

Queen's

LAW REPORTS

2020

WANTED: SAFE HAVEN FOR MORE – AND SOON

Legal experts call for action on the global refugee crisis



Coping with COVID
Community rises to the challenge

Improving inclusivity
Future black leaders empowered



Queen's
UNIVERSITY

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Five immigration law experts explain why and which international laws and policies must change in the near future to provide a long-term win for Canada's economy and cultural diversity.

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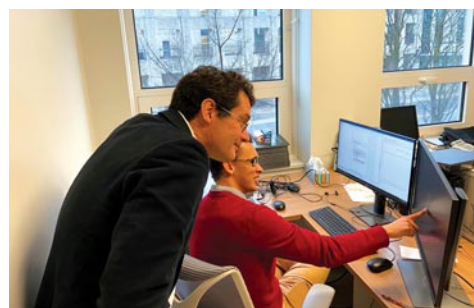
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Through resilience, initiative, innovation and that legendary collegiality, the Queen's Law community continues rising to the challenges of a global crisis unprecedented in our lifetimes.

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GREG BLACK

Alumni and friends of Queen's Law,

I write to you at a time of great upheaval. I hope that you and your family and friends are well and that you have adapted the best you can to the changes that we have all had to confront.

I began my deanship almost a year ago. The year was proving to be both challenging and exciting—and then along came a global pandemic. I was told when I began as dean to expect the unexpected, but I didn't quite expect *this* kind of unexpected. But then none of us did.

On Friday, March 13, the University announced that all in-person teaching would cease due to the COVID-19 virus. There were still three weeks of classes left in the term. I am extremely proud of the way that our students, faculty and staff responded. Within several weeks of their final exams, students shifted to online learning, completed the term, and wrote exams remotely. They lived up to the challenge during a stressful time, and they came through with flying colours.

I am grateful for the dedication to our students shown by faculty and staff. As you will read in the following pages, some of our faculty were no strangers to technology in the classroom when this began—but many were. People responded with incredible grace and good will, leaving their comfort zones and entering into a bold new world of Zoom conferences and Teams meetings. Their sense of loyalty to our students was truly impressive.

Finally, I wish to express my thanks to our alumni. Throughout the past several months, I have received many messages of support and offers of assistance – and this at a time when I know that people have had to confront serious new challenges in their own home and work environments. I have been very touched by your willingness to be engaged with the law school community – *your* law school community.

Having survived the last term, the task now is to plan for the next academic year during a time of continued uncertainty. I find it very reassuring to know that I am surrounded by such dedicated and capable faculty, students and staff, and such loyal and committed graduates. We are an institution that can adapt to new challenges because we seek to honour the sense of community that has made us strong in the past.

Best wishes, and take care,

Mark Walters
Dean of Law

Banner year for research grants

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

Lahey wants tax and budget systems to work for all

Professor Kathleen Lahey sees the issues relating to tax revenues and budgetary expenditures growing – specifically how tax laws, government budgets and evolving realities “work invisibly to ‘keep women, vulnerable, and Indigenous persons in their places’ in every region of the globe, despite the vast number of binding statutory, regulatory, constitutional and international legal prohibitions on all forms of discrimination against all persons, including on gender and other disadvantaging grounds.”

Her cumulative \$1 million in Social Sciences and Humanities Research Council (SSHRC) support got a boost of \$434,254 in 2019 grants for three projects “on policies that can matter”: Taxing for Gender Equality in Fiscal Governance, Taxing for Gender and Economic Equality in Ghana (with Professor Bitu Amani and others), and Economic Gender Equality, Childcare, and Pay Equity in Canada (with partners).

This supported research agenda also increases Lahey's opportunities to present, advise, and advocate globally for both gender equality and equality for all in tax-budget systems as a whole. Helping her acquire and analyze data and laws relevant to these projects are six research associates, including Queen's Law students. Their work enables Lahey to prepare a steady stream of submissions to international organizations, government officials, and open-minded influencers. In terms of preparedness and response systems, this messaging now includes the COVID-19 pandemic's many complex fiscal and policy issues, plus the pandemic's longer-term implications for future government and sustainability issues.

Lahey actively connects with Canadian and international organizations (e.g., the Tax Justice Network, United Nations Women, the IMF) that can help ensure that governance norms, policies, practices and laws, including revenue, benefit, and other fiscal laws, improve human and biosphere “sustain/ability” and equality for all.



Professor Kathleen Lahey

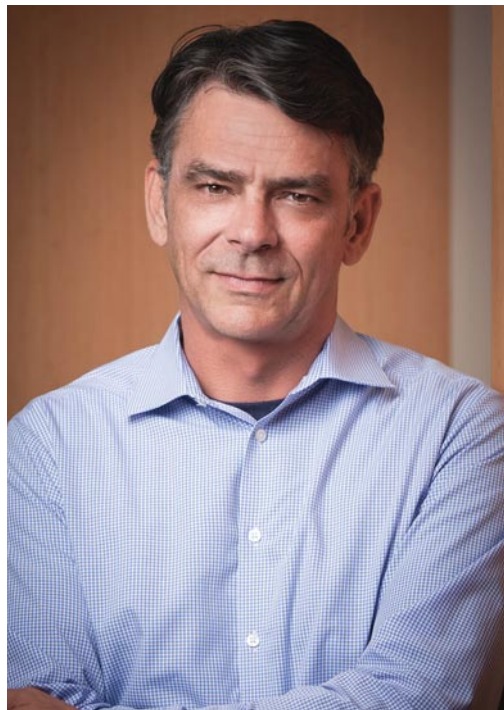
Cockfield to catch global financial criminals

Canada and most other countries have difficulty tracking and convicting people involved in offshore tax evasion and international money laundering. Professor Art Cockfield, Law'93, and Professor Christian Leuprecht (RMC and Queen's Political Science) are working to change that. Armed with a \$152,859 research grant and assisted by students and an innovative tool, they're digging into the hidden financial underworld.

“We're compiling facts from case law involving global financial crimes,” says Cockfield. “Then we'll discern patterns for these crimes, which will help governments devise optimal laws and policies that will allow law enforcement to investigate and arrest financial criminals – and terrorist financiers.”

Having worked together on different global financial crime projects over the past six years, he and Leuprecht came up with a “new approach to help understand these pressing social problems.” Part of their research for their five-year, SSHRC-funded project, “Invisible Underworld: Inhibiting Global Financial Crime,” involves sifting through international judicial decisions surrounding global financial crime accessible in English and coding the data. Then they'll apply Social Network Analysis, a new social science tool that uses computer analysis of data to discern patterns surrounding such crimes.

While their research will eventually produce one or more books, in the short term Cockfield and Leuprecht are writing a paper and organizing a conference where the world's leading experts will exchange information.



Professor Art Cockfield, Law'93, Associate Dean (Academic Policy)

Dahan-directed dispute resolution technology platform puts the AI in legal aid



Professor Samuel Dahan, Director, Conflict Analytics Lab

When determining fair sentences, judges usually look to precedent, laboriously poring over records. But what if the technology existed to analyze thousands of similar cases quickly and connect low-income and/or remotely located users to a pro bono lawyer?

Enter the Intelligent Dispute Resolution System, a product of the Conflict Analytics Lab operated by Queen's Law and Smith School of Business and directed by Professor Samuel Dahan. Powered by artificial intelligence (AI), this platform – MyOpenCourt.org – has already produced its first two tools for self-represented litigants: employee vs contractor determinations and severance calculation predictions (see page 5). Another tool, algorithms for customer disputes, is well under development. These tools are at the heart of a project granted SSHRC funding of \$244,562: “AI-Tribunal for Small Claims: Building an Intelligent Dispute Resolution System.”

“This is the lab's core project,” says Dahan, “because it touches upon so many areas of our work: legal predictions, negotiation support, democratization of technology, and access to justice.” His partners are three other professors: Yuri Levin, Smith School's Executive Director of Analytics and AI; Xiaodan Zhu, Electrical and Computer Engineering, Queen's; and Maxime Cohen, Desautels Faculty of Management, McGill. The new grant also supports up to 15 graduate students from law, computing, and data science.

Dahan sees the system's applications expanding to small claims, personal injury, insurance, trademark disputes, and beyond. Because the system improves its responses by learning as it works, he's hoping for feedback soon from users receiving positive settlements and companies that integrated the platform successfully into their online processes.

Thomas case book team to provide Canadian schools with tort law's missing social context

Professor Jean Thomas and two Ontario university co-applicants are sharing an SSHRC Insight Grant of \$130,227 to study “Tort Law in Its Social Context.” Thomas considers tort law the answer to most lawful societies' questions about reasonable conduct, foreseeable harms, compensable injuries, and how wrongdoers will compensate those they have wronged.

“In short, it's a powerful force for shaping the way people treat one another,” she says, “yet each of these determinations depends upon a specific judge's experience and viewpoint.”

“Since those in positions to make the laws about how people fundamentally interact come largely from socially dominant groups, tort law may reflect and reinforce the inequalities, stereotypes and prejudices of the society it springs from. For instance,” she says, “judges have historically been white males whose idea of ‘reasonable’ may not necessarily resonate with women, racialized persons, or those with disabilities. Even in the absence of serious injustices, tort law can underpin and perpetuate those systemic social inequalities. In effect, tort law's social context can skew judicial results.”

That's why her research team is so concerned with the way tort law is taught in Canadian law schools. “The textbooks and casebooks used barely mention the importance of tort law's context,” she claims. “This gap between its social significance and the way it is taught is a disservice both to law students and to justice in Canadian society more broadly. It is this gap that our five-year project aims to bridge by creating a new casebook for teaching tort law more holistically in the future.”



Professor Jean Thomas

Weinrib creating a theory for a just administration

Administrative law hasn't developed in a coherent way," says Professor Jacob Weinrib. "It is plagued by incoherence, excessive attention to detail, and an ever-shifting array of doctrines that leave persons uncertain of their rights and public officials uncertain of their obligations. I plan to create a theory capable of guiding its principled development."

With a \$55,612 SSHRC grant for his "Just Administration: A Unified Theory" project, he will work with student research assistants to explore the connection between human rights to state action and the structure of modern administrative law. His guiding idea is that the purpose of the administrative state is to realize a class of human rights that cannot be fulfilled apart from government action. "We need to understand how human rights both determine the kinds of tasks that administrative agencies must perform and impose legal constraints on the mode of their performance." His ultimate goal is for his articles and conference presentations to result in greater coherence in the way administrative law is taught and developed not only in Canada but around the world.



Professor Jacob Weinrib

Kerr studies collective experience in sentencing racialized defendants



Professor Lisa Kerr

A judge must weigh many factors at sentencing, notes Professor and Criminal Law Group Director Lisa Kerr: the gravity of the offence, the degree of responsibility, and the potential collateral consequences of punishment. In 1997, in response to the overrepresentation of Indigenous people in custody, Parliament directed judges to exercise restraint in the use of prison and pay "special attention" to the circumstances of Indigenous people. In 1999, the Supreme Court in *R v. Gladue* held that judges must consider systemic and historic factors when sentencing Indigenous defendants. As a result, case-specific Gladue Reports have become a model for assessing culpability in light of collective experience at sentencing.

After observing the extension of these approaches to the sentencing of other racialized defendants, Kerr successfully applied for SSHRC support for her project "Sentencing Racialized Defendants: Collective Experience and the Promise of a Fit Sanction." She is using the \$45,550 grant to hire research assistants, attend court hearings and conferences, and convene non-adversarial events where experienced lawyers, judges and community advocates can address whether and how to "extend" Gladue.

Vasanthakumar studies transitional and transnational justice for exiles

Following civil wars, diasporas – groups who have settled in foreign countries after flight or exile – become communities of concern to both their countries of origin and residence. What rights and responsibilities still tie exiles to the former, and how is the latter obligated to facilitate this relationship? "Contentious questions," observes Professor Ashwini Vasanthakumar, who has been awarded \$33,650 to find answers.

Her SSHRC project, "Transitional Justice as Transnational Justice: partnering with diasporas to secure justice from afar," looks both backwards and forward. "Transitional justice involves righting wrongs, rebuilding societies, and fostering trust," Vasanthakumar says. "When a diaspora contains victims and perpetrators of these injustices, and is a site of criticism and opposition to the government in power, its involvement can be fraught if necessary."

She is basing her research on Toronto's Sri Lankan Tamil diaspora, 11 years post war. Previous fieldwork with this community has convinced her that their complex, ongoing situation "offers important scope for public debates and research to inform both Canadian and international policy."



Professor Ashwini Vasanthakumar

Conflict Analytics Lab launches timely tools for pandemic's job insecurities

Amid the COVID-19 crisis, millions of Canadians find themselves out of work and facing uncertainty about returning. The situation opens workers up to exploitation, particularly in "gig economy" jobs where their legal rights are unclear.

MyOpenCourt, a project of the Conflict Analytics Lab at Queen's University, will now help these workers understand their rights – and options.

"Many Canadian workers cannot afford an employment lawyer or live in areas with few skilled employment law experts," says Professor Samuel Dahan, Director of the Conflict Analytics Lab. "Since COVID-19's arrival in Canada, we've seen nearly two million jobs lost with terminations and layoffs across many different sectors. As job losses started to accumulate in the early weeks of the pandemic, we realized we needed to speed up the launch of our tools to help Canadians who have lost work."

MyOpenCourt currently features two free and simple-to-use web-based tools that harness artificial intelligence and data science technologies. Both are available at the project site at myopencourt.org.

The "Am I an employee or contractor?" application can determine the likelihood that a work arrangement is an employment relationship or that of a contractor through a fast, anonymous questionnaire.

Workers who believe they have been wrongfully dismissed can use the "How much severance am I entitled to?" tool to calculate reasonable notice for dismissal.

"These tools are as valuable for employers as they are for workers," says Dahan. "Navigating employer-contractor relationships is challenging, and severance is difficult to calculate. We hope to provide both workers and employers with ways to avoid pitfalls and find equitable solutions to the challenges created by the pandemic."

Powerful AI technology lies behind both tools. Working from thousands of Canadian employment law cases, MyOpenCourt can make predictions that can offer guidance to workers in these uncertain situations.

While these applications cannot take the place of a lawyer, they can help clients understand whether they even have a case before they approach a lawyer. Should a user discover they do have a case, MyOpenCourt will automatically connect the user to a partnering law firm at no cost.

The MyOpenCourt tools have been developed by students and researchers at Queen's Faculty of Law, Queen's Smith School of Business, Queen's Faculty of Engineering and Applied Science, and partners like McGill University and institutions based in the U.S. and Europe. Professor Maxime Cohen of McGill and Professor Jonathan Touboul of Brandeis University provided data science expertise, helping to translate the case data into predictions.

Unfortunately, the MyOpenCourt technology cannot currently be used to generate case outcomes for Québec-based clients.

— PHIL GAUDREAU



As the number of job losses in the Canadian economy approached a record-high 2 million due to COVID-19, the Conflict Analytics Lab directed by Professor Samuel Dahan released two free web tools on May 13 to help Canadians who are out of work or might be turning to the gig economy to supplement their income during the pandemic.

MyOpenCourt
(myopencourt.org)

Free AI-powered platform to help Canadians answer basic legal questions and to connect them with a pro bono lawyer.

Free web tools launched on May 13 to help Canadians who are out of work or might be turning to the gig economy to supplement their income during the pandemic.

MyOpenCourt is a project of the Conflict Analytics Lab (CAL) at Queen's University, which strives to build a fairer future by improving access to justice through data analytics research. The CAL, directed by Professor Samuel Dahan, combines academics, technology experts and legal professionals to revolutionize people's approach to conflicts and to better serve those who cannot afford traditional justice.

Learn more at
conflictanalytics.queenslaw.ca



Webber given ‘Royal Assent’

Professor Grégoire Webber was inducted into the Royal Society of Canada’s College of New Scholars, Artists and Scientists when it met in Ottawa last November. Membership is academic Canada’s highest recognition of research and scholarly accomplishment. Members may have achieved academic excellence, mentored young scholars, or advised governments, NGOs and fellow Canadians on matters of public interest.

Already in his 13-year career, Webber has taught at Canadian and U.K. universities, been widely published, has advised multiple branches of government, and even co-founded (with Owen Rees, Law’02) a not-for-profit to improve the quality of Supreme Court advocacy. At Queen’s, he is the Canada Research Chair in Public Law and Philosophy of Law. As a new RSC member, he wants to develop a mentoring guide to helping new academics share their work with the broader community.

In congratulating him, Dean Mark Walters, Law’89, said, “Professor Webber has made a truly significant mark in the fields of constitutional law and constitutional theory on both the national and international levels, helping policy-makers address some pressing issues that dominate our social and political lives.”



Professor Grégoire Webber

Highest research title for Lahey and Bala: ‘Distinguished University Professors’

Two Law faculty members in two years have received Queen’s highest research-related honour: the Distinguished University Professor title for outstanding and sustained research, teaching excellence, and significant and lasting



Professor Kathleen Lahey



Professor Nick Bala, Law’77

contributions to Queen’s, Canada and the world.

