

Queen's Law

ISSUE 2001

REPORTS



HONOURING
THE PAST,
CELEBRATING
THE FUTURE

dean's message



Welcome to our new *Reports Magazine*. This first issue is dedicated to Professor Denis Marshall. Denis taught in the faculty for 12 years during which time he revolutionized the way students and faculty used technology to enhance the learning environment at *Queens Law*. Denis produced the *Queens Law Reports* for many years and was involved with the early discussion on the plans for this new effort. Denis passed away in June of last year and he is sorely missed.

We are continuing with our theme of renewal, rejuvenation and renovation. This year the Law Faculty's QNS (Queen's National Scholar) candidate was chosen in the university wide competition. This allows us to expand the roster of new faculty by two this fall bringing the total to seven in the past three years. Faculty and students had the opportunity to meet over 23 candidates for the two positions so we have been kept very busy with extra-curricular activity.

With several courses revamped and many more added with the guidance of our energetic and talented new faculty as well as the valuable in-put of our seasoned veterans, the law school is now able to offer an unparalleled legal education.

Our next major effort is to complete the renovations to Macdonald Hall that were started in 1996. We have been diligent in keeping our costs as reasonable as possible with this project. When finished we will have a building that is accessible to individuals with physical challenges and as a by-product have an entrance and teaching spaces that will reflect the professional profile of the Faculty of Law. Faculty, students, staff and alumni have all placed this as the faculty's greatest need.

Visit our website <http://www.qsilver.queensu.ca/law/> to view the new initiatives and plans for continuing our efforts to keep the Faculty of Law at *Queen's* one of the most respected institutes of legal education, preparing students for intellectually challenging careers in law and related fields.

—Alison Harvison Young



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Cover (from left to right): Susan Miklas (Law '88) Adjunct Professor, Varinder Dhaliwal (Law '02) Incoming Law Students' Society President, Mark Walters (Law '89) Assistant Professor, Shane Coblin (Law '02) Outgoing Society of Graduate and Professional Students Vice President Services

top marks



Dramatic Jump in Law School Ranking

*"The commitment of our faculty
and staff to fostering an environment
of academic excellence and community
spirit for students was highlighted
in the survey this year"*

Queen's Faculty of Law has climbed to sixth place – an eight-point jump – in a national ranking of 15 law schools by recent graduates.

The January 2001 issue of *Canadian Lawyer* magazine gave Queen's an overall grade of A-, and noted: "Both the student body and the faculty were given top marks, and grads say they enjoyed the relationships they formed with the people they met at Queen's."

According to Dean Alison Harvison Young, the improved ranking can be attributed to the significant reinvestment in the School seen by students over the

past few years. "The improvements to date in our facilities have made a difference, and the commitment of our faculty and staff to fostering an environment of academic excellence and community spirit for students was highlighted in the survey this year," she said.

Queen's report card included "A"s for students and testing, and "B"s for facilities, relevance, curriculum and faculty. Caring and competent teachers ranked between 75 and 99 per cent. Ninety-two per cent of graduates said they would recommend Queen's law school.

Law Librarian and Associate Dean Denis Marshall passed away in the summer of 2000. Denis' legacy will continue to benefit the law school and legal education for years to come.

in memory

While students, staff and faculty are deeply saddened by the loss, it is clear that Denis' legacy will continue to benefit the law school and legal education for years to come.

Denis came to Queen's in 1989, after an 11 year stay as Assistant Professor and Law Librarian at the University of Manitoba. Within two years at Queen's, the library was transformed from a traditional, almost entirely paper based library, into a state of the art electronic research centre, which was the envy of other faculties within Queen's and other law schools in Canada.

Under Denis' guidance, the William R. Lederman Law Library became the first legal library in Canada to offer law students unrestricted access to a computer lab which was outfitted with the most up-to-date research software. This vision continues to live on today as Queen's remains at the forefront of the electronic revolution that has swept legal libraries.

Denis' foresight into the groundbreaking effect that computers would have on legal research also radically altered the curriculum at Queen's. In 1990 Denis revamped the First Year Legal Skills Program to provide first year students with detailed instruction in legal research and writing. He also developed

and taught an Advanced Legal Research course.

Denis' contributions to the faculty were not limited to his work in the library. He served as Associate Dean from 1991 to 1999 where he prepared and managed the faculty budget, organized and administered the student exchange program, played a key role in academic planning and policy development, and co-ordinated a major renovation project. He also provided support to numerous other programs within the faculty such as the Education Equity Program and the Student Shadow Program.

In addition, Denis did not confine his efforts only to Queen's. He was extensively published and was active in the Canadian Association of Law Libraries and the Index to Canadian Legal Literature.

In May of 2000 Denis was the recipient of the prestigious Ontario Confederation of University Faculty Associations' Academic Librarianship Award for his many contributions. His work has also recently been recognized by the Canadian Association of Law Libraries (CALL) through the creation of the The Denis Marshall Memorial Award for Excellence in Law Librarianship. The award recognizes a current member of CALL who has provided outstanding



Denis Marshall 1948 – 2000

service to the Association and/or enhanced the profession of law librarianship in the past year. The Law Students' Society has also established the Denis Marshall Recognition Awards presented to students in their graduating year who are recognized by their peers for their substantial commitment to Queen's Faculty of Law.

In the eyes of colleagues, students and staff at Queen's, Denis was an unassuming, modest and friendly person who was upbeat and always available to help anyone in need. Throughout his illness, Denis continued to work with the same level of skill and dedication he brought to work every day of his career. He is sorely missed by all.

new faculty

Pardy Brings Environmental Law Expertise

"Turns out that the professors around here are not just top-notch scholars and teachers, but super colleagues as well, supportive, friendly, and fun to be around. The faculty's leadership has the place right on course. The students like their community here and it shows. It's a great place to be."



Bruce Pardy joined the Faculty of Law this year and brings new expertise in the area of environmental law. Bruce taught Property Law and Civil Procedure in his first year and will add Environmental Protection Law to his list of courses next year. Bruce came to the Faculty with a reputa-

tion for excellent teaching which he lived up to by winning the Law Students' Society's Teaching Award in his very first year here at Queen's.

