

uvicLaw

News

FALL 2005 – WINTER 2007



John
McLaren

Curtain Call

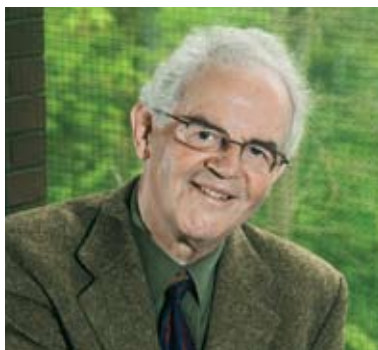
University
of Victoria



Faculty
of Law

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COMBINING PALATES WITH
UNIQUE FLAVOUR

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uvicLaw News

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From the Dean



Dear Alumni and Friends of UVic Law,

It's my pleasure to introduce the latest edition of Law News. When Dean Murray Fraser and his colleagues established the UVic Faculty of Law in 1974, they envisioned an institution that would gain attention and respect throughout Canada and abroad for its innovative programming, collaborative culture and unwavering commitment to academic excellence. The school has gone from strength to strength since then, adhering to those fundamental tenets while introducing vital new initiatives and adapting to changing social circumstances and student expectations.

Law students who choose
to attend the University
of Victoria do so for many
compelling reasons.

That unrivalled combination of vision and enthusiasm continues to enliven UVic Law and is reflected in the efforts of its talented faculty members, students and staff. They continually aspire to “raise the bar” by creating a learning environment that is both intellectually stimulating and progressive in its approach. They also remain mindful of the enduring legacy of their predecessors, who worked tirelessly to achieve what we value so highly today — a program that allows students to pursue their individual educational and career goals within a challenging yet supportive learning environment.

Law students who choose to attend the University of Victoria do so for many compelling reasons. The

opportunity to pursue academic excellence — under the guidance of outstanding teachers, renowned scholars and engaging mentors — is certainly foremost among them. John McLaren, who recently retired and is featured in this issue of Law News, exemplifies the spirit, dedication and leadership that is reflected throughout the faculty. This issue contains heartfelt tributes to John that speak to the difference he made in the lives of students and how much he will be missed within the Faculty.

Groundbreaking initiatives have helped to define UVic Law over the past 33 years and continue to contribute to its well-deserved reputation as one of Canada's finest law schools. Today's law students still profit from long-standing UVic Law initiatives such as the Legal Process course, the Law Centre clinic and the Law Co-op program. However, they also benefit from recent innovations such as our expanded Environmental Law Clinic, the Colloquium in Political, Social and Legal Theory, and the International Intellectual Property Summer Program (offered alternately in Victoria and Oxford in recent years).

The Faculty recognizes that the practice of law must be understood within the wider context of social, political,

Groundbreaking initiatives
have helped to define UVic
Law over the past 33 years...

historical and economic developments. Based on this understanding, the school has made major commitments over the past decade to expand its Indigenous law programming and to attract Indigenous students. As a

From the Dean (cont.)

result, the Faculty is now recognized as a Canadian leader in Indigenous legal education. This same understanding has also informed the development of our highly

The past year has been a very active one and we are looking forward to an exciting and memorable 2007-08.

successful interdisciplinary Graduate Program that in the current year has grown to about 20 LL.M. and Ph.D. students.

This issue of Law News offers focused updates on the Environmental Law Centre, the Graduate Program, the Law Alumni Association, the Career Development Office and the Diana M. Priestly Law Library (which is in the planning phase of a major redevelopment project). You will also read about student initiatives such as those undertaken by the UVic chapter of Pro Bono Students Canada, books that have been published by our faculty members, some fascinating faculty projects and noteworthy alumni achievements.

The past year has been a very active one and we are looking forward to an exciting and memorable 2007-08. I am pleased to report in this regard that we have an extremely talented and motivated group of students entering our LL.B and graduate programs this year. UVic Law has been increasingly successful at attracting accomplished students from diverse cultural, ethnic and social backgrounds, creating a varied and stimulating

learning environment. It has been a delight to welcome them to the Faculty and to encourage them to embrace the coming year's challenges, to expand their horizons and to enjoy the many rewarding experiences that lie ahead.

One of the highlights of the coming year will be our Homecoming Weekend in May, when we will welcome honoured alumni and friends from all graduating years. Special reunion events will also be held for the classes of 1978, 1983, 1988, 1993, 1998 and 2003. We sincerely hope that many former students and faculty members will be able to join us for the festivities, renew old acquaintances and witness first-hand how the school's traditions have been nurtured and augmented over time.

One of the highlights of the coming year will be our Homecoming Weekend in May...

Naturally, the Faculty of Law appreciates visits from past students and colleagues at all times of the year. Their accomplishments have made the school what it is today and we will always be grateful for their contributions to UVic Law's ongoing success.

Sincerely,



Andrew Petter

From the Law Alumni Association

Greetings from the UVic Law Alumni Association. Here is an update on what is going on with the association.

First, I can happily report that we have reached the \$100,000 endowment goal for the Law Alumni Association Bursary Fund. A big “thank you” to all of the class representatives and to each and every one of you who contributed to this very worthwhile cause. Needless to say, any additional contributions will be gladly accepted!

A note of thanks to those who joined us at the social events to celebrate the retirements of Professors Bill Neilson

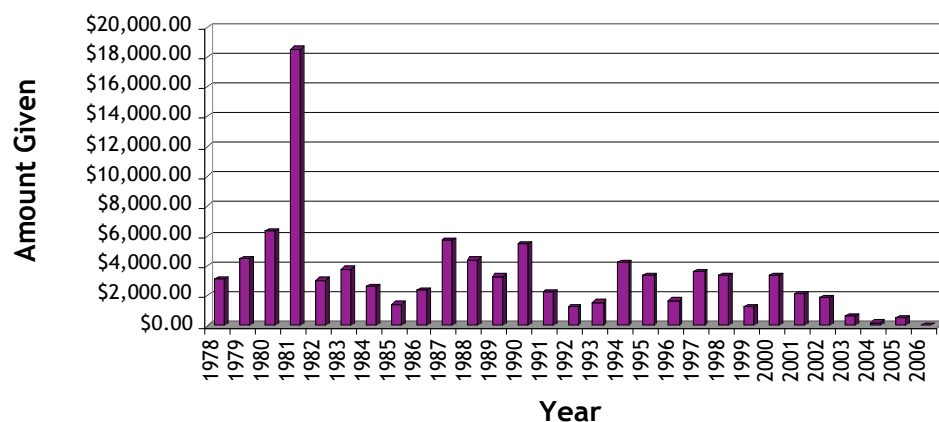
and John McLaren. Photos and snapshots of these events across the country are featured in this issue of *Law News*.

If you would like to get involved in organizing class reunions or more generally with the association, please do not hesitate to contact Anne Pappas or myself at any time.



Mark Underhill
Class of '95

Law Alumni Bursary Fund – Giving By Class Year



Mark Underhill ('95)



Freya Kristjanson('89)



Steve Cloutier ('89)



Jason Roth ('99)



Lisa Chamzuk ('00)



Margaret Sasges ('89)



Don P. MacDonald ('80)



Andrew Petter ('91)



Anne Pappas

John McLaren

Curtain Call

By: Jennifer Champion

John McLaren describes himself as a 23-year-old greenhorn when he reflects back on his arrival in Canada, stepping off the immigrant train to take up a position as instructor at the College of Law, University of Saskatchewan. His only knowledge of Saskatchewan at that time was drawn from Hollywood movies.

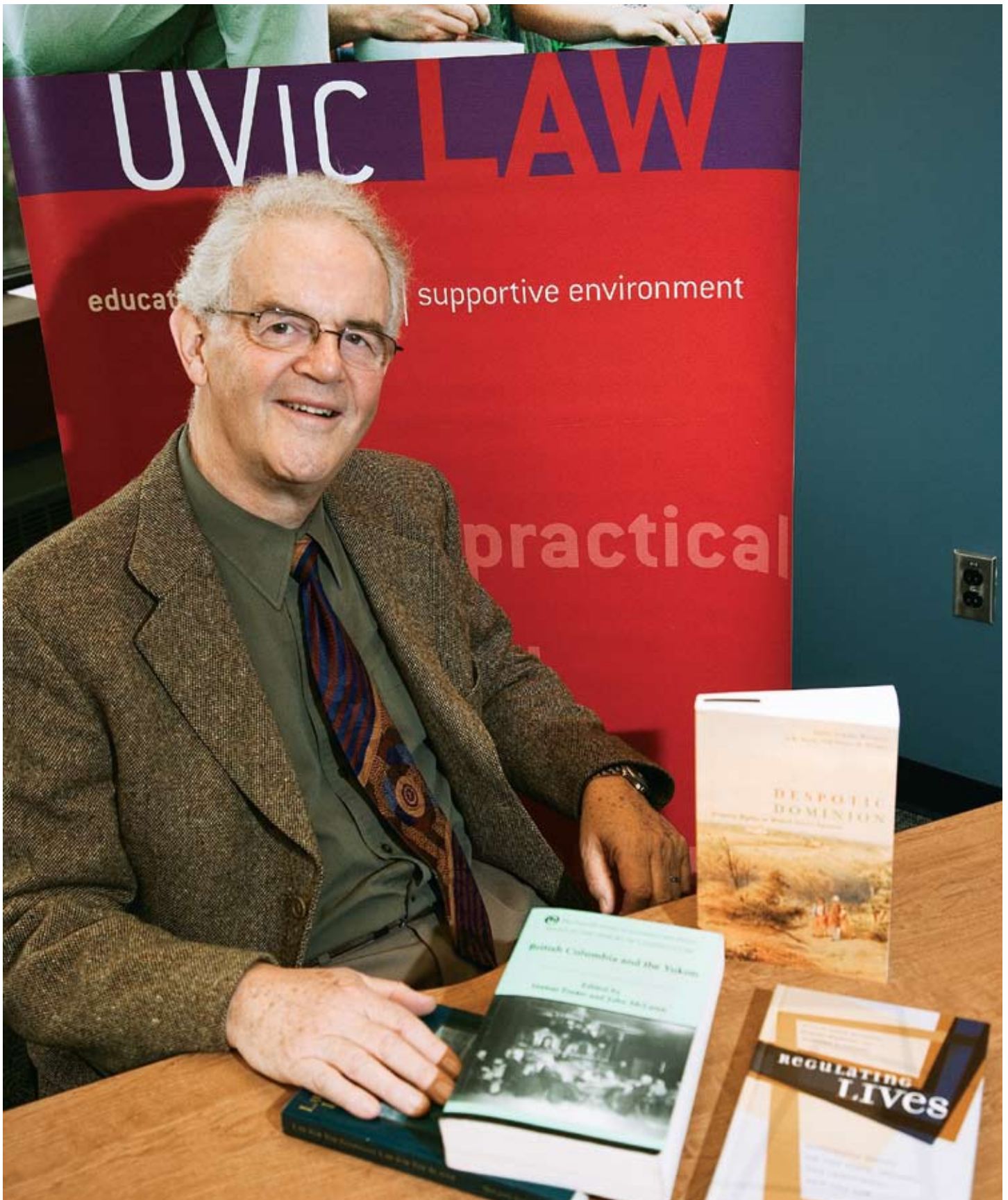
The exotic phrase “SASKATOON, SASKATCHEWAN!”, for example, was Merlin’s incantation in the 1949 film *A Yankee in King Arthur’s Court*. That such a memory should stand out in John’s mind seems appropriate because he loves theatre. There are times when the allure of the stage prevails in the classroom, leading him to dramatize a moment in a case or burst into song.

John jokes that, “As long as there is a stage to perform on, I’ll never retire”. But the truth is that he has officially retired from the UVic Faculty of Law. Here, John relates the story of his career as a law professor, shares some thoughts on the changes he has seen in legal education over the years and expresses his deep admiration for UVic Law.

His tale begins at the University of Saskatchewan. John describes it as a great place to have begun a teaching career in law. The faculty in Saskatoon were very supportive and a pleasure to work with. He took advantage of the opportunity to develop an appreciation for the Prairies and it was there that he married Ann. They had met in London two years earlier, when she and several Canadian friends were battling the coldest British winter on record.

When he looks back on that period in legal education (when law schools were expanding beyond faculties described as “2 men and a boy”), John recalls that 95 to 99% of the students were male, young and “horribly well-groomed”. It would have been difficult to find a female face or anyone one from a First Nation or visible minority. Almost the entire curriculum was compulsory and based on classroom learning. There was nothing in the way of clinical learning and very little simulated experience beyond legal mootings. By the time he left the University of Saskatchewan, however, the term “clinical education” was beginning to emerge in Canadian law schools and a law clinic had opened in Saskatoon.

John and his family then moved to Ontario where John spent four years (three of them as dean) at the University of Windsor Faculty of Law. The Windsor law school was then only three years old and beginning to experiment with legal education methods. There was a strong commitment to clinical education and community legal education. The fact that almost nobody at the law school actually came from Windsor promoted a great sense of community. John also enjoyed Windsor’s proximity to Detroit, with its interesting restaurants and jazz haunts. It was in Windsor that John developed the reputation of being Canada’s first and only singing law dean.



He remembers vividly...



...the fall morning in Victoria when the combined persuasive efforts of Bill Neilson and Gerry Ferguson won the day, and John decided to join the UVic Faculty of Law. It is a decision he has never regretted.

“Drawing on my cockney heritage,” he says “I belted out songs from music halls, such as Henry VIII, on the flimsiest of pretexts!”

The famous singing dean attracted the attention of the University of Calgary, where in 1975 he became its law school’s founding dean. Because the law school in Calgary was new, there were many opportunities to be innovative. The law program emphasized process and cumulative

in Canadian legal history. In fact, he became almost evangelical about investigating the relationship between law and history, arguing that it was hard to understand law’s content and rhetoric without considering its context and evolution.

In 1986, several UVic law professors approached John about moving to Victoria. It was an exciting prospect for John because he is a maritime person, having grown up on the north shore of the Thames estuary in Essex. He knew of the people at UVic, its strong reputation and humane vision (which was the legacy of its founding dean, Murray Fraser) and the law school’s similarities with the University of Calgary’s program. The idea of coming to a position dedicated at least in part to research also appealed to him.

He remembers vividly the fall morning in Victoria when the combined persuasive efforts of Bill Neilson and Gerry Ferguson won the day, and John decided to join the UVic Faculty of Law. It is a decision he has never regretted.



skills development and included interdisciplinary initiatives and student practicums. It was also possible to develop a strong program in resource and environmental law. By this time, the student body included many more women, as well as Aboriginal and visible minority students.

John retired from the deanship after nine years and returned to the faculty having developed a strong interest

“As long as there is a stage to perform on, I’ll never retire”

The 1980s were interesting times in legal education. The influence of Harry Arthurs’ report *Law and Learning*, with its emphasis on interdisciplinary work, was beginning to appear in the curriculum. By this time, the composition of the student body was moving toward



parity between the genders and each class had a much more diverse ethnic makeup.

It has been a privilege, John says, to work with such a talented group of colleagues.

“They are not only talented scholars and academics, but genuinely nice people.”