Professor Kathleen Lahey, whose exceptional work on gender, the Indigenous, LGBTQTI2SF, poverty, development, and environmental sustainabilities in tax, budgetary, and human rights laws has influenced her teaching and legal policy work in all regions of the world, as well as in Canadian courts, was named Distinguished University Professor in May. She has requested it be conferred in honour of Indigenous scholar and advocate Trish Monture, Law’88, LLD’09.

Professor Nick Bala, Law’77, whose outstanding contributions to family law have significantly impacted Canada’s justice system, was an inaugural honoree. The designation of William R. Lederman Distinguished University Professor – the title plus his chosen honorific – was officially bestowed on him at 2019’s Fall Convocation.

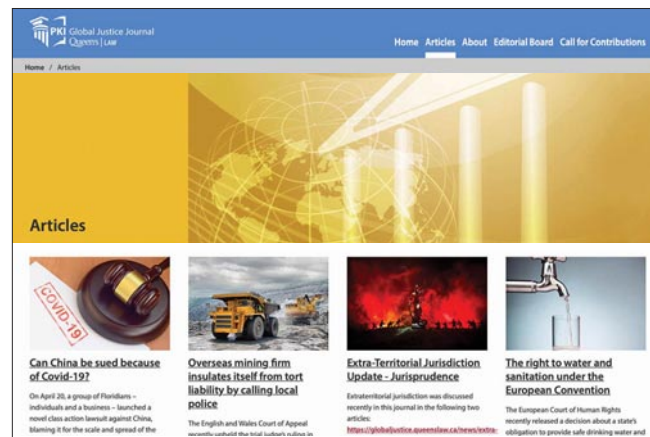
As Bala says, the designation reflects not only on oneself, but also, in his case, “on the whole Faculty, now such a strong research centre.”

New focus on Global Justice at Queen’s Law

Legal scholarship took another step forward last fall when the Faculty became publisher of the Philippe Kirsch Institute’s *PKI Global Justice Journal* (<https://globaljustice.queenslaw.ca/>), with Professor Sharry Aiken as its co-editor-in-chief.

“My hope is that the *Journal* will be a leading venue for commentary and insights by researchers and practitioners engaged in the field of international justice – here at Queen’s and beyond,” she said at the launch. “The *Journal* aligns well with the work of the SSHRC-funded Canadian Partnership for International Justice, of which Professor Darryl Robinson and I are co-researchers.”

A hybrid academic journal and blog, the *Journal* is designed to educate academics, students and practitioners on developments in international human rights law, humanitarian law, international criminal law, plus transnational and transitional justice.



Queen’s Law now publishes the PKI Global Justice Journal, with Professor Sharry Aiken as its co-editor-in-chief.

Flanagan appointed University of Alberta’s 14th President

Bill Flanagan, Dean of Queen’s Law from 2005 to 2019, steps into his new role as President and Vice-Chancellor of the University of Alberta on July 1. “After an extensive international search and careful consideration of many outstanding candidates, we are proud to select Bill Flanagan – an outstanding academic leader and innovator,” said Kate Chisholm, QC, Chair of U of A’s Board of Governors, on March 19. With the university at a “critical juncture,” given dramatic shifts in the province’s post-secondary landscape and its immediate reaction to COVID-19, she cited Flanagan’s “proven ability to identify opportunities for growth to the benefit of the research and teaching mission of the whole university” at Queen’s Law as key to his selection for the role.



Bill Flanagan, University of Alberta President

Anand a first-time MP and cabinet minister



Anita Anand, Minister of Public Services and Procurement

A legal academic for 20 years, she is an expert on the regulation of capital markets, with a specific focus on corporate governance, enforcement, capital-raising techniques and systemic risk. Dean Mark Walters calls his former colleague “an intellectual force to be reckoned with.”

Anita Anand, a Queen’s Law professor from 1999 to 2005, was elected Liberal MP for Oakville on Oct. 19, 2019, and a month later was sworn in as Minister of Public Services and Procurement by Prime Minister Justin Trudeau. She is Canada’s first-ever Hindu cabinet minister.

LSS salutes Khimji’s excellent teaching

Professor Mohamed Khimji, the David Allgood Professor in Business Law, won the 2020 Stanley M. Corbett Award for Teaching Excellence. His nominees lauded him for enthusiastically making cutting-edge corporate law issues accessible to students, challenging them with engaging assignments and going above and beyond in offering thoughtful feedback. Like all Law Students’ Society award winners announced in April, Khimji gave his acceptance from home via video, but he had a helper: son Zain, who had a special message for the class of 2020.



LSS teaching award winner Professor Mohamed Khimji with son Zain.

Meet Dean Mark Walters’ three newest strategic alumni advisors

Three prominent graduates recently joined the Dean’s Council to give him advice on the school’s strategic directions and to help with its efforts in fundraising, alumni network expansion, plus student recruitment and placement.



Justice Darla Wilson, Law’84 (Artsci’81), appointed to the Superior Court of Justice in 2007, has led two teams of civil judges and is a board member of the Court’s Judges’ Association,

all in Toronto. On a one-year leave since September, she has spent time at Queen’s Law drafting modernized instructions for Ontario judges to prepare their jurors for civil trials.



Jaimie Lickers, Law’07, is a partner in Gowling WLG’s Hamilton office and national leader of the firm’s Indigenous Law Group. An experienced litigator, she advances First Nations’ wealth, economic development, autonomy and rights, and has appeared before the

Supreme Court of Canada on landmark treaty cases.



Allan McGavin, Law’12 (Com’08), a corporate lawyer with Farris LLP in Vancouver, advises owners, directors and executives of both public and private companies across various industries. He’s also a member of the school’s BC Alumni Council and Director of the QUAA Global Branch Network.

Trio of Associate Deans expands Walters' leadership team

Dean Mark Walters appointed two faculty members and reappointed a third to senior academic positions on his leadership team in March. Professor Art Cockfield, a Law alumnus, tax law scholar and policy consultant who has received more than \$6 million in research grants over his career, is Associate Dean (Academic Policy).

Professor Gail Henderson, a corporate law expert and collaborator in three grant-funded research projects into financial empowerment and financial literacy since joining Queen's in 2016, is now Associate Dean (Faculty Relations).

Professor Joshua Karton, an expert on international commercial law and co-lead researcher on the largest-ever empirical study of international arbitration, continues as Associate Dean (Graduate Studies and Research), a position he has held since 2017.



Associate Deans Art Cockfield, Gail Henderson and Joshua Karton

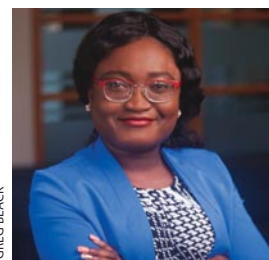
Former military lawyer now Assistant Dean

Phillip Drew, Law'00, LLM'12, previously an Intelligence Officer with the Canadian Armed Forces and a lawyer in the Judge Advocate General's Office, was appointed Assistant Dean of JD and Graduate Legal Studies in January. He's a 31-year military veteran who holds a doctorate in international law from the University of Frankfurt (Oder), has been teaching in the International Law Programs at Herstonceux Castle since 2012 and has been an Associate Professor with Australian National University College of Law since 2016. In his new position, he's responsible for legal education, from admissions and program design through to ensuring that the curriculum meets accreditation requirements.



Assistant Dean Phillip Drew

New clinic director to cultivate local 'innovation ecosystem'



Tomi Adebisi

Tomi Adebisi was promoted to Director of the Queen's Business Law Clinic (QBLC) last November after only 10 months as a staff lawyer supervising the students who serve the clinic's start-up and entrepreneur clients. Born in Lagos, she practised with one of Nigeria's leading business law firms for about three years before emigrating to complete an LLM (corporate/commercial law) at McGill, work with Saskatchewan's Pro Bono Law and Human Rights Commission, and then join Queen's. Her new role is to enhance experiential learning opportunities for students and to build relationships with more community organizations in Kingston's "innovation ecosystem" – social enterprises, not-for-profits and charitable corporations – that will help the Kingston area's budding entrepreneurs and innovators.

Strengthening ties with Akwesasne



Elder Rick Oakes, Mohawk Nation Council of Chiefs Helper, holds up a historic wampum belt as he explains the origins of the pre-colonial Six Nations Confederacy to Queen's Law community members at the "Understanding Through Learning" roundtable held in Akwesasne Mohawk Territory.

Queen's Law continues to build important relationships with the Akwesasne Mohawk community, unique for having Canada's first court established by and for Indigenous Peoples. Last October, 40 Queen's Law community members day-tripped two hours east for a third annual visit that involved sessions on traditional Indigenous dispute resolution, a Mohawk law case study, and a community justice panel Q&A.

"We came away knowing a lot more about Indigenous law and justice," says Dean Mark Walters, "but also about how the non-Indigenous justice system works. What we learned should trouble and motivate us."

Last July, Ann Deer, Indigenous Recruitment and Support Coordinator, arranged a campus visit for 50 eager Akwesasne high schoolers. Scott Stewart, Law'21, one of their tour guides,

remarked that the visitors "already knew quite a bit about studying law and had good questions about the profession."

Aboriginal law instructor Hugo Choquette, Law'05, LLM'10, PhD'17, recently appointed Academic Director of the Certificate in Law program, says, "We can learn from Akwesasne, and in return faculty and students can provide some help where the community needs it." To date, that help includes child welfare and international trade law projects, and training justices of the peace.

Indigenous students shine



GARRETT ELLIOTT

Kanyen'keha:ka woman Stacia Loft, Law'20, a two-term elected Band Councillor of the Mohawks of the Bay of Quinte, was selected to participate in the Governor General's Canadian Leadership Conference, won the

2019 Dentons Canada LLP Best Substantive Paper Award for "Tax Liberty as Law: Beyond the Confines of an Imposed Taxation System on First Nations Peoples" and will be articling with Amnesty International Canada.



LISA GRAHAM

Rachel Hay, Law'21, a 28-year-old resident of Tyendinaga Mohawk Territory, is one of the youngest people ever invited to address a Law and Society Association conference. Her selected research paper asserts that "it's impossible and unviable for colonial countries to continue to ignore and reject Indigenous rights to sovereignty."



GARRETT ELLIOTT

Darian Doblej, Law'21 (Artsci'18), a member of Whitesand First Nation, won Osler's Diversity Scholarship and the Indigenous Bar Association's scholarship for serving and advancing his people's interests

with honour and integrity. He has been Whitesand's delegate to child welfare discussions, commissioner of a provincial inquiry into Sexual Violence and Harassment in First Nations Communities, and an advisor to then-Premier Kathleen Wynne's landmark revamp of Ontario's child welfare legislation.

2021-22 clerkships climb to new record

Working with some of the greatest legal minds across the country is a crowning achievement for new grads. Surpassing last year's record of 14 clerkship recipients, 15 of Queen's Law's finest got the nod this spring for 2021-22. Leading the way are three selected to clerk at the Supreme Court of Canada. "I am thrilled at the idea of working alongside the incredible legal minds – justices, other clerks and court staff – who make up the Supreme Court," says Siobhan Morris, Law'19, who will work directly with Chief Justice Richard Wagner. "I expect to learn a great deal from everyone, and I can't wait to make my own contributions to the service that the Court provides to the Canadian public."

Clerkships for 2021-22

Supreme Court of Canada:

Siobhan Morris, Law'19 (Chief Justice Richard Wagner); Don Couturier, Law'20 (Justice Nicholas Kasirer); Jocelyn Rempel, Law'20 (Justice Michael Moldaver)

Federal Court of Appeal:

Irene Cybulsky, Law'20 (Justice David Near); Aicha Raeburn-Cherradi, Law'21 (Justice Donald Rennie)

Federal Court:

Kelly Zhang, Law'21 (Justice Christine Pallotta)

Tax Court of Canada:

Dennis Do, Law'20; Felix Lavoie, Law'20

Court of Queen's Bench of Alberta:

Carly Williams, Law'21

B.C. Supreme Court:

Rory Shaw, Law'20

B.C. Court of Appeal:

Michelle de Haas, Law'21

Ontario Court of Appeal:

Rachel Oster, Law'20

Ontario Superior Court:

Brad Alford, Law'21; Kathy Jiang, Law'21; Isabel Yoo, Law'21



Topping the list of students and new grads selected to clerk with justices of Canadian courts are three heading to the Supreme Court in 2021-22: Siobhan Morris, Law'19, Don Couturier, Law'20, and Jocelyn Rempel, Law'20.

Coping with the COVID crisis

Through resilience, initiative, innovation and that legendary collegiality, the Queen's Law community continues rising to the challenges of a global crisis unprecedented in our lifetimes

BY LISA GRAHAM

As the novel Coronavirus bounded across oceans into Canada, federal and provincial governments quickly declared states of emergency. Queen's and other academic institutions cancelled in-person classes and closed their doors, following best practices to safeguard public health and to plan for possible long-term ramifications. The following pages are an account of how COVID-infused developments continue to unfold here, seen through the lens of law school members. There are clear signs that what Albert Einstein said is true: "In the midst of every crisis lies great opportunity."

Educational innovation pushed by a pandemic

"We are entering uncharted territory," wrote Dean Mark Walters, Law'89, in a March 14 email to students, one day after announcing the Faculty would be delivering the last three weeks of JD and graduate classes remotely. "I can't

tell you how appreciative I am of our faculty members and sessional instructors working very hard to meet the challenges of the Coronavirus crisis. Their dedication to our students is truly impressive."



Dean Mark Walters, Law'89, receives an explanation about an online platform from IT staffer Emmanuel Mendez as the Faculty transitions to remote teaching in response to the COVID-19 pandemic. Social distancing would soon come into effect on campus.



By March 16, new Associate Dean (Academic Policy) Art Cockfield, Law'93, had already prepared his Remote Teaching Plan (part of Law's Covid-19 Educational Response) and presented it to all fellow instructors, whether in person (above) or on-line via chosen platform Zoom.

The law school had a strong foundation for this pivot, having begun three years earlier to explore how blended learning and new technologies could more fully engage future legal professionals. Since then, support teams highly skilled in educational innovation, online learning and IT have been hired, including Assistant Dean Laura Kinderman who oversees education innovation and online programs. "We're in a unique position," Walters assured students; "We already have online programs and teams in place with expertise and knowledge."

Walters and his senior administrators prepared a COVID-19 Education Response Plan, detailing resources for instructors replacing face-to-face teaching with real-time classes using Zoom, a remote conferencing platform; augmenting PowerPoint slides with voiceover audio; and enabling class discussions or individual chats using OnQ, the university's learning management system.

To put that new teaching into action, newly appointed Associate Dean (Academic Policy) Art Cockfield, Law'93, presented a Remote Teaching Plan on March 16 to a few faculty members in person and to others via Zoom. He spoke about communicating and managing expectations and how to get technology and teaching support. Shaun Leung, IT Support Assistant, demonstrated the resources available.

That same day, the World Health Organization's Director-General called COVID-19 "the defining global health crisis of our time." On March 17, Ontario declared a state of emergency, followed by B.C. and Alberta. Only "essential" staff, such as those in IT, were still working in the Queen's Law building by week's end. Others began working from home, as faculty already were. Continuing to provide students with the best legal education possible was paramount.

Faculty 'zoom' into remote classes

"Like many professors, I had to learn these technologies on the fly for my own classes," reflects Cockfield. "We considered a lot of different approaches, but ultimately Zoom was the best technology for most faculty."

Professor Nick Bala, Law'77, once trained, also transitioned quickly to teaching online. On the first day of remote classes, he delivered his Family Law lecture to 72 students, and "liked Zoom's interactive nature." He used it



On March 13, Professor Nick Bala, Law'77, tried remote teaching with Zoom conferencing software, supported by IT staff member Theresa Afolayan. Zach Rudge was among the students online.

next for his Contracts class of 38. “Students in this smaller class were more willing to use mics,” he says, “so we were able to do some ‘Socratic teaching,’ but those in the larger class preferred typing questions into Zoom’s chat box.”

Bala taught that first Zoom class from his campus office with an IT person ready to assist, but not needed. “After that,” he says, “I knew I could do it from anywhere. When we can’t be with students in person, being with them in real time is the next best thing.”

Other faculty members had been using Zoom before the emergency – many of Bala’s younger colleagues doing it instinctively. One of those, Professor Nicolas Lamp, finds online classes are also “rewarding social experiences because they let isolated students see and talk to their peers.”

“Our basic goal is to have students graduate on time.”

— Dean Mark Walters

Dean uses open forum to describe decision-making to students

With COVID’s implications for class work, exams, grades, and deadlines troubling JD students, Dean Walters, Associate Dean Cockfield and Assistant Dean Phillip Drew (Law’00, LLM’12) hosted virtual town halls via Zoom on March 26, answering students’ questions and explaining how they’d ensure minimal impact on grades and prospects.

“This is unprecedented for us all, so some difficult decisions must be made, and quickly,” said Walters. “Our basic goal is to get you through the academic year successfully. For you third-years, it’s to have you graduate on time and get started on your career.”

