

# VISTAS

THE UVIC LAW ALUMNI MAGAZINE

SUMMER 2016

## Refugee Crisis Call

Jennifer Bond ('06)

## Access to Justice Centre for Excellence

## Courage and Innovation

Rob Lapper ('81)  
2016 Distinguished Alumnus

## Tributes

Karla Point  
Michael M'Gonigle



University  
of Victoria  
Law





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of Victoria  
Law

# VISTAS

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# Dean's Message

JEREMY WEBBER  
Professor and Dean

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Jeremy Webber, Dean of Law

One of the distinctive features of UVic Law, from the very beginning, has been its collaborative character. This character has many facets: the faculty's encouragement of mutual support rather than competition among its students; the students' community spirit and sense of teamwork, especially in their clinical placements; the responsiveness of

administrative staff to the individual circumstances of students; and the ease of relations that exist among students, faculty, and staff.

I was especially struck by this spirit when I arrived at UVic in 2002 after several years at McGill and Sydney Universities. McGill and Sydney are very fine law schools, to which I remain deeply attached. But two things struck me: 1) UVic Law is their equal in the quality of its faculty, its courses, and its students; and 2) the interaction among UVic's constituents — students, faculty, and staff — is much more extensive, much more natural, than it was at the other institutions.

There truly is a UVic difference. And the more I think about it, the more I believe that Legal Process plays a key role in building that approach. Students' first experience of this law school is an introduction to law conducted in small groups, team-taught, in an environment in which students are encouraged to ask any questions they want. They come out of that course with a sense of what to expect from law school, familiar with at least 20 other students, and having spoken extensively with two or three professors.

That experience lays the foundation for the rest of their time at UVic. It supports all the interactions that follow.

We as faculty have sometimes suspected that the collaborative character might be eroding. About 10 years ago we thought that might be occurring as a result of the increase in the grades necessary to gain admission to law school. We wondered whether we

were attracting more students who were accustomed to seeing education as a competitive struggle for the highest marks.

We responded by consciously communicating the cooperative ethic on which the school had been built, with (I should say) strong student support. We also paid attention to our recruitment of students, seeking to attract students from groups that have not generally gone to law school, signalling the existence of financial aid for students of limited means, and building back into the admissions process a more holistic evaluation of files.

The efforts worked — either that or we misread the situation in the first place — for our current students clearly cherish the school's ethic. Let me close by giving two examples.

This year, three students interviewed for positions as clerks at the Supreme Court of Canada. In advance of the interviews, we got the group together to share ideas. The spirit in which they did so was striking. We offered to discuss the interview individually or collectively. They all chose the group discussion. And they had all spoken to former clerks to obtain pointers, which they then proceeded to share with the others.

A process that might have been the height of competition, then, was approached as a cooperative exercise. All three — Sarah Chaster, Victoria Luxford, and Matthew Palmer — were hired as clerks — the most clerks we have placed at the Supreme Court of Canada in a single year.



# Students Head to the Supreme Court

BY JULIE SLOAN, COMMUNICATIONS OFFICER, FACULTY OF LAW

The second example comes from Skit Night. Many of you will remember it. It is rowdy, raucous, and edgy, with students performing live and in videos. Last year, two performers, one first-year, one second-year, both Indigenous, performed songs that were tough both in their content and in the demands they made of the performers — one might even say searing.

I had misgivings when the students began to sing. I remembered what the crowd's reaction would have been at the skit nights I had attended when I was a student, not at UVic, in the 1980s. But the response of the UVic crowd was very different. They were rowdy, but supportive as well. The performers were buoyed on a wave of encouragement.

This school is an amazing school, one that has found a way to combine a demanding education with a collaborative and supportive environment. That spirit was apparent at Skit Night. It is, most of the time, evident in our classrooms. I strongly suspect that it remains with our alumni throughout their careers. ▀

**Three UVic Law students have been selected for clerkships at the Supreme Court of Canada for the year 2017–2018. Victoria Luxford will be with the Chief Justice, Matthew Palmer with Justice Karakatsanis, and Sarah Chaster with Justice Wagner. This is the first time ever that three UVic Law students have simultaneously held clerkships at the Court.**

**The outcome this year means that, in the six years beginning with the 2012–2013 clerking year, there will have been at least one UVic Law student clerking each year and an average of two per year over that time. This is a remarkable record. Comparative information**

**for 2017–18 is not yet available, but in the five years prior to this year, only five schools (all central Canadian schools) placed more clerks at the Court than UVic Law (McGill, Toronto, Osgoode, Ottawa Civil, and Ottawa Common), and the last three of these had only one more clerk over that period (10 as opposed to our 9). Given the difference in the size of the schools, and the Court's need for clerks fluent in French and with knowledge of the Civil Law, this is an impressive indication of the strength of UVic Law students. ▀**



# Development Update

**MOLLY MCKAY**  
Law Development Officer

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**Molly McKay**, Law Development Officer

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Since arriving at UVic Law, I've been astounded by the vast array of programs that we offer here. From Val Napoleon's Indigenous Law Research Unit, to the proposed JD in Indigenous Legal Orders spearheaded by John Borrows, to the Business Law Clinic led by Michael Litchfield, to the Law Centre run by Glenn Gallins, QC (for nearly 40 years), to Jerry McHale's Access to Justice Centre for Excellence, it has been such a fascinating and exciting journey to learn and fundraise for these programs.

One program in particular has taken up more of my time than the others: UVic Law's Environmental Law Centre. Through fundraising for the ELC, I have learned more about the essential work that they provide to BC and Canada. All of their work is *pro bono* and they ensure that communities, organizations, and people who would not otherwise have access to environmental legal support have it. They advocate not just for the astounding beauty of BC and Canada, but also for the health and well-being of all of us — including the next generation. After all, the damaging impact of pollution on people, animals and habitat has no boundaries.

Whether it be helping a small community push the province to ensure that their drinking water is safe, providing green Bylaws to small municipal governments, or calling on the BC government to include climate change impacts in their environmental assessment process, the ELC has a profound impact on our province. And they do all this while training

students in the best practices of environmental law. I'm so proud to be a part of it.

With the support of the ELC folks, the ELC Board, and internal UVic Law staff, we were able to determine that we needed a minimum of \$250,000 per year. Thanks to the many alumni, friends of the ELC, as well as private foundations, we have made our goal for next year.

UVic Law has a reputation for being one of Canada's leading law schools with a unique focus on social justice issues, and the ELC is just one example of why we enjoy this reputation.

We recently had our fiscal year end, and I am proud to report we were able to surpass our fundraising goal of \$1.3 Million. I say "we" to include the entire UVic Law community. I learned early on in my career that fundraising is a symptom of an organization and its successes are a result of all the great people that are a part of it — from the Dean, to students and alumni, to faculty and staff, to other friends. Thanks to our many donors who ensure that our students start their legal careers with not just a depth of knowledge of some of society's most pressing issues, but also the tools to create solutions. 🦋



A vertical banner with a background image of a tree and greenery. The text is white and positioned in the upper left.

## Business Law Clinic

[link ▶](#)

A vertical banner with a background image of a building and trees. The text is white and positioned in the upper left.

## Environmental Law Centre

UNIVERSITY OF VICTORIA

[link ▶](#)

A vertical banner with a background image of a building and trees. The text is white and positioned in the upper left.

## INDIGENOUS LAW RESEARCH UNIT

AT THE  
UNIVERSITY OF VICTORIA

[link ▶](#)

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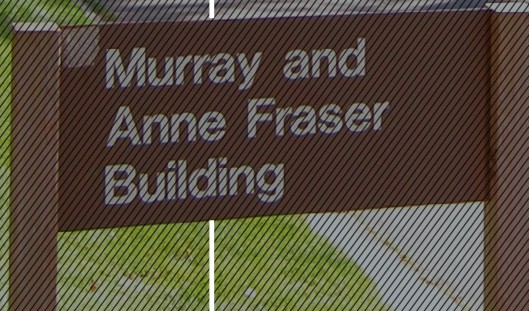
## *The Law Centre*

[link ▶](#)

A vertical banner with a background image of a building and trees. The text is white and positioned in the upper left.

## UVicACE

[link ▶](#)

A brown wooden sign with white text, mounted on two posts. The text reads 'Murray and Anne Fraser Building'.

Murray and  
Anne Fraser  
Building





# Fresh Waters

## The Honourable Carla Qualtrough ('97), MP

— MARNI MACLEOD ('93)

**2015** marked a sea change for Carla Qualtrough ('97). After winning her Delta riding in the federal election, she became one of 15 women appointed to Justin Trudeau's first cabinet and took on the role of Canada's Minister for Sport and Persons with a Disability (she also happens to be a three time Paralympic Games medalist in swimming). Since then, to say life has been busy would be an understatement. We caught up with Carla recently and asked her about her passion for politics, her plans for her portfolio and her memories of her time at UVic Law.