He has learned a great deal from both the “young” and older members of faculty and has also tremendously enjoyed working in the general field of law and history. It has been particularly gratifying to have another legal historian in the faculty, Hamar Foster, with whom he has often collaborated. UVic has also proven to be an excellent and receptive base for developing networks of scholars both in Canada and internationally. A combination of his interest in legal history and networking has inspired John (in both his teaching and research) to examine the comparative aspects of legal culture, in particular in the British imperial world. Among several exciting spin-offs of this interest have been invitations to be a visiting scholar in both Australia and New Zealand, and what is likely the only international and interactive course in colonial legal history – OZCAN. The latter has brought together faculty and students in four law schools in Australia and Canada.

“Given the fact that I’m a bit of a thespian, and I would have to say a show-off, I’ve rarely missed the opportunity to participate in the law school skit nights... even to the point of ruining the hearing of both colleagues and students by playing the trombone as ‘T-Bone McLaren’.” He vows to actually master a musical instrument one of these days. (It seems that his remaining choices are the banjo-mandolin or the didgeridoo.) John appreciated

It has been a privilege, John says, to work with such a talented group of colleagues

the highly supportive atmosphere at UVic that allowed him (and others) to step over the boundary between the serious and silly and yet maintain his integrity as a scholar and earn the respect of students.

Among the many roles John played at UVic was the “Pied Piper of Hamelin”. Each day, he would round up his colleagues and lead them off to the University Club for lunch. He savoured this opportunity to learn more

about his fellow professors because conversation ranged from Homer Simpson, the baseball season, expeditions to Antarctica and movies through to grave discussions



about the latest interpretation of the Charter. He will never forget the vocal talents of Cheryl Crane and Hamar Foster, in particular, who would sometimes break into song — much to the surprise of the more traditional faculty members at other tables in the club.

John adds that it has been a pleasure to work with such a well-motivated and bright group of students, who seem to have a genuine affection for the school and an appreciation for what the faculty has been trying to do. He admired the initiatives taken by students to enrich the life of the law school and felt privileged to have been involved in encouraging Appeal, the Dean's Advisory Committee on Ethnicity and Culture (DACEC) and the Aboriginal Cultural Awareness Camp in their very early days.

“Part of the warm feeling I have about the place arises from seeing students go on and use the insights they’ve brought to and gained from their legal studies, by becoming scholars and law teachers or taking on interesting positions in NGOs, international organizations and community advocacy groups, as well as in private practice and government. There is some pride in being able to say that I know and worked with that person, and it’s gratifying to know they’ve done so well.” He adds: “We, as teachers, have as much to learn from students as we can impart to them.”

John’s characteristic modesty vanishes when it comes to discussing the UVic law school.

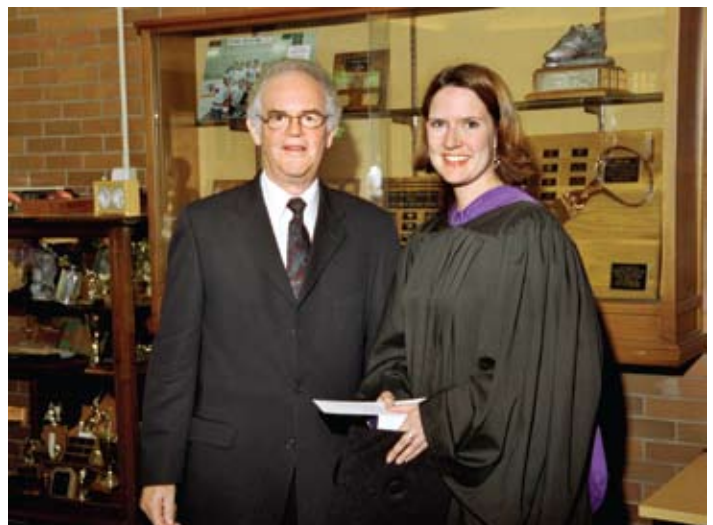
“It is one of the most successful of law schools in Canada and would match many excellent law schools

elsewhere in the world, because it has such a dedicated, inspired and hard-working faculty, and has been willing to take risks.”

He finds it remarkable that such a small school has taken on so much in terms of enriching its program, providing all sorts of opportunities for clinical experience, reaching out to communities (locally and across the country, notably in Nunavut), developing a first-class reputation in a number of areas (such as the International Intellectual Property Program) and adding chairs in important interdisciplinary fields such as environmental law and policy, Aboriginal justice and economic development, law and society, and Asia-Pacific law. More recently, the arrival of the graduate program has added a new dimension to the school in terms of its scholarly potential and excitement. UVic Law does all of this and yet everyone manages to keep their sanity and be helpful, encouraging and congenial.

John’s characteristic modesty vanishes when it comes to discussing the UVic law school.

In John’s view, a large part of the law school’s success is due to the “quite amazing staff whom it has been a joy to work with.” He credits Joanne Payment, Liz Wheaton, Sheila Talbot and Karen McIvor with making his experience as a professor so enjoyable.





“...if I’m not in Barbados, you may see me fooling around on the sidewalks of Victoria.”

“Without people like them, the law school would not operate as successfully as it does.”

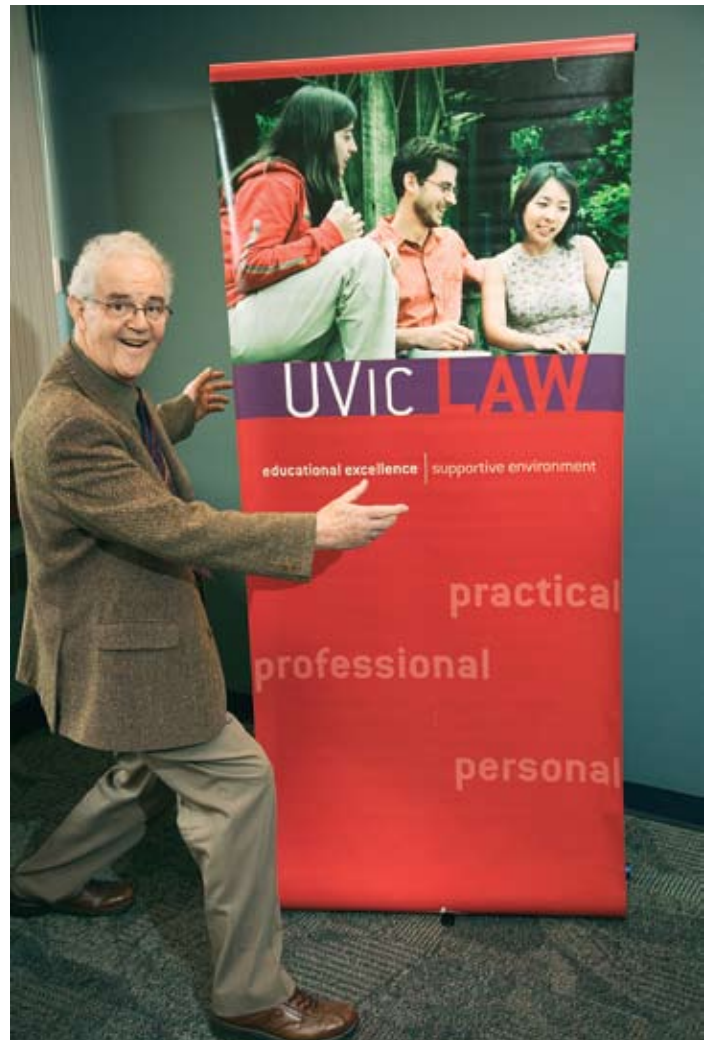
What does John plan to do now? He acknowledges that, in a way, retirement is a blessing. After 42 years of teaching, he felt the need to carve out more time for research. His current project, supported by a three-year SSHRC grant, look at what happened to colonial judges in the British Empire who “misbehaved themselves.” Apart from being a thinly veiled excuse to travel the globe, the project is designed to look at the issue of judicial tenure and accountability in the legal systems whose heritage we share.

“So,” he says solemnly, “if you see me in Barbados, Tobago, Cape Town, Adelaide, Sydney or Auckland, you will understand the seriousness of my purpose.”

His connection to the law school remains strong because he continues to supervise students in the graduate program. Beyond the law school, he is busy with refugee support work and plays an active role in the lives of his grandchildren. Of course, he also continues to dance the morris.

“Coming to Victoria opened up a whole new world of making a fool of myself, by becoming involved with the Hollytree Morris Dancers,” he says. He confides that he is re-elected fool every year, “which suggests that I am typecast.” He has recently joined a second morris dance team, Quicksbottom Morris, where he is happy to leap around as a mere apprentice.

“So,” he jokes, “if I’m not in Barbados, you may see me fooling around on the sidewalks of Victoria.”



To Whom It May Concern:

I have been asked to provide a letter of reference for John McLaren and mainly, I understand, with respect to whether a special Act of the Legislature should be passed waiving mandatory retirement in his case. Although it's one hell of an imposition, I have reluctantly agreed to do so, taking solace in the knowledge that he has written at least a trillion such letters and has therefore been imposed upon far more than I. Besides, insofar as anyone connected with UVic Law is concerned, it is very much in our interest to ensure that this Act is passed.

But surely references are unnecessary. Not only does John Peter Somerset McLaren have at least one too many names, he also has so many well-known accomplishments that letters of reference are a complete waste of time - time that would be much better spent having a pint at The Snug or even watching him morris dance down Oak Bay Avenue dressed as a horse. If you do not understand this reference, imagine a combination of Mr. Ed and the papal Swiss Guards, playing flutes and concertinas and leaping about in a fashion reminiscent of the Leaping Nuns of Norwich (in the Peter Cook and Dudley Moore version).

Astonishingly, this and a number of his other somewhat eccentric proclivities – don't ask him to play the trombone – have tarnished his reputation not a whit. Quite the contrary: the man's legend continues to grow. Hence the title of the aforementioned and hitherto unprecedented legislation: *An Act to Enable the Faculty of Law at the University of Victoria to Extend the Appointment of John Peter Somerset McLaren Beyond His Mandatory Retirement Date or, in the Alternative, to Enable the Said Faculty to Replace Him by Creating Five New Tenure-Track Positions*. Indeed, so prodigious is the man's reputation for going above and beyond the call of duty that a misapprehension has arisen that, for the record, I would like to correct. Although it is true that McLaren was the dean or acting dean at three law schools, it is not true that he held all these positions at the same time.

What can I say about John McLaren? What can't I say? An abiding memory goes back at least 25 years, when I travelled to Calgary for the annual Western Canada Mock Trial competition as coach of the UVic team. At dinner on the last evening, I was sitting next to a senior justice of the Alberta Court of Appeal and his wife when, after the McIntyre trophy had been presented, John – as the host dean – got up to make the usual thank-you speech. He said what one does on such occasions (yawn), but when everyone thought he had finished, he paused. His eyes twinkled, a broad smile formed on his face and he looked around the room.

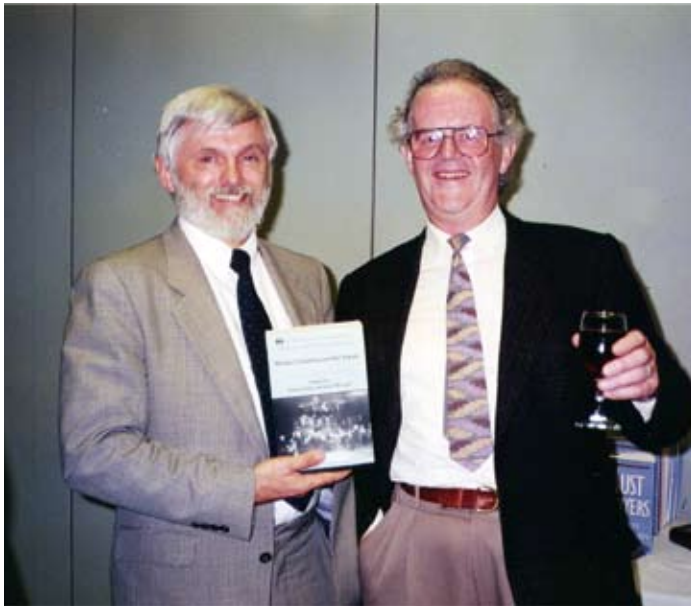
What can I say about John McLaren? What can't I say?

"I imagine," he said, "that some of you are not aware that I am Canada's only singing law dean."

The judge sitting next to me turned to his wife and asked, "What'd he say?" Whereupon John launched into a particularly robust version of "I'm Henry the Eighth, I Am", accompanied by with the McLaren shuffle, a sort of Celtic soft shoe that (thankfully) only John can do. Once he got over the shock, the judge quite enjoyed it. He wouldn't join in on the chorus, though.

Needless to say, this was only one of John's many impromptu performances. A devotee of Flanders (Michael, not Ned) and Swan (Donald, not reality TV), he is firmly of the view that practising beforehand spoils all the fun.

But enough of the man's musical accomplishments. What of his scholarly, administrative and collegial record? It is, in a word, dazzling. That is, of course, why the drafters of the bill before the legislature insisted on five new hires to replace him. John McLaren's boundless energy for everything (and I mean *everything*) continues to astonish. Whatever the task, he pitches in with gusto,



inspiring others to do the same. On the other hand, it can be really annoying when all you want is an excuse to beg off - and there's John doing twice as much as you are without so much as a whisper of complaint.

But it is time to get serious, however briefly, more or less. It is hardly original to say it, but UVic Law will not be the same without John McLaren. Speaking personally, I have had the pleasure of his friendship and collegiality for almost 20 years and it has been a joy. There is simply no one better than John with whom to organize a conference, co-edit a book of essays, co-teach a class or perform at skit night - particularly if the material is pirated from *Beyond the Fringe*. His energy, creativity and wit never cease to astonish.

I remember one occasion when a prominent lawyer-politician who had undertaken to give a keynote talk at our First Year Legal Process course cancelled on very short notice. We were therefore left with a large hole in the day's schedule. No worries, said John, who disappeared into his office and emerged 30 minutes later with notes for a one-hour talk on the defaulting guest's topic. Shortly thereafter

he delivered a splendid lecture on law and politics: he mused about Mill, bent it like Bentham and, to the delight of the assembled multitude, managed to avoid Foucault altogether.

This was only one of the many times John has stepped forward to save the day by filling in, volunteering or taking charge.

Finally, I have to say that John has made legal history one of UVic's strengths and, of course, I have benefited tremendously from that. We have travelled to conferences together, edited two books of essays together, sat on committees together and socialized together. In a small school, it is especially wonderful to have someone just down the hall who shares so many of your intellectual interests - not to mention someone to quaff ale with at British Legal History conferences while debating the true significance of the Statute of Merton, 1236.

My teenaged daughter came with me to the most recent British - and Irish - Legal History Conference. It was in Dublin and I think she found legal historians, as a group, quite comical. She also maintains that John and I both snore loudly enough to be heard two rooms away. This is, of course, quite false. I do not snore. Draw your own conclusions.

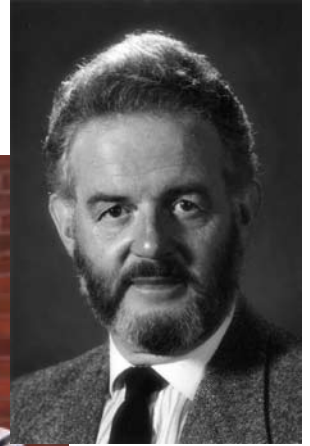
I could go on, but by now the message must be tolerably clear. John McLaren is not only a splendid scholar, teacher and administrator whose contributions to law schools, professional associations and communities across Canada make him a truly unique legal academic. He is also someone who has inspired others, helped them along in their careers and been a pillar of strength in four different law schools. Certainly he has inspired and helped me, and I am proud to call him a colleague and a friend.

