issues on CBC Radio and other media, and guested on Sean Robichaud's (Law'04) acclaimed podcast, *Of Counsel*. She served with the National Judicial Institute (faculty) and B.C.'s Civil Liberties Association (board member), and co-organized the 2018 *Judges to Jails* conference.

Mohamed Khimji, David Allgood Professor in Business Law, spent the fall term visiting Yale Law School as an Associate Research Scholar in Law. While at Yale, he interviewed market participants in New York and Connecticut for a SSHRC-funded qualitative study on shareholder democracy in public corporations.

Alyssa King published an article on arbitration and U.S. federalism in the *Indiana Law Journal* and presented comparative research on arbitration in U.S. and EU federalism at conferences at Stanford Law School and Dalhousie's Schulich School of Law.

Erik Knutsen was appointed Associate Dean (Academic) last July. He was also awarded the Baillie teaching award from Queen's University, was elected a member of the American Law Institute and a Fellow of the American College of Coverage Counsel, and co-authored the 11th edition of *Canadian Tort Law*.

Kathleen Lahey continued working intensively with technical, legal and human rights issues of gender equality, taxation, and fiscal policy with countries at all levels of development and international organizations. Recent research has been widely published by Oxford University Press, Australia National University, the Canadian Tax Foundation, Cambridge University Press and the United Nations.

Nicolas Lamp, Academic Director of the International Law Programs, published book chapters about the "practice turn" in international law and innovative lawmaking techniques in the trade and

climate regimes. His paper on the competing narratives about the winners and losers from globalization attracted considerable attention in academia and beyond.

Mary-Jo Maur co-chaired the LSO's Family Law Summit and published papers on family law procedure. She taught Torts, Family Law, Alternative Dispute Resolution, and an introduction to Canadian law for undergraduates, focusing on blended learning innovations for law school classrooms.

Nancy McCormack has been editing and revising the 1,400-page, 5th edition of the *Dictionary of Canadian Law* (Thomson Reuters, expected 2020). She also became an editorial board member of the *Journal of Parliamentary and Political Law* and taught Torts, for the first time, to half the first-year class.

Cherie Metcalf taught Public and Constitutional Law and Law & Economics, co-supervised the Laskin Moot team, and presented at conferences in Canada and the U.S. She has an empirical article on property rights forthcoming and a number of ongoing research projects with collaborators in Canada and the U.S.

Bruce Pardy published and presented on the dominance of social justice ideology in legal education, on the dangers of the Paris climate change accord, on the "empty shell" of environmental assessment, on judicial activism in constitutional cases, and on moral paternalism in tort theory.

Patricia Peppin will present papers on inclusion of pregnant women in clinical trials and advance directives for medically assisted dying at the International Academy of Law and Mental Health conference in Rome, and on rights of patients and conscientiously objecting physicians at the Law and Society conference in Washington.

Michael Pratt contributed chapters to leading casebooks on remedies and contract law. He also gave presentations on the law of estoppel and the law of damages and is completing a paper on how courts should approach the problem of counterfactual causation when assessing damages in difficult cases. ►

Darryl Robinson argued before the International Criminal Court Appeals Chamber on the removal of head of state immunity for President Omar Al-Bashir of Sudan. He also completed three books on international criminal justice: a textbook, an edited collection (the *Oxford Handbook on International Criminal Law*), and a monograph on criminal law theory.

Don Stuart, retired since June 30, 2018, still teaches one course a year and continues as editor-contributor for *Criminal Reports* and the *Criminal Essentials* eletter for judges. With David Tanovich, Law'92, and Lisa Dufraimont, he published *Evidence: Principles and Problems* (11th ed.) and, with Tim Quigley, he finished preparing the 13th edition of *Learning Canadian Criminal Procedures*. Yes, his office door's still open.

Jean Thomas continues as co-convenor of Queen's Colloquium in Legal and Political Philosophy and co-organizer of the Law and Philosophy Workshop. In London, England, she spoke on coercion and legality at King's College and presented on legal normativity and meta-ethics at Queen Mary University.

Sabine Tsuruda published "Volunteer Work, Inclusivity, and Social Equality" in *The Philosophical Foundations of Labour Law* (Oxford). She also presented at the Wharton School, the Schulich School of Law at Dalhousie, and Edinburgh Law School. She continues to research workers' speech and associational rights.

Ashwini Vasanthakumar published on privatizing border control and victims' duties in academic and public philosophy journals and has articles forthcoming on diaspora institutions, victims' duties, and civil disobedience. She will speak at conferences in New Orleans and London this spring, and will spend the summer at Stockholm's Institute for Future Studies.

Grégoire Webber, MSM, Canada Research Chair in Public Law and Philosophy of Law, presented *Legislated Rights* (Cambridge) and other research at LSE, Oxford and Queen's, was cross-appointed to the Department of Philosophy, and jointly edited *Constitutional Dialogue: Rights, Democracy, Institutions* (Cambridge).

Jacob Weinrib is working on a new book entitled *Proportionality: The Nightmare and the Noble Dream*, which will appear in the Cambridge University Press's new Elements series in Philosophy of Law. This year, he presented research to audiences in Canada, Australia and Wales.

Noah Weisbord completed *The Crime of Aggression: The Quest for Justice in an Age of Drones, Cyberattacks, Insurgents, and Autocrats* (Princeton, forthcoming June) and "Who's Afraid of the Lucky Moose? Canada's Dangerous Self-Defence Innovation," forthcoming in the *McGill Law Journal*.

Robert Yalden, Sigurdson Professor in Corporate Law and Finance, developed two new courses: Structuring Business Transactions and Corporate Finance. He co-authored articles for the *Mergers & Acquisitions Review* and the *Corporate Governance Review*, joined the *Annual Review of Insolvency Law's* Editorial Review Board, and presented at the universities of Toronto, British Columbia and West Indies.

QLR

Cannabis: Checking in, checking it out

In 2018's *Queen's Law Reports* cover story, several faculty and alumni weighed in on the hottest legal topic of the year: the impending legalization and regulation of marijuana for recreational use. Now that the *Cannabis Act* has been in effect since October 17 and its one-year anniversary is set to introduce to the legal marketplace three new forms – cannabis edibles, extracts and topicals, *QLR* editor Lisa Graham checked back in with our experts for their latest perspectives. ►



Professors Yalden, Khimji, Cockfield and Henderson in the faculty lounge discussing the latest hot topic in corporate law.

The View from Ottawa

BY NATHANIEL ERSKINE-SMITH, LAW'10,
MP (Liberal), Toronto Beaches-East York

Successes

The public health approach to regulating cannabis has largely met expectations. Public health is prioritized through restrictions on commercial advertising and youth access, and Canadians are treated like the responsible adults we are through a legal marketplace, a home-grow limit of four plants, and possession limits for domestic travel.

Challenges

There have been some supply challenges, and Health Canada has responded by increasing resources to expedite applications for cannabis producer licences.

Two bigger policy challenges also lie ahead. First, the government should completely expunge cannabis possession records to both recognize that cannabis prohibition disproportionately impacted visible minorities and to acknowledge that cannabis possession should never have been criminalized in the first place. Second, the government should prioritize patients' needs through low-cost, fair access to medical cannabis and should remove the excise tax on it.

Preparing for new forms of cannabis

Proposed federal regulations restrict mixing cannabis with alcohol or nicotine, restrict marketing flavours that may be appealing to kids, and limit THC* levels and health claims.

** THC, tetrahydrocannabinol, is the chemical compound in cannabis responsible for a euphoric high or intoxication.*



Indigenous Impacts

BY DAVID SHARPE, LAW'95,
CEO, Bridging Finance Inc., Toronto

First Nations' economic development

Bridging Finance has been unwavering and remains very committed to using cannabis as an economic development tool for First Nations. The company is providing financing to numerous First Nations for cultivation and distribution of cannabis, including all 13 First Nations in Nova Scotia, Rama First Nation and Peguis First Nation.

The most immediate positive impact for First Nations has been job creation and training. Our cultivation facilities with First Nations are majority owned by the First Nation. This majority ownership provides autonomy to the First Nation and wealth creation for generations to come.

We are still tackling equality for First Nations with the provincial governments regarding cannabis distribution to ensure that First Nations have access to the lucrative sales market.



Production

BY RUTH CHUN, LAW'06,
General Counsel, Newstrike Brands Ltd./Up Cannabis, Toronto*

Biggest changes

Ramping up cannabis supply and distribution has arguably been the toughest challenge facing producers since legalization. The reality is that supply will not be able to meet market demand in the immediate near term, despite industry's collective efforts to grow quality, compliant product as efficiently as possible. But this comes from an operational standpoint, not a legal one.

The proposal to amend the *Cannabis Act* and its regulations to create three new categories of cannabis – edibles, extracts and topicals – is an exciting expansion of the adult-use market and facilitates the entry of high-margin derivative products. The cannabis industry moves at lightning speed, and getting market-ready for new products means reviewing and commenting on the proposed legislation and guiding the operations and marketing teams based on the anticipated legal framework, while also dealing with everyday regulatory, marketing and capital markets work.

** Since this interview, Newstrike has entered into a definitive arrangement agreement under which HEXO Corp. of Quebec will acquire all Newstrike shares.*

Licensing

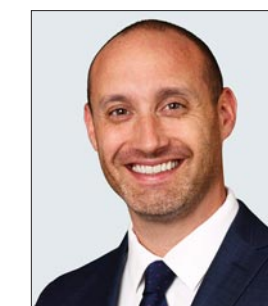
BY TRINA FRASER, LAW'97 (COM'94),
Co-Managing Partner and Head of CannaLaw Group, Brazeau Seller Law, Ottawa

New licence categories

With the introduction of private cannabis retail in Ontario and the new federal licence categories and product types, over 90 per cent of my practice is now cannabis based. Legalization marked the creation of new federal licence categories such as nursery, micro-cultivator, micro-processor and medical seller. There has been a great deal of interest in these licence categories and the new opportunities that they present. As the October 17, 2019, deadline for regulating edibles, extracts and topicals is quickly approaching, my clients are busy conducting R&D and building business models around the virtually unlimited number of new cannabis products that these regulations will permit.

Security clearances for those with convictions

The framework is permissive regarding prior possession convictions, but still allows the refusal of required security clearances on the basis of prior production, distribution or selling convictions. There is still discretion to grant security clearance in such cases, where it is determined that doing so would not pose an "unacceptable risk to public health or public safety." The problem is a lack of clarity and transparency on how this determination is made. The uncertainty this creates (i.e., the inability to predict with confidence whether certain individuals will get cleared and how long it will take) imposes barriers (for example, in procuring required investment) and thus creates a disincentive for some to apply.



BY MATT MAURER, LAW'06,
Partner and Vice-Chair of Cannabis Law Group, Torkin Manes LLP, Toronto

Biggest practice changes

Perhaps not surprisingly, there has been a surge of legal work involving retail cannabis operations. Helping clients acquire licenses from the government, as well as all the traditional legal work associated with setting up a business and operating a bricks and mortar store, has consumed a large portion of my practice since legalization. Although cannabis law has

been the majority of my practice for a number of years, legalization has led to exponential growth of our practice and has required us to add multiple new lawyers to help handle the ever-growing workload.

Industry market trends

The market is shifting away from being focused mainly on licensed cultivators. Instead, lots of focus is now being placed on service and accessory companies. It is an exciting time in this space because there really is an explosion of new products, services and concepts and a need to help clients get those items to market. Services include companies providing delivery, technology to log medical usage, and, financially, to provide payment product solutions. Concepts include companies manufacturing things to assist with home growing, such as grow tents and lighting.



Cannabis Law



BY JAMES MUNRO, LAW’04, Capital Markets Group Partner and Cannabis Practice Group Co-Chair, McMillan LLP, Vancouver

Biggest changes
We’ve been acting for large licensed producers for years, and now, on top of advising these issuers on cannabis matters, we’re assisting them

in making their respective businesses larger. They’re fine-tuning their models for what they’re acquiring and for building out their brands. We’re seeing a large rise in M&A transactions as the industry consolidates. Before recreational cannabis was legalized, clients who had been in the business’s medical sphere for a significant time were preparing for that new market. The recreational market is here now, and issuers already have large market caps, the largest ones in the billions of dollars. Now they’re becoming senior issuers, looking at policies and taking corporate governance seriously. It’s well known that we represent Aurora Cannabis (a leader in the industry) and acted on all of their major acquisitions last year, including the two largest M&A transactions: CanniMed and MedReleaf. Our Cannabis Practice Group had a very strong year in 2018.