### What prompted you to run for office?

I have always had a passion and interest in the policy side of politics. I was further inspired by the Liberal movement and wanted to be part of that change in leadership and bring my experience to Ottawa. I never imagined that I would be named the first federal Minister responsible for persons with disabilities. It demonstrates our government's commitment to improving the lives of Canadians with disabilities, and to the importance this community has in the decisions we make around our Cabinet table.

### What is your vision for your portfolio?

Under my Ministerial mandate, I am tasked with finding ways to promote healthier Canadians through sport and recreation, and to ensure greater accessibility and opportunities for Canadians with disabilities. Functionally, this means challenging people to think of sport as a means, not an end, and promoting accessibility, equity, and equality of opportunity for both persons with and without disabilities.

### With the Olympics and Paralympics coming up this summer, what's your current focus?

Beyond supporting and cheering on our athletes at the 2016 Rio Summer Games, my focus is to carry that momentum into encouraging Canadians to make sport and physical activity part of their everyday lives.



For some Canadians, this means making sport more affordable by eliminating the financial obstacles faced by Canadian families from coast-to-coast-to-coast. It also means finding ways to recognize and celebrate sport for what it is: something that happens every day, in every community, and in every city.

**Based on your experience and your current portfolio, how do you view the importance of sport in Canada?**

I view sport as a tool for social change. Sport can be a means for policy makers to develop strategies that address broader social policy objectives. For example, policy measures that increase accessibility to sport can play a key role in supporting kids at risk, reducing childhood obesity, welcoming and integrating new Canadians, and addressing other social ills.

**What are your thoughts on a Canadians with Disabilities Act similar to the legislation that exists in the US?**

There is much to learn from the *Americans with Disabilities Act*, both in how it has advanced the rights of persons with disabilities in the United States, and also in some of its shortcomings. In Canada, we are fortunate to have the opportunity to look at the policies in the United States, and work with disability and health stakeholders, community and organizational leadership, governments and service providers across Canada to define the future of persons with a disability across our country. In Canada, our policy will take an equity approach to advancing the rights and opportunities of persons with disabilities.

**What is your most memorable UVic Law experience?**

Being part of the Co-op program. Co-op allowed me the opportunity to work with the British Columbia Human Rights Tribunal. My time at UVic Law left me with a deep appreciation of the scope of work that

can be done as a lawyer and the continuous exposure to careers beyond the traditional law firm path.

**Did you have a favourite or influential professor at UVic Law?**

I was very fortunate to have many influential professors at UVic; I couldn't name just one. However, there were areas of study that particularly piqued my interest and they were the classes that included anything with exposure to constitutional history, Charter issues, or had a social policy lens.

**With regard to your legal career and your time in office, what has been the most difficult thing to achieve or overcome?**

I've been very fortunate in my career as an Olympian, a lawyer and now Member of Parliament. I don't focus on the negative and I try to find creative ways to overcome challenges.

Looking back, all the experiences and obstacles that I've overcome have been a part of my path to where I am today. I'm extremely honoured to have the opportunity to represent the people of Delta and to have been chosen by the Prime Minister to be a part of his Cabinet as Minister of Sport and Persons with Disabilities.

**Any advice to law students and alums who may be thinking about a political career?**

Go for it! Follow your dreams — the rest will come.

You can keep up with Minister Qualtrough by following her on Twitter @CQualtro. 🇺🇵



PHOTO: PERSONAL ARCHIVE

“My time at UVic Law left me with a deep appreciation of the scope of work that can be done as a lawyer and the continuous exposure to careers beyond the traditional law firm path.”



A portrait of Jennifer Bond, a woman with shoulder-length brown hair, smiling. She is wearing a dark blue quilted jacket over a black top and small hoop earrings. The background is dark and out of focus.

# Crisis call

## Jennifer Bond ('06)

— BY JOHN LEE

“*I found Uvic Law to be a very inspiring environment where students were encouraged to develop, flourish and follow their passions. My time at the school was transformative.*”

**H**earthrending images of desperate refugees have been flashing across our TV screens with shocking regularity in recent years. But while governments falter in their responses to this intensifying global crisis, 2006 Uvic Law graduate Jennifer Bond has charted a busy course of both practical and big-picture action.

Now an associate professor in the University of Ottawa's Faculty of Law, Bond's multifaceted career has ranged from clerking at the Supreme Court of Canada to serving with the United Nations Refugee Agency (UNHCR) in Syria. She also sat on the founding executive of the Canadian Association of Refugee Lawyers (CARL), has appeared at the Supreme Court of Canada, and has presented many academic papers on domestic and international human rights issues. In addition, Jennifer has been serving as Special Advisor to the Minister of Immigration, Refugees and Citizenship on the Syrian Refugee Initiative.

Currently researching links between criminal law and refugee exclusion, and leading a major project on access to justice in Canada's asylum system, she's somehow also found time to launch an initiative that helps Canadians who are privately sponsoring refugees and to advocate internationally for change to the global refugee system. With much work still to do, Bond credits Uvic with fostering the skills she uses daily to navigate a disparate, fast-moving area of law.

### How would you describe your career?

It's busy and challenging and amazingly rewarding. I'd say it's also bifurcated into two main streams: I'm a law professor with a wide-ranging academic portfolio but I'm also active in grassroots, community-based projects. As academics, we have a privileged position and, for me, it's important to do more than just publish papers.





### Why have you focused on refugee law?

It brings together lots of interests: international law, domestic law, criminal law, human rights law, constitutional law, access to justice, work with vulnerable people, and more! The unprecedented global refugee crisis we're now seeing is complicated and demands new, creative solutions. That's exciting but also challenging.

### Isn't it also emotional?

I try to apply legal and intellectual rigour to all these issues but I think it's actually quite dangerous to totally divorce yourself from the human consequences of the work: a strong emotional connection is important. Like others I can feel overwhelmed with sadness and anger when I see children being pepper sprayed at barbed wire fences or dying of starvation, but it speaks strongly to the need for change and I try to translate the emotion into motivation.

### What are the challenges of this area of law?

The world is struggling to respond to this crisis, but it's simplistic to view Syria as the source of all the problems. In fact, we're being forced to confront the limitations of an asylum system that's been in place since World War II. We must immediately recognize and protect those who are refugees but we also need to address the underlying structural deficiencies in the system.

### What are you doing on a human level?

I founded the **Refugee Hub**. It's home to several initiatives, including a project that trains refugee support workers and another that helps Canadians who are trying to privately sponsor refugees. We've trained hundreds of lawyers and law students across the country to assist with sponsorship on a pro-bono basis and we estimate that thousands of refugees have been helped so far. Lawyers can contact us through [refugeessp.ca](http://refugeessp.ca) if they're interested in joining.

### What were you doing in Syria?

I was in Damascus with the UNHCR in 2008 and 2009. I was primarily processing Iraqi refugees in Syria who had allegedly been involved with serious criminal activity, complicating their claims for protection. It was fascinating work and it piqued my interest in combining criminal and refugee law in my academic career.

### Did you foresee this type of career when you were in UVic Law?

No! When I arrived in Victoria, I had no idea what the next step in my life was going to be. I'd come from studying literature and business, and then managing an NGO and traveling internationally. I'd chosen UVic because it wasn't a traditional law school and had a reputation for attracting a wide range of different types of students. I was hoping to learn some advocacy tools but had no firm plans for my career.

### What actually happened?

I really loved it! I found UVic Law to be a very inspiring environment where students were encouraged to develop, flourish and follow their passions. My time at the school was transformative.

### What inspired you most?

It was amazing to see professors combining community engagement with their academic careers and exemplifying a commitment to social justice. The culture of mutual support and collaboration was also

wonderful: great classes, working on projects with fellow students, discussing ideas with professors in the hall — it all helped me both develop substantive ideas and find a pathway to my future career.



### Any regrets?

Ha! My biggest regret is not taking Tax Law. Now that I'm a professor, I mention this all the time to my students, telling them how important it is to expose yourself to different things and take classes that might seem difficult or outside of core interests.

### What was the most valuable lesson you learned at UVic?

I developed analytic and critical thinking skills that I continue to use everyday. And I learned the value of engaging with social justice issues. But I think the most important lesson was discovering there are many ways to have a successful legal career. My career has never been a straight line and I don't know where I'll be in 10 years, but UVic gave me the tools to contribute in different areas and the confidence to change directions.

### Are you still in contact with anyone from your student days?

I made some of my dearest friends at UVic and I benefit constantly from the supportive network that developed during my time there. I'm also one of those people who fell deeply in love with the West Coast: it's my second home and I visit whenever I can. 🇨🇦



# The Access to Justice Centre for Excellence

— BY JERRY MCHALE, QC

**T**he University of Victoria Faculty of Law is pleased to announce the establishment of the Access to Justice Centre for Excellence (the “Centre”) operating out of the UVic Law School ([website](#)).

The Centre has been established in response to the growing concern within the justice community with the problem of diminishing access to justice. We believe that there is a unique role that academia can and should play in working toward a resolution of this problem.

The idea for the Centre arose out of the Canadian Bar Association’s Equal Justice **report** of December, 2013, which proposed that by 2030 three Canadian law schools establish centres of excellence for access to justice research.