Cockfield, noting his keen awareness of “some students struggling with disadvantages,” assured them of the optional pass/fail grading system’s fairness and flexibility. Two “fail safe” options he explained to them for final grades were to convert a D (or higher) to P (pass) or drop a course.

When asked how employers would now view Queen’s Law transcripts, Drew explained that a variety of stakeholders had been consulted, including Law Students’ Society (LSS) reps, faculty, and senior Canadian and international law professionals. “They concluded this grading system is the best for our students,” he said. “A ‘P’ on a Queen’s transcript will tell prospective employers that something in the student’s life at this extraordinary time has had a negative effect on that student’s ability to perform to his or her full potential.”



IT staff member Shaun Leung (foreground) tests the Zoom platform online with Professor Alyssa King, who launched a “COVID and the Courts” web page on the Conflict Analytics website to track and archive all the different COVID-related changes to court and alternative dispute resolution procedures in each Canadian province and territory.

Holding town hall from home



At two virtual town halls via the Zoom meeting platform, Dean Mark Walters, Associate Dean Art Cockfield and Assistant Dean Phillip Drew explain the school’s pandemic planning decisions and address student concerns about class work, exams, grades and deadlines.

Law’s collegiality trumps COVID at end of term: students’ perspective

Although COVID-19 challenges university students everywhere, Queen’s Law students made an important discovery: not even a pandemic can break the bonds within their close-knit community.

Newly elected LSS President Ross Denny-Jiles, Law’22, heard about class cancellations during his first Faculty Board meeting on March 13. “Though we had all been speculating about Queen’s official response, that’s when it really sank in that the remaining term might be very different from what we’d expected,” he says.

Outgoing LSS President Colette Koopman, Law’20, was in a meeting of Law’s Strategic Planning Committee, helping draft a framework for the school’s next four years.

Shailaja Nadarajah, Law’21, recalls Professor Lisa Kelly joking at the end of her last in-person Evidence class on March 11 that the next time they saw her might be on Zoom. “We laughed then,” she says, but students’ lives changed suddenly, making them the first cohort to learn via remote teaching.

Koopman, who’d never taken an online course, applauds her teachers’ “excellent job in engaging with students and continuously refining their techniques, some using Zoom breakout rooms successfully to simulate discussion groups.”

For Nadarajah, working with the Queen’s Family Law Clinic gave her a sense of normalcy. “We weren’t able to be in the clinic,” she explains, “but the staff worked tirelessly to ensure we were supported, whether through remote supervision meetings, phone calls with review counsel, or getting files scanned.”

The next new experience was completing final exams remotely. “Not being surrounded by other students alleviated some pre-exam nerves,” Koopman admits, “but downloading the exam brought them all back.”

As the outgoing and incoming LSS presidents, Koopman and Denny-Jiles worked during the early crisis with the

“We should all be proud to be at a school where, in a time of great crisis, the impulse of everyone has been to look out for those around them.”

— Ross Denny-Jiles, Law’22, LSS President, 2020-21

Dean and his senior team – Associate Deans Art Cockfield and Joshua Karton, Assistant Deans Phillip Drew and Laura Kinderman, and Executive Director Deanna Morash. From the pandemic’s onset, they were all willing to hear student concerns, Koopman says. “We used video calls to work out issues together, they shared their reasoning behind decisions and always kept students updated.” Denny-Jiles echoes that appreciation of the strategy team’s concern for students, but also applauds fellow students for earnestly and quickly supporting the Faculty’s crisis response.

Throughout the unprecedented final seven weeks of term, what stood out, Koopman adds, was the “collegiality, care and thoughtfulness of the Law community. People made time to check on one another and make sure they were all updated.” Denny-Jiles observes that “when isolating, it would be understandable if you kept your head down and just got yourself through this critical semester, but I have been struck by the level of compassion and concern displayed in our community. Whether it’s students advocating for peers in complicated home situations or professors working steadily to improve interactions with remote classes, everyone has shown concern for each other’s well-being.”

“We should all be proud to be at a school where, in a time of great crisis, the impulse of everyone has been to look out for those around them.”



Colette Koopman, Law’20, Shailaja Nadarajah, Law’21, and Ross Denny-Jiles, Law’22, share their experiences during an extraordinary final seven weeks of term, when what stood out was the “collegiality, care and thoughtfulness of the Queen’s Law community.”



The International Business Law and Public International Law programs, long held annually at Queen's BISC (The Castle), were delivered online this spring. Among other timely topics, students studied the international legal response to the pandemic in real time.

Learning international law at Queen's e-Castle

The Coronavirus closed the Castle, but when law students couldn't go to Queen's U.K. campus this spring, the castle experience came to them. The unique International Law Programs, a sought-after spring-term staple at the Bader International Study Centre (BISC) for 19 years, was delivered to 65 students online in May and June.

"They got the same academic experience that they would at the BISC," says Professor Nicolas Lamp, Academic Director of the International Law Programs. "We offer the same courses with the same instructors – except through Zoom." Those instructors are leading academics and practitioners in international business law and public international law.

"To emulate the field trip experience, we've had guest

lectures via Zoom with speakers the students would normally meet during Castle field trips," says Lamp. "We also have career panels providing students with networking opportunities and career advice. Online, we can access a broad range of alumni around the world."

The pandemic poses extraordinary challenges not only for national governments, but also for international institutions. One global health law expert lectured on the role of WHO, one such institution, during a pandemic – "very timely," says Lamp, "for our programs to be teaching students the international legal response to the pandemic in real time."

COVID closes clinics but services continue

In the week of March 16, the door to the Queen's Law Clinics was closed to clients and then to students. Courses

continued via Zoom, and clinic lawyers started supervising student caseworkers by phone and email. Most staff transferred quickly to working from home. As Executive Director Karla McGrath, LLM'13, put it, "Like everyone, we are all learning lots of new ways of doing old things."

Courts, tribunals and community partners were similarly affected by the state of emergency.

"Collaborating with our colleagues locally, provincially, nationally and internationally, we are assessing and addressing the particular challenges that face many of our clients during this extraordinary time," says McGrath. "While the country is told to stay home and use electronic communication, we must decide how best to serve clients who may have limited pay-as-you-go phone plans, no access to the internet and sometimes even no home."

Directors and lawyers of the five clinics continued serving clients remotely in April, while planning for their summer student workforce. "We are learning new ways to teach students not only how to do the job, but also how to do the work while remote from each other, from us and from their clients."

From closed clinic door to knocking on prison gates

When the Coronavirus crisis closed Queen's doors and instituted work-from-home in mid-March, few might have imagined the Prison Law Clinic's staff and students jumping into a new crusade. One of only two dedicated prison clinics in Canada, it has a sterling reputation for front-line legal services to Eastern Ontario's federal prisoners. Now, with a highly infectious disease putting Canada in emergency lock-down, it was fielding desperate calls from medically vulnerable inmates and their families.

Around the world, categories of inmates were being released to protect both prisoners and staff. In Canada, with 170 prisoners, plus staff, COVID-positive by mid-April, the federal Correctional Service had done nothing to reduce the population of its overcrowded prisons.

Among cases where pre-existing conditions would make COVID-19 a death sentence, Derek Snow's topped the virtual pile on the desk of clinic lawyer Paul Quick, Law'09. Snow, 53, had a long but non-violent record; also, cancer, diabetes and COPD, a July 2020 release date, and a sister offering self-isolation space. Quick engaged persistently with Bath Institution, but no decision came.

Prison lawyers across the country had been watching, offering ideas and resources, and soon human rights veteran Paul Champ partnered with the clinic. Champ, despite working from home, filed a 400-plus-page record for an emergency April 17 hearing. The night before the hearing, Bath agreed to release Derek Snow to self-isolate at home.

It was more than personal. A pandemic precedent had been set, and lawyers and medically vulnerable prisoners across the country have been relying on it ever since.



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

Looking back (to jobs well done); Moving forward (to fall promises)

With Ontario daring to start opening doors in mid-May, though none on schools or universities, Queen's Law students received a kind of report card from their Dean. It thanked them for their response to the pandemic "so far" and promised that whether they saw their professors and classmates in person or on-screen it would be "an exciting new academic year . . . in a very distinctive form."

Dated May 20, Mark Walters' email thanked school members for their "resilient and creative" response when COVID-19 struck. "The fall term will look and feel different from normal," he continued, noting plans for some in-person learning if provincial regulations permit, "but I am confident that, in the end, the defining features of Queen's Law – its unique sense of community and the dedicated commitment to creating a rigorous and exciting learning and research environment – will shape the experience. For all."

At an earlier strategy team meeting, Associate Dean Art Cockfield, calling the school's staff "professional and capable," had given credit "for everybody pulling together in the crisis and for faculty successfully shifting to remote teaching in a week's time" to Walters' own "exemplary leadership and work ethic."

QLR

Check out pg. 44 to see how three alumni stepped up to help some of the people most at risk amid the Coronavirus crisis.

Watch your inbox for the July 2020 issue of Queen's Law Reports Online for more up-to-date coverage of Queen's Law community members responding to COVID's challenges.



Students in the Clinical Family Law seminar participated in their last classes via Zoom with their teacher, Queen's Law Clinics Executive Director Karla McGrath, LLM'13 (top row, 2nd left).

Law's research footprint continues to grow as professors mark new career highlights



GREG BLACK

LAW CONVOCATION, SPRING 2019 – Faculty and guests who participated in laureating the Class of '19: then-Dean Bill Flanagan, LLD honoree Fiona Sampson (Law'93), Professors Jacob Weinrib and Lisa Kerr, then-QBLC Director Morgan Jarvis (Law'10), Professors Cherie Metcalf and Mohamed Khimji, Justice David Stratas (Law'84, LLD'12), Professor Nick Bala, Queen's Law Clinics Executive Director Karla McGrath (LLM'13), Professors Sabine Tsuruda, Grégoire Webber, Noah Weisbord, Sharry Aiken, Alyssa King, Erik Knutsen, Patti Peppin and Lynne Hanson.

Sharry Aiken, Academic Director of the Faculty's new online Graduate Diploma in Immigration and Citizenship Law, has been busy developing the program. She also finalized the third edition of her co-edited casebook on immigration law and was guest editor for a forthcoming *Citizenship Studies* issue on abolishing detention.

Bitá Amani, Co-Director of Feminist Legal Studies Queen's (FLSQ), co-organized the conference "Gender, Equalities, Knowledges, Lands and Sustain/abilities: Truths vs. 'Climate Adaptations' for all Forms of Life." Her current projects involve trade secret appropriation and the constitutionality of "the immoral marks prohibition" under the *Trademarks Act*.

Martha Bailey published research on *Beaver v Hill* and cross-border family law disputes and last winter taught International Family Law at Otago University, N.Z. Her play about legal issues relating to brain death, presented at Kingston's 2019 Fringe Festival, will be remounted at the city's Compassionate Communities' Advance Care Planning Day.

Beverley Baines published, with Dr. Jenna Sapiano, "Feminist Curiosity about International Constitutional Law and Global Constitutionalism" in the *Journal of the Oxford Centre for Socio-Legal Studies* (2019) and presented her SSHRC-funded

research on gender and proportionality at the University of Sydney School of Law and Queen's FLSQ Conference.

Nick Bala continues to do research on family law issues, including parental alienation, parenting plans and access to family justice. He is also giving remote presentations to judges and lawyers on such topics in the coming months. Although 68, he is looking forward to teaching Contracts and Family Law again next year, and over the summer will be working on new editions of casebooks in these two areas.

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*, is writing papers on legal responsibility for unpaid wages in supply chains, the right to strike a common law (with Sabine Tsuruda), and implications of the *Guatemala - Labour Issues* decision for international trade agreements.

Art Cockfield was appointed Associate Dean (Academic Policy) in March. He has published a co-authored book on *Taxing Global Digital Commerce* (Wolters Kluwer), plus related articles and book chapters. He also helped plan conferences with Stanford University, the University of Waterloo and Royal Military College.

Samuel Dahan, Executive Director of the Conflict Analytics Lab (CAL), received a \$244,562 SSHRC grant for the project "AI-Tribunal for Small Claims: Building an Intelligent Dispute Resolution System." CAL has already unveiled two free and simple-to-use web applications that will provide Canadian workers with a greater understanding of their employment rights.

Benjamin Ewing published the article "Prior Convictions as Moral Opportunities" in the *American Journal of Criminal Law* and a book chapter, "Mitigating Factors: A Typology," in *The Palgrave Handbook of Applied Ethics and the Criminal Law*, edited by Larry Alexander and Kimberly Kessler Ferzan.

David Freedman presented research on the law of estates and trusts at a number of conferences over the past year, including one for the judges of the Newfoundland and Labrador Supreme Court and Court of Appeal. He will be returning to St. John's to present on similar subjects for lawyers.

Leslie Green wrote "Escapable Law" for the *Jerusalem Review of Legal Studies*, contributed "Hume on Authority and Opinion" to *Essays in Honour of David Miller* (Oxford 2019), and co-edited 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 Health Law, Mental Health Law, Torts, and Advanced Torts. Her current research interests focus on the accessibility of medical assistance in dying (MAiD) for those with mental illness and on Ontario's new legislation that limits access to the courts for strategic lawsuits against public participation.

Gail Henderson spent part of her sabbatical at Momentum in Calgary, examining how law can further a community's economic development, and four weeks in Iqaluit, teaching Business Organizations in the University of Saskatchewan's Nunavut Law Program. That program graduates students with U of S law degrees, aiming to increase Nunavut's number of Inuit and local lawyers.

Ardi Imseis was appointed by the United Nations High Commissioner for Human Rights in December 2019 to the Group of Eminent International and Regional Experts on Yemen, a three-person commission of inquiry mandated to investigate war crimes during the armed conflict in Yemen.

Joshua Karton, Associate Dean (Graduate Studies and Research), published on such topics as comparative law methods in cross-border practice, arbitrator diversity, fragmentation of international commercial law, and consumer protection; gave presentations on four continents; and was appointed General Editor of *Kluwer Arbitration Practical Insights*, a new online service for international arbitration practitioners.

Lisa Kelly is leading a SSHRC-funded research project entitled "Police Powers in Canada's Schools." She will present early findings from this work at the Law and Society Association's annual meeting, which will be held virtually in June.

Lisa Kerr published articles in *U of T Law Journal*, *Supreme Court Law Review* and *Criminal Reports*; a book chapter in *Sentencing Law and Policy*; and op-eds in *The Globe & Mail* and *Ottawa Citizen*. She also addressed National Judicial Institute conferences on *Charter* litigation and Federal Court practice and is researching the sentencing of racialized defendants with support from a SSHRC grant.

Mohamed Khimji, the David Allgood Professor in Business Law, taught Business

Associations, Secured Transactions, Mergers & Acquisitions, and a new seminar course called Shareholder Activism. He is also working on a quantitative study of settlement agreements entered into between activist investors and issuers.

Alyssa King's presentation on general principles in international arbitration and comparative law at Sciences Po (Paris) will be published in *Ius Comparatum*, and her *Telus v Wellman* case note appeared in the inaugural *Canadian Journal of Commercial Arbitration*. She also addressed harmonization in civil procedure regimes at McGill, Fordham and University of Texas law schools.

Erik Knutsen, Associate Dean (Academic), co-authored three publications: the 4th edition of his American casebook *Principles of Insurance Law*; an article about automobile insurance in the *Connecticut Insurance Law Journal*; and an update of his co-authored American treatise *Stempel & Knutsen on Insurance Coverage*.

Kathleen Lahey, Co-Director of FLSQ, still works via UN alliances on ways governments can end austerity politics and increase core tax revenues to fund poverty eradication, end economic discrimination against vulnerable groups, address biosphere threats, and strengthen health systems to cope with mass challenges like pandemics. Her research into Canada's taxes and benefits appears in *Unfinished Business* (CCPA 2020).

Nicolas Lamp published a paper on the U.S.-China Trade War in the *Journal of International Economic Law*. His study of globalization's winners and losers has produced both a forthcoming paper in *European Journal of International Law* and a co-authored book (Harvard). His blog posts led to major media interest in his views of U.S. trade policies.

Mary-Jo Maur, former co-chair, LSO Family Law Summit, published papers on family law procedure. Besides teaching law students Torts, Family Law, and Alternative Dispute Resolution, she continues to innovate with blended learning for her undergraduates' Introduction to Canadian Law course.

Cherie Metcalf presented her research at conferences and law schools in Canada and the U.S., published an empirical article on property rights, has several additional articles in submission, and is

looking forward to her sabbatical in 2020-21 to advance her research projects with Canadian and American collaborators.

Bruce Pardy has written and presented on some frontline battles in the "civil war" ongoing inside Canadian law, including the Law Society of Ontario's statement of principles, free speech at universities, social justice dogma in law schools, and "indigenization" of the law.

Patricia Peppin delivered a paper on conscientious objection to effective referral for health care at the Feminist Legal Studies at Queen's 2020 conference and presented three papers at conferences in Rome and Washington last summer. Her chapter on vaccines was published in *Public Health Law and Policy in Canada* (4th ed.).

Michael Pratt published a paper in the *Oxford Journal of Legal Studies* on counterfactual reasoning in the law of damages. He also began a book project. He is writing a treatise on the law governing remedies and other forms of relief in real estate transactions.

