

Queen's | LAW REPORTS ONLINE

OCTOBER 2016

OUR ALUMNI ARE THE TOAST OF THE CANADIAN GENERAL COUNSEL AWARDS

[SEE PAGE 14](#)

HOMECOMING PHOTOS

[See page 34](#)

*Golden football legends
reminisce at Richardson
Stadium's grand re-opening*
[See page 18](#)

*Law'95 grad sends First
Nations youths' spirits
soaring at national summit*
[See page 12](#)

Staying in Touch

How are we doing so far?

By year-end, you will have seen three types of publications – more than ever before – from Queen’s Law.

We want your feedback.

Watch your email in December so you can complete our survey on alumni communications, including:



This exclusive digital magazine, *Queen’s Law Reports Online (QLR Online)*, delivered to your inbox three times a year.



Our annual print magazine, *Queen’s Law Reports*, full of feature stories, alumni notes and profiles, published in the spring.



A new separate magazine, *Supporting Excellence*, bundled with the November issue of *Queen’s Alumni Review*.



Coming in the inaugural issue:

Goal: A Greener Caribbean
Inaugural Sutherland Fellow is on a mission

A Boost for Business Law
Meet the first Allgood Professor

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2015-16 Honour Roll of Donors and more

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Queen’s Law Reports Online is a periodic electronic update of *Queen’s Law Reports* magazine published by

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ON THE COVER:
Betty DelBianco, Law’84, is one of three Queen’s Law alumni who won Canadian General Counsel Awards this year.

Class of ’60
Don Plumley...22–23
Kent Plumley...22–23

Class of ’64
Laird Rasmussen...22–23

Class of ’65
John Erickson...22–23
Don Rasmussen...22–23
Gord Simester...22–23
Peter Thompson...18–23

Class of ’67
Ian Brady...22–23

Class of ’69
Donald Bayne...24–25

Class of ’72
Bill Sirman...18–23

Class of ’76
Scott Joliffe...30, 31

Class of ’78
Tom Bogart...10
Kathy Tamaki...10

Law’81
Hugh Christie...11

Class of ’82
Sheila Murray...14, 15
Carman Overholt...31

Class of ’85
Richard Willoughby...10

Class of ’86
Stephen Shamie...11

Class of ’88
Hugh Kerr...14, 16
Phil Symmonds...10

Class of ’89
Halldor Bjarnason...28–29

Class of ’91
Andrew Shaughnessy...10
Patrice Walch-Watson...10

Class of ’93
Frank Walwyn...30

Class of ’94
Derek Flaman...10
Peter Kalins...10

Class of ’95
Alyson Goldman...10
David Sharpe...12–13

Class of ’96
Mike Amm...10

Class of ’99
Tom Zverina...10

Class of ’02
Dan Awrey...27

Class of ’05
Peter Aprile...27

Class of ’06
Jackie Swaisland...27

Class of ’09
Adam Freedman...10

Class of ’10
Gerard Kennedy...26

Class of ’12
Matt Kuchinsky...10

Class of ’16
Julie Harmgardt...31

Class of ’17
Stephanie Bishop...10

PhD Candidates
Cristóbal Caviedes...33
Jane Thomson...32

Friends
Deborah and Emily Overholt...31
Jeffrey Sack...11

Faculty
Kevin Banks...2
Samuel Dahan...2
Dean Bill Flanagan...2, 3
David Freedman...8
Gail Henderson...4
Lisa Kelly...5
Nancy McCormack...6–7
Jean Thomas...9
Grégoire Webber...3



Professor Samuel Dahan, *Référendaire* at the Court of Justice of the European Union, will join Queen's in July 2017.

New hire a major boost for Queen's Centre for Law in the Contemporary Workplace

The Queen's Centre for Law in the Contemporary Workplace (CLCW) continues to grow, with the appointment of an expert on labour law and competitiveness in North America and Europe. Samuel Dahan is an adjunct faculty member at Cornell University, affiliated with Harvard Law's Program on Negotiation, and a *Référendaire* at the Court of Justice of the European Union. He will be joining Queen's Law in July 2017.

"Professor Dahan's appointment will bring added strength to the Centre and enhance our teaching and research capacity in the areas of mediation and arbitration, monetary and financial law, and international economic negotiations," says Dean Bill Flanagan.

Working with the CLCW, Dahan aims to develop a mediation and arbitration clinic and a software platform for negotiation analysis. These initiatives are aimed at improving the lawyering and dispute resolution skills of participants.

Professor Kevin Banks, CLCW Director, describes the appointment as one that will complement the expertise of Queen's researchers already associated with the Centre. "Professor Dahan is very well-positioned

to make a unique, timely and important contribution, advancing the research leadership and expertise of the CLCW while forging connections with universities and institutions such as the European Commission."

A Queen's National Scholar, Dahan holds a PhD in Law from the University of Cambridge, graduate degrees from the University of Paris 1 Sorbonne and the University of Brussels, and an LLB from the University of Nice. In 2015–2016, he was an Emile Noël Fellow at the Jean Monnet Center for International and Regional Economic Law & Justice at NYU Law. He has been an advisor to the European Commission's Directorate General for Financial Affairs, has consulted for the European Commission, the OECD, the French Ministry of Foreign Affairs and private corporations, and clerked for the Conseil d'Etat (French Administrative Supreme Court). In addition, he has taught law and negotiation at the Harvard Kennedy School of Government, Cornell Law School, the Ecole Nationale d'Administration (ENA), ESSEC Business School and Ecole Normale Supérieure.

Dahan will not only add to the Queen's Law's capacity to deliver first-rate teaching in core labour and employment law subjects and courses in comparative labour and employment law. Additionally, Dahan will provide experience in negotiation and alternative dispute resolution – a field that is "more vital than ever to the practice of labour and employment law," Professor Banks claims.

"Queen's felt like a perfect fit for me right away for several reasons," Dahan says. "I had heard of the law school's reputation before my visit and I was immediately impressed with both the faculty and the students," he explains. "My discussions with members of the Queen's faculty felt very natural, as if I were already at home, and the CLCW is a perfect base from which to undertake cutting-edge research in labour law, financial regulation and alternative dispute resolution."

— ANTHONY PUGH



Canada Research Chair and newly appointed Legal Affairs Advisor to the Minister of Justice, Grégoire Webber, MSM

Faculty member takes on new role advising Minister of Justice and Attorney General of Canada

August 2 marked a return to work on Parliament Hill after a civic holiday – and for one Queen's Law professor, the beginning of something wholly new.

Grégoire Webber, Canada Research Chair in Public Law and Philosophy of Law, entered the Department of Justice to begin a placement as the Legal Affairs Advisor to the Minister of Justice and Attorney General of Canada.

"It is a special privilege to have been offered this opportunity," said Webber, who is on a leave of absence from Queen's during his service to the Minister. "I hope to be able to make a contribution."

Webber's role is to provide perspective and insight to assist the work of Minister Jody Wilson-Raybould. Her mandate has a number of current and upcoming issues that will have a tremendous impact on society and that are legally complex, including a review of criminal justice charges and processes, particularly those impacting Indigenous Canadians, the legalization of marijuana, gaps in service for the mentally ill within our justice system, and the inquiry into murdered and missing Indigenous women and girls.

This is a return to the work of government for Webber, who began his career with the Privy Council Office. As Canada Research Chair at Queen's Law, his

research focuses on public law and the philosophical foundations of law, both of which enrich his policy perspective.

Minister Wilson-Raybould is Canada's third female Minister of Justice and Attorney General and the first Aboriginal to hold that office. As the Minister of Justice, she provides legal advice to Cabinet and has responsibility for the administrative of justice; as Attorney General, she is the chief law officer of the Crown and is mandated to ensure that the Government of Canada adheres to the *Charter of Rights and Freedoms*.

"Grégoire will be sorely missed during his absence, but we're pleased to be able to provide him leave for this opportunity," says Dean Bill Flanagan. "During his tenure at the law school to date, he has provided a wealth of energy and ideas, including the co-founding of our new cross-disciplinary program in legal philosophy. His selection for this role with the Minister is an acknowledgement of the quality of our faculty at Queen's Law, and his experiences there will ultimately benefit the school upon his return."

— MATT SHEPHERD

Corporate and securities law expert joins Queen's Law



Professor Gail Henderson

"Queen's has always enjoyed a reputation for being a great law school with a very collegial atmosphere."

The business law program at Queen's Law got yet another boost this summer with the appointment of [Professor Gail Henderson](#).

"Queen's has always enjoyed a reputation for being a great law school with a very collegial atmosphere," she says. "In addition to these qualities, I wanted to join Queen's given the renewed emphasis on business law with the hiring of the [Allgood Professorship holder](#), which only adds to the amazing business law faculty already here."

Henderson, who holds an LLM and a SJD from the University of Toronto and graduated as the gold medalist from Osgoode's LLB program, arrived at Queen's after spending three and a half years as an assistant professor at the University of Alberta. Before turning to academia, she practised commercial litigation and environmental and municipal law at Osler, Hoskin & Harcourt LLP in Toronto and clerked at the Supreme Court of Canada for Justice Louise Charron.

