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Three legal perspectives

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Still a regional resource, still shaping career choices



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BY KEN CUTHBERTSON AND LISA GRAHAM



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GREG BLACK

Alumni and friends of Queen’s Law,

I hope you and your family and friends are doing well. At Queen’s Law and across Canada, we are emerging from a period that forced us make rapid and often challenging adjustments to our daily routines and practices. Throughout this, we’ve learned that individual actions can play a big role in our collective well-being and rediscovered the importance of idealism, resolve, and community in navigating instability. I am immensely proud of every member of the Queen’s Law community for coming together, demonstrating grace in uncertainty, and advancing our mission of legal and scholarly excellence.

This was a de-stabilizing world event, the ripples of which may not be felt completely for some time. However, it is exactly in these moments where real change can happen. The reality of systemic social injustice, both past and present, was brought into focus with such clarity that it has ushered in a new era of societal awareness. It has spurred new debates around government oversight, criminal justice reform, global trade, public health, social justice, environmental regulation, Indigenous sovereignty, immigration, and more.

As a community of legal practitioners, theorists, teachers, and advocates, we have an immensely important role to play in shaping this evolving legal landscape and the societal values that underpin it. In this year’s print edition of *Queen’s Law Reports*, you will read about our community of change-makers. Our faculty members, who continue to make substantive contributions in their areas of legal scholarship through important research projects, conferences, journal publications, and advocacy initiatives, are leveraging their world-class expertise to train the next generation of practitioners. Our alumni, recognized leaders in the legal sector both domestically and globally, are making an impact in their industries, and their support over the last year has been pivotal in helping us adapt to the challenges of the pandemic.

To guide us through this transformative period, we will be implementing the measures outlined in our *Strategic Framework: 2021-2026*, that focuses on important organizational priorities, like enhancing the educational experience at Queen’s Law, advancing inclusion and reconciliation, and expanding access to legal education, increasing our research prominence, and supporting our long-term financial sustainability.

Supported by dedicated and capable faculty, students, and staff, and a committed global network of graduates, our Faculty is equipped to address the challenges that lay ahead. This will be an important moment for us to make positive, lasting change, set a new narrative around legal discourse, and exemplify why we represent the best legal education in Canada.

Best wishes,

**Mark Walters**  
Dean of Law

# Advancing research to help families, protect the public, and save the planet

With the latest federal government grants from the Social Sciences and Humanities Research Council (SSHRC) and other backing, faculty are delving into timely legal, political, and philosophical subjects. For other research projects, see Faculty News on pp. 13-15.

## Metcalf explores how institutions can help or hinder effective climate action in Canada

According to NASA, 2020 was one of the hottest years ever on Earth. In Canada, nearly half of Nunavut's super-thick Milne Ice Shelf collapsed into the sea, and changing weather patterns wreaked havoc through hurricanes, wildfires, storms, and flooding. Climate scientists agree the need for action is urgent, but the public, even in Canada, is less convinced. Such is the environment in which Professor Cherie Metcalf, Law'02 (Artsci'90), has once again seen her research and perspective valued.

She has received a \$97,500 Insight Grant from SSHRC for "Institutions for Effective Climate Change Action," a four-year interdisciplinary project with a U.S. collaborator, Professor Jonathan Nash of Emory University.

A \$10,000 grant from the Canadian Foundation for Legal Research followed for her project "Climate Change and Canada's Constitution," focused on ways Canada's constitutional structure influences prospects for effective climate action.

For her first project, Metcalf reviews regional and political divisions that have made climate policy-making difficult. "If Canada is to be successful in meeting its ambitious Paris Agreement targets," she says, "we must think about how best to use different governance strategies to garner public support." That's a challenge, she admits, especially with people disputing facts that scientists assure us are not in doubt.

"When certain influential private actors adopt policies, does that help engage climate skeptics and political conservatives? Could action by local government as opposed to national government, for instance, broaden the reach? Or possibly using market players?" To answer such questions, Metcalf will look at the ways different institutions – coalitions of large firms, the Intergovernmental Panel on Climate Change (IPCC), national and regional governments, the insurance industry, etc. – influence public reaction to climate change policies.

The project will ultimately provide insights into whether a multi-institution strategy can generate the public support that's essential. To gather a rich body of new data to analyze, Metcalf is using a series of multiple experimental



Professor Cherie Metcalf

surveys, each on particular climate risks and policies, and collecting participant responses. Research assistants are helping her with background for the surveys on Canada-U.S. climate laws. Metcalf has already presented a draft paper outlining their research design and preliminary results at seminars and conferences in the U.S.

Her second project also incorporates an interdisciplinary approach and data-gathering surveys. Regarding provincial challenges (such as Ontario's campaign against Ottawa's cap-and-trade mitigation strategy), she is reviewing legal options for climate action by looking at how Canada's division of powers may affect popular reaction when new policies and laws are announced.

She has an article forthcoming, with a student co-author, that explores the impact federalism has on Canada's response to both the pandemic and climate change, two existential threats to the country. It also considers how actions at multiple levels of government can complement each other for more effective policy.

She is writing a second article examining the recent Supreme Court decision in the constitutional challenge to the federal *Greenhouse Gas Pollution Pricing Act* and its possible implications for future federal vs. provincial authority over climate action, whether mitigation or adaptation.

## Lahey and Amani on \$2.5M-project team helping to design childcare policies for diverse families throughout the world

Fallout from COVID-19 has amplified a related crisis: access to affordable childcare as a major obstacle to income equality in Canada and globally. The impact of so many parents working long shifts in demanding essential services – or being driven out of paid work to provide their own family care coverage – was all too familiar to Queen's Law professors Kathleen Lahey and Bitu Amani, co-founders of Feminist Legal Studies Queen's (FLSQ). With history professor Lisa Pasolli, also a leading international expert in care issues, they are participating in an international interdisciplinary team that is launching its six-year project, "What Is the Best Policy Mix for Diverse Canadian Families with Young Children? Re-imagining Family Policies." The project, based at Brock University, has received a \$2.5-million Partnership Grant from SSHRC.

The Queen's grantees are part of a huge team: 29 co-investigators, 24 collaborators, and 34 partners. By 2027, 70 graduate and undergrad students and several postdocs will be trained. Under study are three core issues – childcare services, parental leave policies, and employment policies – and ways they impact diverse Canadian families – Indigenous, racialized, newcomer, single-parent, student, LGBTQI2S, low-income, and rural.

Pondering how government budgets – normally inadequate for childcare – could address the pandemic's more intensified forms of women's unpaid care work, Lahey



Professors Kathleen Lahey and Bitu Amani

is co-leading a taxation, law, and family policy project that crosses all three core issues, and, with Pasolli, continues working in the childcare cluster.

FLSQ involves students, faculty, and Kingston residents in research and conferences. Amani says, "We are delighted to take a lead in this foundational, collaborative, and interdisciplinary study. It promises transformative changes for Canadian families with children needing care."

## Webber further explores how comprehension of 'the good' underpins law-making

In his latest research project, "Recovering the Good in Law," Professor Grégoire Webber explores the interplay between moral philosophy and the making of law. He believes that "the good" – long the dialectical fodder of philosophers – also underpins how legislators make laws.

Webber, Canada Research Chair in Public Law and Philosophy of Law, says, "In formulating public policy and legislation, governments often premise new laws on the promotion of things that are good for persons, like education, health, and family." Yet, he observes, under Canada's *Charter*, judges are often reluctant to have recourse to ideas of the good when evaluating whether legislation is justified. "Courts regularly dismiss such appeals as hypothetical, intangible, or lacking in evidentiary support. The concern is with justifying laws on contested and controversial understandings of the good."

His study of the situation has attracted attention: an \$85,000 Insight Grant from SSHRC. "I will devote almost all of those funds to helping train the next generation of brilliant researchers and giving them access to an intellectual community of others working in philosophy, political theory and law," he says. "This summer, I have three student research assistants working on the project."

Webber's goal is to recover the good in law and produce a book that complements the arguments he pursued in

three former books: *The Negotiable Constitution* (2009) and *Legislated Rights* (2018) (both Cambridge University Press) and *Droits et droit* (Thémis, 2020).



Professor Grégoire Webber

## Grey explores what is (and is not) morally acceptable in deportations

How do government officials morally justify their decisions to deport non-citizens in cases where there are “humanitarian” and “compassionate” grounds not to deport them for committing a crime? SSHRC has awarded Professor Colin Grey, with collaborator Professor Sharry Aiken, \$41,742 to find answers.

“Since 1967, Canada’s immigration law has included humanitarian and compassionate exemptions from deportation,” Grey says. “These exemptions inscribe a certain kind of morality into the law, requiring officials to engage in moral reasoning rather than simply applying the rules. We are looking more closely at how officials apply this humanitarian exemption power.”

By reading deportation decisions, the “Humanitarianism and the Justification of Deportation for Criminality” project team is trying to clarify how officials weigh such things as personal responsibility and remorse against hardship. Grey aims to develop a sociological theory of officials’ moral reasoning, compare it to the case law and philosophical



Professor Colin Grey

writings about immigration, and see how these three ways of looking at the justification of deportation compare to one another.

## King explores ‘borrowing’ of judges in transnational commercial litigation



Professor Alyssa King

When judges retire or reach the mandatory age in their common law jurisdiction, they may be hired by courts in other jurisdictions. English judges do not even have to wait for retirement; they, too, may sit as “foreign” judges on domestic courts such as the Hong Kong Court of Final Appeal, as well as special-purpose international commercial courts in countries such as Dubai and Kazakhstan. Professor Alyssa King is studying foreign judges’ roles in transnational commercial litigation for a “Travelling Judges, Moonlighting Arbitrators, and Global Common Law” project, for which she received a \$27,370 SSHRC grant.

She and collaborator Pamela Bookman (Fordham Law School, NYC) are examining the phenomenon of foreign judges, the motivations of the countries hiring them, and the effects these judges have on the judiciary and norms of judicial independence. King hopes to provide insights for the countries that both send and receive foreign judges, as well as their possible contributions to comparative law.

## Bala and team examine COVID’s impact on justice for families in Ontario

“After the pandemic lockdown in March 2020, we saw more family stress and domestic violence,” says Professor Nick Bala, Law’77. Together with Western Professors Claire Houston, Law’07 (law), and Rachel Birnbaum (social work), and Queen’s LLM student Kate Deveau, he has been studying how Ontario’s family justice system responded. The closing of court houses, the restricted access to family law offices and clinics, and the shift to electronic services have all had dramatic effects.

“Self-represented litigants and those without internet, and their children, have suffered from a lack of access to family justice,” Bala says. However, for lawyers and clients with sufficient resources and the right type of cases, the shift to electronic court filing and to Zoom meetings and hearings has made the family justice process more efficient and effective, so the team is also studying which changes should continue. They have already done a number of presentations to share preliminary findings and will be publishing the study results in a number of places,

including the international journal *Family Court Review*.

The team has received a total of \$45,000 in grants from the Law Foundation of Ontario and the Association of Family and Conciliation Courts’ Ontario Chapter.



Professor Nick Bala, Law’77, and Kate Deveau, LLM candidate

## International economic & IP law scholar, a PhD’16 alumnus, to join faculty

Oluwatobiloba (Tobi) Moody, PhD’16, returns to Queen’s in January 2022 after overseeing the establishment of the first Sub-Saharan African External Office of the World Intellectual Property Organization (WIPO) in Nigeria. There he interfaces with key intellectual property (IP) institutions and stakeholders to promote awareness, training, and capacity-building in the IP field and across WIPO’s global services.

Of his appointment as Queen’s National Scholar in International Economic Law, Dean Mark Walters says, “Tobi will add intellectual depth and experience to an international law group at Queen’s that is probably the strongest in the country. He will also bring an infectious enthusiasm for teaching and learning. We are very fortunate.”

Previously, Moody was a WIPO staff member (2012-2014) and consultant (since 2016), and a post-doctoral fellow (2017-2019) with the Waterloo-based Centre for International Governance Innovation (CIGI), collaborating with Canadian and multilateral institutions and researchers to shape CIGI’s work in traditional knowledge governance.

Moody, who holds an LLB from the University of Ibadan in Nigeria and an LLM from the University of the Western Cape in South Africa, received a Vanier Canada Graduate Scholarship for his Queen’s doctoral studies on “WIPO and the Reinforcement of the Nagoya Protocol.” Though specializing in international IP law’s intersections with international economic law, trade law, and human rights law, he has a particular focus on protecting the “traditional knowledge” of Indigenous and other societies.

His most recent publications include a chapter on “Trade-Related Aspects of Traditional Knowledge Protection” in *Indigenous Peoples and International Trade: Building an Equitable and Inclusive International Trade and Investment Agreement* (Cambridge University Press, 2020) and an article, “Climate Action and Sustainability: Indigenous Peoples Are

## New journal bridges gap between practice and academia in commercial arbitration

Responding to arbitration’s increasing popularity as a means of resolving business disputes, Queen’s Law has partnered with Juris Publishing and a group of senior Canadian academics and practitioners to produce the *Canadian Journal of Commercial Arbitration (CJCA)*, which launched last June.

Associate Dean Joshua Karton, CJCA’s Managing Editor, says, “Our goal is to become not only a useful source of information for Canadian practitioners and scholars – and those elsewhere with an interest in Canadian arbitration – but also a focal point of our vibrant and growing professional community.” Each issue, he adds, contains “news you can use in your next counsel engagement or arbitral appointment, plus broader thematic or theoretical discussions that explore commercial arbitration law and practice in thought-provoking ways.” Supporting the executive editors’ work is a team of student editors earning academic credit. CJCA also organizes educational events and maintains an active blog. Each issue is available in full for free on the journal’s website ([cjca.queenslaw.ca/](http://cjca.queenslaw.ca/)).



Tobi Moody of Nigeria, PhD’16, is hooded at Convocation in Grant Hall.

Part of the Solution,” in *WIPO Magazine* (January 2020).

“My Queen’s Law experience as a doctoral student was phenomenal,” says Moody. “The opportunity to contribute to the training of the school’s next generation of lawyers, while still conducting important research in my area of international economic law, was a special attraction to apply.”



Associate Dean Joshua Karton is Managing Editor of the Canadian Journal of Commercial Arbitration that launched last year.



## First Nations leader is school's first appointee to new diversity and inclusivity post

Stacia Loft will play a key role in what promises to be a period of transformative change at Queen's Law. On June 22, the Law'20 graduate returned to campus to start her new job as the school's first Director of Indigenous Initiatives and Equity, Diversity, and Inclusivity (EDII) Programs.

"I'm excited to pioneer new pathways to education for Indigenous, racialized, and marginalized people who may not have the opportunity, or who may not see possible ways, to be successful through studying law," she says.

In her new role, she will champion holistic change management policies, develop long-term initiatives to foster a welcoming and inclusive learning and work environment, and provide both cultural and academic support to equity-seeking students. She also plans to build strategic partnerships for them across campus, the city and beyond: government agencies, NGOs, industry associations, etc.

Dean Mark Walters, calling Loft's arrival "timely and important," says, "We are continuing to work towards the ideals of reconciliation and inclusivity to ensure that our school embraces diversity and empowers individuals from culturally, racially, and socioeconomically diverse backgrounds to thrive. We look forward to Stacia's vision and stewardship of this process to further expand a culture of inclusion through meaningful actions."

The appointee brings a great deal of experience to the new position: working at the provincial level, working in elected First Nation positions, and working with Indigenous youth (in both Toronto and the Commonwealth of Dominica's Indigenous Kalinago Territory). "Supporting people, not only within my family, but in my community and broader communities," she says, "brings a different perspective to the work – not only through an Indigenous lens, but also through a lens of lived experience."

Loft, from the Tyendinaga Mohawk Territory, was recognized as a community builder, policy advocate, facilitator, and change-maker when she was elected last November as Deputy Grand Chief of the Association of Iroquois and Allied Indians (AIAI). In that role, she supports the provincial and territorial organization's seven member Nations.

"My role there is one of advocacy and ensuring that our inherent and treaty rights are respected and recognized by the entities that we have to do business with, including federal and provincial governments," she explains. "The rights for which we advocate range from traditional hunting and fishing to our sovereign ability to monitor ourselves, make our own laws, and use our own jurisdictional approaches."



GARRETT ELLIOTT

Stacia Loft, Law'20, the inaugural Director of Indigenous Initiatives and Equity, Diversity and Inclusivity Programs at Queen's Law, is ready to create pathways to legal education for Indigenous, racialized, and marginalized people.

Doing all that has made her law degree even more valuable. She can see so clearly the importance of connecting other EDII people with that opportunity. Loft meets with cabinet ministers to raise member Nations' issues and provides education and knowledge through such forums as the Chiefs of Ontario (for which she holds the justice and women's initiatives portfolios) and the AIAI (for which she is the education portfolio holder).

Over the past 15 years, even while a law student, Loft was dedicating herself to empowering communities and supporting meaningful pathways to prosperity, most notably as Manager of Justice Programs at the Ontario Federation of Indigenous Friendship Centres, as a Band Councillor of the Mohawks of the Bay of Quinte, and most recently as an articling student with Amnesty International. She was gaining strategic and operational management and governance experience with local, provincial, and federal boards and advisory tables. She has served, too, as Board Director for Kenhte:ke Midwives and a Clinical Extern at Belleville's Community Advocacy and Legal Centre, and she continues as a Board Director of the Tyendinaga Native Women's Association.