## Mandate

The UVic Centre will seek to provide provincial and national leadership in research and teaching related to access to justice. The Centre will:

- ▶ undertake applied research and practical scholarship on access to justice issues,
- ▶ through curriculum and program development, enhance student understanding, skills and abilities respecting access issues,
- ▶ forge external working relationships with governmental, non-governmental and professional bodies working on the access issue,
- ▶ as a priority, but not an exclusive focus, pursue this mandate with an emphasis on social justice, community engagement and the unmet legal needs of marginalized populations.

Given the growing severity of the access problem and the very costly and destructive consequences that flow from unmet legal need in our communities, the Centre will seek to support a justice reform culture that is bold, innovative and open to experimentation.

The Centre will focus on activities that UVic is uniquely qualified to undertake. These activities will include academic and applied research as well as enhanced student learning and experience.







## Initial Activities

The Centre will begin work immediately to respond to the many calls that have been made for creation of a coordinated national access to justice research agenda. The aforementioned CBA Equal Justice report points to problems that the UVic Centre hopes to begin addressing:

*“Canada is plagued by a paucity of access to justice research. This gap exists in tandem with the poor state of justice data collection and evidence. The lack of high quality publicly available data detracts from scholarship and the lack of scholarship contributes to the poor state of data, since empirical research would help determine which types of data should be collected. Other barriers to research include: fragmentation of access to justice research across disciplines and under-development of interdisciplinary studies; lack of integration of recent methodological developments such as internet-based tools; and lack of connection between academics and practitioners ... A national research strategy is needed, not in the sense of a centralized ‘master plan’ but rather to ensure coordination, avoid duplication and enable researchers to build on each other’s efforts.”*


The UVic Centre is initiating two projects that respond to this call for a national strategy. The first is our **Canadian Researcher Data Map Project**. The first phase of this initiative will collate, in one accessible online location, information on who is currently doing what access to justice research in Canada. This

will include research that is academic and non-academic, empirical and applied. More details are available [here](#).

The second project is to convene a **Research Colloquium**. The aim of the Colloquium is to bring together academic and policy researchers to explore research needs and priorities, and to support the development of a coordinated Canadian access to justice research agenda. The Colloquium will proceed in two stages:

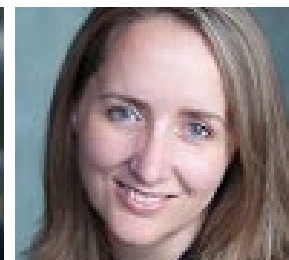
- ▶ In Summer 2016, the first meeting involved provincial researchers and BC access to justice leaders in a one day discussion to explore and better articulate short-term and long-term research needs and goals. This meeting also served to consult and receive advice on the role the Centre can play in the province and to lay a foundation for future collaboration and partnership on research.
- ▶ In the fall of 2016, at the University of Victoria, a national one or two day research colloquium will be held with justice researchers and policy makers from across Canada. The purpose of this meeting will be to begin work on a national research strategy, and to create linkages and build relationships to facilitate future collaboration and partnership on data collection and access to justice research.

In pursuing its aims, the UVic Centre intends to work closely and collaboratively with a range of part-

ners across Canada. The work to assemble a partnership network is just beginning, but linkages have already been established with the Canadian Forum on Civil Justice, the national Action Committee on Access to Justice in Civil and Family Matters, the British Columbia Access to Justice Committee, the BC Legal Services Society and the Law Foundation of British Columbia. 



Jerry McHale, QC



Michelle Lawrence



Michael Litchfield



Kathryn Thomson





# A Tribute to Karla Point

— BY GILLIAN CALDER, ASSOCIATE DEAN,  
ACADEMIC AND STUDENT RELATIONS (AND BIG FAN)

On the last day of classes the law student community gathered and amongst the award-giving and the revelry, was a beautiful tribute to Karla Point. It was the last time many of the students would see her in her formal position as Cultural Support Liaison, the position she had held within the Amicus Team since September 2013. The Indigenous Law Students Association students came forward (and through their outgoing co-President, Kirsty Broadhead) offered the following:

*To the ILSA students, Karla was a mentor, cheerleader, advocate, and advisor. She would work closely with the association ensuring Indigenous students from elsewhere in Canada felt welcomed by the Coast Salish legal traditions. The students will be forever grateful for the advice and support Karla shared during her time at the Murray and Anne Fraser Building.*

*When moving to undertake law school support systems seem to disappear, Karla was an Auntie to all of those students. She was approachable and would always share her law school journey which gave the encouragement the students needed to continue and make it through law school. Law school is a challenging place, especially for Indigenous students who confront colonial realities on a daily basis. Karla was always there to stoke the fire and ensure the students were at their full potential to encourage the change they want to see in the legal landscape.*

*Words cannot explain how much Karla has done and meant to Indigenous and non-Indigenous students at "Fraser High". Karla's caring and nurturing spirit will continue to assist students through their law school experience given the legacy she has left behind with AbCamp and her encouragement to ILSA as a sister association to the LSS. Karla had encouraged the students at the farewell ceremony to*



*“seek her out,” an offer many students will definitely accept. Karla if you are reading this, we love you, we miss you already, but we know we will see you soon.*

They sang for her, and then they gifted her. One gift resonated profoundly. It was in the image of a hummingbird, alongside a story of how Karla was a hummingbird to every student at the law school. Imagine the journey of law school like a giant wildfire. And then imagine a small hummingbird flying back and forth to a river and dropping tiny beads of water onto the flames. Some people would look at the effort and wonder — what possible effect the droplets could have. But others would see a tiny, yet forceful spirit, doing everything it could possibly do, to bring comfort, care and support to their community.


Karla is that, and so very much more. And she will be missed.

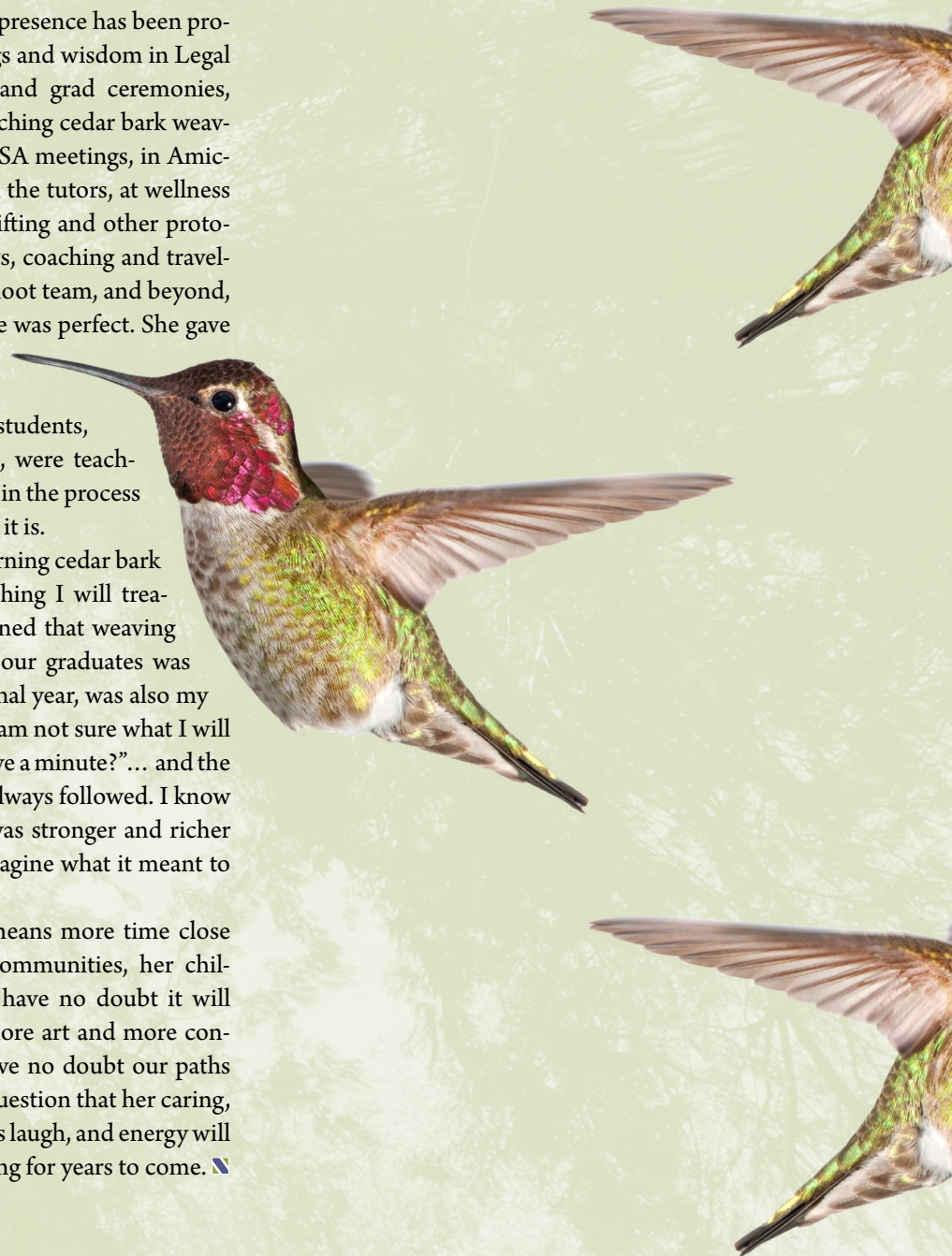
Karla’s name is *Hii nulth tsa kaa*, which means, “On the Beach Welcoming.” She is from the Hesquiah First Nation, which is part of the Nuuchahnulth peoples, located on the west coast of Vancouver Island. She is a UVic Law grad, having completed her LLB in 2006. She often joked about the length of time it took her to finish first year, but was also deeply reflective of how her own challenging journey to her law degree was an incredible resource that she drew upon often, and which connected her to all students.