Corporate law, corporate governance and social responsibility, securities regulation and financial institution regulation are among Henderson's areas of expertise. Her doctoral research focused on how corporate governance can encourage sustainable development. After receiving a grant from the Ireland Canada University Foundation, she recently published a co-authored article in the *Journal of Corporate Law Studies* on the use of public interest directors appointed to the boards of Irish banks in the wake of the Irish banking crisis. She has since turned her attention to the Canadian banks and banking regulation. Also an avid baseball fan, she has blogged about baseball and the law.

Henderson is excited about joining the Queen's faculty. "I'm looking forward to collaborative opportunities with my new colleagues, within and beyond the Faculty of Law," she said before arriving on campus. "I am also eager to get to know the students and share with them my interest in my areas of research and teaching. Finally, I am looking forward to rediscovering Kingston – I grew up down the road in Brockville."

This academic year, Henderson is teaching contracts and securities regulation.

— ANTHONY PUGH



Professor Lisa Kelly

Lisa Kelly joins Queen's Law faculty, brings expertise in criminal law

The Queen's Law faculty continued to expand its research and teaching capacity with the addition of [Professor Lisa Kelly](#). A former Trudeau scholar, Kelly holds an SJD from Harvard Law School and is a former fellow of the Centre for Reproductive Rights and Columbia Law School in New York City.

"I chose Queen's Law because of its stellar reputation for quality research and teaching, particularly in the area of criminal law," says Kelly. "When speaking with faculty and alumni of Queen's, I heard again and again that it is a school that places great value on the student experience and is committed to fostering a collegial learning environment. This was a very important draw for me as I embark on my first year of teaching."

During this academic year, Kelly is teaching criminal law and evidence. She speaks excitedly about these subject areas. "Criminal law and evidence are fascinating areas of study because they deal with some of the most serious and direct ways that individuals experience law and state power." Furthermore, Kelly aims to explore links between different areas of the law rather than getting boxed into one or two subject areas. "I look forward to exploring connections in my teaching and scholarship between criminal law and family law, another of my areas of specialization to date – specifically, interrogating the ways in which the state regulates family and other intimate relation-

"I chose Queen's Law because of its stellar reputation for quality research and teaching, particularly in the area of criminal law."

ships and the consequences this has for differently situated groups and individuals."

This builds on Kelly's previous scholarship into how the law interacts with diverse groups. Her doctoral dissertation, "Governing the Child: Parental Authority, State Power, and the School in North America," concerned legal struggles over race, corporal punishment and the disciplinary reach of school authorities. "I am especially interested in the class, race, and gender dimensions of criminal law and enforcement and of the rules of evidence," she says. "From the point of initial contact with the police through the trial or plea bargaining process, the background of an accused person or of a crime victim can bear significantly on how the matter is resolved."

Students are getting an engaging classroom experience when they learn with Kelly. "I like sharing my work with students and, importantly, to gain insights from them. Queen's Law is very much at the forefront of embracing new approaches to law teaching, including the use of technology and alternative modes of evaluation. As a professor, I am committed to using varied pedagogical approaches that will enable students to gain the knowledge and skills they need to succeed in law school and in their subsequent careers. This is a very exciting moment to be joining Queen's Law and I am delighted to be a part of it."

— ANTHONY PUGH



Professor Nancy McCormack is co-author of the new book *The Annotated Federal Interpretation Act*.

MATT SHEPHERD

Professor's new book annotates the Act used to interpret other Acts

After almost two years of effort, Queen's Law professor and librarian Nancy McCormack, along with co-author Melanie R. Bueckert, are seeing the fruits of their labour in print with Carswell's publication of *The Annotated Federal Interpretation Act*. While the title may be prosaic, the book explores one of the most influential statutes in law: the Act that sets the rules, so to speak, for all other Acts.

"The Interpretation Act is an Act to help us interpret other Acts. It's a statute about statutes. There are poetic phrases, like 'law shall be considered as always speaking,' but also some very concrete concepts that need to be explained for us to understand and interpret our laws," McCormack explains.

"We need to resolve disputes, such as what happens when somebody says 'You have a day to complete this action.' It's 3:52 in the afternoon. Do I have 24 hours, until 3:52 the next day? Or do days begin and end at midnight? What is a court going to do with these problems, and how does the *Interpretation Act* help? If a statute is repealed and replaced, what happens to the regulations under the first statute? Are they still in force? If a statute says 'The Minister may do the following,' does that strictly mean only the actual Minister? Or those working on his or her behalf – and if so, whom, and to what extent?"

These are the underpinnings of law that the *Interpretation Act* defines and clarifies. Since it exists as a document that defines the terms in many other Acts, its implications can be profound. "As an Act about other Acts, it applies to everything. From fisheries to criminal law, from copyright to tax, the Federal *Interpretation Act* affects all of our federal laws, and it applies both retroactively as well as forward."

Why annotate it? As McCormack points out, there's a need for the *Interpretation Act* to be, itself, interpreted through its implementation. "When people look at a statute they see its language, but may not understand how to interpret it," she says. "Phrases in the *Interpretation Act* like 'law shall be considered as always speaking' are delightful, but you have to really look at case law to see what it actually means."

Annotations not only serve to explain the *Act* through cases, but also to show how it has changed.

"What 'the law always speaking' means is that the law is dynamic – a section of law implemented 100 years ago must be interpreted according to contemporary values and expectations," McCormack says. "Annotated statutes look at how the courts deal with these issues; how they have applied these sections in the past, and how that application has changed. We expect change: we couldn't have Victorian interpretations of the laws governing our modern lives in all situations.

We look at old, and then new, case law to give lawyers and judges insight into how the law has been understood over time, and how they can approach the problems before them now."

It's a book that's already seen demand from law professors across the country – including three professors who proposed a similar project to Carswell while McCormack and Bueckert were working on their version – and that will serve both lawyers and judges well in the courtroom.

"Reading all the case law behind the annotations was almost like taking a second degree itself," McCormack says of the research process. "It was a lot of fun to work on, and I think it will be of great use to practitioners and scholars alike."

— MATT SHEPHERD



Professor McCormack has published three books in the last three years.



Associate Dean David Freedman

GREG BLACK

"I'm interested in new ways to leverage technology to the advantage of researchers."

Meet our new Associate Dean of Grad Studies and Research

On July 1, Professor David Freedman began his term as Law's new Associate Dean of Graduate Studies and Research. Freedman, who holds an undergraduate law degree from Osgoode, a master's degree from Oxford and a PhD in Law from Cambridge, is also a Certified Specialist in Estates and Trust Law. The founder and past director of the Queen's Elder Law Clinic, he has published widely about legal issues encountered by the elderly. He teaches a range of private law subjects, including trusts, wills and estates, and civil procedure.

Queen's Law Reports talked with Associate Dean Freedman in late June about his plans for his new role.

QLR: As Associate Dean, what will you do first?

DF: In order to learn the job, my plan is to seek the advice of my colleagues in the Faculty. I'm not in favour of "top-down" administrative practices and I'm sure that faculty members will be of great assistance in helping to identify priorities. It would be ideal for me to be able to reflect their needs to the university in internal committees and the like, and assist in structuring Faculty policies that strike an appropriate balance with university resources and strategic goals. Given that we have access to additional sources of funds for research through the profession generally (Ontario Bar Association, Law Society of Upper Canada, and the like), I would think this is quite doable.

QLR: What do you look forward to in your graduate studies role?

DF: It's always nice to have involvement with future colleagues who are doing graduate work. I'm looking

forward to meeting our continuing and new students and learning more about their work. In addition to recruiting top students, I am looking forward to speaking with stakeholders to get a sense of their positions on needed support.

QLR: What are your top priorities for research?

DF: My principal role is support. That said, I'm interested in new ways to leverage technology to the advantage of researchers. For example, the area that I work in is private law; that is, trusts and estates law. This is bread and butter lawyer's work with the emphasis on doctrine. The profession generally leverages technology in the form of webinars and e-journals to ensure that information and research filters down to lawyers. The sort of research that we do in the Faculty is sometimes of equal interest to scholars and practitioners alike, as well as scholars in other disciplines. It would be nice to find ways to draw attention to our work and to create Internet-based spaces to share that research and interact with those utilizing our research.

QLR: What are your goals for LLM and PhD studies?

DF: I was involved in getting our PhD proposal together and navigating through the various approval steps in 2008. I'd like to get a sense of how the program has developed in the interim and revisit some of the assumptions made and goals identified at the outset.



Professor Jean Thomas is the colloquium's instructor and co-convenor.

GREG BLACK

Legal and political philosophy colloquium grows this year

The Colloquium in Legal and Political Philosophy entered its second year this fall with an exciting new lineup of speakers. A joint initiative between the Faculty of Law and the Departments of Philosophy and Political Studies, the course is convened jointly by Professors Jean Thomas and Grégoire Webber. With strong representation from students in all departments, the colloquium provides a fantastic opportunity to foster and develop interdisciplinary learning and scholarship.