Darryl Robinson gathered with scholars from across North America in Philadelphia to discuss his forthcoming book, *Justice in Extreme Cases*. He also attended a California workshop that fashioned new responses to environmental crimes. His major publications included the *Oxford Handbook of International Criminal Law* (co-editor) and a new co-authored edition of *Introduction to International Criminal Law*.

Don Stuart, retired since 2018, still teaches one course a year, still keeps his office door open, and continues as editor-contributor for *Criminal Reports* and the judges' eletter *Criminal Essentials*. He published *Learning Canadian Criminal Procedures* (13th ed., with Tom Quigley) and is working on *Canadian Criminal Law: A Treatise* (7th ed.).

Jean Thomas continues as co-convenor of Queen's Colloquium in Legal and Political Philosophy and co-organizer of the Law and Philosophy Workshop. Her article on rights theory is forthcoming in *Jurisprudence*, and she presented on the social normativity of law at Oxford.

Sabine Tsuruda, named 2019's "New Voice in Legal Philosophy," presented her paper "Working as Equal Moral Agents" at the Analytical Legal Philosophy Conference. She also presented at

Oxford, Surrey and Toronto universities, received a SSHRC grant for research into religion and politics in the workplace, and continues writing on workers' expressive and associational rights.

Ashwini Vasanthakumar published peer-reviewed articles and reviews on victims' duties and civil disobedience, received a SSHRC grant on transitional justice, and presented at an American Philosophical Association meeting (Philadelphia) and U of T's Law Faculty and Centre for Ethics. This summer she will speak remotely at Lisbon's Philosophies of Asylum conference and finish her book and four contributions to collections published by Cambridge and Oxford.

Mark Walters, Dean, completed a book on British constitutional law scholar A.V. Dicey. *A.V. Dicey and the Common Law Constitutional Law Tradition: A Legal Turn of Mind* will be published by Cambridge

University Press in 2020. He is also part of a U.K.-based group awarded a large grant to study the history of Crown-Indigenous treaty relations.

Grégoire Webber, MSM, Canada Research Chair in Public Law and Philosophy of Law, was appointed to the Royal Society of Canada's College of New Scholars, Artists and Scientists, delivered the Chevrete-Marx Lecture at l'Université de Montréal, published in the *Oxford Journal of Legal Studies*, and presented research at Oxford, U.K., Notre Dame, U.S., and Interdisciplinary Center Herzliya, Israel.

Jacob Weinrib was awarded an SSHRC Insight Development Grant for his project "Just Administration: A Unified Theory." He also presented research from this project at Oxford and l'Université de Montréal, published three articles on constitutional theory, and taught a new seminar course on positive rights.

Noah Weisbord wrote *The Crime of Aggression: The Quest for Justice in an Age of Drones, Cyberattacks, Insurgents, and Autocrats* (Princeton University Press, June 2019), #1 on Amazon's best-seller list of U.S. New Releases in Foreign and International Law. He also participated in a series of expert meetings on applying International Criminal Court crimes to cyberwarfare.

Robert Yalden, Sigurdson Professor in Corporate Law and Finance, developed a course on Corporate Governance, finalized an article for the *Canadian Business Law Journal* on the regulation of M&A defense strategies, was invited to speak at the Annual International Take-Over Regulators' Conference, and is participating in Global Canada's Society and Business Initiative.

A grand idea whose time had come

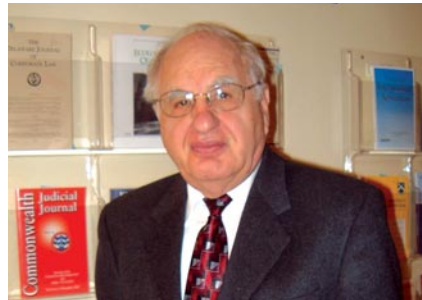
Since its inception six years ago, Queen's Chapter of the Black Law Students' Association has been vigorously empowering a new community of legal professionals

BY KEN CUTHBERTSON, LAW'83, WITH FILES FROM LISA GRAHAM

It was in the autumn of 2014 when Michael Coleman, Law'17, had what can only be described as "a grand idea." The Toronto native was 22 and still orienting himself in first-year studies at Queen's Law. While attending an event staged by the Canadian Association of Black Lawyers,

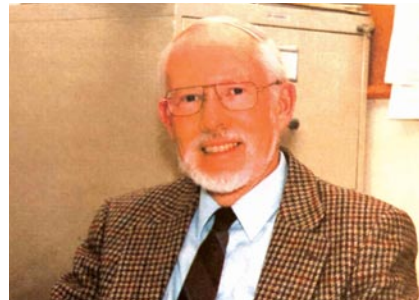
Coleman met students from other law schools who were members of the Black Law Students' Association of Canada (BLSA). Founded in 1991, this national student-run non-profit organization supports and enhances academic and professional opportunities for black law students. ▶

Remembering three acclaimed scholars and beloved teachers



Professor George Alexandrowicz, 1942-2019

George Alexandrowicz, a man Dean Mark Walters describes as being "at the heart of the Queen's Law community for 52 years," died on Dec. 4, 2019, aged 77. At Queen's, the Harvard LLM grad was a teacher, practitioner and scholar of property law, wills and trusts, and international law, for the last of which he was a Canadian government advisor and a coach of winning moot teams. He was also at the forefront of the early environmental law movement. Even after his 2012 retirement, he was known for going the extra mile to help international students and for his sly sense of humour. <https://law.queensu.ca/alexandrowicz>



Professor Gordon Bale, Law'62, 1933-2019

Gordon Bale, Law'62, died on June 26, 2019, at the age of 85. "He was a brilliant teacher and legal scholar," says Dean Mark Walters, "and the range of his research was impressive – from tax law to constitutional law to legal biography." He was also a prominent and respected member of Canada's legal history community. With an LLM from the London School of Economics, he returned to his alma mater in 1964 and for 30+ years was known here for his dry humour, friendly demeanour and great patience. <https://law.queensu.ca/bale>



Professor Nancy McCormack, Head Law Librarian, 1956-2019

Nancy McCormack, eulogized by Dean Walters as "a treasured member of our community who served with great distinction," died at the age of 56 on July 17, 2019, following a period of illness. She joined the Faculty in 2002 and had been Head Law Librarian for five years. The recipient of five degrees (BA, MA, MLIS, JD, LLM) and several awards, she taught Torts and Advanced Legal Research and published widely on legal research, Canadian legislation, statutory interpretation and law librarianship. She is missed for her pragmatic wisdom, generous spirit and wonderful sense of humour. <https://law.queensu.ca/mccormack>

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Feb. 22, 2018: Student members of the Black Law Students' Association - Queen's Chapter connected with alumni and a GTA guest at a Speed Mentoring event held in WeirFoulds LLP's Toronto office: from left – Esi Codjoe, Law'03; Frank Walwyn, Law'93, the group's host; Hogarth Clauzel, Law'93; Michael Coleman, Law'17; Cheryl Harris, Law'93; Dhaman Kissoon, Law'89; Leah Thompson, Law'17; Navin Kissoon; Stella Gore, Law'18; and Nigel Masenda, Law'20.

It also promotes interest in and awareness of the legal profession among black high school and undergraduate students and in Canada's black community generally. Hearing about the work of the BLSA set Coleman thinking.

One of the reasons he'd chosen *Queen's* was his admiration for the legacy of Jamaican-born Robert Sutherland (1830-1878), who in 1852 emerged as the university's first black graduate and three years later became British North America's first-known black lawyer.

While *Queen's* Law has made and continues to make a concerted effort to attract black students, there were only a handful at the school in 2014. Despite this, it seemed incongruous to Coleman that while the school's black students had been taking part in BLSA events for more than a decade, *Queen's* Law didn't have its own chapter. He decided it was time to change that.

"Michael approached me one afternoon and asked me if I'd help him start the *Queen's* chapter of the BLSA," recalls Leah Thompson, Law'17. "I remember thinking that we'd be starting from scratch. We soon found out that *Queen's* Law had an active network of black alumni who'd been involved in BLSA in the past and who were interested in connecting with students and supporting our group."

In that inaugural year, BLSA-*Queen's* organized some trial events and initiatives, mainly panel discussions in which black alumni took part and offered some mentorship and networking opportunities.

Paying that latter concept forward today, Thompson (now clerking with the Federal Court), like Coleman (now an associate with Fogler, Rubinoff LLP, Toronto), strongly believes that an important way to grow black representation

in the legal profession is to find ways to show black students in high school, even in elementary school, "that law is a viable career option for them," as he puts it.

At the same time, both Thompson and Coleman are enthusiastic promoters of mentoring undergraduate students and providing them with LSAT study tips and advice on how to apply to law school and succeed as students. It's partly with that goal in mind that BLSA-

"Mentorship is the greatest accomplishment of BLSA-*Queen's* because of the impact it has."

— Nigel Masenda, Law'20

Queen's extended its activities in September 2018 by forging an affiliation with *Queen's* Black Academic Society. The two groups now host gatherings where JD students mix with undergraduates, as well as with Law's LLM and PhD candidates and exchange students from the University of the West Indies.

Such initiatives have helped BLSA-*Queen's* emerge as one of the most vibrant of the national organization's 16 chapters. Initial recognition of that distinction came at BLSA-Canada's 2019 national conference. There Nigel Masenda, Law'20, 2018-19 and 2019-20 president of BLSA-*Queen's*, Tiye Traore, Law'19, and the other chapter members were singled out for praise. In addition, Masenda took home a BLSA Scholarship, and his article "Dispelling the Monolithic

Myth: The Nuances of Black Law Students" won widespread praise and publication in the BLSA magazine (blsac.com).

Despite the individual honours Masenda garnered, he says such recognition was really "a reflection of our team's hard work and the bright future of our chapter."

Though already engaging with 150 *Queen's* community members annually, a year ago chapter members began reaching out to students in other disciplines to help address the lack of black representation in professions other than law.

At the core of all this success is the teamwork of students, faculty, and a supportive group of black *Queen's* Law alumni who have been generously volunteering their time and expertise. Masenda says it's the mentorship component of those



JAY PARIS

October 10, 2017: New grads Leah Thompson and Michael Coleman, Law'17, co-founders of BLSA-*Queen's* in 2014, re-connected in person with chapter President Stella Gore, Law'18, at the first alumni reception.

engagements that is the "greatest accomplishment of BLSA-*Queen's* because of the impact it has."

Among the distinguished alumni who have stepped forward are Justice Donald McLeod, Law'95, of the Ontario Court of Justice, the first black *Queen's* Law alumnus to be called to the bench; Frank Walwyn, Law'93, of WeirFoulds LLP, one of the first black partners at a Bay Street law firm; Gerry

McNeilly, also Law'93, former director of Ontario's Office of the Independent Police Review (2008-2019); Esi Codjoe, Law'03, a lawyer with Turnpenney Milne LLP in Toronto, past Vice-Chair of the Human Rights Tribunal of Ontario (2017-2019); and many other *Queen's* Law alumni who are partners in private practice or working as solo practitioners, government lawyers, and in-house corporate counsels.

"Alumni like getting involved because they understand how challenging law school and the practice of law can be," says Coleman. "We want to share our wisdom in any way we can."

Stella Gore, Law'18, both the 2017-18 BLSA-*Queen's* President and BLSA-Canada National Chair, agrees. Gore, who's now a Corporate Associate in Osler, Hoskin & Harcourt LLP's New York office, says she also recalls the student perspective on the value of such interactions. "It's particularly important to have access to minority lawyers who share their experiences and offer mentorship and advice, especially as we navigate through law school, articling, and beyond."

Part of that "beyond" experience includes community involvement and being visible.

"I think it's important for the legal profession to reflect the diversity of the clientele it serves," Gore adds. "Improving black representation professionally starts with improving black representation in law schools, and that likely starts with improving the outreach to potential law school applicants and making sure there are ample resources available so that the process at *Queen's* isn't as isolating as it often is for visible minorities in this space."

BLSA-*Queen's*, Michael Coleman's timely grand idea, does all that. And so much more. ▶



JAY PARIS

October 10, 2017: At the first annual reception hosted by BLSA-*Queen's* for black graduates of *Queen's* Law, alumni came together from across Ontario to network with students and each other at Toronto's Society Loft. Justice Donald McLeod, Law'95, of the Ontario Court of Justice, spoke at the reception, giving life advice to any junior colleagues or students who might have come from humble beginnings. With him above: Leah Thompson, Law'17 (BLSA-*Queen's* co-founder), and Tiye Traore, Law'19 (who would become BLSA-*Queen's* Finance Executive 2018-19).



JORDANA INSANG

February 14, 2020: Nigel Masenda, Law'20, discusses career options with lawyers from Ontario and Quebec law firms at the annual BLSA-Canada conference in Quebec City.

Meet four future black leaders of the legal profession



Michael Coleman, Law’17

Associate, Fogler, Rubinoff LLP, Toronto; Co-founder and President, BLSA-Queen’s (2014-17)

Law career motivator:
My grade 12 law teacher shared positive lawyer stories and I developed a strong sense that I wanted a legal career – something no one else in my family had ever accomplished. My Jamaican parents came to Canada in the early 1980s, worked hard for better lives and always encouraged me.

Why Queen’s Law?
I found Robert Sutherland’s story particularly inspiring. Also, the students support each other and the professors are passionate about their subjects. They challenge you intellectually while encouraging you to think, question, and consider all sides of an issue. That stayed with me; that’s what I try to do in my practice.

BLSA empowerment:
Before Queen’s, I did not know any black lawyers. This immediately changed when BLSA put me in direct contact with black alumni who were thriving in their practice areas. Many took a genuine interest in me and provided me with practical tips on how to study, prepare for 1L exams and navigate the 2L Toronto recruitment process. They were always willing to share their journeys and struggles. Such strong relationships inspired me to embrace, not avoid, the challenges of law school and practice.

Continuing BLSA-Queen’s involvement:
I check in with each current president to see how things are going and how I might assist. I know the importance of giving back to the communities and organizations that helped us the most, regardless of how busy we are.



Leah Thompson, Law’17

Judicial Law Clerk, Federal Court of Canada, Ottawa (2019-20); Legal Intern, Chambers, Office of the President, International Criminal Tribunal for the former Yugoslavia, The Hague, Netherlands (Summer 2016); Co-founder and member, BLSA-Queen’s (2014-17)

Law career motivator:
Growing up, I didn’t know any lawyers. I met a lawyer for the first time when I was paired with one in an undergraduate mentorship program. Before then, all I knew was that lawyers helped people, and I wanted to have a career that helped people.

Why Queen’s Law?
I am interested in International Law, and the Global Law Programs at the Castle made Queen’s stand out from other Ontario schools. I had also heard great things about Queen’s collegial atmosphere and the engaged alumni network. Having attended a larger university before law school, I wanted the opportunity to make connections and know my professors better.

BLSA empowerment:
Working with BLSA-Queen’s provided me with valuable mentorship. Some law students feel pressure to enter certain practice areas, but don’t know what career options we’ll have. BLSA connected me to a network of alumni who were generous with their time and candid about their experience after graduation. I was so impressed at their willingness to answer my questions and put me in contact with other lawyers.

Continuing BLSA involvement:
There is an active, enthusiastic group of black Queen’s Law alumni now, and connecting us with prospective black law students would help more of them see themselves at Queen’s.

These recent grads – founders and first leaders of Queen’s Chapter of the Black Law Students’ Association of Canada – are now making their mark in law firms and courts.



Stella Gore, Law’18

Corporate Associate, Osler, Hoskin & Harcourt LLP, New York City; National Chair, BLSA-Canada, and President, BLSA-Queen’s (2017-18)

Law career motivator:
I started exploring a law career during undergrad. Born in Sudan and raised in a family where economic development and politics dominate dinner table conversation, I quickly learned that lawyers played valuable roles in the developing world, working to develop fundamental laws around land reform, corruption and resource development, and also breaking down Africa’s antiquated and ill-advised remnants of colonial life. I was drawn to law as a result.

Why Queen’s Law?
It’s such a great school! It has a great breadth of program offerings, great faculty, and a reputation for excellence and collegiality. I really wanted to be in a place where I could get a great education no matter what I ended up doing with my law degree.

BLSA empowerment:
Being part of BLSA-Queen’s and being National Chair of BLSA-Canada really gave me an opportunity to meet brilliant lawyers and students across Canada and the U.S. I’ve been able to lean into this network for mentorship, support and camaraderie throughout my articles in Calgary, and even now during my placement in New York. BLSA was, without question, an important piece of my law school journey.

Current BLSA-Queen’s involvement:
Whether it’s supporting students preparing for OCIs (on-campus interviews), reviewing application materials, sharing experiences about classes, articling, and life in general, I always want to be available. BLSA-Queen’s is a lifetime membership.



Nigel Masenda, Law’20

Articling Student, Stikeman Elliott LLP, Toronto (2020-21); President, BLSA-Queen’s (2018-19 and 2019-20); BLSA Scholarship Recipient (2019)

Law career motivator:
At an early age, my parents instilled in my siblings and me the importance of pursuing a career that would test our cognitive bandwidth and never being complacent. Law rewards hard work. It’s tough to be complacent and successful.