Bruce has an LL.B. from Western and an LL.M. from Dalhousie. He started his academic career at Victoria University of Wellington in New Zealand and has been a Visiting Professor at Seattle University School of Law and California Western School of Law. He has a keen interest in environmental law and has published numerous articles and a book, *Environmental Law: A Guide to Concepts*.

Bruce is pleased to make Queen's his new home.

Cockfield Joins Faculty as Queen's National Scholar

The Faculty of Law is pleased to announce that Art Cockfield will be joining the faculty in September of 2001 as a Queen's National Scholar.

The Queen's National Scholar competition is university wide and is designed to bring junior faculty with excellent teaching and research potential to Queen's. Past winners in the Faculty of Law include William

Flanagan, Kathy Lahey and Mark Walters.

Art graduated from the Faculty of Law at Queen's in 1993. He articulated and practised at the former Goodman, Phillips and Vineberg in Toronto in their corporate/commercial law department, focusing mainly in securities and tax law. He went on to obtain his J.S.M. (Masters of the Science of Law) and J.S.D. (Doctor of the Science of

Law) from Stanford Law School, where he subsequently began his academic career. Most recently, Art was a professor at the Thomas Jefferson School of Law in San Diego.

Art's areas of expertise are tax, business and cyberlaw. He is widely published in these areas and will be teaching Contracts and Cyberlaw in the 2001-2002 academic year.

Relevant Experience in the Classroom



We were very pleased to welcome Gary Trotter to the Faculty of Law this year. Gary joined Queen's after 12 years as Counsel with the Crown Law Office (Criminal), Ministry of the Attorney General for Ontario. This year Gary taught Criminal Law and Criminal Procedure. He was Co-Chair of the Moot Court Committee.

Gary has an LL.B. from the University of Toronto, an LL.M. from Osgoode Hall, as well as an M. Phil. and a Ph.D. from Cambridge University.

Gary brings relevant experience to the classroom, having been a Crown Counsel and serving as Ontario's representative for two Federal/Provincial/Territorial task forces, one of which dealt with high risk offenders, and the other producing a handbook on the effective prosecution of criminal harassment. He assisted in drafting Ontario's response to the federal government's introduction of legislation to combat stalking and criminal harassment, and was involved in the government's response to the *Gittens/Cole Report on Systemic Racism in the Ontario Criminal Justice System*.

Gary has also published the leading bail text in Canada, *The Law of Bail in Canada*, now in its second edition. As well, he edits the *Canadian Criminal Cases* and is the Book Review Editor of the *Criminal Law Quarterly*.

Gary has made a significant contribution to the Faculty of Law and continues the Queen's Law tradition of excellent teaching and scholarship in the Criminal Law area. Next year Gary will teach Advanced Criminal Law in addition to First Year Criminal Law and Criminal Procedure.

"My first year teaching at Queen's

was fabulous. My new colleagues

welcomed me into a completely

supportive and inspiring intellectual

environment. This enabled me to give

as much as I could to the extremely

impressive group of students that I

had in my classes this year."

New Tax Scholar Joins Faculty

Kim Brooks, an emerging tax scholar, joins the Faculty of Law this summer. Kim practised at Stikeman Elliott for several years, most recently in their London England office. She has an LL.M. (Taxation) from Osgoode Hall Law School and her LL.B. from the University of British Columbia.

In London, Kim was developing a strategy for offshore jurisdictions that seek to

address the recent recommendations of the Organization for Economic Cooperation and Development, the Financial Action Task Force, and the Financial Stability Forum on bank secrecy and sharing tax information between jurisdictions. Her tax practice focused on corporate and international tax, and in particular on cross-border investments and transactions. She has handled

matters which include the tax aspects of financing, reorganization and restructuring, transfer pricing, and inbound and outbound international planning.

Kim has published in the area of tax law and has spoken at several conferences and committees related to taxation and women.

She will teach Torts and Taxation in the 2001-2002 academic year.

Retirements



Professor Susan Miklas retires this year after eight years of teaching at the Faculty of Law. Susan came to the Faculty in 1994 to teach Civil Procedure and went on to teach Family Law, Children's Law, Public Law and Client Counselling and Dispute Resolution.

Susan contributed a great deal to the Faculty of Law in her relatively short career here. Her strong commitment to students and her involvement in the life of the faculty will be missed. She is an open and engaging teacher and always made herself available to students for informal counseling and guidance. She was one of the first coordinators of the First Year Resource

Program developed in 1997 to assist first year students with research and writing skills and to provide enrichment in the areas of perspectives, diversity and ethics. The Queen's Law Shadow Program was another student centred program run by Susan. This program provides an opportunity for first year students to shadow a practitioner or judge for a day to gain valuable exposure to the practice of law. It was also due to Susan's initiative that Queen's Law students now participate in the annual Client Counselling Competition with law schools from across Canada and the United States.

While Susan only taught at the Faculty of Law for eight years, her

association with the faculty goes back to 1965 when she started law school, completing her first year standing third in her class. She then left law school, married and raised three children. She returned to law school in 1986 and graduated in 1988. She also completed an LL.M. degree at Duke and practiced for a number of years with Cunnigham, Swan, Carty, Little and Bonham in Kingston before returning to the Faculty of Law to teach.

Susan always considered teaching at the Faculty of Law to be a privilege and that was evident in her every day dealings with students, staff and faculty. Her dedication to the Faculty of Law will be missed and we wish her well in her retirement.

Wishes

Professor Marvin Baer retires this year after a long and distinguished career at the Faculty of Law. Marvin taught and published in the area of Insurance Law, Secured Transactions and Insolvency and Conflict of Laws and edits the *Canadian Cases on the Law of Insurance*.

Marvin was a student at the Faculty of Law at Queen's, graduating in 1965. He went on to do his LL.M. at the University of California, Berkeley and then returned to the faculty as a Professor.

Students and faculty members alike will remember Marvin's often sharp but understated wit. As chair of faculty board Marvin distinguished himself by ensuring the meetings were on time and ran under two hours. Friend and colleague Professor Allan Manson had these comments regarding the effect Marvin's retirement will have on the faculty board meetings, "Where will we find someone to chair faculty meetings who can inject as much wit and humour into the dreary process of our introspec-



tive debates? Where will we find someone who can remind us that "ephemeral" really means lasting only one day?"