B.C.’s hybrid retail model: points of failure

The B.C. model hasn’t been effective for a number of reasons. Acting as a warehouse, the government buys cannabis from licensed producers and then sells it to certain retail stores. The government has its own stores and has not been quick to open them. Vancouver had a prolific culture of having dispensaries; many of those are still open, but it’s unclear to the public what is legal and what is not. That’s a point of failure on the B.C. government. Another is the few stores open in B.C. that are privately owned. One of the best ways to meet the federal government’s key policy objective of keeping profits out of the hands of criminals is to involve in the industry those people who have excellent knowledge of what consumers actually want to buy and how they will consume it. In my mind, that’s not government; that’s private industry.

Criminal Defence

BY SEAN ROBICHAUD, LAW’04 (ARTSCI’01), Founder, Robichaud’s Criminal Defence Litigation, Toronto

Enhancing criminalization?

One might have expected the move towards cannabis decriminalization would reduce prosecutions and investigations; however, the opposite is manifesting in the criminal justice system. The most obvious examples are through the implementation of Bill C-46.

Ostensibly, this bill was intended to provide the necessary means for police to address the legalization of cannabis in the context of impaired driving offences; however, it has fundamentally changed Canada’s impaired driving law, raising serious concerns relating to the constitutional validity of the enhanced investigatory powers C-46 brings with it. Those include enabling police to detain drivers and obtain bodily samples without reasonable grounds to believe or suspect impairment or consumption of alcohol. Undoubtedly, this will increase criminal charges rather than reduce them. It’s not only in impaired driving, but also the ancillary police searches that will stem from these investigations and detentions.

Many legal experts, including retired Queen’s Law Professor Donald Stuart, have sounded alarms on the potential for abuse of these powers towards racialized and other vulnerable groups. As the courts come to interpret this new regime, we will come to see how much liberty is sacrificed in the pursuit of lawful cannabis consumption. In my view, we have compromised far too many Charter rights in exchange for a lawful ability to consume a substance that was effectively decriminalized prior to the legislation coming into effect. In short, whatever “legalization” has come from the Cannabis Act, is disproportionately offset by criminalization elsewhere.



Public Health



BY DR. CHRIS SIMPSON, Vice-Dean (Clinical), Queen’s School of Medicine; Medical Director, Southeastern Ontario Academic Medical Organization

Public education campaigns

There has been a noble effort to educate the public about the potential health risks of cannabis use by organizations like the Canadian Medical Association and the Canadian Centre for Substance Abuse and Addictions. Thankfully, the efforts have centred on providing advice about reducing risk if individuals do choose to consume cannabis, rather than saying, “Thou shalt not.” However, the factual message that cannabis use can be harmful, particularly for teens and young adults, has been largely overshadowed by the barrage of “cannabis-positive” messaging on social media and in popular culture. The additional confounder has been the promotion of cannabis as a therapeutic agent. Claims for marijuana’s “medicinal” applications far exceed what the evidence currently suggests, leading to a further perception that it must be “safe.”

Evidence from the Emergency Department

ED physicians have been seeing an increasing number of cannabis-related

illnesses for several years now, among them cases of hyperemesis syndrome, acute psychosis, and injuries from crashes caused by impaired drivers. Teens and young adults are the largest demographic group. Accidental ingestion of cannabis products (ones that look like candy, for example) is increasingly seen too, particularly in toddlers. It’s premature to know with certainty whether legalization has changed this trend in any way.

Strict marketing regulations

Health Canada has done a great deal of work, and its approach has been generally very good. Its prohibitions on cannabis promotion include a requirement for plain packaging, and it provides information for consumers on the potential health impacts of cannabis use. But it’s been a bit of a wild west out there since legalization. Edibles and synthetics are out there already, so many producers and suppliers seem not to be following the rules.

Queen’s Health and Safety

BY ANN TIERNEY, LAW’89, Vice-Provost & Dean of Student Affairs, Queen’s University

Policies and resources

Legalization of cannabis has prompted changes to university policies, as well as new resources and education initiatives to ensure the campus community is aware of the restrictions and protocols now in place. From a Student Affairs perspective, we take a harm-reduction approach, as we do with other drugs, tobacco and alcohol.

In terms of health promotion, for example, we ran a cannabis harm reduction campaign that included the risks of mixing substances. We base our programming on Canada’s *Lower Risk Cannabis Use Guidelines* and the Ontario Centre for Innovation in Campus Mental Health’s guide to reducing cannabis harms. To increase reach and impact, we involve students in developing and disseminating our materials, which include a comprehensive, student-focused Cannabis and Campus webpage.

We have students evaluating the cannabis harm reduction campaign, and we added cannabis questions to a student health and wellness survey. We’ll look to the resulting data as a post-legalization baseline. To date we haven’t seen an increase in cannabis-related incidents or complaints on campus, or in residences or Queen’s-owned housing.

We also expanded our Campus Observation Room (COR) to assess students under the influence of alcohol and cannabis. The COR, a space where students who have had too much to drink can be monitored, is run by Student Wellness Services, with trained student volunteers supported by hospital detox staff.

Once regulations or other details respecting the introduction of new products are available, we will update our current education programs and harm reduction strategies. ►



Workplace Safety

BY BARBARA JOHNSTON, LAW’93,
Senior Partner & Head of Labour and Employment
Group, Dentons, Calgary



Safety and privacy

Employers face onerous obligations under both the *Criminal Code* and health and safety legislation to ensure a safe work environment. Cannabis use poses significant safety risks in hazardous work environments. Since the legalization of cannabis, there has been an enhanced focus on workplace policies that

ensure employers are appropriately addressing their obligations to minimize the safety risk associated with its use, including drug testing. Such policies engage two important interests: privacy and safety. Balancing these competing interests in light of legalization has led to significant legal challenges to employers’ rights to take the required steps to ensure workplace safety.

Employer impact

In 2013, the Supreme Court of Canada (SCC) in *CEP, Local 30 v. Irving Pulp & Paper (Irving)* confirmed that where there is enhanced safety risk in a hazardous worksite, such as a general problem with alcohol and drugs, random testing may be appropriate. Around the same time, Suncor announced it would implement random alcohol and drug testing for safety-sensitive workers in the Regional Municipality of Wood Buffalo (RMWB). After lengthy litigation, including a leave application to the SCC, the matter was settled in 2018. Suncor implemented random alcohol and drug testing – a significant step for ensuring the safety of all workers in the RMWB. Given the decision in *Irving* and the settlement in Suncor, we anticipate employers will continue to be able to be proactive in taking appropriate steps to address safety concerns with cannabis use in hazardous workplaces.

BY DENIS MAHONEY, LAW’93,
Labour and Employment Partner, McInnes Cooper,
St. John’s

Challenges in safety-sensitive workplaces

We are seeing an increase in violations of drug and alcohol policies. We are also seeing a slight increase in cases being contested through some form of adjudication, whether under the unjust dismissal provisions of the *Canada Labour Code*, human rights, arbitration, or wrongful dismissal lawsuits.

We continue to see expected negative impacts of employee cannabis consumption. Recreational use outside of working hours is showing up in reasonable cause and post-incident testing. When the test results indicate the presence of marijuana in the employee’s system in an amount above company policy cut-off levels, these workers are unfit for duty and pose considerable safety risks to themselves, coworkers, and/or the public. This often results in major discipline, up to and including discharge. These decisions are being challenged, and we expect to see the prevailing view of adjudicators in these cases throughout 2019.

Our firm represented an employer dealing with two employees using medically authorized cannabis who applied for safety-sensitive positions. Given the uncertainty associated with assessing their fitness for work and the workplace risks involving medically authorized cannabis, Arbitrator John Roil concluded if an employer can’t measure the risk, it is undue hardship to expect an employer to manage that risk. The two candidates were denied the positions. That decision is probably one of the most significant indicators of the risks associated with cannabis and safety sensitive workplaces. When balancing competing interests, we are advocating that arbitrators recognize the risks of cannabis use involving safety-sensitive positions; we need to reduce exposure to cannabis for employees in such positions.



Taxation

BY PROFESSOR ART COCKFIELD, LAW’93,
Tax Law Scholar and Policy Consultant

Tax revenue changes? Two tax controversies

It hasn’t really changed. The federal government imposed two levels of tax: the GST/HST (depending on the province or territory where the product is produced) and a special excise tax of \$1 per gram of marijuana or 10 per cent of the final retail price, whichever is higher. The legal market has not taken off as much as anticipated, and taxes are paid only by consumers who buy from licensed producers. There are a couple of controversies. Is cannabis over-taxed? Why is the government taxing prescription drugs? Normally drugs for medical purposes are exempt from all taxes. The taxes create a big price difference between the black market and the legal market. With legal cannabis being more expensive, consumers are staying in the black market.

The government should get rid of the excise tax for both medical and recreational marijuana and get rid of the GST/HST on medical product. As I said in my 2016 op-ed, I recommend reducing the tax burden until there is a viable market and then maybe reintroducing taxes at some future point.



Policy goals for tax compliance

The big players, all the licensed producers, are clearly complying with the tax laws; they’re public companies. There is still a grey and black market producing illegal marijuana, and Canada is not getting any money out of it. That can’t be the long-term situation. There haven’t been any successful efforts to get these tiny, illegal players to comply.

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Parting thoughts on global leadership

“It’s a world-wide movement,” says James Munro. “Dominoes are falling quickly, with other federal jurisdictions adopting cannabis laws and quickly following Canada’s example. The next big example will be Mexico. That’s an interesting development for North America. In my view, the U.S. will also adopt federal legalization one day.”

Professor Art Cockfield agrees. “We want Canada to be a world leader in this industry, and it’s not clear under the current government’s regulatory plan whether that will be achieved. If another big country comes along and legalizes cannabis fully, like the Americans are slowly doing, state by state, they will crush us, so we need to get the solution right for businesses and consumers. Why shouldn’t Canada be a global leader?”



Leap of faith reaps rewards

Hugh Christie is blazing a new trail in his Canadian labour and employment law career

BY KEN CUTHBERTSON, LAW'83

It was no small gamble. In January 2016, Hugh Christie, Law'81 (Artsci'78), left his secure position as head of the labour employment group at Gowling WLG in Toronto to become managing partner in the new Toronto office of Ogletree Deakins Nash Smoak and Stewart PC, Atlanta-based management-side labour and employment law specialists.

"Until then, I was pretty 'settled' in my legal career. I'd even had the same office phone number for 35 years," Christie recalls with a laugh. After graduation, he'd articulated and then begun practising with Smith Lyons, rising to partnership. Following Smith Lyons' 2001 merger with Gowlings, he headed up that firm's labour employment group for 13 years.

Although his stellar national reputation as a top labour and employment lawyer kept him very busy, Christie came to an insightful conclusion: Canada's shifting economic tides and the legal profession being reshaped by the creation of larger and larger firms were making it increasingly difficult for practitioners in his field to function within full-service law firms. "There were more and more conflicts of interest developing with practitioners and their clients in other areas," he explains.

That's why, when Gowlings merged with British firm Wragge Lawrence Graham & Company in early 2016, Christie knew it was an opportune time to recast his career plans. He, his long-

time assistant, and two Gowlings colleagues (Michael Comartin, MIR'o8/Law'11, for one) joined Ogletree, opening the firm's first Canadian – and fourth international – office. This leap of faith on Christie's part is paying off big time for both him and Ogletree, he says.

"Canadian employers increasingly value easy access to international labour and employment law advice at a firm they're familiar with, while international employers operating in Canada see a real benefit in accessing expert Canadian advice through their usual local advisors," Christie observes.

"We now have 12 people in Toronto, we're about to open a Montreal office, and we have five new lawyers 'in the pipeline,' including Shir Fulga, Law'18, and Caroline DeBruin, Law'20. I can't speak highly enough of my experiences with Ogletree. The firm has been very respectful of any Canada-U.S. differences. My partners are tremendous people. It feels like home. Things have worked out wonderfully for us."

He likes feeling relatively settled again, since stasis was something scarce in his early life. Son of a globe-trotting physicist, he'd lived in his Halifax hometown, England and India before his family settled in Ottawa in the late 1960s.

A gifted student, he could have gone to any university, but he's never regretted choosing Queen's. Vitrally involved in campus life, he was elected

President of the AMS (1977-78) and Rector (1978-80), only the fifth student to hold the historic rectorship and the only person in Queen's 178-year history ever to serve in both roles.