In the years after her LLB, she also stayed connected to UVic Law, welcoming our students to her home community where she shared teachings at Aboriginal Cultural Awareness Camps, and as a member of the Environmental Law Centre Board, to cite two examples. But it is in the most recent role, choosing to become a member of our Amicus Team when we started to look for that unique and special person who could be the Cultural Support Liaison, that she made her most lasting impact. We are so very lucky that in 2013 when the new Amicus Team for student support was introduced at the law school that Karla chose us.

From the very first moment that she walked back into the building in 2013, her presence has been profound. From offering teachings and wisdom in Legal Process, through AbCamps and grad ceremonies, office hours, sweat lodges, teaching cedar bark weaving at healing moments, at ILSA meetings, in Amicus Team events, working with the tutors, at wellness days, in educating us about gifting and other protocols, at our recent TRC events, coaching and traveling with the Kawaskimhon moot team, and beyond, it became clear that the choice was perfect. She gave of herself so fully to all the details, working to ensure that important events for our students, like AbCamp and ILSA grad, were teachings in and of themselves; and in the process she has made our school what it is.

Being given the gift of learning cedar bark weaving from Karla is something I will treasure. And seeing how she turned that weaving into hats and headbands for our graduates was amazing. This past year, her final year, was also my first year as Associate Dean. I am not sure what I will do without Karla’s, “do you have a minute?”... and the very long conversations that always followed. I know that my work this past year was stronger and richer for her counsel; I can only imagine what it meant to each and every student.

“Retirement” for Karla means more time close to family, her partner, her communities, her children and grandchildren. We have no doubt it will also mean some scheming, more art and more connection. And although we have no doubt our paths will cross soon, it is without question that her caring, wise, gentle counsel, infectious laugh, and energy will be missed in the Fraser Building for years to come. 





# Student Awards Reception

BY DANA LOUGHLIN, ALUMNI ANNUAL GIVING OFFICER

On January 15, 2016, students, donors, faculty, staff, and friends of UVic Law gathered together for the Student Awards and Donor Recognition Reception at the Inn at Laurel Point. This annual event celebrates the achievements of UVic Law students and the generosity of the graduates, individuals, law firms, and organizations who benefit them. Each year it provides a special opportunity for students and UVic Law supporters to meet and recognize each other.

The formal program was introduced by Dean Jeremy Webber and speeches were given by UVic law supporter and faculty member, Heather Raven, QC, graduate student (PhD), Ryan Beaton, and JD student, Michaela Merryfield.

The Faculty of Law is tremendously grateful to all the alumni who support current JD and graduate students. As Michaela commented in her remarks, “your gifts have truly enhanced [their] studies.” Thank you!







ALL PHOTOS: ©UVIC PHOTO SERVICES





# The Slaughter Cup and UVic Law's Rugby Connection

BY IAN GAUTHIER (L2) & JULIE SLOAN  
Communications Officer, Faculty of Law

The Slaughter Cup is the annual rugby grudge match between the law schools of UBC and UVic. Drawing from their pool of students, each school fields a team to secure bragging rights and the privilege to drink cheap beer from a dusty trophy.

The Slaughter Cup is named after the late Todd Slaughter ('85), who organized the first UBC–UVic grudge match in 1985. Mr. Slaughter had a career in the British Navy before coming to Canada to study Law as a mature student. Todd is remembered by alumni who played in the inaugural Slaughter Cup as a gentleman who always did right by his friends and his clients.

This year's Slaughter Cup match was held on Saturday, March 5, and the UVic cheer contingent (amongst its ranks Dean J. Webber) was out in full force to watch a hard-fought 15–7 victory for the incumbent champion UVic-Men and a 10–10 tie for UVic-Women. A full recap of the game can be found on the UVic Law website.

Regrettably absent from the cheer contingent was Mike Holmes ('87) and Davine Burton, both institutions in the world of Canadian Rugby, and who in 2012 created the Pemberton Holmes Law Entrance Scholarship; a \$10,000 scholarship open to any UVic law student who plays rugby.

Mike Holmes, an avid rugby player in the Slaughter Cup during his law school days and former team member of UVic Vikings, Vancouver Island Crimson Tide and both provincial and national teams, created



this entrance scholarship to honour his partner, Davine Burton.

Davine Burton is an accomplished lawyer and rugby player. After earning a nursing diploma and an honours degree in kinesiology and health science, she received her law degree in 1999 from Osgoode Hall Law School at York University. At her gradua-

tion from Osgoode Hall, Davine was chosen by her classmates to receive the Student Honour award for her outstanding contributions to student activities at the law school. Impressively, she achieved these three degrees and honours while raising two young boys as a single mother.

Davine's stellar and path-breaking rugby career began at York University. As there was no women's varsity team, she played with the men's team. In her second year at York, a women's team was formed and Davine eventually became its captain. While establishing her family law practice in Toronto, she continued to play, coach and referee rugby. In 2012 Davine earned an inaugural spot on Canada's Lingerie Football League All-Star team, a semi-pro women's football league. On the same day as her team's final game of the season, Davine was featured as a guest speaker at the 2012 annual conference of the Canadian Association of Black Lawyers. The two events on one day fittingly illustrate Davine's remarkable accomplishments as a lawyer and athlete.

Mike takes great pride in Davine's tenacity and success. "Her confidence and resilience in the face of challenges is inspirational. This entrance scholarship will give incoming law students with similar interests an opportunity to thrive at UVic Law. The ideal candidate for the scholarship will be someone who is pursuing a legal career and at the same time playing first class rugby for the Vikes." "I am an ardent supporter of the generalist in life and in education," says Mike. "I believe it creates a better world of people






who have a broad range of experience. My own experience in and passion for the sport of rugby and my law school affiliation directed me to create this scholarship in honour of the “perfect candidate”, Davine.”

Davine herself remembers the financial struggles she experienced while in full time studies and playing varsity rugby. “I hope this scholarship will take the financial edge off for recipients,” explains Davine. “My involvement with rugby at a very competitive level has opened up the world for me and I am certain it will do the same for recipients. My hope is that this scholarship will allow a student to continue contributing to our wonderful sport within the University, be it as a player, coach or builder, while pursuing her/his legal dreams.”

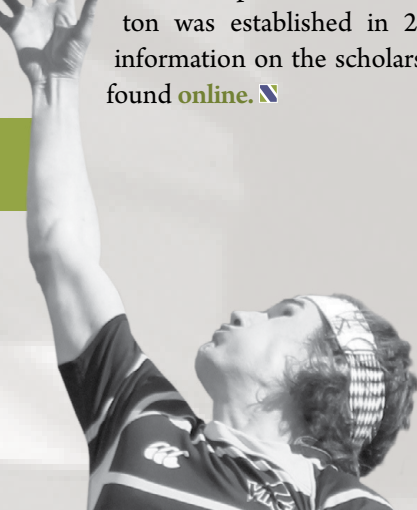
Philanthropy and giving back to the communities that have supported him are very close to Mike’s heart, but, as Davine explains, are not something he makes a lot of noise about:

*“Michael is an extremely kind, caring and generous man. That was very apparent to me during our first conversation. To this day, he continues to surprise me with his approachability and his persistence to see the best in everyone. Most people have no comprehension of the extent of Michael’s philanthropic endeavors because that is the way he wants it. Michael’s love, respect and passion for the game of rugby is apparent to anyone who knows him and this scholarship is but one of the many pieces of his legacy.”*

The Pemberton Holmes Entrance Scholarship in Honour of Davine Burton was established in 2012. More information on the scholarship can be found [online](#). 



Mike Holmes ('87)  
and Davine Burton





# Alumni Vistas: News and Updates

## The 1980s



**Kenneth Gustafson ('82)** is principal of Sitka Law Group, a new firm in Victoria, BC created by Gustafson, Christian Hoy ('09), Gurpreet Randhawa, and Stephanie Sieber. Ken practices in the areas of corporate/commercial law; residential and commercial real estate; wills, estates and incapacity planning; estate administration; creditors' remedies. Please visit [sitkalaw.ca](http://sitkalaw.ca).



**Stacey Ball ('86)** is updating his publication, *Canadian Employment Law*, published by Thomson Reuters-Canada. Now in its 20th year of publication, it has been cited in nearly 200 decisions. The text is updated three times annually in [loose leaf](#).



