

THE UVIC LAW ALUMNI MAGAZINE / SUMMER 2018

VISTAS



University
of Victoria



UVic Law Welcomes
New Dean

UVic Law's Ties to
Bhutan's First Law School

Surviving Hurricanes:
David Abednego ('96)

JD/JID Update

VISTAS



University
of Victoria

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Design and Layout

Skunkworks Creative Group Inc.

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Dean's Message

JEREMY WEBBER, PROFESSOR AND DEAN

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JEREMY WEBBER Dean of Law

As many of you will know, on 20 February 2018 we received funding commitments from the BC Government that allow us to proceed with our joint degree program in the Common Law and Indigenous Legal Orders (JD/JID). On June 9, the Minister of Advanced Education, Skills, and Training, the Honourable Melanie Mark, formally communicated the Ministry's approval of the program. The first students will enter the program in September of this year. We have 75 applicants for the 25 places.

This is an exceptionally significant development. The program is unprecedented in the world. It is hugely significant for the development of Indigenous governance and for the

improvement of relations between Canadian governments and Indigenous peoples. It responds directly to Call to Action #50 of the Truth and Reconciliation Commission. It is already serving as a model internationally.

It also has enormous breadth of support. The national general assembly of the Assembly of First Nations passed a resolution calling for the funding of the program last July, and there has been an outpouring of approval from many Indigenous organizations—as well as many law schools, governments, companies, NGOs, and the Indigenous affairs committee of the Union of BC Municipalities. The research and outreach activities associated with the program have received generous funding from VanCity and the McConnell Foundation. The Victoria Foundation is supporting the inaugural field school. Other funding is in the wings, including for scholarships and bursaries for students.

I won't discuss the program in depth. Information can be found in the last issue of *Vistas*, an article written by Sean Fine in the Globe and Mail, the program's brochure, and its website.

I did want to enlist your help, however, in making clear to people who are perhaps not so engaged in the Faculty that while important, the Indigenous Law Program is not the only thing we are doing. One challenge with a project like this is that the program is so striking, so significant, that people can receive a distorted sense of UVic Law. Two major points:

First, the JD/JID does not divert resources from our other activities. We were clear from the beginning that it needed to be fully funded. That objective was achieved

with the provincial commitment. Nor does the JD/JID reduce our JD numbers. The annual JD/JID cohort of 25 will be in addition to our regular cohort of 110. If anything, the new faculty hired and new courses delivered as a result of the program will enrich the experience of all UVic Law students.

Second, we have not been sitting idle with respect to our other programs. We have remained active and innovative. Here is a list of some of the initiatives we have been pursuing in recent years:

- We continue, with your help, to build **scholarship and bursary funding**. We recently launched a very successful class of scholarships: Diversity Entrance Scholarships, which allow us to provide funding commitments to students at the time they are deciding whether they can afford to come to law school.
- We put in place five years ago, and have further developed since, our innovative **Amicus student support program**, bringing a resident counsellor to UVic Law and expanding delivery of counselling, academic mentoring, and cultural support to our students.
- We have **expanded and transformed our unique Co-op program**. Entry is no longer by lottery. Any student who wants a co-op experience can have one. One-third of our students did co-op five years ago; two-thirds do now.
- **The Moot Court has been entirely rebuilt and renamed the Dispute Resolution Room**. It is now a beautiful facility—among other things, a flexible laboratory for the use of technology

in court proceedings and dispute settlement.

- Our clinics have been maintained and strengthened. The **Environmental Law Centre** addresses virtually every environmental issue that affects the province; it was entirely refinanced in 2016. We have built support for the **Business Law Clinic**; seven Vancouver law firms now sponsor the BLC and we expect more to come on stream. The **Law Centre** continues from strength to strength, serving more than 1800 individuals each year with the generous support of our alumni.
- We have founded a **new Access to Justice Centre for Excellence (ACE)**, which is instrumental in forging a national research alliance on this crucial question.
- Our **mooting teams** have done extraordinarily well, with the support of volunteer coaches from the profession and financial assistance from Hunter Litigation, Blake, Cassels & Graydon LLP, Dimock Stratton LLP, Peck and Company, the BC Crown Counsel Association, and our Jim Ellis and Dohm endowments.
- The very popular **Criminal Law Term** was revived in 2016, receiving strong student support.
- Our international engagement remains vigorous, especially through the **Centre for Asia-Pacific Initiatives**. Together, CAPI and Uvic Law secured a **Queen Elizabeth II Diamond Jubilee Scholarship—Advanced Scholars** grant to support doctoral students and exchanges of early career scholars between Uvic Law and Hanoi Law University

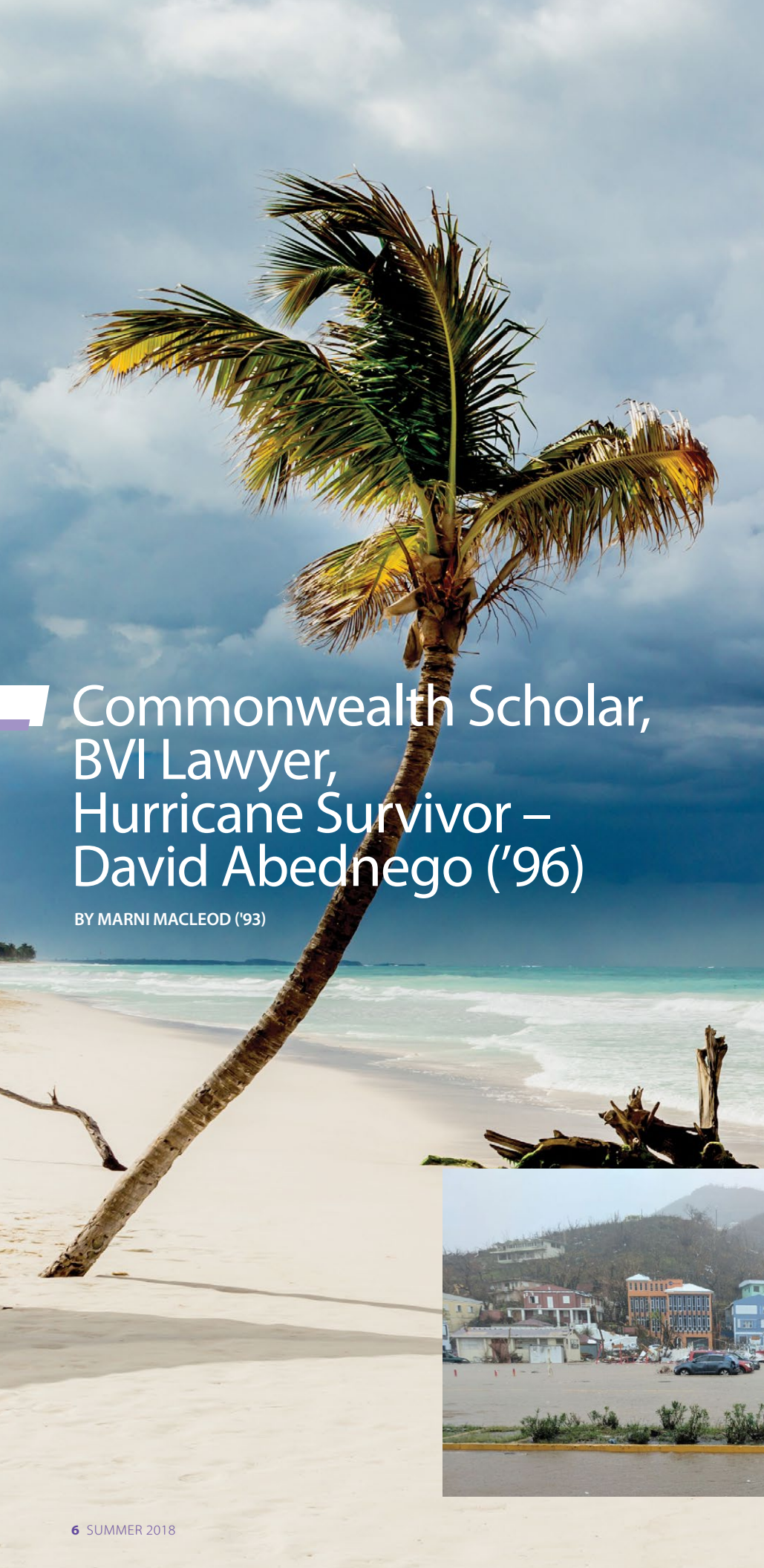
in Hanoi, Vietnam; the Royal University for Law and Economics in Phnom Penh, Cambodia; Azim Premji University in Bangalore, India; Jigme Singye Wangchuck School of Law in Thimphu, Bhutan; and Chiang Mai University in Chiang Mai, Thailand.