Why Queen’s Law?
Queen’s has a strong national reputation for producing talented graduates. I wanted an environment where I would learn from both leading practitioners and my peers. Also, Queen’s alumni are fantastic. The sense of pride for being a Queen’s grad manifests itself in a great way, with alumni willing to give back consistently and be mentors students can reach out to.

BLSA empowerment:
It has prepared me in many practical ways, mainly through time management. Organizing events and working around equally busy staff and student schedules is a heavy undertaking. Coupled with academic and other club commitments, life can get busy, but it taught me how to work with different personalities and individuals from different professions.

Future BLSA-Queen’s involvement:
I plan to continue mentoring and helping facilitate the continued growth of the black QL community. Mentorship and alumni support are important. They provide students with a unique perspective, reminding them that though all our experiences are, to a degree, unique, we’ve all been there and appreciate the challenges.

Compromise, consensus, and conflict resolution

For political history-maker Yolande James, Law’03, it’s all about listening and understanding

BY KEN CUTHBERTSON, LAW’83

The great Scottish writer Robert Louis Stevenson advised that “Compromise is ... the best lawyer.” If ever there was a member of the legal profession who subscribes to that sage approach to the law, it’s Yolande James, Law’03, a Montreal-based lawyer, mediator, moderator, and former high-profile politician turned political commentator.

James has made conflict resolution, compromise and consensus building the focal points of a hugely successful career as a solo practitioner. Her abilities in her areas of specialization come naturally. “They’re in my blood,” she says.

The younger of two daughters born to Caribbean-immigrant parents, James grew up in the West Island area of Montreal. There were no lawyers in her family; however, she was a gifted student who decided early on that she wanted a career in law or public service.

“From the time I was a girl, I enjoyed defending a point of view and had a knack for it,” she recalls. “I also had a passion for problem solving and resolving conflicts.”

With that in mind, she involved herself in politics in the wake of the October 1995 Quebec referendum. She was too young by 20 days to cast a ballot in that vote, but she joined the Liberal Party’s Youth Commission, began volunteering for part-time work in the constituency office of MNA Russell Williams, and soon enrolled in the Université de Montréal’s civil law program.

“Listening and understanding what others are saying before you speak... is crucial, whether you’re engaged in mediation matters or politics.”

“After earning my civil law degree, I took advantage of an exchange initiative that enabled me to attend Queen’s Law for a year to complete a common law degree. I loved everything about that experience – the academics, the faculty, my classmates – loved it!” says James.

“I’m bilingual, but coming to Kingston was a big change for me that broadened my horizons. There weren’t many black students at Queen’s Law at that time, but I got along very well. I’m delighted that the school is now making a concerted effort to recruit black students and to make them feel at home when they get there.

“During my year at Queen’s Law, I learned the value of listening and understanding what others are saying before you speak. That may sound easy, but it’s not, and it’s crucial, whether you’re engaged in mediation matters or politics.”

After her 2004 call to the Quebec Bar, James worked as a political adviser in the provincial Ministry of

Health and Social Services. While doing so, she caught the eye of then-Liberal Premier Jean Charest. “He called and asked me to seek the nomination for a byelection in Nelligan riding (where Williams had retired). I was reluctant to do so, but the premier was very persuasive,” she says.

Once she had secured that Liberal nomination in Nelligan, she won the September 2004 byelection, followed by re-election in 2007, 2008 and 2012. James ended her decade-long career in provincial politics in 2014 at the ripe old age of 37. And what a career it was!

She was the first black woman ever elected to the Quebec National Assembly, and in 2007 she became the youngest woman (29) ever to serve in the provincial cabinet, when she accepted Charest’s invitation to serve as Minister of Immigration and Cultural Communities.

In 2017, James considered running for a seat in Parliament, but that didn’t work out. Now she devotes herself to her legal career, but also works as a political commentator (on both CBC television and francophone Radio Canada), is engaged in her community (working in palliative care and striving to promote access to justice), and is raising her busy seven-year-old son.

“I don’t have a crystal ball that will tell me the future, but mediation and conflict resolution are focal points of my work these days,” says James. “I couldn’t be happier.”

QLR

Yolande James, Law’03, who became the first black woman elected to the Quebec National Assembly in 2004, and the youngest woman to serve in the provincial cabinet in 2007, now uses her special skills as a mediator, moderator and speaker.



Wanted: Safe haven for more – and soon

Legal experts call for action on the global refugee crisis

BY MARK WITTEN

While the 6.7 million refugees who've fled the ongoing civil war in Syria have dominated headlines for years, even greater numbers facing dire circumstances elsewhere have been displaced from their homelands. They have fled across borders, even continents, to escape brutal conflict in South Sudan and Yemen, war and drought in Somalia, decades of insurgency in Afghanistan, and genocidal persecution in Myanmar. More than even the tragic destruction of homes and families and the ruination of social order, culture and amenities, they face famine, farm-killing drought and pestilence, plus climate change's other natural disasters, increasing in frequency and intensity. They also face inhumanity and hatred from growing numbers of populist governments.

Despite its relatively small population, Canada took in over 30 per cent of the 92,400 refugees resettled globally in 2018, leading the world by resettling 28,100 refugees (latest data from the United Nations High Commission for Refugees, UNHCR),

and resettling a projected 29,950 refugees in 2019 (according to Immigration, Refugees and Citizenship Canada). This country has continued welcoming even more refugees at a time when total global resettlement is declining significantly. Most importantly, however, Canada aims to resettle refugees in ways that provide lasting solutions – helping them integrate so that they can build new and better lives in a permanent home and become valued contributors to the country's economy and cultural diversity.

That's not to say there are no areas needing improvement: access to justice for refugee claimants, for example, fair pathways for admission, and either reform or abolition of current detention policies and practices. Since history has proven the benefits of refugees to their new home countries, it will be a win-win situation for Canada to meet these challenges and implement viable, just solutions for more refugees and other vulnerable migrants seeking a better and safer life in this country. ►



5 Five experts, five viewpoints for Queen's Law Reports



Professor Sharry Aiken, immigration and refugee law expert; Academic Director, Queen's new Graduate Diploma in Immigration and Citizenship Law; Co-Editor-in-Chief, *Global Justice Journal*; past President, Canadian Council for Refugees; former Editor-in-Chief, *Refuge*



Tina Gougoushvili, Law'19, Student-at-Law, Immigration and Refugee Board of Canada; Summer 2018 Legal Intern, United Nations Relief and Works Agency for Palestine Refugees (Department of Legal Affairs), Jerusalem



Heather Segal, Law '94, founder and Senior Immigration Lawyer, Segal Immigration Law, Toronto; recognized by *Who's Who International* as one of the world's leading practitioners in corporate immigration law; Director, American Immigration Lawyers Association; pro bono legal service provider, Talent Beyond Boundaries



Professor Colin Grey, immigration law and legal philosophy expert; Course Developer, Graduate Diploma in Immigration and Citizenship Law; former Legal Advisor to the Immigration and Refugee Board of Canada; author, *Justice and Authority in Immigration Law*



Professor Ardi Imseis, public international law specialist; Member, Group of Eminent International and Regional Experts on Yemen; former United Nations official (United Nations Relief and Works Agency for Palestine Refugees, and United Nations High Commissioner for Refugees)

Canada's approach to integration works

In 2018, this country not only set a record for refugee intake, but also had the world's second-highest number of refugees (about 18,000) who became citizens, a higher proportion than other immigrants. **Professor Sharry Aiken**, Academic Director of Queen's new Graduate Diploma in Immigration and Citizenship Law and co-author of Canada's leading immigration law casebook, emphasizes that despite the doubters, refugees' long-term contributions outweigh the immediate benefits they receive. "Our refugee resettlement program benefits Canada substantially and isn't a net drain on our economy. Refugees make a net contribution, like other immigrants. It may take them longer, but by the second generation, refugees outperform native-born Canadians in the long term."

More than a million refugees have settled in Canada since 1980. Most come with few, if any, financial resources and often must learn a new language and adapt to a new culture. Despite these challenges, refugees not only benefit from the safety Canada gives them, but also embrace the opportunity. A recent UNHCR report found that, over time, refugees who come to Canada contribute more in income tax than they receive in public benefits and services, while half of those working are in high-skilled jobs, including doctors, dentists, architects and software engineers.

Tina Gougoushvili, Law'19, an articling student with the Immigration and Refugee Board of Canada (IRB), believes resettlement works best when the host country truly welcomes refugees. "What I love about Canada's immigration system is that we do resettlements well," she says. "Many other countries host people but don't give a durable solution. They have refugee camps, but don't allow people to thrive and grow. We say, 'Come here to stay, come here to thrive, come here for a permanent fix to your problem.'"

"Despite the doubters, refugees' long-term contributions outweigh the immediate benefits they receive."

— **Professor Sharry Aiken**



Expand resettlement through complementary solutions

While Canada has shown leadership in resettling refugees, a number of key policy reforms and initiatives could be taken to increase migration opportunities, respect the rights of all vulnerable migrants seeking refuge here, and improve their access to justice. Aiken maintains Canada should accept more refugees on both humanitarian and economic grounds. "Although Canada is a world leader in resettling refugees, they represented less than nine per cent of Canada's total immigration in 2019. About 30,000 of 341,000-plus admissions is a very small number indeed," she points out. "We could do more by expanding our refugee resettlement program and admitting a larger percentage of refugees as part of our overall immigration intake. The pigeon-holing of refugees on humanitarian grounds alone isn't sensible."

Heather Segal, Law '94, founding partner of Segal Immigration Law in Toronto, is helping refugees settle in Canada through an alternative pathway combining humanitarian and economic grounds. She provides services pro bono to Talent Beyond Boundaries (TBB), an NGO based in Washington, D.C., that connects skilled refugees with international job opportunities, providing a solution complementing traditional settlement. Currently, employers in Canada and Australia can connect with over 10,000 refugees living in Jordan and Lebanon by searching and reading resumes on TBB's online talent catalogue.

Businesses unable to find citizens or permanent residents to fill specific positions can connect with TBB to find eligible candidates. Many refugees have skills in engineering, trades, accounting and healthcare, and those skills are going unused. "If employers looking through the resumes see somebody with the right skills, they can do a Skype interview and make a job offer," Segal explains. Her follow-up pro bono work for TBB then includes immigration applications and legal services to those candidates.

"There are so many refugees to help, and Talent Beyond Boundaries provides a common-sense approach that meets economic, labour mobility and humanitarian objectives."

— **Heather Segal, Law'94**

The federal government is assessing outcomes of this innovative pilot program under its Economic Mobility Pathways Project. It opens a complementary pathway for talented people like Mohammed Hakmi, a Syrian refugee in Lebanon, who Segal helped bring to Canada through TBB to work for Bonfire Interactive, a Canadian tech company in need of his skilled software development skills.

"Because the employers are sponsoring them," Segal says, "the Canadian government makes an accommodation for refugees who've lost documents such as valid passports or educational diplomas but would otherwise be qualified." Segal is impressed with how TBB, employers, and governments are working together on a solution that benefits refugees, firms, and the Canadian economy. "It's a win-win-win," she says, also noting the keen interest shown by provincial nominees programs in Manitoba, the Atlantic provinces and the Yukon. "There are so many refugees to help, and this is a common-sense approach that meets economic, labour mobility and humanitarian objectives. These refugees enter Canada and pay taxes right away."

"Maybe we need to stop putting limits on the numbers of refugees we accept and just increase them by admitting more to meet our labour mobility and skill needs." ▶



Reopen Source Country pathways; combat human smuggling

Aiken recommends that Ottawa remove a hurdle that makes it harder and more hazardous for refugees from dangerous countries to find asylum here. In 2011, the Harper Conservatives eliminated the Source Country Class that had allowed residents of designated countries to apply directly to Canada for refugee status from inside those countries. Refugees desperate to flee then began trusting their lives, money, and children to human smugglers, often with tragic consequences.

“Canada is required by international law to honour the right of asylum,” says Aiken, past president of the Canadian Council for Refugees and former editor-in-chief of *Refuge*, “but that policy change made it extremely difficult for self-declared refugees to enter Canada. People can’t get visas to travel here from inside their own country if Canadian visa officers suspect they are planning to make a refugee claim.” Aiken’s remedy? “Resurrect the source country class as a legal channel for refugees to obtain a Canadian permanent resident visa. Our consulates should be offering services for refugees from inside their country to support an orderly migration and as a bulwark against human smuggling.”

“Our consulates should be offering services for refugees from inside their country to support an orderly migration and as a bulwark against human smuggling.”

— Professor Sharry Aiken

Just solutions for the IRB’s rising tide of asylum seekers

In addition to resettling an estimated 30,000 refugees through government and private sponsorship programs in 2019, Canada received refugee claims from about 58,400 migrants. Unlike resettled refugees, people seeking asylum based on well-founded fears of persecution (for reasons of race, religion, nationality, membership in a particular social group or political opinion) make a refugee claim in Canada either at an official port of entry or an inland office. In 2019, the auditor general found asylum seekers were waiting an average of two years for a decision on their refugee claims.

Although the 2019 federal budget promised some \$1.18 billion over five years to strengthen border security and speed up asylum claims processing, it included an amendment to the *Immigration and Refugee Protection Act* that prevents people who had previously made an asylum claim in other “safe” countries – the U.S., the U.K., Australia and New Zealand – from having a full refugee status determination hearing in Canada.

“That makes it a lot more difficult for asylum seekers to make their claim in Canada and precludes some who are genuine refugees from having an oral hearing on the merits of their case,” says Aiken. “Their right to an IRB hearing should be restored.”

Rescind the Canada-U.S. pact on safe third countries; bad law, bad policy

Under the Canada-U.S. Safe Third Country Agreement (STCA), which came into effect in 2004, refugees must request protection in the first safe country they arrive in. The agreement allows Canada to send asylum-seekers back to the U.S. if they come to the border, but it only applies at official ports-of-entry and not when they cross the border “irregularly” to avoid official border checkpoints.

Aiken contends the STCA is “bad law and bad policy” that doesn’t work because it encourages asylum-seekers to cross the border illegally so they won’t automatically be turned back but may instead have a chance of being granted asylum in Canada. She assisted the Canadian Council for Refugees and other advocacy groups in a Federal Court hearing in Toronto in November 2019, arguing that the SCTA is both unlawful and unconstitutional. Canada should allow asylum claimants to seek protection at all official land border crossings, the legal team argued, because the U.S. under President Trump is no longer a safe country for refugees and does not live up to its obligations under the UN Refugee Convention. The Court has not yet issued a decision.

Meanwhile, the U.S. is not meeting even the bare minimum in terms of its asylum obligations, Aiken says, and on March 20, in light of the COVID-19 pandemic, the federal government slammed the border shut on asylum-seekers crossing the Canada-U.S. border to file refugee claims. “All factors considered, it’s time for Canada to suspend the SCTA,” she concludes. “People seeking asylum should be able to make refugee claims at regular ports-of-entry. The government should then adjust funding and staffing to give the IRB the capability to review and process claims in a timely way.”

Aiken endorses the position of the Canadian Association of Refugee Lawyers, which calls on the government to respect the rights of refugees by following its earlier plan of ensuring safe housing and quarantine for refugees crossing into Canada during the pandemic.

Support and broaden UNRWA’s mandate

The UN Relief and Works Agency (UNRWA) has a mandate to provide education, health, and relief and social services to Palestine refugees in Jordan, Lebanon, Syria and the occupied Palestinian territory. It was established in 1949 when between 750,000 and 900,000 Palestinians became refugees during the 1948 Arab-Israeli war. Deprived of a durable solution to their plight, their number has multiplied to some 5.5 million persons, making them the single largest and most prolonged group of refugees in the world.

Professor Ardi Imseis, a specialist in international law, served with UNRWA in senior legal and policy capacities for 12 years. He’s highly critical of the 2018 U.S. decision to withdraw funding from the agency. “UNRWA is a source of stability in the Middle East,” he says, “and since the U.S. was the single largest donor, the agency’s viability is threatened in unprecedented ways.” It is vital that Canada increase its annual contributions to UNRWA. “Not only would this be in keeping with our long-standing commitment to international refugee protection,” he explains, “but it would also help fill the gap left by the Trump administration’s attack on the rules-based multilateral order,” of which the defunding of UNRWA is but one part.

“UNRWA is a source of stability in the Middle East, and since the U.S. pulled out the agency’s viability is threatened in unprecedented ways.”

— Professor Ardi Imseis

While rectifying UNRWA’s funding shortfall is vital, Imseis believes two shortcomings of the agency also need to be addressed by its governing body, the UN General Assembly.

The first is the ongoing gender-based discrimination practised by UNRWA through its rules governing eligibility for registration as a Palestine refugee. Under these rules, if a female refugee marries a non-refugee male, their descendants are deprived of the right to be registered as refugees. “But for this discrimination, hundreds of thousands more needy people would qualify as Palestine refugees,” he says. “Because the UN holds itself out as the standard-bearer of the international rule of law, this anomaly must be addressed.”