**Mary Mouat ('87)**, who is in practice with Colin Robinson ('84), was selected as the recipient the Canadian Bar Association's Georges A. Goyer, QC Memorial Award for Distinguished Service. This award

recognizes the exceptional contributions and achievements of residents of British Columbia to the legal profession of BC; or to jurisprudence in BC or Canada; or to the law or development of the law in BC; or a significant law-related benefit to the residents of BC. The award was presented to Mary at the annual Bench and Bar dinner on

## The 1980s

November 3, 2015. You can read her acceptance speech [here](#).



**Mme Justice Freya Kristjanson ('87)** has been appointed to the Ontario Superior Court as of June 2016. She is a partner at Wardle Daley Bernstein Bieber LLP in Toronto.

**N. Philip Seagram ('87)**, a former Nelson Crown Counsel, was sworn in as a Provincial Court judge on January 11, 2016 and assigned to the Interior Region with resident Chambers situated in Nelson, BC. Seagram has practiced criminal law in Vancouver, the Fraser region, Penticton, and Nelson. In addition to his career as Crown Counsel, he has worked in private practice and been a member of the Mental Health Review Board.

### UVic Law graduates newly appointed as Queen's Counsels:

- ▶ Judith Irene Frances Kenacan ('83)
- ▶ Augustine Tae-Hoon Earmme ('91)
- ▶ Thomas Parker Christensen ('94)
- ▶ Jeffrey Thomas John Campbell ('98)

## The 1990s



**Kelly Russ ('93)** has been appointed as the Chair of the Coastal First Nations on March 23, 2016. As well as acting as the official spokesperson for the Coastal First Nations, Kelly's primary responsibilities include providing leadership in the areas of fundraising, liaising with governments, industry, and conservation groups and providing support to the Board of Directors. He is also involved in the community as a founding and current board member of Haida Enterprise Corporation (Hai-Co).



**Matthew Peters ('94)** became the National Innovation leader at McCarthy Tetrault. He sits on the Senior Leadership Team and leads a wide range of areas including pricing and the development of innovative ways to deliver the firm's services to clients.



Congratulations to **Susan (Sue) Wishart ('94)** on her appointment as an Associate Chief Judge of the Provincial Court (effective May 15, 2016). Before her appointment to the Provincial Court in 2009, Sue was a partner in the law firm of McKim and Wishart in Victoria where she practiced primarily in the area of criminal defense law. During that time she also acted as a Clinical In-



## The 1990s

structor here at UVic Law. After her appointment to the Bench, Judge Wishart continued to support legal education. In addition to her duties as a sitting judge, assigned to the Vancouver Island Region with Chambers in Victoria, Sue served on the BC Provincial Court Judges Association and most recently she was the representative to the Judicial Council.

### **Congratulations to the following UVic Law alumni elected as Benchers:**

#### **District No. 1 Vancouver:**

- ▶ Lisa Hamilton ('94)
- ▶ Steven McKoen ('97)
- ▶ Jeff Campbell ('98)

#### **District No. 8 Kamloops:**

- ▶ Sarah Westwood ('01)

#### **District No. 9 Kamloops:**

- ▶ Michelle Stanford ('92)

**Three UVic Law grads were also re-elected: Pinder Cheema ('83), QC, Dean Lawton ('80), and Tony Wilson ('85). These, in addition to Herman Van Ommen ('84), QC (who became First Vice-President of the Law Society in 2016), make the largest number of our alumni as Benchers ever: 9 of the 25 elected Benchers.**

## The 2000s



**Alison Hayman ('01)** was made partner of Cassels Brock, where she served as an associate since 2013. She advises clients on the protection, enforcement and licensing of intellectual property with a focus on trademarks and also assists with the protection of copyright, confidential information, and trade secrets.



**Cathy Stoker ('02)** has become partner at Carfra Lawton LLP, where she was previously an associate, since 2007. Cathy practices insurance defence litigation in areas including automobile, property and casualty, occupiers liability, products liability, professional liability, subrogated claims, and coverage matters.



**Madeleine Redfern ('05)**, graduate of Akitsirag Law School, was elected as Mayor of Iqaluit for a second term on October 19, 2015. She was previously elected to the office in a by-election in 2010. Ms. Redfern is also on the Advisory Board of the National Consortium on Indigenous Economic Development, an initiative between the UVic Law, Gustavson School of Business, Indigenous leaders, business and governments to foster Indigenous economic development across Canada. Ms. Redfern's expertise is grounded in partner-

## The 2000s

ship building between the south and the emerging north, between businesses and Indigenous communities, to their mutual benefit. She is also a keen supporter and advocate for the Nunavut law program, which will include law school, government, Indigenous organizations, and the legal community for a second cohort of Inuit students to undertake their legal studies in Iqaluit.



**Rajinder Sahota ('05)** is partner with Acheson Sweeney Foley Sahota, a personal injury law firm with offices in Victoria and Courtney. He only represents plaintiffs in civil actions, especially those injured due to an accident or the negligence of others. Raj is also a Director-at-Large with the Pacific Housing Advisory Association, Move Adapted Fitness & Rehabilitation Society of BC, and the Greater Victoria Bike to Work Society.



**Laura Cundari ('07)** has become partner at Blakes, Cassels & Graydon LLP (Blakes). Laura practices in the area of commercial litigation, with particular expertise in complex tort and contractual disputes, construction litigation and class actions. She also has extensive experience advising clients on various Aboriginal law issues that impact their business. Laura currently sits on the Editorial Committee of Bar Talk and is a member of the CBA's Legislation and Law Reform Committee.



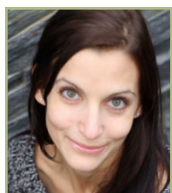
## The 2000s

She lives in Vancouver with her husband and fellow litigator, Kinji Bouchier, and their two year old daughter, Celine.



**Hadley Friedland ('08)** successfully defended her PhD dissertation, entitled *Reclaiming the Language of Law: Exploring the Contemporary Articulation and Application of Cree Legal Principles in Canada*, at

the University of Alberta. Her dissertation was co-supervised by UVic Law Professor Val Napoleon, whom Hadley continues to work closely with on the Indigenous Law Research Unit. **Hadley received the Governor General's Gold Medal for her thesis in June 2016.**



**Carley Gering ('08)** is legal counsel at BC Ministry of Justice.

## The 2010s



**Trina Brubaker ('12)** was recognized as one of Vancouver Island's Top 20 Under 40, awarded to young professionals who make a difference in their communities. These business and community leaders

were celebrated during a black-tie gala in Nanaimo on Saturday, April 2. Brubaker practises in the areas of real estate, wills and estates, and estate litigation at Johnston Franklin Bishop. Brubaker is active in Nanaimo and the Cowichan Valley and is president of the Rotary Club of Nanaimo Oceanside and a co-facilitator of the ReMax Real Estate 101 Course. She is the past Membership Director for the Young Professionals of Nanaimo, and served as the Legal Services Chair for the 2014 Nanaimo BC Summer Games. She is a member of various professional and volunteer organizations, including the **Canadian Home Builders' Association Vancouver Island.**



**Victoria Byelorus ('13)** has joined Beacon Law Centre as an associate lawyer. Victoria's practice focuses on the areas of business and real estate law, wills and incapacity planning and family law. She is currently

the secretary of the Victoria Wills and Trusts Section of the Canadian Bar Association. While at UVic Law, Victoria participated in the Law Centre clinical program and was a member of the Business Law Association.

## The 2010s



**Michael Sandhu ('13)** was recently called to the Victoria Bar and is working with Hemminger Law Group Westshore in Victoria, BC. His areas of practice are family law, wills and estates, and personal injury.



**Maegan Hough, LLM ('15)** was awarded the WAGS/UMI Outstanding Thesis Award in Humanities, Social Sciences, Education and Business. Maegan completed her LLM thesis, *Personal Recollections and*

*Civic Responsibilities: Dispute Resolution and the Indian Residential Schools Legacy* in January 2015, with UVic Law Dean Jeremy Webber and political science professor Matt James as her supervisors. She is now practicing law for the Federal Government in Ottawa.



**Neil Vallance ('16)** has successfully defended his PhD dissertation, *Sharing the Land: The Formation of the Vancouver Island (or 'Douglas') Treaties of 1850-1854 in Historical, Legal and Comparative Context.*

The dissertation foregrounds the earliest written accounts by First Nation representatives of their understanding of the treaty terms. Collectively, they state that the First Nation parties agreed to share, not cede, their land. Vallance's committee included co-supervisors, professor emeritus



## The 2010s

Hamar Foster and John Lutz (Faculty of History) and committee members, professor emeritus John McLaren and David Williams from the University of Auckland. He looks forward to continuing his work with First Nations on treaty issues. 📄

Do you know an alum who should be featured in *Vistas*?