- Our **graduate students** continue to do wonderfully in national scholarship competitions. Out of our young and modestly-sized graduate program, students have been hired into faculty positions at Dalhousie, UNB, McGill, Ottawa, Osgoode, Shingwauk Kinoomaage Gamig, Manitoba, Alberta, Calgary, UBC, and Uvic in Canada. Faculty members have either completed or are pursuing their PhDs with us from Otago University and Victoria University of Wellington in New Zealand/Aotearoa; Chiang Mai University in Thailand; West Bengal National University of Juridical Sciences and Azim Premji University in India; the Institute of Legal Science of the Government of Vietnam; the Royal University for Law and Economics in Phnom Penh; and Jigme Singye Wangchuck School of Law in Bhutan.
- Without a doubt, the single most important development has been our **faculty hiring**. Between January 2013 and this coming July, fully fifteen new faculty will have joined us as a result of the generational change Uvic Law has been experiencing. We have profiled them all in issues of Vistas. Look at those profiles and you will agree: the future of this law school is in good hands.

- And students certainly agree. **We are now making 15 percent fewer offers to fill the class than we were five years ago.**

It has been my great privilege to serve as dean for the last five years. My thanks to all of you for your affection for this unique law school, your commitment to what it has accomplished over the years, and your help in laying the foundation for the next generation of accomplishments.

As you will see in this issue, we are about to welcome our new Dean to Uvic Law. Susan Breau will be a truly superb Dean. I look forward to serving under her as I return to the ranks of this wonderful law school. 🇩🇪



Commonwealth Scholar, BVI Lawyer, Hurricane Survivor – David Abednego ('96)

BY MARNI MACLEOD ('93)



David Abednego ('96) arrived at UVic Law as a Commonwealth Scholar and returned home to the beautiful British Virgin Islands after graduation. After that he completed a further two years of study before setting up practice providing real estate, probate, and regulatory compliance advice in Road Town, Tortola, BVI. In the fall of 2017, David and his fellow Islanders weathered not one but two severe hurricanes that hit the Islands within two weeks of each other. Hurricane Irma hit with full force on Sept 6, 2017. Irma is the most powerful Atlantic hurricane on record (winds averaging 230 km/h and gusting to 350 km/h). The devastation was unprecedented. To make matters worse, before the dust had settled, the islands got walloped again by Hurricane Maria on Sept 20, 2017. Coming up on a year later, the Islands are still feeling the after-effects.



Is the BVI home for you?

Yes. BVI has always been home.

How many lawyers are in the BVI?

We have lots of lawyers here because you don't need to be a member of the bar to practice here. A lot of companies and international law firms have lawyers (mostly solicitors) based here. It's only if you are litigator that you want to be a member of the bar.

Why did you want to become a lawyer?

As a kid, I always saw persons in the BVI getting involved in land disputes. And there were not a lot of lawyers around to help. I figured I could assist with that.

What kind of land disputes?

From simple things like boundaries, who's allowed to cross your property, and who's building. For example, before we had a registered land system, people in the '30s and '40s would sell land, and it would be, "I'm going to sell you land from where we're standing to that black rock over there." Then someone else on the other side in the same area would sell land from where they were standing to some large tree that was further across. Over the years that tree would die, and it might turn out there were actually five black rocks in the area, and no one knew which one was meant or where the boundaries were.

A formal survey system and land registry weren't implemented until around 1970-74, and where they could not solve existing disputes, they left them open. And even to this day, we are still trying to resolve these boundary disputes.

Historically, how did you become a landowner?

The BVI is a British overseas territory, so historically there were plantation lands that were owned by slave owners. When the slave owners went back to the UK after slavery was abolished, the slaves who remained on the land would take on the name of the slave owner and start occupying the land and become the owners of the land that way.

How did you find your way to law school in Canada?

In the 1990s every year they gave out two Commonwealth Scholarships to the BVI. One was a scholarship to study law and back then folks did not jump on those opportunities. I filled out the application, paid the \$20 fee, and that was it. Although my legal studies in the US probably gave me a competitive edge. I studied at John Jay College, City University in New York City.

When I was awarded the scholarship all it said was "a law school in Canada" and they chose UVic for me. I had never heard of Victoria. I had heard about British Columbia, as someplace waaaaay over there in the cold somewhere between the Canadian border and Alaska.

I was under the impression it was going to be freezing. I was surprised when I got there to find this beautiful place that reminded me so much of home. The mountains, the trees, the waters, it is very much like the BVI...only colder (*laughs*).

Did you have to take any steps to qualify to practice back home?

Yes. I had to attend law school here in the BVI for another two years. It is considered similar to articles, but still in a classroom setting. At the end of every year, we had

exams we had to pass to progress. It was like a two-year extension of law school, but I was aware this was going to be the case.

What has it been like coping with two successive hurricanes?

Once you've gone through the first, the second came shortly after the first one, your will has already been beaten down. We hadn't recovered from the first. The damage was still all around. At that point, people didn't have the will to fight or run. When Irma hit, a lot of people left the Islands. People who could get into the US were able to make a trip there. Some tried to hop a plane to the US mainland, which is relatively close, but most of them who tried got stuck. There were not enough flights and the second storm quickly approached. Folks tried to get back home, but at that point, the airports were damaged or closed so they couldn't get back home either. It was really tough on a lot of folks.

What did you have to put in place to protect your practice?

Before the hurricane, I had a paper-based practice—and what was lucky for me was the fact that my roof on my practice fell in, and not out.

That was lucky?

Yes. When the roof fell in, it landed on my desk, my files, everything. It compressed my desk and filing cabinets, so they got squashed but so did my papers that were not in waterproof and fireproof safes and file cabinets. Because they got squashed, they didn't blow away, and the water damage was fixable. Instead of destroying them I allowed them to dry for about three months; there was no work to do anyway. And when I went back in three



months time, they were good. I was lucky, and I'm now cloud-based!

How are things going now?

You started seeing a lot of lifted hearts in late February going into March when everyone started receiving electricity back to their homes and on their roads. That gave people a sense of returning to some form of normalcy. Before that people were pretty depressed.

What's been going on with your practice since the hurricanes?

My core practice areas here are regulatory compliance, real estate, and probate. With the passing of the hurricanes, my probate and real estate practices have exploded.

As a result of the hurricane, I've been dealing with a lot of insurance claims related to damaged properties. However, there has been a catch. Many of the properties had mortgages that were insured with the original owners with the banks in the position of joint loss payees on any insurance proceeds. But, after the hurricane hit, we discovered that many of the owners were deceased (and had been for some time, even before the hurricanes). Under a lot of mortgage insurance policies you normally have a

straightforward beneficiary clause, but it seems that many of these policies did not have one. What happened was that the children or relatives of the original property owners had just kept paying on the policies and so long as the banks were collecting their payments they didn't question who was paying. It was only after Irma hit, and it came time to call upon the policies that they, the banks, started taking the position that, "Look this is between you, the policyholder, and the insurance company. We're just a third party." And further, "We can't give you no cheque because you're not the policyholder." This has resulted in an expanded probate practice because the kids of the policyholders have to apply for probate to get the insurance payments released. It's a new area for a lot of lawyers here because we've never encountered this before.