Marvin served as Associate Dean of the Faculty of Law from 1982 to 1987 and also served as President of the Queen's University Faculty Association. His dedication to his colleagues is noted by Allan Manson, "One of Marvin's most important contributions has been his constant efforts to ensure that colleagues are treated fairly. His work for individuals and the university-wide faculty as a whole has been consistent and invaluable."

Students, staff and faculty will miss Marvin and we wish him a long and happy retirement.

projects

Research Grant



Professor Kathy Lahey has been awarded a three year Social Science and Humanities Research Council (SSHRC) grant in support of her program of research on "Women, Taxation and Employment: Removing Barriers to Women's Labour Force Participation." This is the second such 3-year SSHRC grant Kathy has had in recent years. This project will assess the impact of recent changes in tax and benefits law in Canada on an ongoing basis in order to evaluate competing alternatives for reform and contribute to the increasingly globalized discussion of how tax systems affect women as a class. The research will be of interest and use to government policy analysts, public interest groups, researchers, and those who are interested in how tax and transfer policy affects women's search for social justice.

Child

Witness Project

Professor Nicholas Bala recently completed a three year research project on child witnesses. The results, released in March of 2001, indicate that many judges are asking children the wrong questions when determining whether or not they can tell the truth. Nick worked with Psychology Department professors Dr. Kang Lee and Dr. Rod Lindsay as well as graduate student Victoria Talwar, in undertaking this unique research project.

Ninety-one judges, one hundred and ninety-four defence lawyers, twenty-one child-care workers and forty-four Crown prosecutors were surveyed for the study. Approximately three hundred children were also tested to determine their responses to questions.

Currently many judges ask young children abstract questions about the meaning of terms such as "oath," "truth," "lie" and "promise," as well as questions about their religious beliefs and practices. Much of this type of questioning is permitted under current legislation and upheld by appeal courts.

"There is no relationship between children's ability to explain such



Thursday, March 15, 2000

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abstract concepts as 'oath,' 'truth,' 'lie' or 'promise,' and whether they actually tell the truth," says Bala. "However, there is a weak link between a child promising to tell the truth and actually doing so. In other words, asking a child to promise to tell the truth increases the likelihood that a child will tell the truth, though not very much."

The Queen's research, funded for three years by the Social Sciences and Humanities Research Council of Canada, strongly supports changes in the present practices of judges and lawyers, as well as the reform of Canada's laws on assessing the competence of child witnesses by abolishing the competency inquiry, as England has done.

Queen's Law Participates in International Project

The Faculty of Law at Queen's is participating in an exciting project on *Legal Issues Concerning Gender, Sexuality and Family: Expanding Norms of International Human Rights* initiated by Professor Martha Fineman, the Dorteia S. Clarke Professor of Feminist Jurisprudence and the Director of the Feminism and Legal Theory Project at Cornell University Law School. This project will establish a three-year international exchange and enrichment program for faculty, graduate and undergraduate students interested in the legal regulation of gender, sexuality and family. The main goal of the project is to infuse scholarly and policy analyses as to issues of family and sexuality with emerging human rights concepts in the legal systems of the United States, Canada and Northern Ireland. The project will also provide an opportunity to train current and future faculty and produce innovative comparative educational materials.

The program incorporates an interdisciplinary and comparative approach, which will focus on the legal systems of the United States, Canada and Northern Ireland. These three countries were chosen because they are at very different points in their evolution in regard to both human rights jurisprudence and tolerance of plurality of family

forms while sharing a common language and legal heritage.

The participating law faculties are:

Cornell Law School,
Ithaca, New York, U.S.A.

Queen's Faculty of Law,
Kingston, Ontario, Canada

Osgoode Hall Law School,
Toronto, Ontario, Canada

Queen's University,
Belfast, Northern Ireland

University of Ulster,
Jordanstown, Northern Ireland

The program has a number of aspects including visiting scholars, faculty exchanges, graduate student scholarships and Community Outreach and Summer Internships for students. The summer internships will be available for law students interested in learning more about international human rights and equality norms through participation in statutory and community sector organizations in the United States and Northern Ireland. Students from Northern Ireland and the United States will also come to Canada. The project will result in interdisciplinary and comparative research, publications and conferences.

The Faculty of Law at Queen's is very pleased to be a part of this project. The Queen's Faculty of Law Project Committee members are: Alison Harvison Young, Martha Bailey, Nick Bala and Ann Tierney. Questions about the project can be addressed to: Ann Tierney, at6@qsilver.queensu.ca

"Program opportunities include

visiting scholars, faculty exchanges,

graduate student scholarships and

Community Outreach and Summer

Internships for students."

2001 Canadian Association of Law Teachers Scholarly Paper Award

Mark Walters (Law '89), Assistant Professor, has been selected as the winner of the 2001 CALT Scholarly Paper Award.

The committee has selected him as this year's sole recipient of the Award.

His award winning paper is entitled "The Common Law Constitution in Canada: Return of the Lex Non Scripta as Fundamental Law" and is published in (2001), 51 *University of Toronto Law Journal* 91-141.

The Award consists of recognition for excellence symbolized by a plaque presented at the annual Association banquet on Monday, May 28th in Quebec City. This is a real honour and we congratulate Mark on this well-deserved recognition achieved so soon after joining our ranks!

New Courses at Queen's Law

changes

Faculty Adopts New Grading Scheme

The Faculty of Law introduced new grading guidelines this year in response to a report by Associate Dean Martha Bailey. Throughout her report, Martha emphasized the need for a system which ensures "greater consistency and fairness."

According to the new guidelines, in courses other than seminars, B is the median grade, no more than 20% of students are awarded grades of A or A-, and no more than 20% of students are awarded grades of C+ or lower. In first year small sections and upper year seminar courses B or B+ is the median grade, no more than 30% of students are awarded grades of A or A-, and no more than 20% of students are awarded grades of C+ or lower.

The Faculty Board also approved the following changes to descriptive terms for our letter grades: A:Exceptional, A-:Excellent, B+:Very Good, B:Good, B-:Satisfactory, C+:Fair, C: Adequate, D:Marginal, F:Failure. These descriptions will appear on the back of transcripts upon approval by Senate.