I therefore call upon the legislature, not only to waive mandatory retirement in John's case but, notwithstanding any rule of law or equity to contrary, also to specifically enforce his contract of employment should he decide that he might like to retire anyway. Some people are just too good to lose.

If I can be of any further assistance, do not hesitate to get in touch.

Yours very truly,

Hamar Foster
Faculty of Law, University of Victoria



SUSAN BEACH (CLASS OF '91)

"I had Professor McLaren for Torts in 1988 and Insurance Law in 2000. I found he had a teaching style that made me interested in the not so interesting cases. I enjoyed seeing him walk back and forth, back and forth across the front of the class, rubbing his beard whenever he was thinking.

He used to ask me questions almost every class about what a particular case said. I always did my reading for fear of being called upon and not knowing what the case said. He once asked me if I minded being asked questions in class, to which I responded that I didn't mind, but if it was an 8:30 class don't ask me questions for the first 20 minutes, which thereafter he did.

His door was always open and he was always interested in the law. He would discuss the nuances whenever you wished. This continued. I have now been practising law for 15 years and have kept in contact with Professor McLaren over the years, sometimes to discuss challenging issues in torts in particular, sometimes just to chat. I came to think of him as my advisor over the years as I contemplated taking a Masters. He was supportive in that direction and gave me a reference even though I had not been in one of his classes for about 10 years.

He also discussed his sabbatical journeys, such as the one to Thailand and Australia to look at how prostitution was handled in those countries. I enjoyed hearing about these very interesting and different topics he wanted to research and explore, and how he went about the process.

It is sad to know that he's not teaching anymore, but I hope that his retirement years are fulfilling and filled with even more exciting adventures than he had in his success-filled career in the academic field."

LAURA FORD (CLASS OF '89)

"John McLaren, for me, is the archetype law school professor. A gentleman scholar, he inspires his students, many of whom (like myself, I confess) are intent on rushing headlong into their future as part of the legal profession, to pause and reflect instead upon the past – the history of Canadian law. A window opened for me that semester and I'm the better for it."





ROSHAN DANESH (CLASS OF '96)

“Early in my second year of law school, I was at a crossroads — should I stay in law school? Unable to find myself within the ways of talking and acting as a lawyer, I was considering other options in life. As a last gasp, I decided to ask John for advice. This was an odd decision, as I did not really know him. He had never taught me before and while I was enrolled in one of his classes, the semester was just beginning. However, I had sensed an openness and wisdom in my brief exchanges with him and my intuition told me our chat might be useful. What I did not expect was how transforming our discussion would be. John did not just offer advice. In his limitless generosity and caring, almost unbeknownst to me, he took it upon himself to create a distinctive law school experience that would be responsive and meaningful for me. He created new opportunities for study and work, trained me in writing and teaching, and mentored me in life. I have known very few others who so willingly would share and so meaningfully contribute to the lives of near strangers.”



RUSS BROWN (CLASS OF '94)

“I shared some impressions about John McLaren at his retirement event in Victoria last fall – in particular, about his generosity as a mentor and of his easy fellowship with colleagues and students alike. I won’t repeat them here. Instead, I wish to comment briefly on another quality that looms large in the lives of several of John’s former students.

John’s dogged persistence (if you agree with him) and stubborn bullheadedness (if you don’t) is astonishing. Once it enters his mind that a student of his is capable of taking on a particular challenge, or of just doing something worthwhile for someone else, he never lets up.

“Write on this,” he urged some of us. “Give me your law books for South African students,” he implored others. “Get the rugby team to attend a refugee benefit dance,” he encouraged (baiting us — it probably goes without saying — with pints of ale).

Of course, not a few of us – even many years after leaving UVic – were urged not to relinquish our longstanding aspirations to do graduate work. His campaign was subtle, but effective. Invite us to chair a session at a conference. Ensure we meet visiting academics. Encourage us to publish. Gentle nudges, the odd shove and outright encouragement would eventually take their toll.

I don’t wish to be misunderstood. This is not a story of unwelcome cajoling. John McLaren had a complete understanding of his vocation, including the identification and encouragement of students who flourish doing legal studies. His gift was to remind us of the things that made law school such a fulfilling experience and to assure us that we had contributions of our own to make to that enterprise.

Thank you John.”

UVic Law's Interdisciplinary Graduate Program

Combining Palates with Unique Flavour

Master of Laws (LL.M.) in Law and Society and Doctor of Philosophy (Ph.D.) in Law and Society

By: Holly Pattison

The first time your teeth sink into a peanut butter and jam sandwich, probably one of two things happen: either the blend hits you as a beautiful pairing or else the gooey layers stuck to the roof of your mouth turn you toward less complicated sandwich fillings. Cheese, perhaps.

Not every combination is a winner, but UVic Law's LL.M and Ph.D. Graduate Programs in Law and Society seem to agree with the palates of both faculty and students.

The UVic Law graduate program concentrates primarily on five areas of research: Aboriginal Rights, Environmental Law and Policy, Legal Theory (including Feminist and Critical Theory), Legal History and Public Law (including Comparative Constitutional Law). An interdisciplinary requirement links students to a variety of faculties: Environmental Studies, Human and Social

Development, Political Science, Pacific and Asian Studies, Sociology and, beginning this fall, Fine Arts.

Dawnis Kennedy is a soft-spoken and articulate 28-year-old LL.M. student from Roseau River, Anishinabe First Nation, Manitoba. Her studies include Aboriginal rights and legal pluralism, says interdisciplinary study deepens her understanding of law.

Through taking courses and speaking with students in her co-discipline of political science, Kennedy says, "I saw the box that law had me in disappear. I always had this vague suspicion — is it [law] working? But I was afraid to ask the question. I wasn't sure it would find ground."

Examining legal methodology from another discipline, says Kennedy, gives her the confidence to ask questions about how law functions politically and socially.





John McLaren, *First Director of Graduate Legal Studies*



Jeremy Webber, *Director of Graduate Legal Studies*



Liz Wheaton, *Graduate Secretary*

That's the whole idea, according to Graduate Program Director John McLaren. He says the mandatory interdisciplinary component makes UVic Law's graduate program unique and he considers it one of the program's highlights.

"There is value in being forced to look at law in a broader context," says McLaren. "Law does not exist by itself; it's affected by other bodies of knowledge. Just because it's 'law' doesn't mean it's necessarily wise or workable."

The idea to launch UVic Law's graduate program initially met with hesitation. While some favoured the plan, others worried about its effect on the robust LL.B program. It took years of discussion before the ultimate decision to forge ahead.

But it was still no cakewalk to get things up and running. Organizers had to clear numerous levels of university and ministerial approval, determine costs and secure funding that wouldn't have an adverse impact on the undergrad program. Simultaneous work went into creating admission procedures, program requirements, scholarship rules, publicity materials and sifting through numerous student applications. Even prior to establishing a graduate program, UVic Law received 20 to 25 applications a year.

McLaren credits the actualization of the program, at least in part, to Jeremy Webber's appointment as Canada Research Chair (CRC) in Law and Society. CRC appointments are intended to retain or attract top-notch Canadian researchers. With funding from CRC, as well as UVic and the Law Foundation of B.C., the graduate program launched its inaugural class in September 2004.

Prior to his appointment, Webber (who specializes in cultural diversity, constitutional reform and Indigenous

self-government in Canada and abroad) was Dean of Law at the University of Sydney in Australia. He's pleased that CRC funds are available to help support the program, but is quick to credit the quality of his colleagues and their ability to generate interest and support for a graduate program.

"We have wonderful scholars here," says Webber. "It would be a shame if students wanting to pursue graduate studies couldn't have access to them."

"...law should be understood in its relationship to broader social phenomena and not just words in a statute book or judgment."

Outstanding faculty members attract high-calibre candidates, but Webber says the graduate students, some of whom hold appointments at other institutions, have a lot to offer the law school in return.

"Grad students are a constructive presence," he says. "The diversity and quality of grad students can enrich the undergrad experience. To faculty, they are like fellow researchers taking their own research forward. They are stimulating members of an academic community."

Webber, who takes over as Director with John McLaren's retirement, also advocates interdisciplinary study.



"I've always taken the view that law should be understood in its relationship to broader social phenomena and not just words in a statute book or judgment," says Webber. "The way to test law is by gaining access to real expertise in other disciplines. It keeps us honest."

While interdisciplinary study links people, broadens discussions regarding societal questions and allows for a cross-pollination of ideas, there are bound to be growing pains, particularly with a fresh program finding its feet.

The influx of high-quality students was much larger than anticipated, which speaks to how strong the program is.

"It's a challenge learning how precisely the interdisciplinary aspect works," says Webber. "Two supervisors in different disciplines may have conflicting messages about a subject; that's to be expected. We have to find a way so students aren't caught in the middle. It's an interesting and fruitful process."

LL.M. student Marie Povin, 37, who studies oceans management and policies regarding offshore drilling, isn't sure the interdisciplinary aspect of the program is fully developed yet. She questions whether the minimum of one cross-discipline course is sufficient and whether there is enough support for the program outside of the law school.

"The law faculty gave incredible support," she says, carefully adding, "but some students did not receive great enthusiasm from supervisors in other faculties."

UVic's Dean of Graduate Studies, Dr. Aaron Devor, says the nature of interdisciplinary study often generates challenges, such as maintaining focus.

"Where is the student's home?" he asks. "The other discipline brings a different point of view. There can be a certain amount of tension. Does reaching an equitable compromise water down the original position? It's a delicate balance. I don't think this will be a stumbling block in this case. The balance is clearly in law."

Devor says it's too early to pinpoint areas for improvement, but says he has a lot of confidence in the program. If anything, he notes, there may be a difficulty with its success.



"The idea was to start small and build slowly," he says. "The influx of high-quality students was much larger than anticipated, which speaks to how strong the program is."

Heading into its second year, the graduate program prepares to take in a new batch of students as the first-year LL.M students complete their programs. The Ph.D. students expect to complete their studies within three years.

McLaren, the recipient of the 2005 Ramon John Hnatyshyn Award for Law for outstanding contribution to the law or legal scholarship in Canada, happily lists reasons to consider the graduate program's first year a success.

"It was manageable in size, a number of faculty were interested in the program and there was a good response

from co-supervisors in other faculties,” he says.

He also stresses the value of the Victoria Colloquium on Political, Social and Legal Theory, a forum for interdisciplinary exchange that brings international theorists to UVic. “Victoria Colloquium provides an element for students to read the work of leading thinkers and to meet with them.”

Finally, McLaren notes the strong connection and atmosphere of support that developed between the inaugural class of graduate students. That bond undoubtedly helped when one within their ranks, Perry Shawana, suddenly died of a heart attack on June 1, 2005.

Shawana, a 41-year-old Aboriginal LL.M. student in the Ph.D. program, was also a faculty member at the University of Northern British Columbia.

His area of study included the intellectual property protection of Indigenous knowledge. UVic Law graduate



students, faculty and staff felt the loss of a charismatic colleague who was highly regarded by many when he passed away.

Webber hopes others will be inspired by and continue with Shawana’s research. The entire initial graduate class is comprised of scholars who are an inspiration to other students, he says, particularly of Aboriginal descent.

“The initial class is fully equal of the top quarter of McGill graduates, and there is a remarkable Aboriginal presence — four out of 14,” he says. “They are phenomenal students who will make astounding contributions to society.” That’s a flavour sure to please any palate.



Interdisciplinary Focus: A World of Opportunity

Ph.D. student, Angela Cameron



From my first visit to the University of Victoria campus, I knew I had made the right decision. Scattered across the lawns and gardens of this beautiful campus were bunnies of various colours and shapes; hopping, nibbling and nose wiggling. The bunnies, it turns out, are only one of many unique features of both the University of Victoria and its Faculty of Law that add to my experience here as a graduate student.

The choice to come to UVic was not easy. I had been working and living in Vancouver for over five years and had many connections to that city. I also had a generous offer from another top Canadian law school. Factors such as family location, funding, subject area, supervisors and career prospects appeared in flow charts on my dining room table. I called everyone I knew; I wrote letters to myself. In the end, however, I feel both privileged to have had the choice and glad to have landed at UVic.

So what makes UVic's Ph.D. program such a great choice? First of all, it is an interdisciplinary Law and Society program, which was very appealing to me. This means that students are required to work with committee members from outside the Faculty of Law and study in another discipline at the graduate level. In my case, I have been working in both law and sociology, which is a challenge (my undergraduate degree was in English and political science) but also extremely enriching. The interdisciplinary aspect of the program has allowed me to interrogate my own assumptions about law and research and has given me a second set of conceptual and methodological tools to shape my work. Working with faculty members from outside of law has also provided me with fresh perspectives and access to expertise in complementary research and literature.

My research and dissertation will address whether restorative justice is an appropriate criminal justice response to domestic violence. I completed my Masters of Law at the University of British Columbia's Faculty of Law, where I also studied restorative justice and domestic violence.

My colleagues are challenging and stimulating, helping to form an important part of the academic life here at UVic Law.

Both UVic in general and the law school in particular attract exceptional faculty members and students. The atmosphere at the law school is collegial, welcoming and intellectually stimulating. As a Ph.D. student, I have been supported and challenged by the faculty and immediately included in the faculty/student community. Outside of the law school, faculty are accessible, enthusiastic and quick to embrace the interdisciplinary aspects of my

The interdisciplinary aspect...

...of the program has allowed me to interrogate my own assumptions about law and research and has given me a second set of conceptual and methodological tools to shape my work.

project. The school fosters a very active academic life; hardly a week passes that does not afford opportunities to read and discuss in small groups, attend lectures by internationally acclaimed scholars or speak one-on-one with faculty regarding my research projects.

My fellow graduate students are a diverse, interesting, collegial and fun group. We come from many walks of life and are writing about a wide array of legal topics informed by interdisciplinary work in several faculties. My colleagues are challenging and stimulating, helping to form an important part of the academic life here at UVic Law. Although my interactions with undergraduate students in law (and sociology) have been limited to guest lecturing and short social interactions, I have been very impressed with the level of student participation and activity at this relatively small law school. UVic Law provides an exceptional level of support and encouragement for student activities and student participation in important decision-making processes within the faculty.

Finally, there is UVic and Victoria itself. The campus offers both scenic and academic stimulation. I have spotted wildlife including deer, owls and the ubiquitous bunnies on campus. Activities range from films, art, theatre and public lectures to student politics, protests and reading groups. The city itself is gorgeous, set on a small harbour and dotted with Vancouver Island's Garry oaks and beautiful public and private gardens. Restaurants, nightlife and cultural activities abound.

Realistically, however, not everything about being a Ph.D. student is warm and fuzzy. Making the choice to enter graduate studies in law is a difficult one. At the Ph.D. level, most students have decided on building at least some aspects of their legal career in academia. This, in some ways, makes the difficult choices and sacrifices associated with graduate work worthwhile; it is a career-building move. For many lawyers, this means leaving practice — and the salary that goes with it. In my case, I left legal contract work in the community and a position as an instructor at another faculty of law. The financial and lifestyle transition was significant and meant moving from a comfortable living back into a student budget. My family circumstances have allowed me to make this transition with support and comfort, but this will not



Publishing, as is the case anywhere, is a challenging but vital proposition.

always be the case for those leaving their incomes. My family and I also struggled with where to live, given that my family is settled in Vancouver. We came to a difficult compromise, which requires sacrifices from all of us, with me meeting the residence requirements by living in Victoria during the week and commuting home on weekends. That gorgeous ferry trip is less beautiful after you have done it 25 times or more!