Thomas, the sole instructor for seminar students this year, describes the course as lively and fun with much collegial debate on the issues. "Students in the colloquium seminar will get a rich and intensive experience of the most current thinking by pre-eminent scholars in legal and political philosophy. My role is to facilitate students' ability to articulate and strengthen their intuitive positions into a strong argument, as well as to foster a rewarding and exciting discussion. The opportunity for students to put their questions about a paper directly to its author, and to follow up on his or her response, is unique and makes the experience exciting and rewarding."

Public sessions with guest speakers take place about once every two weeks during the term with Thomas as co-chair. Speaking at these sessions are Cheshire Calhoun from the University of Arizona,

Anna Stilz from Princeton, Brian Tamanaha from Washington University in St. Louis, Michelle Dempsey from Villanova, Liam Murphy from NYU and Wil Waluchow from McMaster. Each presentation is followed by an hour and a half of questions and discussion, with enrolled students having priority.

"The assessment in the seminar is mainly oriented to student participation in class discussions and to the critical response pieces the students write," says Thomas. "These are short and focused, and are designed to teach students to concentrate closely on one aspect of, or one move in, the paper's argument and to evaluate it. Students receive not only grades but also detailed feedback on this work and they develop skills in critical thinking, understanding and evaluating an argument, and assessing the validity of its premises."

Thomas says that the course is growing. "This year we have increased the number of enrolled students because of strong demand from students in the departments of Philosophy and Politics. This demand is partly the result of the introduction of the [MA/LLM in Legal and Political Thought](#)."

— ANTHONY PUGH

Torys renews Public Interest Internship Program

Since 2007, Torys LLP has funded internships for more than 70 Queen's Law students at a wide variety of international and domestic organizations. With a \$250,000 gift this year from the firm and its Queen's alumni and friends, the Torys Public Interest Summer Internship Awards have been renewed. Scores of future students will have the same opportunity to spend the summer between first- and second-year law developing their legal skills while working for public-interest organizations around the world.

"Torys and our Queen's Law community are delighted to continue to support this internship program," says Richard Willoughby, Law'85, a partner with the firm and co-chair of the fundraising committee. "We value the opportunity to assist students in broadening their legal education while at the same time advancing important public interest initiatives."

Many of the internships have been with such high-profile bodies as the Organisation for Economic Co-operation and Development (OECD, Paris), the UN High Commissioner for Human Rights (Geneva), the Clinton Foundation (New York), the Canadian Embassy (Washington) and the Women's Legal Education and Action Fund (LEAF, Toronto). Others have been with more local agencies, including the Kivulini Women's Rights Organization (Tanzania) and the Rabinal Community Legal Aid Office (Guatemala).

Torys award recipient Stephanie Bishop, Law'17, spent the summer of 2015 as a Legal Intern to the Counter-Terrorism Committee Executive Directorate at United Nations Headquarters in New York City. There, she prepared concept notes, articles and other documents, drafted speeches for the Deputy Secretary General and other high-level officials, and attended meetings of the Security Council. "I was at the centre of the action all the time!" she exclaims.

Bishop's favourite assignment was preparing for and attending a special meeting of the Counter-Terrorism Committee in Madrid. Her draft paper analyzing gaps, challenges and best practices regarding criminalization of acts associated with foreign terrorist fighters formed the basis of the final day of discussions. "I cannot describe the satisfaction of watching established professionals, such as the President of Eurojust and an esteemed academic from the Hague Institute, read my paper and nod in agreement.

"I had known for a long time that I wanted to be an international lawyer working in the public interest. Interning at the UN exceeded my expectations, and I am so grateful that the Torys award gave me that opportunity."

— LISA GRAHAM



Stephanie Bishop, Law'17, at the General Assembly of the United Nations Headquarters in New York during her 2015 summer internship supported by Torys

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Steve Shamie, Law'86, managing partner at Hicks Morley, has a discussion with Queen's Law students about working in a management-side labour and employment law firm.

CLCW fundraising surpasses \$1-million goal

Queen's Centre for Law in the Contemporary Workplace (CLCW), the first of its kind in Canada, has reached another milestone. The generosity of alumni, friends, law firms and other organizations has pushed donations over the top of the school's goal of \$1 million for the CLCW. Among this year's targeted contributions were gifts of \$50,000 each from Lancaster House and Hicks Morley Hamilton Stewart Storie LLP.

"The CLCW is the trailblazer in revitalizing labour and employment law in law schools across the country," says Jeffrey Sack, QC, founder of Jeffrey Sack Law, President of Lancaster House Publishing, and also CLCW co-chair with Hugh Christie, Law'81. "We need to arrest the decline of labour law as an academic discipline and build faculty strength as a foundation for high quality scholarship and the training of future generations of practitioners."

Under the leadership of Professor Kevin Banks since its launch in 2010, the CLCW has hosted conferences and workshops bringing together leading academics, practitioners and policy analysts from across Canada to discuss pressing issues in labour and employment law – from pensions and privacy to landmark Supreme Court rulings. This past year was no exception. The October 2015 symposium, dedicated to the late Professor Bernie Adell, asked, "Has *Weber v. Ontario Hydro* Transformed Collective Agreement Administration and Arbitration in Canada?" "Frontiers of Human Rights in Canadian Workplaces" was the timely subject of this September's conference.

"The CLCW is the trailblazer in revitalizing labour and employment law in law schools across the country."

— Jeffrey Sack

"Hicks Morley is most pleased to support the Centre in advancing its vision to be a leading force for innovation in law, policy and dialogue in the contemporary workplace," says Stephen Shamie, Law'86, the firm's managing partner and CLCW Advisory Committee member. "With the rapid emergence of new technology and legislation, the need to effectively educate the next generation of leading workplace law practitioners, teachers and scholars is more important than ever."

— LISA GRAHAM

To make a gift to the Centre for Law in the Contemporary Workplace, please go to www.givetoqueens.ca/CLCW

Law'95 grad sends First Nations youths' spirits soaring at national summit

BY MATT SHEPHERD



Idoia Arana-Beobide, Douglas Cardinal, and David Sharpe, Law'95, on stage at the 2016 Hadfield Youth Summit.

Thanks to the efforts of David Sharpe, Law'95, First Nations youth have seen unprecedented involvement in an exclusive Canadian leadership event.

In its 2016 iteration, the Chris Hadfield Youth Leadership Summit – a growing event where young Canadians meet and mingle with Canadian astronauts and pilots – saw 200 First Nations youth among its approximately 1,000 participants. The Summit, taking place in Gatineau on June 30, has been an annual event for the past three years, started by astronaut Hadfield as a single-day event dedicated to creating a “truly exciting day of inspiration and leadership development... that can change the life of a young person.”

“I first heard about the event through some connections with the Hadfields, such as Peter and Mike McGann,” explains Sharpe, who is the President of Bridging Finance, Aboriginal Ambassador for Queen’s Law and Chair of First Nations University of Canada. “I’ve also been involved in bringing Canada’s two active astronauts, David Saint-Jacques and Jeremy Hansen, to meet First Nations youth in Saskatchewan. I’d brought Jeremy to the First Nations University pow-wow in Regina, where he was a huge hit and also

toured some First Nation schools wearing his flight suit and really amazed the youth there.”

When he met with the CEO of the host organization – Peter Allen, of Vintage Wings in Ottawa – at a talk by National Chief Perry Bellegarde in Toronto, Sharpe learned that of the 750 Summit attendees in 2015, none were from First Nations communities. “I took that as a challenge,” Sharpe says. “I went to some of our First Nations leaders across the country, and found lots of them willing to commit to this event – to sending kids to be involved in this summit with the Hadfield family, the Snowbirds – telling them if they could find the kids, I could find the funding. They found the kids, and we found the funding.”

The funding, in turn, was provided by private corporations with First Nations interests. “CIBC and Carillion both really stepped up,” Sharpe explains. “There were great people at both companies who strongly believed in this project and the value of their partnerships with First Nations corporations. We even found funding to make sure everyone could stay over in Ottawa for Canada Day, which was really special.”

It was a proud moment for Sharpe, and a trans-

formative one for all the Summit attendees, regardless of background. National Chief Bellegarde gave an inspiring talk to the youth and reminded them that ‘you do not have to be elected to be a leader.’ “To me, this is reconciliation. First Nation kids should be meeting these air cadets and other youth, people they might normally never have a chance to get to know,” Sharpe says. “And it works both ways; it’s so important for young people from all over the country to meet First Nations kids and realize that Aboriginal youth are just kids like them who want to succeed and be the best that they can be despite challenges.”

One moment stands out as a testament to the power of the event. “Picture a thousand kids, with 300 VIPs, the Commander of the Air Force, Snowbirds, astronaut Dave Williams – they’re all there. We brought Douglas Cardinal in, the acclaimed First Nations architect, to address the kids, and he stood up with his partner Idoia to sing a traditional song. They sang a sacred song to them and Douglas played the hand drum; something hundreds and hundreds of years old. And all the First Nations kids stood up as a sign of respect for their elder, and then everyone else got up as well. It gave me goosebumps,” Sharpe says.