Also, Irma and Maria damaged countless homes of people who did not have insurance and are not in a position to rebuild, so they are selling. That has opened an increased market for real estate. There's a saying "In every crisis, there's an opportunity." In our case, the hurricane has led to expanded probate and real estate opportunities. There is

quite a lot of work to be done in trying to sort these issues out.

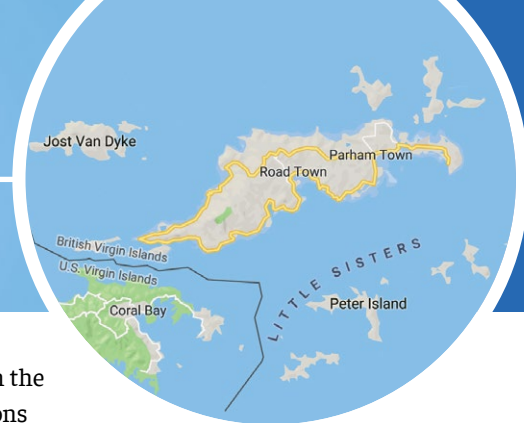
What's your favourite practice area?

Real estate because I actually get to get out of the office and go and look at all these different homes. And, usually at the end of every sale, you get a glass of champagne. It's a happy part of my practice.

Tell me about the regulatory compliance part of your practice.

As an offshore jurisdiction, one of the greatest economic industries in the BVI is the registration of offshore companies. In some parts of the world, they call us "tax shelters" or "tax havens" but we like to say we are a low tax jurisdiction. We tell our clients that if you're a Canadian citizen, you are responsible for obeying your own laws and paying whatever taxes you are required to pay in your jurisdiction. We have no control over that. So, you can set up an offshore company in BVI, and we have our laws and sovereignty over our laws.

One of the strengths of registering or incorporating a company offshore is that the privacy of the beneficial owner is protected. Just today (May 1, 2018) the UK passed legislation that will affect a lot of offshore jurisdictions. The legislation impacts British Overseas Territories like the BVI. It imposes a mandatory requirement that we move to an open registry system by December 2020. What that means is that anyone can determine the beneficial owners of a company registered here. We look at this as taking away our clients' privacy, and it has the potential to kill our industry. Moreover, it's going to be expensive to implement at a time when we are still recovering from the impact of Hurricane Irma.



What does the regulatory compliance part of your practice entail?

You can incorporate a BVI company for legitimate purposes, and a lot of persons use BVI companies to buy real estate around the world. They also use it as an investment vehicle to do other things. As a jurisdiction, we want to make sure that these people aren't using our companies for money laundering or terrorist purposes. My job in regulatory compliance is to make sure that persons who are seeking to incorporate BVI companies have clean backgrounds. It's about knowing your client, doing due diligence and enhanced due diligence on individuals before we open a company for them.

How do you think UVic Law shaped your career?

UVic Law and living on the west coast taught me a greater respect for the environment. With my coming from a place like the Virgin Islands where our sand, waters, green scenery are basically our attraction, I certainly developed a great appreciation for the environment. That whole environment focus that UVic teaches was compatible with my love of these islands and shaped how I wanted to run my practice. UVic stressed that practicing law isn't just about trying to make money; it is really about trying to help and give back. UVic reinforced that being a lawyer is really about helping your fellow man.

Did you have a favourite law school professor or course?

I think it was Terry Weuster and secured transactions. To come from the Islands and settle into Canada, grasping a lot of the concepts was hard for me. Because I always loved business, that course drew my attention. It was something I

figured I'd be getting involved with in the BVI, dealing with different transactions and how to properly "wrap them up," as Professor Weuster put it. I also paid attention to my torts class with Donald Galloway. It turned out to be a favourite course of mine.

Professor Heather Raven suggested we interview you. How did you know her?

She helped me adjust to life in Canada and the subjects. They would be speaking about Canadian Government, and I had no idea who any of the major players were. She helped me adjust to everything and deal with culture shock that first year. But, I must say the students were also great at trying to fit me into what they were doing.

Have you stayed in touch with your classmates?

Unfortunately, no and that's something I greatly regret. At that time, I didn't have email and did a lot of moving around myself. But now they know where to find me!

I remember I made a pledge when I left the law school that I would try to help with the Coop program. I wouldn't mind setting up a program to have a student come to the BVI and work for a semester. That is something I would like to organize to give back to the law school. It's not going to be all going to the beach—they can do that on the weekend (laughs).

Do you have a favourite memory of your UVic Law experience?

Well, I do remember the pub crawl. I had never done anything like that before. The first time I went to Big Bad John's I thought, "Why are these people throwing these shells on the floor, that's nasty. No one is cleaning this place up.

I don't understand this?" I'd also never seen a place with so many rabbits! I read recently they are not there anymore.

What also stands out is the open door policy that the professors had. They were always available to you. When I left UVic and came to the law school in the Caribbean, I was spoiled. Here you need to make an appointment, you can't just walk in. At UVic even if I wanted to see the Dean, all I had to do was show up. UVic had spoiled me on that.

For an Island guy, not knowing where he was going and being one of the very few black persons out there it was a welcoming experience. I felt very comfortable with everyone, and everyone was open and helpful to me. I very much enjoyed my experience. 🇧🇻



Father-In-Law: Will McClary ('18)

BY JULIE SLOAN, COMMUNICATIONS OFFICE AT UVIC LAW

PHOTO: JUVIC PHOTO SERVICES

Will with wife Kathryn and son Louis.

Law school can be stressful. And hard. Add to that becoming a new father during your second year and you've got a big challenge on your hands. Will McClary took on that challenge, and because of the support he received at UVic Law, he took it in stride. Then he added an executive role on the board of the Law Student Society (LSS).

This may seem like an extraordinary circumstance, but perhaps not as much as you think. UVic Law students have incredibly diverse backgrounds and life experiences. In fact, Will found there were a number of other students who became new parents while in law school.

"I found being at UVic Law made everything a little bit easier," explains Will. "The faculty and my friends were all very helpful in ensuring I was able to keep up with life, school, and my family. There were a few more people in my cohort who became parents during law school, and everyone got the support they needed to succeed."

Becoming a father wasn't the only challenge Will would face during law school. A few months after his son Louis was born, his father passed away suddenly. Again, Will felt the support of the UVic Law community. "I was on campus when I got the news from my sister and had to leave town to get home to be with my family," explains Will. "I remember the messages of support I received from Cheryl, Yvonne, and Gillian in the front office encouraging me to take time to be with my family and focus on working through my grief. This was a very difficult time for my family but the UVic Law community pulled through again and made sure I had everything I needed to stay on track with my studies and my family commitments."



PHOTO: PERSONAL ARCHIVE

Despite the demands on his time, Will was a constant presence at the law school, supporting students.

"Will McClary was an incredible asset and a commanding leader as Vice President Student Affairs of the LSS," says Ian Gauthier, former president of the LSS. Will was the 2018 recipient of the F. Murray Fraser Award for Outstanding Contributions to the School by a Third Year Student in recognition of "his many efforts and sleepless nights (attributable both to deadlines and a crying baby). He is a presence that will be sorely missed in the halls of UVic Law."