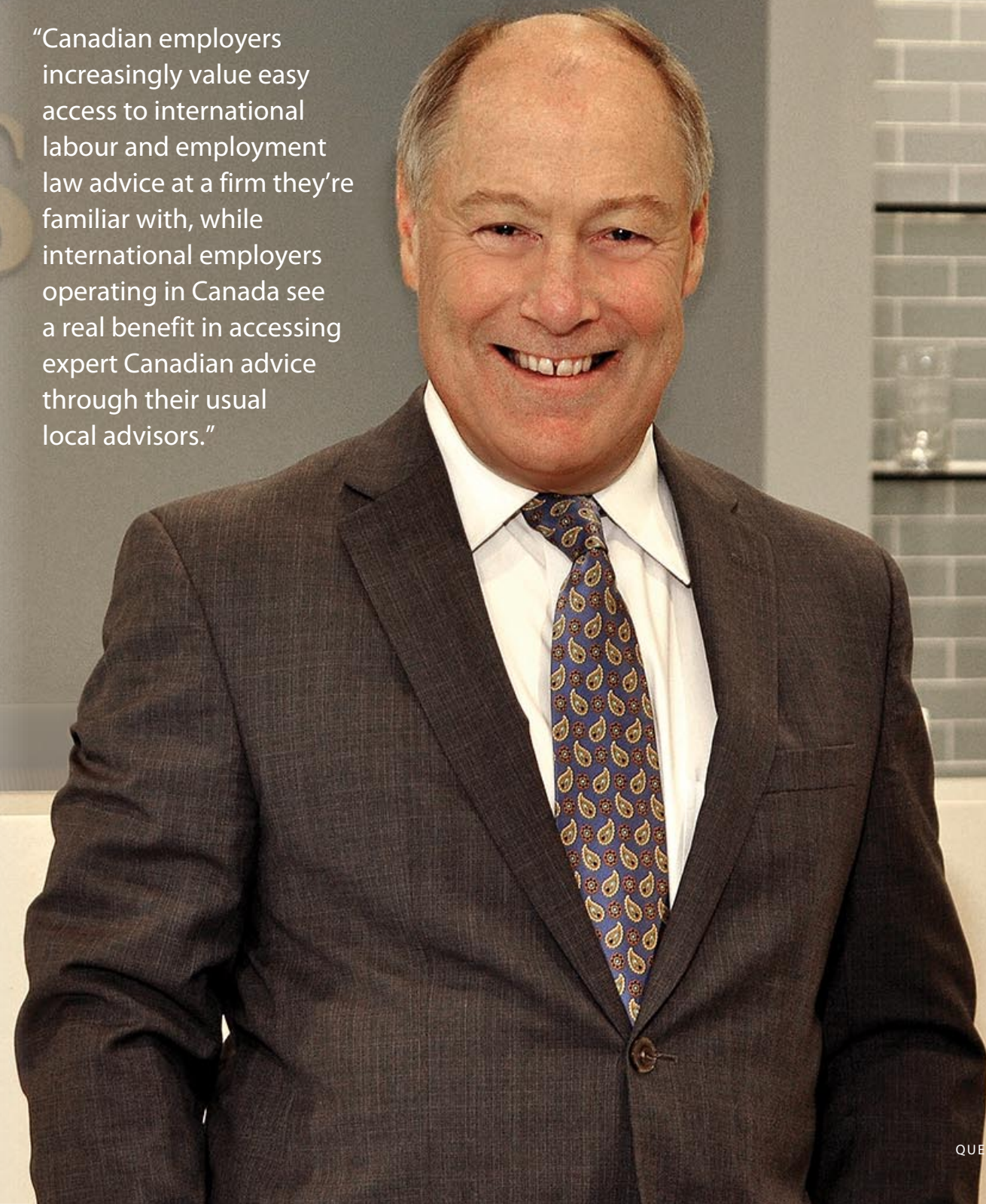
Since graduation, he has maintained close ties to his alma mater as a generous benefactor, President of the world-wide Alumni Association (1987-89), a University Councillor (1980-1992), a Council-elected Trustee (1991-2007), Trustees Vice-Chair (2004-07), and, since 2010, as founding Co-Chair of the Queen's Centre for Law in the Contemporary Workplace.

Apart from his wife Debra Haak (a lawyer and a Queen's Law PhD candidate) and their three children, Queen's, particularly the law school, is one of Christie's greatest loves. That affection is mutual; his honours include the AMS's Tricolour Award (1978), the University Council's Distinguished Service Award (2007), and Queen's Law's HRS Ryan Law Alumni Award (2011).

"For me," Christie says, "the overarching characteristic of Queen's Law is that it doesn't just teach the black letter of the law, but also teaches that at its core the law is about solving people's problems. My professors underscored that idea – especially Dan Soberman, Ron Delisle and Alan Manson. They played huge roles in making me the person I am today."

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"Canadian employers increasingly value easy access to international labour and employment law advice at a firm they're familiar with, while international employers operating in Canada see a real benefit in accessing expert Canadian advice through their usual local advisors."



Hugh Christie, Law'81, has been the managing partner of Ogletree Deakins in Toronto since 2016, when the international, Atlanta-based, management-side labour and employment law specialists opened their first office in Canada.



BY MARK WITTEN

How should Canada navigate the new landscape of international disintegration?

Nine legal experts weigh in

These are turbulent times in the world of international trade law. President Donald Trump and the United States government have been aggressively pursuing protectionist policies through the imposition of global tariffs on aluminum and steel, increasing unilateralism, a shift towards narrow bilateral trade bargaining, and a general retreat from multilateral trade agreements and rules-based systems.

The World Trade Organization (WTO), an institution at the core of a global, multilateral rules-based trading system, is being deliberately weakened as its dispute settlement system and Appellate Body grind to a halt due to the failure of WTO members to appoint new “judges” to fill seats of retired ones to hear their appeals.

The United Kingdom’s decision to leave the European Union following the Brexit referendum vote shows the difficulties the U.K. has in extricating itself from the EU and establishing new trade arrangements.

Canada is caught between China and the U.S. in their bilateral trade negotiations and related disputes. It increasingly has its own security concerns with respect to Huawei Technologies’ participation in Canada’s 5G network as well, and this country is experiencing negative repercussions in its trade with China as fallout.

Each of these distinct but interrelated developments illustrates the complex challenges, and increased legal and economic uncertainties, created by international trade disruption and potential disintegration.

For this article, *Queen’s Law Reports* invited the views of nine professionals – six law alumni and three faculty members – who are

international trade law experts on the major issues, challenges and implications for members of the legal profession, the public, and the Canadian government in an era of trade uncertainty.

How should Canada navigate this new trade landscape?

“Canada is heavily involved in international trade as a relatively small, open economy. It has benefited greatly from a global, multilateral, trading system and finds itself in a familiar role today: a country trying to preserve the system,” says **Professor Nicolas Lamp**, Academic Director of Queen’s International Law Programs at the Bader International Study Centre at Herstmonceux Castle in England. “But,” he adds, “the challenges are of a greater magnitude and there is more urgency now for Canada to take a leading role in bringing together friends of the system and making a difference.”

The risks and crises arising out of a swelling protectionist tide and trade wars are a threat to Canada’s economic prosperity, but they also present opportunities to help reform, revamp and revitalize international trade and reap long-term economic and political benefits as a nation. ►

Nine experts – Nine viewpoints for Queen’s Law Reports



Nicolas Lamp, Professor, Queen’s Law; Academic Director, Queen’s International Law Programs, Bader International Study Centre



Jacob Mantle, Law’16, Associate, Borden Ladner Gervais LLP, Toronto, specialist in international trade and investment law



Julia Webster, Law’13, Senior Associate, Borden Ladner Gervais LLP; specialist in international trade, investment, customs, anti-corruption and economic sanctions



Wayne Garnons-Williams, Law’90, Senior Lawyer and Principal Director, Garwill Law, Ottawa; tribunal member, NAFTA Secretariat; Chair, International Inter-tribal Trade and Investment Organization



Brenda Swick, Law’85, Partner, Cassels Brock & Blackwell LLP, Toronto, recognized by Chambers Global as one of Canada’s leading practitioners in international trade and investment law



Valerie Hughes, Senior Counsel, Bennett Jones LLP; instructor, Queen’s Law; former Director, Legal Affairs Division and Appellate Body Secretariat, WTO



Tristan McLeod, Law’19, 2018 summer student and fall intern, Trade Law Bureau, Ottawa



Azeem Manghat, Law’18, Counsel and former articling student, Trade Law Bureau, Ottawa



Bill Flanagan, Dean, Professor, Queen’s Law; founder of the International Law Programs, Bader International Study Centre

U.S. protectionism spurring Canada to diversify trade in different directions

Since taking office in January 2017, President Donald Trump and the United States government have taken a series of aggressive actions that reflect more protectionist trade policies and a move away from multilateralism towards bilateralism and unilateralism. These include withdrawing from the TPP (Trans-Pacific Partnership); systematically blocking the appointment of new “judges” to the WTO’s Appellate Body; renegotiating NAFTA (the North American Free Trade Agreement) into what Trump calls the USMCA (United States-Mexico-Canada Agreement), based on his perception that USMCA increases benefits to the U.S. – for example, higher domestic content for automotive rules of origin; and imposing steep tariffs on steel and aluminum from numerous countries, including its closest allies, notably Canada, on dubious national security grounds.

“We’re seeing a shift from a multilateral approach to a unilateral approach, where the U.S. is in the driver’s seat,” says **Jacob Mantle, Law’16**, an associate at Borden Ladner Gervais LLP in Toronto, “and they are driving change and disruption in global trade. Because the U.S. is the biggest kid on the block, this has reverberations on trade relationships with Canada and many other countries.” Mantle sees this first-hand while representing both Canadian and international clients in trade remedy and investment dispute litigation.

I question whether pursuing new protectionist measures should be Canada’s response when we are trying to liberalize and diversify our trade.”

— **Jacob Mantle, Law’16**

The U.S. shift towards protectionism and forceful (and creative) use of statutory powers, such as Section 232, to impose steel and aluminum tariffs on national security grounds, is disruptive to many businesses, too. “These actions are causing a great deal of uncertainty for businesses globally,” says **Julia Webster, Law’13**, a Borden Ladner Gervais senior associate who provides strategic advice and represents domestic and international clients on matters relating to international trade law. “How can businesses plan ahead when there’s so much uncertainty under this new protectionist paradigm?” she asks. “A huge part of what we do as trade lawyers is help Canadian and foreign businesses navigate a turbulent trade situation, and their need for expert guidance is greater in the current environment.”



“Although the U.S. will always be Canada’s largest trading partner, one of the most important things we can do is try to diversify . . . with countries in other areas of the world.”

— **Julia Webster, Law’13**

Canada dealt with U.S. threats to pull out of NAFTA by renegotiating it and reaching agreement on the USMCA. While U.S. tariffs on Canadian steel and aluminum were recently lifted, the new trade pact still needs to be ratified by the three countries’ legislatures to bring it into force.

Wayne Garnons-Williams, Law’90, senior lawyer and principal director of Garwill Law in Ottawa, serves as a tribunal member of the NAFTA Secretariat, responsible for administration of NAFTA’s dispute settlement provisions. As he points out, “The renegotiation of NAFTA was very challenging because the U.S. wasn’t playing a win-win negotiation style with Canada. The U.S. was executing a zero-sum negotiation against Canada from a position that they looked at themselves as the global hegemony and were self-justified in their negotiation style of ‘might makes right.’ Canada in response conducted a quiet, persistent, level-headed negotiation, and I’m pleased with what Team Canada achieved. As a tribunal member, I am thankful for Minister Chrystia Freeland’s ability to save the dispute resolution mechanism as central to the future success of USMCA,” he says.

Also on a positive note, Webster says the risks and challenges arising out of U.S. protectionism are presenting opportunities for Canada to expand trade and strike new agreements with many other countries and regions. “Amidst

the rising tide of protectionism, free trade is not dead,” she affirms. “Although the U.S. will always be Canada’s largest trading partner, one of the most important things we can do is try to diversify with other ones. As a result, Canada has been expanding trade with countries in other areas of the world.”

An excellent illustration of this, says Mantle, was Canada responding to the U.S. withdrawal from the TPP by successfully negotiating the CPTPP (Comprehensive and Progressive Agreement for Trans-Pacific Partnership). “Canada, Australia, Japan, Mexico, New Zealand, Vietnam and Singapore have already ratified the agreement, with Peru, Chile and Brunei to follow, so the CPTPP is a big win for Canada,” he says. “Japan is one of our larger trading partners, and this opens up more trade opportunities in the Asia-Pacific region.”