Events like this, Sharpe says, are only the beginning. “Talking to Astronaut Jeremy Hansen, it would be a dream to find an indigenous astronaut,” Sharpe says. “I like to tell youth that that if you keep working and keep trying, the sky’s the limit – and maybe that will be the literal truth for them someday soon!”

“It’s so important for young people from all over the country to meet First Nations kids and realize that Aboriginal youth are just kids like them who want to succeed and be the best that they can be despite challenges.”



A First Nations boy meets Snowbird pilots.



David Sharpe, Law'95 (far right), with First Nations youth at the Hadfield Summit.

Queen's Law alumni dominate Canadian General Counsel Awards

BY GEORGIE BINKS

Many Queen's Law graduates are recognized as outstanding general counsel, and now a trio of them have more hardware to prove it. At the 2016 Canadian General Counsel Awards (CGCA) gala, Sheila Murray, Hugh Kerr and Betty DelBianco, all '80s grads, took three of the seven awards for being tops in their field. The awards, established by the *National Post* and ZSA Legal Recruitment, were presented on June 1 in Toronto.

Sheila Murray, Law'82 (Com'79):

The Business Achiever earns her seat at the table



"As a senior executive you have to be prepared to take the risks and help the corporation move forward."

part of the executive team. I started to participate in decision-making."

If lawyers want to play a more meaningful role at a corporation, Murray says it's important for them to make that leap to the boardroom. "It's vital you have a seat at the table where decisions are being made and strategy is being set. Otherwise you continue being an advice-giver after the strategic decisions are made instead of being an active participant in the process."

The key to success in her job, Murray says, is being able to make decisions and live with the results. "You're not always going to get it right. The consequences of not making decisions are far greater than the consequences of making decisions that may be less than perfect. As a senior executive you have to be prepared to take the risks and help the corporation move forward."

What motivates her is a desire to be intellectually challenged and to provide value to her company. She also finds great reward in working with an incredible team at CI. "I've been extremely well supported here. It's a fantastic executive team – encouraging and giving me opportunities I never would have dreamt of."

Murray, currently Chair of the Dean's Council at Queen's Law, says she's paying back for her "extraordinary training" there. "The whole law student experience trains grads to be thoughtful – someone who can seize a problem, analyze it and communicate well. That's what Queen's did for me."

Sheila Murray, winner of this year's Business Achievement Award, has successfully made the leap since 2008 from in-house counsel to President and General Counsel of CI Financial Corp. in Toronto. After 25 years practising with Blake, Cassels & Graydon LLP, she joined CI – one of the country's largest independent financial investment fund companies – as General Counsel eight years ago, was promoted to Executive VP in 2009, then President last February.

Murray says making the change has been challenging but extremely exciting – even fun. "As lawyers we're trained to be reactive rather than pro-active, to problem-solve and offer advice and opinions and not generally be the decision-maker. When I made the transition from private practice to in-house, I became

Hugh Kerr, Law'88:

The Deal-Maker breaks new ground with North American first in insurance



Hugh Kerr, VP and Associate General Counsel of Sun Life Assurance Co. of Canada, received the Deal Making Award for two complicated, high-profile, pension-risk transfer transactions he managed as the chief legal advisor for the pensions business unit at Sun Life.

The first transaction involved the Bell Canada pension plan that transferred \$5 billion of pension risk from the BCE plan to Sun Life. Kerr explains the deal, a longevity insurance agreement, was the first of its kind in North America. "We were breaking new ground with the contract, being the direct insurer with the pension plan, and then having to reinsure a portion of the liabilities. It meant multi-party negotiations and a dispute resolution mechanism far more challenging than you might think."

The second deal may be Canada's largest inflation-linked transaction. A \$530-million group annuity deal involved two pension plans with unrelated employers, who were aware of each other's involvement but not identities. The transaction allowed each pension plan to transfer the full pension liability

for certain plan members to Sun Life. "What was unusual," Kerr explains, "was that each pension plan provided indexing of the benefits. We were able to find that the two plans had offsetting indexing formulas and create an asset mix that lowered the cost of the annuities more than if each company had gone to the market by itself. The challenge was that negotiations had to finish and the dollars had to flow to us on the same day, so we could go out and buy the assets."

Thinking back to that day, Kerr says the job can be stressful, but he feels he brings a level head and a strong business perspective. "I have a good team here. It was long hours, but these deals were both the first of their kind, which made it kind of fun."

His personal challenge in this life insurance job is that there is both internal and external oversight – "many eyes to satisfy." However, he left Queen's with a good grounding in the law and all aspects of corporate commercial law, he reflects. "That was my focus from the get-go. Gord Simmons, who taught contract law, prepared me well for interactions with counter parties and making sure you understand the deal."

Betty DelBianco, Law'84:

The Litigation Manager wins high-stakes class action case



Betty DelBianco, the winner of this year's CGCA for Litigation Management, successfully managed a complex securities class action that went all the way up to the Supreme Court of Canada. The lawsuit alleged that Celestica's public filings about its restructuring from January 2005 to January 2007 contained misleading statements that caused shareholders to suffer financial damages.

According to DelBianco, Executive VP, Chief Legal and Administrative Officer at Celestica, it was the complexity of the litigation and its multi-jurisdictional aspect that garnered her the award. "This was a long-running, cross-border, securities class action. In Canada the case went to the Supreme Court, where we were ultimately successful. In the U.S., we pursued a different strategy as a result of differences in the issues as well as differences in the two countries' laws and procedural rules."

DelBianco attributes the successful outcome to several factors. "We assembled a good team and we were very thorough in our diligence. You need to set a strategy and stick to it. Certainly I had the support of my CEO and my board of directors."

"To be a successful general counsel," DelBianco says, "you need to have a good connection to the business, be tied into the overall company strategy, be pragmatic, and always look at how what you're doing fits into the bigger picture."

She adds that she's motivated by wanting to do a good job and contribute value to the business. While she's found no obstacles on the job, personally, she says she's always in one ongoing battle. "As any general counsel will tell you, you're constantly competing for resources with the rest of the company so you never have the budget you'd love to have."

She got just what she needed during her time at Queen's Law, though. "I got a tremendous legal education at Queen's," says DelBianco, who is now a member of her alma mater's Dean's Council. "It certainly helped my career. I was lucky enough to have fantastic professors like Dave Mullan and Nick Bala, as well as extraordinary classmates in Law'84 who've become life-long friends."

*"We assembled a good team
and we were very thorough in our
diligence. You need to set a strategy
and stick to it."*

Golden football legends reminisce at Richardson Stadium's grand re-opening

BY JEREMY MUTTON



Queen's Gaels play the Western Mustangs at the grand re-opening of Richardson Stadium.

BERNARD CLARK

As the rain poured down on tricoloured fans, the Queen's Gaels football team concluded their first game on the turf of the revitalized Richardson Stadium with a less than stellar result – falling 27-13 to the Western Mustangs.

But for Gaels Football Hall of Famers like **Bill Sirman, Law'72** (Arts'63, MA'06) and **Peter C.P. Thompson, QC, Law'65** (Arts'62), who took part in a pregame opening ceremony honouring past championship glories, neither the weather nor the scoreboard could dampen their spirits. For them, being here in a new stadium is a reminder of past lessons learned, and what football is really all about.

Bill Sirman played football during his undergraduate years at Queen's.

"When I played there were four teams: Toronto, Western, McGill and Queen's. And the games were really well attended. I mean, we would have 6,000 to 8,000 in Kingston regularly."

Back then the Gaels played at the old Richardson Stadium, located beside Macdonald Hall and where Tindall Field and Robert Sutherland Hall are now. Sirman says he has a "great deal of fondness" for the old stadium.

"It was quite a compact, little stadium, right on campus. And students were always all around. It wasn't that big, but it did hold several thousand people, and the field was very close to the stands. And it was quite an atmosphere," he says.

"Opposing players would tell me years later when I'd meet them at a function, when they came to Kingston to play Queen's, they were seven points down when they stepped on the field."

On the November 4, 1961, game against Toronto, Sirman set a school record for receiving touchdowns that lasted 17 seasons.

"I remember going to Toronto, and the Argos were playing the same day. We played at the old

Peter Thompson, Law'65, seated in the stands with wife Fran Thompson (Arts'64), checks out the program before kickoff of the Gaels' football home opener.



"I think that the designers of the place have been able to duplicate, to a large extent, the 'feel' of the old Richardson Stadium"
— Peter Thompson, Law'65

BERNARD CLARK

Varsity Stadium on Bloor Street, and the Argos were downtown at the old CNE stadium by the waterfront, and we outdrew them. Queen's versus Toronto outdrew the Argos; we had 15,000 fans and they had slightly less."

This was at a time when Queen's had under 5,000 students.

"Over half the school went to that game in Toronto."