Other considerations and pressures are more mundane. UVic provides private and double, secure working space for graduate students, and lockers to store wet biking clothes. This is a huge asset, making it easy to leave books, computers and office supplies in one place and providing a quiet, consistent atmosphere for working. The proximity of these spaces also builds a graduate community and makes sharing materials, ideas and coffee dates easy. The school also offers wireless internet throughout the school and technical support in getting set up. The library offers an up-to-date paper and online collection with knowledgeable, friendly staff. Any books that graduate students have required for their studies that have not been available have been immediately borrowed via interlibrary loan or purchased as an addition to the

collection. Rents are not low in Victoria, but there is ample student accommodation and I was able to find solo digs at a relatively reasonable price. A converted single-car garage with a hot plate and bar fridge is fine as a home away from home.

Publishing, as is the case anywhere, is a challenging but vital proposition. Balancing coursework, reading, more reading, participation in academic and family life and travel can make writing for publication seem like a lot of extra work. While my supervisor has been incredibly helpful in choosing conferences to attend and encouraging me to turn term and conference papers into publications, the impetus for this work must come finally from the student. This year has been a productive one for me, aided in part by attendance at and feedback from several conferences and the materials generated during my Masters. Publishing writing you already have to do cuts the workload in half and gives you several opportunities to rewrite (and rewrite some more).

In the final analysis, UVic has reached or exceeded the expectations I had of a Ph.D. program and offered me many benefits I had not anticipated. As spring truly takes hold here in Victoria and the baby bunnies hop out amongst the tulips, I look forward to several more years in this challenging and supportive learning environment.

UVic has reached or exceeded the expectations I had of a Ph.D. program...

Law Faculty News



ELIZABETH ADJIN-TETTY'S

teaching and research interests are in torts, remedies, race and ethnicity and the law, feminist analysis of law and critical theory. Her publications include "Protecting the Dignity and Autonomy of Women: Rethinking the Place of Constructive Consent in the Tort of Sexual Battery", "Replicating and Perpetuating Inequalities in Personal Injury Claims through Female-Specific Contingencies", "Measurement of Damages for Interference with Property Interests in Torts and Contracts", "Significance and Consequences of Parental Responsibility Legislation and Social Host Liability: A Logical Extension of Commercial Host Liability?"



BENJAMIN L. BERGER

Prior to joining the faculty, Professor Berger served as law clerk to Chief Justice Beverley McLachlin in 2002-2003 and was a Fulbright Scholar at Yale University in 2003-2004. His research addresses questions related to constitutional and criminal law and theory, the law of evidence, law and culture, and law and religion. Some of his recent publications include: "On the Book of Job, Justice and the Precariousness of Criminal Law", in *Law, Cultural and the Humanities*; "Emotions and the Veil of Voluntarism: The Loss of Judgment in Canadian Criminal Law" in *McGill Law Journal*; "Understanding Law and Religion as Culture: Making Room for Meaning

in the Public Sphere" in *Constitutional Forum*; "The Rule in Hodge's Case: Rumours of its Death are Greatly Exaggerated" in *Canadian Bar Review* (2005); "The Limits of Belief: Freedom of Religion, Secularism and the Liberal State" in *Canadian Journal of Law and Society* (2002); "Peine Forte et Dure: Compelled Jury Trials and Legal Rights in Canada" in *Criminal Law Quarterly* (2003). Professor Berger teaches Criminal Law, Evidence, and Civil Liberties and the Charter.



JOHN BORROWS

was the Director of the Summer Program in Indigenous Legal Studies, a new six-week program at UVic held for the first time from June 20 to August 3, 2005. John received a number of awards, including being named Trudeau Fellow and most recently being named to the Royal Society of Canada.



Congratulations to **NEIL CAMPBELL** on his tenure appointment.



DON CASSWELL is researching and writing a book tentatively entitled, *Lesbian and Gay Equality in Canada*. His

recent publications include "Same-Sex Partners and Family Class Immigration: Still Not Equal with Opposite-Sex Partners", "Same-Sex

Marriage: Equality for Lesbian and Gay People" and "Anal Intercourse – Sexual Orientation Discrimination". Don retired from the faculty in January 2007. A reception in his honour was hosted in February.



M. CHERYL CRANE

completed her five-year term as Associate Dean at UVic at the end of June 2005, and returned to the faculty to accept the newly created position of Associate Dean of Research and Administration. Besides her many Associate Dean duties, Cheryl also coaches the Laskin Moot team.



Congratulations to **MANEESHA DECKHA** on her reappointment and for having her work "Nonhuman Animals and Shifting Conceptions of

Personhood" selected as the Borden Ladner Gervais Summer Student Research Fellowship Project for UVic Law for 2005. In the spring, she was honoured by being named co-recipient of the 2005 Master Teacher Award by the graduating class. Recently, Maneesha has received the American Humane Society's Distinguished New Course Award for her course entitled *Animals, Culture and the Law*.



Congratulations to **GERRY FERGUSON** on being identified as a "Popular Prof" in *Maclean's Guide to Canadian Universities 2006*.



HAMAR FOSTER

was the UVic team coach in the UBC/UVic Moot competition (see Student News section for a full account) He spoke

in May at the "Treaty Making in Canadian History Conference" at the University of Saskatchewan and at the "Pacific Northwest Indian Treaties in National and International Historical Perspective Conference" at the University of Washington. He was also recently appointed to the Independence and Governance Subcommittee of the Law Society of British Columbia. The publication of the eighth article that Hamar and Prof. Robert Harvie have written on comparative U.S./Canadian criminal law, entitled "Shocks and Balances: United States v. Burns, Fine-Tuning Canadian Extradition Law and the Future of the Death Penalty" has been published. It will appear in the next issue of the *Gonzaga Law Review*. He is in the process of editing the book of essays with Jeremy Webber and Heather Raven that is coming out of the Calder conference held at UVic in November 2003. Its tentative title is *Let Right Be Done: Calder, Aboriginal Title and the Future of Indigenous Rights*.

JUDITH A. FUDGE joined the Faculty as the Lansdowne Chair of Law in January 2007. Professor Fudge taught at Osgoode Hall Law School, where she joined the full-time faculty in 1987. She also held visiting professorships at the University of British Columbia and the University of Saskatchewan, as well as visiting fellowships at Exeter College and the Institute of European and Comparative Law at Oxford University. She teaches and researches in the areas of labour law and policy, critical and feminist approaches to law, and labour law history. She is a co-author of *Self-Employed Workers Organize: Law, Policy, and Unions* (2005) and *Labour Before the Law: The Regulation of Workers' Collective Action in Canada*,

1900 to 1948 (Don Mills: Oxford University Press, 2001) and co-editor of *Precarious Work, Women, and the New Economy: The Challenge to Legal Norms* (2006) and *Privatization, Law and the Challenge to Feminism* (2002).



Congratulations to GLEN GALLINS

on being named Queen's Council and on receiving the 2007 Victoria's Leadership Award.



MARK GILLEN

teaches Securities Regulation, Business Associations, Trusts, and Taxation. Professor Gillen's primary areas of research are

corporate law, securities law and trust law. He has taught securities regulation for several years at Chulalongkorn University in Bangkok, Thailand and has been a visiting professor at the Center for Asian Legal Exchange at Nagoya University, Japan. He is the author of *Securities Regulation in Canada*, (Carswell, 1998); co-author (with Frank H. Buckley and Robert Yalden) of *Corporations: Principles and Policies, 3rd Edition*, (Emond Montgomery, 1995); co-author and editor of *Corporations and Partnerships: Canada*, (Kluwer); co-author of *Waters' Law of Trusts in Canada, 3rd Edition*, (Carswell 2005); and co-author and editor (with Faye Woodman) of *The Law of Trusts: A Contextual Approach*, (Emond Montgomery, 2000). His other research interests include Malaysian constitutional law and the Malaysian legal system.



UVic Law is pleased to announce that **KIM HART-WENSLEY** has been appointed to the position of Associate Dean,

Academic and Student Affairs in July 2005 upon completion of her term as Southern Director of the Akitsiraq Law School Program in Nunavut. When not at her desk, you'll likely find Kim exploring the west coast in her kayak.



Congratulations

to REBECCA

JOHNSON for her book, *Taxing Choices: The Intersection of Class, Gender, Parenthood, and the Law*, being

named by the Canadian Federation for the Humanities and Social Sciences as winner of the 2003-2004 Harold Adams Innis Award! The prize is given for the best aid to scholarly publications program-subsidized English-language book in the social sciences. Rebecca was on study leave when she decided to take the notion of "study" seriously, and returned actively to the life of the student, auditing three UVic courses: Jim Tully's *After Foucault*, Dorothy Smith's *Institutional Ethnography* and Mitch Parry's *History of Film in Art*. To that mix, she added a weekly pottery class and a continuing education French class.



JOHN KILCOYNE

presented to the Employment Law Subsection of the Canadian Bar Association in Vancouver on Salary

Continuation Proposals and Punitive Damages in wrongful dismissal actions and a public talk concerning the Health and Social Services Delivery Improvement Act (Bill 29) and its impact on health sector support workers in B.C.. He continues to serve as an advisor on employment law issues to the Sex Trade Law Reform Project conducted by the Pivot Legal Society. During the past year, he also served as co-director of the Faculty's Legal Education Assistance Project. Funded by the Law Foundation of B.C., the project's recently completed

report assesses the impact of increasing tuition costs and offers a number of consequential recommendations. In the spring, he was honoured by being named recipient of the Master Teacher Award by the graduating class.

FREYA KODAR joined the faculty as an assistant professor. Fraya obtained her LL.B. from UVic in 1995. She was a co-recipient of the McIntyre Medal for academic excellence, community service and student leadership in her graduating year at UVic. She received her LL.M. from York University.



TED L. MCDORMAN

During 2002-2004, Professor McDorman was the "Academic-in-Residence" with the Bureau of Legal Affairs of the Department of Foreign Affairs and International Trade in Ottawa. In the spring of 2007, Professor McDorman was Fulbright Visiting Chair in Canada-U.S. Relations at the Woodrow Wilson International Center for Scholars in Washington, D.C.



Congratulations to **MICHAEL MCGONIGLE** on being identified as a "Popular Prof" in *Maclean's Guide to Canadian Universities* 2006.

MARY MULLENS was appointed Director of our Business Law Clinic (BLC), taking over from Victoria lawyer Jim Hutchison who completed a two-year term as BLC Director.



ANDREW NEWCOMBE teaches and researches in the areas of commercial law, international economic law and international

arbitration. His research currently focuses on investment treaty law and arbitration. More information on Professor Newcombe's courses and research is available at: www.law.uvic.ca/newcombe. Most recently, Andrew coached and attended the Willem C. Vis International Commercial Arbitration Moot in Hong Kong.



Congratulations to **MARTHA O'BRIEN** on her tenure appointment. Martha's research on taxation and deductibility of

damage awards, settlements, fines and penalties was selected as the Fraser Milner Casgrain Student Research Fellowship project for 2005. Sanjeev Parmar, the student recipient, assisted Martha with this research. She wrote an article on corporate tax harmonization and State aid enforcement in the EU, for publication in the *European Law Review*. She also published case comments on taxation of investment income under the Indian Act and mobility rights and taxation in the EU. In the spring of 2004, she participated in a team-taught, interdisciplinary undergraduate course on European integration presented within the UVic European Studies program. She will also be a contributor to the new (13th) edition of *Materials on Canadian Income Tax*.



CHRIS TOLLEFSON

There is a good chance that you might have bumped into Professor Tollefson at the airport this year.

A lot of his travel within Canada has arisen out of his advocacy work on the need for costs law reform to promote access to justice for public interest litigants. Late last fall, he presented the findings of a commissioned study on this topic to the Court Challenges Program AGM in Winnipeg (now published in the

Canadian Journal of Administrative Law and Practice). His travel schedule has also included speaking engagements in Moscow in January and Rio de Janeiro in June. 2006 also marked his return to active counsel work. In April, he appeared on behalf of the UVic Environmental Law Centre and Sierra Legal Defence Fund to make intervenor submissions on public interest cost issues to the Supreme Court of Canada in the Little Sisters #2 litigation. It has also been a good year for grants; with significant new funding commitments from the Law Foundation, the Sustainable Forest Management Network and most notably, the Tula Foundation. On the research front, he is proud, at long last, to be able to report that his book *Setting the Standard: Certification, Governance and the Forest Stewardship Council* is in the publication process. Meanwhile, he continues to work with various B.C. First Nations around coastal resource issues. This fall, his comparative study of shellfish aquaculture and indigenous rights in B.C. and New Zealand is being published in a special issue of the interdisciplinary journal *B.C. Studies*. To coincide with this publication, he is holding a conference at UVic and making submissions, in collaboration with the UVic ELC, to the Special Legislative Committee on Sustainable Aquaculture.



Congratulations to **MARY-ANNE WALDRON** who was named Queen's Counsel. She is also a contributor to the *Casebook and Materials*

on Contracts, published by Emond Montgomery, 3rd edition.

CONGRATULATIONS TO OUR Law Faculty in Print



2006 Book Launch

L to R: John McLaren, Andrew Pirie, Rebecca Johnson, Andrew Buck, Gerry Ferguson, Nancy Wright, Peter Maddaugh, Neil Campbell

John McLaren

Despotic Dominion: Property Rights in British Settler Societies

Co-edited with Andrew Buck and Nancy Wright

University of British Columbia Press, 2004

Andrew Pirie

The Civil Litigation Process: Cases and Materials, 6th Edition

Co-authored with others

Emond Montgomery, 2005

Rebecca Johnson

Taxing Choices: The Intersection of Class, Gender, Parenthood, and the Law

(Winner of the 2003-2004 Harold Adams Innis Award)

University of British Columbia Press, 2003

Gerry Ferguson

Annual Review of Criminal Law, 2003

Co-authored with Steve Coughlan

Carswell, 2006

Canadian Criminal Jury Instructions, 4th Edition

Co-authored with Justice Michael Dambrot and

Justice Elizabeth Bennett

Continuing Legal Education Society of B.C., 2005

Peter Maddaugh

Law of Restitution, 2nd Edition

Co-authored with John McCamus

Canada Law Book, 2004

Neil Campbell

Legal Research Handbook, 5th Edition

Co-authored with Douglass MacEllven,

Michael McGuire and John Davis

LexisNexis, 2003

Mark Gillen & Donovan Waters

Water's Law of Trusts in Canada, 3rd Edition

Co-authored with Lionel Smith

Carswell, 2005



2007 Book Launch

L to R: Gerry Ferguson, Michael M'Gonigle, Donald Galloway, Andrew Harding, Mark Gillen, and Calvin Sandborn

Gerry Ferguson

Annual Review of Criminal Law, 2005

Co-authored with Steve Coughlan

Carswell, 2007

Canadian Criminal Jury Instructions 4th Edition

Co-authored with Justice Michael Dambrot and

Justice Elizabeth Bennett

Continuing Legal Education Society of B.C., 2006

Michael M'Gonigle

Planet U: Sustaining the World, Reinventing the University

Co-authored with Justine Starke

New Society Publishers, 2006

Donald Galloway

Immigration and Refugee Law: Cases, Materials, and Commentary

Co-authored with Emily Carcasco, Sharryn J. Aiken,

Audrey Macklin

Emond Montgomery Publications, 2007

Andrew Harding

Access to Environmental Justice: a Comparative Study (editor)

Martinus Nijhoff Publishers, 2007

Constitutional Landmarks in Malaysia: The First 50 Years (1957-2007)

Co-edited by Andrew Harding and H.P. Lee

LexisNexis, 2007

Calvin Sandborn

Becoming the Kind Father: A Son's Journey

New Society Publishers, 2007

Mark Gillen

Securities Regulation in Canada, 3rd Edition

Carswell, 2007

Business Organizations: Policy, Principles and Practice

Co-authored with others

Emond Montgomery, 2007

The Law of Trusts: A Contextual Approach, 2nd Edition

Co-authored with others

Emond Montgomery, 2007

Judy Fudge

Self-Employed Workers Organize: Law, Policy, and Unions

Co-authored with W. Cynthia Cranford, Eric Tucker

and Leah Vosko

McGill-Queens Press, 2005

Precarious Work, Women, and the New Economy: The Challenge to Legal Norms (editor)

Co-edited with Rosemary Owens

Hart Publishing, 2006

The faculty honoured Bill Neilson at his retirement reception, held at UVic on 9 November, 2004. Bill is seen here amongst the personalized books, and his framed UVic Law News cover, from alumni and friends as tokens of appreciation for his many wonderful years at UVic Law.



