

Queen's | LAW CLINICS NEWS

October 2017



Intellectual property specialist expands Queen's Business Law Clinic's mandate

Since managing the Queen's Business Law Clinic as a student eight years ago, Morgan Jarvis, Law'10 (Artsci'05, MSc'08), has developed an expertise for legal matters involving IP, technology innovation and business law. He's been an associate with Gowlings (now Gowing WLG), VP of Marketing and Innovation Strategy with pro bono legal service provider AdviceScene Enterprises Inc., a Technology Transfer Officer with the Ottawa Hospital Research Institute, a review counsel with the QBLC – and also an Olympic rower. On August 1, he returned to his alma mater as the clinic's full-time director, ready to steer his crew of student caseworkers in delivering legal services to a broader client base of Kingston-area entrepreneurs, small businesses and not-for-profit organizations.

After his first day on the job, he talked to *Queen's Law Reports* about how his career has come full circle with the QBLC and revealed his plans for the clinic's future.

QLR: What interests you most about business law and in providing legal services to small businesses and non-profit organizations?

MJ: I've always been interested in the entrepreneurial spirit. It's fascinating to work with people who have the drive and dream to build their own business, and it's really rewarding to see them succeed in doing so. The clinic has a meaningful impact on the local Queen's and Kingston start-up community, and it's great to be a part of that.

To illustrate, the clinic is becoming known for its great work helping local craft brewery start-ups select and protect their trademarks. After the beer itself, a good brand can be a key step to success in this industry. We've now helped a couple of local breweries get their marks registered. It's so satisfying to sip from a pint in a local pub sporting the logo we've helped protect, and for another, purchasing their labelled cans in the LCBO, knowing they've made the move from start-up to successful business with our help.

While local start-ups are key to the future of Kingston's economic well-being, charities and other not-for-profits are key to its cultural, sporting and spiritual well-being. Similar to those who are directly involved in the great causes that help pick up the less fortunate or those who run some other club or group that brings quality of life to Kingston, it's extremely rewarding to help these people do their great work.

QLR: How did you first get involved with the Queen's Business Law Clinic?

MJ: I was actually one of the first clinic students back in the fall of 2009. Thanks to the great initiative of Peter Kissick (Law'88, LLM'98), the clinic's first Director, Dean Bill Flanagan and the four Law'09 pilot project students, the clinic was started to provide a practical experience for aspiring business lawyers, and has just flourished since then. I found the practical clinic experience to be my most valuable learning experience at Queen's, and it was working directly with local not-for-profits and business people that actually got me interested in pursuing corporate and commercial work in the first place. It's one thing to read about the history and theory of contract law, but it's totally another, and a rather fun exercise to draft a contract from scratch.

QLR: What did you like best about being review counsel with the QBLC?

MJ: Like all teaching jobs, it's so satisfying to see our students learn and improve over the year. My goal is to prepare them for the law firm environment, empowering them to develop the skills they need to be independent and effective legal professionals. It's great to see the



Morgan Jarvis, Law'10, Director of the Queen's Business Law Clinic

improvement in their work, and how they go about it, over their time in the clinic. They invariably start by coming to me with every little question – conduct which would end their working relationship with any busy partner – and I turn them away to find the resources and the answers for themselves. By the end of the year, they're mostly providing polished drafts and well-researched and independently developed opinions, and I know they're ready for the next stage in their careers.

QLR: What encouraged you to return to your alma mater full-time as QBLC Director?

MJ: I enjoyed my years at Queen's and in Kingston so much that it's always been a bit of dream to return. I was always involved in the rowing club and many of my friends from the Queen's and Kingston crews stayed in town, along with our amazing volunteer coaches, making it a very desirable place to live. This on top of the fact that it has such a vibrant historic downtown, with the recreation and relaxation that comes with waterfront living surrounded by beautiful rural country, makes it a top destination for me.

The chance to come back to the QBLC was an opportunity I couldn't pass up. After being the first clinic manager in its first class under Peter Kissick, and with him still around offering helpful counsel, it's like coming home to run the family business.

QLR: What will you be doing as QBLC Director and what are your plans for the clinic?

MJ: The past two directors (Peter Kissick and Christian Hurley) have done such a great job to get the clinic in the shape it's in today. It's really a turn-key operation that I've been able to step into and immediately get to work on the bigger picture plans I've always had for it. When I was a student, I found it disappointing that there wasn't much opportunity for exposure to intellectual property law in a practical way. This is something that I've wanted to provide to Queen's Law students through the Business Law Clinic. Much of my commercial practice has had an IP slant to it, so I'm pleased to be able to take on more IP work than the clinic has in the past, and to provide interested students with new opportunities in this area.