Second, the agency lacks a mandate to find a durable solution for Palestine refugees in line with international law and best practice. Imseis maintains that some 70 years after the 1948 war, the General Assembly must summon the requisite political will to broaden the agency’s mandate. “If UNRWA was vested with the mandate to pursue a durable solution,” he argues, “that would help lay the ground for the full realization of Palestine refugee rights.” ►



Addressing root causes and pursuing progressive foreign policies

The prolonged plight of Palestine refugees highlights the perils of failing to address root causes of refugee crises and finding lasting solutions when they arise. Imseis’ 2019 appointment by the UN High Commissioner for Human Rights to the Group of Eminent International and Regional Experts on Yemen – a UN commission of inquiry mandated to investigate human rights violations in the five-year civil war ravaging that country – has underscored this. “The Yemen war has produced over 3.6 million displaced persons and over 260,000 refugees.” The best resolution to these global problems “is for states to ensure they are not created in the first place,” says Imseis.

This means “pursuing foreign policies that are mindful of the necessary humanitarian consequences of war and conflict and the need to ensure progressive, justice-oriented foreign policies instead.” For example, despite domestic benefits to foreign trade in arms, oftentimes such trade only helps fuel refugee-producing conflicts. “At the same time, where refugee problems do emerge, states must do everything they can to ensure they do not become prolonged,” says Imseis. “The longer they continue, the more difficult they will be to resolve.” He agrees strongly with Aiken that Canada should view refugees not with suspicion but as a tremendous resource and opportunity to grow this country.

So does Tina Gougoushili. As a summer legal intern for UNRWA in East Jerusalem in 2018, she saw firsthand how vital the agency’s role is in providing humanitarian services. “What UNRWA can provide now are basic services; people can just survive, not thrive, and it’s impossible to do even that work without substantial funding.”

She found it gratifying to work on agency policies to prevent sexual harassment and abuse of employees, predominantly Palestine refugees. “Every single workplace needs these kinds of policies, and certainly the UN does as an advocate for so many marginalized people with no access to legal services,” she says.



Time to reform or abolish migrant detention

Canada annually detains between 8,000 and 9,000 asylum seekers and other migrants in three immigration holding centres that spill over into provincial prisons. Since 2000, at least 16 migrants, some mentally ill, have died or killed themselves while incarcerated. Under the *Immigration and Refugee Protection Act* (IRPA), migrants can be detained on various administrative grounds to wait till an irregularity in their status is resolved. Although the majority of detainees are released within 48 hours, a minority are held for more than 40 days and may be incarcerated indefinitely, some for years. As Sharry Aiken’s research shows, most migrant detainees have never been charged with a crime in their life, “and no one deserves such a deprivation of their rights to justice on a preventive basis,” she says.

Arbitrary, indefinite detention can inflict lasting psychological, physical and social harm to already vulnerable people, and inadequate legal aid and access to counsel compound the problems associated with detaining immigrants, whose rights are subordinate to those of citizens.

Amid the COVID-19 crisis, Aiken says there is a special urgency to release migrant detainees, unless they pose a danger to the public. “Calls are growing across the country to implement more liberal release policies effective immediately for people in preventive immigration detention. Conditions in these facilities are not suitable for social distancing and have limited to no ability to implement quarantines should detainees test COVID-19 positive.”

Aiken and her activist/scholar collaborators have launched a dialogue that tackles the roots of the problem and proposes ending migrant detention globally, considering the challenges of migrant mobility in the decades ahead. “It’s a radical idea,” she allows. “We’re not thinking about reforming the current immigration detention system; we’re saying the state should not resort to it for asylum seekers and other migrants.”

Aiken, Stephanie J. Silverman (York refugee expert), and Lisa Guenther (Queen’s Philosophy & Cultural Studies) convened the SSHRC-funded workshop “De-Carceral Futures: Bridging Prison and Immigration” at Queen’s in May 2019. It challenged the presumption that migrants pose security or flight risks and should be preventively detained and also proposed that successful migration governance can take place in a more sustainable manner without detention. Their research suggests some humane and effective non-custodial alternatives to detention, including (a) basing quality support and services on the migrants’ individual needs, so their cases can be resolved in the community and (b) refugee shelters with highly trained staff to guide migrants through their court procedures.

In a post-workshop knowledge mobilization project, students are working with scholars to translate some of the presentations into everyday language. “We can have a real impact on this issue by disseminating ideas to a broader audience,” says Aiken. She is also co-editing a special issue of the *Citizenship Studies* journal featuring scholarly papers that examine the abolition of migrant detention as a practical rather than utopian solution.

“When some refugee adjudicators sustain 100 per cent rejection rates without facing rebuke on judicial review, it undermines trust in the system.”

— Professor Colin Grey

Expand resettlement with an egalitarian lens

Professor Colin Grey, course developer for the Graduate Diploma in Immigration and Citizenship Law, emphasizes that the global refugee crisis isn’t a short-term problem but a long-term issue calling for viable, sustainable and just solutions. Looking at Canada’s total immigration intake of about 340,000 people in 2019, he points to “an unfair and disproportionate emphasis” on admitting more well-off people, which means greater disadvantage for more vulnerable refugee migrants.

His book *Justice and Authority in Immigration Law* argues that justice requires states to give priority of admission to the most disadvantaged migrants and avoid policies of admission and exclusion that can only be implemented through unjust means. “Briefly put, if immigration law and policies are supposed to be authoritative, they must try to be just,” Grey says. “Canada needs to radically re-orient its admissions policies to strike a better balance between those who are economically advantaged and those who are worst off: refugees. And it must be considered within realistic economic and political constraints. For expansion to be viable, the program needs to ensure resettled refugees can work, pursue a livelihood independently, and integrate into Canadian society.”

Minimize refugee law’s corruptions

Grey also proposes some practical solutions to help ensure that refugee law and policies aren’t applied and administered in unjust ways. In an article he published in the *Canadian Journal of Law & Jurisprudence*, “Refugee Law and Its Corruptions,” he cites studies showing that refugees’ success or failure depends to a troubling degree on the decision-maker. “When some refugee adjudicators sustain 100 per cent rejection rates without facing rebuke on judicial review, it undermines trust in the system.”

Grey also points out that some adjudicators’ tendency to consciously or unconsciously look upon poorer people as inferiors and not worthy of consideration – and to view migration from the developing to the developed world to claim refugee status as somehow illegitimate – corrupts judgements and influences acceptance rates. For more just and trustworthy application of refugee law, he proposes three remedies: training to sensitize adjudicators to these forms of bias, guidelines to address such biases, and more proactive judicial review of adjudicators. “If people become aware of their biases,” Grey says, “they can seek to suppress them.”



So can the challenges be met?

Canada is a global leader in resettling refugees, not just by numbers, but most importantly and meaningfully in welcoming and supporting newcomers fleeing persecution, civil war and other dangers, while also supporting their successful integration into Canadian society, local communities, diverse cultures and economy.

One of this country’s major post-pandemic challenges will be to step up and show continued leadership in pursuing and providing viable, sustainable solutions for refugees and other migrants. While Canada almost certainly won’t be able to meet its 2020 resettlement targets due to COVID-19’s indefinite travel restrictions, it’s important for the federal government to maintain, renew and increase its commitment to high levels of immigration and greater openness towards vulnerable migrants in the years to come.

Canada can also lead by acting on the reforms outlined above. Reopen source country pathways; boost UNRWA; rescind the STCA; increase refugees’ access to justice and human rights; and reform or abolish immigration detention centres.

“Detaining people for years is coercive injustice against already disadvantaged people,” says Grey. The most vulnerable migrants are often at the greatest disadvantage in pursuing a future here, he adds. “Often they have no legal representation or are victims of bogus ‘experts.’” That’s why he’s engaged in improved training for consultants and other refugee representatives.

The innovative, highly practical Graduate Diploma in Immigration and Citizenship Law program, to be launched in 2021, will raise the quality of training for prospective immigration and citizenship consultants.

The five experts who weighed in on this *QLR* overview agree that Canada’s policies on immigration and refugees should continue to be guided by hope, confidence and resilience rather than fear. From her IRB and UNWRA experience, Tina Gougoushili says, “Canada represents the gold standard in terms of refugee resettlement systems in the world today. It’s an approach that needs to be taken globally. Human rights should be respected in any circumstances, especially for the most vulnerable populations during and after a pandemic. We all need to take care of each other.”

QLR



SAVA MILOSAVLJEVIC

Solving complex technology law questions by going back to basics

Kirsten Thompson, Law'98, works to untangle the legal questions around clients' application of emerging technologies

BY PHIL GAUDREAU

For Kirsten Thompson, work every day involves tackling new questions – ones she may not necessarily have an answer to right away. “But whenever the answer does come, it’s a high point of the day,” she says.

Thompson is Dentons’ National Lead of Transformative Technologies and Data Strategy Group, working out of Toronto. Her practice, which blends advocacy and advising, focuses on emerging issues like cyber security, data privacy, digital strategy and fintech.

While you might think working with innovative technologies requires only innovative legal solutions, for Thompson it turns out that solving legal challenges in these fields involves going back to basics.

“All the stuff I didn’t like in first-year law is now serving me well,” she says. “I find myself going back to first principles and asking myself, how should I think about this issue? How shall I frame the analysis and make a compelling argument?”

Naturally, this also involves a lot of reading – more than when she was a student, in fact. However, Thompson notes it’s not case law she’s reading but rather news, opinions, and studies on how to think about and understand new technologies.

Thompson wasn’t always focused on law as a career. She began in journalism before taking an interest in science. While studying for her biochemistry degree, she met some law students and came to perceive a law degree as a means of advancing

what are referred to today as LGBTQ issues. While she may not have stuck with that focus as she got out into the field, she sees the commonalities between the gay rights issues of the day and her current focus on privacy and data.

“Information is power, and it is valuable,” she explains. “During my student years, the focus of the gay rights movement was on the AIDS crisis, and whether or not to come out as gay. Being outed had consequences, and so information, the treatment of confidential information, and privacy became of interest to me.

“Data-related issues do not respect borders or boundaries, so you need a global platform like Dentons’ to tackle them.”

Thompson worked for several firms before joining Dentons in 2018 to head up its newly formed tech and data strategy group. She was attracted to the firm because of its global reach and resourcing.

“Data-related issues do not respect borders or boundaries, so you need a global platform to tackle them,” she notes.

At Dentons, that global platform has led her into projects across 30 jurisdictions. Sometimes, the calls from clients are about responding to

incidents such as identity breaches or ransomware attacks, while other times clients want to understand the regulatory risks with emerging technologies such as facial recognition or blockchain.

“In some fields, this involves mergers or acquisitions. One company might have expertise in, say, making cars, but no experience in how to handle data, and the other might be a service company that can help with autonomous driving or other technologies,” she says.

Another aspect Thompson enjoys about working for Dentons is its collaborative and innovative approach to work. Dentons’ use of technology to change how it delivers its services, for instance, allows her the flexibility to better serve her clients.

“My work begins with a conversation with the client where we identify pain points, scope the project, and set a timeline and deliverables,” she explains. “It offers the client cost certainty, and, because we offer project management support, they don’t exhaust their internal resources. It’s a very different way of delivering law.”

As her practice continues to evolve, Thompson anticipates an increasing focus on helping businesses adapt to the use of technology and greater consideration of the competitive elements of data.

“My career will follow the tech,” she says simply.

QLR

Kirsten Thompson, Law'98, may work out of Dentons LLP's Toronto office, but as National Lead of the global firm's Transformative Technologies and Data Strategy Group, her work extends across 30 jurisdictions around the world.

Keeping the internet safe as you search

From Singapore, Scott Palmer, Law'07, manages a Google ecosystem responsible for protecting global users from harm

BY PHIL GAUDREAU

When you search for information on Google or YouTube, you often find plenty of helpful listings. This is thanks to the many people and organizations producing relevant information on the internet and to Google's algorithms to help you sort through the web to find what you're looking for.

But someone must also review the content being created and posted to the internet to make sure it is not harmful, especially during pandemics or other crises.

That "someone" is a 1,200-person-strong unit within Google that works alongside an extended workforce of 10,000 personnel using various technological tools. This additional workforce is supplied by a number of vendors worldwide, each with their own Google contract. Managing these contracts is Scott Palmer, Law'07.

Palmer first became a Googler in 2016, working on sales contracts for its cloud services. Last year, he transitioned to his new role as Partnerships Manager within the Trust and Safety division.

Among its many internet-related products and services, Google offers nine products that each have a billion or more users. Unfortunately, some bad actors misuse those products in ways that range from violating Google's terms of service to outright illegal activity – everything from simple spam to payment fraud, disinformation, counterfeit products, child sexual abuse material, violent extremism, and hate and harassment.

Palmer's role is to manage relationships with the vendors around the world who help keep Google's platforms safe for users.

"The work we do is very important," he says. "We're trying to safeguard users and ensure that YouTube, Gmail, Google Search, the Play Store, and all of our products are free from such abuses as malware, spam, scams and illegal activity. It's a big responsibility, and it is one of those jobs where you can really appreciate your purpose, even within a big company."

Since joining Google, Palmer has been based out of Singapore. Prior to his move to Asia, he worked in Australia and spent over seven years in London, U.K. He credits his

time at Queen's for opening his eyes to the opportunity to work abroad.

"During my studies, I completed an exchange semester in Australia, a semester at the Bader International Study Centre in England (the "Castle"), and an internship in South Africa," he says. "Queen's Law taught me that it's possible to fold your passion for travel into your work and life plans. I am still grateful for that."

"We're trying to safeguard users and ensure that YouTube, Gmail, Google Search, the Play Store, and all of our products are free from such abuses as malware, spam, scams and illegal activity."

It was also at Queen's where Palmer first fell in love with law. He originally applied to law school somewhat on a whim, not having a strong familiarity with case law or other core concepts at the time. He says getting out into industry and seeing the law working in the real world has only grown his appreciation.

"I now find law so fascinating, and it all makes a little more sense now that I work in it," he says. "I am considering going back for graduate studies in the future."

For now, however, Palmer won't be leaving Google. While the work is demanding, he says the rewarding results and the supportive environment make it all worth it.

"I am one of the culture champions in the office, so I tell new joiners and longtime Googlers alike that the culture and unique environment we have doesn't come from beanbag chairs or LEGO walls; it comes from each one of us contributing positively," he says. "It's the people and their attitudes that make it a great place to work. I'm grateful every day for the opportunity."

QLR

From Singapore, Scott Palmer, Law'07, manages Google's partnerships with vendors around the world who help keep the multi-national tech giant's platforms safe for its two billion users.

Professional and personal news of Queen's Law graduates



Law'69 classmates were welcomed into the Queen's University Tricolour Guard as they celebrated their 50th anniversary reunion in Kingston, September 13-15, 2019. Among other homecoming highlights, the returning 25 members gathered for a gala dinner at the Delta Waterfront Hotel in Kingston.

Queen's LAW REPORTS 2021

We'd love to hear your professional or personal news!

Please send it with a high-resolution digital photo to editor Lisa Graham, grahaml@queensu.ca for publication in the 2021 issue of *Queen's Law Reports*.

1961

W.A. (Tony) Kelly, Law'61 (Com'58), the gold medalist of his law class, died in his 82nd year at Toronto's Sunnybrook Hospital on June 27, 2018. After practising with Fasken & Calvin for many years, in 1993 he co-founded the litigation boutique firm, Kelly Affleck Greene, where he continued to practise until 2003. Tony is survived by his spouse, Dana; children Stephanie, Graeme and Wendy; and extended family.

1967



Hugh Landerkin, QC, Law'67, died Sept. 23, 2019, in North Saanich, B.C. Hugh was a respected practitioner of family law, judge of the Provincial Court of Alberta, and teacher. An accredited arbitrator and a trained mediator, he

was an advocate of Alternative Dispute Resolution. He was a pioneer in the creation

of Judicial Dispute Resolution, which enables trained judges to work with parties before, and often in lieu of, a trial. Later he worked in academia: Royal Roads University's Peace and Conflict Studies Division and the University of Victoria Law School. Hugh received a number of accolades for his work in non-adversarial justice, including the Alberta Centennial Medal and the Queen Elizabeth II Golden Jubilee Medal. In 2012, Hugh established at Queen's The Honourable Judge Hugh F. Landerkin, QC, Faculty of Law Conference and Travel Support Fund. The endowment provides support for full-time faculty to attend a learned conference that will enhance their teaching ability in their preferred area of teaching law.

1968

Brian Boyle, Law'68 (Arts'65), died at the age of 77 in Ottawa on August 25, 2019. With his brother, Robert Boyle, Law'64, he founded and practised with Boyle & Boyle. Other survivors include his sons, Michael and Brendan, grandchildren Ella and Evan,

and sister Elaine Seeley.

David Tilson, QC, Law'68, retired from



federal politics in October 2019, having served as the Member of Parliament for the Ontario riding of Dufferin Caledon for 15 years. He chose not to run in the last federal election and has rejoined the law firm of Tilson and Birchall

in Orangeville, Ont., as Counsel.