After taking a month to move home to Calgary and spend some quality time with his wife and son, Will began a clerkship with the Alberta Court of Queen's Bench in Calgary, after which he will finish his articles with Dentons Canada LLP in Calgary, where he hopes to become an associate. And now that law school is in his rear-view mirror, Will reflects on the support he received and the lessons he will take with him:

"The people at UVic Law are amazing. Every single person who occupies the Fraser building is trying to make the world around them better in one way or another. At the student level, this means your colleagues are interesting

and engaged people who care about each other. At the staff level, this means that the school is run with students' interests in mind. At the faculty level, this means that the professors here care about the courses they teach and ensure that students are getting the most out of their education."

"Thanks to my time on the LSS I was lucky to get to work with outgoing Dean Jeremy Webber. Jeremy taught our cohort a lot about leadership and dedication through his work as Dean. His ability to respectfully manage disagreeing perspectives and encourage healthy communication between students and faculty is something that I will aspire to in my own professional life."

And as Will moves on to the next stage in his life, what will he remember about law school?

"As silly as it sounds, the memory I will cherish the most is studying at "my" table in the law library. I found it difficult to study at home because I would always prefer to play with my son, so I usually studied in the library at school. I grew very fond of one table in particular because of its various amenities, and it became my go-to study spot whenever it was available. I can't count how many evenings I spent in that one spot, but I always had company who I could rely on to watch my things during a meal break, or who would sneak in snacks to share, or who would bring coffee to any students still in the library. Depending on which exams were coming up or which assignments were due, the company would change, but there was always someone to study with, and it really made the whole experience so much more enjoyable." 🌈

Unique Partnership between UVic Law and Bhutan's First Law School

BY JONATHAN WOODS



Construction on the school's permanent home in the hills above Paro, Bhutan, as of March 2018. The buildings have been designed to set new standards of energy efficiency in Bhutan, while relying on locally sourced construction materials and techniques whenever possible. The construction process also sets new standards in terms of efficiency, worker safety and environmental sustainability that will hopefully serve as a benchmark for future construction projects in Bhutan.

Not even a year ago, Senior Lecturer Nima Dorji was welcoming the inaugural cohort of 25 students to Bhutan's first law school. Just a month into delivering classes, however, Dorji was packing up his life and family to pursue his own PhD studies in UVic's Faculty of Law.

Beginnings of an international partnership

It was a 2016 article in the *New York Times* that ultimately led to Dorji's change of plans and the beginnings of a unique international partnership between UVic and his home institution, the Jigme Singye Wangchuck School of Law (JSW Law), in his native Bhutan. The article, detailing the establishment of the school in the tiny Buddhist Kingdom, caught the imagination of Victor V. Ramraj, professor of law at UVic and director and chair in Asia-Pacific Legal Relations with UVic's Centre for Asia-Pacific Initiatives (CAPI), whose own research focuses on comparative constitutional law and transnational regulation with an emphasis on Asia.

Bhutan presents an interesting case in legal terms as a historically reclusive nation in a phase of accelerating but guarded democratization, following a 2001 decree by its Fourth King that Bhutan convert from an absolute to a constitutional monarchy. With ratification of its Constitution and first parliamentary elections in 2008, the establishment of a "home-grown" law school became a royal priority.

About a month after reading the *New York Times* article, Ramraj reached out to JSW Law's Vice-Dean Michael Peil. They discussed the possibility of scholarly exchange between their institutions as part of a funding proposal that Ramraj had initiated through the Queen Elizabeth II Diamond Jubilee Advance Scholars Scholarships (QES-AS) program, and Ramraj's vision of a bi-directional flow of young legal scholars and ideas between UVic and institutions from the region began to take shape.



Nima Dorji, Senior Lecturer with the Jigme Singye Wangchuck School of Law, speaks to high school students in Wangduephodrang, Bhutan, on Aug. 26, 2016, as part of a national campaign to recruit the inaugural cohort of students to the new school. A year later, Dorji began his own doctoral studies at UVic.

Developing a uniquely Bhutanese legal system

Peil, an American who came from an associate dean position at Washington University School of Law in St. Louis, and Dorji, who was trained in India and Australia, are part of a small group of international experts and domestic legal practitioners dedicated to guiding the delicate process of establishing a formal legal education for Bhutan that is both contemporary and "uniquely Bhutanese." As such, it needs to reflect a deep tradition of Buddhist philosophy, respect traditional village mediation practices based around the wisdom of local elders, and correspond with the national guiding doctrine of Gross National Happiness.

The group has been especially careful to avoid incorporation of the adversarial nature of justice that pervades Western legal systems, a characteristic inconsistent with the values of Bhutan—a country that ranks among the best in the world on levels of violent crime, perceived criminality and political terror.

Ramraj sees important lessons in the Bhutanese example, including the country's famed focus on Gross National Happiness (GNH) over Gross Domestic Product (GDP)—another initiative of the Fourth King—and best practices around ecological sustainability. For example, the constitution requires that the nation maintain at least 60 per cent of its forest cover for perpetuity.

He also notes parallels between UVic's new joint degree program in Canadian Common Law and Indigenous Legal Orders (JD/JID), announced by UVic earlier this year, and JSW Law's new curriculum—particularly in how they both embrace legal pluralism and their focus on conceptions of justice rooted in customary law and relationship to the land.

A history of co-operation between Canada and Bhutan

In fact, Canada and Bhutan have had a strong relationship when it comes to educational interchange over the



His Majesty The (fifth) King of Bhutan takes part in the ground-breaking ceremony ("Sa-Lhang Tendrel") for JSW Law at Pangbisa, Paro on May 29, 2016. Classes are being held in a temporary location in nearby capital Thimphu during construction of the permanent campus. Her Royal Highness Princess Sonam Dechan Wangchuck (pictured, in blue) is president of the school and holds a Master's in law from Harvard Law School. Photo via His Majesty King Jigme Khesar Namgyel Wangchuck's Facebook page.

past half-century. It was a Canadian Jesuit priest, William Mackey, who was responsible for establishing the modern education system in Bhutan, including its first high school, which later became its first accredited university.

"Father Mackey," as he is affectionately known in Bhutan, is now a household name and highly revered national figure. When Mackey passed away in 1995, Dorji, who was about eight years old at the time, remembers his school shutting down for the day so they could go offer prayers.

According to Global Affairs Canada, since Mackey's pioneering work, over 50 Canadians have taught in Bhutanese schools and more than 250 Bhutanese educators have studied at about a dozen Canadian institutions. Such ties may explain why Canada is one of only two G7 countries (the other being Japan) that maintains formal diplomatic relations with Bhutan, a relationship now 15 years old.

An ongoing relationship

Back at his graduate carrel in UVic's law library, Dorji is busily finishing up the second semester of his doctoral studies within the faculty, conducting research into the Bhutanese Constitution and GNH—matters close to his heart yet far from his person. About 10,000 kilometers away, his students are in the midst of

preparing for their final exams, marking the end of the first academic year at JSW Law. Dorji is eager to return to JSW Law in his faculty role well before graduation of this first cohort in 2022, and get back to the essential business of "producing lawyers zealous of Bhutanese values."

Later this year, more visits to JSW Law are in the works. Pooja Parmar, assistant professor at UVic Law, will visit JSW Law to engage in collaborative research on property law with her Bhutanese counterparts and assist with the newly formed Bar Council of Bhutan. Jeremy Webber, dean of UVic Law, and Dorji will also visit Bhutan this summer to participate in a conference commemorating the 10th anniversary of the country's Constitution. Ramraj is currently planning back-to-back conferences in Victoria and Bhutan for 2019, which will bring together all of the QES-AS project partners, including those from India, Thailand, Vietnam and Cambodia.

For his part, the Fourth King abdicated the throne in 2006 in favour of his son, relinquishing a role that he had inherited at age 16. Yet, on the Himalayan foothills overlooking Bhutan's only international airport, construction continues on the future permanent home of JSW Law, an institution that not only bears his name, but also his hopes for the democratic future of his nation. 🇧🇹





Ramraj (second from left), pictured with JSW Law Dean Sangay Dorjee, Senior Lecturer Nima Dorji, and Vice-Dean Michael Peil (photo courtesy Victor V. Ramraj/CAPL, August 2017).



