

An Evening of Recognition and Thanks

Each fall the Faculty of Law recognizes student excellence and donors who make bursaries, awards and scholarships possible. This year, the law school changed the venue from the auditorium to the University Club where students and their families were able to mingle with donors and Faculty in a wonderful reception environment. The change in format and venue to this traditional event received rave reviews.

For the past five years, UVic's Chancellor, Dr. Norma Mickelson, has graciously hosted the reception and honorary dinner to thank donors for their invaluable contributions. Not only do donors fund the faculty's ability to recognize the dedication, hard work and excellence of its students by way of awards, prizes and scholarships, they also contribute to bursaries that ensure access to legal education is available to all qualified individuals regardless of their economic circumstances or social standing.

In the 2001-2002 academic year, 97 students received scholarships and awards totaling \$146,500 (includes entrance scholarships). In addition, 102 students received a total of \$111,600 in bursary funds.

Thank you to all of our generous donors. ◀

See centre spread for more photos



Tim Livingston and Dean Crawford of Davis and Company (presenter).

ALUMNI GATHER ACROSS THE COUNTRY

In February and March alumni met in Victoria, Vancouver, Calgary, Toronto and Ottawa to catch up with one another and discuss the importance of alumni networking.

Mark Underhill ('95) insists that a firmly established and well-organized UVic Law Alumni Association is long overdue. As a result, he spent many hours calling alumni in cities across Canada, arranged for firm sponsors and organized a series of receptions to bring alumni together again.

UVic Law now has approximately 2,400 alumni working across Canada and in many foreign locations. However different their lives have become, they all still have one thing in common and that is alumni membership to one of Canada's leading law schools. Alumni, AGAIN, ranked UVic Law as the top law school in Canada!

During his speech at the Vancouver Island Alumni Reception, Dean Petter noted that a Law Alumni Association "is an idea whose time has come". The Association will enable alumni to reestablish and develop new connections, strengthen ties between alumni and faculty, improve communications and enhance the sense of community we share. This can be achieved through social events, professional development, mentoring, and venues for ongoing communication such as a dedicated website. As well, alumni associations can provide an organized opportunity to give back.

UVic's future success is directly linked to its past. The current success that the law school enjoys can be traced back to the vision of legal education pioneered by Murray Fraser and the group of founders. As the law school adapts to new challenges and opportunities, it will be essential to retain the original values, such as equal access, that make UVic Law different and special. For this, we need the input and assistance of alumni.

If you are interested in any facet of the Law Alumni Association and want to get involved, please contact Mark Underhill at munderhill@arvayfinlay.com. ◀

See pages 24 and 25 for photos

Many thanks to the firms who sponsored and hosted the Alumni Receptions and to those alumni who assisted in the organization of the first UVic Law Alumni Association cross-country tour:

- Arvay Finlay, Victoria
- Horne Coupar, Victoria
- Lawson Lundell, Vancouver
- Bennett Jones LLP, Calgary
- Borden Ladner Jervais LLP, Toronto

Mark Underhill '95

Ron Skolrood '86

Jason Roth '99

Freya Kristjanson '87

Benjamin Berger '02

University of Victoria
Faculty of Law
Law News

Dean

Andrew Petter

Associate Dean

Cheryl Crane

Managing Editor

Patricia Maedel

Contributing Editors

Sonja Bermingham
Kim Hart-Wensley
Professor John McLaren
Janet Person

Contributing Writer

Brian Hanulik

Design and Production

Indigo Sky Graphic Design

General Information

(250) 721-8150

Alumni and Development

(250) 721-8025

Career Development

(250) 472-4719

Law School Fax

(250) 721-6390

Law School Website

www.law.uvic.ca

The *Law News* is published once a year by the Faculty of Law. Changes of address can be emailed to lawrecep@uvic.ca or sent to the law school at the following address:

Faculty of Law
University of Victoria
PO Box 2400
STN CSC
Victoria, BC V8W 3H7

Publications Mail Agreement
Number 40052762

Dean's Message



The past year has been a productive one for the law school, both in terms of securing existing programs and initiating new ones.

A major focus has been the Law Center student clinical program, which lost its premises and one-third of its funding as a result of legal aid cutbacks announced last spring.

In the wake of these cutbacks, clinic director Glenn Gallins and I have focused our efforts on keeping the program alive and ensuring its future. Thankfully this work is starting to pay off.

In September, the program moved to its old (but reconditioned) premises on Broad Street. In December, we were able to announce a new family law pilot project funded by the Legal Services Society.

This pilot, combined with additional support from the Law Foundation, the Attorney General's Ministry, the Victoria Bar Association and others, means the program is funded until the end of this year. And, with the prospect of renewed core funding from the Law Foundation, the future of the Law Centre, while not yet fully secure, is starting to look much brighter.

In terms of new programs, the arrival of Professor Jeremy Webber, our Canada Research Chair, has given impetus to our plans to introduce a graduate law program. A formal proposal was recently adopted by Faculty Council, and will now be submitted to the University for approval.

The "Law and Society" Masters program would permit qualified students to pursue interdisciplinary studies in law and a number of other disciplines. If all goes well, the program could be ready to admit its first students by the Fall of 2004.

This is one of a number of new initiatives being pursued within the Faculty. Others include technological upgrades to the Library and classrooms, new upper year course offerings and an expansion of our highly successful co-op program.

If you would like to hear more about these developments, or if you have suggestions to pass along, please don't hesitate to contact me. ◀

Andrew Petter

Congratulations...

To UVic law graduates

▶ **Brenda Brown** ('80)

on being appointed to the Supreme Court of British Columbia.

▶ **Benjamin Berger** ('02)

for winning third place in the American Judges Association's 2002 Law Student Essay Competition.

▶ **David Paul** ('86) who was appointed as the Canadian Bar

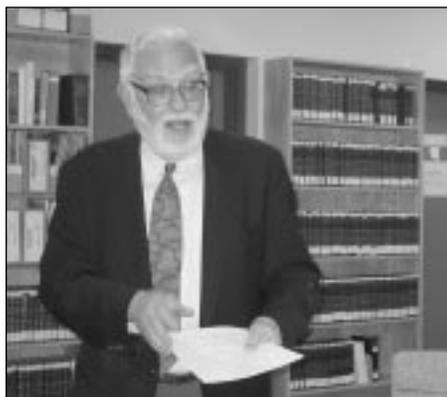
Association (CBA) Branch President for British Columbia for the year 2002-2003. ◀

Speakers and Visitors for the Spring Semester...

- UVic Law welcomed **Professor Denise Reaume** of the University of Toronto, Faculty of Law, and Law Foundation Professor, University of Saskatchewan, who was a Lansdowne Visitor during the week of February 10, 2003.
- On February 27, **Professor Hudson Janisch**, University of Toronto, Faculty of Law, Visiting Professor of Law, University of British Columbia presented a lecture entitled, "The World Turned Upside Down (Again): The Current Telecommunications Crisis."



Professor Denise Reaume.



Professor Hudson Janisch

- **Dr. Khaled Abou El Fadi**, School of Law, UCLA presented a lecture about "Islam and the Challenge of Modernity" on March 1. And, on March 6, **Paul Scambler** of Clay and Company spoke on "Service in the Legal Profession." **Professor and Emeritus Gareth Jones**, Cambridge University lectured on "Capturing Unjust Enrichment: The English and Canadian Experience" on March 12.
- And, **Professor Douglas Hay** of the Department of History, York University and Osgoode Hall Law School, and **Janet Neeson** of the Department of History and Humanities Centre, York University visited during the week of April 14.

Last Fall...

The Law School hosted numerous speakers throughout October and November 2002.

Professor Orit Kamir from the Faculty of Law, Hebrew University of Jerusalem and the School of Law, University of Michigan, presented two fascinating lectures (including movie clips!) for those interested in the linkages between law, culture and the humanities. She addressed: "Memory, Recovery and Justice in Conflicted Societies: A Law and Film Perspective" and "Dignity, Respect and Equality in Sexual Harassment Law: Israel's New Legislation."

UBC's **Professor Cole Harris** from the Department of Geography presented the Hugh Alan Maclean Lecture in Legal History to a sell-out crowd. The topic of his lecture was "Land, Power, the Law and the Dispossession of First Nations in British Columbia." Professor Harris's research interests focus on European settlement in early Canada and the geography of colonialism in early British Columbia. In his lecture he provided a range of important insights into how the imperatives of colonialism pushed Aboriginal people off their land into a marginal existence in British Columbian society.

Also visiting in the fall was **Professor Ruth Buchanan** from UBC's Faculty

of Law. She presented an informative seminar on "Trading Spaces: Governance, Global Civil Society and the WTO."

Professor **Sonia Harris-Short**, a visiting lecturer in law from Durham University, England, presented a seminar on "Protecting the Vulnerable: Aboriginal Self-Determination Under International Law."

Sponsored by the Institute for Dispute Resolution at UVic, **Dr. Vadmik Volkan**, currently the director of the University of Virginia Centre for the Study of Mind and Human Interaction, conducted a discussion on "9/11—One Year Later—Alternative Assessments and Prescriptions." Dr. Volkan focused on the political and psychological dimensions of 9/11.

In November, **Professor Jeremy Webber**, Canada Research Chair in Law and Society of UVic Law, presented a joint faculty-graduate seminar entitled: "The Rule of Law and the Public Justification of Governmental Action."

Visiting from Iqaluit, Nunavut, **Madam Justice Beverley Browne**, Senior Judge of the Nunavut Court of Justice presented two lectures: "Nunavut and the Law: An Experience in Creativity"—the F. Murray Fraser lecture in professional responsibility, and "Challenges of Law in Nunavut", an informal session with students. In her lecture, Judge Browne commented at length on the campaign to make legal choices available to Inuit students at the genesis of the Akitsiraq Law School Program in which the UVic Faculty of Law is a partner. This she set against the phenomenal rise of Nunavut to territorial status and the challenges of crafting a justice system, which is sensitive to Inuit values and expectations. In the informal session, she used her own career path to illustrate the rich, if sometimes-unconventional opportunities open to lawyers. ◀

See page 4 for an interview with Madam Justice Beverley Browne.

PROMINENT SPEAKER PROFILE

Madam Justice Beverley Browne and the Northern Law Program



Justice Browne was interviewed by student Oliver Brandes (3rd year).

On January 11, 1999 The Honourable Anne McLellan, Minister of Justice and Attorney General of Canada appointed **Madam Justice Beverley A. Browne** as Senior Judge of the Nunavut Court of Justice in Iqaluit.

Madam Justice Browne graduated with her LL.B. from the University of Alberta in 1975 and was called to the Bar of Alberta and of the Northwest Territories in 1976. She first practised law with the firms of Wright, Chivers & Company and of Freeland, Royal, McCrum & Browne, in Edmonton. Prior to being appointed to the Northwest Territories Territorial Court in Iqaluit in 1990, she had been a sole practitioner in Vermillion since 1982.