1969

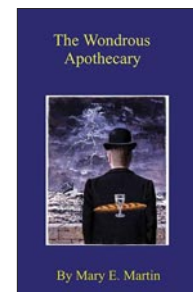
Lorne Barsky, QC, Law'69, a real estate lawyer with Racioppo Zuber Coetzee Dionne LLP in Mississauga, Ont., died on April 11. Previously, he was a senior partner with Pallett Valo LLP and a past director of both the Peel and York County law associations. He is survived by his wife, Lesley (Arts'67), daughters Paula, Sara and Joanna, and extended family.

1970



The Honourable David Paul Smith, PC, QC, Law'70 (left), who had careers in both politics and law, died in Toronto on Feb. 26. He was 78. During his 50+ years in politics, David served as President of the Young Liberals under Prime Minister Lester Pearson and as executive assistant to the Right Honourable John Turner (1960s); as an alderman and Deputy Mayor of Toronto (1970s); as an MP and cabinet minister under Prime Minister Pierre Trudeau (1980s); as a leader of successful Liberal Party election campaigns under Prime Minister Jean Chretien (1990s and 2000); and as a Senator representing Cobourg, Ont., from 2002 until his 2016 retirement from Parliament. Prior to his Senate appointment, he practised with various law firms and was Chair of FMC Law (now Dentons Canada LLP), where he returned as Chair Emeritus for a year before retiring from law practice in 2017. His Queen's Law ties included serving on the school's first Advisory Committee in the mid-1990s for then-Dean Don Carter, Law'66, and receiving the H.R.S. Ryan Law Alumni Award of Distinction in 2007 (presented by then-Supreme Court Justice Beverley McLachlin and then-Dean Bill Flanagan). David is survived by his wife of almost 50 years, the Honourable Heather Forster Smith, Law'71 (Arts'68), former Chief Justice of the Ontario Superior Court; their children, Alex and Kate Smith and Laura O'Connor; and extended family.

1971



Osgoode Trilogy, inspired by her 30 years of law practice in Toronto; and *The Trilogy of*

Mary E. Martin, Law'71, who with husband David Juvet, Law'70, has three children and three grandchildren, published her seventh novel last fall. *The Wondrous Apothecary* follows two series of suspense books: *The*

Remembrance, about Alexander Wainwright, Britain's finest fictional landscape and visionary artist, in constant search of his muse. That artist is once again the protagonist in Mary's latest novel, which involves chaos in the courts of London, arson in the art gallery, theft of a painting worth £5 million, medical experimentation based on pseudo-science and tested at a mental hospital on the bleak and windswept shores of the Isle of Wight. Learn more about all Mary's novels at <http://maryemartintrilogies.com/blog>.

1973

Joyce (Antoni) Cutler, Law'73, died Sept. 14 in Grosse Pointe, Mich. As a sole practitioner, Joyce practised family law and served as a court-approved mediator for the Superior Court of California and for the Supreme Court of New Jersey, before becoming an administrative law judge in Brooklyn, New York. She is survived by her husband, Hugh, two children, and extended family.



John Hill, Law'73, has retired from his prison law practice and is occupying himself – mostly – with community-based projects in his Cobourg, Ont. hometown. After stepping down from four years as Chair of

community radio station Northumberland 89.7 FM, he was elected Vice Chair of the Northumberland County Housing Corporation. But John has also been busy with a hobby, appearing as an extra in three films: *It Chapter 2*, a 2019 American supernatural horror film based on a 1986 Stephen King novel; *Mrs. America*, a Hulu TV mini-series starring Cate Blanchett that portrays the American attempt to ratify the equal rights amendment; and *A Higher Loyalty*, CBS Studios' adaptation of the bestselling book by former FBI director James Comey, played by Jeff Daniels.

1974



Ron McCallum, AO, LLM'74, LLD'16, has had his memoir, *Born at the Right Time*, published in Australia (Allen & Unwin). It tells how the blindness that followed his premature birth in 1948 failed to stop him from excelling both

professionally and personally. He went on to become a professor and then Dean of Law at the University of Sydney and Chair of the UN Committee on the Rights of Persons with Disabilities in Geneva. The Hon. Michael Kirby, former Justice of the High Court of Australia, describes Ron as "a brilliant man who often 'saw' the needs of our world more clearly than the sighted people around him." Learn more about the book at law.queensu.ca/mccallum-book.

The Honourable J. Bryan Shaughnessy, Law'74, died on Sept. 26, 2019, at the age of 70, in Whitby, Ont., where he had originally practised as Shaughnessy & Sosna. During his judicial career, he served on the Superior Court of Justice of Ontario and later as Regional Senior Judge for the Central East Region. Bryan is survived by his wife, Patricia, five children, 10 grandchildren and extended family.

1977



Stephen Marcus, Law'77, Washington, DC, has been appointed by Georgetown University Law Center to teach Legal Ethics and by the District of Columbia Bar to serve on its Rules of Professional Conduct Review Committee.

1978



John J. Bucknam, Law'78, died of cancer on Nov. 9, 2019, in Toronto. As a respected general practitioner specializing in real estate, family law, and wills and estates, his motto was "Be firm, frank and friendly." Upon his 1980 call to

the bar, John became the Executive Director of the Public Accountants' Council of Ontario, where he worked for 10 years. He then joined Greening and Associates, the law practice he later acquired, operating offices in Ajax and Toronto until his death. John was a pioneer in Toronto's gay professional community at a time of great progress in Canada's Gay Rights Movement, which culminated in the world's first legally sanctioned, same-sex marriage in 2001, performed in his own church, the Metropolitan Community Church of Toronto. John is survived by his partner, Paul Wilson, and many close friends, including his Law '78 classmate, Shelley Hallett.

Three grads from three decades win 2019 CBA awards

A pioneering woman lawyer, a young administrative law scholar, and a certified specialist in immigration law have something new in common: honours from the Canadian Bar Association.



Daphne Dumont, CM, QC, Law '77, received the Cecilia I. Johnstone Award for achieving professional excellence and inspiring others to do the same. A partner with MacNutt and Dumont in her native Charlottetown, PEI, she is one of her province's pioneering women lawyers. For the CBA, she was its PEI branch's first female president and became its national president, 2000-2001. As a member of the CBA Gender Equality Task Force, which released its "Touchstones for Change: Equality, Diversity and Accountability" report in 1993, Daphne examined discrimination against women and minorities in the legal profession. In October 2018, she helped commemorate the "Touchstones" report's 25th anniversary by addressing an event co-organized by the CBA's Women Lawyers Forum and the Ontario Bar Association.



Giancarlo Mignardi, Law '19, won the Paul Smith Memorial Award for the best scholarly essay on a Canadian administrative law topic. Giancarlo, articling with Fasken Martineau DuMoulin LLP in Toronto, topped a combination of Canadian JD and articling students and young lawyers in the competition. His winning paper, "Select Issues with Curial Deference on the Basis of Administrative Expertise: A Behavioural Approach to Canadian Administrative Law's 'Prodigal Child,'" is what he calls a "blended Law and Economics/Administrative Law piece." Though he wrote it for Professor Cherie Metcalf's seminar, he was also inspired by many topics presented in Professor Jacob Weinrib's course.



Michael Battista, Law '90, won the CBA's Volunteer Recognition Award for significant contributions to its Immigration Law Section. Michael, a Law Society of Ontario Certified Specialist in Immigration and Refugee Law, is a partner and co-founder of the Battista Smith Migration Law Group in Toronto. His volunteerism with CBA's Immigration Law Section began in 2015 when he was asked to assume the new role of Litigation Coordinator, advising on matters involving litigation before immigration tribunals and the Federal Court. Also in this capacity, he launched and continues to chair a Federal Court access-to-justice committee called the Subcommittee for Assistance to Unrepresented Litigants. Last fall, it launched the Federal Court's first active program to support litigants without counsel.

Law '91 influencer added to WXN's Most Powerful Women list



Patrice Walch-Watson, Law '91, received three honours in the past year. Global law-ranking firm Chambers & Partners chose her for its inaugural Canadian GC Influencer Award, the U.S. Burton Charitable Foundation selected her for a Legends in Law Award and the Women's Executive Network (WXN) named her to its Top 100 list of Canada's Most Powerful Women. An established executive and corporate lawyer, she is Senior Managing Director, General Counsel and Corporate Secretary with the Canada Pension Plan Investment Board. There she leads the global legal, compliance and corporate secretarial functions and champions a psychologically healthy and safe workplace.

"WXN's 'Powerfully Empowered' award theme sums up what all of us try to do," says Patrice, who is also a member of both the national Legal Leaders for Diversity and Inclusion group and the Queen's Law Dean's Council. "We show our power not through our standing, but through our actions in the way we aim to inspire and champion others, including the next generation of leaders coming from Queen's."

1980



Justice Harvey Brownstone, Law '80, has been presiding at the Ontario Court of Justice in St. Catharines, Ont., since July 2, 2019. He transferred there from Old City Hall in Toronto when he relocated to the Niagara Region. Friends can contact him at harvey.brownstone@ocj-cjo.ca.



Kathleen Hunter, Law '80, is plotting a move to Kingston from her home in Athens, Ont., and is looking forward to her class's 40th anniversary reunion. Classmates will remember her son, Charles Corlett, who came to law school with her in 1977. That's him all grown up and now a lawyer in Toronto with the Investment Industry Regulatory Organization of Canada.

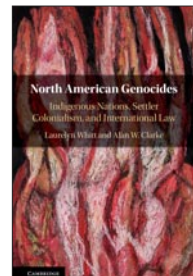
1983

William R. A. (Bill) Moore, Law '83 (Com'80), died in Belleville General Hospital on Nov. 18, 2019. With Douglas Caldwell, Law '80, Bill co-founded and practised with the Kingston firm Caldwell and Moore. He is survived by his soulmate, Lynda, his children, Sarah and Ryan, and extended family.

1993

Sandra Astolfo, Law '93, a partner at WeirFoulds LLP in Toronto, received the 2019 Construction and Infrastructure Law Award of Excellence from the Ontario Bar Association. She had the highest number of nominations from her colleagues and peers in the OBA and is the youngest – and first female – recipient of this award.

1994



Alan W. Clarke, LLM '94, and his wife, Laurelyn Whitt (MA '77), have published their latest book, *North American Genocides: Indigenous Nations, Settler Colonialism and International Criminal Law* (Cambridge University Press, 2019). Alan is a Professor of Integrated Studies at Utah Valley University. Read about the book at <https://law.queensu.ca/clarke-book>

Cree grad recognized for taking Indigenous trade global

Wayne Garnons-Williams, Law '90, a Plains Cree from Moosomin First Nation, has received two awards that bolster his burgeoning reputation for expertise and action on Indigenous trade rights, both historical and current, Canadian and global: the 2019 Canadian Council of Aboriginal Business (CCAB) Award for Excellence in Aboriginal Relations and also 2020's Agnes Benidickson Award from the Alumni Association's Ottawa Branch.

As Canada's Reconciliation efforts have increased, so has the potential for trade to create Indigenous prosperity, a long-time vision for Wayne. In 2017, he was made an International

Fellow in Comparative and Federal Indian Law by the University of Oklahoma Faculty of Law, where he focussed on Indigenous peoples' inherent rights to border-crossing trade. These rights are the focus of Wayne's NGO, the International Intertribal Trade and Investment Organization (IITIO), that recently negotiated a separate Indigenous trade chapter between various nation-states embedded in international trade agreements (e.g., USMCA, formerly NAFTA). IITIO's success, plus Wayne's other community and volunteer roles, led the CCAB to choose him for its 2019 honours.



2000

Mark Borer, Law '00, was appointed to the Human Rights Tribunal of Ontario on January 7.



Courtney Mulqueen, Law '00 (middle), and **Rupa Karyampudi, Law '11** (right), have expanded their LTD (long-term disability) law firm from Toronto into Markham, opening their new office across from the Markham Stouffville Hospital. They also added a new partner, Leanne Goldstein (left), changed their firm's name to MK Disability Lawyers LLP, and launched a new website <https://www.mkdisabilitylawyers.com/>.

John Rowinski, Law '00, started a new career on June 1 as CEO of Noozhoo Nokiyan Limited Partnership, the Mississaugas of Scugog Island First Nation's economic development business. John, who is Kanyen'kehà:ka, was previously a partner at Fogler, Rubinoff LLP and before that the founder and principal of Two Row Law.



Previous CCAB award winners (pictured with CCAB President JP Gladu and Wayne) include former Assembly of First Nations National Chief Phil Fontaine and former Prime Minister Paul Martin.

Law '93 classmates honoured by Law Society of Ontario

At the 2019 Law Society Awards Gala, a black legal community trailblazer and a women's equality champion were among the Ontario legal professionals recognized for their outstanding achievements and exemplary commitment to service.



Frank Walwyn, WeirFoulds LLP's first black lawyer and partner, renowned as one of Canada's top commercial litigators, received the LSO's highest honour: the Law Society Medal. He litigates some of the most challenging business cases in Canada and the Caribbean, concurrently championing equity and diversity in the legal profession. He advocates for more minority lawyers; mentors students and young lawyers of colour; serves on the board of Community Legal Education Ontario; is a past member of the Ontario Court of Justice's Judicial Appointments Advisory Committee; and is a former (and the longest-serving) President of the Canadian Association of Black Lawyers. At Queen's Law, he is a Dean's Council member, played a key role in creating the Robert Sutherland Fellowship, and is a much-appreciated mentor to Queen's chapter of the Black Law Students' Association of Canada.



Pamela Cross received the 2019 Laura Legge Award for her extraordinary achievements as a leader for legal justice and fairness. Over her career of 25+ years, she has worked tirelessly as a family lawyer, researcher, teacher, writer, public speaker, mentor, trainer and activist to explain and challenge how the law addresses individualized and systemic violence against girls and women. She is currently Legal Director for Luke's Place, an Oshawa-based centre dedicated to helping abused women and their children proceed through the family law process. In 2008, publication of her first research project there established Luke's Place as a provincial leader. Since then Pamela has trained Family Court Support Workers and Legal Aid Ontario lawyers and staff; helped develop a Virtual Legal Clinic for women in Ontario's northern and rural communities; researched family violence screening tools for family lawyers; and launched an online course for lawyers working with clients leaving abusive relationships.

Canada's top-voted litigation manager is a Law'95 alumna



Yasmin Visram, Law'95, Senior Managing Counsel with Industrial Alliance Insurance & Financial Services Inc. (iA Financial Group), one of Canada's largest insurance companies, has received the Canadian General Counsel Award for Litigation Management. She was nominated by her peers and selected by senior members of the Canadian Bar for excellence in quarterbacking overall legal strategy effectively plus her hands-on management of a legal team making legal strategy decisions that underpin her company's brand. In addition to managing strategic litigation across the country from iA's Toronto office, she provides general advice in insurance, corporate services, employment, crisis management and regulatory matters.

2001



Rebecca Jaremko Bromwich, Law'01, LLM'02, was appointed Manager, Diversity and Inclusion, for Gowling WLG, responsible for the offices of Canada and Russia. She is primarily located in the Ottawa office, but also

works out of the Toronto office, as well as those in London and Birmingham in the U.K.

Antonio Turco, Law'01, and three partners launched CPST Intellectual Property (www.cpstip.com), a boutique firm in Toronto, on Feb. 18. Following his 18 years at Blake, Cassels & Graydon LLP, Antonio is continuing his practice specializing in litigation related to intellectual



property rights, including disputes related to patents, copyright, trademarks, industrial designs, and trade secrets. His new firm also focuses on patent and trademark prosecution, as well as strategic advice and the commercialization of intellectual property rights.

2004

Manjot Hallen, Law'04, a partner with Warnett Hallen LLP in Vancouver, has been appointed Honorary Consul for the Republic of Croatia for B.C., Alberta and Yukon.

2008



Saptarshi (Rishi) Chakraborty, LLM'08, recently joined the partnership at McLeod Law LLP in Calgary, which has been his home since moving from Toronto in 2010. He works primarily in the areas of corporate,

securities and M&A transactions and also focuses on privacy law and cybersecurity compliance matters. Rishi and his wife, Jane Butcher, have two kids: Dia (5) and Neel (2.5).

2010



Alex Demner and Amanda (MacNeill) Demner, both Law'10, welcomed another little boy (Marcus Wolf Demner) on Sept. 12, 2019, and James (left) is thrilled to be a big brother. Alex has made partner at Thorsteinssons LLP and Amanda is Legal Counsel with Vancouver Airport Authority.

Natalia Rodriguez, Law'10, joined the partnership at Conway Baxter Wilson LLP, an Ottawa-based boutique litigation firm, on March 2. Her practice focuses on commercial/construction litigation, public law and appellate advocacy. Natalia and her husband, Aram Abizadeh, also welcomed their second child, Diego Salvador Rodriguez Abizadeh, on April 18.



2011

Rupa Karyampudi, Law'11 (see Mulqueen, 2000)

2012

Hilary Page, Law'12, an employment lawyer at SpringLaw, and **Ben Grant, Law'12**, a partner at Conway Baxter Wilson LLP, were married on Feb. 1 in Winnipeg. Hilary and Ben met during the Queen's Law Orientation Thousand Islands cruise in 2009. "It only took 10 years for Hilary to say 'yes!'" quips Ben. They live in Ottawa.