Grade distribution information will now be more readily available to students as well as to law firms, courts and graduate schools with an interest in our grading system.

The Faculty of Law is introducing several new courses for the 2001-2002 academic year in response to new legal issues as well as student interest.

The new courses will be:

1. Telecommunications and the Constitution: Taught by Professor Denis Magnusson, this course will address how the law of copyright has adapted to new communications technology and how the law has shaped and been shaped by the Canadian telecommunications regulatory agenda.

2. Applied Business Law Seminar: Taught by Professor Anita Anand, this course is designed to develop students' analytical skills in the area of business law. Each year students will examine a specialized topic in business law from a variety of perspectives.

3. Equality Rights and the Charter: Taught by Professor Bev Baines, this course will examine equality rights jurisprudence to determine: the meaning of the right to equality; whether that meaning varies and, if so, under what conditions; the limits of the right to equality; the controversies about the right to equality that the courts have resolved, and those that remain unresolved; and the perspectives that the various historically disadvantaged groups might reasonably be expected to take about the value of entrenching equality rights in the constitution given judicial reasoning and decision-making to date.

4. Mediation: Taught by Ms. Peggy Blair, an Ottawa practitioner, this course will examine the role of the mediator and mediation as a form of alternative dispute resolution. Students will develop a practical understanding of the professional responsibilities of the lawyer when acting as a mediator or when advising clients during the course of mediation efforts, and will engage in a systematic analysis of the various processes of mediation by discussing, observing and mediating role-played mediated discussions.

5. Intellectual Property Practice, Governance and Policy: Taught by Mr. Howard Knopf, an Ottawa practitioner, this course will focus on various emerging intellectual property issues and analyze the legislative or other responses warranted. Topics will include the Internet, trade and culture, security interests in intellectual property, academic research, patenting of life forms, jurisdiction and private international law issues.

6. Advanced Civil Procedure: Taught by Mr. Peter Wardle, a Toronto practitioner, this course will focus on the procedural subjects which are most commonly encountered in a civil litigation practice. It will also examine the use of a variety of alternate dispute resolution techniques to supplement or replace traditional civil procedure mechanisms.

Queen's Professors Prepare Judicial Newsletter

Queen's Law Professors Don Stuart, Ron Delisle, Allan Manson and Gary Trotter, leading criminal law experts, were asked by the National Judicial Institute to prepare an electronic newsletter on criminal law developments. The newsletter, produced on a three week cycle, is available to trial and appellate judges across Canada and provides summaries and commentary on major criminal law developments.

Contact Don Stuart, stuartdo@qsilver.queensu.ca, for additional information.

Recent Publications

issue no. 10

Bernard Adell. "Arbitral Discretion in the Admission of Evidence: What Limits Should There Be?" 2 *Labour Arbitration Yearbook 1999-2000* 1 (Toronto: Butterworths-Lancaster House, 2000).

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Anita Anand. "Regulating Issuer Bids: The Case of the Dutch Auction" (2000), 45 *McGill Law Journal* 1.

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Torys Business Law WORKSHOP

James Baillie, one of Canada's leading corporate lawyers and former chair of the Ontario Securities Commission, delivered the inaugural lecture in the newly established Torys Business Law Workshop this past February.

The Torys Business Law Workshop was established through the generous donation of Torys in May of 2000. The workshop will draw on the expertise of leaders from the business, academic and legal communities, who will meet several times throughout the year in the form of lectures and seminars. While the sessions are open to everyone at the law school and any interested parties, students can obtain a course credit for attending the workshops if it is in conjunction with related law courses. The sessions are intended to provide students with theoretical and practical instruction in areas where the worlds of law and business interact.

"Torys is committed to further developing education in the legal profession and to building our excellent relationship with Queen's Law School," said Les Viner, the Managing Partner of Torys. "Our strategy, as a law firm, is to be an active participant in the international arena. It is very important to support Canadian Universities, like Queen's, that are successfully nurturing world class talent."

In addition to the series of lectures and seminars, the program will also assist in the creation of further offerings with the International Study Centre and will further the Faculty of Law's links to the Business School at Queen's.

"Torys has donated a very substantial amount of money to the law school, and has been a supporter of this law school for some time," said Dean Alison Harvison Young. "This lecture will be the flagship in a long, fruitful partnership."

Mr. Baillie's lecture, entitled "The Corporate Lawyer-Counsellor or Robot?" explored the mistaken notion that lawyers are "technical robots" whose only role is to know the law and its detail. Instead, Mr. Baillie said lawyers should go beyond detail, which requires that they be independent and always remember the broader public policy perspectives behind the relevant law. Specifically, Mr. Baillie referred to the notion of fairness and stressed its importance as an element of public policy and in the practice of law itself.

As an example, Mr. Baillie discussed a common mistake made by young lawyers who go into Commercial Court armed only with the technical detail needed to make an argument, ignoring the broader public policy reasons behind many of the rules.

"When you're in that court room you should be prepared to argue both levels," said Mr. Baillie.

In addition to Mr. Baillie's work at the Ontario Securities Commission, he also chaired the federal government's Task Force on the Future of the Canadian Financial Services Sector. He serves on the boards of a number of private corporations, and is currently Chair of the Independent Electricity Market Operator, which operates Ontario's wholesale electricity grid and administers the competitive market pricing for electricity.

what's going on...



Professor Anita Anand, John Baillie, QC (Torys), Dean Alison Harvison Young, Patrice Walch-Watson (Torys)

*"The Torys Business Law Workshop
is an innovative format for
teaching law that will significantly
enrich the business law
component of our curriculum"*

career news

Career Services 2000-2001

Career Alternatives Day

"The turnout was great, much better than we expected... Students want to be aware of their choices. Some are looking for alternative career plans. There are a lot of different careers out there and we wanted students to know this is where your career can take you, and these are the kinds of things you can do later on in life."

says Bindu Dhaliwal, President of LSS who, along with student Paola Konge, helped organize the event.