Contact Dana Loughlin,  
Alumni Annual Giving Officer:  
[lawalum@uvic.ca](mailto:lawalum@uvic.ca)



## 2016

### Reunion Years

1981 — 35 year  
1986 — 30 year  
1991 — 25 year  
1996 — 20 year  
2001 — 15 year  
2006 — 10 year

## 2017

### Reunion Years

1982 — 35 year  
1987 — 30 year  
1992 — 25 year  
1997 — 20 year  
2002 — 15 year  
2007 — 10 year

# Alumna Maegan Hough ('15) Wins Award for Best Thesis in Western North America

BY JULIE SLOAN, COMMUNICATIONS OFFICER, FACULTY OF LAW



UVic Law graduate alumna, Maegan Hough, has been awarded the **WAGS/UMI Outstanding Thesis Award in Humanities, Social Sciences, Education and Business**. And this is not the first UVic Law student to win this prestigious award — Adam Nott won the award last year for his thesis *Transnational Law and Resource Management: The Role of a Private Legal System in the Promotion of Sustainable Development in the Mining Industry*.

Maegan completed her LLM thesis — *Personal Recollections and Civic Responsibilities: Dispute Resolution and the Indian Residential Schools Legacy* — in January 2015, with UVic Law Dean Jeremy Webber and political science professor Matt James as her supervisors.

Her nomination letter for the WAGS/UMI award summarized the significance of her very timely thesis in this way: “The objective of the thesis is highly ambitious, examining the kinds of harms that resulted from the residential schools to which Indigenous children in Canada were subjected, canvassing the range of potential recourses for residential-school survivors, reflecting on Canadians’ responsibility for the residential-schools harms, doing so in a manner that engages with Maegan’s experience of representing the Government of Canada in one of the types of legal recourses designed to address those harms, and then assessing the adequacy of the residential-school recourses. Each of these dimensions could have supported a thesis on its own. Maegan, however, took on them all, precisely because it allowed her to speak to the heart of responsibility for the harms done by residential schools and whether and how that responsibility might be discharged through legal or other proceedings.”

Before attending the LLM program at UVic, Maegan was practicing law with the federal Department of Justice in Whitehorse, and her thesis drew upon her experience representing Canada under the Independent Assessment Process under the Indian Residential Schools Settlement Agreement. She is now practicing law as counsel for the **Military Police Complaints Commission**, where she focuses on alternative dispute resolution and administrative law. 📄

PHOTO: PERSONAL ARCHIVE





# Climbing Kilimanjaro for Kids in Sierra Leone

Jenifer Crawford ('93)

— BY MARNI MACLEOD ('93)

Watch a video about the project here:





Early this year, alumna Jen Crawford ('93) made good on a New Year's resolution to make a positive difference in the world. She decided to support Developing World Connections (DWC) and specifically the We Yone Child Foundation, a small non-government organization working to provide sustainable, high-quality education to children in the slum community of George Brook, Freetown, Sierra Leone. The first step in that project was the building of a school.

DWC sent a team of volunteers to help build the school in 2014. However, the devastating impact of the Ebola epidemic in West Africa kept DWC from sending more volunteers to continue the build. DWC opted to support the project by raising funds and giving them to local aid workers in Sierra Leone. The result was The Mount Kilimanjaro Challenge. From January 8-15, Jen joined 18 other hardy souls to challenge Mount Kilimanjaro as part of a fundraising drive that ultimately raised \$90,000 for the project.

Of her experience Jen had this to say:

*Hiking Kilimanjaro counts as one of my greatest life adventures! With challenges of physical and emotional stamina and endurance; there were many times when I wasn't sure I could make it. To reach the summit, I had to draw on reserves of strength and spirit that I never knew I had. Watching the sunrise from the top of that mountain, knowing that we had inspired so many to provide financial support to complete the George Brook School in Freetown, made the exhaustion and hardship of the days on the trail worth every moment! The entire trip was both humbling and awe-inspiring. I am now looking forward to planning a trip to help build one of DWC's many international community aid projects, as well as participating in the 2018 fundraising hike to Machu Picchu!!!*

*This fundraiser was such a financial success, that not only was DWC able to finance the completion and equipping of the George Brooke school (which now has 150 students), but the organization was also able to put funds towards the completion of another school in Kroo Bay, a neighbouring Freetown slum.*

*If you are looking for a way to give back to the global community, then I encourage you to look into Developing World Connections. DWC offers opportunities to work on community development projects around the world. The projects are community-led to meet local needs and priorities, including addressing needs such as safe living conditions and homes, clean and healthy water systems, medical and health care, and community centers.*

Read the team blog [here](#). 

The George Brook school: before...



...and after.



ALL PHOTOS: PERSONAL ARCHIVE



# Courage and Innovation

Robert Lapper ('81)

— SPEAKING NOTES, DISTINGUISHED ALUMNI AWARDS

Alumni  
Week

On February 2, 2016, UVic recognized 12 alumni from faculties across campus at the 2016 Distinguished Alumni Awards reception held at the Royal BC Museum. The recipients of the awards were selected based on their career accomplishments and service to the community. The Faculty of Law was pleased to honour Robert Lapper ('81), QC, Chief Executive Officer of the Law Society of Upper Canada as their distinguished graduate.

At the event, Rob shared some of his personal experiences and observations of the law school in its early days. We have included his full speech and hope that the message resonates with your own memories of UVic Law.

“UVic Law is known in Canada and around the world for the quality and leadership of its graduates and alumni, and I am indeed honoured and humbled to have been singled out among them today to receive this award.

The Alumni Association asked me to focus my remarks on one aspect of what UVic has meant to me, and I have thought I would address the idea of what UVic, and in particular UVic law, has contributed to leadership.

John F. Kennedy said, “...leadership and learning are indispensable to each other...”. For me, the UVic Law experience epitomizes this observation. It is no accident that many UVic Law students have gone on to do amazing things. They have become leaders in the legal profession, politics, academia, and business. These achievements are a direct product of their learning — and in no small part, their education at UVic Law.

Two aspects of leadership that I believe the UVic Law experience, in particular, has given me, and many others, are courage and innovation.

Let's turn to courage first. It took courage to set up a law school on the West Coast fringe of Canada in the mid -1970s. We cannot applaud enough the







**UVic Distinguished Alumni and faculty Deans.**

particular courage of the founding Dean, Murray Fraser, and the early faculty who took incredible risks in leaving established law schools and career opportunities in practice to come to the back of the McPherson Library (the Law School's first home) and begin putting together a law school. They risked their careers on a vision of doing legal education differently. It was a risk worth taking.

This courage also infused its students. When I decided to go to UVic Law, some of my contemporaries were astonished, and concerned. They asked why I would want to go to an “experimental” law school that hadn’t (at that time) graduated anybody, and did I think I would get a job with that UVic degree,

(and did anybody at UVic care about jobs, anyway, because they were all hippies)? They assured me that if I wanted to succeed at law, U of T, or Osgoode, or Dal were much better options. So, for me, it was an early experience in courage just to decide to come to UVic. In my classmates, I found people who had heard similar things but made the commitment to come anyway — many of them having given up established careers and opportunities. It was indeed a uniquely courageous lot that collectively and individually made that decision, and brought with them a determination to make our education different, but credible. Thirty years on I daresay that determination proved effective, and successful.

What I think was, and remains, particularly courageous about the Faculty of Law at UVic is its willingness to innovate — in some cases, not just to be ahead of the curve, but to redefine the curve itself. This leads me to the other leadership quality that I believe UVic Law has given its students: a capacity to innovate.

I spend a lot (some would say too much) of my time in my current position as CEO of the largest regulator of the legal profession, and the only regulator of a paralegal profession in Canada, struggling with the well-intentioned desire to integrate experiential/skills based learning into legal education.







In this context, key questions are HOW you do this and can one actually do “experiential” learning while one is at law school? The discussion often turns to the possibilities offered by clinical terms at law schools. In fact, it was only last year that one of the officers of one of our Law Societies, in a meeting of our National Federation of Law Societies, told us that UVic Law was doing exactly this, and that it had this great “new” programme called the Law Centre, and some other clinical programmes, and if we really wanted to see experiential learning in action, we should all check out these innovations.

Now, he was probably a little late to the party on this. In fact, what was, and is, being cited as hugely

innovative in legal education has existed at UVic from its inception. UVic Law was a pioneer in this regard, and a great many of us have benefitted from its clinical education programmes. I had not appreciated how truly innovative that was at the time. The rest of the world is just catching up now.

Fast forward: I note that UVic Law does not rest on its laurels. I am very excited to watch the devel-

opment of its new programme in Indigenous Law — another courageous first in Canada and one which I suspect will be truly responsive to a huge area of need, most recently reflected, for example in some of the recommendations of the *Truth and Reconciliation Report*. I congratulate those that are putting that together and am hoping to hear more about that during my stay here.

And as with the courage dimension of leadership, UVic’s institutional capacity to innovate has been an inspiration to its students and inspired their careers. For me, this happened very early in my time at UVic Law.

Like most of my contemporaries, I had the mental image of a lawyer in an office, or in a courtroom advising or representing private clients on individual or personal issues. This perception was largely derived in my case from television, (Perry Mason), and the one or two lawyers who were friends of my family.