To top it all off, Loft was called to the Ontario bar on May 21.

What is she looking forward to in her new directorship? "I'd really like to get a better understanding of what Queen's University and Queen's Law have committed to doing and what has been done so far in terms of the Truth and Reconciliation Task Force recommendations," she says. "I'd like to read the five-year plan that was put into place, find out whether EDII has achieved what it set out to do, connect with the individuals involved, and take stock of how they feel things have gone."

Taking time to reflect before moving forward is important to her. "Sometimes we want to see things move quickly, but at the same time we want to ensure that things are done in a good way, that those supposed to be engaged actually are engaged in the process, and to determine whether recommendations made five years ago are still relevant. Perhaps priorities have changed.

"I look to see what needs to be done and how I can make that happen," she continues. "I want to create space for Indigenous, racialized, and marginalized individuals to share their experiences. It's about a collective approach to making sure that an environment exists where people feel welcome and respected and where their experiences and viewpoints are actually utilized, contributing to a much bigger process. As an Indigenous person, I know how important it is that we see ourselves in this work. We need to be voices at the table, and we need to be part of these processes – and we're going to bring others along the way."

Clearly, one key word in Loft's directorship is going to be "we," not "I."

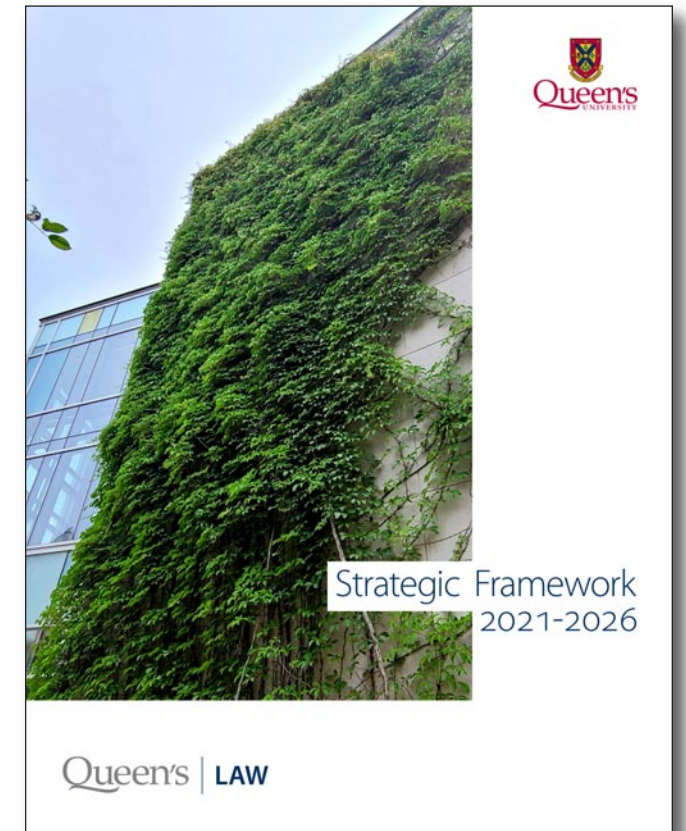
— LISA GRAHAM

## Law's 5-year plan for transformative change

The roadmap has been set to help guide the school's decisions and actions over the next five years and to inspire the very best in its students, faculty, staff, alumni, and partners. Following an extensive consultation process that started last September to engage all members of the Queen's Law community, Faculty Board endorsed the school's *Strategic Framework 2021-2026* in May.

In the introduction, Dean Mark Walters, Law'89, writes, "Our aim for this Strategic Framework is this: by 2026, Queen's Law will be a community of scholarly excellence that provides the best legal education in Canada. We will solidify our intellectual trajectory and elevate our international and national reputation for research excellence. We understand the power of legal education, scholarship, and practice to change society and to initiate a lifetime of learning. In our teaching, research, practice, and service, we will reflect an abiding commitment to access to justice and reconciliation and will honour Queen's Law's tradition of dynamic, inclusive, and transformative community."

The Framework sets out the school's vision, mission, goals, and strategic priorities, along with its initiatives and performance measures. Read the full document at [law.queensu.ca/about/governance/strategic-framework](http://law.queensu.ca/about/governance/strategic-framework).



## Latest from Queen's to secure coveted Supreme Court clerkships

For 2022-2023, Alysha Flipse and Rachel Oster, both Law'20, will be heading to Canada's highest court to learn from two of the country's top jurists as clerks with the Supreme Court of Canada (SCC). Flipse, who will clerk for Justice



Alysha Flipse and Rachel Oster, both Law'20, Supreme Court of Canada clerks 2022-23

Sheilah Martin, is looking to build on the "invaluable experience" she gained clerking at the B.C. Court of Appeal this year. "I am thrilled to be part of the unique legal environment at the SCC but also to learn as much as I can during my time there," she says. Her counterpart, Oster, is spending 2021-22 with the Ontario Court of Appeal before she will clerk for SCC Justice Mahmud Jamal.

## Former clinic caseworker returns as lawyer helping break barriers to justice

Jane Mundy, Law'18, formerly a student caseworker with Queen's Legal Aid (QLA) and the Prison Law Clinic, returned to Kingston last summer as Review Counsel for QLA and the Family Law Clinic. She also articulated with QLA and the Business Law Clinic. Now she supervises student caseworkers, helps develop and teach classes – and has a quest. For many people needing legal services, the cost can be a barrier to justice, she says. So can other issues disproportionately affecting marginalized individuals: mental illness, addictions, disability, race and gender identity. The clinics, says Mundy, are her opportunity to help her hometown people face these barriers.



Jane Mundy, Law'18

## From clinic articling student to lawyer

After completing his articles with the Queen's Prison Law Clinic (QPLC) this year, John Luscombe, Law'20, was hired as a staff lawyer. Now he represents clients before a variety of tribunals, including prison disciplinary courts for serious offences and the Parole Board for applications such as release and release conditions. Though his student casework was with the Business Law Clinic, Luscombe finds it "very rewarding now to help



John Luscombe, Law'20

prisoners," such vulnerable and often misunderstood individuals," he says. "Clearly, it's important work that we do, given that our clients often have nowhere else to turn. They always seem very grateful for the help."

## Prison Law Clinic wins constitutional challenge on liberty rights

Paul Quick, Law'09, a staff lawyer with the Queen's Prison Law Clinic (QPLC), with help from students Ryan Mullins, Law'20, and Alexa Banister-Thompson, Law'21, has used Canada's Charter to change the liberty rights of prisoners throughout federal prisons. "Many people were being kept in prison for no reason whatsoever," he says, "not being punished for anything, just being ignored by a system not caring enough to see they were already entitled to release."

His team took action. They presented a test case, *John Howard Society of Canada v. Her Majesty the Queen*, to the Ontario Superior Court of Justice in Kingston, challenging the constitutional validity of Section 163(3) of the Corrections and Conditional Release Regulations which, under Charter Section 7, protect "rights to life, liberty, and security of the person." Specifically, Quick challenged the provision that, in all cases, gave the Parole Board of Canada 90 days to make "post-suspension decisions."

"Our case dealt with the common situation of prisoners near the end of their sentence being given a new statutory release date that entitled them to automatic release as soon as the Parole Board made any decision," Quick explains. "Since the Board had 90 days to do that, these inmates sat in prison just for the Board's convenience." In January, the Court agreed that the 90-day timeframe's impact was "arbitrary, grossly disproportionate, and a serious violation of these prisoners' liberty rights."

QPLC Director Kathy Ferreira, Law'01, calls it an important victory. "The provision struck down had caused great frustration to prisoners and their lawyers for decades. Now prisoners will be released as soon as they are entitled to be, with certainty and stability as they reintegrate."



In an important victory by the Queen's Prison Law Clinic for prisoners throughout the federal system, prisoners will be released as soon as they are entitled to be, and this will provide certainty and stability as they reintegrate back into their workplaces, families, and communities.

## Order of Canada membership for PhD student advancing access to justice

Michele Leering, PhD in Law candidate, has been appointed a Member of the Order of Canada for her dedication to helping vulnerable and marginalized populations gain access to legal services and the justice system. Leering, a part-time lawyer and the Executive Director of the Community Advocacy & Legal Centre in Belleville, Ont., says, "The award recognizes the value of the community-based justice work carried out by Ontario's community legal clinics to ensure equal access to justice, human rights, legal literacy, and the 'legal health' of people on low incomes."

She sees such activism as "integrally related to legal professionalism." It is her long-time professional passion and focus – and also her doctoral dissertation subject. She is documenting the imperatives for legal education reform, focusing on reflective practice as a core professional competency benefiting law professors, students, and practitioners.

Her research on the importance of reflective practice, Canadian and Australian legal educators' approaches, and the scholarship of teaching and learning in law have been presented at some 40 conferences and workshops in Canada, Australia, the U.S., and the U.K. since she began PhD studies in 2015. She has also published three peer-reviewed articles, contributed to an experiential learning guide for law students, and designed a curriculum to introduce reflective practice.



Michele Leering, CM, PhD in Law candidate

Leering's thesis co-supervisors consider her CM recognition well deserved. Professor Erik Knutsen says, "Michele has worked tirelessly to connect society's less-advantaged with the law. Her groundbreaking cross-jurisdictional research about legal education will go a long way to help us better understand how people teach and learn the law." Professor Sharry Aiken agrees: "Michele's path-breaking contributions to access to justice and law reform have been exemplars."

## Law'23 student wins provincial award for advancing equality rights

Natalie Zhang, Law'23 (MA'20), who has spent several years studying and advocating for minority groups and is involved in a Charter challenge, received the 2021 Aird & Berlis Equality Award from the Women's Law Association of Ontario. As a board member of the non-profit provincial

organization WomenatthecentrE, she has been speaking on behalf of intimate partner violence survivors to different service providers and organizations since 2019. "This board membership provides me with a platform to advocate for and support refugee women, especially racialized refugee women and children who experienced persecution from their home countries and were traumatized again by the legal and social welfare system in Canada." As an MA student, she wrote an "A+" thesis, "Engendering Canada's Refugee Process," and won the 2020 Bev Baines Award for Outstanding Service for her commitment to improving equity and inclusivity.

The Charter challenge started in February after Zhang, a single mother who had been living in a shelter and fighting for asylum, was denied access to the Canada Child Benefit and informed she must repay \$18,000 that she received in error. She and two other women filed a lawsuit against the Government of Canada claiming discrimination against low-income families with uncertain immigration status. Receiving media attention, she says, "I hope to bring public attention to a marginalized, voiceless group with precarious immigration status." For the next two years as a JD student, Zhang will continue to pursue her goal of a legal career in improving social justice.



Natalie Zhang, Law'23

# In the innovation zone with fast-moving Conflict Analytics Lab

The Conflict Analytics Lab is launching the first iteration of Vaccine Mediator, an online dispute resolution tool to serve as Canada's first system for self-reporting vaccine side-effects and assessing whether those suffering the side-effects are eligible for compensation. It will help process injury claims more efficiently while promoting access to justice.

Since its 2018 launch as a joint project of Queen's Law and the Smith School of Business, the Conflict Analytics Lab (CAL) has been producing novel and newsworthy ways to apply data science and machine learning (artificial intelligence, or AI) to dispute resolution. Most recently, this global consortium led by Law Professor Samuel Dahan has generated ways to help the legal profession and the Canadian and American public, while serving as an inspiration for its students.

BY LISA GRAHAM

## Queen's-Oxford collaboration using AI to streamline vaccine injury claims process

The Conflict Analytics Lab, in collaboration with researchers from Oxford University, University College Dublin, and Paris Dauphine, has developed an online dispute resolution tool called Vaccine Mediator. This innovative tool will help governments process vaccine injury claims more efficiently, mitigate the need for civil proceedings, and help ease people's vaccination hesitancy. It was launched as part of CAL's AI-powered legal aid platform MyOpenCourt.

Professor Samuel Dahan, CAL Director, says, "We are keen to address access to justice issues through the provision of a personal, easy-to-use, and cost-effective infrastructure for the Canadian public and our neighbours in the United States."

People who have experienced severe adverse reactions to an approved vaccine can use Vaccine Mediator (VM) to report possible side-effects. VM then pre-assesses their eligibility for compensation, provides them with a self-report and a personalized, jurisdiction-specific next-steps guide, and enables them to submit a pre-drafted claim to the relevant government agency.

Compensation frameworks, like Canada's Vaccine Injury Support Program released on June 1, set out levels of compensation based on the extent of harm suffered – a framework particularly important amid the masses of people being vaccinated as protection from COVID-19.

The most effective way to deploy a compensation structure, Dahan explains, is to complement it with a mediation system. "We've heard of doctors dismissing claims from patients who've reported serious side effects from approved vaccines," he says. "Eventually more costly litigation could arise and really cause the government a serious problem."

**Transatlantic origins and student builders at work.** The idea for Vaccine Mediator arose last winter when Dahan's long-time research partner, Professor Duncan Fairgrieve of the British Institute of International and Comparative Law, began working with Oxford University to develop a bespoke vaccine injury compensation plan for the U.K. The pressing need for such plans was being articulated by doctors, lawyers, and families world-wide.

Helping to build Vaccine Mediator were seven gifted CAL students: Avinash Pillay, Solinne Jung, Yoonhyun Cho, Anushka Pharthyal, and David Liang (Law); Cindy Lin (Business); and Tobias Carryer (Computing Science).

Pillay, project lead, explains, "We analyzed the survey design and underlying legal basis for each compensation scheme in use around the world to create a 'universal' self-reporting tool that can work with both present and future no-fault programs. Then we analyzed data sets from their self-reporting databases to find vaccine injury trends that can inform our AI on the correlation between a symptom and the vaccine dose in question. Our research assistants codified these trends, designed the infrastructure for VM, and converted it to a script that could be implemented on MyOpenCourt."

**Next steps for VM 2.0.** For the next iteration of Vaccine Mediator, CAL aims to use the self-reported data from the first, along with survey and curated medical data, to build and then operate a more robust screening system to assess claims' validity. It will also identify potential remedies for injured persons.

VM will ultimately serve two additional roles: as a misinformation detection and rectification tool on vaccine side-effects and legal remedies; and as a predictive analytics system through which human mediators can assess whether the symptoms reported are medically recognized side-effects that could possibly affect people's compensation eligibility.

As Dahan explains, "Information gathered and analyzed from the first iteration will be used to help users assess whether their symptoms are drawn from false information. We'll help combat the spread of misinformation by providing real-time, up-to-date vaccine injury facts. Our Mediator's flagship feature will connect users to online dispute resolution professionals who can guide them through the entire process from application to settlement."

## BLG partners with Queen's to create AI-powered dispute resolution system

"Our Intelligent Settlement System (ISS), with predictive assessments and models based on AI, will help lawyers do their jobs better," says George Wray, Law'05 (Artsci'00), a partner with Borden Ladner Gervais LLP in Toronto and leader of its joint initiative with Queen's Conflict Analytics Lab.

The ISS, under production, will give personal injury litigators an objective tool to better assess cases and to help search out pre-trial and negotiation strategies with optimal outcomes. Its most immediate anticipated benefits include improving consistency and efficiency in dispute negotiation and settlement; projecting litigation outcomes; and understanding the specific demands, negotiating techniques, and settlement ranges across individual law firms.

This collaboration – BLG's latest with CAL – will be crucial for both the lab's research and the legal profession because it could help lawyers move beyond what Professor Samuel Dahan, CAL Director, calls a "sub-optimal intuitive approach to



BLG's George Wray, Law'05 (left), and Wendi Zhou are working with Professor Samuel Dahan and the Conflict Analytics Lab to produce the Intelligent Settlement System.

negotiation." ISS helps personal injury lawyers resolve disputes by showing them what would happen if a court were to decide the matter. "Calculating the odds of winning a court case is challenging," he explains; "judicial decisions are shaped by hundreds of legal (and often non-legal) factors. Also, in many areas, such as consumer, municipal, and health disputes, about 90 per cent are resolved through negotiation. Predictions based solely on past legal precedents can be inaccurate."

Instrumental in ISS development is Wendi Zhou, BLG's Manager of Strategic Research, a CAL research fellow, and a Smith School PhD student. She says, "This project will significantly impact the way experienced lawyers quantify their accumulated knowledge." In Wray's view, "ISS's deeper value may lie in services that firms can offer clients – for example, assessing potential exposure across a company's entire litigation portfolio, breaking down that exposure by type of issue, and budgeting for current and future spending across its broader business.

"Finding out what else the AI system can help lawyers do is exciting."

## With Queen's CAL, Fasken invests in its lawyers' ongoing professional education

"By partnering with Queen's," says Robert Garmaise, Fasken's Chief Innovation Officer, "we combine the Conflict Analytics Lab's multidisciplinary analytics research and academics with our lawyers' practical insights."

Queen's law and business experts are now teaching a dynamic program to Fasken lawyers, staff, affiliates – and clients. It focuses on a diverse array of topical issues with direct impacts on legal practice. "We are offering sessions for our firm members and clients to explore both the hard and soft skills demanded in today's legal services market," says Garmaise. Teaming with CAL, he adds, lets Fasken appraise the legal industry through the lens of academics on the frontiers of research, ensuring that Fasken stays ahead of technological trends affecting legal services.