A TOAST TO BILL NEILSON



Bob Abroad



Professor Bob Howell spent much of the past year writing the manuscript for his telecommunications law text. But that doesn't mean he was constantly stuck behind a computer.

In September 2004, Bob visited Tibet, where he spent four days in Lhasa and six days travelling over the Tibetan Plateau. Reaching an altitude of 18,000 feet, he spent two days at the Everest Base Camp beneath the massive North Face. Apart from a view-obstructing 90-minute squall, the world's highest mountain rewarded Bob with two days of clear skies. He journeyed in a four-wheel drive land cruiser with a Tibetan driver and Tibetan guide — his own private expedition — and while he found yak meat quite tasty, yak butter tea was decidedly grim. Given the high altitudes, the tour guide gave Bob a large rubber sack of oxygen. The oxygen happily proved unnecessary, which was just as well as Bob was totally unsure of how to work the mechanism to start the flow of air.

Later, Bob joined the *MV Marco Polo* at Ushuaia, Argentina, on the Beagle Channel, for a 10-day cruise across Drake's Passage, down the Antarctic Peninsula and returning — supposedly



— to Ushuaia via Cape Horn. The crossing was relatively calm going but very rough on the return, which caused much excitement and, unfortunately,

the diversion of the ship from the Cape Horn area. Landings in Zodiacs were the order of every day on the peninsula and Bob made the acquaintance of



several thousand penguins. He claims the Antarctic is utterly enticing.

Bob also participated in a multi-discipline initiative in London, Ontario, that gathered faculty and students (Ph.D., LL.M. and LL.B.) interested in intellectual property law. The

“Enlarging the Canadian Intellectual Property Academy Conference” attracted faculty and students from nearly every Canadian law school and from other faculties, including Media Studies and Computer Science. Bob spoke on “Copyright and Culture” and was a commentator on a Patent Development Panel. The student representative invited from UVic was Mr. Ryan Stammers ('05) who led a seminar of predominantly faculty members in discussing recent developments in copyright law in Canada.

In addition to travelling, Bob continues with his directorship of the International Intellectual Property Summer Program, held this year at St Peter's College, University of Oxford.

We expect intrepid traveller Howell to continue with his exciting journeys upon completion of his manuscript, particularly given his proclamations that, like Scott, he “must return to the ice!”



From the Environmental Law Centre

Once again, I am happy to report that all is well at the Environmental Law Centre (ELC). In fact, the last 12 months or so have been some of the most exciting and gratifying since the ELC was founded over a decade ago. In terms of people, program and infrastructure, we have gone through quite a noticeable growth spurt. I think ELC friends and alumni will be pleased and should be proud of how the organization they helped start has evolved and matured.

Unchanged, of course, is our founding vision: to be a key training ground for Canada's future public interest environmental lawyers; and to provide vigorous and professional representation to community, environmental and First Nations organizations to ensure that British Columbians, in the words of our mission statement, "have the legal tools to advocate effectively for the restoration, conservation and protection of our ecosystems."

On both of these fronts — pedagogy and community service — the ELC has earned an enviable national reputation. For example, in its five-year review of UVic Law's program, an external Review Committee stated that "the Environmental Law Centre struck us as exemplifying the very best about the University of Victoria and its ethos," calling the ELC "a tremendous success story." Close to one in three UVic law students now enrol in the ELC while at law school and over 200 ELC grads are now in practice.

A key development that has in many ways allowed the ELC to realize its long-standing goals on these fronts is the support received from the Tula Foundation. Thanks to a generous grant from this small, B.C.-based family foundation, the ELC's core operating budget is fully funded for the next several years. Among other things, this grant has given us a much-needed reprieve from the ongoing grind of finding operating funds. This has allowed us to focus on what we do best: program development and delivery. As such, the Tula funding marks a critical turning point in our organizational history and one for which we are extraordinarily grateful both to the Tula Foundation and its principals, Eric Peterson and Christine Munck.

The Law Foundation of British Columbia also deserves recognition. Its strategic support of several key program initiatives has been indispensable in helping us enhance our outreach capacity. These include: an innovative collaboration between the ELC and Vancouver Island-based First Nations, regarding coastal zone co-management issues; and, more recently, an ambitious plan to expand ELC operations through the establishment of a provincewide cohort of ELC associate practitioners.

Over the past year, we have been extremely fortunate on the recruitment front. New faces include: Holly Pattison (our full-

time ELC Program Administrator extraordinaire); Deborah Curran (our newly hired Program Director, responsible for overseeing our fledgling ELC network and Intensive Stream course initiatives); and our articling student position (admirably filled this year by Jamie Thornback and Melinda Skeels). Calvin Sandborn, our estimable ELC Legal Director, and I continue to marvel at how effectively this new team works together and wonder how we were ever able to manage without them!

Tributes are also due to our very active and able Board of Directors and Student Executive. Few environmental organizations that I know of can claim comparable energy and expertise at the Board and Executive levels.



ELC Clinic student Adam Driedziec and Executive Director Chris Tollefson at the B.C. legislature

On the program front, there have been many highlights as well. These include: winning an important forestry case appeal for the Haida Nation; forcing government to overhaul procedures for dealing with Freedom of Information (FOI) complaints by environmental organizations; spearheading a successful effort to highlight threats to the Agricultural Land Reserve; drafting Canada's first "Climate Change Solutions" statute; making our first appearance in the Supreme Court of Canada as an

intervener; developing and approving a new "Intensive Stream" ELC course (Canada's first); and continuing our grassroots work with major coastal First Nations, designed to build legal capacity to co-manage coastal resources.

The year ahead promises to be just as eventful and productive. Our new Intensive Stream course, together with our Associates program (both of which launched in September 2007) will significantly enhance our ability to serve clients in more remote parts of the province, while creating enriched learning opportunities. We are also working on a variety of exciting new cases and projects that we look forward to profiling in next year's report.

Finally, thank you to all who attended our recent 10th Anniversary Birthday Bash, and especially to the event's organizers and volunteers. It's been a great decade and we look forward to the challenges that the next 10 years will bring.

Chris Tollefson – Professor, UVic Law/Executive Director, ELC

ELC Clinic's Case Roster

Summer 2006 – Summer 2007

LAW REFORM & LEGAL EDUCATION

- **A LAW TO FIGHT GLOBAL WARMING:** Created a model Global Warming Solutions Act; held a symposium to discuss the draft legislation.
- **PROTECT WILDLIFE IN B.C.:** Prepared submissions to government on B.C.'s first review and overhaul of the Wildlife Act.
- **PLASTIC BAG PLETHORA:** Prepared report outlining options to deal with plastic bags.
- **SAFER CITY CYCLING:** Information brochure for cyclists involved in collisions or near-collisions.



ELC Clinic student Lauren Davidson views wetlands at a proposed mine site on the Sunshine Coast

LAND

- **AGRICULTURAL LAND PROTECTION:** Prepared case study investigating the effectiveness of the Agricultural Land Commission.
- **TOXIC WASTE ALERT:** Requested investigation regarding missing toxic waste at a former coal gasification plant.
- **DUE DILIGENCE DEFENCE IN FORESTRY:** Prompted Forest Practices Board to investigate possible misuse of due diligence defence by companies.
- **SEEING URBAN FORESTS AS WELL AS TREES:** Researched federal, provincial and municipal laws and produced a report on managing urban forests.
- **COMMUNITY FARMS PRESERVATION:** Researched how land trusts could help preserve community farmlands.
- **POTENTIAL SOUTH VANCOUVER ISLAND SPRAWL:** Examined a government decision to remove lands from TFL for development.
- **B.C. POWER PROJECT:** Explored ways for communities to challenge proposed transmission line.
- **KEEPING LAND TRUSTS INTACT:** Researched methods to enforce land trust covenants.
- **SAVING A COMMUNITY FOREST:** Assisted community group in protecting a regional forest under consideration for development.

- **SECHELT MINING PROPOSAL:** Investigated challenging permits and instituting a rigorous Environmental Assessment process for proposed mine development.
- **EXAMINING FOREST STEWARDSHIP PLANS:** Prepared a legal memo about the using the Species at Risk Act to challenge an approved Forest Stewardship Plan.
- **MONITORING OLD-GROWTH FOREST PROTECTION:** Prepared a report evaluating current protection levels in the Clayoquot.

FIRST NATIONS

- **VICTORY FOR THE HAIDA NATION AND ELC:** Successfully intervened in a case opposing logging in the Deena watershed on Haida Gwaii.
- **CO-MANAGING PARKS:** Prepared a report on the methods of co-managing parklands in a First Nations territory.
- **PRESERVING FISH-BEARING LAKES:** Assisted a First Nation with trying to save a fish-bearing lake.
- **TANKER TROUBLE:** Researched legal issues related to the status of oil and gas leases and the moratoria on oil and gas development in B.C.
- **COASTAL MANAGEMENT:** Researched Crown governance related to ocean, foreshore and seabed.
- **SHELLFISH AQUACULTURE AND THE NEW RELATIONSHIP:** Gathered representatives from First Nations, industry, conservation and community groups for a workshop on coastal resources management; presented an oral submission to the B.C. legislature's Special Committee on Sustainable Aquaculture.
- **RESPONSIBLE FOREST PRACTICE:** Analysed methods of challenging Forest Stewardship Plans under the new Forest and Range Practices Act.

CONSUMER CONCERNS

- **SOLAR POWER INITIATIVE:** Research and presentation about using municipal Local Improvement Charges to finance renewable energy improvements.
- **COMMUNITY FOOD POLICY INITIATIVE:** Researched and developed policy recommendations regarding food supply, distribution and bioregionalism for federal consultation.
- **TILMA AND CLIMATE CHANGE:** Researched how TILMA may impact decision-making powers relevant to climate change.
- **B.C.'S LONG-TERM ENERGY PLAN:** Assisted on B.C. Utilities Commission hearing regarding B.C.'s long-term energy plan.

For details on these and other ELC cases, visit: www.elc.uvic.ca

Maria's Retirement



Maria Gagliani, a beloved member of the Law Faculty family who had run the cafeteria in the student lounge since 1986, retired in November 2005. Those of us whom she left behind miss her dearly. The best people to pay tribute to Maria are staff, faculty and former students she has befriended over the years.



Maria has been an institution around here, a friend to the students, a friendly face to faculty and staff at lunchtime, and really an important part of our little Fraser Building community. Who is going to listen to my daydreams about travelling in Italy after Maria has left? I will miss her. I know everyone will.

— Hamar



I was sorry (for next year's law students) to hear that Maria was leaving. She was the one constant in my time at UVic -- professors, courses, apartments and money came and went, but Maria was always there. Her listening to my myriad confusions was greatly comforting.

— Deanna Rivers

It was always a real boost to get Maria's cheerful greeting in the cafeteria. Have a wonderful time travelling and looking after those grandkids, Maria!

— Sarah Klinger



I always liked Maria's down-to-earth style. Her humour brightened any walk into the lounge, and she knew how to make each person feel special by remembering names and favourite orders. She helped new students feel they belonged and graduates feel they still had a place in the school. I can't imagine the lounge without her strong, positive presence. Best of luck Maria!

—Melanie Johnson



Maria gave me a sense of "home" while I was at UVic. She always had a warm and understanding smile. A hug from Maria, combined with her gentle words and understanding eyes were often enough to get me going after a gruelling day in class. She was a joy.

— Carol J. Smith

The end of an era, for sure. Maria lit up that lounge — I feel sad for the students who won't have an opportunity to meet her. I wish her all the best in this next stage of her life!

— Robyn E. Campbell

Maria, I wish you all the best for a healthy and happy retirement. From my first day at law school you made my family and I feel very welcome, referring to us all by our first names and always having a treat for my toddler son when he came to visit me on campus. Thank you for making Begbie such a welcoming home away from home.

— Bryan Gray and Family

Maria has been a constant in my law life. I started at UVic as a student, met my wife here and have returned as a faculty member. It has been wonderful to have Maria's cheerful greetings during that time and her constant concern for students. I cannot imagine UVic Law without her.

— Andrew

Maria's gentle warmth, kind smile and genuine concern for the students, staff and faculty have been an example to hundreds that have passed through our halls. Having been both a student and now a faculty member at UVic, I am personally grateful to Maria for her support and caring over the years. I will miss tremendously her daily presence around the school.

— Benjamin Berger

The student lounge will be a very different place when Maria leaves. She is a friend, confidant and mother to all who are lucky enough to have met her. Enjoy your retirement, Maria. You will most definitely be missed. Have a nice day!

— Neela Paige



Nurturing...

That is the word that best evokes what Maria meant to me during my years at law school.



NURTURING. That is the word that best evokes what Maria meant to me during my years at law school. Maria nurtured body, mind and spirit. She truly cared about "her students" and etched a permanent place in my heart. I would like to wish her TANTI TANTI CARI AUGURI and to tell her that TI ASPETTIAMO A BRACCIA APERTE!!

— Filomena Cusano

uvicLaw wishes you the best, Maria!

From the Law Library

The Priestly Law Library continues to keep pace with the Faculty of Law in support of teaching, study and research.

The Law Librarians continued to be actively involved in the delivery of Law 110 Legal Research in Writing, led by Serena Ableson, the Assistant Law Librarian. Neil Campbell, Law Librarian,



once again taught Law 388 Advanced Legal Research and Writing, supervised Appeal, and assisted with instruction for the Graduate Programme.

The library underwent some major 2nd-floor renovations in the summer of 2004. A portion of the 2nd floor was modified to accommodate graduate student offices, a small common room and a new seminar room which can also be used for videoconferencing. Two former typing rooms in the interior of the library were refurbished with new furniture and fixtures: they are now multi-purpose study and work rooms. The creation of these new spaces is part of an ongoing collaborative renovation process with the Faculty of Law to redesign space to support the teaching and study needs of faculty and students in the future.