Madam Justice Browne is a member of the Board of Directors for the Akitsiraq Law School Society, one of UVic Law's partners in the Akitsiraq Law School Program. She can be thought of as one of the founding initiators of the Akitsiraq Law School Program, having dedicated innumerable hours to discussions and meetings with other supporters and potential partners in an effort to bring a professional legal program to the North.

What is the most striking difference between the north and the south from a 'practice of law' perspective that you have noticed in your career?

JB: Lawyers who work in the north probably get more varied experience at a higher level than those practicing in the south, and they move into those areas more quickly, particularly in Nunavut where there aren't enough lawyers. I suspect that the kinds of law that are practiced are the same all over the place, but the amount of responsibility that people can be given or can take if they so desire is significantly higher in the north.

What is the most significant challenge you have encountered being the first Chief Justice in the Nunavut Unified Court?

JB: On March 31, 1999, including myself, there were about five staff members working for the court in Nunavut. On April 1st, when the territory was created, we took on all of the responsibility for criminal cases in the entire territory of Nunavut. We also took on all the civil cases, responsibility of Provincial and Superior Court and full section 96 Court responsibilities. Probably the most significant challenge was just training staff and having people able to do their jobs. With the Nunavut government's interest in hiring Inuit, it really was important that as many of our new staff as possible were from Nunavut. So, just keeping pace and being patient and training people on the job was probably the most significant challenge. It has had terrific rewards because we have good staff, which is now for the most part trained. The single level trial court or the unified court is working adequately for its three and a half years in existence.

In your role as one of the primary torchbearers for a northern-based law school, what were your primary motivations?

JB: I moved to Iqaluit in 1990 and started traveling in the Baffin region as the territorial court judge, working with interpreters, court workers and probation officers who were Inuit. I became aware

very quickly that there were individuals who had great intellectual potential to become lawyers. So, I started to discuss it with them and I did everything that I could possibly do to encourage some of the really bright lights that I encountered to go to law school, but none of them expressed much interest in leaving the north. It became clear that Inuit aren't interested in attending university in the south for extended periods of time, like you would for law school. Yet, they should be lawyers, so we figured maybe we should have a school in the north, rather than expect people to move down south. That is what started it rolling.

What impact will this northern graduating class have on Nunavut potentially, and even on Canada?

JB: I'm not sure. Certainly, I think Inuit look at problems from a different perspective than non-Inuit do, and I think as they move into positions, whether it be senior government positions (like our Premier), or other senior positions, Inuit lawyers will have a different way of looking at problems than the people presently in those positions. What it will look like, I don't know, but I think it will be different.

continued on page 5

“Speaker Profile” continued from page 4

Our graduates will probably be the most sought after because of their cultural strength and their law degrees. Again, it is hard for me to say what changes they will make when they get out into the world with the skills and knowledge they have but I know things will change once they are out there.

Do you think that some of the success points may stem from their enhanced, or synthesized cultural perspective upon the law? Do you think that historically some of the law programs may have failed and this has provided that venue?

JB: I find in the meetings that we attend to develop the law program, the students are taking much more responsibility for the way the program looks. The other thing they are doing, very clearly, is ensuring that the program gives them the cultural strength that they need to work from to make the changes that they are learning about through their education. At the last curriculum meeting there was talk about developing an Elder-in-Residence program, not so that elders are teaching courses, but that so the elders are present in all areas of their lives. I think the students are really anxious to learn the law, and also want to ensure that their cultural grounding remains strong.

Do you think this could be a model for an Aboriginal type law school throughout Canada and perhaps in the world?

JB: I think it is an important project, and people are watching it, I believe, all over the world. It is certainly the first time in Canada, and perhaps one of the first times in the world, that a formal professional training course has been taken into an Aboriginal community. If our Inuit students went down to one of the universities in the south, there would be significant parts of the program that wouldn't make any sense to them, because of where they have grown up and the life experiences that they've had. By moving the program to another place, it forces the instructors to make it relevant to the majority of the population that they are teaching. I think that is the process that is taking place as a result of the law program being offered in Iqaluit. I think, with compliments to all of the professors, they have done that. They are teaching the same principles, but the examples they are using are not the same. The life experiences are not the same. Professors

are making it relevant to the experience and the knowledge of the students who live in the north and that has been challenging to all of the professors.

How do you hire the right professors?

JB: UVic has complete control over hiring professors. There are many contracts that create this program and there is a Memorandum of Understanding that sets out the responsibilities of UVic and the responsibilities of the Law School Society. And clearly, throughout the development of the program, UVic is in charge of all of the academic decisions relating to the program, which includes who is admitted to the program, whether students pass or fail, who the professors are and the curriculum decisions. The other thing about the Memorandum of Understanding is the required consultation with the Akitsiraq Law School Society.

How did UVic Law get the opportunity to offer this program in the north?

JB: UVic is a long way away. We couldn't find two places in Canada that are further apart than Iqaluit and Victoria. It was UVic's Jamie Cassels, when he was the Dean (of the Faculty of Law)—who was prepared to take the risks, who was prepared to say, “This sounds like a good idea, we want to work on this.” Nobody else was prepared to put up the hours and effort. It is a terrific risk that they took in doing this, because it could have fallen flat on its face. The administration of UVic deserves thanks for taking the risk and I think it has turned out to be a good experience for the University and a good feather in their cap.

What carried you through some of the difficult times?

JB: I believed, just like everyone else, that Inuit lawyers and Inuit judges will do things differently, and that the Inuit in Nunavut are entitled to that. It was just very important to push that project as much as possible. The greatest success will be when they swear in the first Inuit judge in my position. Although it won't happen immediately, because lawyers must practice for 10 years first, I do think things will be different when that happens. ◀

Akitsiraq Law School Program Instructors

Faculty, University of Victoria

Kim Hart Wensley, Southern Director (Legal Research & Writing and Family Law)
Don Galloway (former Southern Director and Law Workshop pre-Program)
Serena Ableson (Academic Librarian)
John Borrows (Legal Process and Aboriginal Law, Contracts and Remedies)
Gerry Ferguson (Criminal Law)
Hamar Foster (Criminal Law)
Hester Lessard (Law Workshop pre-Program)
John McLaren (Torts and Legal Process)
Heather Raven (Legal Process)

Other Faculty and Instructors

Cathy Bell, University of Alberta, Faculty of Law, (Property Law)
Roshan Danesh (Constitutional Law)
Kelly-Ann Fenney (Tutorial Support)
Kelly Gallagher-Mackay, Northern Director (Sept/01–Dec/02), (LLP and Family Law)
James Igoliorte, Judge of the Provincial Court of Labrador, (Legal Process)
Cathy Nash (Legal Research & Writing and Tutorial Support)
Denise Reaume, University of Toronto, Faculty of Law, (Torts and Remedies)
Shelley Wright, Northern Director (effective Jan/03), (Legal Process and Legal Research & Writing)

Visitors

Mariano Aupilardjuk, Elder, Kivalliq Region, Nunavut
Beverly Browne, Justice of the Nunavut Court of Justice, Nunavut
Jamie Cassels, Vice-President Academic & Provost, University of Victoria
Anne Crawford, Deputy Minister Executive and Intergovernmental Affairs, Nunavut
Rosemary Gallagher, Judge of the British Columbia Provincial Court
Les Green, Osgoode Hall Law School, York University
Akesu Joamie, Elder, Iqaluit, Nunavut
Alice Joamie, Elder, Iqaluit, Nunavut
Earl Johnson, Justice of the Nunavut Court of Justice, Nunavut
Iqaluk Juraluk, Elder, Iqaluit, Nunavut
Pauloosie Kanayuk, Elder, Northern Quebec
Robert Kilpatrick, Justice of the Nunavut Court of Justice, Nunavut
Angaangaq Lyberth, Counselor / Consultant, Ottawa
James MacPherson, Justice of the Ontario Court of Appeal
Michel Monnin, Justice of the Manitoba Court of Appeal
Paul Okalik, Premier of Nunavut, Iqaluit, Nunavut
Elisapee Ootoova, Elder, North Baffin, Nunavut
Dennis Patterson, Nunavut Legal Services Review
Andrew Petter, Dean of the Faculty of Law, University of Victoria
Joseph Raz, Oxford University
Don Revell, Chief Legislative Counsel of Ontario
Inuapik Sakeatok, Elder, Iqaluit
Nora Sanders, Deputy Minister of Justice, Nunavut
Andre Samson, Head of Legislative Translation, Nunavut
Neil Sharkey, Justice of the Peace Coordinator, Iqaluit, Nunavut
Mariam Taparti, Elder, Kivalliq Region, Nunavut
Steven White, Crown Attorney, Iqaluit, Nunavut
Rebecca Uqi Williams, Member of the Legislative Assembly, Nunavut

Aboriginal Cultural Awareness Camp, October 4–7, 2002

The Gifts Continue

The seventh annual Aboriginal Cultural Awareness Camp hosted by the Tsartlip First Nation was held this year at the Saanich Tribal School in Brentwood Bay. The Camp is a four-day event in which law students, legal practitioners and law enforcement personnel come together to learn more about First Nations' culture and history. The overarching purpose of the Camp is to provide participants with increased understanding of Aboriginal culture, with specific reference to its importance in the practice and study of law. The main goal is to create a non-confrontational environment and facilitate the exchange of ideas between representatives from diverse areas of the legal profession and First Nations' Peoples.



Dr. Samuel Sam receives hug from student Berry Hykin.



On Friday morning, more than 30 UVic students, the Faculty's current Judge-in Residence, the Faculty's current Judge-in Residence, and a visiting professor from Durham University Law School, all carpooled out to the Tribal School. The group was greeted by Greg Sam, his father Dr. Samuel Sam, and community members performing a welcoming drum song. For the next four days, participants would eat, sleep and conduct discussions in the School's Cultural Centre, which simulates a traditional Coast Salish Longhouse. Alongside Greg Sam and Dr. Sam was Bill White, the University's Aboriginal Liaison Officer.



Students participating in meal preparation.

The three led the first morning's discussion on contrasting perceptions of Aboriginal justice.

Other topics discussed during the four days were:

- sentencing circles;
- the history of the Coast Salish;
- the centrality of land to First Nations;
- the different conceptions of property and ownership between First Nations groups and non-First Nations groups;
- the role and structure of Coast Salish communities; and

- the Tsartlip community's relationship with surrounding law enforcement agencies.