2013

Cecile Ko Brock, Law'13, has joined WeirFoulds LLP in Toronto, where she practises wills and estates law.

2015

Jessie Lamont, Law'15, and **Stephen LeMesurier, Law'15** (Artsci'10, MA'12), were married on June 15, 2019, in Dundas, Ont. Lots of alumni were in attendance, including Jessie's father David Lamont, Law'79, and uncle Donald Lamont, Law'75; Stephen's uncle Jim Grout, Law'81, and 40 Queen's Law friends.



Two of Canadian Lawyer's top five changemakers are 'ours'

In its 2019 list of the Top 25 Most Influential in Canada's justice system and legal profession, *Canadian Lawyer* magazine selected an Indigenous rights champion and a leading cannabis law practitioner from Queen's in the changemakers category.



Jaimie Lickers, Law'07

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

Jaimie Lickers is the first Indigenous woman admitted to Gowling WLG partnership and its first Indigenous professional in a management position. She advances First Nations' wealth, economic development and autonomy by structuring and drafting trusts for more than 25 First Nations collectively holding assets of \$1 billion. She represented their interests before the SCC in landmark cases *Daniels v. Canada* (Are Métis and non-status Indians "Indians" under the Constitution?) and *Clyde River and Chippewas of the Thames v. Enbridge* (adequacy of consultation in pipeline development). In *Foster and House v. The Queen*, Jaimie represented 6,000 non-status Indians denied membership in the new First Nation (Qalipu Mi'kmaq Band) on technical irregularities.



Trina Fraser, Law'97 (Com'94)

Partner and Head of CannaLaw Group, Brazeau Seller LLP

Since Trina Fraser formed BSL's CannaLaw group some five years ago, her advocacy has had significant impact on developing and implementing Canada's cannabis legalization. She represents licensed cultivators, processors, medical sellers, retailers and ancillary cannabis industry service providers. She's also a board member of Canadians for Fair Access to Medical Marijuana. In fall 2017, Trina was invited before the Standing Committee on Health on Bill C45, where she argued that to achieve the legislative objective of displacing the illicit market, Canada's legal cannabis framework must permit participation by that market's experienced, non-violent individuals. Trina was also named Attorney of the Year at the 2019 O'Cannabiz Industry Awards Gala.

Most accomplished Law alumni saluted by their Queen's peers

Four Law grads are among the latest Queen's University Alumni Association (QUAA) award recipients.



Hugh Christie, Law'81 (Artsci'78), Toronto, won the Alumni Achievement Award, QUAA's highest honour, for lifetime contributions to his profession – specifically for raising the profile of Canada's labour and employment law. Despite being busy as managing partner of international Ogletree Deakins, he mentors young lawyers, gives back to the community, volunteers for organizations such as the George Hull Centre for Children and Families, and supports Queen's as both volunteer and benefactor. His leadership as Advisory Committee Co-Chair of Queen's Centre for Law in the Contemporary Workplace has been instrumental in its success. The Centre, first of its kind in Canada, brings together leading academics, policy-makers and lawyers to address pressing issues in workplace law.



Blaine Favel, Law'90, a former Saskatchewan Grand Chief who has always led by example and demonstrated commitment to enhancing the lives of Indigenous peoples in Canada, received QUAA's Humanitarian Award. He has been a lawyer, diplomat, and business leader, Chancellor of the University of Saskatchewan, Chief of the Poundmaker First Nation, and Grand Chief of the Federation of Saskatchewan Indian Nations. As a Chief, he pioneered two national firsts: the First Nations Bank of Canada, Canada's only Aboriginal-controlled bank, and the Indian gaming organization that provided jobs to First Nations when unemployment was widespread. In 2019, after 25 years of his advocacy, the federal government exonerated Blaine's predecessor, Chief Poundmaker, and recognized him as a peacemaker.



Allan McGavin, Law'12 (Com'08), Vancouver, won the Marsha Lampman Award for his outstanding dedication and service to an Alumni Branch. Since 2013, he has volunteered with the Vancouver Branch's executive, serving four years as President. Under his leadership, the Branch launched a mentorship program in 2017, connecting recent grads with Queen's alumni established in their field. He has also pushed an initiative to help new grads transition into life in Vancouver with ease. Despite a busy career as a corporate lawyer with Farris LLP, he is committed to volunteering and involvement in community initiatives. For Queen's Law, he is a member of both the Dean's Council and B.C. Alumni Council.



Leslie O'Donoghue, QC, Law'88, received QUAA's Calgary Alumni Branch's Johnson Award as a distinguished and inspiring advocate for workplace diversity. Leslie, a business leader who's making an impact on both Alberta and Queen's communities, is the former Executive VP and Advisor to the CEO of Nutrien. She was previously Agrium's Executive VP, Corporate Development and Strategy, and Chief Risk Officer and EVP, Operations, responsible for all of Agrium's North American and international operations. She is a director of Pembina Pipeline Corporation and Richardson International, a member of the Queen's Law Alberta Alumni Council and a former director of the United Way of Calgary and area.

Alumni rise to the COVID challenge

Law'19 grad launches legal innovation platform

The imagination of Toronto technology advocate and articling student Egi Troka, Law'19, was sparked by seeing clients' rights put at risk and knowing that sole practitioners and small firms might lack capacity or funding to deal with COVID's challenges. In early April, she launched Innovate Law (<https://innovatelaw.ca/>), a website bringing lawyers and innovators together on creating legal tech solutions that will continue providing access to justice in times of a crisis and beyond.

"My goal is to set lawyers up for success with advice about the right tech and infrastructure for their respective practice areas," says Troka, who was accepted into a program of Legal Innovation Zone (LIZ), Canada's first legal tech incubator.

"The pandemic magnified systemic inefficiencies in legal services delivery," she says, "but it also pushed the legal system to modernize. With globalization and the ever-increasing speed of doing business, clients expect more and more from their lawyers. Fortunately, those entering practice now are willing to break from traditional methods."

Noting that there is no going back to old ways of practising law, she adds, "A solid tech infrastructure at each firm can make a positive difference by allowing lawyers to work efficiently, providing value and reducing costly legal services."

Crediting the Conflict Analytics Lab at Queen's for the opportunity to "think creatively," she says, "Professor Samuel Dahan encouraged us to voice our opinions, brainstorm as a team and work together to develop ideas."

Since then, she has put those skills to good use. "I've designed Innovate Law to provide timely and affordable solutions for the long term, not just the pandemic term."



Egi Troka, Law'19, has come up with an innovative way to bridge a knowledge gap between law and technology during the COVID-19 crisis and beyond.

Virtual legal clinic expands for women fleeing domestic violence

With her team at the Oshawa-based non-profit Luke's Place, Legal Director Pamela Cross, Law'93, helps abused women and their children proceed through the family law process. "With the need for physical distancing and the courts suspending regular operations, many women we assist – who were either just starting or in the midst of a family court case – were at high risk," she says.

Cross had been involved in developing the Virtual Legal Clinic for Luke's Place, serving women in the Durham Region. "We use a private and secure platform to connect women who need legal advice with lawyers who offer their time pro bono," she explains. In response to COVID-19, she and her team expanded the virtual clinic to serve women fleeing abuse in all regions of the province.

"We have also made ourselves a 'clearinghouse' for legal information related to COVID-19: we summarize and post family court decisions as they are made, developed resources and webinars to assist and support frontline workers, and more."

Lawyers pay it forward for essential workers

For Annie Clifford, Law'15, a crisis can be an opportunity for lawyers to help society become more fair and just. Early in the pandemic's Ontario outbreak, she got an idea about relieving one stressful thing weighing on the minds of frontline workers. After presenting her idea to the Frontenac Law Association, she's become one of 21 Kingston-area lawyers – 14 of them Queen's Law alumni – offering "pay what you can afford" fees for wills and powers of attorney documents.

"I was struck by how many fairly low-income frontline workers – grocery store clerks, hospital cleaners, food preppers and orderlies – were continuing to work though their pay was low and their risk of exposure very high," she says. "All of them took a risk to continue working so the rest of us could buy groceries and, if we needed to, go to a safe and clean hospital."

"Annie's idea was met with great enthusiasm in our local membership," says FLA President Warren WhiteKnight, Law'13. "The goal is to allow those people bearing the brunt of Frontenac County's community efforts at containing COVID-19 to attain some security in a way that accommodates the immense financial strain being felt by much of society." In less than a month, "lawyers were inundated with requests for consults and retainer work, and the feedback has been excellent."

Have you initiated a way to help those at risk during the pandemic?

Queen's Law Reports editor Lisa Graham welcomes your news at grahaml@queensu.ca.

Judicial Appointments

Law'88 alumna promoted to Ontario's highest court



Julie Thorburn, Law'88, after 13 years as a judge in Ontario's Superior Court of Justice, was appointed to the Court of Appeal for Ontario on June 27, 2019. At the

Superior Court, she heard proceedings in English and French and, at the time of her appointment, was administrative judge of the Divisional Court, which deals with some Superior Court and tribunal decisions. Among past career highlights, the former partner with Cassels Brock & Blackwell LLP, Toronto, counts clerking with the Supreme Court of Ontario; chairing the Ontario Bar Association's media and communications law section; serving as a Director of the Ontario Superior Court Judges' Association and as both a Director of the International Association of Women Judges and President of its Canadian Chapter. She also co-authored the 2015 Report for the Attorney General of Ontario on *Enhancing Access to Justice in French* and is co-author of several books.

Former CBA president appointed to national court



Janet M. Fuhrer, Law'85, was appointed to the Federal Court on June 27, 2019. As a partner with Ridout & Maybee LLP in Ottawa and a specialist certified by the Law Society of

Ontario in Intellectual Property Law (trademarks and copyright), her practice had periodically resulted in appearances before the Court on behalf of clients. She is Past President of both the Canadian Bar Association and the Intellectual Property Institute of Canada and was among the first Canadians named a Fellow of the American Intellectual Property Law Association. She has served in leadership roles with all three organizations, as well as with the Ontario Bar Association and the International Trademark Association. In addition, she often speaks on IP law topics at national and international conferences. At Queen's Law, she taught Trademarks and Unfair Competition Law for a term and served on the Dean's Council.



Calum MacLeod, Law'80 (Artsci'77), who had served on Ontario's Superior Court of Justice in Ottawa since 2016, was promoted on March 16 to Regional Senior Judge for the Court's East Region. In this position,

he exercises the powers and performs the duties of the Chief Justice in the region (subject to the Chief Justice's authority). This includes scheduling court hearings and assigning cases to individual judges. Prior to 2016, he served as a Case Management Master with the Court for 18 years. Previously, he was in private practice as a lawyer and was instrumental in the early development of ADR in Ontario. Justice MacLeod is strongly committed to court reform and modernization and to continuing legal and judicial education.



Wendy Malcolm, Law'80, was appointed a Judge of the Superior Court of Justice, Family Branch, in Belleville, Ont., on April 11. She began her judicial career with the Ontario Court of Justice in 2006, presiding

over domestic, child protection and youth criminal justice cases, primarily in Hastings and Prince Edward Counties, before becoming the OCJ's Senior Advisory Family Judge in 2017. Before 2006 she had practised with O'Flynn, Weese and Tausendfreund for 23 years and had been an Assistant Federal Prosecutor, an Agent of the Office of the Children's Lawyer, a practice reviewer with the Law Society of Upper Canada, and a Deputy Small Claims Court Judge.



Mary Fraser, Law'88, is presiding in her hometown of Pembroke, having been appointed to Ontario's Superior Court of Justice (Unified Family Court) on April 9, 2019. Previously a civil litigator in Toronto and

Ottawa, she returned to Pembroke 25 years ago, becoming a partner with Johnson, Fraser & March, practising mainly in family law, estates and real estate. She acted for children in family proceedings on behalf of the Office of the Children's Lawyer for over a decade, advocated successfully for clients at the Supreme Court of Canada and all other levels of court, presided part-time as an SCJ Deputy Judge, and was President of the Renfrew County Law Association. Mary and her husband, the Hon. Michael G. March of the Ontario Court of Justice, have two children studying at Queen's: Will (Sc'21) and Emma (Artsci'19, MA'20), who starts Queen's Law in September.



Evelyn Baxter, Law'91, who is Anishnawbe-kwe from Northern Ontario and a member of the Marten Falls First Nation, was appointed to the Ontario Court of Justice on May 23, 2019. She presides in Kenora.

Previously a lawyer in Thunder Bay and Toronto, her extensive experience includes over two decades working for Nishnawbe Aski Nation and other First Nations/ organizations in various capacities and being a speaker at various conferences and for such Indigenous supporters as the United Nations. Most recently, she served as an adjudicator for the Ontario Criminal Injuries Compensation Board and as Chair of the Mercury Disability Board. Personally motivated by the Indian Residential Schools' toll on generations of her own family, Justice Baxter devoted 10 years to adjudicating hearings for residential school survivors under the federal tribunal established pursuant to the Indian Residential Schools Settlement.



Barbara Johnston, QC, Law'93, a partner with Dentons in Calgary, was appointed to the Court of Queen's Bench of Alberta on April 6. In her practice involving labour, employment, human rights, health

and safety, constitutional, administrative and privacy law, she represented clients before all levels of court, including the Supreme Court of Canada, and at many administrative tribunals. Publications ranking her successes include *Chambers Global* (Band 1), *Best Lawyers in Canada* and *Lexpert*. She is a Fellow of the U.S. College of Labor and Employment Lawyers, Vice-Chair of the Queen's Law Alberta Alumni Council and a past President of the Canadian Association of Counsel to Employers.



Mark Moorcroft, Law'94, was appointed to the Ontario Court of Justice in Lindsay on Sept. 27, 2019. Originally in private practice for three years, he represented clients in the Ontario and

Superior Courts of Justice before becoming an Assistant Crown Attorney in Oshawa in 1999 and then Crown Attorney for Northumberland County in 2015. As a leader in the local justice community, he was involved with numerous committees and initiatives, working to ensure that criminal courts were utilized fairly and effectively. Throughout his time as a lawyer, he was also an active community volunteer in his native Port Hope.

Congratulations to our four alumni trailblazers!

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

Chosen by the Dean’s Council Awards Committee from a strong list of nominees put forward by fellow grads, the winners are:



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

A dedicated and active Dean’s Council member for a decade (2009-2019), she demonstrated tremendous fundraising leadership while helping to shape the school’s future with her strategic guidance. As Chief Legal and Administrative Officer with Celestica Inc., a multinational electronics manufacturing services company based in Toronto, she leads the legal, corporate governance, communications, compliance and sustainability functions, as well as its human resources organization. She sits on the Board of Economical Insurance and is a past President of the Association of Canadian General Counsel. Her national recognition includes receiving a Canadian General Counsel Award for Litigation Management and being named to Canada’s Most Powerful Women: Top 100 Hall of Fame by the Women’s Executive Network.



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

Already a partner with Toronto firm Matthews Abogado LLP, he has built a broad litigation practice and has appeared before the Supreme Court of Canada and at all Ontario court levels, as well as administrative tribunals. He co-founded the national Runnymede Society to foster debates among law students with different perspectives on pressing legal issues and he is the founder and CEO of Advocates for the Rule of Law, a legal think tank dedicated to promoting the rule of law in Canada. Through this work and his writing of papers and articles covering a wide range of legal topics specially focused on constitutional law, he has become a respected public voice on legal issues.

MORE ONLINE!

Watch for articles about these award winners in upcoming issues of *QLR Online*.



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

Appointed Commissioner for the Treaty Relations Commission of Manitoba in 2017, one of her priorities is to challenge people’s understanding of Treaties and how they can be a means of reconciliation in transforming the relationship between First Nations and non-First Nation people. She is a member of her home province’s Hollow Water First Nation who previously practised law for 28 years, counseling numerous First Nations people, governments and organizations, notably the Assembly of Manitoba Chiefs and Assembly of First Nations on child and family matters, residential school survivor claims, specific land claims, Treaty land entitlement, trusts, and hydro development.



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

A women’s equality advocate and legal expert on domestic violence, she is Legal Director of Luke’s Place, an Oshawa-based service for women and children leaving abusive relationships who are involved with family courts. She has developed many firsts for the non-profit organization, including its Pro Bono Summary Advice Clinic and Virtual Legal Clinic. She is an elected member of the Gender Equality Network Canada, comprised of over 150 female leaders, and is a recipient of the Ontario Attorney General’s Victim Services Award of Distinction. She heads “Not Okay,” a Status of Women Canada project in partnership with Toronto’s Barbra Schlifer Clinic, where she also provides independent legal advice to sexual assault survivors.

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

**Nominate a deserving grad
for one of the 2021 awards.
Check out how at
law.queensu.ca/alumni/awards**



GREG BLACK

QUEEN'S HOMECOMING 2019

Eleven classes returned to celebrate milestone reunions September 20–22.
(See Law '69 on page 38)





Come back to Queen's Law – *virtually!*
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