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*Peter Goode, Law '96,
Sheena MacAskill, Law '86,
and Jessica Bookman, Law '02.*

The career services calendar this year was very full as we attempted, with significant help from alumni, to provide a varied programme of events to inform students about the broadest possible range of careers, and to help them obtain the kinds of positions of interest to them.

The academic year began with third years returning after a very successful round of articling interviews – following graduation in May, the class of 2001 will begin

interesting articles all over the country. While there are always some who must continue searching for articles after they return to school, there were more jobs available this year than usual, and thus the number in that position this year was much smaller than it has been in the recent past. In September a number of Law '99 grads presented an encouraging and informative seminar entitled 'I Started Third Year Without an Articling Position.'

The summer job application process began with the exciting but time-consuming (many would even

say gruelling) recruitment of second years by Toronto employers, including the first-ever on-campus interviews, held in October at the Portsmouth Olympic Harbour in a room resembling an airplane hangar. Many of our students took part in that process and the interviews in Toronto in November, and quite a few accepted summer positions with general and specialized Toronto firms for the summer of 2002.

In November a number of our students attended summer job interviews with representatives of firms from B.C., Alberta, and the West Coast during 'East West week' in Toronto.

The fall seminar series included interesting presentations on Practising in Ottawa, Graduate Studies and Academia, and Clerkships.

Our annual Careers Day in February was attended by representatives from over 75 firms and government offices from Ottawa, Toronto, Belleville, Kingston, London, Sudbury and Calgary, who provided information to students about summer and articling opportunities.

This spring we also launched a new student-inspired annual event called 'Career Alternatives Day.'



Over 30 representatives of a wide array of organizations that employ lawyers and law graduates came to talk to students about career possibilities beyond the articling year. Our guests were from government offices, firms, international organizations, unions, in-house corporate legal departments, administrative tribunals, legal clinics, publishers, and public interest and regulatory agencies. An article about this event appeared in the *Ontario Lawyers Gazette*, Spring 2001 issue.

The spring term included a series of presentations to help students applying for articles this summer, including discussions by teams of third years about their experiences interviewing in various provinces and cities and with specialized employers. In addition, five recent graduates came to Kingston to take part in a panel discussion in which they described their articling experiences, and offered words of wisdom about what to expect and how to prepare. (One participant's worst moment? 'December'.)

In March ten practitioners, many of them alumni, visited the faculty

for a day. They took part in panels discussing application materials and interview techniques, and met with interested students to conduct practice interviews. We also had a day-long visit from four representatives of the Law Society of Upper Canada, who conducted sessions on articling and the Bar Admission Course, and on equity issues in the hiring process.

Thank you to those alumni who completed the questionnaire enclosed in last year's *Queen's Law Reports*. Some of you have been contacted already, and have taken part in some of our events this year. Those of you who agreed to be on the new Register of Alumni may be contacted soon by a student seeking advice, if you have not been contacted already. Finally, those of you who indicated on the form that you would like to participate in the LSS careers advisory program should note that student initiative is being combined with the faculty's Law Shadow Program, and we will be contacting you this summer to explain the program and invite you to take part.



Megan Telford, David Francis, Linda Lam, and Daniel Wong are the first graduates of the Queen's MIR/LLB Cooperative Combined Degree Program.



Many of our career services activities would not be possible without the enthusiastic support of Queen's Law

alumni, for which we are very grateful. I look forward to seeing many of you in the course of the next year, and I encourage you to contact me if you have questions or suggestions.

Gillian Ready, Career Services
readyg@silver.queensu.ca
613 533-6000 | ext. 77735

The Career Services Office is supported in part by a grant from the Law Foundation of Ontario.

Students Secure Clerkships

Clerking has always been a popular option for graduates of Canadian law schools.

However, the popularity of clerking at a court has resulted in stiff competition for the few clerkship positions courts have offered. Historically, Queen's students have done very well securing clerkships at courts all over Canada.

Recent years have been no exception. For 2001 and 2002, 23 students have secured clerkships at 9 different courts, including the Supreme Court of Canada and the Ontario and Federal Courts of Appeal.

The Faculty of Law would like to congratulate all of our students who have secured clerkships.

Supreme Court of Canada

Vaso Maric '01
Shannon Chace-Hall '02

Ontario Court of Appeal

Annette Fox '01
Heather MacKay '01
Anida Chiodo '02
Eric Gottardi '02
Antonella Ceddia '02

Federal Court of Appeal

Megan Telford '01
Cherie Metcalf '02
Kate Lamb '02

Federal Court of Canada

Michael Wicklum '01
Albert Chang '02

Ontario Superior Court

Kathryn Ferreira '01
Erin McNamara '01
Erin Pancer '01
Adam Zegouras '01
Lindsay Hamilton '02

Ontario Divisional Court

Tom Harrison '01
Lisa Stevenson '02

B.C. Superior Court

Jason Murray '01

B.C. Court of Appeal

Ian Carter '02

Tax Court

Aaron Chan '02
Jennifer Neill '01

Note: Year represents year of clerkship.

success

Queen's Law Open House Another Success



Tina Hill (Law '01) LSS vice president, presents Professor Bruce Pardy with the LSS Fall 2000 Teaching Award.



Gerry Sadvari (Law '76) of McCarthy Tétrault.

Queen's Faculty of Law welcomed prospective members of the Class of '04 to the third annual "Welcome Day" on March 2, 2001. Over 150 students and guests visited Queen's from all parts of Ontario and from British Columbia, Alberta and Quebec.

The day began with an address by Dean Harvison Young and LSS President Megan Cornell. Professor Virginia Bartley followed with an interactive seminar on "Poverty Law." The seminar was followed by a tour of Macdonald Hall and lunch in the student lounge, where faculty, staff and students were present to answer any questions.

Professor Bruce Pardy hosted an afternoon interactive seminar on "Law is just a bunch of rules."

Professor Pardy answered the age-old question of what lawyers and law students actually do, and stressed that the law is more than just a collection of rules to be mastered. Gillian Ready, Director of Career Services, and Professor Rosemary King, Director of Education Equity, also addressed the students.

McCarthy Tétrault sponsored the cocktail reception to end the successful day. Prospective students mingled with faculty, staff, students and alumni. Students enjoyed meeting with Gerry Sadvari (Law '76) of McCarthy's, who represented the firm at the reception.