Along with Canada’s earlier negotiation of CETA (Canada-European Union Comprehensive Economic and Trade Agreement), Nicolas Lamp sees Canada’s broad push to expand multilateral trade agreements as essential for continuing growth and prosperity. “Many people expected the TPP to die when the U.S. withdrew. But Canada and Japan said, ‘Let’s go ahead; it’s a huge opportunity for us.’ By continuing to promote and pursue global trade liberalization, Canada has become the only country that has trade agreements with all members of the G7 (through CPTPP, CETA and NAFTA),” he says.

Canada was considering implementing definitive safeguards on imported steel products. In April, the Canadian International Trade Tribunal largely recommended against safeguards. The government accepted the recommendations but also announced consultations on new trade protections for the steel industry.

Webster and Mantle successfully represented their clients at the Tribunal’s inquiry in January, arguing that there had been no “surge” in steel imports and domestic steel producers had not suffered injury. “The safeguard inquiry was an example of the reverberations from U.S. protectionism, but I question whether pursuing new protectionist measures should be Canada’s response when we are trying to liberalize and diversify our trade,” says Mantle.

Brenda Swick, Law’85, a partner and leading practitioner in international trade and investment law at Cassels Brock & Blackwell LLP in Toronto, takes the long view on the current tide of protectionism. “Throughout history there have been periods of enhanced trade globalization and protectionism. It’s an ebb and flow,” she says, “and today we are witnessing a tightening of trade after more than 30 years of trade liberalization. I view the U.S. protectionist policy as more than troublesome for Canada but, I hope, ultimately beneficial in the long run because it pushes Canada to develop diversified export markets. It’s good that Canada has negotiated CETA and CPTTP as alternatives. Canada can’t afford to be a protectionist nation. As an export-dependent nation, we need to reach out, and that’s what Canada is doing.”

WTO faces reform or collapse

The WTO and its dispute settlement system are the foundation of the global rules-based trading system and the only available means of ensuring compliance with multilateral trade rules. **Valerie Hughes**, who leads the WTO practice at Bennett Jones LLP and teaches the International Trade Law Practicum at Queen’s Law, is a former Director of both the WTO’s Legal Affairs Division and Appellate Body Secretariat. She explains that the WTO has helped bring about an enormous expansion in global trade and prosperity, according to the Business Council of Canada, and that a well functioning trade dispute settlement mechanism is critical for Canadian business. Canadian companies, through the federal government, have used that WTO mechanism to bring legal challenges to protect Canadian exports in the lumber, auto parts and agricultural products sectors and have succeeded in their challenges of trade measures taken by several WTO members, including China, Japan, Korea and the U.S.

“The WTO is an excellent place to sort out your trade disputes, and there is a lot of confidence in its dispute settlement mechanism. Although Canada ranks 10th in the world in GDP, we are third in terms of countries that use the WTO dispute settlement mechanism to resolve trade problems, and we’ve done this successfully in many cases,” says Hughes, also noting that both developed and developing countries have used this powerful tool nearly 600 times since the WTO was established in 1995.

“If they don’t get the WTO appellate system back on track, international trade will become a bit of a wild west. This could encourage more trade wars and more brazen actions.”

— **Valerie Hughes**

But the WTO dispute settlement mechanism is in danger of collapsing. For several years the U.S. has vetoed the launch of a process to fill seats of retired judges on the seven-member Appellate Body. When two more judges finish their terms later this year, it will have too few members to function. Hughes’ prediction: “If they don’t get the WTO appellate system back on track, international trade will become a bit of a wild west. This could encourage more trade wars and more brazen actions.”



Lamp, who has also served as a dispute settlement lawyer at the WTO Appellate Body Secretariat, agrees. If this happens, WTO members will no longer be able to use the mechanism to challenge non-compliance with WTO trading rules. “If the Appellate Body doesn’t work, WTO members can’t appeal, and trade disputes will sit in limbo. This threatens the existence of the dispute resolution mechanism, and losing that would be a grave setback for Canada,” he says.

The current crisis presents an opportunity for Canada to lead efforts to help reform and modernize the WTO, while preserving its essential features as an institutional anchor for multilateral international trade in the face of protectionism. “Canada’s policy is that we are a global trader,” says Swick, “and Canada has been very participatory and vocal in making sure the WTO regime survives.”

Canadian International Trade Diversification Minister Jim Carr led an initiative to help rescue and reform the WTO when he invited trade ministers from 12 other countries to a meeting in Ottawa last October to seek solutions to the Appellate Body impasse and consider ideas for modernizing the WTO to reflect 21st century realities.

“Canada often leads with new proposals on how to change things at the WTO,” says **Tristan McLeod, Law’19**. He was a summer student and fall intern in 2018 with the Trade Law Bureau, a joint department of Global Affairs Canada and the Department of Justice. “The concerns the U.S. has with the WTO are longstanding, and some are



valid,” he says. “Our close relationship with the U.S. puts us in a better position than most other countries for discussions about the WTO and changes that would address some of the Americans’ concerns.”

To save and strengthen the WTO, reforms will need to be made, and Hughes agrees that Canada has a huge stake in helping to find a way for the U.S. to be part of the solution. “My sense is the U.S. is still in the game, still bringing disputes and filing appeals. I feel optimistic that the U.S. will want to make all of this work,” she says.

More broadly, Canada’s efforts to bolster and revitalize the WTO are essential to the effective functioning of international law. “The WTO is one of the only systems at the international level with teeth – that is, the ability to take enforceable actions. If you move away from that, you risk international law having no impact,” says **Azeem Manghat, Law’18***, counsel with the Trade Law Bureau, Global Affairs Canada, where he articulated. “Unless you take care to preserve international law mechanisms with enforcement capabilities such as the WTO Appellate mechanism, international law will become significantly weakened. You’d essentially be moving away from the contents of

** The opinions Azeem Manghat expresses in this article are personal and do not represent the views or official position of the Canadian government.*

trade arrangements – from their provisions and remedies being enforceable – to countries essentially doing whatever they wanted. Canada needs to play its role in supporting a multilateral, international, trading system that is rules-based and enforceable.”

Brexit lessons on trade leverage

The aftermath of the Brexit vote (Britain leaving the European Union) illustrates the challenges the U.K. faces in extricating itself from the EU and establishing new trade arrangements and how the U.K.’s bargaining position relative to the EU and other WTO member countries may be weaker than it had assumed.

“The U.K. has benefited greatly from being within the EU,” says Valerie Hughes. “As part of a 27-member group, the U.K. had more to offer other countries than it does on its own, and had more bargaining power. But after Brexit the U.K. will have less leverage than the EU. For example,” she says, “the U.K. will have to negotiate new tariff schedules with WTO members, including new tariff rate quotes. As part of the EU, the U.K. fell under the EU schedules, but Brexit brings pressure on the U.K. to compensate other WTO members with respect to its new schedules.”

The remaining 26 EU member countries recognize that standing united and firm is essential to preserving not only the EU but the global, multilateral, trading system amidst the shift towards protectionism.

“Seeing the pain that the U.K. is going through and is about to go through will be a huge deterrent for other EU members countries to cause any further disruption by threatening to leave,” McLeod believes. “It also gives Canada an opportunity to get even closer to the U.K. because of the latter’s strained relations with the EU.” He also foresees an increased demand for trade lawyers post-Brexit that may open up jobs in the U.K. for Canadian lawyers with international trade expertise.

Azeem Manghat also sees the British decision to leave the EU as both a crisis and an opportunity for the EU and countries like Canada to defend and actively promote the benefits of trade multilateralism. “A lot is on the line for the EU,” he says. “The outcome of Brexit is going to illustrate what the future of Europe will look like. If leaving is easy, what will stop others?”



“We all share an obligation to assist industries and individuals adversely affected by liberalized trade in terms of social support, education opportunities and other employment alternatives.”

— Dean Bill Flanagan

A deeper concern with trade disruption and disintegration is that trade wars between countries make military wars more likely. “The EU was primarily founded to stop wars on the continent,” he says. “The contracting member states recognized that war is not an option for countries trading together, because they have economic dependencies. Through that lens, I find the U.K.’s departure from Europe particularly sobering. This was an entire trading system created to make war materially impossible. In a time where trade relationships are faltering and international disintegration is rising, perhaps these trade implications for the U.K. are the tip of the iceberg.”

The EU is holding together firmly against possible Brexit threats so far. “It was always clear that to reap the benefits of free trade of goods and services, EU countries must accept free movement of people,” Manghat says. “The Leave campaign assumed that after Brexit, Britain could still access benefits related to trade and yet restrict mobility of people, but that goes against the fundamental freedoms the single-market EU is built upon. Considering that 44 per cent of Britain’s exports in 2017 went to the rest of the EU with no checks, no tariffs, it has a lot to lose. The Leave campaign assumed the U.K. had the upper hand in bargaining with the EU, but that’s not been the case. The EU has not been as amenable as the U.K. expected.”

As for Canada, it negotiated CETA to forge closer trade ties with Europe in 2016 and continues working closely with EU countries in promoting liberalized trade and WTO reform. But the success of Canada and other free trade proponents may depend not only on promoting the benefits, but also addressing the costs and inequities that arise out of

liberalized trade for some sectors and individuals.

Dean Bill Flanagan observes that “We’re seeing both a real backlash to trade liberalization in the Brexit vote and Donald Trump’s protectionist rhetoric and a re-evaluation of the benefits associated with trade liberalization because they are distributed unequally. We’ve seen many of the gains going disproportionately to only some sectors of the economy, leaving other sectors behind.”

The solution to these inequities is not to restrict or limit trade, however. “The reality is, if you throw up tariffs, it will impoverish everyone, and a reduction of trade won’t lead to revitalization of the manufacturing sector,” he says.

Flanagan, whose own scholarly work includes international trade law, in 2001 founded the Faculty’s International Law Programs, offered each spring at Queen’s Bader International Study Centre (BISC) in England. The 2019 Queen’s Law conference, “International Law at a Crossroads,” held May 29-30 at the BISC, covered topics such as safeguards and steel wars, China, the U.S. and the multilateral trading order, and settling trade disputes in a turbulent, multipolar world. It also celebrated Flanagan’s 14-year tenure as Dean, which comes to a close at the end of June.

So, how should governments help people struggling with changes in the modern global economy?

Flanagan says, “Governments need to press on in ensuring people share more equally in the benefits of trade liberalization. We all share an obligation to assist industries and individuals adversely affected by liberalized trade in terms of social support, education opportunities and other employment alternatives.”

Boosting cross-border trade between Indigenous peoples

Canada’s inclusive trade agenda is a set of policies aimed at addressing the inequities mentioned and extending to more groups the economic benefits that flow from trade liberalization. Currently that agenda’s focus includes Indigenous peoples, women and youth, as well as small- and medium-sized businesses.

Wayne Garnons-Williams, Chair of the International Inter-tribal Trade and Investment Organization, worked collaboratively with Global Affairs Canada to develop an Indigenous chapter to be added to the renegotiated NAFTA, increasing opportunities for Indigenous peoples to engage successfully in cross-border trade.

“The government worked with us on developing the chapter and sought our guidance. It’s good for business and social policy to allow Indigenous peoples a form of economic sovereignty to create jobs and build international trade,” he says.

The Indigenous chapter did not make it into the USMCA. Still, it’s a model currently being used in some of Canada’s other trade negotiations, and it will be re-raised when the USMCA eventually comes up for review in three years. As Garnons-Williams explains, “We have the ability to use an Indigenous chapter as part of Canada’s inclusive trade agenda in various trade agreements. That’s happening right now in our negotiations with the Pacific Alliance (a trade integration group including Chile, Colombia, Mexico and Peru) and Mercosur (including Argentina, Brazil, Paraguay and Uruguay).

“We’re also working on a side agreement between Canada and New Zealand that would allow for free trade of goods and services between the Maori in New Zealand and Indigenous peoples in Canada. That’s good for tribes and good for nation states. It’s a policy enshrined in a trade agreement that empowers Indigenous peoples to shape their own economic development,” he says.

“It’s good for business and social policy to allow Indigenous peoples a form of economic sovereignty to create jobs and build international trade.”

— **Wayne Garnons-Williams, Law’90**



Balancing China trade goals and security concerns

Canada is caught between giants China and the U.S. in their trade negotiations and disputes. It also has security concerns, as do its intelligence partners in the Five Eyes agreement: the U.S., U.K., New Zealand and Australia. In the short term at least, Canada is in damage control mode in its political, legal and trade relations with China, sparked by the complex Huawei situation.

“Canada is in a tight spot,” says Flanagan. “We’re a bit player in the trade conflicts between the U.S. and China. We need to do our best to stay out of their crosshairs and ride it out as best we can.”