JD/JID Update

BY JULIE SLOAN, COMMUNICATIONS OFFICER UVIC LAW



Artist: Ben Davidson



PHOTOS: UVIC PHOTO SERVICES

On February 21, 2018, the Province of BC announced in its budget that they would fund the creation of an Indigenous Law degree at UVic — the first program of its kind in the world. That day was the culmination of over ten years of work by many people at UVic Law — most notably Val Napoleon, John Borrows and Jeremy Webber. On June 11 we received approval from the Minister of Advanced Education, Science and Technology for the **Joint Degree Program in Canadian Common Law and Indigenous Legal Orders (JD/JID)**, which is the last stage in the formal academic approval process.

The response to the announcement of the program has been tremendous, with congratulations flowing in from around the world, and a flood of application inquiries.

To date we have received 75 completed applications, 30 from Indigenous applicants and 44 from students who were planning to apply for the regular JD program have applied for the JD/

JID program instead. We expect to have approximately 20 students starting in the fall. As well, we are working hard to secure a number of scholarships to support our first cohort of students.

“The JID/JD is a dream come true”, says John Borrows, one of the creators of the program. “I am so grateful for the support of communities, colleagues and students. This idea first emerged in 1995 and we have been working on it at UVic since 2004. I look forward to seeing our first students in September. This is the first degree of its kind in the world, and we look forward to breaking this new ground with them.”

The JD/JID program will welcome its first cohort of students in September to begin the four year program. A formal launch event will take place in the fall. 🇨🇦

“We are preparing to learn as we prepare to launch the JD/JID in September,” explains **VAL NAPOLEON**, who will be the head of the program. “We are covering the bases—student recruitment and selection, fund development to expand the law school building, faculty hiring, staff hiring, student support, and of course all the nitty-gritty details of classrooms, scheduling, and equipment. We are now receiving inquiries from people interested in joining the second intake, not just from Canada but from South Africa and elsewhere. **There is such a deep hunger for Indigenous law and we are seeing this. We live in both exciting and challenging times, and I am grateful to be a part of it all.**”

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THE BROCHURE



Access to Justice Centre for Excellence Update — ACE Plan 2018-19

BY PROF. M. JERRY MCHALE, QC

The UVic Access to Justice Centre for Excellence (ACE) was established by the Faculty of Law late in 2015 in response to the growing concern within the justice community about the problem of diminishing access to justice, and in the belief that there is a unique and important role that the academy can and should play in the resolution of this problem.


ACE seeks to actively engage the law school with the rest of the justice system, in particular with respect to procedural issues involving access to justice and the delivery of legal services. **Academically it will focus on better preparing students for the challenges access to justice presents to practitioners. ACE's research and scholarship will focus on addressing the access issue as experienced by both those who use the system and those who provide the services.**

ACE's 2018/19 Plan focuses primarily on the development of justice metrics. There is a rapidly growing interest in empirical research and performance measurement in justice systems around the world. Access reports and studies in recent years have emphasized the paucity of access to justice research and the poor state of metrics and data collection within

Canadian civil justice systems (as well as the potential for law schools in helping to rectify this). Observing that “you can’t manage what you can’t measure” the Canadian Bar Association’s *Equal Justice* report of December 2013 drew an explicit link between the system’s lack of metrics and measurement capacity, and the relative ineffectiveness of efforts over the last twenty years to enhance access to justice.

In this context ACE’s 2018/19 Plan identifies the following objectives:

- to convene and support a multi-stakeholder BC Research Framework Working Group to advise on the development of justice metrics across justice sectors;
- to work with academics in other provinces to promote national justice metrics coordination across all Canadian jurisdictions;
- to undertake its own research projects;
- to establish a conceptual and informational foundation for a justice metrics framework; and
- to build a sustainable core program to ensure ACE’s continuity.

Progress has been made on each of these fronts. The BC Research Framework Working Group held its first meeting in April and the national Justice Metrics Working Group has been established with academics from BC, Saskatchewan, Ontario and Quebec. ACE is conducting research into the costs of family litigation and the impact of legislation on adversarial behavior. ACE has also retained researchers to produce six major study papers intended to inform the design and development of data architecture for the BC justice system. As well, ACE has recently secured a continuing grant from the BC Law Foundation, which will help to ensure its continued viability. All of these matters are discussed in more detail in the ACE Plan online at uvicace.com/ace-plan-201819. 

The Director of ACE is Professor M. Jerry McHale, QC and members of the Board of Directors are Professor Michelle Lawrence, Professor Tim Richards, and PhD candidates Kathryn Thomson and Michael Litchfield. ACE is supported by the Faculty of Law, the Legal Services Society, the Law Foundation of BC and the Ministry of Attorney General.



Alumni Vistas: News and Updates

The 1980s



Justice Thomas J. Crabtree ('83) was appointed a Judge of the Supreme Court of British Columbia in Chilliwack.

Justice Crabtree has served the people of British Columbia for 19 years as a Provincial Court Judge, and as the Court's Chief Judge for the past eight years. His accomplishments in that role include working with communities around the province to support the development of five new Indigenous and First Nations sentencing courts and Aboriginal child protection case conferences. He has served on the executive of Access to Justice BC and the Board of Directors of the National Judicial Institute.



Douglas John Marion, QC ('83) is one of 27 British Columbia appointees to Queen's Counsel this

year. He has practiced criminal law in Campbell River and throughout Vancouver Island, both prosecuting and defending. He is the Local Agent for the Legal Services Society of British Columbia and has been a member of the Canadian Bar Association for thirty years.



Justice Barbara J. Norell, QC ('85), a partner with Harper Grey LLP, was appointed as a justice of the Supreme Court of

British Columbia in 2018. This follows her appointment to Queen's Counsel in 2016. Justice Norell has practised as a civil litigator for over 30 years

The 1980s

in areas such as general insurance defence counsel, health law, and privacy law. In 2003, she earned her LLM in e-commerce from Osgoode Hall Law School. She is Harper Grey's Chief Diversity Officer, a member of the Justicia project of the Law Society of British Columbia and of the Law Firm Diversity and Inclusion Network. In 2017, she received a Lexpert Zenith award celebrating women in law.



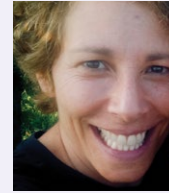
Michael Doherty ('88) received a PhD in Law from the University of Aberdeen. In 2017, Carswell published the 5th

edition of his book *The Portable Guide to Evidence*.

The 1990s

Richard W. de Boer, QC ('90) was recognized with the honorary title of Queen's Counsel in 2017. A substantial portion of his career has been spent with the British Columbia Prosecution Service (BCPS) where he has been the director of policy and justice issues, since 2003. He has developed prosecution policies and guided legislative development, law reform, and intergovernmental justice relations. De Boer has led or supported many of the BCPS criminal justice reforms, such as alternative measures and projects like the Police Records Management System. He also leads the BCPS Indigenous Justice Strategy.

The 1990s



Shelley Lynn Sugarman, QC ('91) is a senior criminal lawyer with the Vancouver firm of Johnson Doyle

Sugarman & Ferguson. She has been practicing law in British Columbia for 25 years and is a founding member of the Women in Crime organization. She has served on the planning committee for the International Society for the Reform of Criminal Law and the Law Society Discipline Committee, and is currently on the advisory committee to the Court of Appeal. This year she was recognized with the honorary title of Queen's Counsel.