Despite the seriousness of these topics and the substantive learning that occurred, the group shared many light-hearted times. Every morning began with Greg Sam abruptly waking the group for their morning dips in the ocean. In stark contrast to the frigid ocean was the intense heat of the sweat lodge. Participants spent Sunday afternoon preparing a traditional sweat

continued on page 7

“The Gifts Continue”, continued from page 6

lodge and then participating in this intense purification ceremony. A particularly significant gesture by the Tsartlip community was their invitation for the group to attend a traditional wedding ceremony. The participants were fortunate enough to see a sacred four-mask dance performed in full traditional dress and the wedding ceremony that followed. Both groups were grateful for the other’s presence, and this was reflective of the weekend’s more general building of relationships.



Students enjoying the camaraderie of camping out.

The weekend was truly a stunning success. The main goal was accomplished and the connections made have not ended with the Camp’s final day. Students expressed the view that the weekend heightened their awareness of First Nations’ issues and Canada’s legal system. The journey was not always easy. Participants often relied on a Coast Salish Elder’s teaching to help them along their journey:

*Qwan Qwum Tun Shqwalawun—
Make your mind strong...use
the best of both worlds.* ◀

Claire Hatcher (3rd year)

UVic Welcomes...

Ms Bui Thi Bich Lien who has taken up the Centre for Asia Pacific Initiatives (CAPI) Law Visitorship for January–April 2003. She is our first long term Vietnamese law visitor and will work closely with CAPI Director, Bill Neilson, who has been teaching, researching and directing law programs in Vietnam for the past 10 years.



Lien is a graduate of Hanoi Law University and holds an LL.M. from Warwick University in the UK. Her teaching and practice interests are primarily in the commercial, corporate and trade law areas. She is a faculty member of Hanoi Law University and also a local associate of Baker & McKenzie, an international law firm.

Ms Lien’s research interests include cultural sovereignty parameters, bilateral and multilateral trade negotiations, developing country perspectives on intellectual property rights and the constitutional protection of gender equality.

During her time at UVic, Ms Lien will offer lectures in existing courses on the campus, deliver a CAPI Brown Bag noon hour lecture and present a paper on “Public Participation in Vietnam Lawmaking” at the CAPI Invitational Symposium on Mapping Vietnam’s Legal Culture: Where is Vietnam Going To? ◀

UVic Law a Welcome Sojourn for Judge Dan Ferguson

Judge Dan Ferguson is the Law Faculty’s judge in residence for 2002/2003. Judge Ferguson was appointed to the Ontario Superior Court of Justice (formerly the General Division of the Ontario Court of Justice) in 1992 and his chambers are located in Whitby. Prior to that, he was a partner with the Toronto firm, Borden & Elliot (now called Borden Ladner Gervais). Judge Ferguson and his wife, Ann, arrived in Victoria in late August and will be here until the end of March.

Judge Ferguson applied for the study leave program offered to federally appointed judges by the federal government. The purpose of the program, says Judge Ferguson, is to “improve yourself as a judge and make contributions to the law school.”

As part of his study leave, Judge Ferguson participated in teaching Advocacy in the fall semester and has made appearances in a number of other courses including Legal Process, Legal Research and Writing, Family, Evidence and Advanced Legal Research and Writing in order to give a “real world, practical perspective.” He has also had the opportunity to take a number of courses and is spending the bulk of his time at UVic working on a new book. Judge Ferguson also participated in the

Aboriginal Awareness Camp in October, which he says was a fulfilling and terrific experience “both in terms of learning about aboriginal issues and meeting some of the students”.

Judge Ferguson says that the interaction he has with faculty and students is pivotal to the study leave program. He states that the Faculty has created a friendly and extremely welcoming environment, and that he relishes the opportunity to meet students. Having taught at Osgoode and the University of Toronto, Judge Ferguson says that UVic students are relaxed and relatively non-competitive, and he encourages students to maintain that collegial attitude. “It makes the entire experience more rewarding. Everyone learns and benefits.”

Judge Ferguson says that the Law Faculty lives up to its reputation as being focused on the needs of students. He adds that his sojourn at UVic will have given him time to improve and refresh himself before returning to the bench. “It’s extremely valuable to have the opportunity to do something different and to be able to step back and learn.” ◀



Faculty Profile: Professor Gerry Ferguson Awarded Coveted Title

At the November 12th Convocation ceremony, the title of **University of Victoria Distinguished Professor** was officially conferred on Gerry Ferguson. The award is a new honour created by the University to recognise those professors “whose work is of exceptionally high international caliber and whose teaching and student supervision is outstanding as judged by peers and students.” After receiving a nomination from Dean Andrew Petter, the Adjudication Committee (consisting of the President, the Vice-President Academic and Provost, and the Vice President Research of the University) selected Professor Ferguson as one of the first two recipients of the award.

During his 26 years at the Law Faculty, Professor Ferguson has built a record of truly distinguished achievement in teaching, scholarship and contributions to the University and the community. He has founded or co-founded several innovative programs at the Faculty, including the Legal Process course, the Criminal Law Term, the Academic and Cultural Support Program, and the Law Co-op Program (which remains the only law co-op program at any Canadian University). Three years ago, he successfully led the Faculty initiative to have the law building re-named after Murray and Anne Fraser. After all these years, Professor Ferguson says that teaching is still his first love. “It’s invigorating to go into the classroom and engage with students.” Law students throughout the years have recognized Professor Ferguson as an exceptionally dedicated teacher.

He has authored over 120 books, chapters, articles and reports, and that does not include an even larger number of conference papers, presentations, and speeches. He is the co-author of the *Canadian Criminal Jury Instructions*, now in its 15th edition and the only published set of its kind. The two-volume publication is used widely by judges and lawyers across the country, and Professor Ferguson says that the positive commentary and



Professor Gerry Ferguson enjoying a reception in his honour.

attention it has received make it the “type of research that brings great satisfaction”.

Professor Ferguson has also been extremely active outside the Law Faculty, and his community service is extensive not only within BC and Canada, but also internationally. He has, and continues to be, involved in law reform projects undertaken by the Canadian Bar Association, Department of Justice, Law Commission of Canada, and other legal organizations to help improve the justice system. In addition, Professor Ferguson remains active in the Equity and Diversity Committee of the Law Society of BC, which is, amongst other matters, currently working on recommendations to improve the situation of Aboriginal law students and lawyers in the province. As part of his work with the International Centre for Criminal Law Reform, Professor Ferguson will be part of a three to five year project aimed at reforming China’s criminal justice system.

Regarding the Distinguished Professor Award, Professor Ferguson says that it is “a great honour to have your community recognise the contributions that you have tried to make over a long period of time.

There is a sense of satisfaction in having others recognise your contribution as being deserving and worthy of merit.” Professor Ferguson is quick to credit his fellow colleagues and the staff. “Working with an energetic, congenial and dedicated group of people makes my job as a teacher and scholar much easier.”

Professor Ferguson says that a good teacher must always strive to be well prepared. “Whether in teaching or in practice, the better prepared you are, the better you will be.” He adds that if you are enthusiastic about your subject matter, that excitement and interest will be conveyed to students and it will make the learning process more enjoyable. Professor Ferguson adds that it is extremely important to be open and accessible to students. When asked what piece of advice he would give to graduating students, Professor Ferguson says, “Your reputation within the community is your most valuable commodity, so guard it well. That means act with integrity and honesty in whatever you do. If you do that, you will do well in whatever you choose to do.” ◀

Faculty Publications and Presentations

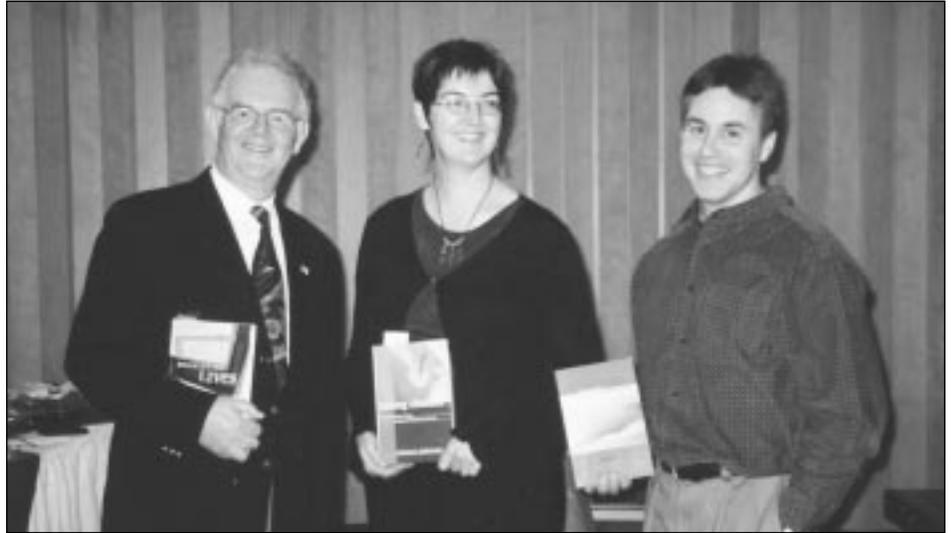
Elizabeth Adjin-Tetty

"Social Host Liability: A Logical Extension of Commercial Host Liability?" (2002), 65(2) Sask. L. Rev., 515

In this article, Professor Adjin-Tetty explores whether social host liability should be recognized in Canada. There appears to be some reluctance to acknowledge social host liability. Although this reluctance may be a reflection of collective welfarism, it is inconsistent with negligence law generally and also a disincentive to accident prevention. There is no reason for social hosts to enjoy immunity from liability where they have failed to do what a reasonable person ought to have done in similar circumstances to prevent a foreseeable risk of injury. Profitability, which has often been used to justify the imposition of liability on commercial hosts and not social hosts, is best considered in determining the appropriate standard of care and not the existence of a duty of care. Professor Adjin-Tetty examines decisions on social host liability, arguing that liability has not been imposed, not because it would be inconsistent with Canadian law, but because of failure to establish some essential requirements for negligence liability in the circumstances. Social host liability is a logical extension of commercial host liability, brings the law in line with negligence law generally, and encourages socially responsible behaviour on the part of social hosts.

"Significance and Consequences of Parental Responsibility Legislation" (2002), 17 Supreme Court L. Rev. (2d)

Parental liability legislation has been adopted in three Canadian provinces: Manitoba, Ontario and British Columbia. The legislation imposes liability on parents for property loss or damage caused by the intentional wrongdoing of their child under the age of 18. Parental fault is presumed and the onus is on parents to disprove fault. This legislation is a departure from the common law, which imposes liability on parents for a child's wrong



Professors John McLaren, Rebecca Johnson and John Borrows.

doing only when the injured party has successfully proved parental fault. The article questions whether the legislation is a true tort law reform and, if so, at what cost. The legislation may simply be a mechanism for property owners to access parents' liability insurance coverage and allow insurance companies to exercise their right of subrogation against parents of young offenders. Professor Adjin-Tetty argues that not only is the promise of compensation illusory, but it also may in fact end up creating other problems such as making insurance coverage unavailable or unaffordable for people of modest means, who incidentally need coverage the most. Parental liability legislation blames parents for youth delinquency. Since delinquent behaviour is more common among children from poorer and lone-parent families, mostly single mothers, the legislation unfairly targets disadvantaged groups and stigmatizes them for being "bad parents". It also undermines the loss distribution function of modern tort law by placing the responsibility of compensation on those who can least afford it and have no avenue to spread the losses. In the end, the legislation privileges the few property owners who can afford to bring legal actions and who, incidentally, can afford to bear or spread the loss in any event.