But, within a week of attending UVic, our first year class was treated to a session with people with law degrees who were doing all sorts of amazing things outside of that “mainstream” image. The group included academics, the head of the Alberta Securities Commission, government lawyers (had I even given a moment’s thought until then that government needed lawyers?), a bank

vice president, and more. We were encouraged to think broadly, to consider the full range of possibilities that would open up to those of us with a legal education, and to keep an eye on non-traditional opportunities.



Dean, Jeremy Webber and Robert Lapper ('81)





2016 Distinguished Alumni

UVic Law has been doing this for 40 years! It wasn't till very recently that most other faculties of law, law societies, and bar associations began to encourage law students to think of 'alternative' (hate that word, but it still exists) careers in law outside a private practice modality.

But UVic gave me this encouragement early, and I took it to heart. It was transformative, and it has defined my career. Indeed, for a while, I did become that "traditional" lawyer, and I enjoyed that, but there was that voice, first instilled at UVic, that kept asking about what else there was, what else I had passion for.

Eventually, it led me to Aboriginal law (though I was told then that this would be flavour of the month,

and I would be back to traditional practice within a year), and government / public law work, senior positions in government — and now to a role as a legal regulator. Who'd have thought that someone from a hippy law school would end up in Toronto working only a block from Bay Street — and I assure you there are many of us from UVic Law with Bay Street practices. These are positions I never imagined or dreamed of when I set out to become a lawyer.

If you can't tell yet, I am deeply enthused about my legal education. Somewhere, somehow some of my enthusiasm rubbed off on my family. One never tells one's children what to do (for sure I didn't) but somehow I have a daughter and son-in-law, and

a son all in legal careers. They are all UVic Grads and my wife, without whom none of these legal careers would have succeeded, and I are enormously proud of each of them.

When I first went into practice, many lawyers more senior to me would reflect on how dismal they had found law school, and that it wasn't until they got out and started their careers that they found any fulfillment in law. For me, (and I always felt like a bit of a nerd saying this), I would respond that my time at law school was among the best years of my life.

Thank you! ”

See the photos and profiles of the recipients [here](#). 



## Appointments and Honours



Professor **Michelle Lawrence** is the recipient of the **Terry J. Wuester Award**, which is presented to a member of the faculty who has exhibited a commitment to student learning and development both inside and

outside the classroom, as determined by a vote of the graduating class. She will also be recognized for this award at the fall convocation. Michelle teaches and researches in criminal law, sentencing, and the law of evidence.

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Professor **Carol Liao** is the recipient of the **First Year Class Teaching Award**, which is presented to a professor who, in the opinion of the 1L class, has made a special contribution to legal education through effective

and engaging classroom teaching and a demonstrated commitment to assisting and supporting the academic work of first year students. Carol teaches and researches in contract law, business associations, and commercial transactions.



Professor **Maneesha Deckha** has been named the University of Victoria Lansdowne Chair in Law. She is a current faculty member, and will take up the position on July 1, 2016. For more information see page 36 and [here](#).

## Projects



**Deborah Curran** and **Val Napoleon** have received \$350,000 in funding from SSHRC and the Real Estate Foundation of BC for a three year project on the critical issue of BC's water laws. The project, *Water Laws: Lessons from Indigenous and Colonial Stewardship*, will focus on three regions of the province where water use is at issue — the Similkameen Valley, the Cowichan Valley of eastern Vancouver Island, and the Nemiah Valley in the Chilcotin. Read more [here](#).



**Jerry McHale** and **Michelle Lawrence**, along with Business Law Clinic Director Michael Litchfield and PhD candidate Kathryn Thomson are heading up the new Access to **Justice Centre for Excellence** at UVic Law.

## Speaking Engagements



**Patricia Cochran** was invited to participate in the UBC Centre for Feminist Studies **lecture series**. On March 1st she presented "Not Judging: Restraint and Refusal in the Exercise of Legal Judgment."

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Last spring **Donna Greshner** presented a seminar at Oxford University's Human Rights Hub on gender equality and the Canadian Charter. In the fall of 2016, she spoke on the same topic at the annual constitutional law conference organized by the Centre of Constitutional Studies at the University of Alberta.





This year **Gerry Ferguson** has been very engaged nationally and internationally in corruption prevention activities. In the Fall 2015 semester, he offered the first Global Corruption course in any Canadian law school. He

has also given presentations and lectures on a range of anti-corruption issues at the sixth United Nations State Conference on Corruption in St. Petersburg, Russia, at the UNODC International Workshop on Anti-Corruption Education in Moscow, at the British Columbia Court of Appeal semi-annual meeting and at a Vancouver Transparency International meeting. He is currently working on a revised version of his 2015 book, *Global Corruption: Law, Theory and Practice*, which is free online and can be found [here](#).

## Publications



**Kim Nayer** wrote the chapter on researching BC legislation in *The Comprehensive Guide to Legal Research, Writing & Analysis, Second Edition*. (Toronto: Emond, 2016). The book is available [here](#).

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**John Borrows** has had a very busy year. He has just published his fourth book, entitled *Freedom & Indigenous Constitutionalism* (available from **UofT press**). He has another 10 publications that have been recently

published, or are still forthcoming, and gave 22 presentations this past year, from one coast of Canada to the other, in Washington and Arizona, and internationally in Singapore and Wellington, New Zealand.





# An Activist and a Scholar

## Michael M'Gonigle's Retirement

— BY DEBORAH CURRAN ('95), HAKAI PROFESSOR IN ENVIRONMENTAL LAW AND SUSTAINABILITY

One of the first activist academics to have a career in environmental law — or perhaps more accurately would be to say critiquing environmental law — Michael M'Gonigle is retiring from the Faculty in June. Michael was one of the leaders of the first wave of environmental academics. He completed his post-secondary schooling as the contemporary environmental era emerged post-1962 with Rachel Carson's book *Silent Spring*, and published his first major work in 1979 with Cambridge University Press. Since then, Michael has always taken a structural and political economy approach to environmental law, which, over 35 years later, many now seem as the obvious way to understand and secure longstanding ecological health.

Michael's Honours BA in political science (UBC) launched his globe-trotting academic credentializing, first to the University of Toronto for a law degree, a visit to the London School of Economics for a Masters of Sciences in Economics, and then to Yale for both a LL.M and J.S.D. Amidst working globally on oceans campaigns and locally here in BC to save the Stein Valley, there may have been one year of articling completed before Simon Fraser University's School of Resource and Environmental Management snapped him up to teach law and resource management. Dr. Michael M'Gonigle arrived at UVic in 1995 to occupy the newly endowed Eco-Research Chair in Environmental Law and Policy, from which he has taught both Law and Environmental Studies students for the past 21 years. In addition to his longstanding course on green legal theory, Michael has been involved in and directed the graduate program in Law.

The scope of Michael's diverse scholarship stretches between the global and local, theory and community economies. He has authored papers and reports addressing international law, oceans, forestry, community and ecosystem-based natural resource management, and sustainable university planning and operations. These topic-based statements are







held together with consistent critiques of environmental law and management using Michael's developing ideas on green legal theory and new naturalism, which stem from a meaningful engagement with ecological political economy and political ecology. Michael's unique and consistent approach is evident in his early work, for example the article "The Economizing of Ecology: Why Big, Rare Whales Still Die" (*Ecology Law Quarterly*, 1980-1981) and more recent publications like "The Liberal Limits of Environmental Law: A Green Legal Critique" (with Louise Takeda, *Pace Environmental Law Review*, 2013).

Michael's prescient view of environmental law prompted him to promote several approaches to environmental management before they were fashionable or well-accepted. Always dealing in socio-ecological systems or ecosystem-based management, Michael acknowledges and identifies ecological systems as continuously affected by human activity, which is why he has been a strong advocate for taking Indigenous communities and views into account when crafting environmental management regimes. With constitutional amendment in 1982, Michael was one of the first to draw parallels between Aboriginal rights

and environmental protection (for example, see *Native Rights and Environmental Sustainability: Lessons from the BC Wilderness* published in 1989). At the heart of Michael's scholarship is a concern with systemic and structural flaws in governing (how and by whom decisions are made), and the role these flaws play to prevent our legal and scientific systems from meaningfully improving. Two examples of this foundational critique from different areas of legal regulation are *Fishing Around the Law: The Pacific Salmon Management System as a "Structural Infringement" of Aboriginal Rights* (with Emily Walter and Celeste McKay) and *Taking Uncertainty Seriously: From Permissive Regulation to Preventive Design in*

*Environmental Decision Making* (with Randall Peterman et al.).

Michael's activism defines his scholarship. One can follow his legal and political engagement with environmental issues through his published works, which show his remarkable achievement at community-engaged and politically astute scholarship. Beginning with his first book (with Mark Zacher) *Pollution, Politics, and International Law: Tankers at Sea*, Michael's trajectory spans from his advocacy for an international whaling ban to saving the Stein Valley (*Stein: The Way of the River* with Wendy Wickwire), to creating more community-based forestry (*Forestopia: A Practical Guide to the New Forest Economy* with Ben Parfitt), and further yet to reforming how universities plan and operate as models for sustainability (*Planet-U: Sustaining the World, Reinventing the University* with Justine Starke). All of these five to ten year projects involved extensive mentorship for students, all of whom engaged both actively and academically with Michael, and some of whom went on to work in related fields. We can point to several who now hold professorships at universities, non-academic directors of university programs related to sustainability, energy managers and planners with local governments, international development organizers, legal advisors and





activist lawyers, and environmental activists. Suzanne Hawkes — a former student of Michael's and internationally-renowned facilitator — recently retold the story of how he convinced her NOT to go to law school.