Canada’s ongoing efforts with other like-minded nations to strengthen global, multilateral trading systems and institutions can pay dividends in improving and expanding trade with China over the long term. “Working through the WTO to get China to be a better world trade citizen would be a good approach,” he says with understatement.

In negotiating future trade agreements with China, Brenda Swick advises prudence, patience, and a targeted approach. “Canada would be well advised to continue looking at negotiating a trade agreement with China. We’re dealing with the world’s largest economy, notwithstanding that it is state-controlled. A trade agreement in which China raises new complex negotiating issues will take a long time to negotiate and in the end be a very different type of trade agreement than Canada has with other countries or regions.”

“Given the relevant security concerns and human rights and cultural differences, Canada should start on the ‘civilian side’ and keep negotiating with China in more of the general goods areas, such as the liberalization of logs, lumber and other forest products.”

— **Brenda Swick, Law’85**

Swick’s recommendation: “Given the relevant security concerns and human rights and cultural differences, Canada should start on the ‘civilian side’ and keep negotiating with China in more of the general goods areas, such as the liberalization of logs, lumber and other forest products. There is high demand in China for these products, and Canada is well placed to meet that demand if trade is liberalized, benefiting both sides in the long-term. Thereafter negotiations can move to other areas and Canada should try to develop those as much as possible in goods and services.”

Canada protecting and promoting robust international trade

Canada is a trading nation, with foreign trade representing about 45 per cent of GDP. It has too big an economic and political stake in maintaining and sustaining robust, liberalized and expanding trade to sit on the sidelines while protectionist forces act unilaterally and strike bilateral bargains for their own gain, seeking to disrupt or undermine the global multilateral trading system.

In this turbulent trade environment, Canada’s continuing efforts to expand trade through such multilateral agreements as CETA and CPTPP, and to strengthen the WTO by leading other like-minded nations in advocating for progressive reforms, are vital to its own and the world’s economic prosperity in the future.

“Canada has an important leadership role to play in protecting and promoting multilateral international trade,” affirms Azeem Manghat. “We’re in a time where trade

relationships are faltering and some countries are openly engaging in diplomatic confrontations on the international stage. Major countries like the U.S. and U.K. are moving away from a multilateral trading system. Canada now has an opportunity to create a role for itself in facilitating, fostering and supporting a strong multilateral, rules-based, global trading system.”

QLR



Planting seeds for a national growth industry

Ruth Chun, Law'06, has joined the legal professionals putting down roots and proposing the rules for Canada's complex new sector – cannabis

BY GEORGIE BINKS

If you're a legal professional suddenly involved in the brave new world of Canada's cannabis industry, as Ruth Chun is at Newstrike Brands Ltd.*, you may have to prepare for a different kind of work experience. First, there are all those plants – more specifically, the pot plants. Then there's the music you have to play to the plants. "It's a scientific fact: music assists with their growing," Chun explains. "Of course, we're playing Tragically Hip songs to ours."

That's because Newstrike's partners include Kingston-based rock band The Tragically Hip. Newstrike, which owns licensed producer Up Cannabis Inc., has two Ontario growing operations, one a state-of-the-art indoor facility in Brantford, the other a greenhouse in the fruit belt's Beamsville. Newstrike has also partnered with Neal Brothers Inc., a Canadian food specialty company, to create and distribute cannabis edibles when the regulations allow, later this year.

All this partnering has meant a varied and groundbreaking new legal career in cannabis for Chun, who joined Newstrike in Toronto in February 2017. "I'm at the forefront of a nascent industry while its laws are being drafted as we speak," she muses. "That's been a real joy for my legal career, as has being in-house and seeing how the laws and regulations actually get put into practice as we grow the product, package and sell it."

Adult-use cannabis became legal last October, with the legalization of other cannabis categories due to follow a year later, so in February Chun completed a submission to Ottawa on the regulations proposed for three of those categories: edibles, concentrates and topicals. "After October, sales of these products become provincial responsibilities, so Newstrike is dealing with each one individually. It's all quite complex."

Seeing legal professionals working in the cannabis industry takes some getting used to because of pot smoking's past stigma. "At first," Chun laughs, "I described myself as 'working in pharma.' For my parents, it's still my 'in-house pharma job.'"

When it comes right down to it though, it's still the practice of law. Chun says, "We fended off a hostile takeover

while testing the new takeover rules for the first time, did two equity financings, raising over \$100 million last year, and also a convertible debenture the previous year. We've done various private M&As, some public company investments, supply agreements with seven provinces, and agreements with various vendors." Despite the industry myths, it doesn't leave a busy counsel much time for refreshing walks through the company's greenery.

Before Newstrike, Chun's career took her abroad – first to London as an associate at Shearman and Sterling, then to Windhoek for seven years, five as a Director of ENSAfrica, Africa's largest law firm, and later to Hollard Insurance as its first female executive committee member and Head of Legal and Compliance (2015-2017).

"I'm at the forefront of a nascent industry while its laws are being drafted as we speak."

It was a Queen's Law exchange to the Netherlands' University of Groningen that first whetted her appetite for international work, she says. "Experiencing the international flavour of the Queen's Law program through that exchange opened my eyes to a law degree's many possibilities."

That vaunted Queen's alumni network has blossomed since Chun's foray into the marijuana sector through Newstrike's then-Executive Chairman Scott M. Kelly (Artsci'93). Two Law'06 classmates, Ranjeev Dhillon and Matt Maurer, are cannabis practitioners with whom she interacts regularly at industry events, and yet another, Sarah Crowe, assisted with Newstrike's greenhouse purchase.

Chun adds that the well-rounded law education she received at Queen's is helping in her current position when it comes to "being able to pivot to whatever needs to be addressed next. I think the Queen's Law curriculum is very good for that."

Which also may be why she's found it so easy and enjoyable to embrace her new job – plants, music, and all.

Ruth Chun, Law'06, General Counsel with Newstrike Brands Ltd., checks on her high-growth company's music-enhanced product at its greenhouse in Beamsville, the heart of Ontario's fruit belt.

** Since this interview, Newstrike has entered into a definitive arrangement agreement under which HEXO Corp. of Quebec will acquire all Newstrike shares.*

"I found a very interesting way to use my legal training without really practising law all the time."

From Bay Street to a leading role on *The Rock's Frontier*

Law'10's Alex Patrick followed the stardust to help build one of Canada's most successful TV production companies

BY GEORGIE BINKS

Few people would have guessed why this Bay Street lawyer heard the siren call of St. John's, NL, but the journey that found Alex Patrick, Law'10, heading one of Canada's most productive TV and film production companies has had all the drama, entertainment and celebrities of one of its best series. Eight years ago he went from Goodmans LLP in Toronto to a two-month secondment with Take the Shot Productions Inc. (TTS), hobnobbing with the colourful local talent and the cream of North America's TV industry – all in arguably the East Coast's most welcoming city.

Definitely not a lawyer's typical career path – but then he had always told people, "If I'm going to be a lawyer, I'd like to be a lawyer for athletes or artists." Fortunately, Goodmans had a top-notch entertainment law practice and provided the mentorship he hoped for. Those two months on "The Rock" turned into a career. Hired as TTS's General Counsel and VP of Legal and Business Affairs in 2011, he's now a partner in the company and is in his sixth year as its President and Executive Producer. Actor Allan Hawco (*Republic of Doyle* heart-throb) is one of his business partners.

TTS has produced shows like *Caught* (also starring Hawco), the Discovery Canada/Netflix Original series *Frontier*, starring *Game of Thrones*' and *Aquaman*'s

Jason Momoa, musician-actor-writer Alan Doyle's *Great Big Sea* documentary, plus several Shaun Majumder comedy specials.

And yes, the whole experience does feel very Canadian, Patrick muses. "I'll go out for a coffee with Allan Hawco, and then Alan Doyle will pop by to say hello, and then along comes Mark Critch with the whole cast of *This Hour Has 22 Minutes*."

It's also a rewarding experience, literally, in terms of Canadian and international nominations and awards for the company, its various series, and individual stars.

Any part of Patrick's heart that doesn't belong to his wife and two children clearly belongs to Newfoundland, and he recalls fondly "how cool it was, going from that buttoned-down corporate Bay Street experience to living an artist's somewhat bohemian lifestyle."

The variety of his work still taps all his legal skills – "running the gamut from the earliest deal-makings with rights holders and writers, financing strategies, where to shop projects and who the potential buyers are, assessing a script's creative merits, and considering what actors, directors or other elements could make our package more attractive. I'm always juggling projects in development, production or post-production, steering them towards successful completion," he says. "I get to see the

full life cycle of a project from the kernel of an idea to planning the premiere party."

He needs spontaneity and vision, too. For instance, *Frontier*, now in its third season and having already generated \$106 million in economic activity, evolved after a Discovery executive suggested to him a scripted series set in the 18th century fur trade. "The next thing you know, we're shooting with Jason Momoa ('I'm not a small man, but he dwarfs me significantly') on a snowy Newfoundland set. Things like that keep me hooked on this business!"

It was two Queen's Law professors who initially hooked Patrick on taking the legal road-less-travelled: Art Cockfield, Law'93 ("he took time to share his views on career choices and help me realize I didn't need to be a Bay St. partner to be successful") and Nick Bala, Law'77 ("he pushed me out of my comfort zone in terms of academic rigour"). "So... I found a very interesting way to use my legal training without really practising law all the time," he laughs.

As for his company's future ventures, he'll only offer, discretely, that he has a robust slate of projects at various stages of development. Based on his success so far, you can bet they'll be coming to a screen near you sometime soon.

QLR

Alex Patrick, Law'10, President and Executive Producer of Take the Shot Productions Inc., watches his film crew on the set of the company's popular Netflix series *Frontier*, starring Hollywood's Jason Momoa and Newfoundland's Allan Hawco, who's also one of Patrick's business partners.

Professional and personal news of Queen's Law graduates



As part of their 25th anniversary celebrations at Homecoming 2018, Law'93 classmates gathered for dinner at the Toucan in downtown Kingston on Oct. 20.

GARRETT TELLITT

1962



Robert Laughton, QC, Law'62, passed away in his 81st year on Jan. 27 in Ottawa. He had spent his entire career there with Gowling, Lafleur, Henderson LLP and its predecessors. He served as the firm's managing partner for

many years and enjoyed a challenging practice that included acting as chief negotiator and lead counsel for and to NAV CANADA in its acquisition of the Civil Air Navigation System from the federal government. His active and extensive roles in community and charitable affairs were recognized with the Carleton County Law Association's Gordon F. Henderson Award. While a student at Queen's, Bob captained the Gaels basketball team and in 1962 was named MVP and winner of the R.A.F trophy, presented by his coach, Frank Tindall.



His son Doug Laughton, Law'91 (Artsci'88), followed in his footsteps as the Basketball Gaels' captain, also winning the R.A.F. trophy as MVP in his final year of law school. Bob is survived by his wife, Judy (Coleman), sons Bob, Doug, Mike and Peter and their wives, seven grandchildren and other extended family.

1967

Albert Allan Brown, Law'67 (Arts'63), died Oct. 20, 2018. Predeceased by his wife Dottie, Allan is survived by his children, Laurie-Ann (Artsci'90, Ed'91) and Douglas, Law'00, and extended family. Allan was a longtime employee of CN Rail.

Monarch's medal bestowed upon Law'67 grad



The Honourable Hugh Landerkin, QC, Law'67, has received the Sovereign's Medal for Volunteers from the Governor General of Canada. The medal, for exceptional volunteer achievements, recognizes the judicial experience he has applied to curriculum development and teaching over the past decade, notably his role (with five Thai university partners) in expanding the Peace and Conflict Studies program at Royal Roads University. "I am both flattered and honoured to receive this award," he says, "as it recognizes my contributions abroad, particularly in Thailand, where I trained Thai judges, lawyers, educators, university students and mediators in conflict analysis and management, principally in non-adversarial justice constructs." Hugh's work with Royal Roads on "warmer"

Vancouver Island came about after the then-Calgary judge's disabling heart attack in 1997. The Dean of the Peace and Conflict Division put Hugh to work doing "as much as I could, when I could." In this academic career, he proved that "being disabled does not mean unable." After his 2002 Queen Elizabeth II Golden Jubilee Medal (for distinguished public service) and 2005 Alberta Centennial Medal (significant contribution to fellow citizens, community and Alberta), he calls the Sovereign's Medal "a fitting capstone to a wonderful career in law."