John Borrows

Recovering Canada: The Resurgence of Indigenous Law (Toronto: University of Toronto Press, 2002).

John Borrows continues with a prolific scholarly agenda that provides expanding insights into the preservation and operation of Aboriginal legal systems, as well as seeking to open the Canadian mind to the constitution of and legal regulations of First Nations.

REFEREED ARTICLES

- "A House of Justice" (2002) 48 *Criminal Law Quarterly* (forthcoming)
- "Fourword/Foreword: Issues, Individuals, Institutions, Ideologies" (2002) 1 *Indigenous Law Journal* 1.
- "Indian Agency: Forming First Nations Law in Canada" (2001) 24 *Political and Legal Anthropology Review* (POLAR) 9.

continued on page 10

"Faculty Publications..." continued from page 9

- "Listening for a Change: The Courts and Oral Tradition", 39 *Osgoode Hall Law Journal* 1(2001).
- "Uncertain Citizens: The Supreme Court and Aboriginal Peoples" (2001) 80 *Canadian Bar Review* 15.
- "Domesticating Doctrines: Aboriginal Peoples After the Royal Commission" (2001) 46 *McGill Law Journal* 615.



Don Casswell

"Same-Sex Couples: Marriage vs. Civil Unions, Registered Domestic Partnerships or Registered Common-Law Relationships," a chapter in the forthcoming book, *Il principio di non discriminazione in base all'orientamento sessuale nell'ordinamento canadese*, edited by Eleonora Ceccherini of the University of Siena (to be published in 2003 by the Associazione Italiana di Studi Canadesi).

In this chapter, Professor Casswell reviews the Canadian court decisions that have considered same-sex marriage claims, outlines the domestic partnership, civil union and registered common-law relationship legislation recently enacted in Nova Scotia, Quebec and Manitoba, and considers whether domestic partnership, civil union or common-law relationship legislation is sufficient to satisfy same-sex partners' equality rights under the Constitution if marriage continued as a legal status available only to opposite-sex partners. Professor Casswell's argument is that it would not. Either marriage must be extended to include same-sex partners, or the state must get out of the marriage business altogether. The preferable option is definitely to extend legal marriage to same-sex partners.

Hamar Foster

"British Columbia: Legal Institutions in the Far West, from Contact to 1871", republished in Pue and Guth, editions *Canada's Legal Inheritances* (University of Manitoba Press 2001).

Professor Foster's review of Bruce Miller's "*The Problem of Justice: Tradition and Law in the Coast Salish World*" will be featured in the next issue of *The Journal of American Legal History*.

"Litigation and the BC Treaty Process: Some Recent Cases in Historical Perspective" is a paper that Professor Foster presented to the BC Treaty Commission's 3rd annual "Speaking Truth to Power" conference. It is available on the Treaty Commission's website: <http://www.bctreaty.net/files/truthtopower.html>.

Professor Foster will be presenting papers in May of 2003 at the BC Studies Conference (on the Douglas Treaties), and in July of 2003 at the 16th British Legal History Conference in Dublin, Ireland, (on work related to his book project).



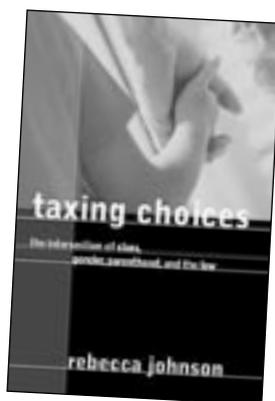
Rebecca Johnson

Book Review of Ellen Anderson, *Judging Bertha Wilson: Law as Large as Life* (2002) *Canadian Bar Review*.

Rebecca Johnson and Edward Veitch, "R v. Kerton: Misguided and Misjudged?" (2002) 18 *Solicitor's Journal* 15-18.

Taxing Choices, The Intersection of Class, Gender, Parenthood, and the Law (Vancouver: University of British Columbia Press, 2002).

Taxing Choices will interest all those who seek to use the law as a tool of social justice but are troubled by the perils posed by competing interests and conflicts involving race, class, gender, and ability.



John McLaren

Regulating Lives (Vancouver: University of British Columbia Press, 2002)

A book of essays co-edited by John

McLaren, along with Bob Menzies and Dorothy Chunn of the School of Criminology, SFU. The book examines the role of the state, society, the individual and the law in the regulation of public and private life. The book contains chapters on intermarriage between Aboriginals and non-Aboriginals, mental disorder, prohibition, incest, children's aid, venereal disease, prostitution and compulsory education for religious dissenters. These examples of social control and the regulation of "problem" practices and populations are examined in the context of both social theory and the political, social and legal culture of British Columbia. Professor McLaren's contribution is on the seizure and incarceration of Sons of Freedom Doukhobor children by the government of British Columbia in the 1950s.

Professor McLaren was Distinguished Visiting Professor of Law during July at the Macquarie University School of Law in Sydney, Australia. While there he gave a major public lecture, the Macquarie Lecture, on the judges and the rule of law in colonial New South Wales and Upper Canada and a paper on colonialism, economics and the rule of law at the Australian/New Zealand Legal History Conference at Katoomba. He also presented a paper at a conference in honour of Justice Allen Linden's contribution to Canadian Tort Law in Montreal in May. That paper has since been published as "The Intentional Torts to the Person Revived? Protecting Autonomy, Dignity and Emotional Welfare in a Pluralistic Society" in Vol. 17, *Supreme Court Law Review*, 2d (2002), a special number dedicated to Justice Linden. Professor



continued on page 11



The McLaren Family (l to r) Duncan, John, Shona and Ann.

McLaren has recently completed editing of a manuscript of essays on Property Rights in the Colonial Imagination and Experience, which has been submitted to UBC Press.

Bill Neilson

"Intellectual Property Rights and Competition Law and Policy: Attempts in Canada and Japan to Achieve a Reconciliation", 1 Washington University Global Studies Law Review, 323–413 (2002), by William A.W. Neilson, Robert G. Howell and Souichirou Kozuka.

Martha O'Brien

"Income Tax, Investment Income, and the Indian Act: Getting Back on Track" (2002) Canadian Tax Journal, Volume 50, no. 5.

Recent case law on the application of the tax exemption in section 87 of the Indian Act to Indian investment income has taken a very different approach to the purpose and scope of the exemption from that expressed in the leading decisions from the Supreme Court of Canada. Most strikingly, the cases on when a deposit account belonging to an Indian is situated on a reserve for purposes of section 87 of the Indian Act reach the opposite conclusion to those considering the issue for purposes of its companion provision, the exemption from seizure in section 89 of the Indian Act, even though the Supreme Court of Canada has said that sections 87 and 89 are to be interpreted and applied the same way. In this article, Professor O'Brien examines the jurisprudence in which the divergent approaches have developed, and

suggests a new approach for deciding when investment income and other intangible property of Indians is situated on a reserve, and thus exempt from taxation.

Andrew Pirie

"Judges as Mentors: What's the Problem with Judicial Dispute Resolution in Canada?" (2003) Canadian Bar Review by The Honourable Hugh F. Landerkin, Q.C. and Andrew J. Pirie

This co-authored paper provides judges, lawyers, judicial policy makers, and other members of the legal community with an opportunity to evaluate the place of Judicial Dispute Resolution or JDR in Canada's justice system. The authors ask whether judges acting as judicial mediators and undertaking other JDR activities fit within our understanding of the modern judicial function. This question is explored from policy, legal and pragmatic perspectives.

The paper is divided into four parts. In Part I, the authors examine the mediation process. The judge as mediator is perhaps the most obvious yet controversial image in the rapidly developing JDR picture. The authors consider the modern meaning of mediation and the tensions arising from the pairing of the judicial and mediation roles. In Part II, the authors provide several historical reflections on judging and procedural justice generally in Western culture and identify reforms that have foreshadowed the move by judges into mediator forms and functions and beyond solely adjudicative tasks. In Part III, the authors link the broader notion of Alternative Dispute Resolution (ADR) to JDR and find many similarities between these two acronyms. When one scrutinizes ADR's modern emergence and growth in the legal profession, one can also envision JDR going through a similar evolution. In Part IV, the authors offer their perspectives on three foundational questions about JDR. First, on fundamental justice policy grounds, should judges be doing JDR? Second, jurisdictionally do judges have the judicial power to engage in JDR? Third, and purely pragmatically, do judges have the knowledge, skills, abilities and other attributes to perform JDR? The authors conclude there are sound reasons for JDR, appro-

priately and judicially devised, to be an integral part of the functioning of the modern judge.

Chris Tollefson

"Games without Frontiers: Investor Claims and Citizen Submissions under the NAFTA Regime" 27, Yale Journal of International Law 141–191 (2002)

"Metalclad v. The United Mexican States Revisited: Judicial Oversight of the Investor-State Claim Process under NAFTA", 11 Minnesota Journal of Global Trade 182–223 (2002).

"Advancing an Agenda? Recent Developments in Public Interest Environmental Law in Canada" (2002), UNB Law Journal 1–20

Mary Anne Waldron

"Section 347 of the Criminal Code: A Deeply Problematic Law".

In this paper, recently prepared for the Uniform Law Conference, Professor Waldron discusses the difficulties that s.347 of the Criminal Code (criminal usury section) presents in commercial lending transactions, particularly in which debt and equity features are mixed.

"Bank of America Canada v. Clarica Trust Company: Common Sense and Common Law"

Professor Waldron also completed this case comment for the Canadian Business Law Journal (forthcoming in the next issue) which reviews the Bank of America case in which the Supreme Court of Canada allowed compound interest to be awarded in both pre- and post-judgment interest calculations (notwithstanding the prohibition of the Ontario Courts of Justice Act on the award of compound interest), based on a new, common law exception to the sections.

"What's to be done with s. 347?"

Professor Waldron presented this paper at the Annual Workshop on Commercial and Consumer Law at the University of Toronto. This paper discusses the possible reform options to deal with the impact of s.347 on both commercial and consumer law (to be published in a future issue of the Canadian Business Law Journal). ◀

The Faculty of Law's second Summer International and Comparative Intellectual Property (IIP) Program will be held at St. Peter's College, Oxford University from July 3 to August 19, 2003.