That 1961 team went on to defeat McGill in the Yates Cup. Sirman led the league in scoring and was selected as a First Team All-Star.

"McGill at the time had a number of American boys that had played in the States, and they would come up to do graduate work in one of the professional schools, quite regularly dentistry," Sirman recalls.

"So we'd be playing these guys who were two or three years older than we were, generally, and who

had played football in the States ... So they could have eight to 10 Americans on their team; some were allegedly all American nominees. It was quite a rivalry."

Quite a rivalry indeed. The previous year, Queen's had lost to McGill in a playoff. The year after, they also lost to McGill. Then Queen's went back-to-back with two Yates Cups in 1963 and 1964.

Peter Thompson played for six years during that run. Several of those years were with Sirman, and the two remain friends. He says the new Richardson Stadium "has a great feel to it." The grand re-opening is part of Queen's University's 175th anniversary celebrations.

"I think that the designers of the place have been able to duplicate, to a large extent, the 'feel' of the old Richardson Stadium," he says.

"My wife (Fran Thompson, Arts'64) and I were in



Bill Sirman, Law'72, and wife Carol Sirman (Arts'64), in the stands of the newly revitalized Richardson Stadium on Sept. 17.

BERNARD CLARK

the third row on the east side just behind the Western bench – a perfect position to heckle the opposition, should that be necessary!”

“The concourse and promenade on the top level of the stadium is a fantastic feature,” he adds. Fans fled to the covered concourse as the rain poured down.

“I was an All Star in '62, '63, and '64, and played for a few years in the pros with the Ottawa Rough Riders” Thompson says. “We made it to the Grey Cup in 1966. I was doing all this while articling and going to the bar admission course, and I did it one year while I practised law. I then ran out of gas. Football was good to me, it really was.”

Thompson managed to balance law school, elite football and a young family while at Queen's and in Ottawa.

“You put your mind to it, and it sounds like a lot, and I look back and ask myself, ‘How did I do that?’ I was married at the time and had two kids – one when I was at Queen's and then we had another one when we went to Ottawa. It was quite a time.”

Thompson was the Johnny Evans MVP Memorial Trophy winner in 1962. He plays it down, crediting his teammates.

“I managed to eke it out over other great ball players. There were a lot of great guys who played at

*“The guys you meet and play with,
some of them become your friends
virtually for life”*

— Bill Sirman, Law'72

Queen's. It was an honour then and now, and I look back fondly.”

Thompson cherishes the “lifelong camaraderie that stems from participating in intercollegiate football.” It's a sentiment Sirman shares. Their friendship has stood the test of time.

“The guys you meet and play with, some of them become your friends virtually for life,” Sirman says. “And one of them, in my case, is Peter Thompson.”

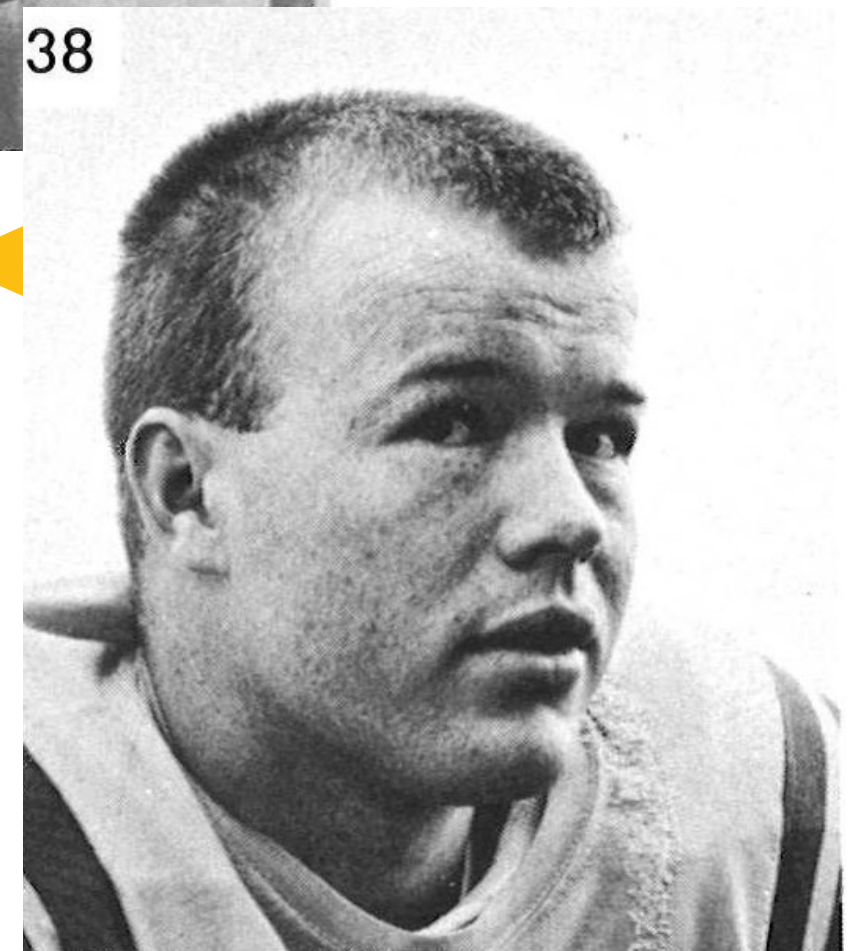
Read more about [Richardson Stadium in the Golden '60s](#) by Peter Thompson.

66



Peter Thompson, Law'65 (Arts'62), played offensive end and tackle during Queen's most successful football decades since the 1920s. A competent receiver and devastating blocker, he contributed a great deal to the team's championships of '61, '63 and '64. He was named the Johnny Evans MVP Memorial Trophy winner in 1962. Following his law school graduation, Peter went on to play for the CFL's Ottawa Rough Riders, and began a successful law practise that culminated in his becoming managing partner with Borden Ladner Gervais LLP's Ottawa office. He now runs his own mediation service and is a member of the Ontario Energy Board.

38



Bill Sirman, Law'72 (Arts'63, MA'06), who in 1961 led the OQAA in scoring with 42 points, set a school record for receiving touchdowns and was selected as a First Team All-Star. Though he was drafted by the Saskatchewan Roughriders, he returned to Queen's in 1969 to study law, and went on to enjoy a successful four-decade career as a lawyer in Napanee, Ontario. He came back to his alma mater again in 2006 to complete a Master's degree in Classics. Bill has made a life-long commitment to Queen's and to the football program.

TRICOLOUR YEARBOOK 1963

THE GAELS



FOURTH ROW: Mike Lewis, mgr., Hal McCarney, Lorne Chapman, Ken Naples, Ian Brady, Andy Shaw, Don Rasmussen.
THIRD ROW: Tabby Gow, Stu Langdon, John Futa, Laird Rasmussen, Larry Burridge, Terry Porter, John DeLaVergne, Pete
SECOND ROW: Gary Lucenti, Cal Connor, Wayne McGill, Garry West, Dave Skene (capt.), Frank Tindall, Norm Dunstan,
FIRST ROW: Derek Mackesy, John Haag, John Nicholishen, Kent Plumley, (waterboys—Jim DeLahaye, Rick Merritt,) Bob
ABSENT: John Quinn, Pete Quinn, John Crouchman, Larry Dolecki.

John Erickson, Gary Strickler, Pete Wityk, Bill Corlyle, Gord Simester, Bob Latham, Al Lenard,
Thompson, Mike Miklas, George Bethune, Brian Todd, Dr. Kerr, Dr. Dunlop.
Fred Endley, Bill Edwards, Bill Sirman, Frank Tindall.
Good, Mike Pettit, Don Plumley, Harold Rose.

Photo by Berry

Bill Sirman (2nd row, 2nd right) and Peter Thompson (3rd row, 6th right) are members of the **1961 Yates Cup championship team**. Other Queen's Law alumni on the winning team shown are: Ian Brady, Law'67 (4th row, 5th left), Don Rasmussen, Law'65 (4th row, 7th left), John Erickson, Law'65 (4th row, 7th right), Gord Simester, Law'65 (4th row, 3rd right), Laird Rasmussen, Law'64 (3rd row, 4th left), Kent Plumley, Law'60 (1st row, 4th left) and Don Plumley, Law'60 (1st row, 2nd right). Not present: John Crouchman, Law'67, and Larry Dolecki, Law'72.

Double honours for Donald Bayne, Queen's Law's criminal bar 'giant'

While he may have been winding down this summer following his successful defence of Senator Mike Duffy in the almost three-year high-profile case, the accolades continued to pour in for Donald Bayne, Law'69 (Arts'66, EMBA'01).

Law'69 grad receives national award for 'Professionalism & Civility'

"I'm highly honoured," says Donald Bayne of his most recent distinction, The Advocates' Society's 2016 Catzman Award. "This award is unique, reflecting a renewed focus on civility in litigation by recognizing other professional qualities beyond simply the ability to be a good barrister or write a good factum."

The Catzman Award for Professionalism & Civility, named after the former justice of the Ontario Court of Appeal, recognizes legal professionals who exemplify knowledge of the law, as well as integrity, fairness and other virtues.