Professor Samuel Dahan, CAL Director, explains how the joint initiative works: "Queen's scholars present their own research – insights directly from the subject matter experts – and we provide networking opportunities for those looking to dive further into an area of interest."

Through the partnership, a series of timely Continuing Legal Education sessions will continue to be developed for Fasken members and clients. Technical topics include contract management, cybersecurity and risk, data science and algorithms, data management, the ethics of AI, legal application of data analytics, negotiation, and legal matter management. For management, topics include diversity, resilience, sustainability, and managing bias. ▶



Robert Garmaise, CIO of Fasken, which has partnered with the Conflict Analytics Lab to ensure the firm stays ahead of technological trends affecting legal services.



By video, Professor Samuel Dahan accepts the Stanley M. Corbett Teaching Excellence Award presented by the Law Students' Society.

### Dahan saluted for excellent teaching

For his Conflict Analytics Lab practicum and alternative dispute resolution and employment law classes, students chose third-year professor Samuel Dahan as 2021's winner of the Stanley M. Corbett Teaching Excellence Award.

A nominator from CAL wrote, "Professor Dahan demonstrates a remarkable talent for helping his students achieve their fullest potential. His passion for his work is inspiring, but even that is topped by the tremendous effort he puts into helping students succeed." (Through CAL, that student worked on pandemic projects that helped some 10,000 workers.)

Nominators also appreciated Dahan's dynamic teaching approach, giving them hands-on learning through "complex and immensely educational negotiation simulations" in class, and integrating his vast negotiating experience into "meticulous slide decks" that students can use as a career resource.

Dahan's students also wrote, "He tells us 'the opportunities are here for our taking' and actively pushes for new opportunities for every one of us."

In his virtual acceptance speech, a delighted Dahan told the students that the award belonged to their collective achievements and efforts as much as to him. About the AI lab's future, he said, "We've built an array of technologies from open access legal aid to intelligent negotiation systems for leading firms. This is just the beginning of an incredible ride, and there is just so much more we can do together."

### Students create legal tech platform and present it to the world

While working together last summer with the Conflict Analytics Lab, Law'22 classmates Avinash Pillay and Yoonhyun Cho got an idea: create a different type of legal tech platform to improve access to justice. "Goal One," says Pillay, "is to reduce traditional overhead costs for legal

practitioners by as much as 50 per cent through digitization. Two, create cost-effective ways for the general public to access legal services, ultimately expanding access to justice in traditionally marginalized communities."

After consulting Professor Dahan about turning their vision into a business, they established Mouthpiece Law in January. Then, Pillay as COO & Chief Legal Engineer and Cho as CEO & Chief Legal Entrepreneur recruited two other core members: Daniel Moholia, Law'21, CIO; and Thabo Magubane of the University of KwaZulu-Natal's Pietermaritzburg Law School, CTO.

Mouthpiece Law was soon accepted into the Legal Innovation Zone's Concept Framework Incubation program, which helps foster and develop techniques to improve legal services and the justice system. Then in April, the team secured a spot to pitch their innovation at "Collision 2021," one of the world's largest technology conferences: global change-makers from e-commerce, social media, software companies, NGOs, start-ups, FinTech providers, investors, celebrities, and more.

"Collision connected us with angel investors and venture capitalists (VCs)," says Pillay. "The legal technology market is growing rapidly as lawyers realize antiquated billing and case management software are cost-inefficient. 'AI' is becoming a legal buzzword, and VCs seem increasingly driven to find ethical and ethnically diverse start-ups."

As one Mouthpiece Law innovation, the team is developing MyLawyerProfile, a virtual networking platform for lawyers and law students that incorporates Non-Fungible Token elements to increase user engagement and satisfaction. Mouthpiece has also partnered with U.K.-based start-up Legal Connection to bring modern case management to its platform, which is already being built in South Africa to provide legal aid to at-risk village populations. Next up, Mouthpiece Law's "homework" is to pilot a legal aid taskforce.

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Legal-tech innovators (from top left) Avinash Pillay, Law'22, Daniel Moholia, Law'21, Thabo Magubane, and Yoonhyun Cho, Law'22, are re-imagining the future of legal systems with their Mouthpiece Law.

## Advancing law globally, though virtually, faculty report on new career highlights

**Sharry Aiken**, Academic Director of the Faculty's new online Graduate Diploma in Immigration and Citizenship Law, has been busy launching the program. Her co-edited casebook on immigration law was published last summer, and she was guest editor of *Citizenship Studies*' special issue on detention abolition this spring.

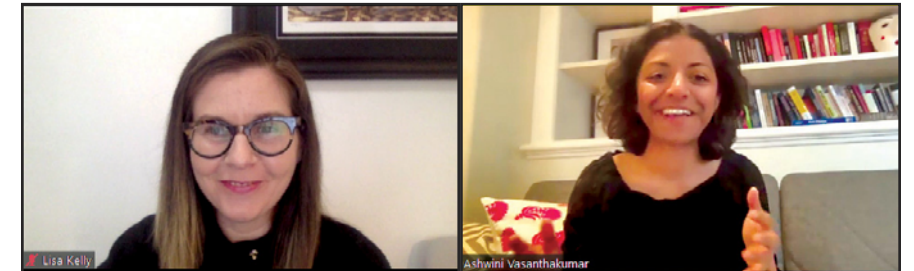
**Bitá Amani**, Co-Director of Feminist Legal Studies Queen's (FLSQ), co-organized its International Women's Day conference on the theme "Indigenous, Diversity, Inclusion, and Post-Covid Paths to Gender Equalities, Sustain/abilities, and Leaving No One Behind." Her chapter "AI and 'Equality by Design'" was published in *Artificial Intelligence and the Law in Canada* (LexisNexis Canada).

**Martha Bailey** published articles in the *Supreme Court Law Review* and the *International Survey of Family Law*. She taught Contract Law at Université Laval last summer, co-organized an online conference, "A Neurotech Future: Ethical, Legal and Policy Issues," in April, and is conducting research on cross-border family law.

**Beverly Baines** published "Federalism and Women's Equality Rights Campaigns in Canada" in the *Handbook on Gender, Diversity and Federalism*, Jill Vickers, Joan Grace and Cheryl Collier eds. (Edward Elgar, 2020) and presented a seminar on "Section 28: an equality rights paradigm change?" to the Advanced Constitutional Law class at UNB Law last October.

**Nick Bala** continues researching family law issues, including unmarried cohabitation, shared parenting, and pandemic effects on family justice. He's also giving remote presentations on these topics to judges, lawyers, and mental health professionals and completing a new *Family Law* casebook edition with Professor Maur. Although 69, he looks forward to teaching Contracts and Family Law in person again this fall.

**Kevin Banks**, Director of Queen's Centre for Law in the Contemporary Workplace and Editor-in-Chief of the *Canadian Labour and Employment Law Journal*, is co-leading an internationally



Professor Lisa Kelly hosts a public lecture by Professor Ashwini Vasanthakumar on "The Ethics of Exile: a political theory of diaspora," presented via Zoom on April 9.

collaborative project researching how economic and technological changes affect the institutional foundations of workplace law in Canada. He is also writing a paper with Professor Tsuruda on the right to strike a common law.

**Art Cockfield** continues as Associate Dean (Academic Policy), helping Law adapt its teaching to the new pandemic world. He has published, with co-authors, *Materials on Canadian Income Tax Law* and articles on taxing global digital commerce and international tax transparency. He also co-wrote a report and testified before the Cullen Commission relating to money laundering and tax evasion.

**Samuel Dahan** has been appointed to the Dispute Resolution Advisory Board of the European Union Intellectual Property Office (EUIPO). He is also working with Borden Ladner Gervais LLP on a dispute resolution system for municipal and malpractice disputes and working with Oxford University *et alia* to develop a vaccine mediation system to help governments facilitate vaccine injury disputes. (See page 10.)

**Benjamin Ewing** has been juggling four projects, at varying stages of development, on the topics of fair moral opportunity, affirmative action in criminal justice, mass incarceration, and the state's standing to blame disadvantaged offenders for their crimes.

**David Freedman**, on sabbatical leave this past academic year, has spoken at a number of conferences on the law of wills and estates and is continuing his research into the revision of court procedures in these areas.

**Leslie Green** completed a book, *The Germ of Justice*, and published "Gender and the Analytical Jurisprudential Mind" in *Modern Law Review* and "Positivism, Realism, and Sources of Law" in *The Cambridge Companion to Legal Positivism*. In his honour, Oxford University held an international conference in March called "Themes from the Work of Les Green."

**Lynne Hanson** teaches Health Law, Mental Health Law, Torts, and Advanced Torts. Her research interests focus on the accessibility of medical assistance in dying for those with mental illness and on Ontario legislation that limits access to the courts for strategic lawsuits against public participation.

**Gail Henderson** began serving as Associate Dean (Faculty Relations) last July and this past year taught Contracts and Business Associations classes she adapted for remote learning. Her recent research output includes a chapter on investor education for an edited collection on the Home Capital crisis, titled *Dangerous Opportunities* (University of Toronto, forthcoming).

**Ardi Imseis** published two articles: one in the *Journal of International Criminal Justice* on the *amici curiae* observations and other communications of state parties to the Rome Statute in the Palestine situation; the other in the *European Journal of International Law* on the UN and illegal occupation of Palestine 1967-2020. He also addressed the UN Security Council and the European Parliament last December on the situation in Yemen. ▶



**Joshua Karton**, Associate Dean (Graduate Studies and Research), led the pandemic response for the school's graduate programs. He helped establish and is managing editor of the semi-annual *Canadian Journal of Commercial Arbitration*, co-published by Queen's Law and Juris Publishing, and also published on comparative law in international arbitration and on judicial control of consumer contracts.

**Lisa Kelly** is leading a project, funded by SSHRC, entitled "Police Powers in Canada's Schools," and has presented early findings at annual conferences of the Canadian Association for the Practical Study of Law in Education, the Law and Society Association, and the Canadian Law and Society Association.

**Lisa Kerr** published articles in the *Supreme Court Law Review* and *Criminal Reports* and wrote op-eds for *The Globe & Mail* and *The Conversation*. She also conducted research on how anti-Black racism can be considered in sentencing and taught at the National Judicial Institute on the impact of COVID-19 in jails and prisons.

**Mohamed Khimji**, David Allgood Professor in Business Law, has joined the Canadian Personal Property Securities Conference. His paper on the role of knowledge in secured financing disputes will be published in the forthcoming issue of the *Banking and Finance Law Review*.

**Alyssa King** received a Government of Canada grant to study the use of foreign judges on domestic courts, with a focus on commercial law. Her article "Global Civil Procedure" was published in the *Harvard International Law Journal*. With Professors Karton and Banks, she co-organized a November webinar on implications of *Uber v. Heller*.

**Erik S. Knutsen**, newly elected Fellow of the European Law Institute, co-hosted his first trans-Atlantic Lectures on Insurance Law. He also received a Canadian Foundation for Legal Research grant; wrote about pandemic-related insurance claims for the *Connecticut Insurance Law Journal*; added a chapter to his treatise, *Stempel & Knutsen on (American) Insurance Coverage*; and presented on insurance and accident victims at a virtual conference in Madrid and on tort causation at an LSO conference.



Gathered in the faculty lounge, pre-pandemic, are six great Canadian criminal law minds: (top row) Professors Noah Weisbord, Don Stuart, and Lisa Kelly; (bottom row) Benjamin Ewing, Lisa Kerr, and Darryl Robinson.

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

**Nicolas Lamp** completed a co-authored book (with Anthea Roberts) entitled *Six Faces of Globalization: Who Wins, Who Loses, and Why It Matters* (Harvard University Press, forthcoming). His article on the winners and losers from globalization was published in the *European Journal of International Law*.

**Mary-Jo Maur** published papers on family law procedure. She taught Torts, Family Law, Alternative Dispute Resolution, and an introduction to Canadian law for undergraduates, continuing to focus on blended learning innovations for law school classrooms.

**Cherie Metcalf**, on sabbatical, visited UBC (Economics) and published articles in the *International Review of Law & Economics*, *Canadian Public Policy*, *Northwestern Law Review*, and the *Queen's Law Journal*. She also conducted climate change research supported by SSHRC and CFLR grants, presented at the Florida-Michigan-Virginia Law & Economics Workshop and, with Pam Hrick, Law'13, co-coached Queen's Laskin Moot team to second place.

**Bruce Pardy** continues to critique and criticize the rising tide of authoritarianism in the legal culture war, including university speech codes, cancel culture, critical race theory, EDI measures, COVID lockdowns, climate change hysteria, mandatory pronouns, legal progressivism, social justice, and the endless expansion of the managerial state.

**Patricia Peppin** has continued pursuing her research into vaccine issues, focusing on equitable access to inoculation and issues behind vaccine hesitancy, during the pandemic and otherwise.

**Michael Pratt**, besides teaching, lectured and wrote on a range of private law topics, but has devoted most of his non-teaching time to writing a treatise on the law governing remedies in real estate transactions.

**Darryl Robinson** published a monograph, *Justice in Extreme Cases: Criminal Law Theory Meets International Criminal Law* (Cambridge University Press) and participated in two symposiums where international scholars discussed his book. He is involved in four projects: one to define "ecocide," a new international crime, and others to examine international evidence law, investigative practices, and crimes against humanity.

**Jean Thomas** continues as co-convenor of Queen's Colloquium in Legal and Political Philosophy and co-organizer of the Law and Philosophy Workshop. Her article on rights theory was published in *Jurisprudence*.

**Sabine Tsuruda** had two articles accepted for publication: "Disentangling Religion and Public Reason: An Alternative to the Ministerial Exception" (*Cornell Law Review*) and "Working as Equal Moral Agents" (*Legal Theory*). She also presented remotely at the University of Toronto, UCLA, the University of Texas, and the North American Workshop on Private Law Theory.

**Ashwini Vasanthakumar**, Queen's National Scholar in Legal and Political Philosophy, gave virtual talks at Princeton, Oxford, and Surrey and this summer will give a keynote lecture at Cornell and a presentation at Oxford. Her contributions to *Women of Ideas* (Oxford) and to the *Cambridge Handbook of Privatization* and her monograph, *The Ethics of Exile* (Oxford), are forthcoming. Meanwhile, she is completing work on political obligation, resistance, and authority.

**Mark Walters**, Dean, continues working on issues of constitutional law, theory, and history. He completed a book chapter on the 1990 Oka crisis, and

published his book, *A.V. Dicey and the Common Law Constitutional Law Tradition: A Legal Turn of Mind* (Cambridge University Press). He's now working on a book about the legal history of Crown-Indigenous treaties.

**Grégoire Webber, MSM**, Canada Research Chair in Public Law and Philosophy of Law, was appointed faculty member of Princeton University's Moral Foundations of Law seminar; published on the Notwithstanding Clause (*U of T Law Journal*) and in *Droits et droit* (Thémis); jointly chaired the school's Strategic Planning Committee; and continued serving as legal agent of Canada's Department of Justice and Executive Director of the Supreme Court Advocacy Institute.

**Jacob Weinrib's** book, *Dimensions of Dignity: The Theory and Practice of Modern Constitutional Law* (Cambridge University Press, 2016) was the subject of a symposium hosted by the journal *Jurisprudence*. He also published articles

in the *Modern Law Review* and the *Oxford Journal of Jurisprudence*.

**Noah Weisbord's** article "Licence to Kill: What Appellate Decisions Reveal About Canada's New Self-Defence Law" (*Queen's Law Journal*) was cited by the Crown in *R. v. Khill* at the Supreme Court of Canada. He also participated in a conference about communication and threat escalation in a nuclear age, co-hosted by the University of Pennsylvania's Center for Ethics and the Rule of Law and Annenberg Public Policy Center.

**Robert Yalden**, Sigurdson Professor in Corporate Law and Finance, was a panelist at an Institute for Corporate Directors' conference on the "Debate on Social Purpose Beyond Profit." He published articles on Canada's regulation of M&A defense strategies (*Canadian Business Law Journal*) and on simplified corporations and Quebec's sole shareholder regime (*101ième anniversaire de la LSAQ*).

## Criminal law legend Don Stuart closes chapter on celebrated teaching career

Professor Don Stuart taught his last class for Queen's Law on December 2, 2020. Over 45 years with the school, he gained a reputation as Canada's leading criminal law scholar, with his work cited in dozens of Supreme Court of Canada decisions. "But Don has been much more than a scholar; he has been a brilliant teacher," said Dean Mark Walters, Law'89, that day, noting that Stuart had received numerous LSS teaching awards. "I have always admired Don Stuart's tireless dedication to the wellbeing of his students," Walters added. "He has made a significant difference to the lives of countless students over the years. Thank you so much, Don, for your commitment to teaching. We are forever in your debt."

Stuart's influence on both Queen's Law students and Canadian courts will go on. Recently, he published a 7th edition of *Canadian Criminal Law: A Treatise* and co-authored casebook editions of *Learning Canadian Criminal Law* (with S. Coughlan) (15th ed.) and *Evidence, Principles and Problems* (with D. Tanovich and L. Dufraimont) (13th ed.). He is continuing as editor of *Criminal Reports* and the judges' N.J.I. e-letter *Criminal Essentials*.

Read more about Professor Stuart's storied career and what his former students and a colleague had to say when he officially retired in 2018 at [law.queensu.ca/stuart](http://law.queensu.ca/stuart)



May 2018: Professor Don Stuart speaks at a Toronto alumni event where colleagues and former students paid tribute to him upon his "official" retirement.