The IIP Program is offered by the Faculty of Law in partnership with the University of Illinois, College of Law and St. Peter's College, Oxford University, together with the Oxford Intellectual Property Research Centre at the College. The program presents a unique endeavour of three educational institutions from three jurisdictions—Canada, the United States and the UK/European Union to provide a program of international and comparative intellectual property law and policy. The program includes several components:

- Five academic subjects for law students from Canada, the U.S., the UK/EU and elsewhere;
- A Professional Development course for lawyers and IP analysts comprising four of the academic subjects; a series of tutorials; and 30 hours of practice

related symposia in IP law taught by specialist IP practitioners from the sponsoring law firms;

- A Symposia offering a distinct conference style component over 3 to 6 days from Thursday, July 24 to Tuesday, July 29 in two sessions (Thursday to Saturday/Sunday to Tuesday). Registrants may attend either or both sessions. The first session concerns essentially copyright and trademark practice, and the second, patent and trade secret. The Symposia should be a popular option for practitioners seeking comparative (Canada/US/EU) practice related information concerning intellectual property; and
- A Judicial Panel comprising judges experienced in intellectual property issues from Canada, the United Kingdom and the United States. It will take place on Saturday afternoon, July 26 during the Symposia at St. Peter's College.

A principal feature distinguishing this program from others is the relationship of

academic courses, taught principally by full time faculty members appointed by the three institutions, with the practice related Symposia sessions taught by members of the sponsoring firms of Smart & Biggar from Canada, Bird & Bird from the United Kingdom and European Union, and Brinks Hofer Gilson & Lione from the United States. All three firms are international leaders in intellectual property and related areas and provide a full range of services in IP and technology law. Many individuals in the firms have scientific or technical backgrounds.

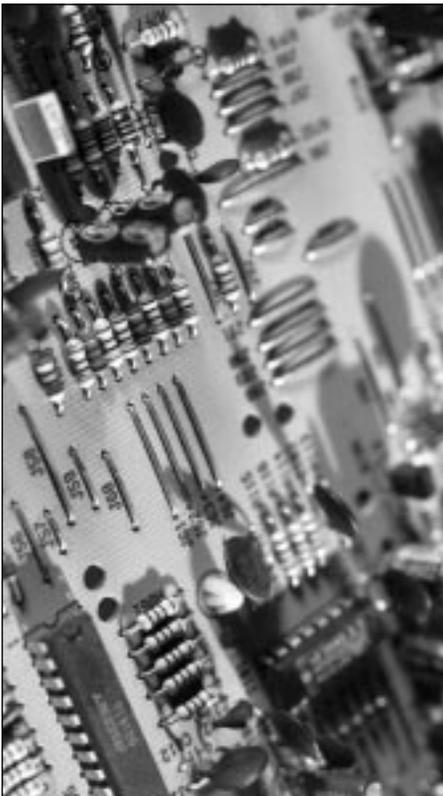
St. Peter's College provides a superb educational environment and setting. It is one of the younger colleges of Oxford University with modern facilities for teaching and research, yet it possesses all the traditions of Oxford. It opened as St. Peter's Hall in 1929 and became a full College of the University in 1961. Some of the buildings date from the mid-19th century in their construction and are linked with institutions on the site to the

continued on page 13



"IIP" continued from page 12

15th century. During the 17th century English Civil War, when Charles I made Oxford his headquarters, part of the site of present day St. Peter's was the Royal Mint. St. Peter's is also ideally situated in the centre of the city, a very short walk from the bus station (with frequent coach connections to London and direct to London's Heathrow and Gatwick airports) and a 10 minute walk to the train station connecting with services throughout the United Kingdom. The College is also close to all libraries, museums, bookstores and shopping areas. The Oxford Intellectual Property Research Centre (OIPRC) was founded in 1998 at St. Peter's College. The Centre's mission is to facilitate and conduct advanced research into all aspects of intellectual property, particularly with respect to the new technologies, and including long-term interdisciplinary research with economics and management. It has developed research links with most of the leading IP research centres in the world.



The University of Illinois is a top ranked U.S. university with a well recognized international reputation in many disciplines and fields of study. The College of Law is a leading US law school with nationally and internationally recognized faculty members in many areas. Quick to respond to the importance of intellectual property law in the 21st century, the College has actively developed a teaching and research priority in intellectual property related fields. The College therefore provides our IIP Program with both expertise and excellence from a U.S. perspective. Launched in 2001 the College's "Journal of Law, Technology, and Policy" is an innovative, interdisciplinary publication devoted to cutting edge issues of intellectual property. The College, in conjunction with Brinks Hofer Gilson and Lione, also brings to our IIP Program an annual IP conference in Chicago in October. It is planned that the Journal will publish the proceedings of each conference.

St. Peter's College provides a superb educational environment and setting.

The IIP program directors are Professor Bob Howell (Victoria) and Reuter's Professor David Vaver (Oxford). Professor Vaver is also the Director of the OIPRC and is a well known leading IP scholar in the Commonwealth. The IIP Program in 2003 at Oxford builds upon a successful inaugural program in summer 2002 in Victoria, BC, which was reported fully in the Faculty of Law's Annual Report for 2002. UVic has previously offered IP summer programs in 1997 and 1999. Professor Howell has directed these programs and has published extensively in IP related topics. He has taught IP at UVic for a number of years, enabling the Faculty of Law to have significant curriculum offerings in IP. The Faculty also enjoys a close relationship with Smart & Biggar and, in particular, Mr. Michael Manson of that firm who is an Adjunct Professor at the Faculty and teaches in the regular sessions as well as in the Summer Program. ◀

Academic Subjects:

- International and Comparative Trademark and Unfair Competition Law
- International and Comparative Copyright and Neighbouring Rights
- Intellectual Property Issues in Internet and Information Technologies
- International and Comparative Patent and Trade Secret Protection
- Art and Cultural Property law and Policy

Symposia Subjects:

SYMPOSIUM I

- Alternative Dispute Resolution and Intellectual Property
- International Transactional Study of Industrial Design/Design Patent and Trade Dress Protection
- Copyright and Trademark Infringement, Anti-Counterfeiting, and Parallel Importation
- Multimedia, Audio-Visual Arts, Cross-Border Ownership, and Exploitation
- The Intellectual Property Process: Filing and Litigation Strategies

SYMPOSIUM II

- Patenting Innovations in Biotechnology and Business Methods: New Frontiers, New Problems
- Trade Secrets and Confidential Information: Employer and Employee Relationships, Non-Competition, and Non-Disclosure Agreements
- Commercializing Intellectual Property Internationally: Licensing Concerns, Practical Problems, and Pitfalls
- Abuse and Misuse of Intellectual Property Rights
- Intellectual Property Audits, Due Diligence, and Corporate Compliance Program

For more information and registration particulars see the following Web sites:
<http://www.uvcs.uvic.ca/ip> or
<http://www.ipint.org>.

An Evening of Recognition and Thanks



Professor Emeritus Donovan Waters and UVic Chancellor Norma Mickelson.



Professor John Kilcoyne receives the First Year Teaching Award from student Jackie Leveille and Dean Andrew Petter.



Karen Finlay speaks on the establishment of the John Finlay Legacy Fund in honour of her late husband.



Paul Brackstone accepts the Law Foundation/David Strong Leadership in Legal Studies Award from Wayne Robertson, Executive Director of the Law Foundation of BC and Don Silversides, Chair, Board of Governors of the Law Foundation of BC.



Keltie Mann receives award from Hugh and Pat McLean.



Donors May and Ron Lou-Poy with Chancellor Norma Mickelson.



Devinder Basran accepts the President's Scholarship Award from President Dave Turpin.



(l to r) The Honourable Bryan Williams, Donovan and Maryla Waters, and Audrey Williams.

Donor Profile: Vicky Husband

This year, one of BC's best-known environmentalists, Vicky Husband, made a major gift to UVic Law's Educational Endowment for Aboriginal Justice. The campaign, now closing the gap on a \$1 million goal, has received contributions from financial institutions, law firms, corporations, foundations and individuals. The endowment will support Canada's first Professorship in Aboriginal Justice and UVic Law's Aboriginal Justice Program.

In an interview with UVic Law, Ms. Husband discusses her reason for selecting the Educational Endowment for Aboriginal Justice and the undividable connection between our environment and the need for Aboriginal justice.

Vicky Husband is the recipient of many prestigious awards in recognition of her conservation achievements. For the last 20 years she has been a leader in the province and nationally in the protection of ancient temperate rainforests, wildlife and marine ecosystems.

Ms. Husband was born in Victoria, BC and educated in Victoria and Vancouver. She received a BA from UBC and worked for many years as a professional artist. Since 1980, she has served as a full-time, volunteer conservationist and campaigner for a number of groups, including Friends of Ecological Reserves, the Sierra Club of BC, the BC Round Table on the Environment and Economy, BC WILD, the Fraser River Advisory Panel, and The Land Conservancy of BC.

Currently she serves as Conservation Chair of the Sierra Club of BC, a director of the Sierra Club of BC Foundation, a director of the Sierra Club of Canada, and a director of The Land Conservancy of BC.

Awards

- 1987 Fred M. Packard Award IUCN 1987
- 1988 United Nations Global 500 Award for outstanding contribution to conservation
- 1989 Environment Canada, Runner-up Lifetime Achievement Award
- 1995 Victoria YM/YWCA—first Recipient of the “Women of Distinction Award for the Environment”
- 1999 Friends of Ecological Reserves established a scholarship for volunteerism in Vicky Husband's name within the Environmental Studies Faculty, University of Victoria
- 2000 Order of BC
- 2000 Honorary Citizen of Victoria
- 2002 Order of Canada ◀



An Interview with Vicky Husband

You are best known as an environmental advocate and activist. What motivated you to support an educational initiative aimed at Aboriginal peoples?

As much as I believe in environmental protection, I also believe in social justice and that includes Aboriginal justice. I think both goals are intertwined.

Is there a relationship, in your view, between goals of environmental sustainability and Aboriginal justice? If so, what is it?

I have worked together with Aboriginal people for many years on environmental initiatives. We share many values and goals, especially with regard to respect for and protection of the natural world that sustains us all. Justice and advanced education for Aboriginal people will enable them to take their rightful place in Canada. I believe that their contribution will help move us in a more respectful direction with regard to the natural world and in our society as a whole.

What do you see as the biggest challenges facing British Columbia in the coming decade?

The greatest immediate challenge is lack of political will on the part of governments to protect the environment, to support just resolution of Aboriginal rights, and to support principles of social justice.

What measures do you think will be necessary to meet these challenges?

The need for an informed and educated public who will demand the above stated goals. On the environmental side, that means enforceable legislation (and the skilled staff to ensure it is enforced) to protect BC and Canada's air, water, lands and forests, fish and wildlife, the marine environment and Canada's protected areas. On the Aboriginal side, it includes reconciliation between Aboriginal and non-Aboriginal people, just resolution of Aboriginal rights and equal opportunity for Aboriginal people to take their rightful place in Canada.