1971



Roger Beaman, Law'71, was awarded the 2018 Ontario Bar Association Award of Excellence in Municipal Law. Retired after 44 years of litigation practice with Thomson Rogers, Toronto, he was senior editor of the Ontario

Municipal Board Reports from 1978 to 2016. He had also been recognized annually since 2006 by the *Lexpert/American Lawyer Guide to the Leading 500 Lawyers in Canada* in the Property Development category.

John William Taylor Judson, Law'71 (Arts'65), died Jan. 7 in his 76th year. Before retiring in 2015, he had a varied and rewarding 40 years in the practice of law, serving the last 30 years of his career as senior partner at Lerner LLP in London, Ont. He appeared at all levels of court, local and abroad, representing various municipalities and health units. He was also a major player in the establishment of the Ontario Principals' Council. In everything he did, John held the interests of his clients in the highest regard. He was a proud and longstanding member of the Fort Henry Guard, with fond memories of participating in the 1963 Royal Tournament in England. John is survived by his wife, Ann Pavlic, five children – Ian, Artsci'94, Taylor, Ed'99, Artsci'99, Neil, Artsci'04, Jack, and Ella – and extended family.

1972

Douglas Gates, Law'72, who devoted his long career to government service at different levels, passed away in April. He practised municipal law in the Town of Oakville for 31 years, 23 of these as Town Solicitor. Doug also sat on the Ontario Municipal Board and was a legal advisor for Peel Region for three years. He is survived by wife Sue (Brown), children Rob and Laura, and his extended family.

Robert Grant, Law'72 (Arts'69), passed away peacefully at his Waterloo, Ont., home on Oct. 26, 2018. He was in his 71st year. A highly regarded lawyer, he put his talents to work not only for his clients, but also for the various charitable organizations for which he generously volunteered in Kitchener-Waterloo, his longtime residence. Bob is survived by his children, Trevor Grant and Alison Phillips, and extended family.

1981



John Milligan-Whyte, Law'81, a resident of Beijing who has been dubbed "the 21st century Kissinger" by Chinese media for his diplomatic and trade expertise as chairman of the New York-based America China Partnership Foundation, has two new books coming out this year, co-authored with his wife, Dai Min: *Moral Authority and Mankind's Future: China and America's Responsibilities* and *The New School of Thought for US-China Relations*. They follow up the couple's 2009-10 four books on the *The America-China Partnership*. A Feb. 13 interview by Beijing's influential *China Daily* newspaper, headlined "China-U.S. expert expresses optimism about prospects for future relationship," cited John as a businessman, lawyer and moral and political philosopher with a "strong sense of how significant the world's most important bilateral ties will be to everyone on the planet." John was described as blunt and realistic about America's growing protectionism under President Donald Trump, which complicates the role of U.S. policymakers. He concluded that aligning U.S. and Chinese economic and national security is not only important to the global economy overall, but also essential if the world's two largest economies are to avoid conflict – "peaceful coexistence being a principle few Americans understand," he says. John would love to see his Law'81 classmates when they visit Beijing. Contact him and Dai Min at jmw@whytedaimininvestments.com



Strengthening bonds with B.C. alumni

Launched in December 2018 to enhance the school's link with alumni and the larger community in the province, the Queen's Law B.C. Alumni Council will build financial support for Queen's Law, advocate on its behalf, and provide external perspectives and advice to the Dean. "I am delighted that the tremendous support and enthusiasm shown by our alumni in British Columbia have paved the way for creating our second alumni council in Western Canada," says Dean Bill Flanagan. "Like our Alberta Council, our new B.C. Council is composed of leaders in the legal profession and the community who bring a diversity of experience and knowledge to the mission and vision of Queen's Law."

B.C. Council members include:

- Keith Spencer (Chair), Law'87, Partner, Fasken Martineau DuMoulin LLP;
- Robert Anderson, Law'77, Partner, Farris Vaughan Wills & Murphy LLP;
- Sheila Colman, Law'93 (Artsci'90), VP, Legal and Corporate Secretary, Lundin Gold Inc.;
- Jim Kershaw, Law'89, Senior VP and Pacific Region Head, TD Wealth, Toronto-Dominion Bank;
- Allan McGavin, Law'12 (Com'08), Associate, Farris Vaughan Wills & Murphy LLP;
- Carman Overholt, QC, Law'84, Founder, Overholt Law Barristers & Solicitors;
- Tamsin Plaxton, Law'90 (Artsci'87), Co-President and Managing Director, Tamwood International College;
- Jeff Read, Law'85 (Artsci'82), Partner, Lawson Lundell LLP; and
- Justice James Sutherland, Law'89, Provincial Court of British Columbia.



Dean Bill Flanagan (4th left) and Development Counsel Paul Marcus, Law'85 (far left), at their first meeting in Vancouver with members of the B.C. Alumni Council: (L-to-R) Carman Overholt, Robert Anderson, Allan McGavin, Jeff Read, Keith Spencer (Chair), and Justice James Sutherland. Not shown: Sheila Colman, Jim Kershaw and Tamsin Plaxton.

The Influencers: Three alumni among Canadian Lawyer's Top 25 for 2018

Canadian Lawyer magazine's Top 25 Most Influential in the justice system and legal profession for 2018 included these three professionals.



Esi Codjoe, Law '03, "is having a significant impact on human rights in Canada" as Vice Chair and adjudicator with Ontario's Human Rights Tribunal. Her important decisions included one that found a restaurant discriminated against a Black man by making him pre-pay for his meal, and another that dismissed a man's claim of having been fired for being heterosexual as contrary to human rights law. She has helped promote racialized and Black lawyers, mentored women of colour, forged relationships with an impressive network of women who work in-house and in government agencies, and been a voice and organizing force for the Canadian Association of Black Lawyers.



The Honourable Thomas Cromwell, OC (2018), Law '76, LLD '10 (Mus '73), senior counsel with Borden Ladner Gervais LLP since retiring as Supreme Court Justice (2008-16) and Chair of Canada's Action Committee on Access to Justice in Civil and Family Matters, was recognized as a "changemaker" who "excels at everything he does." That includes earlier work as practitioner in Kingston and Toronto, Law Faculty member at Dalhousie, arbitrator of Nova Scotia's Labour Relations Board, and judge in Nova Scotia's Court of Appeal. The former academic, arbitrator and jurist now leads efforts "to meaningfully, assiduously, reform access to justice in Canada." He does this at conferences and on podcasts across the country and as part of Arbitration Place. Cromwell has received four honorary doctorates and is an honorary Fellow of Exeter College, Oxford, and the American College of Trial Lawyers.



Frank Walwyn, Law '93, WeirFoulds LLP's first Black lawyer and partner and also a recent member of the Ontario Court of Justice's Judicial Appointments Advisory Committee, is renowned as one of Canada's top commercial litigators. From Toronto, he also advocates for more minorities in law; mentors countless students and young lawyers of colour; serves on Community Legal Education Ontario's board; and sits on the Queen's Law Dean's Council.

Also noted: On May 22, Frank will be awarded a Law Society Medal, the highest honour bestowed by the Law Society of Ontario. He is being recognized as a leader in the legal profession and a trailblazer in Ontario's Black legal community. He has made invaluable contributions to the legal profession as a whole by championing equity and diversity in it throughout his entire career. Watch for a feature in the next *Queen's Law Reports Online*.

Law '84 grad publishes comprehensive guide to Canada's Cannabis Act

Canada's legalization of marijuana for recreational use last October unleashed a plethora of legal issues – and opportunities. To make sense of all aspects of Bill C-45, federal regulations, and the complementary provincial laws and regulations, **Robert Frater, QC, Law '84**, co-authored *Cannabis Law* (Thomson Reuters). The timely book was launched on Dec. 6, 2018, at a Toronto gathering filled with lawyers and judges, several of them Law '84 classmates.

Frater, Chief General Counsel with the federal Department of Justice, describes the book as "attempting the formidable task of trying to make sense of the vast

array of laws and regulations." *Cannabis Law* encompasses a broad spectrum of law; criminal law, commercial law, workplace law and human rights law are just some of the areas affected by the *Cannabis Act*.

2019 has seen Frater and his co-authors, Bruce MacFarlane, QC, and Croft Michaelson QC, publish a companion book, *Cannabis Law – The Legislative Framework*, containing the relevant federal, provincial and territorial statutes and regulations. A French translation of *Cannabis Law* is forthcoming.

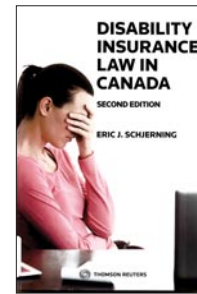
1982

Tony Sutcliffe, Law '82, has been appointed by the Attorney General of Ontario to a three-year term as a member of the Bar to the Justices of the Peace Appointments Advisory Committee (JPAAC). This committee is a statutory body, independent of government, with a mandate to recruit and classify candidates for appointments as justices of the peace and to make such recommendations to the Attorney General.

1984



Eric Schjerning, Law '84 (Artsci '82), has had the second edition of his book, *Disability Insurance Law in Canada*, published by Thomson Reuters. The original edition was published by Carswell in 2010. Eric is a Partner at Blaney McMurtry LLP in Toronto, where he still dabbles in insurance litigation but works mainly as a Mediator of LTD and other insurance lawsuits. The eldest son of Eric and Patricia Guselle (Artsci '86, MIR '92),



Tim Schjerning (Artsci '18), is currently studying at Queen's as a member of Law '21. Eric can be reached at 416-596-2881 or eschjerning@blaney.com



Lexpert salutes five grads for their excellence in practice and social responsibility

This Queen's quintuplet was among the honorees when *Lexpert* magazine presented its 2018 Zenith Awards to mid-career practitioners for excellence in their legal careers and in their contributions to the profession, community or society.



Barbara Johnston, QC, Law '93, Senior Partner and Head of Labour and Employment Group, Dentons Canada LLP (Calgary), has been counsel in major cases involving labour, employment, human rights, and health and safety matters; has been President of the Canadian Association of Counsel to Employers; and was among the first Canadian women inducted as Fellows into the U.S. College of Labor & Employment Lawyers (2016). With Queen's Law, she is Vice-Chair of the Alberta Alumni Council and an Advisory Committee member for the Centre for Law in the Contemporary Workplace.



George Begic, Law '92, Assistant General Counsel, Deloitte LLP (Toronto), and trusted advisor to its leadership team, helps guide management on complex acquisitions, divestitures and initiatives. He led legal negotiations for 14 strategic transactions (2016-18); led initiatives on Impact Day for World University Service of Canada's sponsorship of refugee students to attend Canadian universities; and participates in the Legal Leaders for Diversity mentorship program.



Paul Litner, Law '88, Partner and Chair of Pensions & Benefits, Osler Hoskin & Harcourt LLP (Toronto), deals extensively with pension and benefits issues arising in mergers, acquisitions and reorganizations and has assisted several clients in implementing pension plan mergers, conversions and other innovative plan consolidation strategies. He received the Association of Canadian Pension Management Award for Exceptional Volunteerism (2013), served two terms as Chair of the Association's National Policy Committee, and wrote numerous articles for retirement industry publications.



Daniel Michaluk, Law '97 (Com '94), Partner, Hicks Morley Hamilton Stewart Storie LLP (Toronto), advises management on a range of issues related to information security and data management, anti-spam, privacy, and freedom of information. He helps organizations respond to data security incidents, has helped post-secondary institutions manage complex human risks by obtaining and processing threat-related information, has appeared before the Supreme Court of Canada in the landmark workplace privacy case *R. v. Cole*, and won two Canadian Law Blog Awards for "All About Information."



Jeffrey Oliver, Law '01, Partner, Restructuring & Insolvency Group, Cassels Brock & Blackwell LLP (Calgary), routinely acts on behalf of numerous stakeholders in insolvency proceedings, including debtors, secured lenders, court appointed officers and purchasers of assets. He played a leading role in the landmark appeal decision in *Redwater*, and he volunteers to draft exam questions for the Canadian Association of Insolvency and Restructuring Professionals. He is also a Fellow of INSOL International, has served on

the INSOL Ian Fletcher Moot committee and been President of ArtStarts In Schools' Board of Directors.

Honoured Law '93 human rights advocate to add Queen's LLD

Fiona Sampson, OC, Law '93 (Artsci '85), winner of the Law Society of Ontario's 2018 Human Rights Award and many past accolades as a "Global Hero," will receive an honorary Doctor of Laws degree at the Spring Convocation for Queen's Law. She's the founder and CEO of the equality effect, a non-profit charity that uses international human rights law and creative legal advocacy projects to achieve systemic change and enforce consequences. She is a highly respected advocate for the rights of survivors of sexual violence in Canada and other Commonwealth countries. A human rights lawyer with a PhD in women's equality law, she has also dedicated her career to seeking justice for Indigenous communities, refugees, and persons with disabilities. Watch for a feature story in the July issue of *QLR Online*.