# Destination Vaccination

**Deep into COVID-19's third wave, Queen's Law scholars and alumni lawyers shared their insights on three legal aspects of growing national and international concern.**

BY KEN CUTHBERTSON, LAW'83

## Vaccine nationalism vs. 'the magic bullet'

Professor Ashwini Vasanthakumar, Queen's National Scholar in Legal and Political Philosophy, fully understands why Canada – and other developed nations – are so eager to roll out vaccines that will get the pandemic under control, allow their economies to reopen safely, and let life return to “normal.” Like many other Canadians, she was relieved when older family members got their shots and was eager to be vaccinated herself.

However, Vasanthakumar is uncertain whether life can return to normal in some places without it returning to normal everywhere. “Ever since vaccines became the ‘magic bullet,’ policy-makers have warned against ‘vaccine nationalism’ – that is, against some countries focusing almost exclusively on vaccinating their citizens without thinking about vaccination more globally. “I’m just not sure,” she says, “that vaccine nationalism will get us there, at least in any sustainable way. In a global pandemic, when literally ‘we’re all in it together,’ it’s ethically bankrupt for the rich to hoard vaccines.



Professor Ashwini Vasanthakumar, Queen's National Scholar in Legal and Political Philosophy

ANDREW VAN OVENBEKE

“You don’t need to be a cosmopolitan idealist to question vaccine nationalism as being ultimately self-defeating.”

— Professor Ashwini Vasanthakumar

“What seems to be happening at a distance is, in fact, very close to home for many people at Queen’s Law and in Canada more generally. The heartbreaking scenes we’re seeing on nightly newscasts may come from places that, though distant, are familiar and cherished for many people here,” Vasanthakumar says.

“Vaccine nationalism is also short-sighted. Global interconnectedness means that we actually are all in this together, and letting the virus devastate countries in the global south will only prolong the pandemic and its long-term economic and social effects for all of us. You don’t need to be a cosmopolitan idealist to question vaccine nationalism as being ultimately self-defeating.”

Canada and other prosperous nations have seen it as their role to take concrete steps to help less well-off nations deal with the pandemic as its variants roll over more of the world. Among the measures she urges are providing more of the vital resources needed for life-saving care; supporting quick, efficient vaccine rollouts; and supplying broader aid for vulnerable communities and frontline workers. Some of this is well under way. The United Nations (through COVAX), World Health Organization, Red Cross, and other international NGOs are playing important roles in mobilizing and coordinating a global pandemic response. The problem is that they can’t do this without buy-in from resource-rich nations.

“To say there has been less leadership by the powerful than might have been hoped for is an understatement,” Vasanthakumar says.

She adds that the same could also be said of some political leaders in the global south. “In many cases, the virus and its variants have ravaged communities because of poverty – poor resources, infrastructure, and health care facilities. But in some cases it’s also about a lack of political will.

“Both India and Brazil illustrate the dangers of leaders who don’t heed the advice of public health experts and the scientific community, instead stifling media scrutiny and playing to select political audiences at the expense of public health, especially affecting the poor and marginalized. In many cases, humanitarian disasters could have been avoided. The problem wasn’t only resources; it was and is politics – a lesson and a warning for those of us in more prosperous nations.”

## A time for government regulations?

The pressure continues to build. A year-and-a-half into a global pandemic that has been the most soul-crushing and devastatingly costly of any human disaster in living memory, the sense of urgency to reopen the economy and return to some semblance of normalcy grows by the day.

Mohamed Khimji, the David Allgood Professor in Business Law, watching closely, sees that for many people and businesses, these imperatives have become life-or-death matters. At the same time, he’s wary of the haste at which the process is unfolding.

“If the state doesn’t take the lead on minimum safety standards, then businesses themselves will have to do it.”

— Professor Mohamed Khimji

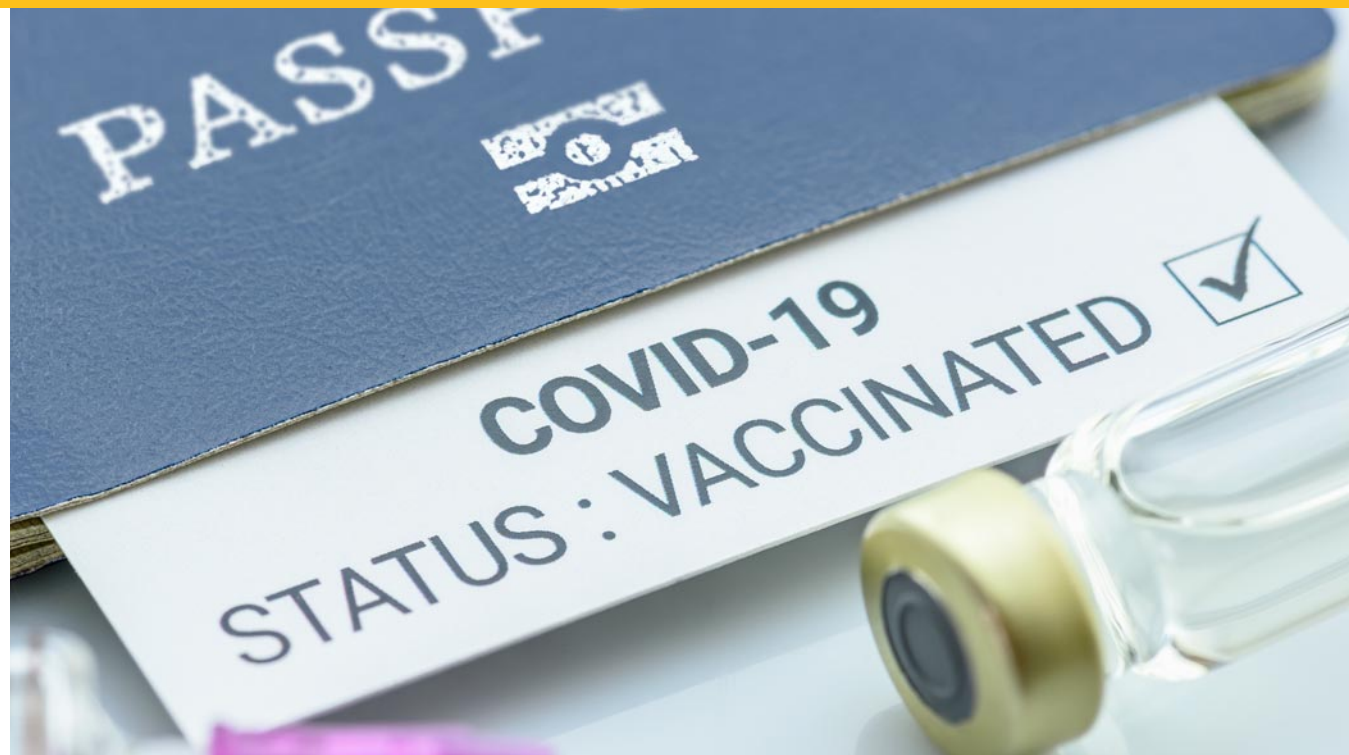
As a lawyer, consumer, and family man with two young children – one three and the other “a pandemic baby” of 10 months – Khimji has reservations about some measures proposed to ensure that, when the COVID virus and its killer variants are finally under control, they don’t come roaring back with a vengeance.

The faith that so many people have in the usefulness of vaccine passports as safeguards against this happening is something he wonders about. “We may be getting a bit ahead of ourselves,” he says. “There are two key issues that we need clarity on before we can move ahead: how long



Mohamed Khimji, the David Allgood Professor in Business Law

GREG BLACK



immunity lasts once a person is vaccinated and whether being vaccinated means a person no longer carries and transmits the virus." As Khimji sees it, those essential bits of knowledge must be the reliable cornerstones of any initiatives going forward.

"Look at the motivations and the incentives that drive businesses and consumers. Businesses have been operating under fluctuating pandemic-related restrictions for a long time and they, along with their employees, are hurting. Consumers are hungry to get out, go places, do things, and spend money. There's a huge pent-up demand out there."

That said, there's also a big problem. Faced with the lack of co-ordinated federal-provincial political leadership and transparency on vaccine matters, businesses are filling the void by opting to develop their own protocols. As Khimji sees it, given pandemic uncertainties, that's not a good thing.

"Generally, it's much better to let people be free to try doing things their own way, see what works and what doesn't, and go from there," he says, "but under these circumstances with the stakes being so high, we really need government regulations setting minimum standards for safety informed by science."

Not surprisingly, given the growing demand from businesses and consumers for so-called vaccine passports, Khimji would like to see the government step in to provide leadership. After all, the advantages and disadvantages of requiring such public health documentation are well known; they have been widely debated.

"If the state doesn't take the lead on minimum safety standards, then businesses themselves will have to do it," he says. "We're already seeing companies that sell tickets to concerts and sporting events moving in the direction of requiring proof of vaccination. The airline and cruise line industries, are too." These businesses have long built waiver clauses into their ticketing, and going forward it's a no-brainer that liability limitations will be further enhanced and will take on added importance as a litigation shield.

"This is to be expected," Khimji says, "and that might be fine, but only if both employees and consumers are as fully informed as possible about the risks they're subjecting themselves to. That will be key."

Another emerging trend that has grabbed his attention is the push for people to stay home and buy local. When lockdowns were at their peaks, public health officials in some counties outside Kingston ordered local restaurants, hotels, and shops to turn away customers from outside the region. Given the limited availability of health care in rural areas, Khimji applauds their prudence.

"The countries in the world that have been most successful at limiting COVID outbreaks tend to have implemented some region-to-region travel restrictions," he says. "Until we have near-universal vaccination, people staying close to home and supporting local businesses strikes me as a very good idea."

## Employment litigation tsunami coming?

Impacts of the COVID-19 pandemic on the law and on the legal profession have been both varied and profound. That has certainly been the case in employment law. "What's happened has been remarkable, unlike anything I've ever seen or



Shane Todd, Law'08, employment lawyer and partner, Fasken Martineau DuMoulin LLP

FASKEN MARTINEAU DUMOULIN LLP

experienced in my 12 years in practice," says Shane Todd, Law'08. "Going forward, I expect that the challenges will continue to be significant, with the impact of the pandemic rippling through society, the economy, and the legal profession."

An employment law expert who's a partner in Fasken Martineau DuMoulin LLP's Toronto office, Todd hastens to add that it's not just one type of employer or one sector of the economy that's being affected. The uncertainties are universal. "However, as life opens up again, I think we're going to see that some people and some businesses have weathered the storm better than others. The financial supports provided by the government have helped in that regard."

Todd notes that the myriad economic, ethical, and legal woes Canadians have experienced since the pandemic's

"I anticipate there's going to be a tsunami of litigation related to COVID layoffs."

— Shane Todd, Law'08

onset have crashed over us in successive waves, each one bringing fresh legal issues for the employers Todd represents. Initially, many of these issues had to do with questions of staff retention and redeployment as businesses slowed or suspended operations. Next came that series of provincial re-openings and renewed closures, each giving rise to renewed pain, anger, frustration, and fears.

"Now we're into a whole new phase: multi-faceted questions about vaccinations," he says.

Among them: Can employers compel employees to get vaccinated? Can doing that be a condition of employment? Can an employer ask for proof of vaccination or even a "vaccine passport?" If an employer asks for and has access to an employee's personal health information, what can be done with it? How does an employee's right to privacy in health information balance against the employer's duty to provide a safe workplace?

Those are just some of the many issues that employment law lawyers and their employer clients are now wrestling with. Then, too, there's the flip side: employees' rights and obligations.

"I anticipate there will be a tsunami of litigation related to COVID layoffs. Of course, it remains to be seen how the courts will deal with these cases," says Todd. On one of the most contentious issues, he adds, "Paid sick days will be an expensive burden for many employers and may more likely

be abused than unpaid."

That's one perspective. Jay Kim, Law'17, an employment lawyer with Brazeau Seller LLP in Ottawa, has another.

Like Todd, he has had experiences advising clients struggling to deal with the confounding

succession of pandemic-related setbacks.

"The situation has been very fluid, and I suspect it may stay that way for a while longer," says Kim. "My sense of it is that, going forward, lawyers will have no shortage of COVID-linked legal work. Every day, clients are calling me with questions about their rights and responsibilities. One emerging area of concern is child-care issues. With so many people working from home, there's a lot of uncertainty about what and how much employers have to do to accommodate those employees who must also care for school-age children when schools are closed."

Answers to such questions and many others in a similar vein may well be found in the common law. Others will require legislative action, as was the case when Ontario approved three days of paid "infectious disease emergency leave" on April 29.

Kim notes that numerous employers already had paid sick-day entitlements for their employees, even without a statutory obligation to provide them. "Many employers chose to maintain the 'personal emergency leave' entitlements implemented in 2018 with the passage of Ontario's Bill-148," he adds. "Realizing the need within the pandemic context, other companies had been deciding to introduce reasonable employee sick-day entitlements to help reduce the virus's spread."

As Kim sees it, "the key to any jurisdiction's legislation on paid sick leave is clear language on how it is to be implemented and whether any temporary entitlements will be extended once the vaccination campaign wraps up."

Those questions, like so many other pandemic-related employment law questions, remain to be answered. After all, as Shane Todd and Jay Kim will tell you, Canada is deep into uncharted legal territory these days.



Jay Kim, Law'17, employment lawyer, Brazeau Seller LLP

BRAZEAU SELLER LLP



## Legal experts from seven disciplines weigh in on... **Combating climate crisis – collectively**

BY MARK WITTEN

Climate change mitigation and adaptation are challenges needing urgent and collective action in the face of one of humanity's greatest threats. Profound changes happening in Canada and worldwide in financial markets, securities law, accounting standards, corporate governance, trade law, insurance law, the energy industry, industrial policy, and consumer behaviour all have key roles in effectively transitioning to low-carbon economies and achieving net-zero emissions by 2050.

One legal step taken recently confirms Canada's path. In a majority decision on March 25, the Supreme Court of Canada (SCC) upheld the constitutionality of the federal *Greenhouse Gas Pollution Pricing Act (GGPPA)*.

"The federal power to limit greenhouse gas emissions through a carbon pricing mechanism is a key policy tool to actually achieve our Paris Agreement targets," says **Professor Cherie Metcalf, Law'02**, a climate policy and constitutional law expert. "Without this constitutional support, it would be almost impossible to implement a national pricing scheme, and the likelihood of doing so would be extremely low, based on past experience."

### Constitutional authority to address humanity's existential threat

Although Canada has participated in the international climate regime since its 1992 inception under the United Nations Framework Convention on Climate Change, it has a history of failing to meet its targets for reducing greenhouse gas (GHG) emissions.

In upholding the federal pricing scheme under the rarely used "Peace, Order and Good Government" power, the SCC described global warming as a matter of national concern, causing harm beyond provincial boundaries and posing "an existential threat to human life in Canada and around the world." The Court sent a very strong signal not only to governments at all levels but to Canada's entire population that global climate change is real and that policies to mitigate emissions and their harmful effects are in the national interest.

The ruling is also a clear message to the global community. "The SCC decision makes it easier for Canada as a federal state to assume its international commitments," says **Professor Nicolas Lamp**, international trade law expert. "If the Court had ruled that the *GGPPA* was unconstitutional, it would be hard for the federal government to make commitments, and Canada's credibility would be damaged. The ruling strengthens Canada's hand in international negotiations."

How well the federal and provincial governments work together to take actions in response to this constitutional green light will be critical to the success of collective action.

"We can't get to our Paris Agreement targets just by using a carbon pricing mechanism; to be successful, it has to

"Addressing the inequities involved in making the transition to a low-carbon economy is a huge part of making sure the public supports the transition."

— **Professor Cherie Metcalf, Law'02**

create real incentives to transition to low-carbon technology and industries," says Metcalf, who also specializes in law and economics and international environmental and resource law. The transition "won't be easy" and will create winners and losers from the shift. "Addressing the inequities involved in making the transition to a low-carbon economy will be a huge part of making sure the public supports it.

"Even if we meet our Paris targets, it won't stop climate change," she adds. "Beyond carbon pricing, there are still a lot of questions about how to achieve our mitigation and adaptation goals."

### Trade measures can help countries strategize about emission reduction

**Professor Nicolas Lamp** sees trade measures as important policy tools – incentives for countries to pursue carbon reduction targets plus deterrents to countries being lax about reducing or regulating carbon emissions.

"The European Union is in advanced discussions about implementing a carbon border tax adjustment to avoid carbon leakage and ensure its own industries are not at a competitive disadvantage," he says. "If the EU imposes some form of carbon adjustment, then other countries have a commercial incentive to engage in emission-reduction strategies."

"The U.S., China, EU, and Canada have all expressed interest in a 'climate club,' which can provide significant incentives for other countries to reach international agreements on a carbon price."

— **Professor Nicolas Lamp**

"Carbon leakage" describes an increase in GHG emissions in one part of the world resulting from a reduction in another part. This can happen if energy-intensive industries relocate from countries with strong green regulations to countries with weaker or no such regulations, and if the EU or Canada, for example, are inundated with cheaper imports from countries with weaker climate policies.

If a carbon border tax adjustment were implemented here, the government would determine, when an import arrived, whether the country producing it had an equivalent price on carbon. "If that country's price was lower than ours, Ottawa would levy the difference as a tax on the import," Lamp explains.