Justice Wendy Baker, QC ('92), a partner at Miller Thomson, was appointed a judge of the Supreme Court of British

Columbia in Vancouver. In 2009, Justice Baker was appointed Queen's Counsel. She practised commercial litigation, and her experience spans many industries and areas of practice, including corporate and commercial disputes, agricultural law, and Aboriginal law. She has taken on many roles in her community, including as a board member and chair of the West Coast Environmental Law Association, and the chair of the Karen Jamieson Dance Society. She has also been committed to the mentoring and development of young lawyers, and to the advancement of women in the legal profession.

The 1990s



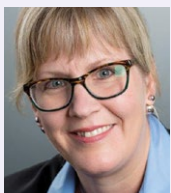
Kari Horn ('93) was appointed Vice-Chair for The Alberta Securities Commission (ASC). Horn possesses extensive legal

and regulatory experience. She has been a member of the ASC's senior management team as General Counsel since 2005.



Catherine Boies-Parker, QC ('94) was recognized with the honorary title of Queen's Counsel. She was called to

the B.C. bar in 1998 and has worked in environmental, constitutional, human rights, and information and privacy law litigation. She has acted as an adjudicator for the Office of the Information Privacy Commissioner and is a frequent guest lecturer on topics such as constitutional law, privacy law and civil liberties. Parker has contributed to the Pacific Centre for Environmental Law and Litigation and the UVic Environmental Law Centre. In 2016, she received the CBABC George A. Goyer QC Memorial Award for Distinguished Service.



Lisa Joan Hamilton, QC ('94) was appointed to Queen's Counsel in 2017. In 2016, she was elected as a bencher of

the Law Society of BC. She is also a member of the Supreme Court Rules Committee and the Provincial Court Family Rules Working Group. She is a founding member of the Family Law Arbitrators Group Society and is a key member behind a project called the Family Law Organizer, an online family law community.

The 1990s



Judge Andrew Tam ('97) was recently appointed as a provincial court judge. Preceding his appointment,

Tam was a partner at the criminal law firm Mulligan Tam Pearson, which he co-founded in 1999. During his tenure there, he conducted numerous criminal proceedings at Provincial Court. He has served with the Canadian Bar Association as treasurer and currently co-chairs its criminal justice section meetings, and has also contributed to the Law Society of B.C.'s Practice Checklist for the past 10 years.

The 2010s



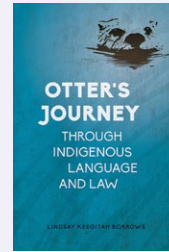
Darcy Lindberg (JD '12, LLM '17) will be joining the University of Alberta Faculty of Law as an assistant

professor as of January 1, 2019. Darcy is currently a doctoral candidate at UVic Law, and his research focuses on the constitutional and legal theory of Plains Cree peoples in relation to the land, water and animals, and the transsystemic relationships with Canadian constitutional law. For the past two years he has made significant community contributions as the Cultural Support Liaison with the Amicus program — a support program for UVic Law students. Everyone at UVic wishes him all the best in his endeavours.

The 2010s



Lindsay J. Borrows ('16) published her first book: *Otter's Journey Through Indigenous Language and Law*. In *Otter's Journey*, Borrows makes use of the Anishinaabe tradition of storytelling to explore how the work of Indigenous



language revitalization can inform the emerging field of Indigenous legal revitalization. 🇵🇪

Wedding



Jared William Wehrle ('14) and Lee Arwood Tracy II were married March 31 at a private residence in Galveston, Texas. Wehrle is currently practicing law with the City Solicitor's Office in Toronto. [Link](#).

Alumni Awards & Nominations

BY JULIE SLOAN, COMMUNICATIONS OFFICER UVIC LAW

Canadian Lawyer's Top 25 Most Influential 2018

Congratulations to the following alumni and professors who have been nominated for *Canadian Lawyer's* Top 25 Most Influential 2018:

- **Earl G. Phillips, QC, ('80)** TWU School of Law (Government/Non-profits/Associations)
- **Val Napoleon, ('01)** University of Victoria Law, (Changemakers)
- **John Borrows**, University of Victoria Law, (Changemakers)
- **Marion Buller, ('87)** National Inquiry into Missing and Murdered Women and Girls Chief Commissioner (Changemakers)
- **Herman van Ommen, QC, ('84)** Herman Van Ommen Law Offices (Changemakers)
- **Leena Yousefi, ('10)** YLaw Group (Young Influencers)



PHOTOS: DOMINIC SCHAEFER PHOTOGRAPHY / UVIC PHOTO SERVICES / PERSONAL ARCHIVE / INTERNET

Distinguished Alumni Awards

Dean Goto-Jones (Humanities) and Dean Webber (Law) present Distinguished Alumni Awards to **Merle Alexander ('99)** and **Tamara Napoleon ('07)**. A ceremony honouring the twelve 2018 recipients was held on Monday, February 5th at the Songhees Wellness Centre as a part of Alumni Week. 🇨🇦



In Memoriam



Robert L. Richey ('82) passed away March 30, 2018. Rob spent his legal career at Clay and Co. in Victoria. He was a civil litigator known to be creative, compassionate and tenacious. A devoted family man and committed outdoorsman, his smoked salmon was renowned. Rob was also a founding member of Blind Elmo, one of the first participants in the Battle of the Bar Bands. The annual trophy for the Battle of the Bar Bands has been renamed in his honour.



Constable Ian Jordan ('84) passed away peacefully on April 11, 2018. After taking a summer job with the Victoria Police Department during his legal studies, Cst. Jordan decided to join the force after his graduation. Three years later, while responding to a break-and-enter call in September 1987, he was involved in a tragic car accident that left him in a 30-year coma until his death earlier this year.

Each year, the Constable Ian D. Jordan Bursary is awarded at the Faculty of Law to help a student who is balancing their legal studies with family responsibilities. Since its establishment in 1988, more than 175 people have contributed to this fund which now awards \$10,000 per year. 76 students have benefitted from this bursary over the last 30 years.



Kieran Bridge ('85) passed away January 30, 2018 in Victoria, BC. He graduated from UVic Law as the Gold Medalist and went on to earn a Master of Laws degree from the University of Cambridge. During his career as a brilliant civil litigator, he worked on a wide range of commercial, construction, insurance, and public interest files, including class actions to help overcharged customers of financial institutions. 🏴󠁧󠁢󠁥󠁮󠁧󠁿

PHOTOS: INTERNET

New Dean of Law

Jeremy Webber's term as dean ends on June 30. After a year's study leave, he will return to teaching in the faculty. On July 1, 2018 we welcome Susan Breau as the new Dean of Law for a five-year term.



Since 2014, Dr. Breau has been the Head of the School of Law at the University of Reading and has a distinguished record of achievement as a researcher, teacher and administrator. Her scholarship engages with multiple forms of law and legal orders, particularly in the law of armed conflict, international humanitarian law, international human rights law and international disaster law. She completed her Bachelor of Arts, Bachelor of Laws and Masters of Arts degrees at Queen's University. She practiced law in Kingston, Ontario, for almost 20 years before completing Master of Laws and Doctor of Philosophy degrees at the London School of Economics and Political Science. She has taught and lectured at law schools throughout the United Kingdom and Australia. Dr. Breau was the Dorset Fellow in Public International Law at the British Institute of International and Comparative Law. We look forward to Susan's arrival. 🇨🇦

New Faculty

We also have three new faculty joining us as Associate Professors on July 1: Geoffrey Loomer, David Milward and Sarah Morales. Professors Milward and Morales will teach in the new JD/JID program as well as the JD program, and Professor Loomer will strengthen the faculty's taxation and corporate/commercial course offerings and expertise.