During the reception Professor Bruce Pardy was presented with the LSS Award for Teaching Excellence for the Fall 2000 term.

We hope that *you*, our alumni, will continue to assist us in our efforts to continue recruiting the best students. As competition amongst law schools continues to increase, Open Houses are growing in popularity as a factor on which to compare, and ultimately select, a school. We also know that contact with alumni is very influential in the decision-making process.

*If you would be interested in meeting prospective members of Law '05 at a social gathering in Kingston in early March of 2002, please contact **Lisa Graham** at (613) 533-6000, ext. 74259; grahaml@qsilver.queensu.ca. We look forward to your support and your enthusiasm.*

LSS President

The 2000-2001 school year was a year of great accomplishment for both students and the Faculty of Law as a whole. Student participation was so great this past year that all students should feel a sense of accomplishment coming out of this year.

Queen's Law students were instrumental in creating a new Ontario Law Students' Association (OLSA). OLSA will represent student interests across the Province, particularly with bodies such as the Law Society of Upper Canada. This was a project that had been discussed for many years, and it was students at Queen's this year that made sure it became a reality.

Students also became increasingly involved with both alumni relations and new student recruitment. Committees functioned to serve both these ends, and helped raise the Queen's student profile considerably. Students hosted several events for Homecoming 2000 and attended a large number of alumni functions. Students also hosted the first ever "Welcome Pub Nights" held in August to welcome students of the Class of 2003. The events were held in Ottawa, Kingston, Toronto and Vancouver and were very well attended by our new students.

The LSS created a "Promotional Committee" this year that had the objective of increasing law firm sponsorship of our LSS activities. The Committee administered a comprehensive survey of student preferences in firm marketing and recruitment. The survey addressed student attitudes toward firm brochures, firm product 'give-aways', sponsorship of events and the application and interview process. The Committee produced a handbook that presented the findings from the survey and also contained an explanation of the events that the LSS was seeking sponsorship for during the 2001-2002 school year. The Committee presented its findings to a group of firm representatives at Career Day in February and the materials were a huge hit. The LSS is already finding an increase in firm sponsorship of events, so the benefit will be felt by all students.

Finally, the LSS also created a new award for graduating students to be recognized by their peers for contribution to the law school in a particular capacity. The awards were named after the late Professor Denis Marshall, in recognition of the fact that Professor Marshall was a role model for all of us in the way he always went above and beyond the requirements of his position. This year we were pleased to present the award to six graduating students, representing all aspects of the law school, for their dedication and contribution to the school.

It has been an active and exciting year for the LSS, and one of which we are all very proud!

Megan Cornell
Law Students' Society President
2000-2001

New Registrar at the Faculty of Law



Jane Emrich was appointed the new Registrar of the Faculty of Law replacing Merrilees Muir who held the position for over six years. Merrilees has taken up a new position as Senior Associate, Office of the Vice-Principal (Academic). Merrilees made a significant contribution to the Faculty in her years as Registrar and both students and faculty miss her and wish her well in her new position.

Jane has a long history of involvement with Queen's and the Faculty of Law. Jane was an adjunct professor at the Faculty for a number of years teaching Torts and Employment Law. A graduate of Queen's Law '77, Jane also has experience as a practitioner and as a Labour Law mediator and arbitrator. Jane's commitment to the Faculty and to students will serve her well in her new position.

The Registrar of Law is responsible for student recruitment, admissions, exams and other academic standing related issues.

business law symposium

7th Annual

The year 2000 edition of the Queen's Annual Business Law Symposium took place November 17th and 18th in Kingston. Nearly 100 practitioners, members of the judiciary, academics, and students gathered at the Four Points Sheraton Hotel to discuss selected topics in corporate litigation.

"This is a great opportunity to meet judges and practising lawyers," said Brent Clooney (Law '01), the Student Coordinator of the Symposium. "It's a very informal atmosphere, where everyone knows everyone, and they just debate back and forth."

The first day featured papers on fiduciary duties (by Law Professor William Flanagan), the oppression remedy (by Sheila Block of Torsys), class action suits (by John Campion of Fasken Martineau DuMoulin), and competition law (by George Addy of Osler, Hoskin & Harcourt). Commentators on the first day included the Honourable James

MacPherson from the Ontario Court of Appeal, the Honourable Robert Blair, Dr. Philip Anisman, and the Honourable Howard Wetston.

Students attending the Symposium found the discussions educational and stimulating.

"We enjoyed the speakers," said Diana Svalina (Law '02). "It was informative, definitely entertaining."

Justice Frank Iacobucci of the Supreme Court of Canada gave the keynote address at the reception banquet the first evening.

The second day featured papers on corporate shareholder activism (by Neil Finkelstein and Lindsay Clements of Davies), criminal and regulatory enforcement (by David Stratas of Hicks Morley Hamilton Stewart Storie), and the jurisdiction of securities regulators (by Tim Moseley of the Ontario Securities Commission). Commentators included the Honourable Kathryn Feldman from the Ontario Court of Appeal, Edward Greenspan from

Greenspan, Henein & White, and Queen's Law Professors Gary Trotter and David Mullan.

This is the seventh year that the Queen's Business Law Symposium has been held. Topics from previous years include The Electronic Evolution (1998), Financial Institutions Regulation (1996), and the Role of the Regulator (1994).

This year's Faculty Advisors were Professors Anita Anand and William Flanagan. The Student Organizing Committee consisted of Brent Clooney, Aaron Chan, Michelle Pong, Jane Son, Vivek Mehra, Lida Bucyk, Sharilyn Nagina, and Christine Churcher. All were very happy to see how well the Symposium turned out, and wish next year's executive the best of luck.

The Symposium is sponsored this year, and for the next two years, by Osler, Hoskin & Harcourt LLP, Davies, Ward Phillips & Vineberg LLP, and Stikeman Elliott.

Queen's Law Grad Wins Prestigious Law Society Medal

Gerri Sanson (Law '88), a former winner of the Queens University Faculty of Law Gavel Award, continues to contribute to the public and the legal profession the same way she contributed to the Faculty of Law while attending Queen's.