"It's wonderful to be acknowledged by one's peers for these qualities," says Bayne, a partner at Bayne Sellar Boxall LLP in Ottawa who has practised criminal law for 44 years.

One of Canada's foremost criminal lawyers, Bayne is known for defending high-profile clients in complicated cases throughout the years at all levels of courts. Most recently he successfully defended Senator Mike Duffy against charges of fraud, bribery and breach of trust in his trial.

Among countless awards, in 2006, Bayne received the G. Arthur Martin award for significant contributions to criminal justice in Canada and in 2011 he was named the Ottawa Advocate Honoree by The Advocates' Society.

Referring to his "remarkable contributions to the profession," as well as "civility and professionalism with everyone in and around the courthouse," Frank Addario of Addario Law Group in Toronto says Bayne is the ideal recipient. "Without fail, Don is courteous and respectful, even in tense moments during emotionally difficult litigation," Addario says.

Alan Riddell of Soloway Wright in Ottawa concurs. "Don has tremendous integrity and a deep concern with fairness," Riddell says. He adds that Bayne's



Donald B. Bayne, Law'69 (far right), accepts the Catzman Award from Julie Catzman and Bradley E. Berg, President of The Advocates' Society, during the Opening of the Courts for Ontario ceremony in Toronto on September 13.

"habitual civility and professionalism" and "courage, generosity, strong work ethic and unflagging dedication to his clients, colleagues and to the legal profession itself, serve as an important source of inspiration to both young lawyers and his other colleagues in the legal profession."

For his part, Bayne says the intellectual challenges of criminal law are among its biggest rewards. As well, he adds, "the collegiality of law, and the true profes-

sionals I work alongside, make it very satisfying."

Bayne cites his experiences with people at Queen's Law, both as a student and as a lawyer, as being highly influential on his career. "I had such great role models and mentors – professors such as Stuart Ryan, Ron Delisle, Don Stuart, Allan Manson. They have continually inspired me."

— KIRSTEEN MACLEOD

He's one of *Canadian Lawyer's* Top 25 'Most Influential'

"Donald Bayne was a fierce advocate and tactically brilliant lawyer on Duffy. There is no one else like him." That's what voters told *Canadian Lawyer* about the Law'69 alumnus who was named by the magazine as one of 2016's Top 25 Most Influential in the justice system and legal profession in Canada.

Canadian Lawyer has published the following citation for Bayne, a partner with Bayne Sellar Boxall in Ottawa:

In what was perhaps the second-most high-profile criminal case in the last year, Bayne represented embattled Senator Mike Duffy who faced 31 counts of fraud, breach of trust, and bribery over Senate expenses. Bayne's arguments resulted in Duffy's acquittal on all of them. The ruling was not appealed, but the senator is still facing a battle in the Red Chamber over repayments of some expenses. Because of the outcome of the trial, however, there is speculation the ruling could stave off attempts to charge other senators with similar crimes. Post-trial, there have also been changes to Senate spending rules. Bayne is a giant of the criminal bar with a four-decade career working on seminal murder, war crimes, and extradition cases as well as high-profile inquiries such as Somalia and Maher Arar.

Queen's Law congratulates Don Bayne on receiving this honour and the Catzman Award.



Gerard Kennedy, Law'10, Trudeau Scholar

Law'10 alumnus receives Trudeau Scholarship

Gerard Kennedy, Law'10, is embarking on a mission to improve access to justice in Canada. As a Trudeau Scholar, he is exploring how civil procedure can be reformed in addressing one of the country's most pressing issues. His 2016 Trudeau Scholarship, a top academic award given to exceptional Canadian students for doctoral studies, is valued at \$60,000 for each of the next three years.

Kennedy, a former member of the Dean's Council at Queen's Law, has clerked with the Ontario Superior Court of Justice, completed an LLM at Harvard as a Frank Knox Memorial Fellow and practised civil litigation as an associate with Osler, Hoskin & Harcourt

LLP. "The expense and unpredictability of civil litigation result in meritorious actions not being brought, or defendants feeling obliged to pay settlements simply to avoid it," he says.

"Most of us know someone (if not ourselves) who has been involved in a civil lawsuit. Odds are that it has been an unpleasant experience and that the unpleasantness was needless," he explains. "This state of affairs has nonetheless been recognized as a problem. I want to see what is – and what is not – working in the realm of civil procedure reform, with a goal to seeing how to improve things going forward."

The doctoral work that Kennedy is undertaking at Osgoode this fall could not be timelier. He was partly inspired by a recent Supreme Court of Canada ruling that identified how dangerous the problem is for justice in Canada. "In its 2014 decision *Hryniak v. Mauldin*, the Court recognized the state of access to civil justice as one of the least admirable aspects of Canada's justice system, and a serious threat to the rule of law. I want to investigate how this call to action has been heeded." He also credits his time at Queen's with this interest. "Queen's nurtured an interest in litigation, which led to a time in private practice in Toronto. That, in turn, made me interested in the topic."

Funding from the award will allow Kennedy to give his attention full-time to this important work. "I'm hoping that by combining empirical research and legal theory, I can contribute to a discussion of how to improve civil procedure," he says. "I'll also be able to travel and network with a diverse group of individuals who can provide unique perspectives on civil justice reform."

— ANTHONY PUGH



The six winners of the 2016 Precedent Setter Awards include Queen's grads Jackie Swaisland (third right) and Peter Aprile (far right).

Two young grads are Precedent Setters

Jackie Swaisland, Law'06, and **Peter Aprile, Law'05**, have both made names for themselves as movers and shakers. Now they are members of Precedent magazine's exclusive A-List. On June 20, they were presented with Precedent Setter Awards recognizing their excellent work and leadership within their first 10 years of practice.

Swaisland, an immigration lawyer at Lorne Waldman Professional Corporation, co-founded the Refugee Sponsorship Support Program last October. In a network that continues to grow, 1,300 lawyers across the country are now available to provide pro bono services to Canadians who want to sponsor refugees to come to Canada.

Read the story: [Meet the immigration lawyer who's made it her mission to help refugees — for free.](#)

Aprile, founder of Counter Tax Lawyers, has built his firm into a leading tax-dispute litigation law firm using leading-edge technology, including its proprietary tax litigation software. CounterPoint (described as a "GPS for tax litigation – only smarter"), helps map out complex tax files, pinpoints risks, probabilities and adjusts as the matter unfolds.

Read the story: [Meet the lawyer who sparked a tech revolution in tax law.](#)

Queen's Law congratulates both alumni on all their achievements so early in their careers.

— LISA GRAHAM

Then & Now

2001:

Dan Awrey, Law'02 (Artsci'98) (far left), with fellow members of the Student Recruitment and Education Committee on the front step of Macdonald Hall



BERNARD CLARK



ANDREW VAN OVERBEKE

2016:

Associate Professor Awrey of Oxford Law and Finance and Fellow of Linacre College, gives a lecture on "The Shadow Payment System" on September 19, during his 10-day return to Macdonald Hall, where he also taught the upper-year course *Principles of Financial Regulation*.

Law'89 advocate for people with disabilities awarded honorary degree

Born with cerebral palsy, Halldor Bjarnason, Law'89, has had to overcome many obstacles, but along the way he has also thrived in his 25-year law practice and in serving the community. He's a lawyer with Access Law Group, an advocate for people (particularly lawyers) with disabilities and the founding chair of the Law Society of British Columbia's Disability Working Group. This spring, the University of Fraser Valley presented him with an honorary Doctor of Laws degree.

"Open your eyes and start watching for opportunities. They are out there – everywhere – but many folks don't notice them," he told graduands in his Convocation address. "If you're willing to spot the opportunity, and say 'yes' (within reason), these experiences often lead to interesting adventures."

He said "yes" to Queen's Law's offer of admission in 1986 and landed in an environment where helping others was commonplace. "Being surrounded by many people who had an interest in making a meaningful contribution to society reinforced the idea that giving back to the community was rewarding."

The article below, published by UFV Today last May, is reposted with permission of the University of Fraser Valley.

Halldor Bjarnason: advocate for people with disabilities to receive UFV honorary degree

Halldor Bjarnason knows all about overcoming barriers. The cerebral palsy he was born with affects his movement and his speech. It crushed his dream of becoming a firefighter, a profession for which he still cares deeply.

Halldor was a bright child, and his mother fought to get him into regular school in an era when children with disabilities were often segregated.

He excelled and eventually became a lawyer. But even that wasn't easy.

Law school at Queen's University went well, but he had a hard time finding a firm to take him on full time after articling. Undaunted, he built his own practice in Vancouver, specializing in estate issues affecting families with dependents with disabilities.

Along the way Bjarnason became an elite athlete, competing with the Canadian National Disabled Cycling Team, including at the 1998 and 1992 Paralympics in Seoul and Barcelona. In Seoul, he set the 1500m tricycle sprint world record and won the gold medal.