Related to this has been my desire to get the clinic students more connected with other practical programs in the university, particularly those with an entrepreneurship and innovation focus. We're now working with the relatively new Innovation Park and the Queen's Innovation Centre, providing legal services to their program participants. I plan to keep working on these and similar connections. They provide a fantastic way for our law students to experience the work they'll be doing in private practice, potentially meet their future clients, and help build the Queen's and Kingston start-up community.

Articling students help thriving Queen's Law Clinics meet increased demand



Kayla Touma Zagwolski, Mike Adamek and Sarah Jane Black, all Law'17, are articling with the Queen's Law Clinics this year.

DEREK CANNON

This year marks another milestone for the Queen's Law Clinics (QLC): the hiring of the most articling students in its history. Since Queen's Law's five clinics were brought together in downtown Kingston in 2015, demand for all their services has increased significantly. Three full-time articling students, all Law'17 alumni, are needed to provide legal services to clients and to mentor student caseworkers.

"Increasing our articling program from one to three students and expanding it to include all the clinics is a mark of how we are thriving," explains Karla McGrath, LLM'13, Executive Director of QLC. "The articling students are a great resource for staff and students alike. They increase our ability to both serve clients and teach students by providing the student caseworkers with an added layer of oversight and mentorship."

"They have graduated and so take on increased responsibility in these new roles and they have added maturity and experience that is invaluable to the more than 150 law students working at the clinics throughout the year."

Mike Adamek is working for Queen's Legal Aid (QLA) and the Queen's Business Law Clinic (QBLC). Sarah Jane Black is articling for QLA and the Queen's Family Law Clinic (QFLC). Finally, Kayla Touma Zagwolski works with the Queen's Prison Law Clinic (QPLC). Throughout their articling experience they will all be getting hands-on experience building a diverse collection of crucial legal skills, including litigation.

"At QLA my files are heavily litigation-based, involving areas such as landlord/tenant disputes, civil claims and criminal offences, among many others," explains Adamek. Meanwhile, Black has already done a criminal trial. "We can represent clients as long as they are not facing jail time. We also do provincial offences and a lot of tribunal work such as the Ontario disability support program and landlord/tenant disputes," she says.

Zagwolski will have a special focus on clients with mental health concerns in her work for the QPLC. "I meet with clients, help them prepare for various hearings such as post-suspension, parole and detention reviews, as well as represent them at these hearings. I also represent clients in disciplinary court (internal courts within the prisons) and assist with filing grievances for any serious concerns our clients are facing."

The articling positions will also provide essential experience in relating with clients, as well as in the drafting and filing of documents. "I will be helping vulnerable self-represented litigants navigate the complex Family Court system, ensuring they meet the strict requirements expected of them," says Black. Adamek will help grow small businesses and not-for-profits with the QBLC. "There is a similar variety as with QLA files, everything from incorporation, to reviewing contracts, to trademark protection."

Adamek has worked with QLA since his first year of JD studies. "I can say confidently that the clinic was my favorite experience in law school," he says. "I learn best by doing so it was the ideal chance to help others while developing practical skills."

"I worked for the Queen's Prison Law Clinic during both my second year of law school and the summer before I entered my third year," says Zagwolski. "It helped show me that I did wish to pursue litigation as part of my career and gave me my first exposure to the solicitor-client relationship."

Why article for the QLC? The three students-at-law give a variety of different reasons for making this choice. For Black, the responsibility given to her right from the get-go was key. "I don't know any other articling students who were running a criminal trial a month into their articling. (She won that first trial.)" "The supervising lawyers give us the reigns to do everything that we will be doing when we start to practise law. Anyone who is able to work in these clinics will have a foot up when they enter the working world, especially if they want to go out on their own."

Zagwolski and Adamek emphasize the collegial workplace environment. "I was drawn to working with different client personalities and legal issues in a cooperative, deeply hands-on environment, where I've grown extremely comfortable over the last three years," says Adamek. "I enjoyed my work with them tremendously in the past," says Zagwolski. "I believe that creating access to justice for vulnerable populations is an important part of our legal system and free clinics do just that, they assist those that normally fall through the cracks."

Embracing mentorship opportunities is part-and-parcel of the positions. Zagwolski knows how difficult entering a prison can be for the first time. "I hope to help caseworkers ease into the situation and to ensure them that I'm here to answer any questions they may have."

"As articling students, we receive close guidance from many different lawyers," adds Adamek. "Meanwhile, we're trusted as one of the primary resources to helping other caseworkers. We end up with a truly pay-it-forward spirit when it comes to mentorship."