The Law Information Commons saw an upgrade to the wireless network, making the connections faster and more reliable, as well as new computers and

chairs for the computer classroom. We have 25 new Dell computers in the lab. They have 17" flat panel monitors, 3Ghz processors and 512 MB of RAM. In addition to being faster than the old computers, they are also noticeably quieter. The flat panel monitors are more energy-efficient than the old CRT



monitors, which means that they will not emit as much heat in the summertime, making the lab cooler on hot summer days. The visual environment of the law library has also undergone changes to create a more vibrant and inviting space. The University of Victoria Maltwood Gallery has installed artwork throughout the book stacks, including a display of rare china donated to the university by Diana Priestly. More art will be coming from the Maltwood. In keeping with the artistic theme, we have been offering regular movies screenings for students, using works from our growing collection of legal films on DVD and videocassette. The Priestly collection continues to grow in size and usefulness.

The Law Library has subscribed to a new database, the "Index to Legal Periodicals Full Text." ILP is a bibliographic database that cites articles from legal periodicals and indexes law books. ILP provides full text coverage for selected

periodicals from 1994 to the present. Periodical coverage includes law reviews, bar association journals, university publications, yearbooks, institutes and government publications.

Thanks to donations from Professor Emeritus Donovan Waters, the law library has been developing an internationally significant collection in the area of trusts and estates. We also wish to thank Mr. Ronald MacIssac, a local practitioner, for the donation of texts for use by law students. We recently added records to our library catalogue for over 21,000 eBooks (for US and UK legal treatises published between 1800 and 1920 as part of the Making of Modern Law Collection). We are also continuing to expand the Law Library's media collection with new feature films, case hearings, and documentaries that have legal themes.



Michael Lines joined our staff as a Librarian to help provide more reference and instruction support at the library, as well as provide additional support for the library student services.

The staff of the Priestly Law Library remains dedicated to playing a major role in the continuing reputation of the Faculty of Law at the University of Victoria as a leader in Canadian legal education.



Submitted by
Neil A. Campbell
Law Librarian

Our Career Development Office Has Expanded

The job market for law students has significantly changed since the Career Development Office (CDO) started in 1995. Law students expect career services to go beyond applying for articling positions, including opportunities like summering, internships, clerkships, graduate school, government work and alternative careers information and advice. Students, employers and alumni are looking for more opportunities to connect. As a result, the CDO has organized wine & cheese receptions, UnCommon Law Day, firm visits, cover letter and resumé workshops, interview workshops, and a wide range of information sessions that bring alumni and employers to UVic as guest speakers.

To give a bit of history, the office started with a half-time Career Development Officer in 1995 as a result of a student referendum which increased Law Students' Society fees. In March 1999, there was a second referendum and students voted in favour of adding to their existing fees to fund the Career Development Officer as a full-time position. Many of you have fond memories of Yvonne Lawson, now the law school's Administrative Officer, and

Nancy Pye, now the Assistant University Secretary at UVic, who were both full-time Career Development Officers before Jennifer Moroskat filled the position in 2004. Up until this summer, the Career Development Office has been run by one full-time person.

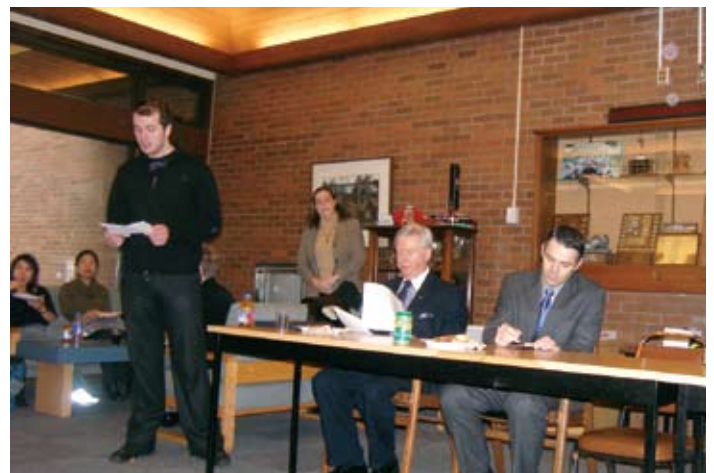
With the expanding scope of the CDO, additional resources were necessary to meet the needs and expectations of UVic Law students. This past March,



students voted in favour of another referendum that asked them to fund a Career Development Assistant. We are happy to announce that Shawna McNabb was hired in May 2007 and is now working in the Career Development Office as the new full-time assistant. Some of you may know Shawna already, since

she was previously the Law Receptionist. She has a bright and professional demeanor and is a long-overdue addition to the busy Career Development Office. Welcome, Shawna!

Life After Law School



Uncommon Law Day



Wine and Cheese Reception



UVIC CAREER DEVELOPMENT OFFICE SERVICES

FOR STUDENTS

Professional Development: cover letter and resumé preparation, interview techniques, networking skills, mentor program, one-on-one career counselling

Career Events: B.C. Wine and Cheese, On-Campus Interviews, UnCommon Law Day, Resumé and Interview Workshops, Vancouver Firms Open House

Information Sessions: Career Planning, Recruitment for Law Jobs, Clerkship Panels, Graduate Studies, B.C. Ministry of the Attorney General's Office, Department of Justice, B.C. Law Society

FOR EMPLOYERS

Advertise research, summer, articling and associate positions. Contact Jennifer or Shawna in the Career Development Office to discuss opportunities to participate in UVic career-related events. We still have high calibre, 3rd year students seeking articling positions for the 2007-2008 term.

FOR ALUMNI

Join the Career Alumni listserve for information on associate positions, alternative careers and other career-related information. E-mail smcnabb@uvic.ca with your full name, preferred e-mail address and year you graduated from UVic Law. Alumni can also get involved by being a mentor to other UVic students.

CONTACT THE CAREER DEVELOPMENT OFFICE

Jennifer Moroskat
Career Development Officer
Faculty of Law, University of Victoria
Phone: 250-492-4719

Shawna McNabb
Career Development Assistant
smcnabb@uvic.ca
Phone: 250.721.8790

UVic Law Students at the UN

By: Jennifer Bond and Laurel Sherret



2005 was an incredible year for University of Victoria law students Jennifer Bond and Laurel Sherret. The two third-year students have recently had an academic paper accepted for publication with an international journal, have attended two important consultations at the United Nations in New York and have been invited to participate in a high-level symposium on Canada's International Foreign Policy Statement. Perhaps most importantly, the duo have had the incredible experience of working on a project that they deeply believe in and of seeing how pursuing meaningful work can yield tremendous results.

Under the guidance of Marilou McPhedran, Co-Director of the International Women's Rights Project (IWRP) at UVic's Centre for Global Studies, Jennifer and Laurel began work this past summer on linking lessons learned from the Women, Peace and Security area with the "Responsibility to Protect" (R2P), a key Canadian foreign policy initiative. The R2P affirms that each state has the primary responsibility to protect its own people, but requires that where the perpetration

of genocide, ethnic cleansing or crimes against humanity are imminent or in process, and the state in question is unwilling or unable to halt or avert it, the responsibility to protect shifts to the international community. Jennifer and Laurel's IWRP project demonstrates that it is essential to rectify the gender blindness that exists in current formulations of the R2P framework if its humanitarian benefits are to be realized.

The IWRP R2P project resulted in three distinct papers, each one emphasizing the need to infuse R2P principles with gender considerations. In August 2005, after receiving a copy of the project's first paper (which focused on Canadian leadership in this area), Ambassador Allan Rock, Canada's Permanent Representative to the United Nations, invited Jennifer, Laurel and Marilou to New York to discuss their work. The meeting, which included both Ambassador Rock and Heidi Hulan, Counsellor of the Political Section at the Permanent Mission of Canada at the UN and formerly Co-ordinator of the "Responsibility to Protect" Secretariat at Foreign Affairs Canada, allowed the UVic team to share their views on ways that the Canadian government could integrate its well-recognized leadership in gender analysis into the R2P initiative.

Much to their delight, Jennifer and Laurel received an invitation in early September to return to New York. This time the invitation was extended for the two to present their analysis at UN Headquarters during part of the October Advocacy Program on

Women, Peace and Security. The event marked the 5th anniversary of Security Council Resolution 1325 (SCR 1325), a resolution dealing directly with the participation and protection of women in the UN's peace and security initiatives. Organized by the NGO Working Group on Women, Peace and Security (NGOWG) and sponsored in part by the governments of Sweden, Norway, the United Kingdom and the United Nations Development Fund for Women, the week-long program involved several strategic events, panels, discussions and workshops hosted in collaboration with a number of UN agencies and offices, Member States, and key international civil society organizations.

The Permanent Mission of Canada hosted the panel discussion on R2P and 1325, with Deputy Permanent Representative Ambassador Gilbert Laurin moderating. Jennifer and Laurel were joined by Nicole Deller of the World Federalist Movement and Ohmar Khin of Women's League Burma. With over 60 people (including 32 ambassadors) in attendance, this invite-only presentation provided an opportunity for the panellists to share their experiences and analyses of





current issues relating to R2P. Drawing on their research and the recent consultation with Ambassador Rock, Jennifer and Laurel presented their analysis of the gender-blindness evident in the ICISS formulation of R2P and explained how the “lessons learned” from SCR 1325 could be incorporated to strengthen the R2P framework.

Marilou, Laurel and Jennifer were also asked to participate in the Advocacy Program as “international observers.” The three were the only Canadian representatives at the event and were joined by observers and activists from countries as diverse as Afghanistan, Colombia, Burundi, Iraq, the United Kingdom and more. The week’s highlights included an Arria Formula meeting of the Security Council, where four civil society representatives presented directly to current council members. This was a closed meeting that was characterized by very frank exchanges between the members, and was followed two days later by a more formal, open Security Council debate.

During the debate, Jennifer and Laurel were thrilled when Ambassador Laurin included in his comments notice of the need to link the R2P principle with the women, peace and security agenda.

After the incredibly inspiring and educational week of the Advocacy Program, Laurel and Jennifer returned to life as law students. Their work on R2P, however, was far from over. In early November, they received notification that their academic paper, entitled *A Sight for Sore Eyes: Bringing Gender Vision to the Responsibility to Protect*, would be published in the print version of the UN International Research and Training Institute for the Advancement of Women’s “New Voices, New Perspectives” series. This paper has already been placed on UN-INSTRAW’s website and the pair are awaiting a final publication date for the print series. Jennifer and Laurel were also invited to join Marilou as panellists during a two-day symposium on “Fragile, Dangerous and Failed States – Implementing Canada’s

International Policy Statement”, which was held in Sidney in late November.

Laurel and Jennifer feel tremendously fortunate to have had the opportunity to work on such an exciting and meaningful project. They are also extremely grateful for the support they have received from Marilou McPhedran, the IWRP, and the entire UVic community. They hope their experience will encourage others interested in making a positive change to take action. Who knows where following your beliefs will take you!



Borden Ladner Gervais Summer Research Fellowship Program at UVic Law



Dean's BBQ



Pro Bono Students Canada

The University of Victoria joined the other 19 law schools across Canada with a student-run Pro Bono program (PBSC), which links law students with public interest organizations to work on legal projects under the supervision of lawyers from the community. The goal of the program is to ensure each new generation of lawyers remains committed to the pro bono philosophy and public interest law so that access to justice continues to remain a priority in the legal profession.

Andrea Luey and Alonzo Abbey founded the UVic Chapter of PBSC and built a solid program valuable to both students and the community. Twenty-five UVic law students participated last semester. PBSC UVic thanks its sponsor the Kinsmen Club, and students, staff and faculty for their support during this very important beginning year. UVic looks forward to building on our PBSC program and making next year's program even better. Please contact probono@uvic.ca for more information.



Appeal



APPEAL

REVIEW OF CURRENT LAW AND LAW REFORM

APPEAL • VOLUME 10 • 2005

The Portrayal of Sharia in Ontario
James Thornback

*CCH Canadian Ltd. v. Law Society of Upper Canada: Case Comment
on a Landmark Copyright Case*
Parveen Esmail

*Deconstructing the Panhandling Norms: Federated Anti-Poverty
Groups of B.C. v. Vancouver (City) and Western Print Media*
Raewyn Brewer

Recent Developments in Marijuana Possession Law
Kathleen McIntosh

The Duress Dilemma: Potential Solutions in the Theory of Right
Zoë Sinel

The Language of War: A Battle of Words at Guantanamo Bay
Jennifer Bond

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Alumni Tour Spring 2006

Calgary

UViLaw Alumni Tour Spring 2006	
 May 15 - Vancouver 6-8pm Lawson Lundell LLP www.lawsonlundell.com	 May 16 - Calgary 5:30-7:30pm Steve Cloutier & Merrin Christie www.cloutierchristie.com
 May 17 - Toronto 8:00-7:00pm Brenda Lachner Gervais www.blgcanada.com	 May 25 - Victoria 5:30-7:30pm Swani Sults Hotel Penthouse www.swanisults.com



Toronto



Vancouver



Victoria



Record of UVic Alumni Who Clerked at the Supreme Court of Canada

YEAR	CLERKED FOR:	UVIC ALUMNI:
1978 – 1979	Mr. Justice W. R. McIntyre	Wendy Rubin
1980 – 1981	Mr. Justice W. R. McIntyre	R. Vick Farley
1981 – 1982	Chief Justice Bora Laskin	Sheridan Scott
1982 – 1983	Mr. Justice W. R. McIntyre	William Murphy-Dyson
1983 – 1984	Mr. Justice W. R. McIntyre	Lauri Ann Fenlon
1984 – 1985	Mr. Justice W. R. McIntyre	Martha O'Brien
1985 – 1986	Mr. Justice W. R. McIntyre	Peter Behie
1986 – 1987	Mr. Justice W. R. McIntyre	Ron Skolrood
1987 – 1988	Mr. Justice W. R. McIntyre	Frank Falzon
1988 – 1989	Mr. Justice W. R. McIntyre and Madame Justice McLachlin	Sandra Foweraker
1988 – 1989	Mr. Justice John Sopinka	Nicola Marotz
1989 – 1990	Madam Justice McLachlin	Lori Price
1990 – 1991	Chief Justice Lamer	Tamara Hunter
1990 – 1991	Mr. Justice W.A. Stevenson	Neena Sharma
1991 – 1992	Mr. Justice La Forest	Donna Jordan
1993 – 1994	Madam Justice McLachlin	Lori Assheton-Smith
1995 – 1996	Mr. Justice Iacobucci	Karen Moore
1997 – 1998	Madam Justice McLachlin	Richard Cameron
1998 – 1999	Madam Justice McLachlin	Rob Deane
1998 – 1999	Mr. Justice Binnie	Paul Guthrie
1999 – 2000	Madam Justice McLachlin	Roy Millen
1999 – 2000	Mr. Justice J. Major	Brock Martland
2000 – 2001	Madam Justice McLachlin	Jay Nelson
2000 – 2001	Mr. Justice Peter Cory	Denise Oliver
2001 – 2002	Chief Justice McLachlin	Jeff Van Hinte
2002 – 2003	Chief Justice McLachlin	Ben Berger
2003 – 2004	Chief Justice McLachlin	Morgana Kellythorne
2003 – 2004	Mr. Justice Iacobucci	Rajwant Mangat
2004 – 2005	Madam Justice Arbour	Michael Medeiros
2005 – 2006	Madam Justice Charon	Madeleine Redfern
2005 – 2006	Mr. Justice LeBel	Jeannette Ettel



Reunion in Ottawa, July 2004. From left to right, back row: Martha O'Brien, Brock Martland, Rob Deane, R. Vick Farley, Denise Oliver, William Murphy-Dyson, Jeff Van Hinte, Peter Behie. Front row: Benjamin Berger, Donna Jordan, Rajwant Mangat, Morgana Kellythorne.