Fiona Sampson with one of Kenya's "160 Girls" (2016)

1987

Iain Morton, Law '87, after spending more than 11 years with the Toronto office of Accor (the French global hospitality company) and with its predecessor, Fairmont Hotels & Resorts, recently transferred to Accor's Middle East & Africa region to take on its general counsel responsibilities there. "My office is in Dubai – a convenient starting point for all kinds of interesting travel opportunities in the region," he says. "It is an exciting opportunity for me and my family. Classmates are always welcome to visit." Email iain at iain.morton@accor.com.

1990

Mark Stewart, Law '90, died at age 61 on July 4, 2018. The London, Ont., native earned an American JD in 1986 and practised in Oklahoma City before entering Queen's Law in 1988. After receiving his Canadian law degree, he worked as an associate at Fraser & Beatty in Toronto, becoming a partner and successful corporate litigator in the firm now known as Dentons LLP. Mark is survived by wife Kristi and son Brendan.

1992



Eric Hoaken, Law '92 (Artsci'88), a partner with Lax O'Sullivan Lisus Gottlieb LLP, Toronto, and known as a "terrific contributor to The Advocates' Society Board," passed away Feb. 3. "Eric was a proud graduate of

Queen's," say his Lax O'Sullivan colleagues. "After his 1994 call to the Bar, he swiftly established himself as a top litigation lawyer in Toronto and a community leader. During his 25 years of practice, he became a mentor and supporter to countless lawyers he worked with, appeared against and met during his work. Eric had a wonderful laugh, and ever-present smile that shone brightest when he was with his wife, Lisa, and his wonderful children, Greta, Miles, Thea and Celia. He will be greatly missed."

Andrew Suboch, Law '92, was recently appointed Chair of the Justices of the Peace Appointments Advisory Committee for a three-year term. The JPAAC's duty is to formulate the criteria and supervise the process for selecting JP candidates for Ontario, providing its recommendations to the province's Attorney General. Andrew runs a prominent personal injury practice, Subochlaw, in downtown Toronto. Among its associates is Benjamin Witmer, Law '17. Andrew is counsel to both the Mimico Minor and Jr. A Lacrosse Associations.

1998



Audrey Shecter, Law '98, was promoted on Jan. 1 to partner at Beard Winter LLP, Toronto, where she has practised since 2016. A Certified Specialist in Family Law and a member of the firm's Business and Private Client Group, she has

been recognized by *Best Lawyers* as one of Canada's leading lawyers in the field. She advises clients on all aspects of family law, including parenting, support and property issues. Audrey has chaired several family law continuing education seminars and contributes to the Law Society of Ontario's Coach and Advisor Network. At Beard Winter, she is also an articling principal with a leadership role in its Multi-Practice Women's Network.

2003



Kirsti Mathers McHenry, Law '03, a legal advocate for same-sex couples, received the Humanitarian Award at the Queen's University Alumni Association (QUAA) Awards Gala on April 6. She and her wife,

Jennifer, were the driving force behind Ontario's *All Families Are Equal Act*, which passed in the provincial legislature in 2016. It improved the rights of same-sex parents in a number of ways, including no longer forcing couples who use assisted reproduction to have to adopt their own children.



Elaine Wu, Law '03 (Artsci'98, MIR'00) and Keith Marche welcomed

their daughter, Samantha Marche, into their lives on July 22, 2018.

2005



Colleen Arsenault, Law '05, an associate with Beard Winter LLP in Toronto since 2008, was promoted to partner on Jan. 1. She practises exclusively with the Insurance Litigation Group. She also chairs the firm's articling committee that she served on for a number of years in addition to being an articling student principal, and is a member of Beard Winter's Multi-Practice Women's Network.

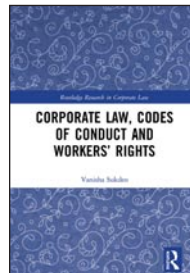


Jasmine Daya, Law '05, plays many roles: She's a lawyer and managing principal of her own firm, a published author of personal injury law articles and a cookbook, a lifestyle blogger, a chick lit novelist, and a mother of three. Watch for a July *QLR Online*

feature, where she reflects on her life, career and accomplishments and unlocks her secret to successfully juggling a busy law practice and business with her personal pursuits. This dynamo also has advice for new lawyers.

2006

Vanisha H. Sukdeo, Law '06, has published her second book, *Corporate Law, Codes of Conduct and Workers' Rights* (Routledge), a critical exploration of regulation and governance of corporations that can be used to help improve the rights of workers in an era of union decline. The book posits that soft law techniques such as codes of conduct are more effective in protecting workers than such "hard law" as domestic regulation. This year at Osgoode Hall Law



School, where she is a PhD student, she taught a seminar based on her first book, *Regulation and Inequality at Work: Isolation and Inequality Beyond the Regulation of Labour* (Routledge, 2018).

2009

Mat Good, Law '09, welcomed a son, Olin Hunter-Good, who is a little brother to Zoë and a third grandchild for Ed Good, Law '82, and Anna Maddison, Law '81. Mat continues to practise complex commercial litigation and class actions as Good Barrister in Vancouver. He can be reached at mat@goodbarrister.com.

2010

Katie Bouchard, Law '10, and **Tyson McNeil-Hay, Law '12**, were married in 2010 and are now both practising law in Kamloops, B.C. – Tyson as a Senior Associate at Fulton & Company LLP and Katie as a Crown Prosecutor. They welcomed son Maitland in February 2013, daughter Vera in February 2016, and daughter Beverley in September 2018. Their children come from a long line of Queen's alumni: great-grandfather Arthur Glashan (Arts'41), grandfather Ray Bouchard (MBA'73), grandmother Elizabeth (Glashan) Bouchard (Arts'76), uncle Daniel Bouchard (Sc'09), aunt Karen (O'Shea) Bouchard (Artsci'09, Ed'10, MEd'12), aunt Mary Bouchard (Artsci'11, BEd'12, Med'14), and uncle Robert Maratta, Law '15



Five grads among *Lexpert's* newest 'Rising Stars'

Saluted for their skyrocketing careers are five 2000s alumni named to Canadian publisher *Lexpert's* 2018 honour roll of "Rising Stars – Leading Lawyers Under 40."



Melissa Binns, Law '06 (Artsci'01), is a partner with Gowling WLG in Hamilton, Ont., specializing in patent and trademark litigation and trademark prosecution, pharmaceutical law, copyright and commercial litigation. Her practice spans the biotechnology, pharmaceutical, apparel, software, food/beverage, and manufacturing industries. She is a registered trademark agent, a leader in Gowling's biologics and biosimilars practice area, and has acted in such IP litigation proceedings as *Gilead Sciences v. Idenix Pharmaceutical*.



Kyle Brunner, Law '08, VP, General Counsel & Corporate Secretary of Seven Generations Energy Ltd., manages all legal matters for the Calgary-based company and has overseen the execution of several major transactions. He continues working on commercial arrangements, financing transactions, and acquisitions. He leads a team of four lawyers involved in the company's business development opportunities and is a Director and Officer of its U.S. subsidiary.



Kwang Lim, Law '05, a partner with Bennett Jones LLP in Vancouver, focuses on corporate finance and M&A and is a member of its Cannabis and Fintech & Blockchain practice groups. He advises entrepreneurs, start-ups, scale-ups, public companies, agents/underwriters and other advisors across various industry sectors involved in domestic and international financings and transactions. He also advises on securities law compliance and corporate governance issues, and is the firm's B.C. regional co-leader for the Technology Fast 50 Program.



Andrew E. Stead, Law '05 (Artsci'03), a partner with McMillan LLP in Calgary, leads its litigation team. His practice includes product liability defence and commercial litigation with a focus on the energy sector, construction, and regulatory law. He has won precedent-setting judgments on issues of contractual limitation of liability, obtained awards of solicitor-client costs, and successfully applied Section 121 of the Constitution. He also spearheads and supervises McMillan's pro bono participation in the Duty Counsel program at the Calgary Courts Centre.



Clarke Tedesco, Law '07 (Com'04), is a partner with Crawley MacKewn Brush LLP in Toronto, specializing in civil litigation and enforcement proceedings before securities regulators. He successfully defended a technology company and certain of its directors and officers in *Halsey v. Genoil*. He has also led his firm's initiative to create a standardized precedent system, been at the forefront in pushing for electronic integration, mentored young lawyers, and helped develop new lines of business.

2011

Chris Horkins, Law '11, was promoted to partner of Cassels Brock and Blackwell LLP's Toronto office on Jan. 1.

2012

Tyson McNeil-Hay, Law '12 – see **Bouchard** (2010)



Eowynne Noble, Law '12, was promoted to Director of Professional Development at Fasken Martineau's Toronto office in January. She practised as a labour and employment law associate at the firm before moving into this position.

2014



Aarondeep Singh Bains, Law '14, has been appointed President of the South Asian Bar Association – Toronto Branch. The branch serves over 750 lawyers in the GTA on advocacy, networking and

professional development matters. It's the largest diverse bar association in Canada, and the South Asian Bar Association North America, the Toronto Branch's umbrella organization, is the largest of its kind in North America. Aaron has also been appointed to the Committee of Management of the St. George's Society of Toronto, one of the oldest charitable organizations in Canada with roots in helping U.K. immigrants settle in Toronto.



Joanna Hunt-Jones (Hunt), Law '14 (Artsci'09, MPA'11), and her husband, Dan Jones (Sc'10, PhD'16) welcomed son Wilson, their first child, in January. The family lives in Toronto, where Joanna practises

family law at Normandin Chris LLP.

2015



Carl P. Deepprose, Law '15, and **Courtney Laidlaw, Law '16** (Artsci'11), were married in Mississauga on May 19. Jessica Liu, Law '16, was in the wedding party, along with other recent Queen's

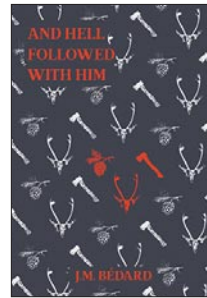
alumni Sean Torrie, Tim Wyman-McCarthy, Mary Berard and Spencer Laidlaw. Other alumni in attendance were Brennan Maynard, Kelly Hayden, Fil Boskovic, Ayan Ga'al, Ian Moore, Rebecca Soil, Mike Owsinay, and Nick Fitz.

2016

Courtney Laidlaw, Law '16 (see **Deepprose**, 2015)

2018

Jacqueline Bédard, Law'18,



has written her first novel, a crime thriller called *And Hell Followed With Him*, which is being published in late spring by Pulse

(pulsepub.net). Pulse has also accepted for publication her second novel, *Sue*, a supernatural-inflected psychological thriller.

Wedding at Queen's Law



On July 21, 2018, Katie Ling, Law'17, and Jesse Garcia, Law'16, said their vows before family members in an intimate ceremony held in the Moot Court Room. They've been together since a 2014 school tour of Collins Bay Penitentiary and recently opened their own firm in Waterloo, Ont. (see www.lglg.ca).

More ways to stay in touch!



Queen's Law Reports Online, an exclusive digital magazine for alumni, will be delivered to your inbox three times a year. Contact lawalum@queensu.ca to get on our e-mailing list.

Supporting Excellence, a separate magazine that includes the annual Honour Roll of Donors, is bundled with the November issue of Queen's Alumni Review.

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Queen's LAW REPORTS 2020

Have you recently married, become a parent, relocated, been promoted or honoured? Are you starting a new job, a new position, or perhaps retiring?

Then please send your news and high-resolution digital photo to editor Lisa Graham, grahaml@queensu.ca for publication in the 2019 issue of Queen's Law Reports.

Congratulations to our 2019 Alumni Award recipients!



Professor Emeritus Donald Carter, Law'66 (Arts'64)
H.R.S. Ryan Law Alumni Award of Distinction
(for overall distinction in the legal profession)

As Dean during a pivotal time for Queen's Law (1993-98), he drew his leadership from his extensive academic and public sector experience as a labour lawyer, which paved the way for the many successful years that followed. He is also past Director of the Queen's Industrial Relations Centre/School of Industrial Relations, past Chair of the Ontario Labour Relations Board, and a recipient of the 2013 Bora Laskin Award, recognizing his outstanding contribution to Canadian Labour Law.