For his tenacity, courage, and leadership in advocacy for people with disabilities, Bjarnason will receive an honorary Doctor of Laws degree



Halldor Bjarnason, Law'89

from the University of the Fraser Valley at its June 2 morning convocation ceremony at the Abbotsford Centre.

He's not working for the glory, and was surprised to hear that he'd been chosen for this recognition.

"I'm both delighted and honoured to be receiving this honorary doctorate from the University of the Fraser Valley," he notes. "It is a pleasure to work within the community — being able to help others is a gift unto itself. However, there's something special about having others recognize your efforts — it confirms that maybe you're not as crazy as you sometimes think you are when putting in the long hours."

Bjarnason has now been a practising lawyer for 25 years, and an advocate within the system for people with disabilities, in general, and lawyers with disabilities in particular. He has a thriving practice with Access Law Group. As the founding chair of the Law Society of BC's Disability Working Group, he led the creation of reports about barriers to equality for lawyers with disabilities. He has mentored high school students and law students with disabilities.

Bjarnason has helped countless people with disabilities set up trusts to ensure a steady income, and worked with many organizations that support people with disabilities. He has written dozens of articles on trusts, and has edited three editions of the How to Create a Trust — the most widely referenced manual on trusts and BC disability benefits.

As counsel, Bjarnason has appeared in court many times to create, amend, and collapse trusts for persons with disabilities.

Never one to pass up an opportunity for adventure, Bjarnason recently spent three days on the set of the movie *Boundaries*. He acted alongside silver screen legends like academy award winner Christopher Plummer, Peter Fonda, Christopher Lloyd of *Back to the Future* fame, and academy award nominee Vera Farmiga.

Besides his professional work, as a single parent, Bjarnason is a leader with his young son Elliot's Cub Scout pack, and serves on his school's parent advisory committee in Surrey.

He fuels his lifelong passion for fire and safety issues by volunteering with the City of Vancouver's Emergency Social Services program and serves as a team and advisory council member of the Vancouver Fire Rescue Service's Neighbourhood Emergency Assistance Team. He also wrote a book about the history of the Fire Department in Winnipeg, his hometown.

He has also served on the boards of many community organizations including the Neil Squire Foundation, the Planned Lifetime Advocacy Network, the First Baptist Foundation, and Theatre Terrific Society.

Bjarnason's work, in his profession and in the community, has earned him both a Canadian Bar Association Community Service Award and the Coast Foundation's Courage to Come Back Award.

— ANNE RUSSELL



Scott Jolliffe, Law'76



Frank Walwyn, Law'93

Lexpert celebrates two Queen's Law grads for promoting diversity and inclusivity

For this year's Zenith Awards, *Lexpert* has honoured those who have advanced diversity and inclusion in the legal profession and in society. Among the winners are **Scott Jolliffe, Law'76**, Gowling WLG's Head of International Development and former CEO, and **Frank Walwyn, Law'93**, a partner with WeirFoulds in Toronto.

Lexpert has published the following citations for the Queen's Law alumni:

Scott Jolliffe initiated and led Gowling WLG's diversity and inclusion initiative, ensuring that it became an essential part of the firm's culture. As Chair and CEO in 2015, some of Scott's achievements in advancing diversity and inclusion involved greater diversity in senior management positions: four out of seven Canadian office managing partners are women; the national executive committee includes a female firm managing partner; 27 per cent of partners are women, exceeding the Ontario average; and better representation of gender and race diversity on the firm's board. Under Scott's leadership, Gowlings adopted a diversity and inclusion strategy in 2014. As part of the strategy, Gowlings conducted a firm-wide diversity and inclusion self-identification census providing direction for the future. The diversity and inclusion council also sponsored training courses on unconscious bias at all levels of the firm.

One of the few black law partners on Bay Street, Frank Walwyn embraces opportunities to mentor, inspire and educate. He is one of Canada's top commercial litigators, devoting many hours to increasing the number of minority practitioners in law. He regularly counsels high school, university and law school students on their career paths and works through his membership on various judicial appointments committees to open doors for minority lawyers. His community service includes: past president, Canadian Association of Black Lawyers; board member, Community Legal Education Ontario, delivering legal education to low-income communities; steering committee, *Diverse City: The Greater Toronto Leadership Project*, aiming to diversify Toronto's leadership landscape; national advisory committee, James R. Johnston Chair, honouring the distinctive historical presence of African Nova Scotians; and past board member, The Advocates' Society, and a member of its International Training Committee.

Queen's Law congratulates both graduates on their remarkable accomplishments.



Julie Harmgardt, Law'16

Legal Leaders for Diversity honour new grad

While she's just starting her legal career, **Julie Harmgardt, Law'16**, has already made her mark in promoting awareness, education and support for young adults living with hidden, chronic illnesses. On August 9, she was awarded a \$3,000 scholarship from Legal Leaders for Diversity (LLD), a group of Canadian General Counsel who support the creation of a more inclusive legal profession.

Harmgardt, who suffers from arthritis, is Executive Director of [InvisAbilities](#), a registered Canadian charity she founded as a student at Queen's.

According to LLD board member Scott Jolliffe, Law'76, Gowling WLG's Head of International Development and past CEO, "She has transformed the initiative from what began essentially as a university club into a registered Canadian charity now with chapters on several university campuses and is now working to add a chapter that will serve young professionals in Toronto."

Harmgardt told *Canadian Lawyer* magazine that she appreciates the corporate law community's recognition of challenges facing students with disabilities. "I would like everyone to take back to their firms and companies some thoughts about invisible disabilities," she said. "Now we're getting to the point where people are observing and being more knowledgeable."

Read the full story in [Canadian Lawyer magazine](#).

Daughter of Carman Overholt, Law'84, finishes 5th at Olympics

Emily Overholt, shown with her parents, Carman and Deborah at the 2016 Summer Olympics in Rio de Janeiro, swam to fifth place in the Women's 400m Individual Medley!





Jane Thomson, Vanier Scholar

Vanier Scholar focuses research on legal reform

"I have always been interested in legal reform", says Jane Thomson, a PhD student in Law and a 2016 recipient of a prestigious [Vanier Canada Graduate Scholarship](#) valued at \$50,000 for each of the next three years. Previously a family lawyer in Toronto and Ottawa, her research at Queen's now focuses on how to affect progressive legal reform using private law doctrines. This kind of change is more commonly achieved through the application of public law legislation, such as human rights legislation or the Canadian *Charter of Rights and Freedoms*.

"This is an important research topic as it is often understudied and overlooked by many aspiring young legal professionals seeking to make a positive impact in the area of legal reform," she says.

It is also highly topical as it is a subject with which Canadian courts have recently been grappling. "Two recent lower court decisions have attempted to address the issue of testators using their wills to perpetuate their own personal brand of racism after their deaths. These judgments have resulted in opposite opinions concerning what use, if any, a court may make of

the common law doctrine of public policy to void a provision in a will that seeks to discriminate against a beneficiary based on race, or promotes racism in some other way."

In both these cases, parties have sought leave to appeal to the Supreme Court of Canada. "If leave is granted, it will be very interesting to see how the Court decides this issue," says Thomson. "It requires a balancing of testamentary freedom against the notion that there is little support in modern day Canadian society for legally condoned racism or similar forms of discrimination."

This work builds on Thomson's previous research experience. She had already completed a Master of Laws at Harvard, where she looked at how the success of *Charter*-based equality claimants was influenced by courts viewing marriage as either a contract or a status. "While at Harvard, I was greatly influenced by the Critical Legal Theorist scholars who demonstrated to me how seemingly less political areas of the law such as property, trusts or estates can be very political – not to mention powerful tools for progressive change. I view my current work as a fresh and exciting area to study."

After broadening her research topic to better engage with these theoretical issues, Thomson is working under the supervision of Professor Christopher Essert. "When I decided to pursue the broader topic of private law theory I was very happy that Essert agreed to supervise me as he is an emerging scholar in this area and very supportive. Queen's Faculty of Law in general is an amazing place with wonderful professors, many great resources and helpful staff."

On receiving a Vanier scholarship, Thomson notes that "it is of course a huge honour, but it is also very helpful financially. I am now a parent to two children under the age of two. Juggling a young family while pursuing a PhD can be very challenging but support from the Vanier program is an incredible help in this regard."

Outside of her research, Thomson teaches part-time at the University of Ottawa's Faculty of Law where she currently lives with her young family.

— ANTHONY PUGH



Queen's Law doctoral student Cristóbal Caviedes

Doctoral student earns scholarship for work challenging courts' majority voting rule

"It is important to critically analyze the foundations of political institutions," says Cristóbal Caviedes, a Chilean native who began his PhD in Law studies at Queen's last January. That attitude is not only driving his doctoral research, but also garnered him an International Ontario Graduate Scholarship.

Caviedes, who holds master's degrees in law from the University of Chile and University College London (UCL), is now ready to challenge the basic rules that structure democratic societies.