It is this ongoing commitment to an emboldened and informed theory and practice in law, academia and activism that drew most of us as students into Michael's mentorship circle. The excitement of working on current issues while studying and applying new skills to events in progress created deep learning experiences. Michael exemplified what it means to engage in law and politics by showing it to be grounded in a form of Western imperial thinking that is opposed to thriving ecosystems, and he embodied this not only through thinking and teaching, but by his very participation in the civic affairs of our time. The singular teaching methodology, one that stands out in the minds of many of Michael's former students, is his unorthodox and utterly effective approach to experiential learning. As one former student, Jessica Dempsey, an Assistant Professor in the Department of Geography at UBC, recently put it, "Michael had you write a 10 point manifesto for saving global forests worldwide and then he actually sent you off to a world forestry negotiation to be a part of the global political movement."

In addition to Michael's scholarly work, and what he would point to as a more important contribution, Michael has generated a remarkable legacy of public interest environmental action and organizations. Michael was the visionary behind or had a significant hand in founding Greenpeace International, Ecojustice (Canada's environmental litigation firm), Smart Growth BC, which focused on sustainable land use regulation for a decade, and the Dogwood Initiative. His Eco-Research Chair, remade as the Polis Project on Ecological Governance now housed in the Centre for Global Studies at UVic, has had a longstanding Water Sustainability Project, which is one of only a

handful of academic units in Canada dealing with water governance and management. As the ideas guy, throughout his career Michael had a knack for identifying civil society gaps for which he raised funds to enable people and organizations to fill that particular political space. From forestry to good urban planning and water governance, most of these non-profit organizations continue to have a significant impact on environmental law and policy in Canada. And, many of the individuals he originally mentored and hired to lead these organizations are still going strong.

Michael's dual contribution — diverse and engaged scholarship as well as stimulating public debate and law reform through civil society organizations — has had an extraordinary impact on UVic Law and the global environment. We will miss his passion, humour and wry critique of the state of the world, but look forward to continuing to work with him on ecosystem-based [insert your favourite use of ecosystems or type of planning here] in the future. ■





# Mavis Gillie receives Honorary Doctorate of Laws

BY JULIE SLOAN

Communications Officer, Faculty of Law

Mavis Gillie, who has worked for Indigenous rights and title since the 1970s, received an honorary Doctorate of Laws on March 9th, 2016. The list of her activities in the NWT and BC includes campaigning with Project North, the Aboriginal Rights Coalition, and Aboriginal Neighbours; supporting Nisga'a opposition to the dumping of tailings from the Amax molybdenum mine into the Nass River; Tsawout opposition to the development of a marina on Saanichton Bay; and supporting the Gitksan and Wetsuwet'en Run for Justice to raise money for the Delgamuukw case. Chief Hanamuxw of the Gitksan, whose talking stick is housed in the Law Library, has said that Mavis "spoke like one of our chiefs."

She made submissions to the RCAP in 1992 and to legislative committees on the proposed Nisga'a Treaty and the 2001 Treaty Referendum. She has supported the Tsilhqot'in in their opposition to the Prosperity Mine, the Tseycum in their efforts to repatriate ancestral remains, the Haida with respect to the Cinola Mine proposal and the Nuuchahnulth regarding the Meares Island injunction. Described by Mavis Underwood as "a force of nature," Mavis Gillie was also indefatigable in her support for the Nisga'a Treaty.

Andrew Petter, a former UVic Law dean who is now SFU president has said: "As someone who in my capacities as an MLA and a cabinet minister was a target of [Mavis'] efforts in the 1990s, I can attest first



hand to the depth of her commitment, the effectiveness of her advocacy, and the extent of her impact."

The above is only a fraction of what Mavis has done over the years. But let the last word go to Alex Rose, author of *Spirit Dance at Meziadin: Joseph Gosnell and the Nisga'a Treaty*. In his chapter on those associated with the Nisga'a he speaks of "social reformers driven by an enlightened notion of good works." And next to a photo of Mavis being greeted by the Nisga'a there is this:

*In Victoria, Anglican parishioner Mavis Gillie was a tireless advocate for the Nisga'a cause for more than 25 years. On her own initiative, she wrote letters to the editors and prowled the halls of the legislature where, meeting and greeting politicians and their senior bureaucrats, she would hand out the latest public relations missive. A volunteer foot soldier in the Nisga'a struggle, she neither expected or received financial remuneration for her efforts.*

A tireless, volunteer soldier in the struggle for justice. Congratulations, Dr. Gillie. ■

Mavis Gillie holding a Gitksan talking stick that was donated to UVic through her involvement with Project North.

PHOTOS: UVIC PHOTO SERVICES





# Maneesha Deckha: Lansdowne Chair in Law

BY JULIE SLOAN  
COMMUNICATIONS OFFICER, FACULTY OF LAW

In February 2016, Professor Maneesha Deckha was named Lansdowne Chair at the University of Victoria Faculty of Law. Commencing her appointment at UVic Law in 2002, she has earned a well-deserved national and international reputation as an innovative and productive scholar, most notably in the areas of feminist legal theory, animal law, and bioethics.


Professor Deckha has developed a strong presence as an animal law scholar both here at the Law School and more generally in Canada and abroad. Her work is part of a growing field of post-humanist critical thought in which she provides a distinctively feminist intervention that also draws upon post-colonial and critical race theory. Professor Deckha is currently working on a book called *Animal Beings: Gender, Race and Species in Law*.

With respect to her work on feminist theory, her “Is Culture Taboo?” essay, published very early on in her career in the *Canadian Journal of Women and the Law*, announced an important new voice on issues of feminism and cultural diversity and has been referenced widely. Over the years, she has continued to work the ‘feminism/cultural difference’ vein in her scholarly work, bringing both theoretical rigor and imagination to bear on questions of difference and the persistence of injustice, and keeping up a steady flow of publications in this regard.

Professor Deckha has also established herself as a scholar in the area of bioethics with work on the relationship between embryonic stem cell research and abortion debates, analysis of the federal regime for







the regulation of assisted human reproduction, Canadian surrogacy law and the linkages and impacts with the surrogacy industry in India.

Professor Deckha's warmth and generosity of spirit make her a superb teacher, and she brings an inspiring creative energy to her teaching responsibilities. She has often taken on the role of speaking out about difficult issues of racism and sexism in the classroom or in institutional practices. She received the Faculty of Law's annual teaching prize in 2005, just three years into her academic career.

One of Professor Deckha's most significant achievements in the field of law teaching is the creation of a course on "Animals, Culture and the Law". The course has generated enthusiasm and appreciation in the student body here at the University of Victoria, and has attracted attention in the broader community in Canada and elsewhere. In 2006, the course received the US Humane Society Award for Best New Course. Other scholars who teach and research on animals and law have contacted Professor Deckha for advice on curriculum development and teaching materials. Prominent animal law websites have also contacted Professor Deckha to reference her teaching and reprint her scholarship.

Professor Deckha has been a strong and important contributor to the University of Victoria Law School curriculum, teaching a number of core courses such as Property, Administrative Law, Health Law, and Law Legislation and Policy, as well as upper year

seminars that reflect her research interests in animals, bioethics, and feminist legal theory.

As well, she developed a handbook on "Active Learning Exercises" which has been requested by professors at a number of Canadian universities. The handbook was also the basis of sessions Professor Deckha was invited to lead at the inauguration of the Osgoode Course Design Institute at York University in May 2006, and at the Health Law Instructors Network Annual Workshop in 2009. Finally, at the University of Victoria, Professor Deckha was one of four faculty members drawn from the University who was asked to design and lead a workshop for faculty on diversifying their courses and incorporating critical content.

She is an energetic and positive force within the Law School; a person who combines intellectual toughness and courage with a gentle manner. As the Lansdowne Chair she will no doubt continue the work of creating a vibrant, engaged, and diverse scholarly community at UVic and of strengthening and expanding the profile of UVic Law nationally and internationally. ■



# Share your Vistas

Vistas is always interested in receiving story ideas from UVic Law alumni. Although we are unable to guarantee the inclusion of materials that are sent to us, we are deeply interested in shining a spotlight on the stories that you, the alumni, care about. If you know of a UVic Law graduate who could be profiled or have other interesting story ideas or materials worth highlighting, please feel free to contact us at [lawcomm@uvic.ca](mailto:lawcomm@uvic.ca).

## Errors? Omissions?

*If you spot something incorrect in Vistas please accept our apologies. If you send the corrected information to [lawcomm@uvic.ca](mailto:lawcomm@uvic.ca) we will happily publish the correction in the next issue of Vistas due out in Fall 2016.*



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