Joy Wakefield, Law'12

Dan Soberman Outstanding Young Alumni Award (for early career success)

As the Bilingual Staff Lawyer for Legal Aid Ontario in the Thunder Bay area, she serves as the dedicated lawyer for the Indigenous Peoples Court and is seconded half-time with Nookiwin Tribal Council, working for communities on the North Shore of Lake Superior. Through these roles, she has spearheaded the advocacy for a new court in a semi-isolated First Nations community and has been driving reconciliation, inclusivity, and equity issues in Northwestern Ontario.



The Honourable Judith Beaman, Law'75 (Arts'71)

Justice Thomas Cromwell Distinguished Public Service Award
(for sustained public service)

Having served in a number of roles in Ontario and federally, including as a Judge of Ontario Court of Justice and Regional Senior Justice for Eastern Ontario, her distinguished career spans 35 years. In 2016, she was appointed to lead the Ontario commission that examined the impact of unreliable hair testing by the Toronto-based Motherisk Drug Testing Laboratory.

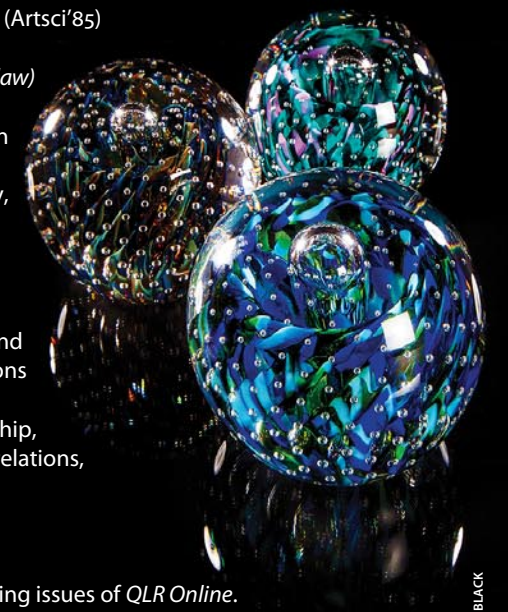


Stuart O'Connor, Law'86, and Peter Johnson, Law'89 (Artsci'85)

J.A. (Alec) Corry Distinguished Alumni Awards

(for excelling in careers outside the traditional practice of law)
As Co-Chairs of the Queen's Law Alberta Alumni Council, they have led their province's support, vision and philanthropic efforts for the school. Stuart is the Chairman of Arcurve Inc., a software services company, and is a serial entrepreneur and businessperson.

His extensive community ties in the province range from chairing Hull Services to serving on the Calgary Stampede Board. Peter is the Executive VP and Chief Legal and Regulatory Officer for Shaw Communications Inc., where he has worked for 23 years, and has played a critical role in its senior leadership, overseeing its legal, regulatory, government relations, governance and real estate portfolios.



MORE ONLINE! Watch for articles about these award winners in upcoming issues of QLR Online.

Nominate a deserving grad for one of the 2020 awards. Check out how at alumniawards.queenslaw.ca

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Judicial Appointments

Two grads shaping judicial future of Nunavut

Susan Charlesworth, Law’81 (Artsci’78), and **Christian Lyons, Law’02**, were both appointed to the Nunavut Court of Justice in Iqaluit on June 21, 2018. It’s the region’s only level of court, so its judges do everything normally divided into two or more courts. “We can look at cases ranging from theft with a guilty plea to murder requiring a jury trial, from family law and estates to constitutional issues,” says Charlesworth.

She began her career articling with O’Hara, Cromwell and Wilkin in Kingston before joining the criminal practice of the Hon. T.G. O’Hara, Law’75, who was later appointed to the judiciary. In addition to practising criminal law, she also represented children in Children’s Aid Society matters and supported mental health clients and prison inmates at administrative hearings. For two decades with Queen’s Legal Aid, where she became Senior Review Counsel in 2007, Charlesworth supervised the law students who provide much-needed legal services to low-income people in the Kingston area, teaching hundreds of Queen’s Law graduates valuable ethical and professional lessons in a practical setting. Between 2013 and 2015, she and her husband David lived in Iqaluit, where she was criminal defence counsel at Maliganik Tukisiniarvik Legal Services and where they came to appreciate the beauty of the land and the character of Nunavut’s people.

Christian Lyons has lived and worked in Nunavut since 2006, when he left his career as criminal duty counsel at Ontario’s Scarborough court to accept a position with the Maliganik Tukisiniarvik legal aid clinic. There he represented Nunavummiut – residents of Nunavut – and appeared before the Nunavut Court of Justice in communities across the territory. He was appointed the clinic’s senior counsel in 2010. Most recently he was General Counsel with the Public Prosecution Service of Canada (PPSC) in the Nunavut Regional Office, where he had started in 2014 as a front-line prosecutor, travelling extensively on court circuits throughout Nunavut and later becoming senior counsel. While active on PPSC national committees dealing with current legal topics, Lyons also met regularly with the Legal Services Board of Nunavut, the Nunavut Court of Justice, and other Nunavut stakeholders to discuss administration of justice issues and potential improvements.



Two lawyers leap to ‘supreme’ benches

The appointment of **Suzanne Duncan, Law’85** (Artsci’82), to the bench of the Supreme Court of Yukon on Nov. 30, 2018, marked a historical milestone: she became the Supreme Court of Yukon’s second-ever woman judge. Her career started in Toronto at McCarthy Tétrault LLP, where she practised for 13 years, rising to partnership while specializing in labour and employment law, civil litigation and immigration law. In 2001, she joined the Department of Justice Canada in Toronto. In 2006 she transferred to its Whitehorse office after a summer vacation in the Yukon led to a love of its scenic grandeur, lifestyle, and sense of community. For the next 12 years, she learned about Indigenous rights issues from the Crown’s perspective. In 2018, to broaden that perspective, she became in-house legal counsel for the self-governing Kwanlin Dun First Nation. She has also been First VP and Chair of Discipline with the Law Society of Yukon, chaired the board of the Yukon Legal Services Society, dedicated to improving access to justice for people of modest means, and chaired the Yukon Employment Standards Board.

On March 26, **John Keith, QC, Law’91**, was appointed justice of the Supreme Court of Nova Scotia and a judge ex-officio of the Nova Scotia Court of Appeal. Previously, he was a partner in Cox & Palmer, Halifax, practising civil litigation for 20 years. He has extensive experience as a trial and appellate advocate, appearing at all court levels in Nova Scotia and in several other provinces’ superior courts.

After a career start with WeirFoulds in Toronto, he moved home to Nova Scotia in 1999. He is a member of The Advocates’ Society’s national Board of Directors; was recently named Fellow of the Litigation Counsel of America; has served on Nova Scotia’s Supreme Court Liaison Committee and Civil Procedure Rules Subcommittee, and on the Claims Review Committee, Lawyer’s Insurance Association of Nova Scotia. He was on the steering committee that drafted Nova Scotia’s current Civil Procedure Rules.

Judge Keith holds the highest AV designation from peer-rating organization Martindale Hubbell; was recognized as a “preeminent practitioner” by Benchmark Litigation; has been *Best Lawyers’* “Lawyer of the Year” in commercial litigation, and winner of *Lexpert’s* national Excellence in Practice award.



Donald Wolfe, Law’84 (Artsci’81), whose practice focused on criminal law, was appointed to the Ontario Court of Justice on Dec. 26, 2018. He presides in St. Catharines, home of his 31-year general practice. In it, he handled real estate, wills and estates and worked extensively on refugee claimant cases that came before the Immigration and Refugee Board. He also served as a part-time Assistant Crown Attorney and Legal Aid Duty Counsel.



Pam MacEachern, Law’92, winner of the OBA’s 2018 Award of Excellence for Promotion of Women’s Equality, was appointed a judge of the Superior Court of Justice and a member of the Family Court in Ottawa on May 24, 2018. Previously, she was a partner with Ottawa’s Nelligan O’Brien Payne LLP, where she had practised since 1994, heading the family law group since 2007 and the wills and estates group 2015-2018. She was legal counsel in several precedent-setting cases involving same-sex spousal recognition and the right to marry, unjust enrichment claims for common-law spouses, and prisoners’ rights cases.

Erika Chozik, Law’95, a sole practitioner, was appointed to the Ontario Superior Court of Justice in Brampton on Nov. 2, 2018. She had practised principally in criminal law as both Crown counsel and defence lawyer, and had appeared at all levels of court. Her leadership roles in various organizations include serving as Vice-Chair of the Pro Bono Inmate Appeal Program that helped many incarcerated and unrepresented individuals pursue appeals before the Ontario Court of Appeal and volunteering with Pro Bono Ontario’s Education Law Project, representing children facing school expulsion or suspension.



Annette Casullo, Law’96, a Certified Specialist in Civil Litigation, was appointed to the Ontario Superior Court of Justice in Barrie on Oct. 1, 2018. Previously, she was a partner in Will Davidson LLP’s Huntsville office, with a focus on insurance litigation. A member of the Ontario Bar Association Council since

2015, she represented the Central East Region and was most recently member-at-large of its Insurance Law Section executive. She was also First VP, Muskoka Law Association, and a member of the Ontario Trial Lawyers Association, The Advocates’ Society, and both Simcoe County and Orillia Law Associations.



Apple Newton-Smith, Law’97, who practised criminal and quasi criminal law exclusively, was appointed to the Ontario Court of Justice on March 13. She presides in Toronto, where she had been a partner in Berkes, Newton-Smith since 2011. As duty counsel at the Ontario Court of Appeal, she worked with the Pro Bono Inmate Appeal Program. Actively involved in legal education, she has been an adjunct professor at the University of Toronto, an instructor in Ryerson’s Criminology Department, and a guest lecturer at Osgoode Hall Law School.

Charles Taschereau, Law’99, a graduate of Queen’s Law’s Joint Civil Law/Common Law Program with Université de Sherbrooke, was appointed a justice of the Court of Quebec, Civil Division, on Feb. 13. He began his law practice in Quebec City with Desjardins Ducharme Stein Monast, then in 2001 joined Norton Rose Fulbright Canada LLP, where he became a partner in 2010. He focused primarily on construction, engineering and infrastructure law, representing owners, contractors, engineers, manufacturers and other construction industry stakeholders in a variety of disputes before the courts or arbitration tribunals.



Krista Leszczynski, Law’01, was appointed to the Ontario Court of Justice in Sarnia on Feb. 13. For the previous 11 years she was an Assistant Crown Attorney and has been the Crown representative on local court committees, notably those leading to a Wellness Court and an Indigenous Persons Court. Before that, she practised family law and civil litigation with Benoit, Van Raay, Spisani, Fuerth and Quaglia in Chatham, Ont. She has served on the board of the Sexual Assault Survivors’ Centre in Lambton County and as President and VP of Chatham-Kent Children’s Services’ board of directors.



Promotion for Law’88 judge

Esther Rosenberg, Law’88, who had served on the Ontario Court of Justice in Peterborough since April 2010, was promoted on June 1, 2018, to regional senior judge for the Court’s Central East Region. In this position, she exercises the powers and performs the duties of the Chief Justice in her region (subject to the Chief Justice’s authority). This includes scheduling court hearings and assigning cases to individual judges. During her first bench appointment, she was a member of the Justices of the Peace Review Council. Prior to 2010, she was a partner at Rosenberg Pringle in Whitby, Ont., focusing her practice on criminal trial litigation. She has also served as Director of the Criminal Lawyers’ Association.



Promotion for former dean

After 14 years as a judge in the Ontario Superior Court of Justice, former Dean of Queen’s Law **Alison Harvison Young** accepted an appointment last August to serve on the Court of Appeal for Ontario. The holder of three law degrees – LLB and BCL (McGill) and BCL (Oxford) – she began her academic career at the McGill Faculty of Law in 1988. Ten years later, she joined Queen’s, becoming the first “outsider to take the reins in the Law Faculty.” She arrived at a time when faculty, students, staff and alumni were engaged in a spirited and at times emotional debate about the school’s direction. During her tenure, Harvison Young, with the support of the faculty as a whole and her “wonderful administrative team,” forged ahead with an ambitious and highly successful process of faculty and infrastructure renewal. Since leaving academia in 2004, she has heard cases in diverse areas of the law, while maintaining her passion for teaching and mentoring. **QLR**

QUEEN'S HOMECOMING 2018

Eleven classes returned to celebrate milestone reunions, October 19–21. (See Law'93 on pg. 42.)

LAW'63



LAW'68



LAW'73



LAW'78



LAW'83



LAW'88



LAW'98



LAW'03



LAW'08



LAW'13





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Alumni celebrate Homecoming 2018 in the William R. Lederman Law Library.

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