In early March, U.S. climate envoy John Kerry cautioned that a carbon border tax adjustment should be a last resort. Lamp counters that "there is a real chance Canada will have to consider a carbon border tax adjustment."

Another proposed solution to carbon leakage would be to set up a "club" of countries with similar climate policies. They would freely trade with each other while imposing a carbon tariff on all other countries. "The U.S., China, EU, and Canada have all expressed interest in a climate club, which can provide significant incentives for other countries to reach international agreements on a carbon price," Lamp says. ▶

## Six experts, seven viewpoints for Queen's Law Reports



**Professor Cherie Metcalf** – climate policy and constitutional law expert; SSHRC and Canadian Foundation for Legal Research grant recipient for projects on effective climate change action and climate mitigation policy



**Professor Nicolas Lamp** – international trade law expert; co-author of *Six Faces of Globalization: Who Wins, Who Loses, and Why It Matters* (Harvard, forthcoming)



**Joanna Dafoe** – Director of Policy, Climate and International Affairs, Environment and Climate Change Canada; sessional instructor, International Climate Law



**Professor Robert Yalden** – Stephen Sigurdson Professor in Corporate Law and Finance; former senior partner with Osler, Hoskin and Harcourt LLP



**Professor Erik Knutsen** – insurance law expert; SSHRC and Canadian Foundation for Legal Research grant recipient for projects on insurance policy interpretation principles



**Wayne Garnons-Williams, Law'go** – principal director, Garwill Law, specializing in tribal trade and sustainable economic development; advisor, Natural Resources Canada

Trade measures may also have an impact on fossil-fuel subsidies. "Canada and other developed countries have paid massive subsidies to help companies explore for oil and gas," he explains. "Trade regimes like the World Trade Organization have a lot of experience tackling subsidies, such as reducing those for fisheries. I hope that will be a model for dealing with fossil fuel subsidies, with countries agreeing to reduce and gradually eliminate subsidies to producers."

### Unprecedented ambition in international environmental commitments

Sessional instructor **Joanna Dafoe**, recently appointed Director of Policy, Climate and International Affairs, Office of the Minister of the Environment and Climate Change, is encouraged to see "unprecedented increases in climate change ambition around the world."

She says, "More countries are committing to increase the rigour and ambition of their domestic laws and policy around climate change. Many say they will transform their economies to be net-zero."

Dafoe believes the Paris Agreement's flexible, inclusive nature has been an effective catalyst for collective action. "There was skepticism within the legal community that the Paris Agreement could help deliver on this extremely challenging issue," she explains, "but its novel, bottom-up, legal construction is what enabled so many countries to participate. The Kyoto Protocol failed because it was top-down and too rigid. There's a very promising momentum now, but will the experiment be sufficiently ambitious?"

Another trend that encourages Dafoe: Governments recognizing that success means working closely with the private sector. "Previously, climate change was treated as if only national governments were the appropriate actors at the UN," she says. "Countries may make all kinds of promises, but, if financial flows are inconsistent with commitments, government action is undermined."



Raising and legislating emission-reduction targets is important too. At the U.S.-hosted April 22-23 summit of world leaders on climate change, Canada set a new target of reducing GHG emissions by 40 to 45 per cent below 2005 levels by 2030, exceeding its previous target of 30 per cent. Just days earlier, on April 13, Ottawa had proposed amendments to modernize and strengthen protections under the *Canadian Environmental Protection Act*, last updated in 1999. In addition, the country now has a mighty ally in battling climate change.

"Countries may make all kinds of promises, but, if financial flows are inconsistent with commitments, government action is undermined."

— **Joanna Dafoe**

"It's hard to overestimate the importance of the change in the U.S. administration's approach to the environment and the opportunity it gives us to again work side by side with a global superpower," Dafoe comments. "President Biden has been extremely productive and ambitious through executive orders and administrative agencies, where all domains and every facet of climate change are being actively pursued."

She adds that Canada has had several meetings with the U.S., "identifying areas where we can engage and collaborate – including on clean electricity, transportation, methane emissions in the oil and gas sector – and issues around adapting to climate change effects. We can expect a lot of harmonization in climate change regulations and policy between Canada and the U.S."

### Global shift to climate-related financial disclosure and sustainable accounting

"A seismic shift" is how **Professor Robert Yalden**, Stephen Sigurdson Professor in Corporate Law and Finance, describes the financial markets' move towards measurable and standardized climate-related financial disclosure and sustainable accounting. Securities regulators, investors, creditors, corporate directors, auditors, insurance underwriters, credit-rating agencies, and other financial world participants are seeking, even demanding, access to consistent, comparable, reliable, and clear information from organizations on their climate-related risks and opportunities, not sloganeering.

"It's a fascinating time," Yalden says. "We're dealing with an extremely far-reaching and profound set of developments: establishing regulatory and accounting standards to measure how companies are doing in relation to climate change."

The triple bottom line of social equity, economic, and environmental factors has moved to centre stage globally. "There was a time when the dominant business law discourse was about shareholder value and how to measure whether it's being maximized," he explains. "Companies and boards didn't want to be bound by responsibility for the squishy, soft things that are hard to measure. It's very different now. We've moved from squishy to a world where sophisticated organizations like accounting firms are working hard to develop standards and benchmarks for measuring a company's risks and performance related to climate change."

In December 2016, a month after the Paris Agreement came into effect, the global Financial Stability Board (FSB) published the final report of its Task Force on Climate-Related Financial Disclosures (TCFD), commissioned by FSB chair Mark Carney, former governor of the Banks of Canada and England. That report aimed to provide a standardized framework across all jurisdictions and sectors for improved, more specific, financial-related disclosures. It included recommendations on such disclosures around four





Addressing climate challenges also presents economic opportunities. “Most Indigenous businesses are small, and most First Nations people live on isolated reserves in remote areas not connected to the energy grid,” explains Garnons-Williams. “First Nations, Inuit, and Métis are now involved as owners or partners in more than 150 large-scale clean energy projects in Canada involving hydro, wind, biomass, and solar energy sources. Exponential growth in Indigenous businesses is good for the Canadian economy.”

“In using Aboriginal traditional knowledge, Indigenous Nations are best suited to show how Nation States can meet the UN’s Sustainable Development Goals.”

— Wayne Garnons-Williams, Law’90

In the U.S., native peoples have historically been more aggressive in pursuing business and investment opportunities – a 2017 example being the Citizen Potawatomi Nation having its Iron Horse Industrial Park designated a foreign trade zone. “We’re working on setting up a foreign trade zone on Indigenous land in Canada,” he says. “You can provide big economic incentives to businesses to locate on tribal lands, even with rigorous environmental standards.”

New Zealand’s Māori tribes have been leaders among Indigenous peoples in developing economic opportunities in a sustainable way and protecting the environment. A 2017 law gave the Whanganui River its own legal identity, providing legal standing to a natural entity as a method of environmental protection. A two-person Maori governing body acts as the human face of the river, responsible for maintaining its well-being. “Those Indigenous peoples speak for nature, and nature has legal status in court to defend itself – an Indigenous model for the future,” says Garnons-Williams.



## Energy sector must move the needle on emissions performance

The \$5 billion allocated in the Liberal government’s April 19 budget to the Net Zero Accelerator – a fund that helps large-emitting companies reduce their GHG emissions – on top of the \$3 billion committed in December 2020, highlights the expectations and challenges that the Canadian oil and gas industry faces in aggressively transitioning to a low-carbon economy.

Robert Yalden emphasizes that governments, customers, and investors are scrutinizing each company’s emissions-reduction performance against its competitors. “Most oil and gas industry players now understand they have to move the needle on emissions performance,” he observes. “Like it or not, the pressure is coming from investors, markets, and customers, not just governments. An energy company’s success in reducing emissions in an economically viable way will determine whether investors like the look of your company relative to your competitors.”

Since the Supreme Court’s March 25 decision, provincial governments and the federal Conservative party have all agreed to support some form of carbon pricing. “Every party now has a stance on what needs to be done,” he says. “It’s no longer a question of do we need to do something, but how do we do it? The pressure is on to act now.”

Yalden sees challenges and opportunities for companies to reduce GHG emissions by shifting power sources; reducing or eliminating gas flaring and methane leaks; carbon capture and storage; and disposing of assets that create problems in meeting emissions targets. “There are no one-size-fits-all solutions,” he says. “Each company has to

sort out its carbon strategy in light of variables that differ from one company to the next.”

Decarbonization through electrification is one important strategy. “Companies in upstream extraction and drilling are huge power users. Can they develop and move economically to lower-emission sources? It depends on a company’s location,” Yalden says. “Can they develop electricity-based technologies that will replace diesel fuel? Some oil and gas companies are already using on-site solar power where they can.”

The industry has technology and engineering strengths; harnessing them could be a viable path to net-zero. “Any energy company must consider technology options and strategies to reduce emissions,” says Yalden. “Some crude oil companies, for example, are looking at solvents to extract oil, reducing or eliminating natural gas’s role.

“The challenge for governments is to provide the right kinds of incentives and supports, well aligned with the reality of what these companies need to accomplish,” he says. “How do policy-makers find a way for the energy industry to do everything it can to reduce emissions and integrate new technology without crushing the industry? These are big, asset-intensive companies; revamping them from top to bottom can’t be done overnight. The energy industry has long been a pillar of the Canadian economy, so we have to get it right.”



## For effective action, industry, governments, and consumers must pull together now

The costs of doing nothing or too little to mitigate and adapt to the impacts of climate change are getting higher and higher. That’s why climate policy law and regulations are getting so much attention in Canada and globally and why people are more educated and enthusiastic about action to save the planet. Governments’ ability to work together across political divides will be a key factor in Canada’s successful transition to a low-carbon economy. The breadth and depth of public acceptance and support for climate action also matters if consumer behaviour is to change and climate policies be implemented effectively.

In a SSHRC-funded research project (see also p. 2), Cherie Metcalf’s goal is to understand how different institutions (beyond science) can influence public buy-in for climate change action across the political spectrum. “Institutional players can include national, regional, and local governments, NGOs, corporate actors, and market participants,” she says, noting that not everyone is persuaded by what governments say about climate change. “I hope that the involvement of private actors such as corporations, insurers, Indigenous entrepreneurs, and

financial markets will also help engage more of the public in conversations about climate risks and policy choices.”

Funded by the Canadian Foundation for Legal Research, Metcalf is also examining how Canada’s existing constitutional jurisprudence and division of powers affect our ability to craft and pursue effective climate change policy. “Both projects involve thinking about how institutions can help or hinder our ability to achieve the climate change action we need,” she says.

Canada’s success will ultimately depend on governments, financial markets, industry, and consumers working effectively together on optimal solutions. “We have the technology to transition to a greener economy,” says Nicolas Lamp. “The problem is so many countries’ massive investment and infrastructure in the carbon economy. Governments must make and manage major investments to support the transition, because the market alone won’t do it quickly enough. Industrial policy is also an important tool because the promise of climate transition must be combined with the promise and the ability to create jobs.”

QLR

# Celebrating the first 50 years of Queen's Legal Aid

Six alumni reflect on ways their experiential learning with the school's oldest and largest clinic helped shape their legal careers, and a student caseworker discusses what it's like today.

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

It has been a guiding principle of Queen's Law from its very beginning under visionary Alec Corry in 1957: a quality legal education must reflect the real world. That same conviction was central to the thinking of his first recruits: William Lederman (Dean 1958-1968) and Professors Dan Soberman and H.R. Stuart Ryan. It was also the driving force behind the 1970 launch of the Queen's Law Students' Legal Aid Society – which most people already knew as Queen's Legal Aid (QLA) when that became its official name in 1999.

"Law students from Queen's were among the first in Ontario to receive approval from the Law Society to operate a legal aid clinic," Dean Mark Walters, Law'89, noted in his 2007 history of Queen's Law.

Kingston lawyer Harry Clarke, Law'65, became the first director. Keith Norton, LLB'69 (BA'61), (later a provincial cabinet minister and chair of the Ontario Human Rights Commission) served as part-time Review Counsel. He filled that role until 1975 when Joe Dewhurst, LLB'66, took over on a full-time basis.

It was clear there was a demand for the kind of pro bono legal services QLA provided. As a result, the project's caseload grew; so did student participation and support from the local bar and judiciary. By 1973, 184 students were

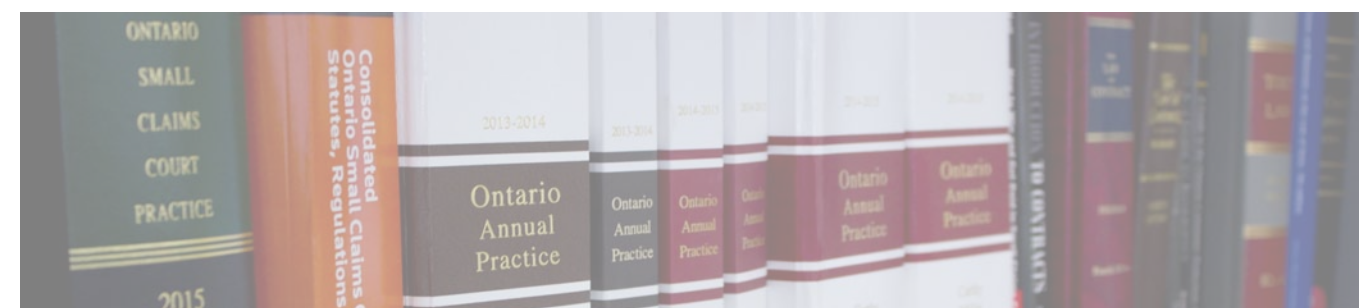
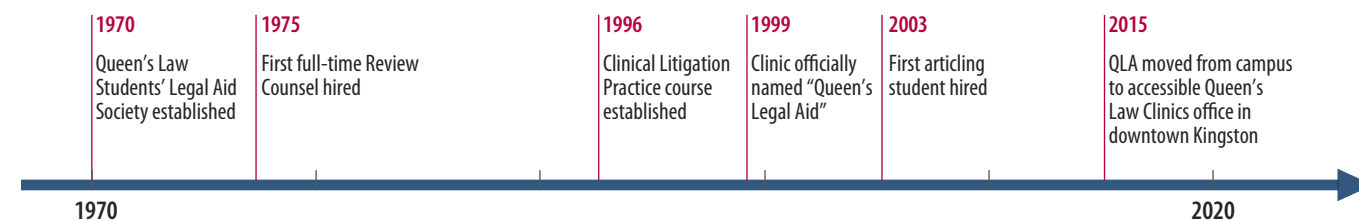
involved in QLA, engaging an average of four hours per week in an ever-expanding range of legal work. That same year, QLA added four new projects: Family Court, Inmate Legal Aid, an Injured Workers Consultation Service, and an 83km legal-aid outreach to Belleville. For that outreach, until Belleville got its own community clinic in 1983, and other outreaches, often rural, many students put many kilometers on a QLA van and little cars.

QLA has evolved and grown immeasurably over its first 50 years. Today, it continues to provide a wide range of services to disadvantaged, low-income, area residents, as well as to students of Queen's University and St. Lawrence College. As in the beginning, it offers student volunteers invaluable hands-on opportunities to apply skills learned in the classroom to real-life situations with actual clients.

As the oldest and largest of the law school's five clinics, QLA celebrated its golden anniversary in 2020. Under the leadership of current director Blair Crew, the clinic remains an integral part of the Queen's Law outreach to communities in Kingston, Napanee, and surrounding areas. At the same time, QLA's vital hands-on learning opportunities continue to build awareness and appreciation of the roles lawyers play in Canada's justice system.

To mark the QLA's 50th anniversary, *Queen's Law Reports* invited six alumni to share memories of their experiences.

## QLA Milestones



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JULY 2003: QLA Director Sue Charlesworth, Law'81 (back), looks over a case with a student in the student workroom located on the second floor of the law building.

GREG BLACK

## Justice Susan Charlesworth, Law'81

Nunavut Court of Justice, Iqaluit (since June 2018); QLA's former Review Counsel and Director



What Sue Charlesworth remembers most fondly about her own student experiences with QLA is the sense of excitement she felt as she learned to use her legal education to help people – herself and her family members included. Review Counsel Joe Dewhurst (in 1979) and Bill McDougall, LLB'77, (1980) guided Charlesworth as she prepared the documents when her

father purchased his family home in Kingston from his own father. "It was my first real estate closing while I was still a student," she says. "I think my dad, grandpa, Joe, and Bill all got a kick out of it."

Charlesworth also has fond memories of working with Doris Stuart, the office secretary who typed the students' handwritten letters, and driving in the white QLA van to

interview clients in Ompah, Plevna, Mountain Grove, and other outlying villages. If there wasn't "office" space (such as the hotel in Sydenham), students interviewed clients in the back of the van.

Fifteen years after graduating and taking time off from her legal career to have children, Charlesworth returned to QLA in 1996 as Review Counsel. What began as a temporary fill-in appointment turned into a lengthy stay and a promotion to QLA Director – which ended with her 2018 judicial appointment.

While she saw a heap of evolutionary change during her 22-year involvement with QLA, the most notable, to her, were computers, the Clinical Litigation Practice course for academic credit introduced in 1996, the first articling student (Tina Tom, Law'03) in 2003, and the office's 2015 move from the law building to a downtown professional office suite, co-locating with the four other Queen's Law clinics.