Many Thanks...

to the UVic Law Alumni who have donated to the Law Alumni Association Bursary Fund!

Michael Aasen	Lisa Coburn	Sandra Guarascio	Barbara Mcleod	Christine Scotnicki
Phillip Abraham	Cornelia Coe	Robert Gunnarsson	John Mcnamee	Sheridan Scott
Ena Ackerman	Simon Coley	John Gustafson	Melanie Mcnaught	Karyn Shapira
Alisia Adams	Jennifer Colford	Gordon Haight	Leslie Mcrae	Judith Sharpe
Maureen Affleck	Deborah Connolly	Neil Hain	Roy Millen	Deirdre Sheehan
Jasmin Ahmad	Leroy Cowley	Lisa Hamilton	Bridget Minishka	Kerry Sheppard
Marwan Amr	Shannon Craig	Colin Hanson	David Mitchell	Robert Shorthouse
Alan Andison	Paul Craven	Terry Harris	Shafique Mohammed	Peter Shrimpton
Harry Arnesen	Laurie Crossan	Jennifer Harry	Jean Morgan	Karla Shupe
Andrew Atkins	Margaret Currie	Kim Hart Wensley	Rory Morgan	Nola Silzer
Paul Bailey	Grant Currie	Najeeb Hassan	Gaybrielle Morison	Ron Skolrood
Andrew Baldwin	Lisa Curry	Kathryn Heraty	Lenore Morris	Dale Smith
John Bandstra	Pamela Cyr	Shannon Higginson	David Morrison	Jennifer Spencer
Karen Barnett	Cappone D'angelo	Jim Hoggan	Lisa Nakamura	Cheryl Spratt
Geoffrey Barrow	Nathan Daniels	Deborah Hull	David Nanson	Rob Stack
Gary Befus	Mark Davis	Wendy Jackson	John Neal	Lynn Starchuk
Trudean Begbie	Brian Day	Derek James	Sara Neely	Nancy Stewart
Michael Begg	William De Jong	Laurence D. T. Johnson	Sean Nixon	Julie Stewart
Mary Bendfeld	Ed De Walle	Jeffrey Jones	James O'flynn	Ryan Storey
Garry Benson	Ray Dean	Bruce Jordan	Ibi Olabode	John Stroud
Benjamin Berger	Christopher Devlin	John Kilcoyne	Karen O'reilly	J. Ainslie Tamboline
Caroline Bergeron	Maria Dixon	Selena Kim	Jennifer O'rourke	Linda Tarras
Albertus Berns	Michael Doherty	Brian Klaver	Simon Owen	Gwen Taylor
Amit Bir	Annabelle Donovan	Sarah Klinger	Alison Oxtoby	Mara Tessier
Rebecca Bittel	Kelsey Drozdowski	Brant Kostandoff	Debra Padron	Anthony Thomas
Jim Blazina	Ken Duke	Anton Krawchenko	Allan Parker	Tina Thomas
Anita Bleick	Ron Dumont	Michael Kray	Meredith Parkes	Douglas Thompson
Gregory Blue	Sharleen Dumont	Freya Kristjanson	Peter Pauwels	Jay Thomson
John Boccabella	Jon Duncan	Donald Kumpf	Owen Pawson	John Townley
Rob Boswell	Jennifer Elliott	Sabrina Lapolla	Valorie Pawson	Tiffany P. K. Tsang
Carolyn Bouck	Chris Elsner	Darcy Lawrence	Judith Payne	Allan Tuokko
Kieran A. G. Bridge	Wanda Erikson	Darlene Leavitt	Sarah Pearson	Jason Twa
Colin Brousson	Dave Everett	May Leung	Elizabeth Pedersen-lewis	Mark Underhill
Ann Buckingham	George Faddis	Glenn Leung	John Pennington	Andras Vagvolgyi
Brian Bullen	Irene Faulkner	Jennifer Lochbichler	Andrew Petter	Hilary Van Cuylenborg
Marion Buller Bennett	Julie Fisher	John Loncar	Earl Phillips	John Walker
Jamie Bulnes	Stephen Frame	Phillip Lundrie	Marie Anne Piche	Laura Wanamaker
Paula Butler	Richard Friedrich	George Macauley	Greg Plater	Barbara Webster-evans
John Bzeta	Ron Friesen	Catherine Macdonald	Matt Pollard	Aaron Welch
Robyn Cadogan Campbell	Ernest Froess	Donald Macdonald	Sara Pope	Michael Whitney
Gail Calderwood	Cynthia Fromstein	Kathryn Maclean	Errin Poyner	Rob Whittaker
Samantha Cameron	Craig Fuchs	Ian Macleod	Bruce Preston	Ronald Wigham
Malcolm E. J. Campbell	Edward Furs	Marni Macleod	Monte Prior	Anthony Wilson
Gary Campo	Neill Gaddes	Karl Maier	Darlene Prosser	Mary-jane Wilson
Colleen Cattell	Shannon Gangl	Anne Maloney	Paige Purcell	Lorne Zapotichny
Paul Ceyssens	Kelly Geddes	Leonard Marchand	Katherine Reiffenstein	Louis Zivot
Dana Chamberlain	Laurie Goldbach	Janine Marchi	Robert Richey	Stephen Zolnay
Lisa Chamzuk	Sara Gregory	Enid Marion	Gisela Ruebsaat	Tomasz Zworski
Celia Chandler	Bernice Greig	Kathleen McIntosh	Margaret Sasges	
Merran Christie	M. Laurence Gross	Steven Mckoen	Belinda Schmid	

Alumni Updates

Class of '78

ED DE WALLE, LLB, a B.C. provincial court judge, was transferred to Salmon Arm this year. He was first appointed to the bench in 1991 and was Terrace's only provincial court judge during that time.

Congratulations to **DEV DLEY** who has been named Queen's Council.

ALLAN A. PARKER spent several years with legal aid in Nanaimo and then taught at PLTC in Vancouver. Along the way, he completed his LL.M. at Osgoode Hall. He returned to the Legal Services Society in 1994 and has held a number of positions there since that time. He is currently Program Manager for the LawLINE, which is LSS' new legal advice phone hotline for low-income individuals. He and wife Boni are approaching their 30th anniversary (married in 1976, during law school) and their daughter Cassandra is heading to UVic as an undergrad in the fall of 2005. He can be reached at bparker@telus.net.

Class of '80

ELIZABETH HANAN has sold her business and taken early retirement. She is very involved in dragon boat racing as the captain of an excellent team.



RICHARD (RICK) PHILPS practiced for 14 years in Victoria, primarily in partnership with **BILL JOHNSON**, a

fellow classmate, under the firm name of Philps & Johnson. He retired from practice on December 31, 1994. In 1998, Rick moved to Costa Rica, where he has lived ever since, returning to Canada to visit friends and family

several times over the years. In 2003, he was offered and accepted a position with a Costa Rica law firm, Alliance Law Group, S.R.L., in San Jose and returned to University to complete his Civil Law Degree (all in Spanish). He was called to the Costa Rica Bar on February 27, 2006. In January 2007, he will be a partner in the new law firm of Petersen & Philps, practising in the western San Jose suburb of Escazu (www.plawcr.com). He is married and lives with his Costa Rican wife, Isabel, in the San Jose suburb of Santa Ana.

Class of '81

BARBARA FISHER has been appointed to the B.C. Supreme Court. She joins three other UVic grads, **BILL EHRCKE ('78)**, **GEOFF BARROW ('80)**, and **BRENDA BROWN ('80)** on the Bench.

AARON GORDON passed away on May 27, 2004 after being diagnosed with cancer. Aaron was a founding partner of the firm of Gordon & Velletta and practised law in Victoria until shortly before his death, successfully arguing his final case before the Supreme Court of Canada in December 2003.

Congratulations to **SHERIDAN SCOTT** for receiving a UVic Distinguished Alumni Award at the University's Legacy Awards reception. An endowed scholarship has been created by friends, family and classmates to honour Sheridan's accomplishments and commitment to UVic Law.

Class of '82

SARA NEELY and her husband Ken have recently returned to live in Sara's home town of Victoria. Sara continues in her role as the Director of Gift & Estate Planning at B.C. Children's Hospital Foundation, a position she has held for the past 12 years. Sara will be working

with Foundation staff and volunteers to raise awareness and funds in support of child health in the province.

Class of '83

After spending four and half months in Uganda teaching ADR at a university, **TERRY HARRIS** is back in Vancouver, restricting his practice to mediation.

Class of '84

Congratulations to **PETER BEHIE**, Ramsay, Lampman, Rhodes, Nanaimo who received the CBABC Community Service Award! Mr. Behie receives the Community Service Award in recognition of the impact he has had on his community



of Nanaimo. Leslie Sundby, Vice-President Board of Directors of the Nanaimo and District Hospital Foundation (NDHF) praises "Peter's tireless efforts in working with staff, other volunteer board members and the community to ensure that the NDHF's success is maximized. Peter exemplifies the heart and soul of fundraising and indeed views philanthropy as an ethical responsibility of us all.

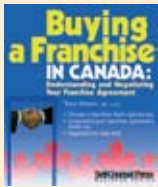
LESLEY J. COWAN (formerly Lesley J. Sheldon-Giles) is a solicitor member of the New South Wales Law Society, and is Commercial Manager for the Support Services Group of Raytheon Australia Pty Ltd. in Canberra, Australian Capital Territory, Australia. This job involves a great deal of travel between Canberra, Sydney, Brisbane, Melbourne, Adelaide and Los Angeles. "When I remember starting Legal Process in 1981, I had no idea that the practice of law could be as exciting and stimulating as it has been for me."

Alumni Updates continued

COLIN ROBINSON and **MARY MOUAT ('87)** are not only still speaking to each other, they continue to practise together at the Quadra Legal Centre in Victoria. **MIKE HOLMES ('87)** joined them in April of 2005 and **KARRIE WOLFE ('04)** is the newest addition to the firm. The Quadra Legal Centre offers mediation and family law services, real estate, wills and estates and general litigation, and can be contacted at 250-380-1566.

Class of '85

TONY WILSON specializes in Franchise and Trademark Law and practises from Boughton in Vancouver. He has written *Buying a Franchise in Canada — Understanding and Negotiating your Franchise Agreement* for Self-Counsel Press.



Whether it's fast food, mufflers or math tutoring, you can't enter a Canadian shopping mall without seeing franchising in action.

But despite its popularity as a method of doing business, franchising is not without risks. As there is little legal material written specifically to help prospective franchisees understand their franchise agreements, Tony Wilson has written this book as a guide to the legal pitfalls that can come with buying a franchise, and how to avoid them. Using his own franchise agreements as examples, he suggests how prospective franchisees might conclude a better deal and discusses the pros and cons of the franchise relationship so that franchisees (and their lawyers) are knowledgeable and better informed before they buy.

Class of '87



DIANNE GAIL ANDIEL (MCDONALD) is enjoying raising her two girls, Abigail and Isabel (5 and 2) and still practising family law part-time in Victoria, B.C.

JIM BREZOVSKI passed away on November 25, 2004 after a courageous battle with cancer. Jim was the Chief Superintendent, Director of the Professional Standards and External Review Directorate of the RCMP.



Since late February, **ROBERT HUDSON** has been working as Manager, Regulatory Affairs, Global Financial Group (GFG).

GFG is seeking recognition to operate e-globe x-change inc. as a securities exchange, which will focus on the listing and trading of real estate securities (www.investment.com). Before joining GFG, Robert worked in Vietnam with a project funded by the World Bank for the State Securities Commission to design a training program in support of securities licensing in Vietnam. While in Southeast Asia, he and his partner have had the opportunity to tour Vietnam and parts of Cambodia, including Angkor Wat (he is on the left in the photo). Before that, from his call to the bar in May 1988 until May 2005, Robert worked at the B.C. Securities Commission — primarily in the areas of policy and legislation, as well as registration (licensing).

MARK LE BLANC — After having spent 7 years at CBC heading up the Legal arm of Business Affairs and then 3 years on my own running a small entertainment practice, I am now back in-house as the head of Business Affairs

at TVOntario. I'm still in Toronto and in a great relationship where I have an 8-year-old daughter and an 11-year-old stepson. We have the quintessential hectic and scheduled modern family, but it's great. Our spare time is spent completing our reno, canoeing, hiking and snowboarding (yes, we have a few bumps in Ontario). As well, I still play some hockey and try to get out fly fishing as often as possible.



Congratulations to **MARY MOUAT** who received the Victoria Bar Association Pam Murray Award. The award

honours a member who has given back to the bar, the community and to young lawyers. Mary has been active in a variety of professional organizations, such as the Canadian Bar Association, B.C. Branch, the Victoria Bar Association and a variety of community boards, including the Victoria Women's Sexual Assault Centre and the South Vancouver Island Family Planning Society. Mary is currently the legal advisor to the Victoria Heritage Foundation and a member of the Family Justice Review Working Group. She has guest lectured at UVic Law and with the CLE. She has acted as a principal and mentor to many students and is very well-deserving of the award.

Class of '88

DENISE LASH has a TV show called *MondoCondo* on CH, TVTropolis and Global and is still practising Condo Law at Miller Thomson LLP in Toronto. See <http://www.torontocondoshow.com>.

PATRICK O'ROURKE, LLB, writes: "On January 5, 2007, I had the honour and privilege to be appointed chief gold commissioner for British Columbia (in addition to my duties as an assistant

Continued on next page...

Alumni Updates continued

deputy minister). The chief gold commissioner is one of the oldest public service positions in B.C., dating back to 1859 when Chartres Brew was appointed the first chief gold commissioner of the Colony of British Columbia."

MARK SIEBEN is Acting Assistant Deputy Minister / Director Regional Operations, Child and Family Development Division, Ministry of Children and Family Development. Mark can be reached at Mark.Sieben@gov.bc.ca.

Class of '89

MARY-ETHEL AUDLEY – "The two-year-old Megan, who accompanied me to any functions in first-year Law, is well on her way to becoming a mechanical engineer, attending Camosun College this year. I am still working for the provincial government, as Implementation Negotiator with Ministry of Aboriginal Relations and Reconciliation, and enjoy working with First Nations. I am also the Alumni representative to the University of Victoria Campus Planning Committee, with many exciting new changes at the university and plans in the works for even more development. If you have any comments on current or new projects, you are welcome to contact me to take your views forward to this committee."

e-mail: MaryEthel.Audley@gov.bc.ca



NAJEEB HASSAN has joined the Vancouver Office of Heenan Blaikie, as a partner practising labour and employment law.

He previously was a vice-chair with the Labour Relations Board of British Columbia. Contact information can be obtained from the website: www.heenanblaikie.com.

DAN WILSON is currently a management consultant specializing in aboriginal issues, human rights and strategic planning. He spent 10 years in the diplomatic service with postings to the U.S.A., Thailand, Kenya, Turkey and Syria, then four years at Citizenship and Immigration Canada managing the department's strategic planning and evaluation functions. Although he's completed articles, he narrowly escaped the call to the bar. He is now living in Ottawa and at Crow Lake with his wife **PEIGI WILSON** (Class of '90).