Geoff Loomer is a specialist in the area of taxation. He holds a BSc in Economics from UVic and an LLB from the University of

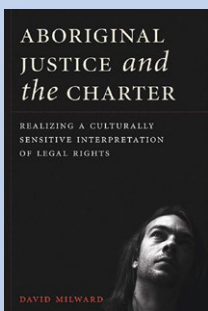
British Columbia. He clerked with the British Columbia Supreme Court and then practised for six years with the tax group of McCarthy Tétrault in Vancouver. He completed a BCL and DPhil at Oxford University, focusing on international tax law. He comes to us from the east coast where he is currently an Associate Professor and Associate Dean, Graduate Studies at the Schulich School of Law at Dalhousie University. He has published various books, book chapters, and articles on domestic and international tax policy, tax avoidance and evasion, corporate social responsibility in tax, and revenue administration, including *Taxation of Business Organizations in Canada* (LexisNexis Canada) with David Duff, and *Canadian Income Tax Law*, 5th edition (LexisNexis Canada) with David Duff, Benjamin Alarie, Kim Brooks and Lisa Philipps. Geoff's current research explores distributional justice improvements

through tax base innovations, as well as the ethical and professional responsibilities of tax advisors. He has regularly taught taxation law and policy, corporate taxation, international taxation and secured transactions, and received the Dalhousie Law Students' Society & Alumni Association Award for Excellence in Teaching in 2013. At UVic he will be teaching Secured Transactions and courses in the taxation law area.



David Milward is a specialist in criminal law with a focus on criminal justice issues as they pertain to Indigenous

peoples. He holds a BA from the University of Calgary, an LLB and LLM from the University of Alberta, and a PhD from the University of British Columbia. David is Cree — a member of the Beardy's & Okemasis First Nation in Saskatchewan. He is an Associate Professor at the Faculty of Law, University of Manitoba and has published widely in the fields of criminal law, Indigenous justice and evidence. His first book,



Aboriginal Justice and the Charter, won the K.D. Srivastava Prize for best book published by UBC Press in 2012, and was shortlisted for the Canadian Law & Society

Association Best Book Prize in the same year. His second book, *The Art of Science in the Canadian Justice System: A Reflection on my Experiences as an Expert Witness*, was co-authored with the late Dr. Charles Ferguson. He assisted the Truth and Reconciliation Commission of Canada with the volume of its Final Reports that focused on criminal justice. David has also served on the Board of Directors of a number of non-profit organizations in Winnipeg, including Onashowewin, an Aboriginal restorative justice program, and Ka Ni Kanichihk, an umbrella organization that provides several services to high-risk Aboriginal families. In 2018-19, he will be teaching Legal Process, Transsystemic Criminal Law and a seminar on Aboriginal justice.



Sarah Morales is a specialist in Indigenous and human rights law. She holds a JD from UVic, and an LLM from the University of

Arizona where she was the Department of Justice Congressional Fellow. In 2005-2006, she clerked for the Pasqua Yaqui Tribal Appellate Court and the Navajo Nation Supreme Court. She completed her PhD at UVic. Sarah is Coast Salish and a member of Cowichan Tribes. Her dissertation, "*Snuw'yulh: Fostering an Understanding of the Hul'qumi'num Legal Tradition*", examines the Coast Salish legal tradition and attempts to demonstrate the significance of this legal tradition within the

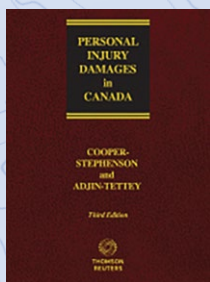
Canadian legal system. She is currently a member of the faculty at the University of Ottawa, Common Law Section, where she teaches torts, Aboriginal law, Indigenous legal traditions and international human rights with a focus on Indigenous peoples. Her research interests are generally in the area of Aboriginal and human rights law. Specifically, she is committed to the recognition and reconciliation of Indigenous legal traditions with the common law and civil law traditions in Canada. She has been active with Indigenous nations and non-governmental organizations across Canada in nation building, inherent rights recognition and international human rights law. In 2018-19, she will be teaching Legal Process and Torts in the JD stream, as well as coordinating a supplement to the Legal Process course for JD/JID students. She will also be developing two JID-specific courses for the second year of the program. 🇨🇦



Publications / Presentations / Fellowships / Appointments



Elizabeth Adjin-Tettey's book, *Personal Injury Damages in Canada*, Third Edition, co-authored with Ken Cooper-Stephenson, was published in January. (photo) She also published "Rights and Tort Law: Respecting Children's



Decisional Autonomy for Medical Interventions" (2018) 84 Supreme Court Law Review (2d), 161–199, reprinted in Margaret I. Hall, ed., *The Canadian Law of Obligations: Private Law for the 21st Century and Beyond* (LexisNexis, 2018), 161–199.



Brad Bryan is the recipient of the 2018 Denton's Summer Student Research Business Law Fellowship for his project "The Intersection

of Corporate Law and Indigenous Corporate and Commercial Practices." The Fellowship will support student research assistance on the intersection of corporate law and Indigenous corporate and commercial practices.



Kathryn Chan published two papers in the fall. The first, "Identifying the Institutional Religious Freedom

Claimant" (2017 95 Cdn Bar Review) addresses the challenge of properly identifying corporate/institutional claimants in religious freedom cases. The second, "The Perils of Federalizing the Common Law: A Case Study of the Income Tax Act Gift Concept" (2017 50:3 UBC L Rev 579) examines the judicial interpretation of the ITA term "gift/don" from the perspective of tax law's relationship with the larger legal system.

Kathryn has also started work on her SSHRC-funded project entitled "Divine Intervention: a study of the operation and impact of NGO interveners in Canadian religious freedom litigation." She presented initial findings from this project at the ARNOVA conference in Grand Falls, Michigan in November, and will be presenting further findings at the Asper Centre Public Interest Litigation conference in March.



Patricia Cochran, a member of the board of directors for the Together Against Poverty Society, was recently

appointed Vice President of the Society. She continues to seek out links between

this work with lay legal advocates in poverty law and her research on judgment and decision-making.

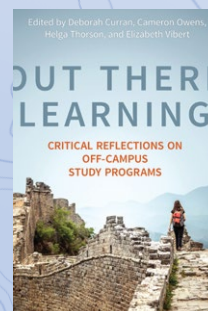
In December, Patricia's book, *Common Sense and Legal Judgment*, was published by McGill-Queen's University Press.



Deborah Curran and Val Napoleon's *Indigenous and Colonial Water Laws* project (funded by the Real Estate

Foundation and SSHRC) is engaging six graduate students and working with the watershed communities in the Cowichan, Similkameen and Nemiah watersheds. They will complete the community workshops and data collection this term and anticipate having a draft of another graphic novel completed in the summer.

Deborah recently won the Canadian Association of Law Teachers Scholarly Paper Award for her paper "*Legalizing*" the *Great Bear Rainforest Agreements: Colonial Adaptations Toward Reconciliation and Conservation*, published in (2017) 62:3 McGill Law Journal 813.



The University of Toronto Press is publishing an interdisciplinary edited volume on field schools or off-campus learning experiences in 2018. *Out There*

Learning: Critical Reflections on Off-Campus Study Programs is edited by **Deborah Curran**, Cameron Owens (Geography), Helga Thorson (Germanic Studies) and Elizabeth Vibert (History), and contains chapters by both **Deborah** and **John Borrows**.



Maneesha Deckha published two book chapters addressing critical animal studies, race and colonialism: "Postcolonial" in Lori Gruen, ed, *Critical Terms for Animal Studies* (Chicago: University of Chicago Press, 2018) and "Is Multiculturalism



Good for Animals?" in Luis Cordeiro Rodrigues and Les Mitchell, eds, *Multiculturalism, Race and Animals — Contemporary Moral and Political Debates* (London: Palgrave, 2017), 61-93.

Maneesha was the Keynote Speaker for the Animals in Society, Animals as Society Development for Species Symposium at Deakin University on 18 September 2017 where she presented her paper on "Farmed Animal Suffering: Can the Law Bear Witness?". She was also invited to present this work as the featured workshop speaker to the Animals in Law and the Humanities Workshop series at the University of

Toronto Faculty of Law in December 2017 and at the 2nd Annual Food Law and Policy Conference in Ottawa in November 2017.