Challenging a key principle of the Supreme Court of Canada and most other constitutional courts – the decision-making rule of majority voting – is the topic of his thesis. "The vast majority of courts use majority voting; only some use other methods like unanimity," he says. "Not all of them publish the dissents or the vote. In some countries you do not know who the judges are who signed the opinion, but the decision-making rule is usually majority voting even in those cases. I'm basically questioning whether majority voting is adequately justified and if there are better alternatives."

"Sometimes we follow a certain inertia and do not call into question what is familiar to us," Caviedes states as he describes his project's importance. "Institutional development is crucial for developing

countries like mine. Shedding light on political institutions is important because it can provide a basis for changing those institutions if the foundations are not well grounded."

Supervising this project is Professor Grégoire Webber, Canada Research Chair in Public Law and Philosophy of Law. Caviedes first became acquainted with Webber's literature while studying at UCL. After discussing his research interests with Webber, he knew coming to Queen's was the right decision.

Caviedes describes Webber as attentive and focused. "It has been great working with him. He is good at establishing deadlines and gives very good suggestions about how to proceed with the research. He wants you to develop the best project you can." This year Webber is on leave serving as the Legal Affairs Advisor to the Minister of Justice and Attorney General of Canada so Professor Jean Thomas, also an expert in the philosophy of law, will be working with Caviedes. "Both Professors Webber and Thomas have been incredibly supportive of me," says Caviedes.

On his time so far at Queen's, Caviedes says, "I have enjoyed living in Canada, it is a great place to live and I have been marvellously received. The PhD group here is very supportive."

— ANTHONY PUGH

Homecoming 2016: Alumni reconnect, reminisce and rejoice



Law alumni celebrate their milestone anniversary reunions at a cocktail reception hosted by Dean Bill Flanagan (far left).

"Despite a nip in the air, there was this feeling of happiness and warmth everywhere we went!" exclaims Erin McNamara, Law'01. She's expressing the sentiment of more than 200 alumni who returned to Queen's Law on October 14–15 for Homecoming.

Celebrating milestone anniversary reunions were eight classes, including Law'66 whose members received medals to mark their entry into the university's Tricolour Guard. Former Dean Don Carter, Law'66, was one of eight classmates on hand to accept this honour from Dean Bill Flanagan.

"The highlight for me was reuniting with my Law'66 classmates," says Carter. "Ours was one of the last small classes with a standard curriculum. Except for our one choice of seminar in the final term of third-year, we attended all of our classes together and developed a very strong bond over our three years at law school. Our 50th anniversary reunion gave us the opportunity to renew and celebrate that bond."

Thirteen women from Law'91 participated in a roundtable to share their insights and advice gleaned from their individual paths to successful careers 25 years after their graduation. The discussion, moderated by classmates Judy Goldring and Samantha Horn, will be a special feature in *Queen's Law Reports* 2017.

Over the weekend, Law alumni took part in several activities. Homecoming kicked off with a get together at the Grad Club on the evening of Oct. 14. The next day, grads checked out the Queen's Law Clinics in downtown Kingston, cheered on their Gaels football team as they trounced the Windsor Lancers 55–5 at the newly revitalized Richardson Stadium, and then returned to Macdonald Hall for student-guided tours.

"The building has changed significantly since I attended law school," says McNamara. "We saw so many improvements with the classrooms, the moot courtroom and the library – and a lovely kitchen in the student lounge. The basement renovation is spectacular. Then I heard how hard Dean Flanagan has been working, and it all made sense."

Late Saturday afternoon, alumni reconnected with fellow grads from all years, as well as with faculty and staff in the school's new Learning Commons. Afterward, classmates continued celebrating at private dinners in Kingston's finest venues.

Annette Casullo, Law'96, reflects on the weekend with fondness. "Reconnecting with so much that represented my three years at Queen's Law – cherished friends, professors and staff, and fabulous Kingston itself – these are what made Homecoming so special."

— LISA GRAHAM



PHOTOS BY RAI ALLEN



PHOTOS BY RAI ALLEN, VIKI ANDREWSKA, BORIS LIVSHITS





PHOTOS BY RAI ALLEN



Law'11



Law'01



Law'06



Law'06



Law'11

PHOTOS BY RAI ALLEN



PHOTOS BY RAI ALLEN, TIMOTHY FORBES

Law'71 comes home to celebrate 45th anniversary reunion

More than 50 classmates returned in September to reconnect and to commemorate their long-time reunion coordinator Vic Freidin



PHOTOS BY VIKI ANDREVSKA

Upcoming Events

Join us for an event near you this fall!



Queen's Law Alumni Reception in Ottawa

Wednesday, October 26

Norton Rose Fulbright Canada LLP

45 O'Connor Street, Suite 1500, Ottawa

Law'81 Reunion

Saturday, November 5

Donalda Club, Toronto

Queen's Law Alumni Reception in Montreal

Thursday, November 10

Clyde & Co Canada

1700-630 Boul Rene-Levesque O, Montreal

Queen's Law Alumni Reception in Calgary

Tuesday, November 15

Dentons Canada LLP

15th Floor (Fenerty, Brennan and Robertson boardrooms)

850, 2nd Street SW, Calgary

Queen's Law Alumni Reception in Edmonton

Wednesday, November 16

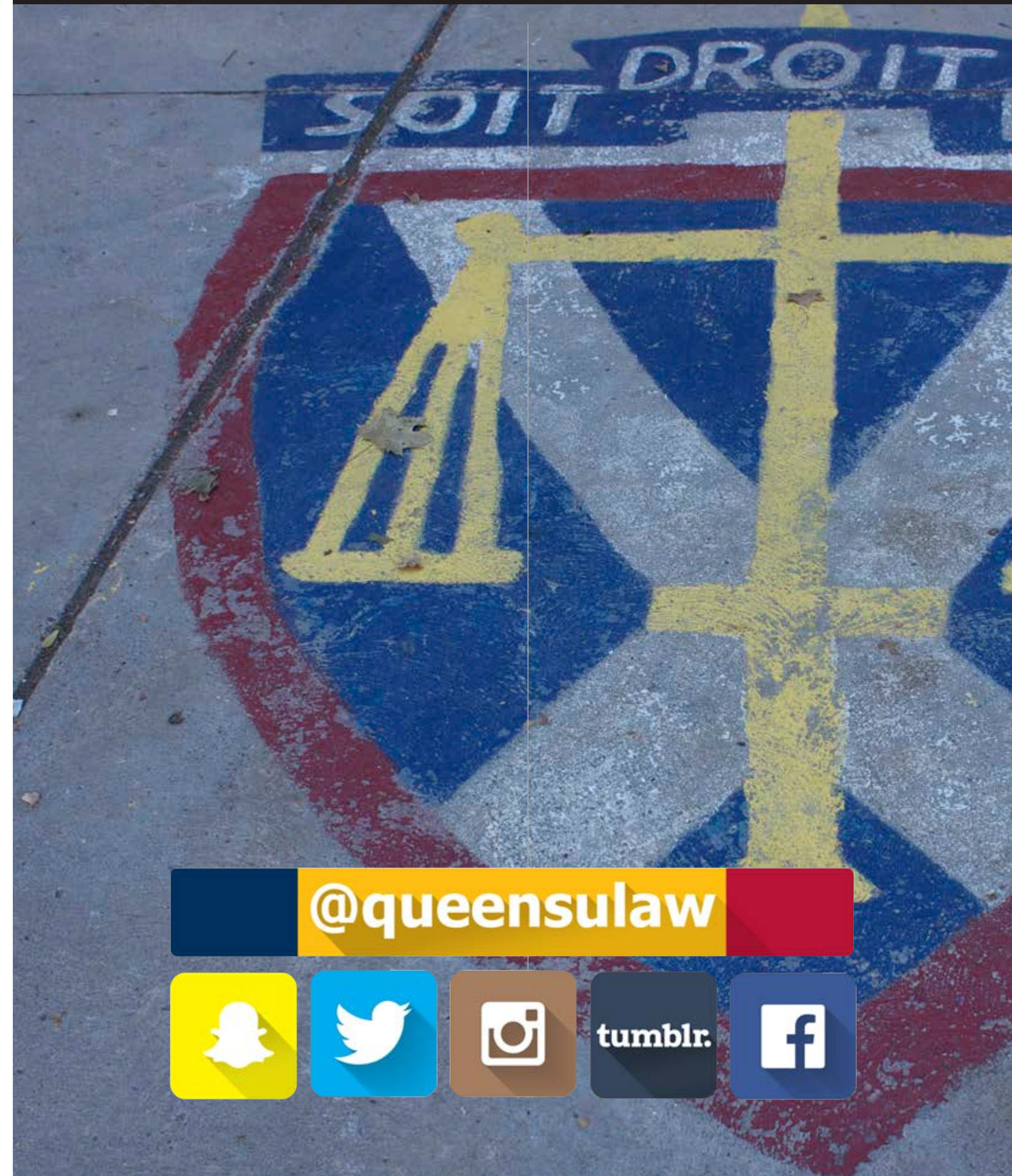
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alumni news and notes
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THANK YOU FOR MAKING HOMECOMING 2016 A HUGE SUCCESS!