However, she notes with pleasure that a couple of defining aspects of the clinic's operations remained constant. One was the sense of collegiality that has always been such an important part of the clinic's ethos. The other was the students' enthusiasm. "I found it really interesting," she says, "to see issues from the points of view of different students, and then to watch them enjoy figuring out how to help clients. And the excitement of their first trial or hearing!"





## Marcus Snowden, Law'88

Snowden Law Professional Corporation, Coverage Counsel, Toronto

Marcus Snowden has never forgotten the vital lessons he learned while volunteering with the QLA Rural Clinic program. One experience, in particular, stands out for him. He was

dispatched to Sharbot Lake to appear in court — for the first time — to speak to a summary conviction highway traffic offence. At first blush, it appeared to be an open-and-shut case; no harm had been done, and the offence — which

involved window tinting on the client's vehicle — was purely technical. However, when he took time to interview his client, Snowden discovered the man had already lost demerit points for previous offences, and so if he simply paid the requisite fine, he'd also lose his driver's licence. That would spell the end of his job as a truck driver.

To make a long story short, Snowden was able to explain the man's potentially disastrous predicament to the Crown counsel and to negotiate a lesser charge that involved no loss of demerit points. The client paid the fine and left the court a relieved and happy man. Snowden did the same, having absorbed some enduring lessons.

"I'd learned to remember the value of the client interview . . . to remember the client is more than just an intake sheet, a fine amount, or a docket entry and, above all, to remember that lawyers are part of the system of justice that includes working with each other and with the bench as much as we can to ensure just and fair outcomes," he says. "I suspect that's what inspired the first student QLA participants in 1970 and what should encourage those who are involved in the program today."



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JANUARY 2015: Three weeks after moving into the Queen's Law Clinics' new professional office space in downtown Kingston, QLA students discuss criminal adjournments in the boardroom.



## Judge Dwight Stewart, Law'94

Provincial Court of British Columbia, Prince Rupert, B.C.

Dwight Stewart's three years of volunteer work with QLA proved to be definitive in his career. They provided him with experiences in a wide range of legal issues. He spent his first summer helping clients in the South

Lennox and Addington Project (SLAP), driving to and from the Napanee courthouse in the QLA car called "the SLAP-Mobile." In second year, he was a group leader and revised the residential tenancies chapter in the tenth edition of the *Clinical Law Manual*, a resource also used by legal aid clinics and law offices across Ontario. During his third year, he completed the Queen's Legal Aid Credit Program under the "expert supervision" of Review Counsel Merrilees Muir, Law'84 (who subsequently served as Registrar of Law, 1994-2000).

"It was the QLA training I received in interviewing clients that was most transformative," says Stewart. "On reflection, it seemed ahead of its time. We were taught to take care with the experience of the client and to do our best to offer them some degree of control over the process. Thirty years later, our justice system continues its struggle to become 'trauma informed.'"



## Courtney Mulqueen, Law'00

Co-founder and partner, MK Disability Lawyers LLP, Toronto, ON

What Courtney Mulqueen remembers most about her initial involvement with QLA was how it was like "jumping into a freezing cold lake," she says with a laugh. "I had no idea what

to expect, and it was hard for me to imagine people trusting me, a student, to advocate for them."

However, Mulqueen's experiences gave her the self-confidence and sense of direction she needed going

forward. "I soon found my groove at the clinic, and it turned out to be a career-altering experience that ultimately led me to where I am today," she says.

Apart from the opportunities to work with a diverse client base, what she found especially rewarding was the collegiality and feeling she was part of a collaborative team. "Review Counsel Sue Charlesworth was always there to patiently answer questions — often, I suspect, questions that she'd heard hundreds of times before. Then there were the other caseworkers, who would always be up for sharing knowledge and bouncing around ideas. There was a real sense of community and mentorship."

Looking back on her QLA involvement with the hindsight of 21 years, Mulqueen appreciates how profound the impact of the experience was on her. "I've continued to draw upon the skills I first developed at QLA every day in my law practice," she says.



## Rupa Karyampudi, Law'11

Co-founder and partner, MK Disability Lawyers LLP, Toronto, ON

Although Rupa Karyampudi came to Queen's Law a decade after Courtney Mulqueen, now her law partner, their QLA experiences were strikingly similar. Both highlight "the sense of community and

mentorship" they felt during their involvement in the clinic — three years in the case of Karyampudi.

"Caseworkers and volunteers would meet at the Grad Club and talk about our files and the challenges and successes that we each had," she recalls. "I also fondly remember having great conversations with other students in that tiny workroom on the second floor of the law school. Although I was nervous as a first-year student to have my own real-life files, I felt very supported by my group leader, the other students, and the supervising lawyers who made it a safe learning environment."

Because many of Karyampudi's QLA clients had mental and physical health issues, she developed a keen understanding of the kind of problems such people often face. "When I started law school, I didn't know what area of law I wanted to practice. However, when I gained practical experience at QLA, I realized I wanted to pursue a career in litigation and to represent marginalized communities," she says. "QLA taught me practical litigation and advocacy" ▶

## Law'81 gives back in support of QLA

In 2006, forward-thinking Law'81 members created a Clinical Programs Fund in anticipation of QLA's 50th anniversary. To date, \$152,029 has been raised – and contributions are always welcome – to support student clinical education at Queen's Law as it benefits the residents of Kingston and surrounding areas.

Says Law'81 committee fund co-chair Deidre Newman, "It was an experience close to my heart to work as a young lawyer in a Toronto legal aid clinic and then have an opportunity as an experienced lawyer to lead the outreach for contributions to this fund in support of QLA."

Newman's co-chair, Susan Clarke, shares her classmate's sense of mission. "QLA provides an opportunity for students to serve their community and, with supervision, to provide essential legal representation and advice to people with great needs and limited means," she says.

Fund-founding committee member Eric Kay echoes that sentiment when he recalls that "participating in QLA gave me an excellent introduction to dealing with people who had real legal issues to be addressed and were reliant on the advice that I was privileged to provide."

*The Queen's Law Clinics also gratefully acknowledge the support of Legal Aid Ontario, the Law Foundation of Ontario, Pro Bono Students Canada, the United Way of KFL&A, and alumni and industry sponsors.*

skills, and how to communicate effectively with clients. It gave me confidence when I was articling that I had already developed many skills needed to be an effective advocate through my QLA experience. My involvement in the clinic was the foundation for my current trauma-informed disability law practice."



### Matthew Cameron, Law'22

Student caseworker, 2020-21, QLA, Kingston

Like their predecessors, today's QLA students gain experience working on files covering a breadth of issues. For Matthew Cameron this past year, it was criminal matters, small claims contract disputes, student discipline issues, and an area that saw a big increase in demand: landlord and tenant issues. "COVID has resulted in a number of disputes, especially after Queen's shifted to an online teaching format and students no longer needed to be in Kingston," he says. Apart from that work and the variety of people he has found himself exposed to, there's another equally compelling aspect of his QLA volunteer work that stands out for Cameron. "There was a moment I experienced where, all of a sudden, I realized I was doing *real* legal work for real clients with real issues," he says. "I've been aiming to be a lawyer since my first year of undergrad, so to have that moment where it suddenly feels a lot more real is tremendously rewarding. I've heard similar stories from my colleagues." Another "aha" moment, he adds, came from facing off (virtually) against an opposing lawyer with decades of experience. "You can't get that in the classroom." Many of Cameron's interactions this past year with his clients, other students, and QLA director Blair Crew have had to be socially distanced or even "remote" – via telephone or Zoom – because of pandemic-related restrictions. "Even processes as simple as witnessing a document signing can be complicated when it has to be done remotely. For that, you really just have to be willing to accommodate what the client is able to provide you with, even if it requires a bit of creativity on our end," says Cameron. "Working at QLA has been fantastic for developing my practical legal skills."



MARCH 2017: QLA student caseworkers pose with the QLA car, which the clinic purchased with the Law'81 Clinical Programs Fund. It's parked outside the LaSalle Mews in downtown Kingston, home of the Queen's Law Clinics since January 2015.

## QLA alumni

You can still help celebrate the clinic's milestone anniversary. Please share your favourite QLA memories and photos with [lawalum@queensu.ca](mailto:lawalum@queensu.ca) for potential use in Queen's Law communications.

# Recognizing a ‘Renaissance person’

**For the modest Ted Johnson, Law’76, the Order of Canada marks the completion of a remarkable 42-year public/private sector career**

BY KEN CUTHBERTSON, LAW’83

The news was a delightful surprise, but it was also puzzling, says Montrealer J. Edward (Ted) Johnson, Law’76. When he heard the December 2020 announcement that he had been appointed an Officer of the Order of Canada, he scratched his head. “Seems it had something to do with my corporate activities and volunteering with not-for-profit organizations,” he speculated.

However, what the unassuming Mr. Johnson found puzzling was anything but to his family, friends, and colleagues. After all, his distinguished 42-year legal career, which “officially” ended with his 2018 retirement, was remarkable for its excellence, its impact, and its public/private diversity.

“Ted is a true Renaissance person,” says his long-time friend, Senator Peter Harder. “He’s as comfortable in a canoe paddling our northern rivers as in a palace with political leaders debating the challenges of our times. His career ranged from executive assistant to a prime minister to the board rooms of the nation. His philanthropy and civic leadership have contributed to expanding opportunities for young Canadians in their academic pursuits and strengthening civil society – all with quiet good humour, humility, and dignity.”

After earning an undergraduate degree at Western’s Ivey School of Business, Johnson spent a year at Sciences Po in France, and then enrolled at McGill Law. For his final two years of study, however, he transferred to Queen’s Law, where he made “fond memories, especially of classes with Professors Dan Soberman and George Alexandrowicz.”

Following his articles with the Justice Department in Ottawa, he became Special Assistant to Justice Minister Ron Basford and then to Finance Minister Jean Chretien and then, 1980-1984, Executive Assistant to Prime Minister Pierre Trudeau. This was during the time of two federalist successes: the failure of Quebec’s separation referendum (1980) and then negotiating the 1982 repatriation of the Constitution. “Working for Prime Minister Pierre Trudeau was demanding and challenging, but also hugely rewarding and a privilege beyond anything I ever could have hoped for,” says Johnson.

The lessons he learned have stayed with him. As an unabashed federalist, he agrees with the March 25 Supreme Court of Canada ruling that approved the constitutionality of the federal government’s carbon tax. “That decision was constructive, and going forward I think it will prove to be the right one.” Johnson concedes that the SCC ruling may well lead to increased tension between Ottawa and the provinces in the short term, but he believes the federation will arrive at a new equilibrium. “There’s an ebb and flow to federal-provincial relations. We’ve been here before.”

“Ted Johnson is as comfortable  
in a canoe paddling  
our northern rivers as in  
a palace with political leaders  
debating the challenges  
of our times.”

— Senator Peter Harder

When Trudeau retired in 1984, Johnson left Ottawa to go into private practice with Lang, Michener in Toronto. Then in 1985, he joined Montreal-based Power Corporation and its Power Financial subsidiary, serving as Senior Vice-President plus General Counsel and Secretary of both companies. After 33 years in the roles, he reflects that “I had the incredibly good fortune to be at Power Corporation at a time of unprecedented consolidation activity in the Canadian financial services industry, and I developed some thoughts on the questions of corporate governance that I’ve brought with me into my not-for-profit and charitable involvements.”



*Ted Johnson, OC, Law’76, previously Executive Assistant to Prime Minister Pierre Trudeau during the 1982 repatriation of the Constitution and a C-suite executive with Power Corporation at a time of unprecedented consolidation activity in the Canadian financial services industry, continues his long-time involvement with several non-profits and charities.*

In addition to stressing the need for – and wisdom of – a spirit of collegiality and the realization that “one model doesn’t fit all,” Johnson offers two guiding principles for boards of directors, especially those of non-profits: “It’s management’s job to propose and implement strategies and a board’s job to approve and oversee them. It’s important that a board not end-run management.”

It’s these kinds of sage insights that Johnson brings to his continuing voluntarism with such organizations as the Royal Canadian Geographic Society, the National Theatre School of Canada, the Atlantic Salmon Federation conservation group, and the Pierre Elliott Trudeau Foundation. Johnson, who co-founded the foundation in 2002, has served as a director since 2011 and as Vice Chair since November 2018, began a term as Chair of the Board of Directors in March.

He especially enjoys his volunteer involvement with the Trudeau Foundation both because of the good work that organization does and because of his ties to its namesake, who was both friend and mentor.

Some of avid canoeist Johnson’s fondest memories of navigating more than 20 great rivers in northern Canada with friends involve time spent on the water with accomplished canoeist Trudeau. “We did some whitewater paddling and alternated bow and stern from day to day,” says Johnson. “Pierre kept us out of trouble.”

With only board meetings to break his retirement, Ted Johnson, OC, savours the time he now has for canoeing, bird watching, and relaxing at the family’s Muskoka cottage with wife Sharon and daughter Stephanie.

QLR

# Former Couchiching Chief strives for transformational action

**Land protection and Queen's connections have shaped the career of Treaty 3 expert Sara Mainville, Law'04**

BY PHIL GAUDREAU

We all have ideas of what we might be when we grow up.

The vision of Sara Mainville had been crystal clear since middle school: she wanted to be a lawyer. This was certainly uncommon for an Anishinaabe girl in northwest Ontario's Couchiching First Nation, but for her the only question was where to do that.

During high school, she participated in her community's land claim committee, growing her interest in environmental law. A fateful conversation with (the late) Elton Brant, a Queen's Law'83 grad practising in Fort Frances, put her on the path to Kingston. She recalls two personal calls from Queen's Law that sealed her choice: one from a professor, one from Dean Alison Harvison Young.

Once on campus, her experience continued to impress her. Mainville fondly recalls her Law'04 class's participation in the Kawaskimhon National Aboriginal Moot; the Faculty's overall commitment to Indigenous students; her time at the Queen's Prison Law Clinic; and the opportunities to learn from recognized scholars like David Mullan, LLM'73 (now Professor Emeritus), and environmental experts Joe Castrilli and Richard Lindgren.

"I am optimistic about what can be done when Crown governments are willing to do good things for First Nations."

While articling with Ecojustice, Mainville became involved in a case near and dear to her: *Grassy Narrows First Nation v. Ontario*, involving clearcutting in Treaty 3 lands.

By 2008, she had completed an LLM, worked for an Anishinaabe law firm in Rama, and started a family when she received a call to return home.

"My nation's grand chief asked me to work with her," she says. "I was honoured, so my wife, daughter and I moved back to Fort Frances."

Mainville opened a solo practice working on land claims, policy development, and other issues impacting the local community. She also formed partnerships with larger firms that would shape what came next.

In 2014, her career took an unexpected turn. The Couchiching Chief died suddenly, and Mainville was asked to assume leadership for a two-year term. One of the trickiest elements? Finding new firms to take care of her clients. That's how she leveraged her relationship with Olthuis Kleer Townshend LLP (OKT), a Toronto- and Yellowknife-based law firm specializing in Indigenous law.

Once her term as Chief concluded, she began rebuilding her practice, joining OKT as a senior associate in April 2016 and becoming a partner in January 2018. This transition came just as she was concluding her role in what she calls a career highlight: co-chairing negotiations that ensured 129 Ontario First Nations would receive 14-million Hydro One shares (2.4 percent) and \$29 million in seed money when Ontario privatized the facility. Today, the group co-owns and benefits from Ontario First Nations Sovereign Wealth LP.

"Indigenous wealth creation was the vision, and we have since seen some good projects come out of it," she says. "I am optimistic about what can be done when Crown governments are willing to do good things for First Nations."

It's that kind of transformational action that Mainville hopes to see more of in the coming years. She believes that "reconciliation" has become an overused word, so far not associated with enough action on the part of federal, provincial, or regional governments.

The evolution and revitalization of Indigenous law has been ongoing for years, but in some ways COVID-19 has helped practitioners, Mainville says. Whereas many lawyers previously spent a lot of time travelling to far-flung Indigenous communities, they now do more work via the internet or find ways to work from the community as part of a larger firm, as she once did.

"My OKT practice is immersive" she says; "I go into the community and spend several days working on tough issues – but I miss the friendships you develop when you practice in a home community. It's something I would love to return to someday."

*Sara Mainville, Law'04, a member and former Chief of Couchiching First Nation (Anishinaabe), is a partner in Toronto's OKT Law, where her work with First Nations as legal counsel, strategic advisor, and negotiator has led to her Lexpert listing as "Most Frequently Recommended" in Indigenous Law. The eagle feather and embroidered feather carrier she holds were treasured gifts when she passed the bar in 2005.*

QLR

IMARLEY/MORNINGSTAR



# Supporting sustainability with style at a high-profile Canadian brand

## Cameron Clark, Law'07, is finding variety and relishing his management opportunities at lululemon

BY SUZANNE BOWNESS

Although he is Legal Director for one of the planet's most elite fitness and technical apparel retailers, lululemon, Cameron Clark, Law'07, doesn't practise yoga – and that's okay. "It's quite common here to do 'group sweats,' so we do have a lot of 'yogis' around the office, including on the legal team, but I spend most of my sweat time doing strength and conditioning training," he says.