— ANTHONY PUGH

Law'81 gives Queen's Legal Aid a lift



QLA's 2016–17 summer student staff show off the clinic's new Toyota Prius in the LaSalle Mews parking lot on March 27. (L-R:) Angel Ju, Ajanthana Anandarajah, Jacqueline Chan, Jennifer Amer, Lorelle Vase, Olga Michtchouk, Alexander Hood, Gianluca Canaletti, then-articling student William McDiarmid, and Michael Adamek. Not shown: Gabriel Lessard.

A contribution from the Law'81 Clinical Programs Fund enabled Queen's Legal Aid (QLA) to purchase a vehicle for use by its student caseworkers. The 2016 Toyota Prius C hybrid allows students to get to various courts and tribunals in the Kingston area, where they assist low-income clients.

Sue Charlesworth, Law'81, Senior Review Counsel at QLA, says, "We use it to go to Napanee for criminal court and intake interviews, to the Quinte Detention Centre for our bail support program, to various tribunals in the Kingston area, to a satellite clinic in North Kingston and to St. Lawrence College for meetings with student clients, as well as for serving documents."

When it's not in use by QLA, Queen's Prison Law Clinic students drive the car to local penitentiaries for client meetings and to courts for hearings.

The Prius, purchased last December, replaces a 2009 Toyota Yaris that was also acquired with aid of the fund. "We made our first pitch to my class's gift committee eight years ago for money to eventually replace a car that was starting to show its age," notes Charlesworth. "They said if a car is needed, just buy it now." While those in charge of the fund committed to pay 50 per cent of the purchase price of the new Prius, the contribution ended up representing an even greater proportion, she adds.

Established by the Class of Law'81, the fund was created in 2008 to enhance programs and to support special projects for clinical programs at Queen's Law. In addition to QLA, there are now four other clinics (business, elder, family and prison law) that can benefit from the class giving project.

Charlesworth says QLA is very grateful to Law'81 donors because having continued access to a vehicle is vital to the functioning of the clinic. "QLA relies on its caseworkers. They wouldn't be able to do the work they have to do if a car wasn't available."

— MICHAEL ADAMS

Clinic Briefs

Queen's Business Law Clinic

With 20 student caseworkers, six first-year volunteers and a new articling student, the QBLC is pushing through its backlog of files. Partnered with InnovationXL programs, it is working to better help impactful local start-ups get legal services they need. Through these businesses, often led by Queen's students or alumni, caseworkers contribute to Kingston's growing innovation ecosystem. Through a new relationship with the Mohawks of the Bay of Quinte, caseworkers will help Tyendinaga community members who are starting or expanding their business ventures, or wanting to better serve their community through not-for-profit and charitable corporations.



Queen's Elder Law Clinic

With continuing exponential growth in the demand for QELC services, 2017–18 started with double the number of client matters awaiting assignment to student caseworkers than a year ago. Eight new student caseworkers and one student volunteer are managing the community partnerships with the Cobourg and Kingston Community Legal Clinics with great enthusiasm, and are also regularly attending local institutions such as Millhaven to assist elder inmates. In particular, demand is much higher for assistance with estate administration issues, either formal court applications (formerly "probate"), or routine inquiries for small estates.

Queen's Family Law Clinic

From May to August, QFLC summer student caseworkers Beth Ambury and Rachel Law successfully closed 32 files and readied another 50-plus active matters for transfer to the incoming class. Working with five QFLC alumni who have returned as volunteer clinic mentors, the 12 incoming student caseworkers went immediately to work meeting clients, engaging legal analysis and completing court documents all while also learning office procedures, legislation, regulations and the family justice vernacular. It is a steep and unforgiving learning curve that they have tackled the only way one should – at full speed.

Queen's Legal Aid

The academic term is well underway, and that means QLA has selected volunteer caseworkers to ensure the work of the clinic – representing 250 clients, carrying out intake interviews at four different locations, and sharing the load of weekly remand court appearances – will continue. QLA reviewed over 125 applications, and selected 26 first-year and 30 upper-year volunteers to supplement its 24 credit students and 10 returning summer students. After attending mandatory training at the end of September, all clients are back in good hands and work is progressing well.

Queen's Prison Law Clinic

The QPLC wrapped up a very successful summer of student advocacy and litigation on behalf of prisoners by caseworkers Jesse Wright, Law'19, Humza Hussain, Law'19, Jodie Al-Mqbali, Law'18, and Deanna Miller, Law'18.

During the same period, the Attorney General for Canada conceded to two of the QPLC's Judicial Review applications to Federal Court, and the Federal Court granted its Judicial Review in the case of *Akhlaghi v. Canada T-2165-16*.



The Queen's Law Clinics gratefully acknowledge the support of Legal Aid Ontario, the Law Foundation of Ontario, Pro Bono Students Canada, the class of Law'81, the United Way, and alumni and industry sponsors.

While our clinics are supported by the above organizations, the Queen's Law Clinics is solely responsible for all content in this publication.

Queen's | LAW