Class of '90

PEIGI WILSON traveled to Bangkok, Thailand in 1992, where she worked for Baker & MacKenzie, Barristers and Solicitors, helping to start an environmental law practice at the firm, and then Nairobi, Kenya in 1994, where she was Associate Legal Counsel, Environmental Law, United Nations Environment Programme. In 1998 she returned to Ottawa to work for the federal government and the Assembly of First Nations. She is currently in private practice specializing in international and aboriginal environmental law and policy. She lives in Ottawa and at Crow Lake with her husband **DAN WILSON** ('89).

JOAN YOUNG joins the new Victoria office of Heenan Blaikie effective December 1, 2006, after spending the previous seven years at the helm of her own firm. Prior to this, she worked for the Ministry of Attorney General, including serving as Legal Advisor to the Premier. Heenan Blaikie partners **MARLI RUSEN ('93)** and **MURRAY RANKIN, QC** are also in the Victoria office. Joan continues her practice in the areas of public law litigation, employment law and insurance defence work.

Class of '91

MARTIN BARRATT is counsel at the Trade Law Bureau, International Trade Canada for the Department of Justice in Ottawa.

GARRY BENSON has left Kendall Penty and is now a partner with Benson and Co., an eight-lawyer firm in Kelowna, B.C. He practises primarily in the areas of corporate, commercial and real estate law.

ALISON BREWIN is currently the program director at West Coast LEAF. She has two children and owns a toy store in East Vancouver with her partner Vanessa.

JOHN BRETT CARLSON is living and has his own practice in Lethbridge, Alberta. He married Kathy Tauscher in October 2004.

BURT HARRIS passed away on November 2, 2006 after a long and courageous battle with cancer. Burt is survived by his wife **BETH MACDONALD ('91)**.

JAMES JONES is the Vice President of Employee Relations & Corporate Secretary for Fording Canadian Coal Trust and Elk Valley Coal Partnership in Calgary.

ROBERT W. RICHARDSON is counsel and director of global technology transfer with Open Interface, Inc. in Seattle, a high-technology company he helped found in 2001. He also consults to Washington attorneys on international transactions and litigation under Canadian and United Kingdom law. Anyone in the Seattle area is expected to call for a beer. Or a latté. He can be reached at (206) 818-8240 or rwr.esq@comcast.net.

Alumni Updates continued

MARK VIRGIN is principal of Stevens Virgin in Vancouver with six lawyers. The firm's focus is insurance defence litigation.

Class of '92

SUE KENDALL (STAMP) ('92) is now working with Alberta Justice, Special Prosecutions, as an Organized Crime Prosecutor. She can be reached at suzanne.kendall@gov.ab.ca.

JENNIFER MCKEEN is currently working as counsel with the International Assistance Group, while on secondment from the Department of Foreign Affairs.

Class of '93

TRACY FLECK was recently admitted to the Law Society of Alberta in a special ceremony on her home reserve of Saddle Creek. She moved from Bordon Ladner Gervais in Toronto to the reserve in northern Alberta to focus on creating band bylaws dealing with child welfare and drug and alcohol issues. She plans to start a youth advisory group there as well. She was featured in the *National Post*, Saturday March 26, 2005, A7.

Class of '94

DARREN BLOIS has worked as in-house litigation counsel for the Insurance Corporation of British Columbia in Kamloops since 2002. He is now practising with Bilkey & Quinn in Kamloops. "It's great to see what some of my classmates are doing now. I wish everyone well and hope to hear from you."

RUSSEL BROWN is an assistant professor at the Faculty of Law, University of Alberta, and continues to pursue his doctoral (S.J.D.) work through the

University of Toronto. He married Heidi in 1994 and they have two sons, Gavin (born Nov. 2002) and Cameron (born Jan. 2005).

JOANNA HARRINGTON has joined the Faculty of Law at the University of Alberta as an associate professor. Her areas of expertise are constitutional law and public international law, and she writes regularly in these fields. She also assists counsel with the litigation of international human rights complaints, and is currently involved with the litigation of indigenous rights claims before the UN Human Rights Committee in Geneva and the Inter-American Commission on Human Rights in Washington, DC. She also provides assistance to lawyers litigating death penalty and extradition cases.

After living in Ottawa and Toronto for the last 10 years, **GREG ROSE** is now living in B.C. working in the RCMP Vancouver Commercial Crime Section. Yes, Greg became a Mountie after Law School! "I am enjoying the mountains and the ocean again — especially after my time in Ontario."

Class of '95

BRYAN GRAY accepted the position of Mayor's Director of Policy with Winnipeg's Mayor Sam Katz, who was elected in June 2004 and serves as the Manager of City Council's Executive Policy Committee Secretariat. Bryan resigned his position with the Province of Manitoba, where he was the Director of the Climate Change Branch in July 2004 to begin work at City Hall. You can reach Bryan at: BryGray@mts.net.

MELANIE JOHNSON graduated from the University of Hawaii in 2005 with her Masters of Social Work degree and is now a registered social worker

in B.C. After three years on Maui, she, her husband, and their two children have moved to Powell River on the Sunshine Coast to enjoy life near family and friends. She can be reached at melaniejohnson@shaw.ca.

ROBERT MEYER has stopped practising corporate/securities law at Fried Frank and is finding life much more enjoyable on the other side of the fence, as the founder of Stone Town Investors LLC, which manages funds investing primarily in real estate. He does his best to continue undertaking far-flung travels and welcomes any offers to visit beachfront properties in Brazil, Bali or Barbados.



NGHIA D. NGUYEN is currently living in Toronto. He is the vice-president and general counsel at

Breakthrough Films & Television, an award-winning television production company. He is also a Gemini Award-nominated executive producer, for the *Atomic Betty* animated television series, which airs in over 120 countries. On a personal note, Nghia and his wife Jill Hollingsworth are proud to welcome the newest addition to their family, Oscar Robert Nguyen Hollingsworth, who was born July 28, 2006.

BRITT OLDENBURG works at Motorola in software sales. She married **PATRICK THOBURN ('96)** in 1998. They have three kids, Max and Anna and Elliot, and live in Toronto. Britt can be reached at b.oldenburg@motorola.com.



Congratulations to **MARK UNDERHILL** and **LISA CHAMZUK ('00)** on the birth of their son, John Steven Charles Underhill, seen in the photo on his first day at home, at the age of 4 days.

Continued on next page...

Alumni Updates continued

Class of '97

PHILLIP ABRAHAM has returned from working in the Middle East to join as a solicitor the Frontier and International New Ventures group at EnCana Corporation in Calgary. Phillip continues to reside in Calgary with his wife Carla and daughter Juliana.

JESSICA BERGLUND, LLB, and **VOLKER HELMUTH**, LLB '95, were married in 2002 and live in downtown Vancouver with their son Hugo, born in October 2006. Jessica practises law in the occupational health and safety enforcement department of WorkSafeBC and Volker is the director of planning and research with the Vancouver Police Department.

JULIE NICHOLS is now working at Borden Ladner Gervais in Vancouver on a part-time basis (Mon-Wed) so that she can spend lots of time with her little boy Benjamin, who was born on January 12, 2004. She practises Labour and Employment Law.

Class of '98

ROBERT EBERSCHLAG is currently practising securities law with Fasken Martineau DuMoulin LLP in Toronto.



PATRICK EWING and **ALYND A KINGZETT ('91 ECONOMICS/ASIAN STUDIES)** were married on July 1, 2006. They were

married at Heritage Farm, the former farm of Sir Matthew Baillie Begbie, B.C.'s first Chief Justice of the Supreme Court! Alynda works for Coast Capital Savings and Patrick is the senior policy advisor for Intergovernmental Fiscal Relations (B.C. Ministry of Finance).

Alynda plays saxophone in the senior level of the Greater Victoria Concert Band. Patrick is the public relations chair for the Pacific Northwest district of Kiwanis International (www.kiwanis.org) and for the past six years has been serving on the Pacific Northwest Kiwanis Foundation (www.pnwkiwanisfoundation.org). Patrick and Alynda live in Victoria's West Shore with two spoiled dogs, Toby and Sasha.

WILLIAM B. HEMBROFF: "After graduating from UVic, I articulated at Bryan & Company in Edmonton, where I continue to practise. I met my beautiful wife, Nicole, while on vacation in Kelowna in August 1999, and somehow I convinced her to move to Edmonton and marry me in 2001. I became a partner at my firm in January 2004, and Nicole and I just built our dream home in nearby St. Albert." wbhembroff@bryanco.com.

GREGG HORNE is now legal counsel with Rogers, following its purchase of Call-Net Enterprises / Sprint Canada Inc. His practice continues to include commercial contracts, employment law and privacy. Gregg is also pursuing his LLM (Labour Relations and Employment Law) at Osgoode Hall.

LEE D. MAYZES is with Law Emporium in Calgary.
E-mail: lmayzes@lawemporium.com

Congratulations to **COLIN PERRY** and **LAURIE GOLDBACH**, who joined the partnership at Bennett Jones LLP in Calgary.

JASON SQUIRE is a partner with the firm of Hodgson Shields DesBrisay O'Donnell LLP, a litigation boutique in Toronto where he has practised since his call to the bar in 2000. He and his wife Anita welcomed their son, Nikhil, into the world on July 30, 2005.

LAURA WATTS (formerly McKay) married **ROGER WATTS ('98)** and is Program Director and Barrister and Solicitor for the Canadian Centre for Elder Law Studies in Vancouver.

Class of '99



ALANA GAULIN (nee Zambilowicz) is pleased to announce the birth of her second child, Audrey Jael Gaulin, on

August 3, 2004. Audrey weighed 6 lbs, 2 oz. Alana lives in Calgary with her husband **JEFF (MBA '02)**. Their first child, Jonah, was born in Victoria in August 2002.

Class of '00

CLINT LEE is a partner of Nexus Law Group LLP, a Vancouver-based intellectual property law boutique firm. His practice covers all areas of intellectual property, primarily litigation. He has represented clients before the Federal Court of Canada and the British Columbia Supreme Court. Although his practice is primarily related to litigation, Clint also has extensive involvement with both domestic and foreign patent, design and trademark filings and prosecution. Clint is responsible for coordinating many of his client's international patent, design and trademark portfolios and licensing concerns.



SHERRY MACLEOD articulated in Nanaimo, B.C. and practised for one year with the firm, Ramsay Lampman Rhodes.

In January 2002, she joined the Canadian Forces as a legal officer and went off to boot camp. She is now a JAG lawyer and is posted to the Canadian Military Prosecution Service

Alumni Updates continued

where she conducts courts martial. In 2005, Sherry was promoted to the rank of Major, and deployed to Sarajevo, Bosnia and Herzegovina, where she was the NATO representative to the Defense Reform Commission Legal Working Group. They drafted the Law on Defense and Law on Service that brought the Bosnian and Serbian armies together into one military and ended conscription for that country. Earlier this year, she taught International Humanitarian Law to military members from around the world at a Law of Armed Conflict course in Nova Scotia. "The military has been an exciting and varied career so far and I am looking forward to many more years of service."

Class of '01

MARWAN M. AMR is an associate at Fulbright & Jaworski L.L.P. in Washington, D.C.

EVAN LOW has recently left Gowlings and is now practising business law at Osler in Calgary.

Class of '02

HENNING FAUST died suddenly on November 25, 2006 in a ski accident. Henning practised Law at Fasken Martineau and devoted his spare time to outdoor activities. He is deeply missed by his family, friends and colleagues.

LAWREN MURRAY commenced an ICTY internship in January 2006 in The Hague.

KARINA WINTON articulated in Victoria before moving to Yellowknife, NWT. She is currently practising Family Law and Child Protection law with the Legal Services Board (Legal Aid) of the Northwest Territories. She has recently sailed the East Arm of the Great Slave Lake, purchased a new home and become engaged to a Northerner. Karina

is loving living in the North and highly recommends the adventure and opportunities that the NWT can offer. Her e-mail is: karina_winton@gov.nt.ca.

Class of '03

JESSICA LOTT and partner Trevor Thompson are proud to announce the birth of their daughter Nora Ann Lott Thompson, born at home in Vancouver Nov. 23, 2005. After UVic Law School, Jessica worked in the film industry and



pursued a Masters in Human Security and Peacebuilding at Royal Roads. She misses you all and can be reached at mudlark@islandnet.com. "Here's to enjoying life as it comes!"

PAUL MCLENNAN is living and practising law in Toronto. He left



Gowling Lafleur Henderson LLP in December 2005 in order to open Contreras McLennan – Barristers & Solicitors in January 2006 (<http://www.contrerasmcclennan.com>). He completed his LL.M at the University of Toronto in 2006, focusing on copyright law and the protection of culture. He married Beatriz Contreras in August 2006. You can e-mail Paul at: pm@contrerasmcclennan.com

After a year and a half slogging away as a sole practitioner in criminal defence and prison law, **MARK REDGWELL** somehow landed the job of executive director of the West Coast Prison Justice Society, a non-profit organization which runs Prisoners' Legal Services. PLS provides legal advice and services for provincial and federal prisoners in B.C. Hopefully, you won't require Mark's expertise yourself. But

if your corpus needs a habeas, you can reach Mark at markr@wcpjs.org.

Class of '04

MARNELLE DRAGILA was called to the Bar of Ontario in 2006 after articling in Toronto at Epstein Cole LLP. She is now practising family law at Kathleen Chapman & Associates in London, Ontario. Much of her work is for the Children's Aid Society (which she loves!). She can be reached at: mdragila@collaborativelawcentre.com.

Class of '05

JULIE C. D'AVIGNON is an associate in the Calgary office of Gowling Lafleur Henderson LLP and is practising in the areas of tax and estates.

Class of '06

Congratulations to **BARB HARVEY** for being one of only three UVic students to receive the President's Blue and Gold Award. This university-wide award is presented to students who make outstanding volunteer contributions to the university and/or the Greater Victoria community. In the words of the UVic news release announcing Barb's award: "Barbara Harvey, a third-year law student, played a key role in establishing the Faculty of Law's Environmental Law Centre Clinic as a full-scale legal clinic with a supervising lawyer, a paralegal and articling law students. She has also donated many hours of volunteer time in organizing events to educate the public and students about environmental law issues."

LAUREL SHERRET is in New Delhi, India, working with the UN High Commissioner for Refugees as a Legal Officer. She arrived at the end of August and will be there until the end of February 2007.

UVic Law Calendar of Upcoming Events

For the most up-to-date listing of events at the law school, please visit our website calendar at: www.law.uvic.ca/webcal/month.php

NOVEMBER 13, 2007

FALL CONVOCATION FOR UVIC LAW GRADUATES

**NOVEMBER 28 TO
DECEMBER 9, 2007**

LAWYERS WITHOUT RIGHTS EXHIBITION
UVic Student Union Building

FEBRUARY 15-17, 2008

ABA CLIENT COUNSELLING COMPETITION
Northwest Regional Finals

**FEBRUARY 29 TO
MARCH 2, 2008**

**DEMCON, EDG AND IPG "RECOGNITION AND
SELF-DETERMINATION" WORKSHOP**

MAY 4-7, 2008

**CUEXP0 2008: COMMUNITY UNIVERSITY RESEARCH
PARTNERSHIPS: CONNECTING FOR CHANGE**

MAY 9-11, 2008

**HOMECOMING CELEBRATIONS FOR ALL ALUMNI
& CLASS REUNIONS**

30th Reunion For Class Of '78
25th Reunion For Class Of '83
20th Reunion For Class Of '88
15th Reunion For Class Of '93
10th Reunion For Class Of '98
5th Reunion For Class Of '03

Fraser Law Building, University of Victoria

020/10/07

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