What role, if any, do you think that educational institutions like UVic Law can play in fostering positive social change?

Embracing programs like UVic Law's Aboriginal Justice Program to expand advanced education opportunities for Aboriginal people and communities. Through this program and its students, there will be an opportunity to educate the broader public on how to resolve Aboriginal justice issues and to achieve the reconciliation necessary to move Canada towards a more just society.

You have shown, by example, what an incredible difference an individual can play in raising public awareness and transforming public policy. What advice would you offer to others who would like to follow in your footsteps?

Democracy doesn't work without a responsible, informed and active citizenry to make government, industry and all institutions accountable and responsible to the people of British Columbia and Canada. Be a responsible public citizen, get involved, educate yourself about issues you care about and take an active role in bringing positive change to our society. ◀

Law Students' Society Update

It's been an eventful year and the LSS has been active on a number of fronts. During the winter semester of 2002, the LSS responded on behalf of the student body to government cuts to legal aid. A committee of six LSS members was also formed to respond to issues around tuition increases and differential tuition. Several forums were organized to permit students to ask questions and voice their opinions. The LSS compiled these comments and used them as a basis with which to craft a strong student response on both issues. Lindsay Cader (then VP-Internal) and Ben Berger (then-President) served as persuasive and effective advocates at Faculty Council and we were fortunate to have two such articulate individuals in our corner.

A highlight of the winter term was the annual Publicly Active Law Students (PALS) formal at the Laurel Point Inn. This formal event raised a substantial amount of money for the Victoria Integration Society and was well attended by both students and faculty. Graduating students also had the opportunity to attend the Grad Formal organized by 3rd Year Reps Jen Wilson and Clint Megaffin.

The academic year was brought to a close by elections in March where a new executive was selected by the student body. The new group included:

Sharon Steele	President
Davis Foth	VP Internal
Tim Livingston	VP External
Brian Jacobson	Treasurer
Jeremy Mills	Secretary
Peter Ameerli and Raji Mangat	3 rd Year Reps
Matt Bloch	2 nd Year Rep
Janela Jovellano and Nadia Khan	1 st Year Reps
Kate Campbell and Karrie Wolfe	Co-Op Reps
Jackie Leveille	Sports Rep
Leo Lane	Social Coordinator

The year concluded with a joint meeting between the new and old executives where LSS awards and nominations were decided.

During the summer months, Karrie Wolfe served as the lone representative of the LSS on campus. She took on the role of tour guide and managed to persuade more than a few applicants that UVic is the place to be. The LSS also participated in the Professional Legal Training Course review undertaken by the Law Society. Unfortunately, because of the timing, student input was limited on this matter. A brief response outlining some of our concerns, however, was submitted to the Law Society.

September was a busy month for many members of the executive. Orientation was a tremendous success thanks to the efforts of Jackie Leveille, outgoing 1st Year Rep. Under her supervision, a host of traditional welcoming activities were successfully held during the first few weeks of school. These activities included a beach day, bowling night, bus tour, historic tour of downtown Victoria and the annual Dean's BBQ. Tim Livingston also coordinated welcome BBQs in major cities across Canada and Leo Lane organized a campus wide game of Capture the Flag. **The LSS would like to thank Farris, Vaughan, Wills & Murphy, McMillan Binch, Davies Ward Phillips & Vineberg LLP, Gowling Lafleur Henderson LLP/Gowlings LLP, Arvay Finlay and Borden Ladner Gervais LLP for their generous support of orientation.**

On September 17, Matt Bloch, in cooperation with Nancy Pye, the Career Development Officer, hosted the yearly wine and cheese reception for firm representatives from across British Columbia. The event was held at the Royal BC Museum and provided students with a valuable opportunity to meet a variety of firm representatives. A subsequent event for out of province firms was also organized later in the month and similarly enjoyed significant success. Both of these individuals put in numerous hours to make these events happen and deserve a huge round of applause.



LSS Executive.

Clubs Days, organized by Davis Foth, were also held in late September. Several new clubs were formed this year in addition to many others returning from past years. This year's group of clubs includes: Animal Law Club, Legal Information Clinic, Grad Committee, Publicly Active Law Students (PALS), Law and Religion, Yearbook, Environmental Law Centre, Black Law Students Association (BLSAC), Native Law Students Association, Dean's Women's Advisory Council (DWAC), International Law Club, Human Rights Law Club, In the Alternative, and the Rational Drug Policy Association. All clubs had the opportunity to apply for LSS funding at a later meeting and we anticipate seeing a diverse range of speakers and activities organized by these groups.

Under the supervision of Jackie Leveille, numerous intramural teams have been entered in various leagues. This year includes recreational and competitive ice hockey, ultimate, volleyball, ball hockey and flag football law school teams.

During the remainder of the term, we enjoyed attending the annual Halloween Party, which raised money for Appeal. Both the yearbook, coordinated by Jackie Leveille, and the "Legal Who", published by Tim Livingston, were distributed. Tim organized a mentor reception during November. Thanks to his hard work, and the support of the local Bar, the mentor program should be a significant success this year.

It has been a busy year, and we look forward to many more projects and activities during 2003. ◀

Student Profiles: UVic Law Attracts Top Students

The Law Faculty is very fortunate in its ability to attract some of the brightest minds graduating from Canadian universities each year. These students come from a multitude of universities and a wide variety of undergraduate programs. This year, the Faculty awarded over \$48,000 in entrance scholarships to 22 recipients. The awards ranged from \$500 to \$4,000. It is interesting to note that these recipients are not focused only on their academic pursuits. They are amazing individuals! They have interests and activities as varied as the President of the Philosophers and Free Thinkers Organization to volunteering with the Salvation Army Beacon Bus meal service. Profiled below are two first year students who received entrance scholarships in 2002.



Eva Cherewick, Law Foundation Scholar

Eva is one of this year's Law Foundation Entrance Scholars. She began her academic career

at Lethbridge College in Alberta before migrating to the milder west coast where she graduated from Simon Fraser University with a Bachelor of Arts in Canadian Studies and a minor in Communications with a cumulative grade point average (GPA) above 4.00. In layman's terms, this GPA means she is really smart, an "A" student!

In addition to her stellar academic career, Eva was an avid dragon boat racer for five years with the Richmond Centre Dragoners and spent a weeklong sojourn on Limestone Island, in the Queen Charlotte Archipelago, assisting in a study of Ancient Murrelets. She has a varied work history, ranging from banking administration to a co-op position as a Marine Stewardship Assistant with Haida Gwaii Marine Resources Group Association.

She has also undertaken less-than-glamorous jobs. In her words, "My worst job ever was caring for 300-or-so Zebra Finches at the Animal Care Facility at Simon Fraser University. I thought that I should see what the inside of an experimentation facility looked like. The animals were very well-treated and the staff and scientists were wonderful to work with, but my job basically consisted of cleaning hundreds of bird cages every week!"

In response to a question about why she chose UVic Law, Eva stated: "I wanted a smaller law school known more for its collegial atmosphere than its ability to foster competition between students. I wanted a school that specialized in environmental law specifically, but that was also known for

looking at law within its larger, social context (i.e. impact on human rights, Aboriginal rights, women's rights, race relations, etc.)."

While at law school, Eva hopes to find answers to some of the troubling questions she had been faced with in her undergraduate career, such as: is there such a creature as democracy? "I hope to find a place for myself in the world where it's possible to be on the side of the good folks and still have a chance of winning: of making positive change for the environment and for social conditions and inequities in Canada. On a more personal level, I also hope to achieve reasonable grades while holding on to some semblance of sanity!"

Eva has admirable ambitions for life after law school. "I would like to work with a smallish firm that's out there working for the good folks mentioned [above]. Alternatively, I see myself with an NGO, either environmental or human rights focused, or both. My ultimate dream is to work on promoting environmental concerns as human rights issues; as resources are destroyed, polluted, or used up, there is much more competition for what's left over, and those with the least money and/or power always end up losing." ◀



Patrick Spinks, Recipient of Fasken Martineau DuMoulin Entrance Scholarship

Sometimes we are unable to award the Fasken Martineau DuMoulin Entrance Scholarship because we do not have any qualified entering students. Fortunately, Patrick chose to pursue the LL.B./M.B.A. joint degree program and thus qualified for the scholarship. He was also awarded the

Alexander, Holburn, Beaudin & Lang Entrance Scholarship in Law. Patrick's academic history makes him a very well qualified scholarship recipient. He is another really smart "A" student, with a GPA over 4.00!

Patrick also chose UVic Law because of "the non-competitive, collegial atmosphere the school promotes and its reputation for excellence. The mild climate and laid back west coast atmosphere were also both very influential, as was the availability of the LL.B./MBA program." Patrick is hoping to develop his research skills and analytical abilities to the "highest possible level" while completing his LL.B./M.B.A. After graduating he would like to apply his knowledge in a firm that specializes in international business law.

Patrick claims his interest in international law stems from his love of travel and other cultures, which he cultivated while backpacking and bicycling through 35 countries. His history as an intrepid world traveller led him to develop a multi-media publishing company that produced a glossy, full colour adventure travel publication entitled Traveller's Voice Magazine, and several travel related websites. His experience running this company has provided a focus for his legal studies as well as influenced him to pursue the LL.B./M.B.A. degree.

This marriage of Patrick's outside interests with his academic goals did not begin with his legal studies. While researching his honours thesis for his Criminology degree at Simon Fraser University, Patrick investigated the impact of Bill C-30 on mentally disordered offenders. His research led him to the Forensic Psychiatric Institute's Outpatient Clinic in Vancouver where he went beyond his academic research and became a weekly volunteer, working with the clinic's clients.

Patrick's drive and ambition will serve him well as a law student. ◀

Janet Person, Admissions Officer

Career Development Office Update

The spring and fall months are definitely busy times for the Career Development Office (CDO). Spring months are concentrated on preparing students for the articling recruitment process that takes place throughout the summer months. Fall is the time for recruitment of second year law students for employment in the larger cities' firms.

In the spring of 2002, I hit the road to visit a number of law firms in Vancouver and Toronto. It was a great opportunity to network with firm recruitment professionals and articling committees in both cities, and to learn more about their student recruitment processes. It was also a great chance to connect with many of our UVic graduates that are successfully practicing at many of the firms I visited. Thank you to all of the firms I visited for such warm receptions and for showing me around your offices. In Toronto, I also had the opportunity to meet with members of the Canadian Career Development Network (CLCDN). The CLCDN comprises career services professionals from all of the Canadian law schools. The meetings provided the opportunity to network with my colleagues and also to sit in on some events the Ontario law schools had organized with Toronto law firms and public service employers. The CLCDN held its annual retreat at UVic's Dunsmuir Lodge December 6-7, 2002.