Gerry Ferguson was a Co-organizer of the international conference Towards New Governance Strategies for

Preventing Corruption, Toronto, 14-15 September 2017 at which papers were presented by representatives of more than 15 countries, including one by Gerry, titled "China's Deliberate Non-Enforcement of Foreign Corrupt Laws: A Practice that Needs to End." This is published as "China's Deliberate Non-Enforcement of Foreign Corruption: A Practice that Needs to End" 50(3) *The International Lawyer* 503-528 (2017).

Gerry also published a new edition of his *Global Corruption: Law, Theory and Practice* book, available free online.



Donna Greschner was a Distinguished Visitor at the University of Padua, Italy, in October — November 2017,

where she gave a number of lectures on constitutionalism and human rights. In July 2017 she presented a paper at the

annual meeting of the International Society of Public Law (ICON-S) in Copenhagen.



Rebecca Johnson is working on a number of projects to develop some 'curricular pods' dealing with both Indigenous

Laws and TRC responsive material for both first and upper year classes. Funding for students assisting with the work is provided through both a UVic Course Redesign Grant, and a grant from the Murray and Anne Fraser Endowment Fund.



Asad Kiyani was invited to give the keynote lecture at the Université Laval's International Justice Week, held from 3-6

April 2018 in Quebec City in honour of the 20th anniversary of the Rome Statute of the International Criminal Court. His talk, "Pluralism and the Parameters of International Criminal Justice", focused on the conditions affecting the likelihood of a legally pluralist international criminal law process. Asad also visited the Monash University (Australia) Centre in Prato, Italy, where he delivered a seminar-based course on International Criminal Justice.



Freya Kodar and Patricia Cochran travelled to Oshawa, Ontario, 26-27 January to present their work on algorithms, credit

and justice in the paper "Automated decision-making and relational justice: Credit and justice for low-income people" at the Technologies of Justice conference hosted by the Legal Studies program at the University of Ontario Institute of Technology.



Michelle Lawrence presented her preliminary research in "Proving Identity: In Search of an Empirical

Basis for the Admission of Similar Fact Evidence in Sex Crime Prosecutions," at the Annual Meeting of the Western Society of Criminology in Long Beach, California on 1 February.

Michelle has been invited to serve as a collaborator at robsoncrim.com, an online hub for criminal law, criminal justice and policy reflections. In this role she will participate in a national network of legal and criminological scholars engaged in the study of the Canadian criminal justice system and will contribute to the publication of the special criminal law edition of the *Manitoba Law Journal* as well as the *Robson Crim Blawg* on criminal justice issues.



Kim Nayyer, Associate University Librarian — Law, published "The Journey Starts Here: Finding Your Path To Career Fulfillment" in the January/February 2018 issue of *AALL Spectrum*, the bimonthly magazine of the



American Association of Law Libraries.

Kim was asked to write this article to build upon the session she convened for the AALL 2017 annual conference. The article features interviews with colleagues about their respective paths to their work in various types of law libraries: academic, law firm, and government.

In late January **Kim** participated in the First Annual Works in Progress Program on Blockchains and the Law at Cardozo Law School in New York City as an invited observer and discussant. She moderated a conference session on this topic at the annual meeting of the Canadian Association of Law Libraries in May.

Also in February Kim was featured in the American Association of Law Library's Monthly Member Profiles, something not often extended to Canadian members.



Andrew Newcombe has been appointed to the NAFTA Chapter 19 (Trade Remedies) Roster for a term of ten years

commencing on 6 February 2018. Chapter 19 panels deal with anti-dumping and subsidies disputes.

Andrew spoke at the 30 October event *Renegotiating NAFTA: Implications for Canadian Business and the Economy*, hosted by Centre for Business Law, Peter A Allard School of Law. He also spoke on "Investment Arbitration: Reform, Renewal, Rejection?" at the ICC Canada International Arbitration Conference 2017: Arbitration in a Dangerous Time held in Montreal on 10 November and at the annual professional development conference for BC residential tenancy arbitrators in Victoria on 7 March 2018 on aspects of contract law related to residential tenancy agreements.



Pooja Parmar presented her paper "Ethics in Legal Representation of Indigenous Peoples in BC" at the Annual

Meeting of the Canadian Association of Legal Ethics held at the Schulich School of Law, Dalhousie University, 26-28 October.

Pooja also participated in the annual Wickwire Lecture on Ethics and

Professionalism as a Panel member on "Ethics and Professionalism in the Practice of Aboriginal and Indigenous Law", also held in October in the Schulich School of Law.



Sara Ramshaw co-edited a Special Issue (with Dr Paul Stapleton, Queen's University Belfast) of *Critical*

Studies in Improvisation in which she also published the following pieces: (with Paul Stapleton) "Just Improvisation"; (with Adnan Marquez-Borbon, Seamus Mulholland and Paul Stapleton) "Hydra: A Creative Tool for Critical Legal Advocacy and Ethics"; and (with Seamus Mulholland) "The Improvising Judge: An Interview with Her Honour Judge Patricia Smyth, Northern Ireland County Court". The issue can be accessed online [here](#).

Sara presented a paper entitled "The Materiality of (Real) Time: Law as Improvisation" at the Law, Culture and Humanities conference, Georgetown Law School, Washington, DC, 16-17 March 2018 and co-organised a Roundtable on Law and the Acoustic (with Mehera San Roque, University of New South Wales) for the 2018 Law and Society Association (LSA) Conference, Toronto, 7-10 June 2018. She also presented a paper at Past, Present, Future: Critical Legal Postgraduate Research, Birkbeck School of Law 25th Anniversary, Birkbeck, University of London, England, 11-12 May 2018. She is currently a Visiting Research

Fellow at Queen's University Belfast, Sonic Arts Research Centre (Spring 2018).



Chris Tollefson continues to pursue his passion for providing law students with hands-on learning

experiences in environmental and natural resource law. Of late he has been active as a board member and Judge at the Wilms & Shier National Environmental Moot. Chris also recently co-founded the Pacific Centre of Environmental Litigation ("CELL") which provide experiential environmental litigation learning opportunities to law students and interns from across Canada. To this end, CELL has taken on several public interest environmental litigation files including a judicial review filed by SkeenaWild Conservation Trust challenging the federal approval of the Pacific Northwest LNG project.

Chris recently authored a report for the Saugeen Ojibway First Nation which they submitted at a recent hearing of the Canadian Nuclear Safety Commission. The report addresses issues surrounding implementation of the precautionary principle, and draws on research that forms the basis of a book chapter he authored that will appear in a forthcoming volume entitled *Environment in the Courtroom* (U of C Press).



Michael Litchfield, Director of the Business Law Clinic, was awarded the Terry J. Wuester Master Teaching

Award this spring. The award is presented every year 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. 🇨🇦

Business Law Clinic Sponsors

The Business Law Clinic has been a vital component of legal education at UVic Law. The first of its kind in BC, the Clinic performs a unique and valuable role both in its contributions to legal education and in providing legal information to aspiring entrepreneurs, small businesses and not-for-profit organizations. It serves clients throughout BC who would otherwise be unable to access legal services. It is the only law school Clinic in western Canada that focuses exclusively on business issues. The BLC has been in operation since 1998, thanks to Western Economic Diversification Canada, business lawyers in Vancouver and Victoria who volunteer their time to mentor students, and the generous support of many sponsors, including:

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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.

Errors? Omissions?

If you spot something incorrect in Vistas please accept our apologies. If you send the corrected information to lawcomm@uvic.ca we will happily publish the correction in the next issue of Vistas due out in Fall 2018.

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