Gerri's dedication to her clients and the profession was recently recognized when she was awarded the prestigious Law Society Medal for her exceptional contributions to the legal profession.

Gerri's practice at her Toronto firm (Sanson & Hart) focuses on equality rights, labour and employment law. Her dedication to the field has been nothing short of spectacular.

She obtained the highest general damage award in human rights history on behalf of a woman suffering sexual harassment. She acted as counsel or as co-counsel before the Supreme Court of Canada and the Ontario Court of Appeal in numerous cases, such as *Eaton v. Brant County Board Education and AG for Ontario* involving a disability discrimination in education issue. She has also been very active in judicial reviews and Human Rights Boards of Inquiry involving gender and systemic discrimination complaints regarding pay and employment equity issues.

Gerri was also involved in the Coroner's Inquest into the Deaths of

Arlene May and Randy Iles, which after a 5 month inquiry offered 213 recommendations for changes to the criminal and civil justice systems. Gerri provided her clients with over \$100,000 in pro bono work throughout the course of the inquest.

Gerri's nomination for the Law Society Medal was initiated by several lawyers and clients.

"[It was] overwhelming," said Gerri. "Especially knowing that it was one of my clients who instigated the nomination, and several other advocates equally passionate about human rights who wrote these truly amazing letters to support me. It is a remarkable experience to be formally recognized for work which sometimes feels unrelenting to me and to also have a reason to share and celebrate the achievement with family, friends, clients and colleagues from whom I have always received such tremendous support."

Prior to starting her firm in 1993, Gerri worked as counsel to the Ontario Human Rights Commission and articulated at the Ministry of the Attorney General (Civil). In addition to her practice, Gerri is an instructor of Public Law in the Bar Admission Course, is widely published and is actively involved in a number of organizations, including the Canadian Bar Association and the Association of Human Rights Lawyers.

According to Gerri, human rights

profile



Gerri Sanson (Law '88)

and equality rights interested her from the beginning of her legal career.

"Perhaps I am naive, but I believe that if we treat people well and the earth well, good things will come to all of us," said Gerri. "It is hard to look at the social and economic injustice we see every day in Ontario alone, and not feel compelled to try and make a positive change."

Although Gerri has been away from Queen's for 13 years, she still treasures her memories from the law school. According to Gerri she enjoyed her time at Queen's because of "the ability to feel part of a community, the accessibility of a great inter mural sports program, and learning that lawyers should never take themselves too seriously."

support



*Cunningham,
Swan, Carty, Bonham
and Little*

Your Gifts at Work

Cunningham Swan Carty Bonham and Little, a Kingston, Ontario law firm with close ties to our school, has pledged \$200,000 to the Campaign for Queens. Their generous donation, spearheaded by Bob Little, Law '61, and Diane Kelly, Law '83, will be directed in support of the Phase II Renovations to Macdonald Hall. A major new teaching space will be dedicated to Cunningham Swan in appreciation of this significant donation, and their continued support of both Queens and our Law School.

Professor Dan Soberman and Alumnus George Thomson, Law '65, Director of the National Judicial Institute, have spearheaded the faculty's first Planned Giving efforts. They have each bequeathed to the law school a gift of a life insurance policy. The gift will eventually become an endowed fund to support in perpetuity programs in "Constitutional and Public Law," including a professorship, visiting scholars, student initiatives and scholarships.

Torys has donated \$260,000 over the next three years to establish the Torys Business Law Workshop. The first program of its kind at **Queen's**, the Torys Business Law Workshop will draw on the expertise of leaders from the business, academic and legal communities who will gather throughout the term to discuss a variety of current topics relating to business and the law. Kent Thomson, Law '82, and Mario Forte, Law '85, were instrumental in the development of this gift and the workshop program.

"The Torys Business Law Workshop is an innovative format for teaching law that will significantly enrich the business law component of our curriculum," said Alison Harvison Young. "Each workshop will provide both theoretical and practical instruction in a variety of areas where business and law meet."

Professor Anita Anand, Associate Dean Martha Bailey, and Professor Bill Flanagan are spearheading the program. The workshop will be open to other departments and local practitioners. Information on the workshops can be found at: <http://qsilver.queensu.ca/law/torys/>

Fasken Martineau DuMoulin pledged \$200,000 in September 2000 to the Phase II Renovations to Macdonald Hall. In recognition of this generous gift, the new moot court room will be named The Fasken Martineau Dumoulin Moot Court. Dedicated to teaching skills required for mooting, advocacy, alternative dispute resolution, negotiation, and similar courses requiring oral argument and videotape feedback, it will be equipped with advanced audio, video, and computer technology, and will seat 24 students.

Fasken's has been a consistently strong supporter of our law school. They have done this through: a generous donation to the first phase of the renovations to Macdonald Hall; by hosting receptions in Toronto and in the faculty; and supporting many student activities on campus. Bruce Treichel, Law '92, greatly assisted with all of these initiatives.

The Annual Faculty Project Appeal has received increased support over the past two years, with contributions being directed to the Macdonald Hall Phase II Renovations in support of the Moot Court. All donations to this project will be recognized in the new space along with that of Fasken Martineau DuMoulin. With this year's gifts, the law school will be able to dedicate a new student seminar room slated for construction with the Phase II Renovations. We are in need of sophisticated seminar rooms with technological access, where students can gather in smaller groups.

With seven new faculty members and many new courses, all faculty and staff are working together to produce a dynamic learning environment. They will be helped in this process by a number of recent gifts.

Homecoming2001

September 21st – 23rd, 2001

The Faculty welcomes all returning Law Alumni and looks forward to a busy weekend.

Again this year the Law Students' Society will be assisting with class events.

Please see our web site for homecoming plans as they develop:

www.qsilver.queensu.ca/law/ and follow the links to News & Events.

See you there, Law Students' Society



sessional lecturers

2001-2002
ACADEMIC
YEAR

Sessional Lecturers play a vital role at Queen's Faculty of Law. They take time away from busy practices and other commitments to travel to Queen's to teach. The courses they teach enrich the curriculum offered to our students.