In September, the Career Development Office (CDO) organized a number of sessions to help prepare students for the summer application process with law firms in Vancouver, Calgary and Toronto. For the fourth year in a row, three legal practitioners hosted a successful Resume Workshop. **Thank you to Neil Carfra of Carfra & Lawton, Harley Harris of Owen Bird and Andrew Nathanson of Fasken Martineau for presenting this workshop.** Also in September, the CDO and the BC Branch of the Canadian Bar Association organized an Interview Panel and Mock Interview Session. Members of the bar



(l to r) Manmeet Sabharwal, Ellen Leno, Nancy Pye, Lindsay Cader, Matt Bloch, Jackie Leveille and Raji Mangat.

volunteered their time to participate in a panel discussion on interview skills, and also conduct mock interviews with law students. **Thank you to all the lawyers who participated in this session: Kerri Everitt, McCarthy Tétrault LLP; Michael Fry, Shields Harney; George Faddis, BC Ministry of the Attorney General; Michael Mark, McConnan Bion O'Connor & Peterson; Kerry Simmons, Cook Roberts; Greg Umbach, Blake Cassels & Graydon LLP.**

A very successful Wine and Cheese Reception for British Columbia Law Firms and Legal Employers was held on Tuesday, September 17 at the Royal British Columbia Museum. Forty-one employers from Victoria, Nanaimo, Kamloops and Vancouver attended this event. **Thank you to Matt Bloch, Articling Committee Chair, and all the Articling Committee members for helping to organize this event.** On Saturday, September 28, UVic hosted on-campus interviews for 20 out-of-province law firms (13 Toronto, 7 Calgary). Following the interviews, a small reception for the firms and students was held at the University Club on campus.

Fall 2002 activities organized by the Career Development Office included sessions on clerkships by the BC Judicial

Court Program and Federal Court of Canada, and an information session by representatives of the BC Professional Legal Training Course. Anticipated 2003 winter career events will include sessions on public interest and alternative legal careers, as well as a "Day of Law" career session hosted by the Federal Department of Justice.

For more information about the Career Development Office at UVic Law, or if you wish to post a position with your firm or organization please contact me at (250) 472-4719 or nancypye@uvic.ca. ◀

Nancy Pye, Career Development Officer

UVic Law Student Exchange Program

The Student Exchange Program is a tremendous opportunity for students to study and gain valuable experience at an internationally recognized university for one or two terms, while gaining credit for their home degree. Students return to UVic Law classes with firsthand perspectives on legal topics and issues.

In 1995, UVic Law's first three exchange agreements were signed with the University of Adelaide in Australia, Vrije Univesiteit in Amsterdam and the University of British Columbia.

Including Spring Term 2003, 126 UVic Law students have undertaken exchange terms—99 abroad and 26 in Canada.

Since 1996, UVic Law has hosted 132 international students. When international students come to UVic, they enrich the educational and academic experience of the university community by exposing it to the language, cultural and intellectual traditions of their countries.

To qualify for an exchange position, students must have a GPA of at least 4.5 and be selected by an Exchange Term Committee composed of the Dean, one member of faculty and one student. This committee considers primarily the relationship between the exchange destination and the applicant's proposed course of study, and the applicant's potential as an 'ambassador' for UVic.

Once selected, each student must put together a complement of courses acceptable to the associate dean and make his or her own travel and accommodation arrangements (although some host schools assist with the latter).

EXCHANGE AGREEMENTS

University of Adelaide (Australia)
University of British Columbia
Chulalongkorn University (Thailand)
University of Hong Kong (China)
University of Kyushu (Japan)
University of Laval (Quebec)
University of Limerick (Ireland)
University of Natal (South Africa)
University of Singapore (Taiwan)
Utrecht Universiteit (Amsterdam)
Vrije Universiteit (Amsterdam)
University of Wellington (New Zealand)

STUDENT EXCHANGE EXPERIENCES:



**Janet Lennox—
Utrecht
(Spring 2002)**

When I applied to study in Utrecht for my final term of law school, I wrote

earnestly that I wanted to deepen my knowledge of international law; that I wanted access to the wide array of international courses offered there. It is true that I learned something about international law, but, as it turns out, the best part about studying in Utrecht was not about the learning that I expected to achieve, but that which I did not plan for.

I learned, for instance, that Slobodan Milosevic had a flair for cross examination when I observed his trial at the International Criminal Tribunal for the Former Yugoslavia in The Hague. I watched the landscape of the national elections shift as Dutch voters struggled to come to grips with the assassination of political candidate Pim Fortuyn outside a television studio in a sleepy suburb.

On a more light-hearted note, I learned that Dutch pancakes were really yummy and that gouda cheese is actually pronounced "how-da". I learned, by accidentally flinging myself off my blindingly pink children's bike (the only used bicycle small enough to fit a short Canadian like me), that in addition to hand brakes, most Dutch bikes also come equipped with brakes that engage when you pedal backwards. I learned that Dutch people hold outdoor garage sales once a year in honour of Queen's Day and that outdoor garage sales are much more entertaining when you are dressed in orange and drinking cheap beer.

In sum, the exchange to Utrecht was a very worthwhile experience. It was rewarding to fulfil my wish to study international law abroad. It was equally rewarding to face the unexpected. ◀

continued on page 21



Jenny Pho— Singapore (Spring 2002)

Last year I was given the opportunity to study at the National University of

Singapore (NUS). It was an unforgettable experience! I chose to go to Singapore because I wanted to experience Asian culture through the comforts of a modern city. As soon as I arrived in Singapore, I knew I had made the right choice.

Singapore is a beautiful city with much to offer. It has beautiful gardens, peaceful beaches, and incredible shopping areas. In the midst of all the modern developments, places such as Chinatown and Little India demonstrate that Singapore still manages to maintain a tie to its cultural roots.

Studying at NUS gave me the opportunity to learn the law from an international perspective. The university is committed to a very extensive exchange program and tries to ensure that at least half the students in the law program are sent abroad. In return, NUS offers a curriculum that is geared toward international students. My course work included classes such as International Banking, Commercial Arbitration and Cross-Border Applications, and Conflict of Laws in Family Issues. I was expecting to be one of only a few exchange students, but this was not the case. There were some classes where the exchange students actually outnumbered the Singaporean students. Since the student body was so diverse this made class discussion more enlightening.

Going on this exchange also gave me the chance to visit the neighbouring countries. Over the four months, I was able to visit Malaysia, Thailand, Vietnam and Hong Kong. The experience opened my eyes to different cultures and I would like to be able to spend more time learning about Southeast Asia.

As we move toward globalization it becomes more and more important to have an understanding of different cultures. I believe that exchange programs are excellent opportunities to foster that understanding. I highly recommend that students seize the opportunity to study abroad. ◀



Pamela Van-Norden- Schaefer—Limerick (Spring 2002)

My most precious memories of Limerick are a series of snapshots of my encounters with Irish people. Through these, I gained a profound understanding of true kindness, generosity of spirit and love of fun. From the first day, our Irish landlords welcomed my husband and I into their family, dubbing us their “Canadian Cousins”. I spent afternoons with their five year old daughter as my new “study buddy”, savouring the delights of Comparative Competition Law while she boldly struggled through her Irish lessons. As my husband and I became part of the neighbourhood we were adopted by the gaggle of young boys who played on the green after school. Oftentimes I had an honour guard aged 6 through 10, escorting me out of the housing estate in the mornings, regaling me with jokes. When they found out I liked animals, they regularly brought their dogs and one very unwilling cat for me to pet. I felt like we had a new home.

Throughout our stay, we were the recipients of countless invitations for meals and outings, sometimes from virtual strangers who wanted us to see the sights. We spent evenings in pubs, never without a drink (but not permitted to buy one) debating topics ranging from why the Queen is on Canadian currency to the removal of Roy Keane as captain of the Irish World Cup Football team. One of my

strongest visual images is the bemused expression on the face of an Irish farmer as he patiently waited for me to catch up with his brogue during a conversation. In my defence, I was distracted by the sausage between his fingers, which he waved about like a cigar while emphasizing the merits of particular candidates in the general election.

School was challenging for different reasons, but the students were generous with their advice and help. I learned that at some schools, reserved readings do disappear on occasion from the library. I learned, while sweat poured down my back from running to make it on time, that 9:00 a.m. classes were often deserted at 9:05 a.m. I re-learned how to study for closed book exams, and learned the hard way never to take two exams on the same day. I also learned to rely on myself and to laugh at things over which I had no control.

I hope the lessons stay with me. ◀

Alumni Profile: Lydia Hwitsum



Year Graduated:
1997

Current Home:
Duncan

Current Occupation:
Board Member for the International Centre for

Human Rights and Democratic Development.

Career Progression:

- 1997 to 2001 Chief of the Cowichan tribes
- 2002 elected to the First Nations Summit Political Executive

What led you to your current position?

After graduating from UVic's Law School, I served as elected Chief of the Cowichan tribes from 1997 to 2001, and in June of 2002, I was elected to the First Nations Summit Political Executive. The First Nations Summit provides a forum for First Nations in BC to address issues related to treaty negotiations as well as other issues of common concern. One hundred and forty BC First Nations currently participate at 48 treaty negotiation tables in tripartite negotiations with the provincial and federal governments to reconcile Aboriginal title with crown title.

I also served on various boards and committees for First Nations and other organizations, and I participated in the Hul'qumi'num Treaty Group, representing Cowichan Tribes. Through treaty negotiations, I secured recognition of Cowichan title over cultural lands. I am presently serving a second three-year term as Board Member for the International Centre for Human Rights and Democratic Development, holding the portfolio for Indigenous Peoples.

I have worked in many roles in my community: managed the Cowichan Tribes Cultural Centre, worked in the education department, and coordinated community planning at the Friendship Centre and delivered peer counseling. I conducted legal research, worked at the law centre and worked for a local law firm. I also worked with Cowichan youth in a variety of roles.

How did UVic and the study of law prepare you for what you do now?

I studied under both Satsan and Edward John at the University of Victoria, earning my Certificate in the Administration of Aboriginal Government and Diploma in Public Sector Management. I also studied Native Law at the University of Saskatchewan and Conflict Resolution at the Justice Institute of BC. I value the knowledge and skills that I gained at UVic, combined with my Coast Salish traditional teachings.

What do you enjoy the most about what you do?

Prior to law school, I worked extensively in my community. I speak, understand and remain a student of my traditional language, Hul'qumi'num. I enjoy my work and I am committed to my community and to seeking reconciliation in this province.

What are the greatest challenges?