In fact, Clark says he was attracted to the Vancouver-based company because it was open to diversity, and not just in fitness preferences. "lululemon really puts an emphasis on people and mindfulness, but also on fun. The difference between what I'm like at work and in my personal life is paper-thin. I truly do feel encouraged to bring my 'whole self' to work."

That sense of community echoes what Victoria native Clark found at Queen's Law. "I loved living in Kingston; most of my classmates lived within a few blocks of each other and we became each other's social network," he says. "A lot of my best friends to this day are friends I made in law school." His high school sweetheart and now-wife, Kirstin Theman (Meds'08), also became part of that Queen's community.

In second year, Clark landed a summer position with Gowling Lafleur Henderson's Toronto office, where he later articulated. He started his career as in-house counsel at Kellogg Canada and then Mastercard – generalist roles that gave him a taste of law in commercial contracts, advertising, intellectual property, and employment – all relevant to his work today.

Joining lululemon as Legal Counsel in 2015, he now leads a team of two lawyers and three paralegals from its Toronto office. Much of their work these days focuses on supply chain and trade and is involved with the company's international sustainability efforts – for instance, incorporating new natural fabrics like mycelium (made of mushrooms) and switching transport from air to shipping by sea.

Clark says it's an exciting time to be at lululemon, which has grown to more than 400 stores globally since 1998 and is always launching project initiatives. "When you're the legal part of a broad commercial team, you work with everyone," he explains. "Two years ago, I would have talked more about experiential stores, such as our 25,000-square-

foot Chicago store with a restaurant and yoga and meditation studios. Now I'm working on a bunch of social-impact-related stuff." This includes initiatives like Here to Be vendor grants to help elevate the wellbeing of people in communities where company products are made – for instance, mindfulness programs at a women's shelter in the Philippines and health clinics in Vietnam. Clark also helped set up a "hardship fund" to provide employee assistance during COVID-19.

"Transitioning into management and helping people with their own growth and career development is really rewarding."

He has always enjoyed the relationships formed through lululemon, he says, and with his newest role comes a new opportunity. "Transitioning into management and helping people with their own growth and career development is really rewarding." While he would normally work in the office three days a week, the pandemic has meant working from home full time. Since the team he supervises is remote, he misses the face time he used to have with them at headquarters a few times a year. Still, working remotely has had advantages, now that he and Kirstin have sons ages nine and seven.

As with his earlier roles, Clark claims the benefits of being in-house counsel make him more open to work-life balance and variety in his projects. Being in management now also means decision-making as part of a team. "As you get more experienced," he muses, "you also start figuring out ways to put your own stamp on things."

"If you do good work, take pride in it, and foster good relationships, then good things can happen."



Spring 2019: Cameron Clark, Law'07, gathers with co-workers at a corporate event on Vancouver's English Bay to welcome, and run with, lululemon's then-new Global Run Ambassador, Charlie Dark. Cameron is sporting a lululemon "Fast and Free" long sleeve shirt.



Fall 2020: Despite Toronto's COVID lockdown, company counsel Cameron Clark (in lululemon's Metal Vent Tech shirt and Pace Breaker shorts) follows the weight-lifting regimen of his local boutique gym, the Fuel Training Club. **QLR**



STOCKWOODS LLP

# Still an activist making a difference for women in need

## Long-time feminist Pam Hrick, Law'13, now heads LEAF's mission to advocate for gender equality under Canadian law

BY SUZANNE BOWNESS

Pam Hrick has worked all her adult life to advance feminist issues in the legal realm. She co-founded the Queen's Feminist Law Students' Association, sought out mentorship from feminist law professors, and wrote her LLM thesis at New York University on legal responses to technology-facilitated violence against women.

That's why her latest career move, joining the Women's Legal Education and Action Fund (LEAF) as Executive Director and General Counsel in February, is a natural progression, in an organization where Hrick already feels at home.

"I'm loving the brilliant staff that I work with," she says. "We have a wonderful team of women and gender-diverse people who are all personally very committed to advancing gender equality and doing it from an intersectional feminist perspective."

She began her journey into law as legislative advisor to the Attorney General of Ontario after completing her BA in political science. Hrick says the experience both confirmed her interest and provided real-world preparation. "That broader understanding of how the law functions and how it impacts society was invaluable." When she arrived at Queen's, she says she appreciated the opportunities to work closely with faculty such as Don Stuart and Beverley Baines on directed research projects and research assistantships. She also loved moot, participating in both the Laskin and Gale competitions and volunteering with Outlaw, the law school's LGBT student group.

Since graduation, Hrick has "come home" to coach for Queen's Laskin Moot team, alongside Cherie Metcalf. "It is quite a trip to have had my first-year Public Law professor become a collaborator and good friend," she says, adding she is "very proud" that the team finished second this year.

Now a mentor herself, Hrick advises law students to find time for the work that interests them. "Make deliberate attempts in your practice or in your spare time to be engaged in those issues that are important to you." It's advice she has modelled through her own career.

Graduating with the Medal in Law (2nd-highest standing), Hrick went on to clerk for (and "learn a lot" from) two eminent alumni: Justice David Stratas, Law'84, LLD'12, of the Federal Court of Appeal and then Justice Thomas Cromwell, Law'76, LLD'10, of the Supreme Court of Canada.

*Pam Hrick, Law'13, now has a bigger voice in ensuring and promoting equality rights of women and girls under the law in Canada; she is the new Executive Director and General Counsel of LEAF, the Women's Legal Education and Action Fund.*

Afterwards, she joined boutique litigation firm Stockwoods LLP in Toronto before moving to LEAF this year.

Today Hrick is living in Toronto, married to visual artist Kristyn Waterworth, and volunteering as a board member (currently chair) of The 519, an advocacy organization for LGBTQ communities. While she is just in the first few months of her official LEAF role, she had previously volunteered with the organization's law reform efforts in the area she investigated for her master's thesis. LEAF recently released a new report on the topic, with recommendations for regulating social media platforms with respect to technology-related violence.

Hrick is particularly proud of a recent criminal case involving both Stockwoods and LEAF. In *R. v. Sharma*, an Indigenous woman charged with importing drugs (under partner pressure) pled guilty and received a prison sentence after the judge rejected her constitutional challenge to a law prohibiting conditional sentences for this offence.

"Make deliberate attempts  
in your practice or  
in your spare time  
to be engaged in those issues  
that are important to you."

Stockwoods appealed; this law was struck down, partly because it prevents judges from applying the legal principle that Indigenous offenders' circumstances be considered in sentencing – which in this case included Sharma having a young daughter and being an intergenerational survivor of residential schools. A LEAF/Asper Centre intervention emphasized the systemic discrimination Indigenous women face in Canada's criminal justice system. "It was a big win all around," Hrick says.

For her, making a difference in cases like *Sharma* is a big part of why she's excited about her role with LEAF. "Getting involved in cases where we're able to advocate for more marginalized women, Indigenous women in particular, and get a good and just outcome and address unjust laws," she says, "is something I'm really proud of."

QLR

## Professional and personal news of Queen's Law graduates



SEPTEMBER 24, 2011: Law '86 classmates joined then-Dean Bill Flanagan (middle row, far right) in the Queen's Law atrium as part of the festivities to celebrate their 25th anniversary reunion at Homecoming.

## 1979

**Alan Whyte, Law '79**, retired as a partner of Cunningham Swan, Kingston, at the end of 2020 but is continuing his management-side labour and employment practice as counsel to the firm.

## 1984

**Carman J. Overholt, QC, Law '84**, Vancouver, is pleased to announce that he has entered into a law partnership with his two longstanding colleagues, Preston Parsons and Jennifer Kwok. The employment, labour relations, and commercial litigation practice continues as Overholt Law LLP.

**Eric Schjerning, Law '84** (Artsci '82), has left his insurance litigation and mediation practice with Blaney McMurtry LLP in Toronto to form Schjerning Mediations Ltd., where he will continue to mediate LTD, life insurance, and employment law disputes. Contact Eric at [eric@schjerningmediations.com](mailto:eric@schjerningmediations.com) or 416-236-9282.

## 1991

**Ted Bergeron, Law '91** (see Dart, 2005)

## 1993



**Cheryl Foy, Law '93**, has written her first book, *An Introduction to University Governance* (Irwin Law). Recognizing that the governance context for universities is unique, the book supports readers wishing to understand this uniqueness: the important concepts,

complex stakeholder context, decision-making structures and allocation of responsibilities within the university sector. The book will be of interest to university governance professionals, members of boards and other academic governing bodies, and people who work with and for universities.

## 1996



**Lisa Cirillo, Law '96**, began her new role last September as CEO of the Law Foundation of Ontario (LFO), overseeing the granting of funds to support legal education, legal research, legal aid, and

law libraries across the province. Previously, she worked with the Ontario Human Rights Commission, ARCH Disability Law Centre, and the University of Toronto's Downtown Legal Services. Before taking the helm at the LFO, she spoke with *Queen's Law Reports* about the way her student experiences with Queen's Legal Aid and the Correctional Law Project set her up for a career in social justice, and called her new appointment "a unique opportunity to make a different kind of impact on access to justice" through strategic investments to "fill in the deep gaps that exist in the justice system."

**Lori Mattis, Law '96**, who had been legal counsel with the Court of Queen's Bench in Calgary, was appointed a Master in Chambers there on September 1, 2020. Previously, she had also worked in-house as legal counsel in both Calgary and Toronto and was in private practice in Toronto.

## 1998

**Chris Clifford, Law '98** (see Dart, 2005)



**Annie J. Francoeur, Law '98**, has returned to private practice after more than 12 years at Stingray Group Inc., where she was Vice President, Legal & Business Affairs, for the international

company specializing in the development of applications and the distribution of music services. In January, she joined Delegatus, a Montreal lawyers' collective, working as an independent lawyer in the fields of commercial law, intellectual property, technology, entertainment, and media law.



**Bittu George, Law '98** (Artsci '95), a former municipal politician who remains actively involved in various Kingston-area community groups and initiatives, was elected to University Council by fellow Queen's

grads in 2020. It is Council's role to advise Queen's Senate and Board of Trustees and for individual members to serve as ambassadors for their school. When Bittu began his four-year term, he told *Queen's Law Reports*, "I want to make sure that the benefits I received continue to be available for present and future students at Queen's" and that he would keep working to advance equity, diversity, and inclusion. The University Council recently elected Queen's new Chancellor, the Honourable Murray Sinclair, LLD '19, a distinguished Indigenous jurist who shares Bittu's goals.

## 1999



**Bronagh Morgan, Law '99**, has started hosting a politics and local affairs broadcast on Rogers TV London, having been involved in politics since she first ran as a Green Party of Ontario candidate in 2003. Now a veteran of three more federal and provincial election campaigns, she is also a dedicated volunteer for Ontario

organizations, often focusing on improved policy making. In her TV show, she informs viewers, who may otherwise not have access to such information, about the work of local

politicians at all levels, as well as community leaders and institutions that support London-area residents. "Each episode includes an interview with a young person," Bronagh says, "because they're often ignored in political conversations yet are unquestionably the group most impacted for the longest amount of time when policy is made." Tune in to #LdnOntTV at <https://law.queensu.ca/morgan99>

## 2000

**Courtney Mulqueen, Law '00** (middle), **Rupa Karyampudi, Law '11** (right), and Leanne Goldstein are founding partners of Markham, Ont.'s MK Disability Lawyers,



winner of the 2021 Women-Led Business Award presented by the Markham Board of Trade. The partners prioritize empathy and compassion to serve clients with all types of disabilities and from a wide range of professions and industries nationwide. "The litigation process can be harsh, and our goal is to help our clients navigate that process while ensuring that their dignity, autonomy and mental health is preserved," says Courtney. "We are mindful that our clients are marginalized due to their disabilities," adds Rupa, "but they may face additional oppression as a result of intersecting identities due to gender identity, racial identity, ethnic identity, and sexual orientation, so we seek to use our privilege as lawyers to actively advocate for those who are marginalized and oppressed in our society." The partners attribute their success to empowering one another as women, as well as empowering their employees and clients.

## 2005



**Joe Dart, Law '05**, and **Warren WhiteKnight, Law '13**, joined the partnership at Bergeron Clifford with **Ted Bergeron, Law '91** (Artsci/PHE '87, Ed '88) and **Chris Clifford, Law '98** (Artsci '95), in 2020.

Bergeron Clifford is a boutique personal injury and medical malpractice firm of seven lawyers and 30 staff, practising in Eastern Ontario, with offices in Kingston, Ottawa, Carleton Place, and Perth.

## 2008



**Natalie Raffoul, Law '08**, managing partner of Brion Raffoul LLP, has been ranked among the world's leading patent practitioners by the IAM Patent 1000 since 2014. In 2020, she was selected by IAM

Strategy 300 as a Global Leader in the development and implementation of strategies that maximize the value of intellectual property (IP) portfolios. Natalie was also appointed in 2020 as an Expert to Ontario's Special Implementation Team on IP and to the Joint Ministers' Roundtable on the Ontario Health Data Platform (OHDP) chaired by Dr. Jane Philpott, Queen's Dean of Health Sciences.

## 2009

**Jonathan Keslassy and Adam Freedman, both Law '09**, will be celebrating the fifth anniversary of their Toronto law firm, Keslassy Freedman Gelfand LLP. Jonathan and Adam met in Evidence class in their second year of law, became fast friends and then roommates during third year. It is with great pride that they have "grown their shoppe" over the years since inception, specializing in civil litigation,



corporate law, estate matters, and real property transactions. Jonathan and Adam are grateful to Queen's Law for facilitating their *shidduch* and look forward to many more years of collaboration and partnership.

## 2010



**Michelle Axworthy, Law '10**, joined the Halifax partnership of Cox & Palmer on March 8. She works closely with her clients in all areas of family law and is credited with bringing

compassion, practicality, and efficiency to all matters related to relationships, children, assets, and life's changes.

2011

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

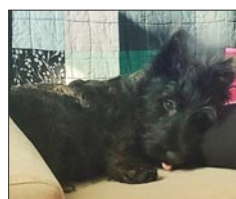
2012



**Alexandra Kozlov, Law'12**, and her partner, Michael Dunkelman, are pleased to announce the birth of Leonard Dunkelman on December 9, 2020. Big sister Nora, born in 2018, is elated.



**Rohan Sajnani, Law'12**, was promoted in 2020 to Vice President of Legal Affairs at Sage Sustainable Electronics, where he has worked since the company's founding in 2014. He also became engaged to Gregory van den Berg, a Data Analyst at Sun Life Financial, whom he met in 2015. The happy couple live in Toronto with their Scottish Terrier puppy, Helena Bonham Carter.



2013

**Warren WhiteKnight, Law'13**  
(see Dart, 2005)

2016

**Jess Spindler, Law'16**, is co-author of *Election Law in Canada* (2nd ed.), her first book, published by LexisNexis in May. Jess addresses the rules and regulations that apply to the running of elections in Canada and offers in-depth analysis of the laws affecting candidates, political parties and third parties participating in the democratic process. LexisNexis calls her book a valuable resource for lawyers as well as anyone involved in elections in Canada in any capacity.



## Alumni in the News

### Law Society Medal to Law'77 grad



Peter Griffin, Law'77, LSM

**Peter Griffin, Law'77**, recognized as one of Canada's top civil litigators, received the highest honour of the Law Society of Ontario (LSO) on May 26. In a citation for his Law Society Medal, given for outstanding service and significant contribution to the legal profession, the LSO says: "Through precedent-setting decisions, exceptional advocacy, unwavering commitment to education and mentorship, and his involvement in positively advancing the legal profession and broader community, Mr. Griffin represents the very best in the legal profession." Peter is counsel, co-founder, and former managing partner of Lenczner Slaght LLP in Toronto and a member of the Queen's Law Dean's Council.

### Justice Canada's top lawyer, a Law'84 grad, cited for professionalism and civility



As Chief General Counsel with the federal Department of Justice for the past five years, **Rob Frater, Law'84**, is involved in much of the major litigation that's conducted on behalf of the Government of Canada. He advises Parliament's senior decision-makers on a wide range of litigation and policy matters and also conducts appeals as far as the Supreme Court of Canada. This has put him front-and-centre in many high-profile cases that have made headlines in recent years, among them the Meng Wanzhou extradition proceedings.

In this work, as in all of his distinguished 35-year career at Justice Canada, Rob has demonstrated an exemplary knowledge of the law, integrity, fairness, and civility – qualities The Advocates' Society judging panel seeks when assessing nominees for their Catzman Award for Professionalism and Civility and precisely the attributes for which Rob Frater, the 2020 Catzman Award winner, is known.

## Three alumni among *Canadian Lawyer's* Top 25 Most Influential

For its 2020 list of the Top 25 Most Influential in the justice system and legal profession, *Canadian Lawyer* magazine selected three Queen's grads: one of the country's most influential intermediate appellate court judges, a young lawyer tackling issues facing minorities, and a partner representing disabled veterans in a successful class action.



**David Stratas, Law'84, LLD'12**

*Justice, Federal Court of Appeal, Ottawa; Sessional Instructor, Queen's Law, Kingston; Government category*

David Stratas has had a notable impact on administrative law through his judicial decisions, publications, and conferences. His articles include "The Canadian Law of Judicial Review: A Plea for Doctrinal

Coherence and Consistency" (2017), an examination the Supreme Court of Canada's 2008 *Dunsmuir v. New Brunswick* decision, drawing attention to the benefits of using doctrinal clarity, unity, and simplicity in a judicial review; and two further articles on *Dunsmuir* in 2019, one of which influenced the SCC's discussion in *Canada v. Vavilov*, and its judgment with 12 citations of David's written decisions. At Queen's, he teaches a popular legal writing course.