The faculty, staff and students would like to extend a warm "Welcome!" to our Sessional Lecturers for the upcoming 2001-2002 academic year:

Sharryn J. Aiken

Centre for Refugee Studies (Toronto)
International Human Rights and Immigration Law

Subrata Bhattacharjee

Heenan Blaikie (Toronto)
Advocacy

Peggy Blair

Barrister & Solicitor (Ottawa)
Negotiation and Mediation

Kenneth L.W. Boland

Barrister & Solicitor (Ottawa)
Secured Transactions and Insolvency

Mark Brender

Davies Ward Phillips Vineberg LLP (Montreal)
Corporate Tax

David M. Brown

Stikeman Elliott (Toronto)
Advocacy

Joseph F. Castrilli

Barrister & Solicitor (Toronto)
Environmental Resources Law

John J. Chalmers

Chalmers & Associates (Perth)
Gaming Law

Sue Chapman

Crown Law Office (Criminal)
Ministry of the Attorney-General (Toronto)
Advanced Criminal Law

Tracey L. Durand

McMillan Binch (Toronto)
Alternative Dispute Resolution

Mary Jane Dykeman

Barrister & Solicitor (Toronto)
Mental Health Law

Richard Elliott

Competition Bureau (Hull)
Competition Law

Eric R. Elvidge

Blake Cassels & Graydon LLP (Ottawa)
Securities Regulation

Cheryl Foy

Barrister & Solicitor (Kanata)
Employment Law

Geoff R. Hall

McCarthy Tétrault (Toronto)
Advocacy

W. Brad Hanna

McMillan Binch (Toronto)
Alternative Dispute Resolution

Susan J. Heakes

Heenan Blaikie (Toronto)
Advocacy

The Honourable Judge Stephen J. Hunter

Ontario Court of Justice (Belleville)
Civil Procedure

Gary Jessop

Blake Cassels & Graydon LLP (Ottawa)
Securities Regulation

Claire Kennedy

Davies Ward Phillips & Vineberg LLP (Toronto)
Corporate Tax

Christopher J. Kent

Barrister & Solicitor (Ottawa)
Competition Law

David W. Kent

McMillan Binch (Toronto)
Alternative Dispute Resolution

Dhaman Kissoon

Kissoon & Associates (Toronto)
Racism

Howard Knopf

Macera & Jarzyna (Ottawa)
Intellectual Property Practice, Governance and Policy

John C. Knowlton

Barrister & Solicitor (Kingston)
Advanced Securities

Edmund Kwaw

Barrister & Solicitor (Toronto)
International Finance

Richard Lindgren

Counsel, Canadian Environmental Law Association (Toronto)
Environmental Resources Law

Nicholas P. McHaffie

Stikeman Elliott (Ottawa)
Advocacy

Loretta Merritt

Torkin Manes Cohen Arbus (Ottawa)
Advocacy

Robert Raizenne

Davies Ward Phillips & Vineberg LLP (Montreal)
Corporate Tax

Bob Reynolds

Reynolds O'Brien Kline & Selick (Belleville)
Civil Procedure

Anne L. Ristic

Stikeman Elliott (Toronto)
Advanced Corporate Law

Cameron M. Rusaw

Davies Ward Phillips & Vineberg LLP (Toronto)
Advanced Corporate Law

Sandra Secord

Torkin Manes Cohen Arbus (Toronto)
Advocacy

David Stratas

Hicks Morley Hamilton Stewart Storie (Toronto)
Advanced Constitutional

Bruce C. Treichel

Fasken Campbell Godfrey (Toronto)
Advocacy

C. Peter Turner

Barrister & Solicitor (Dunham)
International Humanitarian Law

Peter C. Wardle

Kelly Affleck Greene (Toronto)
Advanced Civil Procedure

Ernest Wheeler

Department of Justice Canada (Ottawa)
Taxation of Trusts and Estates

The Faculty gathered at the Gananoque Inn on April 9, 2001, for an end-of-year meeting and a celebration of the retirements of Professors Marvin Baer and Sue Miklas.



First Row: (seated, left to right): Bruce Pardy, David Mullan, Ann Tierney, Allan Manson, Alison Harvison Young, Gary Trotter, Rosemary Rayfuse, and Lynn Hanson. **Second Row:** (seated, left to right): Anita Anand, Don Carter, George Alexandrowicz, Bernie Adell, Mark Walters, Mark Weisberg, and Jane Emrich. **Third Row:** (standing, left to right): Sue Miklas, Gillian Ready, Kim Brooks, Rosemary King, Bev Baines, Patti Peppin, Sheila McIntyre, Virginia Bartley, Sue Charlesworth, Kathy Lahey, Charlene Mandell, and Marvin Baer. **Back Row** (standing, left to right): Elspeth Carmichael, Nick Bala, Bill Flanagan, Stan Corbett, Don Stuart, Lisa Graham, Denis Magnusson, and Martha Bailey.

Contact Information

*The Faculty of Law at Queen's welcomes all questions and comments from alumni.
Administrative officers of the Faculty are more than willing to answer any questions you may have.*

Information on courses, programs and faculty projects

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Information on fundraising initiatives

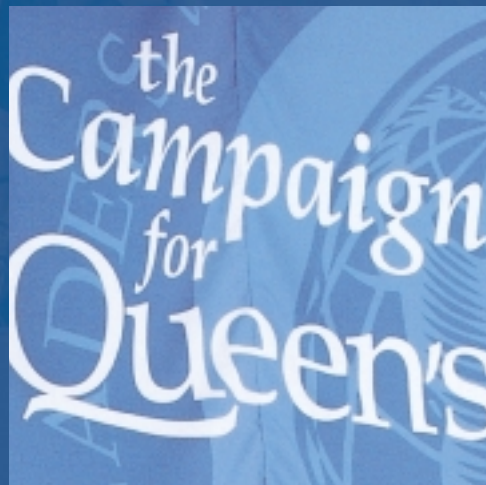
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*Elspeth Carmichael, Jane Emrich,
and Ann Tierney*



SUPPORT QUEEN'S **FACULTY OF LAW** "CAMPAIGN FOR QUEEN'S"

Together we can: **renovate** Macdonald Hall | **enhance** curriculum | **provide** bursaries and scholarships | **create** endowments | **build** a law technology fund



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