Tripartite Treaty Negotiations are a significant challenge that I take very seriously. I continue to work at the community level, building governance models and drafting a Cowichan Constitution. ◀

Current Home: Vancouver

Current Occupation: Lawyer, Regional Managing Partner and Labour and Employment Practice Group Leader, McCarthy Tétrault LLP

Career Progression:

- 1981—Associate
- 1985—Partner, Shrum, Liddle & Heberton
- 1989—Partner, McCarthy Tétrault LLP, upon merger

What led you to your current position?

I practised labour and employment law, which involved me in a variety of human resources and labour relations issues. At the same time, I was always interested in the business side of the practice of law. The combination seems to have convinced my partners that I could serve them well in management/leadership positions.

I have to appreciate that I have only one perspective and set of reactions to issues and controversies.

How did UVic and the study of law prepare you for what you do now?

The study of law encourages disciplined and critical thinking, which in turn supports strategic thinking. At UVic, I was surrounded by very smart people from very diverse backgrounds with a variety of perspectives. That helps to prepare for managing/leading in a law firm, which, as many have said, is like herding cats.

What do you enjoy the most about what you do?

At the risk of sounding really corny, the best part of practising labour and employment law is making a contribution to improving human resources and labour relations. It is often a bumpy and confrontational road, but that is what we are trying to do and it makes the work worthwhile. In my current management/leadership roles, I get my kicks watching, and sometimes helping others to succeed in their careers.

What are the greatest challenges?

The biggest challenge is dealing with people in the process of constant change. It

continued on page 23

Alumni Profile: Earl Phillips



Year Graduated:
1980

Hometown:
Grew up in Toronto but moved to Vancouver at age 16

“Alumni Profile” continued from page 22

takes extra effort to listen and empathize and truly understand the perspectives of others. The range of human emotion and reaction is virtually limitless. I have to appreciate that I have only one perspective and set of reactions to issues and controversies.

What advice do you have for current UVic law students?

For those who want to pursue the practice of law, I can assure them it is exciting, challenging and richly rewarding. There are not many vocations where you can be almost certain that each day will bring something new.

The practice of law gives lots of scope to pursue your interests and passions. Do that with diligence and integrity, and seek to serve the best interests of your employer, clients and colleagues, and you will succeed no matter how you measure your success. ◀

Alumni Profile: Sheridan Scott



Year graduated:
1981

Hometown:
Vancouver

Current Home:
Ottawa

Current Occupation:
Chief Regulatory Officer, Bell Canada

Career Progression:

- 1981-82 Law Clerk to Bora Laskin, Chief Justice of Canada.
- 1982-83 Bar admission course, Law Society of Upper Canada.
- 1983-92 Counsel; Senior Counsel, Canadian Radio, Television and Telecommunications Commission.
- 1992-93 Assistant Vice President, Planning and Business Development, CBC.

- 1993-94 Vice President, Regulatory Matters and Corporate Development, CBC.
- 1994-98 Vice President, Multimedia Law and Regulation, Bell Canada.
- 1998-99 Vice President, Office of the President, Bell Canada.
- 1999 Chief Regulatory Officer, Bell Canada.

What led you to your current position?

At UVic, I developed an interest for public law, particularly administrative law, and my year at the Supreme Court only served to reinforce this. While my initial plan had been to return to Vancouver to article at one of the large firms there, my husband and I decided that we were going to stay on in Ottawa. I therefore started to look around for a job that would allow me to pursue my interest in administrative law. I had originally assumed that I would work in a private law firm specializing in public law, but a friend of mine who was working at the Canadian Radio, Television and Telecommunications Commission (CRTC) suggested I speak to the general counsel about work there. I thought he might be able to offer some interesting insights about law firms specializing in administrative law since the CRTC is one of the major regulatory agencies in the country. The general counsel persuaded me that work in the public sector was every bit as interesting as work in the private sector. When a job became available I applied and was accepted. At the CRTC, I developed a deep interest for communications law, particularly the relationships between its many facets, broadcasting, telecommunications, cable, and programme production. My practice covered all of those areas. However, I felt that one could never really understand the implications of the legal framework for communications if one did not become involved in the business. So when an opportunity presented itself, I left the CRTC for the CBC where I spent two fabulous years in a non-legal job learning all about the social and economic issues associated with public broadcasting. While at the CBC, I was approached by Bell Canada, who was looking for a communications lawyer to help them enter the broadcasting industry. The opportunity to return to the legal profession and to further pursue my interest in the relationship between

broadcasting and telecommunications was overwhelming, so I decided to leave the CBC and to join Bell as an in house counsel devoted to getting Bell into the cable business. This included the removal of a legislative provision prohibiting Bell from holding a broadcasting licence and the subsequent obtaining of a licence to operate an experimental broadcast distribution business. I was then fortunate enough to spend just over a year working in our then-president's office, learning about all aspects of the telecommunications business. By the end of that experience, I had been exposed to virtually all aspects of telecommunications. I was subsequently offered my current position of Chief Regulatory Officer at Bell, where I am responsible for the oversight of all regulatory issues including telecommunications law, broadcasting law, copyright law, competition law and self-regulatory issues.

How did UVic and the study of law prepare you for what you do now?

UVic provided a unique combination of the practical and the theoretical. I was also taught how to analyse problems and find solutions, a skill that is absolutely indispensable. Most importantly, UVic stressed teamwork, an essential feature to most activities in the business world.

What do you enjoy the most about what you do?

Each day presents unique and challenging problems that call on knowledge about legal frameworks, public policy concerns, business issues and human relationships.

What are the greatest challenges?

Making important decisions with limited time and resources. Keeping up with all the changes in the communications sector in Canada and around the world.

What advice do you have for current UVic law students?

Pursue something that you are passionate about, never stop being curious, and make good use of all of your class time. You will be surprised when it comes in handy. ◀

ALUMNI GATHER ACROSS THE COUNTRY: VANCOUVER



Mark Underhill ('95).



Dean Andrew Petter, Sara Smyth ('01) and Jas Basra ('01).



(L to R) Christine Kowbel ('01), Pam Jefcoat ('01), Victoria Heasman ('00), Lisa Chamzuk ('00)



ALUMNI GATHER ACROSS THE COUNTRY: VICTORIA



Simon Coley ('99).



(l to r) Reidar Mogerman ('96), Cathie Parker ('94) and Professor Chris Tollefson.



Sharon Walls (former UVic Law instructor in Legal Research and Writing) speaks with Professor Bob Howell.



Bradley Bryan ('98) and Associate Dean Cheryl Crane.



(l to r) Mike Mulligan ('97), Brendan McCombs ('01) and Caroline Bergeron ('02).



Dean Andrew Petter, Professor Emeritus Donovan Waters and Mark Horne ('78).

Alumni Updates

1 9 8 7

H. Peter Swanson

Peter recently joined the firm of Bernard & Partners in Vancouver. He can be reached at swanson@bernardpartners.com.

1 9 9 3

Marni MacLeod

Marni works as a contract lawyer providing legal research, writing and file management services for union-side labour law firms in Vancouver. Marni can be reached at a1a17825@telus.net.

I. David Morrison

David recently joined Munro & Crawford (a general practice firm serving Kerrisdale and the greater Vancouver area since the 1950s). David can be reached at david_morrison@telus.net.

1 9 9 5

Melanie Johnson

Melanie has been living on Maui with her husband, five-year-old daughter, and two-year-old son, since spring of 2002. She works part time at Child and Family Service with youth in crisis, full time as a mom, and is completing her Masters in Social Work at the University of Hawaii. Melanie can be reached at Melaniejohnson@hawaii.rr.com.

2 0 0 1

Mark A. Hopkinson

Mark is currently an associate practicing intellectual property law at Oyen Wiggs Green & Mutala in Vancouver. Prior to joining OWGM, Mark completed a judicial law clerkship at the Federal Court in Ottawa. Mark was called to the Bars of Ontario and British Columbia in 2002. He can be reached at mhipkinson@patentable.com.

Jude Samson

After clerking at the Federal Court of Canada in Ottawa for a year, Jude recently returned to Vancouver to article at Lawson Lundell. He can be reached at jude@alumni.uvic.ca. ◀

In Memoriam

The UVic Law Faculty is sad to report that alumni Brad Addison died of cancer at his home on September 2, 2002.

Brad met his future wife, Lauri Ann Fenlon, at law school. They graduated together in 1983 and were later married and had three children, Kate, Sean and Marc.

Brad practiced corporate-commercial law with Braidwood & Company, Guild, Yule and Company and DuMoulin & Boskovich before setting up his own practice.

As Geordie Proulx has observed in a longer tribute to Brad published in *The Advocate*: “Brad was more than a fine and caring lawyer. He was a person who was fully engaged in his community life, his family and his work.... Brad managed to strike a marvelous balance between his professional, spiritual, family and community lives. Brad’s passing deeply affected those amongst his wide circle of friends. He will be missed.”

The Faculty extends its sincerest condolences to Lauri Ann, their children, and all of Brad’s friends.

Keeping In Touch with Our Alumni

Please advise us of any address changes so we can continue to send you the *Law News*, and keep you informed about the Faculty of Law, its alumni, friends and supporters.

I consent to the Faculty of Law publishing my contact information on the Faculty of Law website and other Faculty publications.

Name: _____ Graduating Year: _____

Home Address: _____

Home Phone: () _____ Fax: () _____ E-mail: _____

Business Address (or attach business card): _____

Business Phone: () _____ Fax: () _____ E-mail: _____

News or Comments (career, personal, marriages, births, etc.): _____

Would you be willing to discuss your current (and past) positions with law students? Yes No

We encourage you to include a photo of either yourself or family to be included in the alumni update section of the next Faculty publication.

Return to: **UVic Faculty of Law, PO Box 2400 STN CSC
Victoria, British Columbia V8W 3H7**

Donation Form

Name: _____ Firm/Company: _____

Home Address: _____

Home Phone: () _____ Fax: () _____ E-mail: _____

As a donor, your name will be published in our donor recognition program as it appears above

Please check here if you wish your gift to be anonymous.

Yes! I support the Faculty of Law, University of Victoria, with a total gift/pledge of:

\$ _____, to be given as a single payment—OR—Multiple installments over a period of _____ years starting _____.

Installments to be made: monthly quarterly annually

Methods of Payment:

Cheque(s) enclosed (payable to the *University of Victoria, Faculty of Law*)

VISA Mastercard Card # _____ Expiry Date: _____

Name appearing on card _____

Signature _____ (required for credit card payment)

I wish to dedicate my gift to the:

Murray & Anne Fraser Endowment Fund

Innovation Fund

An Educational Endowment for Aboriginal Justice

The John Finlay Legacy Fund

Law Alumni Association Bursary Fund

Other: _____

Return to:

UVic Faculty of Law

PO Box 2400 STN CSC

Victoria, British Columbia V8W 3H7



Faculty of Law
University of Victoria
PO Box 2400, STN CSC
Victoria, BC V8W 3H7
RETURN REQUESTED