**Aaron Bains, Law'14**

*Partner, Aird & Berlis LLP, Toronto; Young Influencer category*

Corporate lawyer Aaron Bains specializes in debt and equity financing and domestic and international M&A and helped his firm partner with the Queen's University Innovation Centre, where he lectures.

As president of the South Asian Bar Association (SABA)-Toronto, he focuses on judicial diversity, discriminatory legislation and workplace practices, and other issues affecting minorities; meets with stakeholders in the provincial and federal government and in the judiciary to discuss crucial issues affecting the justice system; and helped establish SABA chapters in Calgary and Edmonton. Aaron also received a 2020 Precedent Setter Award from *Precedent* magazine and was named Man of the Year by the Leukemia & Lymphoma Society of Canada for raising over \$114,000 in its 2021 campaign.



**Malcolm Ruby, Law'84**

*Partner, Gowling WLG (Canada) LLP, Toronto; Business category*

Malcolm Ruby, specialist in class actions, product liability, and trans-border disputes, has represented the U.S. government, the U.S. Securities and Exchange Commission, the Ontario Securities Commission – but also vulnerable groups. He led a class action

on behalf of disabled Canadian veterans (*Toth v. Canada*, 2019), leading to a settlement awarding veterans compensation for harmful discrimination and is currently lead counsel in a class action on behalf of victims of the 2018 Danforth shooting (*Price v. Smith & Wesson*, 2021). Malcolm was lead counsel in *Canada (Attorney General) v. Galderma Canada Inc.*, named 2019's "Impact Case of the Year" by *Managing Intellectual Property America*.

## Law'79 and '03 grads celebrated for professionalism and civility

For their exemplary commitment to the highest ideals of professionalism and civility in the practice of law, the Ontario Bar Association selected these two Queen's alumni as 2020 Joel Kuchar Award recipients:



**Greg Richards, Law'79**, counsel and former managing partner and chair of WeirFoulds LLP, has successfully litigated a wide variety of cases, appearing before the Supreme Court of Canada and all other levels of court. He is a Fellow of the American College of Trial Lawyers, a past director of The Advocates' Society (TAS), and a past chair of the OBA's Constitutional Law Section.

TAS has recognized him for professionalism and civility (2019) and for pro bono volunteerism (2011). In the Queen's Law context, Greg has chaired the Dean's Council, been an award-winning teacher of trial advocacy, and winner of the 2014 H.R.S. Ryan Law Alumni Award of Distinction.



**Esi Codjoe, Law'03**, an experienced adjudicator and mediator, practises with Toronto workplace law firm Turnpenney Milne LLP and is a trainer and coach in equity, diversity, inclusion, and other areas. She has served as Vice Chair of the Human Rights Tribunal Ontario and on the boards of the OBA, the Canadian Association of Black Lawyers, and CultureLink. *Canadian Lawyer* magazine named her one of its Top

25 lawyers (2018), and *Expert* named her a Change Agent in Law (2019). She has taught university courses in employment law and labour relations and, for her alma mater, she mentors Black Law Students' Association-Queen's members.

## Saluting Law'93 and '20 grads as Ontario Women in Law leaders

The Women's Law Association of Ontario presented two of its five 2020 awards to Queen's alumnae.



**Cheryl Foy, Law'93** (Artsci'88), Secretary and General Counsel with Ontario Tech University, won the General Counsel Chapter Award for her leadership and commitment to the success of women in law. As co-founder and president of Women General Counsel Canada, she helped build the network into a national group to support women GCs becoming great legal leaders and to ensure strong women leaders are being developed to succeed them.



**Beth Burnstein, Law'20**, won the Torkin Manes LLP Trailblazer Award for demonstrating great leadership and drive in law school, particularly as co-president of Queen's Women and the Law, which included helping to plan and host the 2017 visit of then-Chief Justice Beverley McLachlin and spearheading the first Women in Corporate Law Career Panel.

Queen's LAW REPORTS  
2022

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

Please send it and, if possible, a high-resolution digital photo to editor Lisa Graham, [grahaml@queensu.ca](mailto:grahaml@queensu.ca) for publication in the 2022 issue of *Queen's Law Reports*.



## Judicial Appointments

### Law'07 grad a 'Rising Star' in advancing Indigenous rights and interests



SANDRA MULDER

For over a decade, **Jaimie Lickers, Law'07**, negotiated change through Canada's legal system and litigated Indigenous rights issues in the courts. For this work, *Lexpert* magazine named her one of its 2020 "Rising Stars: Leading Lawyers Under 40."

She was Gowling WLG's first Aboriginal woman partner, its Indigenous Law Group leader, and winner of important cases affecting the legal status of First Nations people. She appeared before the Supreme Court of Canada in *Daniels vs. Canada* (on

whether Métis and non-status Indians are "Indians" under the Constitution) and *Chippewas of the Thames v. Enbridge Pipelines* (on the adequacy of consultation relating to a pipeline development). At the Federal Court in *Foster and Howse, Wells, and Abbott*, she fought for non-status Indians' rights to membership in the new Qalipu Mi'kmaq Band. She also drafted trusts for over 25 First Nations with assets totalling \$1 billion, thereby expanding their wealth, economic development, and autonomy. Building on that particular work, she joined CIBC as VP of Indigenous Markets last October, leading a team of Indigenous trust and lending experts working to advance economic reconciliation in Canada.

### Law'10 grad and Toronto MP contributes to Canada's Bill C-22



**Nathaniel Erskine-Smith, Law'10** (Artsci'07), has long advocated, both in and out of Parliament, for decriminalizing the possession of drugs. One major reason is to combat the crisis the country is facing, with the death of more than 17,000 Canadians from opioid overdoses since 2016. As a Liberal MP (Beaches-East York, Toronto) since 2015, he has proposed two private member's bills: one on decriminalization and another to encourage the use of diversion methods in drug possession charges. Those

diversion methods in his second bill are now part of the federal government's Bill C-22 to repeal mandatory minimum sentences, tabled on Feb. 18.

"I introduced Bill C-236 to push the government to take stronger action to treat drug use as a health issue and never expected to see it become government legislation so quickly," he says. "Bill C-22 marks a significant step forward for evidence-based justice and drug policy reform, and will make it virtually impossible for the prosecution of simple possession to proceed successfully."

### Law'85 alumna now Yukon's top judge

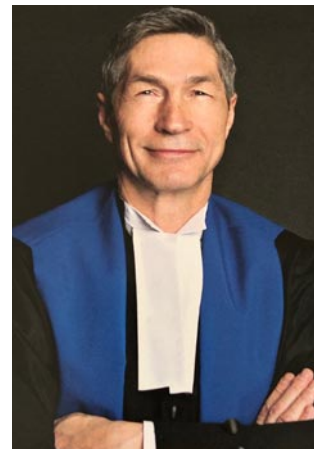


**The Honourable Suzanne Duncan, Law'85** (Artsci'82), was promoted to Chief Justice of the Supreme Court of Yukon on Oct. 5, 2020. Noting that her appointment to the territory's highest trial court was a historic milestone, Prime Minister Justin Trudeau said in a news release: "Chief Justice Duncan brings almost 16 years of experience practising law in Yukon, and she will be the first woman to hold this position. I am confident that she will continue to serve Yukoners well in her new role."

Starting her career in Toronto, she became a partner with McCarthy Tétrault LLP, joined the Department of Justice Canada in 2001, then transferred to its Whitehorse office in 2006. She was in-house legal counsel for the Kwanlin Dün First Nation and an executive member of the Law Society of Yukon before being appointed to the Supreme Court bench in 2018.

Now in the highest position at the court, which hears a wide range of civil and criminal cases, she continues working as a trial judge but has taken on additional administrative duties, such as assigning and scheduling cases. Concurrently a member of the Canadian Judicial Council, she is working to improve the quality of the judicial service in the country's superior courts.

### Law'81 grad heads Alberta court



**Derek Redman, QC, Law'81**, began a seven-year term as Chief Judge for the Provincial Court of Alberta in Edmonton on Aug. 1, 2020. He started his career practising with Cook, Snowdon and Laird in Calgary, then moved in 1984 to Davidson & Williams in Lethbridge, where he was appointed a judge of the Provincial Court in 2007 and Assistant Chief Judge for the South Region in 2017. Among the high-profile cases he presided over was the 2009-2010 inquiry into the 1999

shooting and killing of Darren Varley in a Pincher Creek detachment cell by an RCMP officer who was subsequently convicted of manslaughter. Judge Redman's recommended changes to RCMP detachments included installing surveillance cameras in cells and storing firearms in lockboxes in all prisoner processing areas.

As Chief Judge, it is his role to advocate for the court and manage it effectively in the public interest while ensuring the efficient administration of justice. When announcing the appointment, Doug Schweitzer, Alberta's Minister of Justice and

Solicitor General said: "As an experienced jurist, Judge Redman has served Albertans well, and I am confident he will provide expert leadership as the courts navigate the way forward in the wake of the COVID-19 pandemic."



**Eric Tolppanen, QC, Law'91**, was appointed to the Provincial Court of Alberta (Calgary Criminal Division) on April 14, 2020. Previously, he practised with Burnet, Duckworth and Palmer before joining the Alberta Crown Prosecution Service. There, he was a trial prosecutor, Appellate Counsel, and in 2015 became Assistant Deputy Minister, helping to reform many aspects of Alberta's criminal justice system. During his

career as a lawyer, he volunteered with aid agency Hope International Canada and as a coach of community hockey and soccer. Eric and wife Patricia (Ryan), Law'92, have two children: Chelsea, Law'22, and BED graduate Adam.



**Cidalia Conceição Faria, Law'94** (Artsci'90), was appointed to the Ontario Court of Justice, Toronto, on Oct. 22, 2020. As an assistant Crown attorney with the Ministry of the Attorney General for 20-plus years, she prosecuted serious criminal offences, specialized prosecutions, and a wide range of summary conviction offences, appearing before the Ontario and Superior Courts of Justice and the Ontario Review Board. She has

been VP at Abrigo Centre supporting victims of violence; a founder of the Portuguese Canadian Lawyers' Association; Secretary of the Ontario Crown Attorneys' Association Committee on Diversity and Inclusion; a university lecturer; and an educator on gender-based violence to legal stakeholders and professionals in Tanzania.



**Byrdena MacNeil, Law'94**, Solicitor for the City of Hamilton, was appointed to Ontario's Superior Court of Justice on Dec. 9, 2020. She had earlier been a civil litigator with Toronto's Shibley Righton LLP, where she had a varied practice and primarily represented school boards and other educational organizations. In 2006, she joined Hamilton's Legal Services Division, representing the City in legal proceedings and

advising on municipal, regulatory, administrative, operational and enforcement matters. She has appeared before numerous tribunals, the Superior Court of Justice, and the Court of Appeal for Ontario, and has spoken at conferences, published several articles, and presented on legal issues to client departments.



**Catriona Verner, Law'99** (Com'94), was appointed to Ontario's Superior Court of Justice in Oshawa on May 20, 2020. Having developed an interest in criminal law while a student volunteer with the John Howard Society in Kingston, she began her career specializing in criminal appeals as an associate with then-Hicks Block Adams LLP in Toronto. In 2016, she joined Lockyer Campbell Posner LLP, working almost exclusively at

the Court of Appeal for Ontario and the Supreme Court of Canada, where in one appearance on behalf of Ontario's criminal defence bar she was an intervenor for the Criminal Lawyers' Association. She has also spoken at conferences, published several papers, and lectured at several law schools.



**Kristin Muszynski, Law'05** (Artsci'02), a Small Claims Court Deputy Judge since 2018, was appointed to Ontario's Superior Court of Justice in Belleville on Sept. 8, 2020. Previously a partner with Templeman LLP, Kingston, she has acted as trial and appellate counsel at all Ontario court levels and in 2015 became a Law-Society-certified specialist in civil litigation. She developed and taught a Motion Advocacy course at Queen's Law,

frequently spoke at legal conferences across Canada and helped convene a local one annually. Justice Muszynski has been President, Frontenac Law Association; Second Vice-Chair and East Region Representative, Federation of Ontario Law Associations; council member, Ontario Bar Association; and YASC member, The Advocates' Society. She, husband Matthew Holmberg, Law'97, and daughter Gwen still reside in Kingston.

## Stay Connected

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## Congratulations to our newest award winners!

**An LGBT rights champion on the bench; a young IP, diversity, and inclusion leader; an advocate for Indigenous justice; and an all-star athlete/employment law litigator are in the spotlight as this year's recipients of the four treasured Queen's Law alumni awards.**

From a strong list of nominees put forward by their fellow grads, the Dean's Council awards committee has selected these winners:



**Justice Cynthia Petersen, Law'89 (Artsci'86)**  
**H.R.S. Ryan Law Alumni Award of Distinction**  
*for overall distinction in the legal profession*

Before her Ontario Superior Court of Justice appointment in 2017, she was a professor whose scholarship on systemic racism in jury selection triggered changes in the country's criminal justice system; a lawyer who appeared before the Supreme Court of Canada in landmark *Charter* cases, helping shape equality jurisprudence; the Law Society's Discrimination and Harassment Counsel, investigating numerous high-profile workplace complaints; and a Law Society Medal recipient for her exceptional service in promoting LGBT rights.



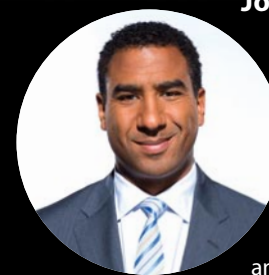
**Amrita V. Singh, Law'12**  
**Dan Soberman Outstanding Young Alumni Award**  
*for early-career success*

A partner with international IP firm Marks & Clerk (Toronto office), she founded and chairs its national Diversity and Inclusion Committee and has argued before all levels of the federal and provincial courts. She is the Canadian Bar Association-IP section Secretary, an elected Ontario Bar Association multiple-executive committee and Council member, the Intellectual Property Institute of Canada-Litigation Committee Vice-Chair, a Federal Court IP Users Committee member, an elected Queen's University Councillor, and mentor to students and junior lawyers.



**Wendy Whitecloud, Law'84**  
**Justice Thomas Cromwell Distinguished Public Service Award**  
*for sustained and outstanding public service*

A member of Manitoba's Sioux Valley Dakota First Nation, she directed the Academic Support Program for Indigenous students (later for all students) at the University of Manitoba's Law Faculty, where she taught Aboriginal law, property law, and constitutional law for almost 25 years. She was Commissioner of Manitoba's Aboriginal Justice Implementation Commission, formed to address a 1990s crisis: the systemic racism behind the over-incarceration of Aboriginal peoples in the province's prisons and jails.



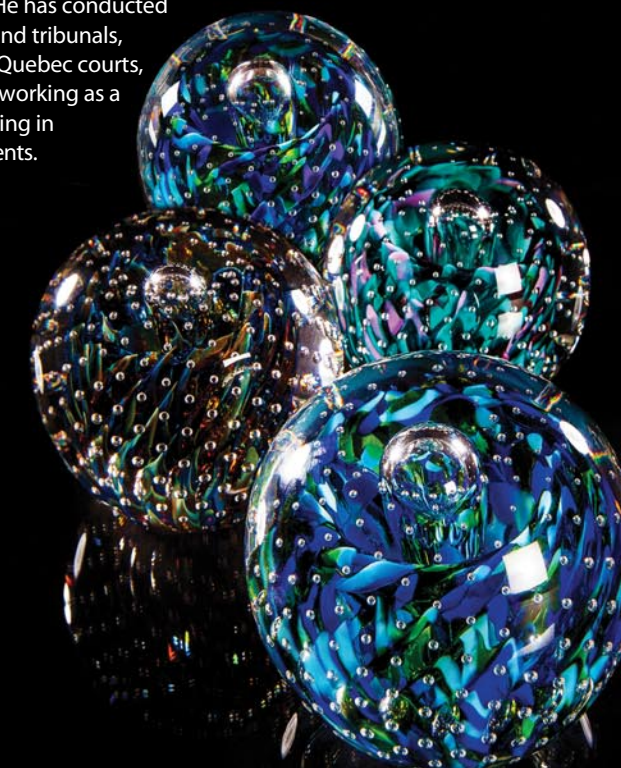
**Jock Climie, Law'94**  
**J.A. (Alec) Corry Distinguished Alumni Award**  
*for excelling in a career outside the traditional practice of law*

This former CFL All-Star completed law school, articulated, and practised as a criminal prosecutor and labour litigator with Justice Canada during off-seasons. In 2000, he joined Ottawa's Emond Harnden, developing an extensive management-side labour and employment practice. He has conducted hearings before numerous boards and tribunals, litigated in federal, Ontario, B.C., and Quebec courts, and juggled his busy law practice while working as a CFL analyst on TSN for 17 years and participating in countless fundraising and charitable community events.

### MORE ONLINE!

Read articles about these award winners at [law.queensu.ca](http://law.queensu.ca)

**Nominate a deserving grad for one of the 2022 awards. Check out how at [law.queensu.ca/alumni/awards](http://law.queensu.ca/alumni/awards)**



GREG BLACK

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